

Total number of printed pages-4

19 (III) ADR 3-5

2017

ALTERNATE DISPUTE RESOLUTION

Paper : 3-5 [P.1]

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 _____ undertook a comprehensive review of the working of the court system, particularly all aspects of arrears and Law's delay and made various useful recommendations for reducing litigation and making justice readily accessible to the people at the minimum cost of time and money. [Malimath Committee / Law Commission of India]

Contd.

b) ADR or "Alternative Dispute Resolution" is an attempt to devise _____ which should be capable of providing an alternative to the conventional methods of resolving disputes. [machinery / settlement]

c) It was an attempt made by the legislators and judiciary alike to achieve the _____ of achieving Complete Justice. [Constitutional goal / End]

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

e) To _____ is the main purpose of the Arbitration and Conciliation Act, 1996. [comprehensively cover international and commercial arbitration and also conciliation as also domestic arbitration and conciliation / cover only domestic arbitration and conciliation]

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

a) Need of ADR

b) Domestic Award

c) Distinguish between Negotiation and Conciliation

d) Lok Adalat

e) Mediation.

3. (a) Briefly discuss the need and salient features of the New York Convention & Geneva Convention Awards.

(b) Define 'arbitral award'. Is it different from 'international arbitral award'? How? $10+5=15$

Or

(a) What are the various modes of Alternative Dispute Resolutions (ADR)?

(b) Briefly discuss the UNCITRAL Law and Fast Track Arbitration. $8+7=15$

4. Discuss the provisions in the Arbitration and Conciliation Act for the 'Appointment of Arbitrators'. To what extent the appointment of Arbitrators can be challenged and what are the provisions for termination of his mandate? $8+7=15$

Or

Discuss the power of the arbitrator to rule on his own jurisdiction under section 16 of Arbitration and Conciliation Act, 1996. What are the grounds on which a challenge may be made to an arbitral award? 7+8=15

5. 'The Acts which deal with Alternative Dispute Resolution are Arbitration and Conciliation Act, 1996 and the Legal Services Authorities Act, 1987. Section 89 of the Civil Procedure Code, 1908 makes it possible for Arbitration proceedings to take place in accordance with the Acts stated above.' Elucidate the statement. 15

Or

- (a) Discuss the salient features of the Legal Services Authorities Act, 1987.
- (b) Briefly discuss the ADR provision under the Hindu Marriage Act, 1955.

8+7=15