

Total number of printed pages—4

19 (III) ADR 3·5

2021

(Held in 2022)

ALTERNATE DISPUTE RESOLUTION

Paper : 3·5 (P1)

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:
1×5=5

(a) The Acts which deal with Alternative Dispute Resolution are Arbitration and Conciliation Act, 1996 and the _____.
(Legal Services Authorities Act, 1987/
Civil Procedure Code, 1908)

(b) The four methods listed in the section ____ of the Code of Civil Procedure and known as court-ordered or court-annexed ADRs is a statutory alternative to litigation for settlement of disputes and legally enforceable. (89/92)

Contd.

(c) The _____ brought about the establishment of Lok Adalat System for settlement of disputes cheaply and expeditiously and also in the spirit of compromise by give and take formula.
(Legal Services Authorities Act, 1987/
Arbitration and Conciliation Act, 1996)

(d) Alternative Dispute Resolution in India was founded on the Constitutional basis of Articles _____ which deal with Equality before Law and Right to life and personal liberty, respectively.
(14 and 22/14 and 21)

(e) Section 53 of the Arbitration and Conciliation Act, 1996 has limited application because it applies to the jurisdiction of different parties to the _____.
(New York Convention/Geneva Convention)

2. Write short answer : 2×5=10

- (a) ADR provisions under the CPC, 1908
(b) Conciliation settlement

- (c) Procedure for appointment of Arbitrator
(d) New York Convention
(e) Fast Track Arbitration

3. Discuss the need and importance of ADR in the Indian Legal System. 15

Or

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

4. How do you distinguish between mediation and conciliation ? Discuss strategies that could be adopted for a successful conciliation in an industrial dispute.

8+7=15

Or

Discuss the procedure for conduct of arbitral proceeding. What are the powers of an arbitral tribunal to proceed ex-parte ? Answer with the help of a case law.

8+7=15

5. Briefly outline the evolution of Lok Adalats in India. What is their jurisdiction under Legal Services Authorities Act, 1986 ? How Permanent Lok Adalats are different from ordinary and adhoc Lok Adalats ? Explain with suitable example. 5+4+6=15

Or

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

Total number of printed pages-3

19 (3) ADR 3-5

2022

(Held in 2023)

ALTERNATIVE 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 option :
1×5=5

(a) The Arbitration and Conciliation Act passed in _____. (1945/1955)

(b) Arbitration agreement is provided by section _____. [2(1)(b)/2(1)(a)]

(c) Arbitration award is _____. (final/subject to appeal)

Contd.

(d) For the purpose of international commercial arbitration, 'Court' has been defined to mean only _____ of competent jurisdiction.
(Supreme Court/High Court/
International Court of Justice)

(e) The Acts which deal with Alternative Dispute Resolution are Arbitration and Conciliation Act, 1996 and the _____.
(Legal Services Authorities Act, 1987/
Civil Procedure Code, 1908)

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

- (a) Write on appointment of arbitrator.
- (b) Distinguish between arbitration and judicial adjudication.
- (c) What is contractual arbitration ?
- (d) What do you mean by negotiation ?
- (e) Write on continuing guarantee.

3. Discuss the need and importance of ADR in the Indian legal system with the help of judicial decisions. 15

Or

How do you distinguish between mediation and conciliation ? Discuss the strategies that could be adopted for a successful conciliation in an industrial dispute.

$8+7=15$

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

Or

Discuss the salient features of the New York Convention and Geneva Convention Awards.

$8+7=15$

5. What are various modes of Alternative Dispute Resolutions (ADR) ? Distinguish between an 'arbitral award' and 'international arbitral award'. $7+8=15$

Or

Discuss the organization, powers and cognisance of Lok Adalats established under the Legal Services Authorities Act, 1987. Explain the advantages and disadvantages of Lok Adalats. $8+(3+4)=15$

Total number of printed pages-3

19 (3) ADR 3-5

2022

(Held in 2023)

ALTERNATIVE 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 option :
1×5=5

(a) The Arbitration and Conciliation Act passed in _____. (1945/1955)

(b) Arbitration agreement is provided by section _____. [2(1)(b)/2(1)(a)]

(c) Arbitration award is _____. (final/subject to appeal)

Contd.

(d) For the purpose of international commercial arbitration, 'Court' has been defined to mean only _____ of competent jurisdiction.
(Supreme Court/High Court/
International Court of Justice)

(e) The Acts which deal with Alternative Dispute Resolution are Arbitration and Conciliation Act, 1996 and the _____.
(Legal Services Authorities Act, 1987/
Civil Procedure Code, 1908)

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

- (a) Write on appointment of arbitrator.
- (b) Distinguish between arbitration and judicial adjudication.
- (c) What is contractual arbitration ?
- (d) What do you mean by negotiation ?
- (e) Write on continuing guarantee.

3. Discuss the need and importance of ADR in the Indian legal system with the help of judicial decisions. 15

Or

How do you distinguish between mediation and conciliation ? Discuss the strategies that could be adopted for a successful conciliation in an industrial dispute.

8+7=15

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

Or

Discuss the salient features of the New York Convention and Geneva Convention Awards.

8+7=15

5. What are various modes of Alternative Dispute Resolutions (ADR) ? Distinguish between an 'arbitral award' and 'international arbitral award'. 7+8=15

Or

Discuss the organization, powers and cognisance of Lok Adalats established under the Legal Services Authorities Act, 1987. Explain the advantages and disadvantages of Lok Adalats. 8+(3+4)=15

Total number of printed pages-3

19 (SEM-3) ADR 3-5 (P)

2024

ALTERNATE DISPUTE RESOLUTION

Paper : 3-5

Full Marks : 60

Time : Two hours

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

1. Choose the correct answer : $1 \times 5 = 5$

(a) The Legal Services Authorities Act was enacted in _____. (1987/1996)

(b) Award of Lok Adalat shall be _____.
(final/interim)

(c) Alternate Dispute Resolution in India was founded on the constitutional basis of Articles _____.
(14 and 21/12 and 27)

Contd.

- (d) The main purpose of Arbitration and Conciliation Act, 1996 is _____.
(comprehensively cover international and commercial arbitration and also conciliation as also domestic arbitration and conciliation/cover only domestic arbitration and conciliation)
- (e) Justice _____ Committee Report underlined the need for alternative dispute resolution mechanism such as mediation, conciliation, arbitration, Lok Adalat etc. as a viable alternative to the conventional court litigation.
(Malimath/Krishna Iyer)

2. Answer the following : $2 \times 5 = 10$

- (a) Define arbitral award.
- (b) What is the New York Convention ?
- (c) ADR provisions under the CPC, 1908.
- (d) What is international arbitration ?
- (e) Point out *two* differences between arbitration and conciliation.

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

OR

What is the meaning of INCITRAL ? What is the role and structure of the United Nations ? 4+6+5=15

4. What do you mean by arbitration agreement ? Discuss about the various conditions of a valid arbitration agreement. 5+10=15

OR

Discuss Mediation. What is the difference between Mediation and Arbitration ? 7+8=15

5. Discuss about the ADR provisions under section 23(2) of the Hindu Marriage Act, 1955. What are the provisions for ADR under the Constitution of India ? 5+10=15

OR

Discuss the provisions of ADR in Legal Services Authorities Act, 1987. 15

Total number of printed pages-7

19 (Sem-3) LLB 3-5

2025

ALTERNATIVE DISPUTE RESOLUTION

Paper : 3-5

(New Course/New Pattern)

Full Marks : 60

Pass Marks : 27

Time : Two hours

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

1. Answer the following questions : 3×5=15

(i) Distinguish between 'International Arbitral Award' and 'Domestic Arbitral Award'.

(ii) What are the pillars of negotiation ?

(iii) What are the prerequisite for appointment of Arbitrator ?

(iv) Discuss in brief the statutory provisions of ADR under the Indian Contract Act, 1872.

(v) Why is the ADR process less time consuming ?

2. Discuss the emergence of ADR in Ancient India. What is the role of UNCITRAL in development of ADR ? 10+5=15

OR

Discuss the obligation of the Government of India under Articles 51 and 253 of the Constitution of India for modification of the ADR provisions.

3. Distinguish between Arbitration and Mediation. Discuss the liability of a mediator. 10+5=15

OR

Discuss the different kinds of Arbitration. What is Pure Legal Process in ADR ?

10+5=15

4. Discuss the ADR provisions under the Constitution India. What are the ADR provisions under the CPC, (1908).

10+5=15

OR

Write in detail the ADR provisions under the Legal Service Authority Act, 1987. What is the provision for Conciliation under the Hindu Matrimonial Laws ? 10+5=15

(Old Course/Old Pattern)

1. Fill in the blanks with appropriate options :

1×5=5

(a) _____ is a non-adjudicatory method of alternate dispute resolution.

(Arbitration/Mediation)

(b) The Legal Services Authorities Act, 1987 aims to _____.

(establish Lok Adalats and provide free legal aid/promote arbitration mechanism)

(c) Section 34 of the Arbitration and Conciliation Act, 1996 provides for _____.

(enforcement of arbitral awards/setting aside of arbitral awards)

(d) When 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)

(e) If the parties fail to determine the number of arbitrators, the arbitral tribunal shall _____.

(consist of one arbitrator/be composed of members as decided by the court)

2. Answer the following questions : 2×5=10

(a) Appointment procedure of an Arbitrator

(b) ADR provisions under the Hindu Marriage Act, 1955

(c) Commercial Arbitration

(d) Mediation

(e) Pure Legal Process

3. "Article 253 of the Indian Constitution grants exclusive power to the Parliament to enact any law for the whole or any part of the territory of India for implementing any treaty, agreement, or convention with any other country or countries, or any decision made at any international conference, association, or other body."

In view of the above statement, discuss the power of the Parliament under Article 253 of the Constitution of India. Explain your answer with reference to the giving effect to any international agreement. 10+5=15

OR

Critically examine the role and powers of an arbitrator under the Arbitration and Conciliation Act, 1996. How does the independence and impartiality of an arbitrator ensure fair adjudication ?

10+5=15

4. Discuss the objects and salient features of the New York Convention and the Geneva Convention Awards.

7+8=15

OR

Make a comparative study among arbitration, mediation, and conciliation. Which method, according to you, is the most effective method in resolving commercial disputes, and why ?

10+5=15

5. Briefly discuss the evolution of Lok Adalat in India. Elucidate the organizations, powers and cognizance of the Lok Adalats established under the Legal Services Authorities Act, 1987. Write the advantages and disadvantages of Lok Adalats in India.

3+8+4=15

OR

Describe the role and functions of Lok Adalats in India under the Legal Services Authorities Act, 1987. How have Lok Adalats contributed to reducing the burden of cases in Indian courts ?

10+5=15