



41481

**BRAINWARE UNIVERSITY****Term End Examination 2025-2026****Programme – LL.B.-2023****Course Name – Alternate Dispute Resolution****Course Code - LLB602****(Semester VI)**

LIBRARY
BRAINWARE UNIVERSITY
SCHOOL OF LAW
Barasat Kolkata-700108

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 the basis of ADR philosophy in dispute resolution?
 - a) Litigation based
 - b) Coercion based
 - c) Consent based
 - d) Criminal in nature
- (ii) Outline the theory of negotiation which supports win-win outcomes.
 - a) Structural
 - b) Strategic
 - c) Integrative
 - d) Process
- (iii) Choose the model describing negotiation stages.
 - a) Integrative
 - b) Structural
 - c) Process
 - d) Strategic
- (iv) Outline the element requiring mutual give and take in negotiation.
 - a) Positions
 - b) Interests
 - c) Concessions
 - d) Alternatives
- (v) Identify as to how mediated settlement becomes legally enforceable.
 - a) Court recorded decree
 - b) Automatic finality
 - c) Private promise
 - d) Newspaper notice
- (vi) Which of the following is best suited for resolution through conciliation?
 - a) Matrimonial disputes
 - b) Neighbour disputes
 - c) Community conflicts
 - d) Commercial contracts
- (vii) Infer mediation benefit for continuing relationships.
 - a) Rivalry growth
 - b) Winner takes all
 - c) Relationship preservation
 - d) Public humiliation
- (viii) Infer the role of courts under the Arbitration Act.
 - a) Dominant control
 - b) Limited supervision
 - c) Full adjudication
 - d) Appellate review

(ix) Select the section which defines 'arbitration agreement' under the Arbitration and Conciliation Act, 1996.

- a) Section 2
- c) Section 11

- b) Section 7
- d) Section 34

(x) Identify the feature distinguishing arbitration from litigation.

- a) Mandatory process
- c) Party autonomy

- b) Public hearings
- d) Penal remedy

(xi) Select the Convention that governs foreign awards enforcement.

- a) Vienna Convention
- c) Hague Convention

- b) Geneva Protocol
- d) New York Convention

(xii) Select the traditional basis of Lok Adalats.

- a) Penal system
- c) Written codes

- b) Colonial courts
- d) Community justice

(xiii) Choose the forum supporting State-State arbitration administratively.

- a) International Court of Justice
- c) Permanent Court of Arbitration

- b) World Trade Organization
- d) International Monetary Fund

(xiv) Identify the main concern of India in mixed arbitration.

- a) Delay
- c) Costs

- b) Regulatory chill
- d) Language

(xv) Select India's policy response to adverse investment claims.

- a) Expansion
- c) Treaty revision

- b) Withdrawal
- d) Ignorance

Group-B

(Short Answer Type Questions)

3 x 5=15

2. What are the various modes of Alternate Dispute Resolution? (3)
3. Explain the differences between mediation and conciliation. (3)
4. A long-standing commercial partnership between two Indian business entities becomes strained due to a contractual dispute, and continued litigation threatens to permanently damage their working relationship. In this context, explain the importance of relationship preservation as an objective of court-annexed alternative dispute resolution. (3)
5. Mr. Aman is appointed as an arbitrator by B and C to settle their disputes. Mr. Aman and his wife Reena invest in B's company. Mr. Aman gives verdict in favour of B. C discovers this after two weeks of the award. Examine whether C has a right to ask for setting aside of the award with reference to the legal provisions of the Arbitration and Conciliation Act, 1996. (3)
6. Two sovereign States are involved in a dispute relating to investment obligations and interpretation of an international agreement, and both wish to avoid litigation before a permanent international court. In this situation, examine the concept of State-State arbitration as a method of international dispute resolution. (3)

OR

Mr. X filed a suit in a court against Ms. Y but the court has referred it to Lok Adalat. However, Ms. X does not want to settle in Lok Adalat. a. Can the court refer a case for settlement in Lok Adalat? b. Identify the various modes of settlement of disputes outside the Court? c. Examine whether Ms. X can challenge court's decision about reference to Lok Adalat with reference to suitable provisions. (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. Mr. Raj sends written invitation to Mr. Jay regarding appointment of conciliator. Jay accepting invitation asks some questions. Answer by identifying the relevant provisions: a. How many

maximum number of conciliators can be appointed? b. How and where the communication between conciliator and parties take place? c. What is the role of conciliator?

8. "An arbitral tribunal has to rule upon its 'own' jurisdiction". Examine the doctrine of "Kompetenze - Kompetenz" in light of legislative provision in Arbitration and Conciliation Act, 1996. (5)
9. "The key feature of mediation is that it is controlled entirely by the parties themselves" Explain the stages of standard mediation process in light of above statement? (5)
10. Illustrate the advantages and limitations of Alternative Dispute Resolution System. (5)
11. Explain the recognition and enforcement mechanism of foreign arbitral awards in India. (5)
12. "The judiciary's leadership and trailblazing effort in these difficult times has legitimized the use of technology to enable dispute resolution and thereby access to justice." Critically examine the importance of Online Dispute Resolution (ODR) system in pandemic situation such as Covid crisis. (5)

OR

Rakhi and Simran, neighbours in XYZ society, have a long-standing disagreement regarding the encroachment of a balcony constructed by the family of Simran onto what Rakhi believes is her property line. They have approached the XYZ Society Committee, which suggested mediation. As a mediator facilitating this dispute, describe the key characteristics of the mediation process you would emphasize to Rakhi and Simran at the beginning of the session to ensure their understanding and cooperation. (5)

LIBRARY
BRAINWARE UNIVERSITY
SCHOOL OF LAW
2025