

END TERM EXAMINATION

FIFTH SEMESTER [LLB] JANUARY 2024

Paper Code: LLB-309 Subject: Alternative Dispute Resolution (ADR)

Time: 3 Hours Maximum Marks: 75

Note: Attempt all questions from Part A & B as directed. Internal choice is indicated.

PART-A



(5x5=25)

- Q1 Write Note on:-
- (a) Good Offices
 - (b) Hybrid forms of ADR
 - (c) Function Of National Legal Service Authority
 - (d) Interim relief under the Arbitration and Conciliation Act, 1996
 - (e) Doctrine of "Kompetenz-Kompetenz"

PART-B UNIT-I

Q2 Write a detailed note on the process of implementation of Section 89 of the Code of Civil Procedure, 1908 with special reference to Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd., 2010 AIR SCW 4983 regarding consent of the parties and stages of reference. (12.5)

OR

Q3 Discuss the procedure regarding cognizance of cases by the Lok Adalat. What is the status of the award passed by the Lok Adalat? Support your answer with the relevant legal provisions and case laws. (12.5)

UNIT-II

Q4 "Negotiation is a communication process used to put deals together or resolve conflicts". In the light of the statement explain negotiation, its types and different approaches. (12.5)

OR

Q5 What is mediation and its various types as per The Mediation Act, 2023. (12.5)

UNIT-III

Q6 Section 8 of the Arbitration and Conciliation Act, 1996, empowers a judicial authority to refer parties to arbitration, thereby honoring the parties' (pre-dispute) bargain. Elaborate the provision and cite relevant cases. (12.5)

OR

Q7 Discuss in detail the provisions under the arbitration Act 1996 in relating to appointment, power, role and function of conciliator. (12.5)

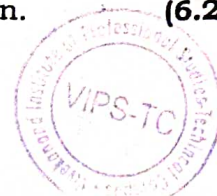
UNIT-IV

Q8 Define "Foreign Awards, and its relevance in New York Convention. State the conditions under which the recognition and enforcement of the foreign awards can be refused. (12.5)

OR

- Q9 (a) What is the difference between the international commercial arbitration seated india and outside India? (6.25)
- (b) Elaborate how 'seat' is Centre of Gravity in Arbitration. (6.25)

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Please write your Exam Roll No.)

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END TERM EXAMINATION

SIXTH SEMESTER (LLB) JUNE- 2024

Paper Code: LLB-310

Subject: Code of Criminal Procedure

Time: 3 Hours

Maximum Marks: 75

Note: Attempt all questions as directed. Internal Choice is indicated.

Attempt all questions from this part:

(5x5=25)

1. (a) In a case under S 307, IPC in respect of shooting in court premise, the accused was sentenced to 10 years rigorous imprisonment and 3 years rigorous imprisonment for offences punishable under S 25 and 27 of Arms Act. According to provisions of CrPC, whether both the sentences should be ordered consecutively or concurrently. Why?
- (b) In *Satender Kumar Antil v. CBI* 2023 Live Law (SC) 233, Supreme Court expressed concerns at the large number of undertrials languishing in jails and issued elaborate guidelines. Briefly write the key findings and guidelines issued in the case.
- (c) X was alleged to have given poisonous substance to the deceased and was facing investigation under S 302 read with S 120B of IPC. He was declared absconder and proclamation under S 82 Cr.P.C. was issued for his presence. X applied for grant of anticipatory bail in Court of Session. Whether the sought relief should be granted under S 438, CrPC or not?
- (d) Station officer S.I Virendra Tomar on detecting that his service revolver was stolen started the investigation. He suspected a constable named Parmeshwar Singh. Mr. Tomar went to Parmeshwar Singh's house and searched his person. The revolver was recovered from the folds of Mr. Singh's dhoti. In trial, the said search was contested on the ground that the personal search was done in absence of two independent and respectable inhabitants of locality as requires under Section 100(4) Cr.P.C. Will the contention be accepted by the court or not?
- (e) In a complaint case, a Magistrate ordered police investigation under S 202, CrPC. There was a delay in filing the police report. Meanwhile, the Magistrate considered the material on record and without waiting for the police report issued the process against the accused on the ground of him being satisfied that *prima facie case* is been made out. The accused approached the High Court contending the issues of process bad in law. Decide the validity of order of Magistrate of issuing process to the accused and can it be quashed on this ground?

UNIT-I

2. Whether it is permissible for the court to award consecutive life sentence based on series of murders in which the convict was tried in a single trial? Discuss the law on this point as has been settled by the Supreme Court by overruling its previous decisions in *Muthuramalingam v. State* (2016) 8 SCC 313. (12.5)

OR

3. Discuss the power of Public Prosecutor or Assistant Public Prosecutor to withdraw from prosecution of any person either generally or in respect of anyone or more of the offences for which he is tried. What were the important tenets of law pertaining to withdrawal from prosecution answered by the Hon'ble Supreme Court in *V.L.S Finance Ltd. v. S.P Gupta* (2016)3 SCC 736? (12.5)

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UNIT-II

4. (a) On what grounds a complaint can be dismissed by the magistrate under S 203, CrPC? What is the legal position of such dismissal acting as a bar on fresh complaint made on the same facts? (6.25)
- (b) How the Supreme Court has interpreted the words "sufficient ground for proceeding" In S 204, CrPC for issuing the process to the accused? On what grounds process issued to the accused can be quashed by the Court? (6.25)

OR

5. Discuss the trajectory of law on anticipatory bail as developed by the Supreme Court by way of issuing guidelines and directives in various landmark decisions ranging from *Gurbaksh Singh Sibbi* v. State of Punjab 1980 to *Siddhram Satlingappa Mehtre* v. State of Maharashtra 2011 to *Sushila Aggarwal* v. State 2020. (12.5)

UNIT-III

6. On 18th February 2022 at about 1.30 a.m., Tara Muni Kumari, aged about 12 years, came out of her house to answer the call of nature. Her neighbour, Tarkeshwar Sahu at that time forcibly took her to his Gumti for committing illicit sexual intercourse with her and asked her to lie down at which the prosecutrix raised an alarm, and immediately thereafter several persons including Ram Charan, the informant and the father of the prosecutrix, Deonandan Sahu the Sarpanch of the village came from the adjoining houses and caught the appellants before he could ravish her. Tarkeshwar Sahu was charged under Section 376 read with 511, IPC only. The offence under the aforesaid charge was not proved and the accused was convicted under S 354 (Outraging the modesty of a woman) and S 366 (Procurator of minor girl for illicit intercourse). The said conviction has been challenged to be set aside in the appellate court on the grounds that the conviction under S 354 and 366 is bad in law because charges were not framed under these provisions. Decide whether the plea of the accused is sustainable. (12.5)

OR

7. Whether the appropriate government is permitted to grant remission under Sections 432/433, CrPC after the parallel power was exercised under Art. 72 by the President or under Art. 161 by the Governor of the State? Whether there can be two appropriate governments under Section 432(7) of the Code? How the expression consultation has been interpreted by the Hon'ble Supreme Court where the power of remission are to be exercised by the State government to which the executive power of the central government also extends? (12.5)

UNIT-IV

8. What do you understand by the Inherent power of the Court as given in the Code of Criminal Procedure? Under what circumstances the High Court can quash or refuse such quashing in exercise of its inherent power under Art. 226 of the Constitution of India/S 482, CrPC? (12.5)

OR

9. The Code of Criminal procedure empowers different courts to transfer the case. Discuss the circumstances in which Supreme Court, High Court and Sessions Court can transfer cases. Elaborate the procedure for the same. (12.5)

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END TERM EXAMINATION

FIFTH SEMESTER [LLB] JANUARY-FEBRUARY 2023

Paper Code: LLB309

Subject: Alternative Dispute Resolution

Time: 3 Hours

Maximum Marks: 75

Note: Attempt five questions in all including Q.No.1 of Part A which is compulsory. Select one question from each unit of Part B.

PART-A

- Q1 Write Short Notes on the Following: (5x5=25)
- Form and content of Arbitral Award
 - Difference between Arbitration and Mediation
 - Lok Adalat
 - Technique of Negotiation
 - Doctrine of Waiver

PART-B

UNIT-I

- Q2 Differentiate between adjudicatory ADR and non-adjudicatory ADR mechanism. List the advantages of various forms of ADR mechanism over litigation. (12.5)
- Q3 Explain the evolution of concept of Legal Aid in India with the help of various committee's report, statutory provisions and case laws. (12.5)

UNIT-II

- Q4 Tanu and Manu married in the year 2016 and after 2 years Tanu filed a case for divorce on the ground of mental cruelty. Manu was not ready to give divorce. The family Court asked the party to go for Mediation. The Mediator "A" in process of mediation has received some documents which may prove the case of Tanu. After mediation failed Tanu applied to court to issue summons to the Mediator "A" to produce the said documents before the court. Can the Court issue summons against mediator or conciliator? Substantiate your answer with reasons, case laws and statutory provisions if any. (12.5)
- Q5 Analyze the evolution of conciliation as a mode of dispute settlement. What is the nature and scope of the Settlement Agreement entered into between the parties to a dispute in conciliation proceeding? (12.5)

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UNIT-III

- Q6 Considering the judicial pronouncements, discuss how do interim measures before the court differ from interim measures ordered by arbitral tribunal? (12.5)
- Q7 Discuss the various grounds for setting aside a domestic arbitral award under the Arbitration and Conciliation Act, 1996. (12.5)

UNIT-IV

- Q8 What is a Foreign Award as per New York Convention on Foreign Awards? Discuss the procedure for enforcement of a foreign arbitral award in India under New York convention. (12.5)
- Q9 What do you mean by concept of public policy in enforcement of arbitral award under international commercial arbitration. Discuss with the help of case laws by Supreme Court of India. (12.5)

arb
- public policy
- patent
Juris
5.11 5.16
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END TERM EXAMINATION

FIFTH SEMESTER [LLB](H) NOVEMBER-DECEMBER 2019

Paper Code: LLB-309

Subject: Alternative Dispute Resolution(ADR)
(Batch 2014 onwards)

Time: 3 Hours

Maximum Marks: 75

Note: Attempt five questions in all including Q.No.1 of Part-A which is compulsory. Select one question from each unit of Part-B.

PART-A

Q1 Write Short Notes on the following: (5x5=25)

- (a) Ad hoc and Institutional Arbitration
- (b) Differentiate between Mediation and Conciliation
- (c) Permanent Lok Adalat
- (d) UNCITRAL Model of Arbitration
- (e) Importance of Confidentiality in mediation proceedings

PART-B

UNIT-I

(12.5x4=50)

Q2 Critically examine, in the light of decided cases, the constitutional and other legislative provisions envisaging the right to legal aid.

OR

Q3 Describe (a) the organization of Lok Adalats, (b) cognizance of cases by Lok Adalats under the provisions of the Legal Services Authorities Act, 1987 and (c) legal sanctity of the Award passed by the Lok Adalat.

UNIT-II

Q4 Discuss the process of mediation and its impact on the resolution of disputes (pre or during litigation) and legal sanctity of settlements arrived at between the parties in mediation proceedings.

OR

Q5 What is negotiation and its role in alternative dispute resolution. Discuss the various theories of negotiation.

UNIT-III

Q6 Discuss the procedure for the appointment of arbitrators enshrined in the Arbitration and Conciliation Act, 1996 and the ground on which the arbitrator or his appointment as arbitrator may be challenged under the said Act.

OR

Q7 Explain in detail the recourse against 'arbitral award' available under Arbitration and Conciliation Act, 1996 to any party to the domestic arbitral proceedings. Also discuss about the finality and enforcement of arbitral award under Part I of the said Act.

UNIT-IV

Q8 Elucidate the recognition and enforcement of foreign arbitral award made in terms of the New York Convention and conditions thereto as applicable under Part II of the Arbitration and Conciliation Act, 1996.

OR

Q9 Explain with the help of decided cases the view of Supreme Court on the public policy and enforceability of arbitral award in India passed in International Commercial Arbitration specifically where the seat of arbitration is outside India.



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END TERM EXAMINATION

FIFTH SEMESTER [LLB] NOVEMBER-DECEMBER-2018

Paper Code: LLB-309 Subject: Alternative Dispute Resolution (ADR)

Time: 3 Hours

Maximum Marks: 75

Note: Attempt any five questions including Q.No 1 of Part A which is compulsory. Select one question from each unit of Part B.

PART-A

(5x5=25)

- Q1 Write short notes on the following: -
- (a) Good Offices
 - (b) Interim measures under Sections 9 and 17 of Arbitration and Conciliation Act
 - (c) Lok Adalat under Legal Services Authorities Act
 - (d) Appointment of Arbitration under Section 11.
 - (e) Explain BATNA and WATNA in Negotiation

PART-B

UNIT-I

Q2 What is the meaning of ADR? Explain the amendment in Civil Procedure Code of India and the modes of ADR recognized under it. What interpretation was given by Supreme Court of India to the provision of CPC in the case of Afcon Infrastructure? (12.5)

Q3 "Legal aid is regarded as central in providing access to justice by ensuring equality before the law, the right to counsel and the right to a fair trial". In the light of above explain the concept and development of legal aid in India with the help of statutory provisions and various committees. (12.5)

UNIT-II

Q4 Explain procedure for mediation in details. Also outline common negotiation techniques and bargaining strategies use in mediation. (12.5)

Q5 How effective is mediation and conciliation as the ADR techniques? Explain with reference to the flexibility in dispute resolution procedure available to the conciliator selected, and appointed under Arbitration and Conciliation Act. (12.5)

UNIT-III

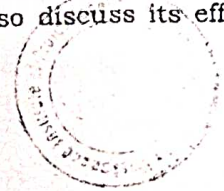
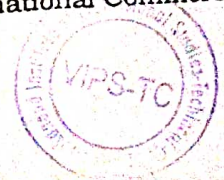
Q6 Define what is meant by a voluntary Arbitration-Agreement under Section 7 of Arbitration and conciliation Act 1996, and its importance before the Appellate Court when there is issue regarding its binding force, and enforceability as effective-redressal for determining disputes. (12.5)

Q8 Discuss the various grounds for setting aside a domestic arbitral award under the Arbitration and Conciliation Act and how it is different from 1940 Act. Also discuss the form and content of arbitral award. (12.5)

UNIT-IV

Q8 Discuss the procedure for enforcement of a foreign arbitral award in India under Geneva Convention? (12.5)

Q9 Discuss in detail the judgments by Supreme Court in relation to Public Policy and enforcement of Arbitral Award in India. Also discuss its effect on India as seat for International Commercial Arbitration. (12.5)



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END TERM EXAMINATION

EIGHTH SEMESTER [LLB] MAY 2017

Paper Code: LLB-402

Subject: Alternative Dispute Resolution

Time : 3 Hours

Maximum Marks : 75

Note: Attempt any five questions including Q no.1 of Part A which is compulsory. Select one question from each unit of Part B.

PART - A

Q1 Write short notes on the following :-

(5x5=25)

- 2015 Amendments to Arbitration Act, 1996.
- Legal Literacy Mission.
- Permanent Lok Adalats
- Interim measure by Court.
- Good Offices

PART - B

UNIT-I

Q2 What is the meaning of 'Alternative Dispute Resolution'? Discuss the power of Court to refer the matter to ADR under Section 89 Civil Procedure Code 1908, in the light of recent judicial decisions.. (12.5)

Q3 Explain the evolution of legal aid in India. Discuss the role and efficiency of National Legal services Authority in providing legal aid. (12.5)

UNIT-II

Q4 Explain procedure for mediation in detail and also discuss different stages of Negotiation. (12.5)

Q5 What is conciliation? Discuss all the important provisions of conciliation briefly as given in the Arbitration and Conciliation Act, 1996. (12.5)

UNIT-III

Q6 'A' and 'B' entered into a contract for supply of electricity. In their contract they were having a 'arbitration clause'. Later on it was discovered by 'B' that as per the State laws 'A' is not entitled to supply electricity as he mentioned in the contract. 'B' approached the civil court for proper remedy and 'A' filed an application under section 8 of the Arbitration Act. Decide. (12.5)

Q7 What are the instances under which the Court can interfere in the Arbitration Proceedings. Explain with the help of relevant provisions and case laws. (12.5)

UNIT-IV

Q8 Discuss the procedure for enforcement of a foreign arbitral award in India. Is there any distinction between the award passed under New York Convention and under Geneva Convention? (12.5)

Q9 Discuss in detail the different issues involved in 'International Commercial Arbitration' with the help of judgement by Supreme Court of India. (12.5)

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END TERM EXAMINATION

FIFTH SEMESTER [LLB] NOVEMBER - DECEMBER 2017

Paper Code: LLB-309

Subject: Alternative Dispute Resolution (ADR)

Time: 3 Hours

Maximum Marks: 75

Note: Attempt any five questions including Q no.1 of part A which is compulsory. Select one question from each unit of Part B.

PART-A

Q1 Write short notes on the following:-

(5x5=25)

- Meaning and concept of ADR.
- What are the stages of emergence of a dispute?
- How are conflicts generally dealt with by common people in India?
- Why do people like to settle disputes outside the Court?
- Law related to ADR in India.

PART-B UNIT-I

Q2 Give an account of development of ADR in India since 1996. (12.5)

Q3 Does Legal Aid include ADR? Explain with the help of the provisions of Legal Services Authorities Act, 1987. (12.5)

UNIT-II

Q4 Explain the theories, development and types of Negotiation. Give illustrations of types of Negotiations. (12.5)

Q5 'Mediation is an effective mode of settlement of disputes especially for the resolution of matrimonial conflicts'. Explain. (12.5)

UNIT-III

Q6 Explain the composition, jurisdiction and competence of an Arbitral Tribunal as per Indian Legal Framework. (12.5)

Q7 What are the essentials of an Arbitration Agreement? What care must be taken while drafting an arbitration agreement? (12.5)

UNIT-IV

Q8 What are distinctive features of the International Commercial Arbitration? Give a concise account of the principles enshrined in the relevant international instruments. (12.5)

Q9 Write a critical note on the judicial approach in Indian towards enforcement of foreign awards with the help of case law. (12.5)

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END TERM EXAMINATION

FIFTH SEMESTER [LLB] DECEMBER 2016

Paper Code: LLB-309

Subject: Alternative Dispute Resolution (ADR)

Time: 3 Hours

Maximum Marks: 75

Note: Attempt any five questions including Q no.1 of part A which is compulsory. Select one question from each unit of part B.

Q1 Write short notes on the following:-

(5x5= 25)

- (a) Good Offices
- (b) Forms of ADR
- (c) Differentiate between Arbitration and Mediation
- (d) Ground to challenge Arbitral Award
- (e) Doctrine of Competence- Competence

PART-B

UNIT-I

Q2 What is meaning of legal aid? Discuss its growth in India with the help of various committee and salient features incorporated under Legal Service Authorities. (12.5)

Q3 With the help of relevant provisions discuss the working of Lok Adalat system in India. Suggest measures to make Lok Adalat as an effective instrument for Legal adjudication? Cite case law. (12.5)

UNIT-II

Q4 What is the meaning of negotiation? Discuss various theories of Negotiation and its role in ADR. (12.5)

Q5 Discuss the meaning and procedure for mediation. Substantiate your answer with statutory provisions and judicial interpretation? (12.5)

UNIT-III

Q6 What is the meaning of Conciliation? Discuss its relevant provision? How it is different from other modes of ADR? (12.5)

Q7 Discuss the essential ingredients of Arbitration Agreement? Discuss with the help of relevant case laws. (12.5)

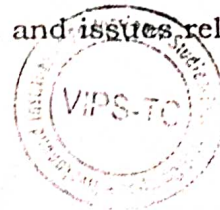
UNIT-IV

Q8 What is the meaning of International Commercial Arbitration? Discuss its recent situation in the light of BALCO case. (12.5)

Q9 Discuss the provisions of Geneva Convention and issues related to Public policy with the help of case laws. (12.5)



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END TERM EXAMINATION

EIGHTH SEMESTER [LLB] MAY-JUNE 2013

Paper Code: LLB 402

Subject: Alternative Dispute Resolution

Time : 3 Hours

Maximum Marks : 75

Note: Part A is compulsory. Attempt four questions from Part B. Internal choice is indicated.

PART-A

(5x5= 25 marks)

- Q1. a) Differentiate arbitration from litigation, conciliation and mediation
- b) Section 8 of the Arbitration and Conciliation Act, 1996, is peremptory in nature. Comment with relevant case laws.
- c) Legal literacy Mission
- d) Indicate whether the following statements are true or false. Give brief reasons for your answer.
- i) The arbitral tribunal can decide *ex aequo et bono* in its own discretion.
- ii) One can appoint any number of arbitrators, odd or even under the law.
- e) Termination of conciliation proceedings

PART-B

(12.5x4= 50 marks)

- Q2. Discuss the evolution of the ADR movement in India
OR
Critically analyse the organisation, powers and functions of the Lok Adalat under the Legal Services Authorities Act, 1987. Do you think that Lok Adalat is functioning effectively in India
- Q3. Mediation is one of the effective ADR mechanisms in India. Comment in view of the mediation rules framed by the various High Courts in India. Which are the cases suitable for mediation as per the *Afcon Infrastructure Ltd. v. Cherian Varkey Constructions Co (P) Ltd.*, (2010) 8 SCC 24.
OR
Discuss the different strategies in a negotiation. What are the impediments in a negotiation process?
- Q4. Discuss the *competenz-competenz principle* under section 16 of the Arbitration and Conciliation Act, 1996. Does the principle, so incorporated, has any relevance where recourse to either section 8 or section 11(6) is already taken by a party.
OR
Scope of judicial intervention is mentioned in section 5 of the Arbitration and Conciliation Act, 1996. Do you think that the judicial intervention is excessive? In the light of the relevant provisions of the Arbitration and Conciliation Act, 1996, substantiate your answer with relevant case laws.
- Q5. The controversy regarding the application of Part I of the Arbitration and Conciliation Act, 1996, has been finally settled by the Supreme Court recently. Critically analyse the judgement. Do you think that the judgement will affect International Commercial Arbitration adversely?
OR
Define a foreign award. What are the conditions for the enforcement of foreign awards? Discuss the scope and dimensions of the public policy exception in the enforcement of foreign awards in India in view of the various judgements of the Supreme Court.

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END TERM EXAMINATION

EIGHTH SEMESTER [LLB] MAY-JUNE 2012

Paper Code: LLB402

Subject: Alternate Dispute Resolution

Time : 3 Hours

Maximum Marks :75

Note: Attempt all five questions including Q.no.1 which is compulsory. Internal choice is indicated.

Part A

(3x5 = 15)

Q.1. Write short notes on the following:

- Legal Aid as a fundamental right
- Permanent Lok Adalat
- New York Convention, 1958
- Distinguish between Negotiation and Mediation
- Ad hoc vis-à-vis Institutional Arbitration

Part B

(12.5x4 = 50)

Q.2. Examine the conceptual differences amongst various forms of ADR practices in India.

OR

Critically analyze the constitutional and legislative provisions in India envisaging the right to legal aid

Q.3. Evaluate the law and procedure relating to the appointment of arbitrators under the Arbitration and Conciliation Act, 1996 with the help of judicial decisions.

OR

Examine in detail, the issues of competence and jurisdiction of an arbitrator to hear disputes under the Arbitration and Conciliation Act, 1996.

Q.4. Elucidate the process of Mediation. How far mediation has been successful as an ADR technique in India particularly after the reintroduction of section 89 CPC.

OR

Explain the powers and functions of a conciliator under the Arbitration and Conciliation, 1996.

Q.5. Discuss the various grounds for setting aside a domestic arbitral award under the Arbitration and Conciliation Act, 1996.

OR

Critically evaluate the conditions for enforcement and recognition of a foreign award in India in the light of recent judicial developments.