



15581

**BRAINWARE UNIVERSITY****Term End Examination 2024-2025****Programme – LL.B.-2021/LL.B.-2022****Course Name – Alternate Dispute Resolution****Course Code - LLB602****(Semester VI)**

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SCHOOL OF LAW
 Barasat, Kolkata- 700125

Full Marks : 60**Time : 2:30 Hours**

[The figure in the margin indicates full marks. Candidates are required to give their answers in their own words as far as practicable.]

Group-A

(Multiple Choice Type Question)

1 x 15=15

1. Choose the correct alternative from the following :

(i) What is the appropriate meaning of "arbitration agreement" ?

- | | |
|---|--|
| a) a resolution by the arbitrator to submit to arbitration all or certain disputes which have arisen or which may arise between them in respect of a defined legal relationship, whether contractual or not | b) an agreement by the parties to submit to arbitration all or certain disputes which have arisen or which may arise between them in respect of a defined legal relationship, whether contractual or not |
| c) an agreement by the parties to submit to arbitration all or certain disputes which have arisen or which may arise between them in respect of a defined legal relationship, whether contractual or not | d) an agreement of motor vehicles |

(ii) Choose the disadvantage of ADR Techniques is.

- | | |
|----------|---|
| a) Graph | b) List |
| c) Links | d) Parties are not compelled to continue negotiations or mediation. |

(iii) Choose Negotiation is defined as.

- | | |
|--|-----------------|
| a) a criteria. | b) a relation |
| c) self counseling between the parties to resolve their dispute. | d) an attribute |

(iv) Choose the correct answer In the People's Republic of China-

- | | |
|---|-----------------|
| a) mediation is still perceived by many as the principal, favoured means of dispute resolution. | b) DML |
| c) DQL | d) Both B and C |

(v) Mediation is considered less adversarial than litigation since-unlike litigation no assumption is made that the parties cannot come to a mutually agreeable solution.

- a) Most
c) Upper
- (vi) When Conciliation is negotiation.
a) Left join
c) Upper
- (vii) Identify Mediation goes by allowing the third party to suggest terms.
a) Error
c) Garbage value
- (viii) Choose Mediation enhances the possibility-
a) select highest marks from t1;
c) select maximum marks from t1
- (ix) What are the important International conventions, applicable to part II of the Act?
a) New York Convention
c) None of these
- (x) Select The Committee for implanting Legal Aid Schemes (CILAS 1980) is replaced by?
a) National Legal Service Authority
c) District Legal Service Authority
- (xi) Select Lok Adalat basically means:
a) People's court.
c) Men's court
- (xii) when The award made by the Lok Adalat-
a) is deemed to be a decree of the civil court like arbitration Award.
c) is effective as an Arbitral Award.
- (xiii) Choose from the following ADR plays a significant role in reducing the burden:
a) Upon police station
c) Upon political parties
- (xiv) Tell the parties confer upon the arbitrator full authority:
a) Right outer join operation
c) Left inner join operation
- (xv) Choose "legal representative" means:
a) One table
c) Another view
- b) Max
d) Min
- b) facilitated by an independent and impartial third party
d) Len
- b) on which the dispute might be resolved. Still others reject these attempts at differentiation and contend that there is no consensus about what the two words mean that they are generally interchangeable.
d) None of these
- b) select count(marks) from t1
d) that the parties will settle their dispute by way of mutually acceptable
- b) Geneva Convention
d) Both the these a and b
- b) State Legal Service Authority
d) None of these
- b) Women's court
d) Children court
- b) is deemed to be a decree of the civil court.
d) is not binding on the party.
- b) Upon court
d) None of these
- b) Right inner join operation
d) To adjudicate disputes i.e. to render a final disposition on the matters submitted to that can be enforced through coercive legal means.
- b) Many tables
d) a person who in law represents the estate of a deceased person, and includes any person who intermeddles with the estate of the deceased, and, where a party acts in a representative character, the person on whom the estate devolves on the death of the party so acting;

Group-B

(Short Answer Type Questions)

3 x 5 = 15

2. Explain the role of a conciliator in the conciliation process.

(3)

3. Explain the characteristics of ADR. (3)
4. Tell in brief the concept of negotiation. (3)
5. Explain the appealability of the Award of Lok Adalats in India. (3)
6. Interpret the 'Confidentiality' clause of Conciliation mentioned under the Arbitration and Conciliation Act, 1996. (3)

OR

Explain the criteria for giving free legal services as mentioned under National Legal Service Authorities Act, 1987. (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. Compare and contrast between Arbitration and Conciliation. (5)
8. X Pvt. Ltd. is a renowned medicine making company established in UK, entered into a contract with Y Pvt. Ltd., an Indian medicine company in 2019 without deciding any legal jurisdiction as their seat of Arbitration to resolve any contingent dispute. In January 2023 there arose a dispute relating to a share of profit. Company X approached Company Y for Arbitration, about which it is not sure. Advice and explain to Company Y about the advantages of Arbitration. (5)
9. Explain the concept of Seat and Venue of Arbitration. (5)
10. Explain the aims and objective of the Legal Services Authorities Act, 1987. (5)
11. Explain about the appealability of Arbitral Awards. (5)
12. Explain the advantages of institutional arbitration. (5)

OR

Evaluate in detail the constitutional provisions relating to Free Legal Aid in India. (5)

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