

2023

LAW

Dispute Resolution & Legal Aid

Paper - 705B

[Optional Paper-III]

(NEW SYLLABUS)

Full Marks : 80

Time : 3 Hours

The figures in the right-hand margin indicate marks.

Candidates are required to give answers in their own words as far as practicable.

Answer **question no. 1** and any **five** from the rest.

1. Answer any **ten** questions: $2 \times 10 = 20$

- a) What is international commercial arbitration?
- b) What is foreign award?
- c) Who is entitled to get free legal aid as per the Legal Services Authority Act?
- d) Discuss common negotiation strategies.
- e) Discuss ethical standard of conciliator.
- f) What is legal aid camp?
- g) What do you mean by UNCITRAL?
- h) Discuss importance of silence and apology in mediation.

[Turn over]

- i) ADR in family dispute.
 - j) What is *lex arbitri*?
 - k) What is Arbitrability?
 - l) What is Conciliation?
2. Discuss the historical development of 'Alternative Dispute Resolution' in India with special reference to role of Lok Adalats. 12
3. What is free legal aid? Write a note on right based approach to free legal aid with reference to appropriate provisions of Indian Constitution and relevant case laws. 2+10=12
4. Write short notes on (any two): 6×2=12
- a) Lok Adalat;
 - b) Nyaya Panchayat;
 - c) Free Legal Aid Clinic;
 - d) Legal Services.
5. Discuss the relevant provisions of Legal services Authority Act, 1987 in assuring Legal Aid. 12
6. Define the term mediation. Distinguish mediation with adjudication. Write down the important techniques of mediation. 3+3+6=12

7. What is arbitration? Write down the essential virtues of arbitration. When a court can interfere in an arbitration proceeding? $3+6+3=12$
8. 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? $6+6=12$
9. Is ADR allowed in the criminal justice administration system in India? If yes, then explain the mode. $5+7=12$.
-