



## BRAINWARE UNIVERSITY

Term End Examination 2021 - 22

Programme – Bachelor of Law

Course Name – Alternate Dispute Resolution

Course Code - LLB602

( Semester VI )

Time allotted : 1 Hrs.15 Min.

Full Marks : 60

[The figure in the margin indicates full marks.]

### Group-A

(Multiple Choice Type Question)

1 x 60=60

*Choose the correct alternative from the following :*

(1) Oxford Advanced Learner's Dictionary defines arbitration as

- |   |   |
|---|---|
| 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 |

(2) Brown and Marriott see ADR

- |                             |   |
|-----------------------------|---|
| a)<br>Procedural language   | b) as a range of procedures that serve as alternatives to litigation through courts for the resolution of disputes, generally involving the intercession and assistance of a neutral and impartial third party. |
| c) Data definition language | d) High level language  |

(3) Jean –Claude Goldsmith<sup>57</sup> has stated about ADR,

- |               |   |
|---------------|---|
| a) two levels | b) “In truth, ADR (or RAD in French) presents itself as a catch-all denomination under which are classified without distinction those methods of settling conflicts that lead to any other result than a judgment or arbitral award. Amongst these systems as practiced in the United States and in other Common Law countries, some come within legal framework, sometimes in quite a constricting manner; |
|---------------|---|



- others on the contrary are purely consensual and have no relationship with state of justice.”
- c) four levels
- (4) Disadvantage of ADR Techniques is
- a) Graph
- c) Links
- (5) Negotiation belongs
- a) It is an integrated collection of logically related records.
- c) Data stored in a database is independent of the application programs using it.
- (6) Negotiation is defined as
- a) a criteria.
- c) self counseling between the parties to resolve their dispute.
- (7) Negotiation is the method by which
- a) amicable agreement is reached avoiding arguments.
- c) sequential
- (8) Characteristics Of Negotiation Process is
- a) Voluntary
- c) Relational Model
- (9) Advantage of negotiation is
- a) DDL
- c) DQL
- (10) Mediation is a process in which
- a) DML
- c) DCL
- (11) Mediation often produces outcomes
- a) Between
- c) Where
- (12) Mediation is considered less adversarial than litigation since-unlike litigation no assumption is made that the parties cannot come to a mutually agreeable solution.
- a) Most
- c) Upper
- (13) Conciliation is negotiation
- a) Left join
- c) Upper
- (14) The third party is not empowered
- a) Alter
- d) one levels
- b) List
- d) Parties are not compelled to continue negotiations or mediation.
- b) It consolidates separate files into a common pool of data records.
- d) to the most complex forms of human interaction.
- b) a relation
- d) an attribute
- b) direct
- d) all of these
- b) Hierarchical Model
- d) None of these.
- b) DML
- d) Party based dispute resolution
- b) DQL
- d) principals with authority can meet and can transform a dispute into a new business deal
- b) that exceed the narrower, win – lose legal remedies available with arbitrators and judges
- d) Exists
- b) Max
- d) Min
- b) facilitated by an independent and impartial third party
- d) Len
- b) Update



- c) Insert
- (15) Conciliation involves a third party's
- Count
  - Avg
- (16) Mediation is considered consensual,
- Project
  - since the mediator cannot bind the parties to a particular result.
- (17) Mediation is generally understood
- select city where humidity will be 90
  - select city from t1 having humidity=90
- (18) The goal of mediation is to facilitate negotiations
- Find temp from t1 order by temp
  - select temp from t
- (19) Which are the correct methods of ADR?
- Legislation, Arbitration and Negotiation
  - Arbitration, Negotiation, Conciliation and Mediation
- (20) Which of the following is the most accurate description of arbitration?
- An informal meeting between the parties involving a discussion as to how the issue may be resolved.
  - A meeting between the parties where an impartial third party facilitates discussions
  - An adjective process where the parties submit their dispute, for a binding decision, to an impartial tribunal.
  - None of the above.
- (21) What are the important International conventions, applicable to part II of the Act?
- New York Convention
  - Geneva Convention
  - None of the above
  - Both the above a and b
- (22) Is the Arbitral tribunal competent to appoint an expert ?
- yes, in certain cases
  - No
  - in case of emergency
  - None of the above
- (23) Arbitral Tribunal has no jurisdiction to issue-
- Interim award
  - Winding up orders
  - Ex-parte Orders
  - None of these
- (24) The power of the court to refer parties for arbitration would and must necessarily include,
- imply and inhere in it.
  - the power and jurisdiction to review the award.
  - the power and jurisdiction to appoint the arbitrator.
  - the power and jurisdiction to advise the parties.
  - the power and jurisdiction to call for another arbitrator.
- (25) Conciliator would independently investigate into the dispute and draft his report indicating the method of settlement of disputes.
- d) to impose a decision on the parties in case of conciliation
- b) Max
- d) trying to bring together disputing parties to help them reconcile their differences
- b) Select
- d) Subtraction
- b) as a nonbinding, voluntary (dispute) settlement process
- d) select city from t1 with humidity=90
- b) select temp,city from t1 group by temp
- d) between the parties in order to help them reach a mutually acceptable agreement.
- b) Negotiation, Legislation and Mediation
- d) None of the above



- a) the conciliator would take help from the disputing parties on the settlement of the method.
- b) the conciliator would take help from the court on the settlement of the method
- c) the conciliator would rely on the application filed by the parties
- d) the conciliator will hear both the parties separately
- (26) Which of the following special act does not provide for arbitration in respect of disputes covered by those Acts.
- a) Land Acquisition Act, 1894
- b) The Cantonments Act, 1924
- c) Forward contracts Regulation act, 1956
- d) Easement Act, 1882
- (27) Recourse to a court against an Arbitral Award may be made only if
- a) Recourse to a court against an Arbitral Award may be made only if
- b) party to the dispute is not happy with the award.
- c) Even number of arbitrators by the parties.
- d) A party was unable to present his case
- (28) What does ADR actually stand for?
- a) Alternate desperate resolution
- b) Alternative despite resolution
- c) Alternative dispute resolution
- d) Additional dispute resolution
- (29) The law of arbitration is based upon principle of
- a) withdrawing the dispute from the conciliator and enabling the parties to substitute domestic tribunal for adjudication thereof
- b) withdrawing the dispute from the mediation centre and enabling the parties to substitute domestic tribunal for adjudication thereof
- c) withdrawing the dispute from the ordinary courts and enabling the parties to substitute domestic tribunal for adjudication thereof
- d) withdrawing the dispute from arbitration centre and enabling the parties to substitute domestic tribunal for adjudication thereof
- (30) Arbitration is a process
- a) Columns used for joining must have same name
- b) which is carried out pursuant to an agreement to arbitrate.
- c) Columns used for joining must have different names
- d) Columns used for joining must have different names
- (31) Arbitration is
- a) RIGHT OUTER JOIN is equivalent to LEFT OUTER JOIN if order of tables are reversed
- b) FULL OUTER JOIN is same as CROSS JOIN
- c) SELF JOIN is a special type of OUTER JOIN
- d) a private, generally informal and non judicial trial procedure for adjudicating dispute.
- (32) The parties confer upon the arbitrator full authority
- a) Right outer join operation
- b) Right inner join operation
- c) Left inner join operation
- d) to adjudicate disputes i.e. to render a final disposition on the matters submitted to that can be enforced through coercive legal means.
- (33) The parties can determine
- a) Combines the output from no more than two queries and must include the same number of columns
- b) Combines the output from no more than two queries and does not include the same number of columns
- c) the form, structure, procedure and other details like language, place of arbitration and the manner in which evidence shall be taken etc. Thus parties have autonomy in conducting arbitral proceedings.
- d) Combines the output from multiple queries and does not include the same number of columns



(34) "legal representative" means

- a) One table
- c)

Another view

- b) Many tables
- d) a person who in law represents the estate of a deceased person, and includes any person who intermeddles with the estate of the deceased, and, where a party acts in a representative character, the person on whom the estate devolves on the death of the party so acting;

(35) An arbitration agreement shall be

- a) All the values of non-key attributes are dependent fully on the candidate key.

- b) Any non-key attribute that are dependent on only part of the candidate key should be moved to another relation where the partial key is the actual full key.

- c) It must be already in the 1NF.

- d) in writing.

(36) 'Power to refer parties to arbitration where there is an arbitration agreement' has been provided in

- a) Transitive dependency

- b) Section 8 of the Arbitration and Conciliation Act, 1996

- c) Partial Dependency

- d) None of the above

(37) Number of arbitrators has been provided in

- a) Closure Dependency

- b) Section 10 of the Arbitration and Conciliation Act, 1996

- c) Normal Dependency

- d) Functional Dependency

(38) Appointment of arbitrators has been provided in

- a) functional dependency

- b) 4NF

- c) Transitive dependency

- d) Section 11 of the Arbitration and Conciliation Act, 1996

(39) Challenge procedure has been provided in

- a) Multi Valued Dependency

- b) Joined Dependency

- c) Section 13 of the Arbitration and Conciliation Act, 1996

- d) None of the above

(40) The arbitral tribunal may rule on its own jurisdiction,

- a)  $E+F=E-F$

- b) including ruling on any objections with respect to the existence or validity of the arbitration agreement

- c)  $EF=FE$

- d) None of these

(41) Place of arbitration has been provided in

- a) Partial Dependency

- b) Section 20 of the Arbitration and Conciliation Act, 1996

- c) Multi Valued Dependency

- d) Joined Dependency

(42) Unless otherwise agreed by the parties, the arbitral tribunal may -

- a) Isolation of data

- b) appoint one or more experts to report to it on specific issues to be determined by the arbitral tribunal

- c) Normalization of data

- d) Augmentation of Data

(43) Which of the following statements about Lok Adalat is correct?



- a) Appeal can be made against the decision of Lok Adalat in regular court.  
 b) Lok Adalat is neither a constitutional body nor a statutory body.  
 c) Lok Adalat take up a dispute for resolution only when parties agree for settlement between themselves.  
 d) None of the above.
- (44) Nature of cases to be referred to Lok Adalat-
- a) Any case pending before any court  
 b) Any dispute which has not been brought before any court  
 c) Both I & II  
 d) I only
- (45) The jurisdiction of the permanent Lok Adalat is upto-
- a) Fifteen Lakhs  
 b) Ten Lakhs  
 c) Twenty Lakhs  
 d) Thirty Lakhs
- (46) Which article of the constitution of India contains various provisions for settlements of disputes through Lok Adalat.
- a) Article 39A  
 b) Article 14  
 c) Article 19  
 d) Article 21
- (47) Which section of Legal Service Authority Act, 1987 deals with the constitution of National Legal service authority Act
- a) Section 3 of Legal service Authority act 1987  
 b) Section 2 of Legal Service Authority Act 1987  
 c) Section 4 of Legal Service Authority Act 1987  
 d) None of these
- (48) Section 25 of Legal Service Authority Act deals with-
- a) Procedure of permanent Lok Adalat  
 b) Act to have overriding effect.  
 c) Laying of rules and regulations.  
 d) None of these
- (49) Section 19 of the Legal Service Authority Act provides ?
- a) Establishment of Permanent Lok Adalat.  
 b) District Legal Aid fund.  
 c) National Legal Aid fund  
 d) Organization of Lok Adalat
- (50) Section 13 of the Legal Service Authority Act deals with ?
- a) Function of state authority  
 b) District legal service Authority.  
 c) Entitlement of legal services  
 d) None of the above
- (51) Section 10 of The Legal Services Authorities Act, 1987 deals with
- a) Function of State Authority  
 b) Award of Lok Adalat.  
 c) Function of District Authority  
 d) None of these
- (52) The first such International Convention on conciliation
- a) Atomicity  
 b) was the Geneva Protocol  
 c) Isolation  
 d) Durability
- (53) The New York Convention was adopted
- a) 1955  
 b) 1956  
 c) 1958  
 d) 1960
- (54) India became a State Signatory to New York convention on
- a) 12th July, 1960  
 b) 13th July, 1960  
 c) 14th July, 1960  
 d) 15th July, 1960
- (55) The Apex Court in the case of Konkan railway Corporation v. Mehul Construction Company rightly observed that



- a) Only 1  
b) Only 2  
c) the Arbitration and Conciliation Act, 1996 Act aims -“ to attract the confidence of international Mercantile Community  
d) Either 1 or 2
- (56) The Indian ADR system is based on the common law system.  
a) Yes  
b) No  
c) Mixed system of civil and common law system  
d) None of the above
- (57) Arbitration can be ad-hoc, contractual, institutional or statutory  
a) No  
b) Yes  
c) Yes, Arbitration can be statutory  
d) None of the above
- (58) In a contractual arbitration the jurisdiction of the courts can be completely ousted under 1996 Act.  
a) No  
b) Yes, it can be partially ousted  
c) Yes, statutory provision can be ousted  
d) None of the above
- (59) Mediation can be termed as assisted negotiation  
a) Yes, the mediator play the role of a facilitator in attending cooperation between parties to the dispute  
b) Yes  
c) No  
d) None of the above
- (60) Court procedure is justice oriented, whereas ADR's merit also lies in the fact that the process is participatory and solution oriented.  
a) Yes  
b) No  
c) There exist doubt on the given proposition  
d) None of the above