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19 (Sem-III) ADR 3-5

2016

**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 :  
5×1=5

- (1) 'Court' under the Legal Services Authorities Act, 1987 means a civil, criminal or revenue court and includes any tribunal or any other authority constituted under any law for the time being in force, to exercise judicial or \_\_\_\_\_ functions. [quasi-judicial/  
executive]

Contd.

(2) 'Legal service' includes the rendering of any service in the conduct of any case or other legal proceeding before any court or other authority or \_\_\_\_\_ and the giving of advice on any legal matter. [tribunal/executive/government]

(3) 'Supreme Court Legal Services Committee' means the Supreme Court Legal Services Committee constituted under section \_\_\_\_\_ of the Legal Services Authorities Act, 1987. [3A/3/4(i)]

(4) Section 195 of Criminal Procedure Code, 1973, is \_\_\_\_\_ in nature. [an exception/optional/mandatory]

(5) 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]

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

a) Conciliation

b) What is 'Pure Legal Process'?

c) Coercion

d) Continuing guarantee

e) Undue influence

3. 'Since its establishment, UNCITRAL has been recognized as the core legal body of the United Nations system in the field of international trade law'. Elucidate the statement and briefly explain the meaning of UNCITRAL and what it does?

$6+6+3=15$

Or

What is the meaning of UNCITRAL? What is the role and structure of the United Nations?

$4+6+5=15$

4. What is an 'ad hoc arbitration'? Discuss the conduct of Arbitral proceedings.

$5+10=15$

Or

Distinguish between Mediation and Arbitration with their powers, functions and advantages.

$5+5+5=15$

5. 'Before proceeding to grant any relief under this Act, it shall be the duty of the court in the first instance, in every case where it is possible so to do consistently with the nature and circumstances of the case, to make every endeavour to bring about a reconciliation between the parties within the meaning of Section 23(2) in the Hindu Marriage Act, 1955.'

Elucidate and discuss the statement with reference to the procedure and application of section 23(2) of the Hindu Marriage Act, 1955.

4+6+5=15

**Or**

'To the poor the courts are a maze. If he pleads there all his life, Law is so lordly, And loath to end his case. Without money paid in the presents, Law listeneth to few.' — Pier's Plowman.

In the light of the above statement discuss the nature and scope of Lok Adalat within the relevant provisions of the Legal Services Authorities Act, 1987.

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