



BRAINWARE UNIVERSITY

Term End Examination 2023

Programme – LL.B.-2019/LL.B.-2020

Course Name – Alternate Dispute Resolution

Course Code - LLB602

(Semester VI)

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) Choose the correct section that talks about the Commencement of Conciliation Proceedings-
 - a) Sec. 60
 - b) sec. 62
 - c) sec. 63
 - d) none of these
- (ii) Choose the section that gives the confidentiality clause in Arbitration and Conciliation Act, 1996
 - a) Sec. 74
 - b) Sec. 75
 - c) Sec. 76
 - d) None of these
- (iii) Choose the correct option that involves Negotiator's Delimma-
 - a) strategis choice theory
 - b) integrative and distributive bargaining theory
 - c) bad faith negotiation theory
 - d) none of these
- (iv) Choose the correct case where it was held that when the parties do not agree regarding the place of Arbitration, then they have the right to authorise any person or institution for deciding the venue of arbitration.
 - a) K K Modiv K N Modi
 - b) Sanshin Chemicals Industry vs. Oriental Carbons & Chemical
 - c) Salem Advocates Bar Association, Tamil Nadu v. Union of India.
 - d) Food Corporation of India v. Joginderpal Mohinderpal
- (v) Choose the correct option that involves Negotiator's Delimma-
 - a) strategis choice theory
 - b) integrative and distributive bargaining theory
 - c) bad faith negotiation theory
 - d) none of these
- (vi) Identify the consensual Dispute resolution processes-
 - a) ADR
 - b) Non-consensual and adversarial
 - c) Litigation
 - d) None of these
- (vii) Identify the process of ADR as a-

- a) Private process
c) Quasi-public process
- b) Public process
d) None of these
- (viii) Identify the ancient Indian institutions for dispute resolution mentioned in Smriti-
- a) Sabha and Samiti
c) Court of Law
- b) Puga/ Gana
d) Both a and b
- (ix) Identify the fundamental duty of the State –
- a) Secure access to Justice to its citizens
c) Both a and b
- b) To punish its citizens if they commit offence
d) None of these
- (x) Identify the effective mechanism which can help in reducing the burden of Judiciary-
- a) Arbitration
c) Mediation
- b) Litigation
d) Both a and b
- (xi) Select the correct duties of the Arbitration Council of India-
- a) frame policies for arbitral institutions
c) ensure level of arbitration in india
- b) recognize professional institutes for arbitration
d) all of these
- (xii) Select the correct section that talks about the Chief Executive Officer of the Arbitration Council of India-
- a) sec. 43M
c) Sec. 44 M
- b) Sec. 40 M
d) None of these
- (xiii) Select the correct types of Arbitrations-
- a) Ad-hoc arbitration
c) Contractual Arbitration
- b) Institutional Arbitration
d) all of these
- (xiv) Select the Correct statement relating to A&C Act, 1996
- a) Section 34 talks about the setting aside of arbitral award
c) Both a and b
- b) Section 35 states about the finality of arbitral awards
d) none of these
- (xv) Choose the correct section that states the principle of co-operation in Conciliation in A&C Act, 1996-
- a) Sec. 71
c) Sec. 61
- b) Sec. 21
d) Sec. 81

Group-B

(Short Answer Type Questions)

3 x 5=15

2. Discuss the advantages of ADR (3)
3. Explain the cognizance of cases by Lok Adalats in India. (3)
4. Write briefly about the District Legal Service Authority (3)
5. Describe the categories of ADR. (3)
6. Distinguish between Arbitration and Conciliation according to the provisions of A&C Act, 1996 (3)

OR

- Distinguish between Arbitration, Conciliation and Mediation. (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. Measure the function of the Arbitration Council of India. (5)
8. Explain the aims and objective of the Legal Services Authorities Act, 1987. (5)
9. Write about the types of Arbitration. (5)
10. Explain the termination proceeding of the Conciliation as mentioned under the Arbitration and Conciliation Act, 1996. (5)
11. Illustrate the history of Arbitration in British India. (5)

12. Measure the establishment of an arbitral tribunal according to the given provisions under (5)
the Arbitration and Conciliation Act, 1996.

OR

Measure the criteria to conduct a valid Arbitration proceeding in India. (5)
