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19 (III) ADR 3·5

2023

ALTERNATE DISPUTE RESOLUTION

Paper : 3·5

Full Marks : 60

Time : Two hours

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

1. Fill in the blanks with appropriate answer :

$1 \times 5 = 5$

(a) The Legal Services Authorities Act, 1987 was enacted pursuant to Article _____ of the Constitution of India. (14/39-A)

(b) A Lok Adalat was held for the first time in _____ on 14th March, 1982 and succeeded in resolving many disputes pertaining to labour disputes, family disputes, and bank recoveries.

(New Delhi/Gujarat)

Contd.

(c) Each State has a legal service authority, which provides free legal advice to those who cannot afford it. This is covered under section ____ of the Legal Services Authorities Act, 1987. (6/9)

(d) Justice ____ Committee Report (1989-90) underlined the need for alternative dispute resolution mechanism such as mediation, conciliation, arbitration, Lok Adalats etc. as a viable alternative to the conventional court litigation.
(P. N. Bhagwabati/Malimath)

(e) Where a foreign award is enforceable under section 49 of the Arbitration and Conciliation Act, 1996, the award shall be deemed to be _____.
(an arbitral award/a decree)

2. Write short answer : $2 \times 5 = 10$

- (a) Arbitral Award
- (b) Fast Track Arbitration
- (c) Conciliation
- (d) Commercial Arbitration
- (e) Mediation

3. "Article 253 has been instrumental in helping India maintain external sovereignty with the aim of ensuring respect for international laws and compliance with international treaties." Do you agree with the above statement ? What is the extent of power of Parliament under Article 253 ? Explain with reference to giving effect to any international agreement. $10+5=15$

Or

What is UNCITRAL Model Law, 1985 ? Explain the significance of the UNCITRAL Model Law, 1985 in the growth and development of the international commercial arbitration. $5+10=15$

4. How is an arbitrator appointed under the Arbitration and Conciliation Act, 1996 ? Discuss the procedure and powers of an Arbitral Tribunal to proceed ex-parte. $5+10=15$

Or

Discuss the nature of power exercised by the Chief Justice of the High Court or the Chief Justice of India under Section 11(6) of the Arbitration and Conciliation Act, 1996. 15

5. Discuss the evolution of Lok Adalats in India. What is their jurisdiction under the Legal Services Authorities Act, 1987 ? How is the ADR provisions in Section 89 of the Code of Civil Procedure, 1908 different from a Permanent Lok Adalat or from ordinary and adhoc Lok Adalats ? $7+3+5=15$

Or

Discuss the organization, powers and cognizance of the Lok Adalats established under the Legal Services Authorities Act, 1987. Explain the advantages and disadvantages of Lok Adalats. $10+5=15$