

BACHELOR OF LAWS - LL.B. (THREE YEAR DEGREE COURSE) (CBCS-2021 COURSE)

LL.B. Sem - V : WINTER : 2024

SUBJECT: MEDIATION & CONCILIATION & ARBITRATION

Day : Sunday

Date : 24/11/2024

W-25023-2024

Time : 10:00 AM-12:30 PM

Max. Marks : 60

N.B:

- 1) All questions are **COMPULSORY**.
- 2) All questions carry **EQUAL** marks.

Q.1 A) Give a historical overview with respect to the development of Alternative Dispute Resolution Mechanism in India.

OR

B) Explain the basic difference between Conciliation, Mediation and Arbitration as the major forms of Alternative Dispute Resolution Mechanisms.

Q.2 A) What is Mediation? Give a brief overview of Mediation Drafted Rules in India.

OR

B) What is Conciliation? Explain the appointment procedure and role of Conciliator under the arbitration and Conciliation act, 1996.

Q.3 A) Explain the process of Enforcement of Foreign Arbitral Awards under the Arbitration and Conciliation Act, 1996.

OR

B) What is the role of UNCITRAL Model Law in the development of Arbitration and Conciliation Act, 1996?

Q.4 A) Write short notes on the following:-

- i) Med- Arb Process
- ii) Fast Track Arbitration

OR

Q.4 B) Write short notes on the following:-

- i) Block Chain Technology
- ii) Online Dispute Resolution

Q.5 A) A company named LOG Pvt. Ltd was dealing with the production of oil and natural gas, with the passage of time the company received lot of complaints on its name for breaching various agreements, causing environmental pollution and displacing local communities. However, these matters never went into litigation as the company always paid huge charges and got away with the complaints and closed the matter.

However, there was another company named GOC Pvt. Ltd involved in the same production line, who filed a complaint against LOG Pvt. Ltd. with respect to unfair trade practices. The matter with the consent of both the parties went for the Mediation. You being the Mediator advice the party with respect to their resolution.

OR

B) Mr. A died intestate leaving behind two sons. Mr. A was the owner of two properties, one of which was situated in a prime location of the city and the other was situated in the suburbs. Therefore, a dispute arose between the two brothers in respect to succession. They have approached you as a negotiator. Advise them on the negotiation process.

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