

**Diploma in Alternative Dispute Resolution System (D.A.D.R.S.) :**

**WINTER - 2018**

**SUBJECT: ALTERNATIVE DISPUTE RESOLUTION SYSTEM**

Day : Wednesday  
Date : 31/10/2018

**W-2018-1677**

Time : 02.30 PM TO 05.30 PM  
Max. Marks : 80

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**N.B.:**

- 1) Attempt **ANY SIX** questions out of which Q. No. 1 which is **COMPULSORY**.
  - 2) **Q. No. 1** carries **20** marks all other questions carry **12** marks each.
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- Q.1** Write a short notes on ANY FOUR of the following:
- a) Award
  - b) Lok-Nyayalaya
  - c) Labour Courts
  - d) Mini-Trial
  - e) Arbitration
  - f) Objectives of Alternative Dispute Resolution System
- Q.2** Critically evaluate the role of family courts in settling the matrimonial disputes without hindering the sacredness of the marriages.
- Q.3** Who is a Consumer? Elaborate the important provisions for the protections given to the consumers under the Consumer Protection Act, 1986.
- Q.4** Explain the concept of Administrative Tribunal and how effective is it to import the justice to the needy people.
- Q.5** Elaborate on the importance of legal literacy in Alternative Dispute Resolution System with special reference to India.
- Q.6** Discuss the powers and functions of the District Forum and the State Commission under the Consumer Protection Act, 1986 along with the relevant judicial pronouncements.
- Q.7** What do you mean by Administrative Tribunal? Discuss the powers and functions of Administrative Tribunal.
- Q.8** "Lok Adalat can follow a procedure of its own and is guided by the principles of Justice, Equity and Fair play and other legal principles in disposing of matters before it." Explain the above statement with the help of recent case law.
- Q.9** What is an industrial dispute? Discuss the Alternative Dispute Resolution System provided under the Industrial Disputes Act, 1947.
- Q.10** Write a detailed on the concept of Ombudsman.

**Diploma in Alternative Dispute Resolution System (D.A.D.R.S.) :**  
**WINTER - 2018**

**SUBJECT: COMPARATIVE STUDY OF ARBITRATION LAWS**

Day: Thursday  
Date: 01/11/2018

**W-2018-1678**

Time: 02.30 PM TO 05.30 PM  
Max. Marks: 80

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**N.B.:**

- 1) Attempt Any **Six** questions out of which Q.No.1 is **COMPULSORY**.
  - 2) Q.No.1 carry **20** marks and all other question carry **12** marks each.
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- Q.1** Write short notes on Any **FOUR** of the following:
- a) ADR techniques
  - b) Utility of Comparative Study of ADR
  - c) Private use of ADR in New Zealand
  - d) Federal court
  - e) Community based dispute resolution of U.S.A.
  - f) Foreign awards in U.K.
- Q.2** ‘UNICTRAL’ model law is the basis of arbitration in many countries. Comment.
- Q.3** Draw a comparative chart of International Arbitration position in India and U.K.
- Q.4** Discuss corporate use in ADR system in America.
- Q.5** Explain the procedure for the appointment of arbitrators with reference to International arbitration in U.K
- Q.6** Write a note on arbitration and mediation institute of New Zealand.
- Q.7** Concept development of arbitration system in U.S.A.
- Q.8** Make a comparative analysis of arbitration system in U.S. and New Zealand.
- Q.9** Discuss appointment of arbitration in U.S.A.
- Q.10** Discuss provisions of intervention by Courts in U.S.A.

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**Diploma in Alternative Dispute Resolution System (D.A.D.R.S.) :**  
**WINTER - 2018**

**SUBJECT : INTERNATIONAL LAW RELATING TO ARBITRATION**

Day : Tuesday  
Date : 30/10/2018

**W-2018-1676**

Time : 02.30 PM TO 05.30 PM  
Max. Marks : 80

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**N.B.:**

- 1) Attempt **ANY SIX** questions and Question number 1. Which is **COMPULSORY**.
  - 2) Question Number 1. Carries **20 Marks** and all other Questions carry **12 Marks** each.
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- Q.1** Write short notes on (**ANY FOUR**) of the following:
- a) Geneva Convention
  - b) Domestic awards
  - c) Advantages of resolution of dispute by arbitration
  - d) Important features on New York Convention on ADR
  - e) Jurisdiction of Arbitral Tribunal
  - f) Need for International Arbitration
- Q.2** Explain how the will of the contractual parties are dominant in deciding the territory and law of the land for the settlement of disputes arising out of contracts and contractual obligations.
- Q.3** Bring out the salient features and importance of 'Arbitration Agreement' and explain its effects in passing the award.
- Q.4** Discuss the nature, scope and importance of the International Arbitration Law.
- Q.5** Discuss the implementation of foreign awards in comparison with domestic awards.
- Q.6** "The term 'Conflict of Laws' does not apply to commercial transactions but applies only to personal laws or other which are not commercial in nature." Discuss.
- Q.7** "The appropriate appointment of arbitrators is crucial for the functioning of any ADR system." Discuss.
- Q.8** Discuss in detail the salient features of the UNCITRAL Model Law on Arbitration and its impact in India.
- Q.9** Discuss how the Indian Constitution supports the concept of International Arbitration for settlement of dispute in the light of landmark judgments.
- Q.10** What are the conditions for the enforcement of foreign awards and grounds for refusal of foreign awards under the ADR Act of 1996?

**Diploma in Alternative Dispute Resolution System (D.A.D.R.S.) :**  
**WINTER - 2018**

**SUBJECT: LAW RELATING TO ARBITRATION AND CONCILIATION IN INDIA**

Day : Monday  
Date : 29/10/2018

**W-2018-1675**

Time: 02.30 PM TO 05.30 PM  
Max. Marks: 80

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**N.B.:**

- 1) Attempt any **SIX** questions including **Q. No. 1** which is **COMPULSORY**.
  - 2) **Q. No. 1** carries **20** marks and all other questions carry **12** marks each.
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**Q.1** Attempt **ANY FOUR** short notes from the following:

- a) Litigation v/s Arbitration
- b) Commercial dispute
- c) Need of professional arbitration
- d) Qualification of Arbitrator
- e) Interim measures by court
- f) Ground of reference

**Q.2** "Arbitration and Conciliation Act is not only to consolidate and amend the law relating domestic arbitration but also seek to define law relating to conciliation." Elaborate the nature and scope of the Arbitration and Conciliation Act 1996.

**Q.3** "The purpose of Arbitration Act is to provide quick redressal to domestic, commercial and International dispute by private arbitration" Elaborate the above statement with the help of appropriate provisions of the Act.

**Q.4** Trace the historical development of the concept of Arbitration and Conciliation in India.

**Q.5** "Arbitral Award is binding on the parties and no second appeal shall lie from an order passed in appeal". Enumerate the appeal provisions in the Arbitration and Conciliation Act 1996.

**Q.6** "An Arbitrator has no authority on jurisdiction beyond that defined by the term of contract". Evaluate the rules relating to jurisdiction of Arbitral Tribunal in the light of relevant provisions of the Act.

**Q.7** Discuss the important features of the UNICITRAL model law on arbitration in the light of appropriate provisions.

**Q.8** "The introduction of Lok Adalats added a new chapter to the justice dispensation system and succeeded in providing a supplementary forum to the litigants or disputants for satisfactory settlement of their disputes." Discuss the nature and scope of Lok Adalat in India.

**Q.9** What is the difference between Arbitration and Conciliation? Enumerate the merits and demerits of the Arbitration and Conciliation.

**Q.10** Write a note on:

- a) Nature of appointment of Conciliator.
- b) Commencement of Conciliation Proceedings.

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