



## BRAINWARE UNIVERSITY

**Term End Examination 2023-2024**

**Programme – BBA LL.B.-2019**

**Course Name – Alternate Dispute Resolution**

**Course Code - BBALLB1001**

**( Semester X )**

**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) Identify the consensual Dispute resolution processes-

- |               |                                   |
|---------------|-----------------------------------|
| a) ADR        | b) Non-consensual and adversarial |
| c) Litigation | d) None of these                  |

(ii) Identify the process of ADR as a-

- |                         |                   |
|-------------------------|-------------------|
| a) Private process      | b) Public process |
| c) Quasi-public process | d) None of these  |

(iii) Choose the correct Section from CPC,1908 which laid down the provision of ADR-

- |               |            |
|---------------|------------|
| a) Section 80 | b) sec. 89 |
| c) sec. 82    | d) sec. 85 |

(iv) Choose the correct case where the essentials of a valid Arbitration Agreement has been prescribed-

- |  |   |
|--|---|
| a) K K Modi v K N Modi   | b) Food Corporation of India v. Joginderpal Mohinderpal |
| c) Salem Advocates Bar Association, Tamil Nadu v. Union of India | d) Hussainara Khatoon v. State of Bihar                 |

(v) Choose from the following that Negotiation deals with:

- |   |  |
|---|--|
| a) Only tangible interests                | b) Only intangible interests                 |
| c) Both tangible and intangible interests | d) Neither tangible nor intangible interests |

(vi) Tell the full form of ZOPA in respect of negotiation:

- |                                |                                  |
|--------------------------------|----------------------------------|
| a) Zone of Potential Agreement | b) Zone of Possible Acceptance   |
| c) Zone of Positive Attitude   | d) Zone of Partial Accommodation |

(vii) Identify the four key elements to consider during negotiation

- |   |  |
|---|--|
| a) Positions, power, persuasion, and principles | b) People, problem, interests, and options |
| c) Pressure, promises, price, and personalities | d) Past, present, potential, and proposals |

(viii) Which negotiation theory suggests that parties should anticipate and plan for potential future interactions to achieve the best outcomes?

- a) Reactive devaluation
- b) Game theory
- c) Integrative bargaining
- d) Dynamic negotiation
- (ix) Tell the common negotiation style that is prevalent in India
  - a) Competitive
  - b) Collaborative
  - c) Avoidant
  - d) Accommodating
- (x) Tell who controls the final outcome in mediation:
  - a) The mediator
  - b) The court
  - c) Each party individually
  - d) Both parties jointly
- (xi) Choose the year when the UNCITRAL Model Law on International Commercial Mediation
  - a) 2002
  - b) 2010
  - c) 1995
  - d) 2018
- (xii) Show how Court Annexed ADR promotes access to justice.
  - a) By delaying proceedings
  - b) By reducing legal expenses
  - c) By ignoring alternative methods
  - d) By complicating dispute resolution
- (xiii) Show the impact of Section 89 on traditional litigation.
  - a) It eliminates litigation
  - b) It supplements litigation
  - c) It complicates litigation
  - d) It has no effect on litigation
- (xiv) Identify a benefit of Court Annexed ADR for the court system.
  - a) Increased backlog
  - b) Reduced caseload
  - c) No impact on caseload
  - d) Higher judicial expenses
- (xv) Identify a fundamental feature of Court Annexed ADR.
  - a) Delayed resolution
  - b) Costly proceedings
  - c) Expedited resolution
  - d) No settlement options

### Group-B

(Short Answer Type Questions)

$$3 \times 5 = 15$$

2. Explain the cognizance of cases by Lok Adalats in India. (3)
3. Explain the establishment of Permanent Lok Adalat. (3)
4. Illustrate the meaning of Arbitration. (3)
5. Explain the duties and functions of the Arbitration Council of India. (3)
6. Simplify the purpose of High Court Legal Services Committee. (3)

**OR**

Distinguish between Lok Adalat and Permanent Lok Adalat. (3)

### Group-C

(Long Answer Type Questions)

$$5 \times 6 = 30$$

7. Explain the existence of ADR in ancient India. (5)
8. Explain the meaning of Principled Negotiation. (5)
9. Analyze in detail the constitutional provisions relating to Free Legal Aid in India. (5)
10. Analyze the grounds for the challenge against the Arbitrators. (5)
11. Examine the basic criteria for giving legal services under the Legal Services Authorities Act, 1987. (5)
12. Distinguish between Distributive and Integrative Bargaining. (5)

**OR**

Analyze the functions of the Taluk legal services committee as mentioned under the Legal Services Authorities Act, 1987. (5)

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