



# BRAINWARE UNIVERSITY

**Term End Examination 2023-2024**

**Programme – LL.B.-2021**

**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) Select Oxford Advanced Learner's Dictionary defines arbitration as

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|---|---|
| a) official process of settling an argument or a disagreement by somebody who is not involved   | b) unofficial process of settling an argument or a disagreement by somebody who is not involved     |
| c) official process of dissolving an argument or a disagreement by somebody who is not involved | d) official process of making dispute an argument or a disagreement by somebody who is not involved |

(ii) 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  |

(iii) Choose Negotiation belongs :

- |  |  |
|--|--|
| a) to an integrated collection of logically related records.                             | b) to consolidate separate files into a common pool of data records. |
| c) to the data stored in a database is independent of the application programs using it. | d) to the most complex forms of human interaction.                   |

(iv) Select from the following negotiation is the process:

- |                                 |  |
|---------------------------------|--|
| a) is a documentation technique | b) needs data volume and processing frequencies to determine the size of the |
|---------------------------------|--|

- c) which helps people settle their differences and disputes.
- (v) Select Negotiation is the method by which.....
- a) amicable agreement is reached avoiding arguments.
- b) direct agreement is reached avoiding arguments
- c) sequential agreement is reached avoiding arguments
- d) all of these
- (vi) Choose Mediation is defined as a process in which
- a) disputing parties engage the assistance of a neutral third party to act as a mediator
- b) disputing parties do not engage the assistance of a neutral third party to act as a mediator
- c) disputing parties engage the assistance of a neutral third party to act as an arbitrator
- d) disputing parties engage the assistance of a neutral third party to act as a conciliator
- (vii) Choose Conciliation is a process,...
- a) Max
- b) Avg
- c) Count
- d) whereby a dispute is referred to a third person, who hears the parties on questions of fact and law and forms his opinion and attempts to persuade the parties to accept it.
- (viii) Select in case of conciliation what actually happens:
- a) Group By parties agree on a settlement, the ADR process will not reach any binding agreement resolving the dispute.
- b) Sort By parties agree on a settlement, the ADR process will not reach any binding agreement resolving the dispute.
- c) unless parties agree on a settlement, the ADR process will not reach any binding agreement resolving the dispute.
- d) Sort parties agree on a settlement, the ADR process will not reach any binding agreement resolving the dispute.
- (ix) Choose Jerome Lack defines mediation as:
- a) Date process by which the participants, together with the assistance of a neutral person or persons, systematically isolate disputed issues in order to develop options, consider alternatives, and reach a consensual agreement that will accommodate their needs
- b) "an amicable process by which the participants, together with the assistance of a neutral person or persons, systematically isolate disputed issues in order to develop options, consider alternatives, and reach a consensual agreement that will accommodate their needs"
- c) String process by which the participants, together with the assistance of a neutral person or persons, systematically isolate disputed issues in order to develop options, consider alternatives, and reach a consensual agreement that will accommodate their needs
- d) Where clause process by which the participants, together with the assistance of a neutral person or persons, systematically isolate disputed issues in order to develop options, consider alternatives, and reach a consensual agreement that will accommodate their needs
- (x) Select the correct methods of ADR:
- a) Legislation, Arbitration and Negotiation
- b) Negotiation, Legislation and Mediation
- c) Arbitration, Negotiation, Conciliation and Mediation
- d) None of these
- (xi) What are the important International conventions, applicable to partII of the Act?
- a) New York Convention
- b) Geneva Convention
- c) None of these
- d) Both the these a and b
- (xii) Select from the following Arbitral Tribunal has no jurisdiction to issue:
- a) Interim award
- b) Winding up orders
- c) Ex-parte Orders
- d) None of these

(xiii) Select Lok Adalat basically means:

- |                    |                   |
|--------------------|-------------------|
| a) People's court. | b) Women's court  |
| c) Men's court     | d) Children court |

(xiv) Select type of cases that are not dealt by Lok- Adalat :

- |                                       |                          |
|---------------------------------------|--------------------------|
| a) Non compoundable criminal offenses | b) Family dispute        |
| c) compoundable criminal offences     | d) Motor accident claims |

(xv) What does ADR actually stand for?

- |                                   |                                   |
|-----------------------------------|-----------------------------------|
| a) Alternate desperate resolution | b) Alternative despite resolution |
| c) Alternative dispute resolution | d) Additional dispute resolution  |

**Group-B**

(Short Answer Type Questions)

3 x 5=15

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| 2. Explain the ancient Indian dispute redressal mechanism.                                 | (3) |
| 3. Show the characteristics of ADR.  | (3) |
| 4. Classify the categories of ADR.   | (3) |
| 5. Show the importance of Alternative Dispute Resolution under the present legal scenario. | (3) |
| 6. Explain the advantages of ADR.  | (3) |

**OR**

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|--------------------------------------|-----|
| Explain the advantages of Mediation. | (3) |
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**Group-C**

(Long Answer Type Questions)

5 x 6=30

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| 7. What is the meaning of Principled Negotiation?  | (5) |
| 8. Analyze the meaning of section 4 of the Arbitration and Conciliation Act, 1996 with special reference to waiver of right to object. | (5) |
| 9. Explain the role of an Arbitrator in Arbitration proceeding.  | (5) |
| 10. Explain the disadvantages of institutional arbitration.  | (5) |
| 11. Compare the functions of the Supreme Court Legal Service Authority and the High Court Legal Service Authority.                     | (5) |
| 12. Explain the relevance of ADR in the modern globalized world.   | (5) |

**OR**

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| Evaluate the duties and functions of the Arbitration Council of India. | (5) |
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