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19 (III) ADR 3-5

2019

**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 answers :  
1×5=5

(a) Alternate Dispute Resolution tries to achieve the Directive Principles of State Policy relating to Equal justice and Free Legal Aid as laid down under Article \_\_\_\_\_ of the Constitution.

[ 39 / 39-A ]

(b) The Legal Services Authorities Act, 1987 brought about the establishment of \_\_\_\_\_ for settlement of disputes cheaply and expeditiously and also in the spirit of compromise by give and take formula. [Lok Adalat System / ADR System ]

Contd.

(c) Section 30 of the Arbitration and Conciliation Act, 1996 encourages arbitrators, with the agreement of the parties, to use mediation, conciliation or other procedures at any time during the arbitration proceedings to encourage settlement \_\_\_\_\_.

[ 30 / 32-A ]

(d) The Limitation Act, 1963 (36 of 1963) \_\_\_\_\_ apply to arbitrations as it applies to proceedings in court.

[ shall not / shall ]

(e) Under section 10, Arbitration and Conciliation Act, 1996, the parties are free to determine the number of arbitrators, provided that such number \_\_\_\_\_ [ does not exceed three / is not an even number ]

2. Write short answers : 2×5=10

(a) Appointment of Arbitrator.

(b) What is Mediation ?

(c) What do you mean by 'Pure Legal Process' ?

(d) ADR provision under the relevant provisions of the Indian Contract Act, 1872.

(e) ADR provisions under Art. 298 and Art. 299 of the Constitution of India.

3. Explain the significance of the UNCITRAL Model Law, 1985 in the growth and development of the international commercial arbitration. 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. 6+9=15

4. Discuss the salient features of the New York Convention and Geneva Convention Awards. 8+7=15

**Or**

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

5. 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

**Or**

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 ad hoc Lok Adalats?

8+3+4=15