



16861



## BRAINWARE UNIVERSITY

Term End Examination 2024-2025

Programme – BBA LL.B.-2020

Course Name – Alternate Dispute Resolution

Course Code - BBALLB1001

( Semester X )

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BRAINWARE UNIVERSITY  
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) Which of the following is a benefit of conciliation?
- a) Formal legal procedures                      b) Time-consuming process  
c) Enhanced communication between parties                      d) Adversarial approach
- (ii) Identify the goal of the court in implementing ADR mechanisms.
- a) To hinder dispute resolution                      b) To expedite dispute resolution  
c) To prolong court proceedings                      d) To discourage settlements
- (iii) Select the characteristic of binding arbitration.
- a) Voluntary submission                      b) Non-binding decision  
c) Parties retain control                      d) Final and enforceable
- (iv) Select the term for arbitration without a pre-existing agreement.
- a) Mandatory                      b) Institutional  
c) Ad hoc                      d) Mediation
- (v) Choose the type of arbitration for resolving disputes between states.
- a) Domestic                      b) Ad hoc  
c) International                      d) Employment
- (vi) Explain the role of the UNCITRAL Model Law in Indian arbitration.
- a) It serves as a model for the Indian Arbitration and Conciliation Act, 1996.                      b) It mandates specific arbitration procedures in India  
c) It restricts the types of disputes eligible for arbitration in India                      d) It governs the jurisdiction of Indian courts in international arbitration cases.
- (vii) Explain the legislative backdrop of The Arbitration and Conciliation Act, 1996.
- a) It was enacted to provide a unified legal framework for arbitration.                      b) It replaced three previous acts relating to arbitration.  
c) It aimed to make arbitration more efficient and cost-effective.                      d) All of the above
- (viii) Choose the correct definition of an arbitration agreement under the Act.

- a) It must be in writing. b) It can be oral.  
 c) It must be signed by the parties. d) Both A and C
- (ix) Select the authority that has the power of supervision over the arbitration process.  
 a) High Courts b) Supreme Court  
 c) District Courts d) All of the above
- (x) Explain the qualifications required for arbitrators under the Act.  
 a) They must have legal qualifications. b) They must be impartial and independent.  
 c) They must be of a certain age. d) Both A and B
- (xi) What types of disputes can be resolved by Lok Adalat?  
 a) Property disputes b) Matrimonial disputes  
 c) Commercial disputes d) All of the above
- (xii) Identify the concept central to Lok Adalat.  
 a) Adversarial system b) Alternative dispute resolution  
 c) Legal positivism d) Judicial activism
- (xiii) What is the role of lawyers in Lok Adalat?  
 a) They argue aggressively. b) They facilitate negotiations.  
 c) They impose decisions. d) They abstain from proceedings.
- (xiv) Explain the jurisdiction of Lok Adalat.  
 a) It has unlimited jurisdiction. b) It has limited jurisdiction.  
 c) It has jurisdiction over only civil cases. d) It has jurisdiction only over criminal cases.
- (xv) Identify the principle on which Lok Adalat functions:  
 a) Adversarial justice. b) Restorative justice.  
 c) Distributive justice. d) Transformative justice.

#### Group-B

(Short Answer Type Questions)

3 x 5=15

2. Explain the finality of Arbitral awards given under the Arbitration and Conciliation Act, 1996. (3)
3. Explain the duties and functions of the Arbitration Council of India. (3)
4. Demonstrate the appealability of the Award of Lok Adalats in India. (3)
5. Define Mediation. (3)
6. Discuss the constitution of the State Legal Service Authority. (3)

OR

Discuss the concept of Lok Adalats in India. (3)

#### Group-C

(Long Answer Type Questions)

5 x 6=30

7. Distinguish between Negotiation and Conciliation. (5)
8. Distinguish between Arbitration and Conciliation. (5)
9. Explain the existence of ADR in ancient India. (5)
10. Compare between Ad-Hoc and Institutional Arbitration. (5)
11. Explain the duties and functions of the Arbitration Council of India. (5)
12. Analyze in detail the constitutional provisions relating to Free Legal Aid in India. (5)

OR

Analyze the grounds for the challenge against the appointment of Arbitrators. (5)

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