

Total number of printed pages-3

63/5 (SEM-3) LL.B LLB305

2023

LAW

Paper : LLB305

(Alternative Dispute Resolution)

Full Marks : 60

Pass Marks : 27

Time : Two hours

The figures in the margin indicate full marks for the questions.

1. Fill in the blanks with correct answer :

1×5=5

 - (a) The concept of legal aid was first originated in India by the initiative of _____ (CILS/Legal Services Authorities Act, 1987).
 - (b) The Arbitration and Conciliation Act, 1996 provides for _____ (domestic / International commercial / both) arbitration and conciliation thereof.

Contd.

- (c) The UNCITRAL Model Law on International Commercial Arbitration was adopted in the year _____ (1985/1980).
- (d) The main purpose of ADR is to _____ (*expedite dispute resolution / make up loss of confidence in the regular court process*).
- (e) The decision of Lok Adalat is _____ (*binding / not binding*) for the parties.

2. Write short answers : 2×5=10

- (a) How is the place of arbitration fixed under the arbitration law in India ?
- (b) How is NLSA constituted ?
- (c) Distinguish arbitration from conciliation.
- (d) State the 42nd constitutional amendment relevant to legal aid in India.
- (e) Write a short note on the UNCITRAL Model Law.

3. Give the meaning of Lok Adalats. How do Lok Adalats take cognizance of cases ?

5+10=15

Or

Explain the significance of the UNCITRAL Model Law, 1985 in the growth and development of the international commercial arbitration. 15

4. Critically examine the provisions of the Legal Services Authority Act, 1987. 15

Or

Foreign awards when became binding in India under Geneva Convention Awards ? State the necessary conditions for the enforcement of such foreign awards.

7+8=15

5. Discuss with reference to case laws that speedy trial is an expansion of Article 21 of the Constitution. State the constitutional provisions promoting ADR in India.

7+8=15

Or

Explain the various types of ADR under section 89 of the Civil Procedure Code, 1908. Compare the advantages and disadvantages of ADR system in India. 7+8=15

Total number of printed pages-4

63/9 (SEM-3) LLB305

2024

LAW

Paper : LLB305

(Alternate Dispute Resolution)

Full Marks : 60

Pass Marks : 27

Time : Two hours

***The figures in the margin indicate
full marks for the questions.***

1. Choose the correct answer : $1 \times 5 = 5$
- (a) In case of three arbitrators, the third arbitrator shall act as _____.
- (i) sole arbitrator
 - (ii) umpire
 - (iii) presiding arbitrator
 - (iv) assistant arbitrator

Contd.

(b) A conciliator is appointed by _____.

- (i) parties to the dispute
- (ii) Chief Justice of Supreme Court
- (iii) the District Court
- (iv) None of the above

(c) Lok Adalat is popularly known as _____.

- (i) Women's Court
- (ii) Men's Court
- (iii) People's Court
- (iv) Children's Court

(d) Mediation Act, 2023 came into force on _____.

- (i) 14th September, 2023
- (ii) 15th September, 2023
- (iii) 16th September, 2023
- (iv) 17th September, 2023

(e) ADR tries to achieve the Directive Principles of State Policy relating to equal justice and free legal aid laid down under _____.

- (i) Article 39
- (ii) Article 39A
- (iii) Article 40
- (iv) Article 41

2. Write short notes on the following : $2 \times 5 = 10$

- (i) Arbitration Agreement
- (ii) Importance of alternate dispute resolution
- (iii) Institutional Arbitration and Ad hoc Arbitration
- (iv) Role of Conciliation in resolving divorce under Hindu Marriage Act, 1955
- (v) Disadvantages of Pure Legal Process

3. What is the meaning of Alternate Dispute Resolution ? What are various modes of ADR ?
 $3 + 12 = 15$

Or

Explain the role of UNCITRAL Model Law in the development of international commercial arbitration and how it has been adopted in India.

15

4. What are the objectives of Arbitration and Conciliation Act, 1996 ? Discuss about the powers of arbitrators and jurisdiction of arbitral tribunal. What are the grounds on which an arbitral award can be challenged ?
5+5+5=15

Or

Discuss the meaning of mediation agreement. How the mediators are appointed and what are the roles of mediator in mediation proceedings ? To what extent the mediation settlement agreement can be enforceable ? On what grounds mediation settlement agreement can be challenged ?
2+7+3+3=15

5. Critically examine the judicial settlement under Section 89 of CPC. 15

Or

Write short notes on the following : 5×3=15

- (a) Organization of Lok Adalat
- (b) Role of Lok Adalat in promoting justice
- (c) Cognizance of cases by Lok Adalat

Total number of printed pages - 3

63/9 (SEM-3) LLB305

2025

LAW

Paper Code : LLB305

(Alternate Dispute Resolution)

Full Marks : 60

Pass Marks : 27

Time : 3 hours

The figures in the margin indicate full marks for the questions

1. Choose the correct answer : 1x5=5

(a) A person of any nationality may be an arbitrator_____.

(i) According to sec 10 of Arbitration and Conciliation Act, 1996

(ii) Unless otherwise agreed by the parties

(iii) Only if other arbitrators agrees

(iv) If the Supreme Court permits

(b) Art _____ of Constitution of India mandates the state to encourage peaceful settlement of international disputes through arbitration.

(i) 39A

(ii) 51

(iii) 53

(iv) 298

(c) The jurisdiction of the Permanent Lok Adalats is upto_____.

(i) 10 lakhs

(ii) 25 lakhs

(iii) 50 lakhs

(iv) 1 Cr

(d) Any dispute likely to affect peace, harmony and tranquillity amongst the residents or families of any area or locality may be settled through _____ as per Section 43 of India's Mediation Act, 2023.

(i) Mediation council of India

(ii) Online Mediation

(iii) Community Mediation

(iv) None of the above

(e) ADR tries to achieve the Directive Principles of State Policy relating to equal justice and free legal aid laid down under _____.

(i) Article 39

(ii) Article 39A

(iii) Article 40

(iv) Article 41

2. Write short notes :

2x5=10

(a) International commercial arbitration

(b) Need for ADR

(c) Mediation

(d) Section 89 CPC

(e) Arbitral award

3. What is UNCITRAL Model Law? Explain the salient features of UNCITRAL Model Law. 5+10=15

Or

Explain the historical development of ADR in India. What are the different modes of ADR that are recognised in Indian legal system? 5+10=15

4. "The objective of the arbitration and conciliation is to provide speedier Justice." Explain the statement in the light of the provisions laid down under Arbitration and Conciliation Act, 1996. 15

Or

What is arbitration agreement? Discuss the procedure for appointment of arbitrators. On what grounds appointment of arbitrators can be challenged?

2+6+7= 15

5. Examine the role of national legal services authority in execution of free legal assistance to the needy people in the lights of constitutional provisions. 15

Or

Write short notes on:

- (a) ADR provision under Hindu Marriage Act. 7
(b) ADR provision under Indian Contract Act. 8

Total number of printed pages - 4

63/9 (SEM-3) LLBCC3045

2025

LAW

Paper : LLBCC3045

**(Alternate Dispute Resolution including
Clinical Paper - I)**

Full Marks : 50

Pass Marks : 23

Time : 2 hours

The figures in the margin indicate full marks for the questions

1. Choose the correct answer: 1x5=5

(a) What does UNCITRAL stands for?

- (i) United Nations Convention on International Trade Law
- (ii) United Nations Convention on International Arbitration Law
- (iii) United Nations Commission on International Trade Law
- (iv) United Nations Commission on International Commercial Arbitration

(b) Complete the sentence -

The mediator shall assist the parties in an independent, neutral and _____.

- | | |
|------------------------|-----------------------|
| (i) Unbiased manner | (ii) Impartial manner |
| (iii) Equitable manner | (iv) Fair manner |

(c) Which of the following matters are not referred to arbitration?

- (i) Civil matters
- (ii) Matrimonial matters
- (iii) Banking matters
- (iv) Property matters

(d) The award made by the Lok Adalat _____.

- (i) is deemed to be a decree of the civil court like arbitration Award
- (ii) is deemed to be a decree of the civil court
- (iii) is effective as an Arbitral award
- (iv) is not binding on the party

(e) The Committee for Implementing Legal Aid Schemes (CILAS) 1980 was replaced by the _____.

- (i) State Legal Services Authority
- (ii) District Legal Services Authority
- (iii) Legal Services Authorities Act., 1987
- (iv) National Legal Services Authority

2. Answer the following questions (any five):

2x5=10

- (a) Section 89 CPC
- (b) Distinction **between** arbitration and conciliation
- (c) Arbitration agreement
- (d) Foreign award

- (e) Composition of arbitral tribunal
- (f) Mediators
- (g) Mediation service provider

3. Answer the following questions (any five): 5x5=25

- a) Elucidate the manner by which a foreign award can be binding according to New York Convention and Geneva Convention.
- b) Mention the differences between judicial adjudication and alternate dispute resolution.
- c) Explain the roles of conciliator in resolving matrimonial disputes under Hindu Marriage Act., 1955 with a help of case laws.
- d) Is arbitral award binding on parties? On what grounds the arbitral award can be challenged and appealed?
- e) How are arbitrators appointed? To what extent the arbitral tribunal can exercise its jurisdiction?
- f) What does UNCITRAL Model law provides with respect to international commercial arbitration?
- g) What is lok adalat? What types of matters can be resolved through lok adalat?
- h) Who is a conciliator? What is the role of conciliator in conciliation proceedings?

4. Answer the following questions (any one): $10 \times 1 = 10$

a) Explain the prime objectives of Mediation Act, 2023. Is mediation agreement pre-requisite for commencement of mediation proceedings? Discuss the role of mediators in a mediation proceeding. $3+3+4=10$

b) Analyse the evolution of ADR as a dispute settlement platform in India. What are the different modes of ADR? $5+5=10$