

2017-18

may 17

Alternative Dispute
Resolution
Sem

Q.P. Code :09156

[Time: 3 Hours]

[Marks:100]

Please check whether you have got the right question paper.

- N.B: 1. All questions are compulsory
2. Figures to the right indicate full marks

Q.1 | Answer in two to three lines

20

- A What is full form of UNCITRAL?
- B What is an institutional arbitration?
- C Is the validity of an arbitration agreement depend upon number of arbitrations?
- D Who appoints a presiding arbitrator?
- E Whether the signatures of both parties are necessary for an arbitration agreement?
- F What is consent award?
- G When registration of an award is compulsory?
- H What is lien of award?
- I Who is mediator?
- J Why Lok adalats are constituted?

Q.2 Write short notes (any four)

20

- 1 Foreign award
- 2 Appointment of an arbitrator by court.
- 3 Difference between arbitration and conciliation
- 4 Forms & contents of arbitral award
- 5 Termination of arbitral proceeding
- 6 Need of alternate dispute resolution

Q.3 Solve any two

12

- 1 Mr. Prabhu's name was mentioned as an arbitrator in the arbitration agreement between the parties. After having an dispute parties appointed Mr. Arun as an arbitrator. After few months Mr. Arun shows his unwillingness to work so both parties appointed Mr. Shulka as an arbitrator
 - A) Can Mr. Prabhu takes any action against parties? Why?
 - B) Can Mr. Arun submit his resignation during arbitration procedure?+
 - C) Whether Mr. Shulka has to work from initial stage of arbitration?
- 2 Mr Z appointed as an arbitrator by Mr C and Mr. D for the settlement of dispute. Mr. Z has some personal relations with Mr C an award was declared by Mr Z on the basis of some personal information which he get it from Mr.C

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- A) Can Mr. Z declare an award on the basis of personal information?
- B) Whether there is any breach of duty from Mr.Z
- C) What are remedies available to Mr.D

3 On 1st of June Mr. P to initiate conciliation send a written invitation to Mr. Q but Mr. P does not receive a reply till 10th of June. So he elected to treat it as rejection of conciliation and decided to go to court. On 20th June Mr. Q sends his assent for conciliation.

- A) What is a date of commencement of conciliation proceeding in the above case?
- B) According to arbitration and conciliation act 1996 how many days Mr. should wait for reply?
- C) Can Mr. P denies for conciliation after receiving assent from Mr. Q?

Q.4 Answer the following questions any 4

- 1 State the forms and contents of arbitration agreement.
- 2 Explain the importance of Lok-adalat in judicial work.
- 3 State the jurisdiction of arbitral tribunal?
- 4 State the procedure and importance of settlement agreement?
- 5 When award is considered as final award?
- 6 Explain foreign award with help of two conventions.

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Alternate Dispute
Resolution System

QP Code : 22080

ATK9
NOV 2017

[Time : 3 Hours]

[Total Marks : 100]

- N.B :** 1. All questions are compulsory.
2. All questions carry equal marks.

1. Answer in **one** or **two** sentence each :— 20
- What does Arbitration agreement mean ?
 - What is a status of an arbitral award in judicial process ?
 - What is arbitrable dispute ?
 - What is the nationality of an arbitrator ?
 - What is de jure and de facto impossibility to act for an arbitrator ?
 - Which is a place of an arbitration ?
 - What is consent award ?
 - State the expenses included in cost of arbitration.
 - What is conciliation ?
 - What is Lok Adalat ?
2. Write short notes on (any 4) 20
- State salient features of Arbitration and conciliation act 1996.
 - International commercial Arbitration.
 - Appointment of an arbitration by court.
 - Termination of arbitral proceedings.
 - Difference between arbitration and conciliation.
 - Commencement of conciliation proceedings.
3. Solve any **two** :— 12
- As the dispute arises Mr. B Requests Mr. A for an appointment of an arbitrator, but an arbitration agreement fails to make provision for the number of arbitrator.
 - How many number of arbitrators can be presume in above case ?
 - State remedy to Mr. B if Mr. A fails to appoint an arbitrator.
 - If Mr. A and Mr. B agrees to appoint 3 arbitrators but fails to agree on procedure for appointing the arbitrator. Advice Mr. A and B.
 - An arbitration agreement was existed between Mr. X and Mr. Y for some dispute. After having a dispute Mr. Y without informing to Mr. X submit the dispute to an arbitrator
 - Can Mr. Y do so ? Advice Mr. X
 - What will be the effect on arbitration procedure if Mr. X fails to communicate his statement of defence to an arbitrator.
 - An Arbitrator without giving sufficient notice to Mr. X declares an ex-parte award. Advice Mr. X.

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- (c) Parties in a dispute willing to appoint a conciliator for settlement of dispute. but they have some queries.... advice them
- (1) Who is conciliator ?
 - (2) What is settlement agreement ?
 - (3) What is judicial status of settlement agreement.

4. Answer any **four** from the following :—

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- (a) Explain the procedure of Lok Adalat.
- (b) Explain the process of settlement of dispute with help of conciliator.
- (c) What is conventional award ? Explain it with help of two important conventions.
- (d) When and how can an arbitral award be challenge ?
- (e) State the importance of an arbitration agreement in an arbitration process.
- (f) When an award becomes final ?

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Alternative Dispute Resolution

Q.P. Code **23627**

(3 Hours)

Total Marks : 100

- N.B. : (1) All questions are compulsory.
(2) Figures to the right indicate full marks

1. Answer in 1-2 sentences :-

20

- Questionnaire Method
- Primitive and Modern law
- Direct & Indirect co-operation
- Fetishism
- Joking relation
- Evolutionary theory
- Arbitration
- Scarcity theory of stratification
- Functionalist theory of Religion
- Criminology

2. Short notes (any Four)

20

- Spirit of capitalism
- Sanskritization & Modernization
- Importance of Social Group
- Problems of Urban community
- Pluralism in India - Unity in Diversity
- Theories of social change.

3. Answer the following (any Two)

12

- Addiction to Whatsapp/Face book and other social network sites is leading to massive changes in relationships.
Discuss
(i) The negative effects of it
(ii) Suggest remedial measures.
- 45 lakh cases pending in 24 high courts. Appeals can take up to 30 years to be Heard. Delay in hearing Appeals is as good as Justice denied.
Discuss
(i) Alternative Dispute Resolution (ADR)
(ii) Does media intervention affect trials & judgments.

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- (c) Development is making in roads in tribal areas at the cost of their survival and livelihood.
- (i) Problems faced by Tribal community
 - (ii) Provide remedial measures.

4. Answer the following (any Four)

- (a) Write an essay on sociology.
- (b) Discuss the fields of Gender Discrimination and its impact on society.
- (c) Elaborate on the role of law, education and sociology as agents of social change.
- (d) Discuss the following :-
 - (a) Family and Marriage
 - (b) Changes in caste system in modern India.
- (e) Social control is essential in all societies. Explain the various agencies of social control and which is more affective agent of social control
- (f) Give the contributions of Karl Marx, Talcoff Parson and Durkheim.