

Total number of printed pages-4

21 (7) ADR 7-5

2019

ALTERNATE DISPUTE RESOLUTION

Paper : 7-5

Full Marks : 60

Time : Two hours

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

1. Fill in the blanks with appropriate answer :

1×5=5

- (a) Alternate Dispute Resolution in India was founded on the Constitutional basis of Articles _____. [14 and 21 / 12 and 27]
- (b) 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]

Contd.

(c) 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]

(d) Justice _____ Committee Report (1989-90) underlined the need for alternative dispute resolution mechanism such as mediation, conciliation, arbitration, Lok Adalats etc. as a viable alternative to the conventional court litigation. [Malimath / Krishna Iyer]

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

2. Write short answers : 2×5=10

(a) New York Convention.

(b) Fast Track Arbitration.

(c) Conciliation settlement.

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

(e) ADR provisions under the CPC, 1908.

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. What are the essential ingredients of an arbitration agreement? What is the effect of a void agreement on arbitration agreement? 7+8=15

Or

Distinguish between domestic and foreign award with that of a conciliation settlement. What are the grounds on which a challenge may be made to an 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