

Total number of printed pages-3

19 (III) ADR

2018

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) Alternative Dispute Resolution in India was founded on the Constitutional basis of Articles ——— and 21 of the Constitution of India. [19/14]

(b) Article ——— of the Constitution of India authorises the government to enter into an arbitration agreement. [239/299]

(c) The present Arbitration and Conciliation Act of 1996 is based on ———. [guidelines of Supreme Court of India in the case of S. Finace Ltd. vs N.E.P.C. India Ltd. /UNCITRAL, 1985]

Contd.

(d) An arbitral award ———. [must be connected with the subject-matter of the dispute arbitrated/must be founded on principle of trust]

(e) An arbitral award made under Part 1 of the Arbitration and Conciliation Act, 1996 shall be considered as a ———. [domestic award/ international award]

2. Write short answers : 2×5=10

(a) Importance of ADR

(b) Domestic Award

(c) Distinguish between Arbitration and Conciliation

(d) Lok Adalat

(e) Fast Track Arbitration.

3. (a) Discuss the salient features of the New York Convention & Geneva Convention Awards.

(b) Distinguish between 'international arbitral award' and 'domestic arbitral award'. 7+8=15

Or

Discuss the salient features of UNCITRAL Rules, 1985. 15

4. Discuss the ADR techniques in Family Disputes with special reference to section 23(2) of the Hindu Marriage Act, 1955. 15

Or

What are the various modes of Alternative Dispute Resolutions (ADR) ? 15

5. 'The Acts which deal with Alternative Dispute Resolution are Arbitration and Conciliation Act, 1996 and the Legal Services Authorities Act, 1987.' Elucidate and critically examine the statement. 15

Or

(a) Critically examine the provisions in section 89 of the Code of Civil Procedure, 1908.

(b) Discuss the ADR provision in under the Indian Contract Act, 1872. 8+7=15