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IV Semester 3 Year LL.B./VIII Semester 5 Year B.A. LL.B./B.B.A. LL.B.
Examination, December 2016
CLINICAL COURSE – II
Alternate Disputes Resolution Systems

Duration : 2 Hours

Max. Marks : 60

Instructions:

1. Answer Q. No. 9 and any five of the remaining.
2. Q. No. 9 carries 15 marks and the remaining questions carry 9 marks each.
3. Answers should be written either in English or Kannada completely.

మూడసంగళు:

1. ప్రత్యేకి 9 ను ఉత్తరిసి కాగు ఉండ యావుదాదరూ 5 ప్రత్యేకిగే ఉత్తరిసి.
2. ప్రత్యేకి 9క్కే 15 అంకాలు. ఉండ ప్రతి ప్రత్యేకిగే 9 అంకాలు.
3. ఉత్తరవన్ను సంపూర్ణవాగి ఇంగ్లీష్ అథవా కన్నడదల్లే బరెయబేచు.

Marks : $9 \times 5 = 45$

Q. No. 1. What is arbitration award ? Narrate the essentials of an arbitration award.

ఐప్రెస్ ఎందరేను ? అదధ అవ్యాకాంతగళన్న వివరిసి.

Q. No. 2. Explain briefly conciliation under Arbitration and Conciliation Act.

మధ్యస్థగారికే మత్తు సంధాన ఆధినియమదియల్లి సంధానగారికేయన్న సంక్షిప్తవాగి వివరిసిరి.

Q. No. 3. Explain the phases of negotiation.

అనుసంధానద హంతగళన్న వివరిసి.

Q. No. 4. What are the models of mediation ?

సంధానద వివిధ నమూనెగళన్న వివరిసి.

Q. No. 5. What is arbitration clause ? Explain how it differs from arbitration agreement.

మధ్యస్థగారికే ఉపవాక్య ఎందరేను ? అదు మధ్యస్థగారికే ఒప్పందక్షియ హేగే చేరెయాగిదే ?

Q. No. 6. Explain the features of Arbitration and Conciliation Act.

మధ్యస్థగారికే మత్తు సంధాన ఆధినియమద గుణలక్ష్ణాగళన్న వివరిసి.



Q. No. 7. Who is a negotiator ? Explain the powers and qualities of a negotiator.

ಅನುಸಂಧಾನಕಾರನೆಂದರೆ ಯಾರು ? ಆತನ ಅಧಿಕಾರ ಮತ್ತು ಗುಣಗಳನ್ನು ವಿವರಿಸಿ.

Q. No. 8. Elucidate the factors responsible for the delay in the administration of justice and the efforts to reform it.

ನಾಯ ಪರಿಪಾಲನೆಯಲ್ಲಿ ಉಂಟಾಗುವ ವಿಳಂಬದ ಕಾರಣಗಳನ್ನು ಗುರುತಿಸಿ ಮತ್ತು ಅವುಗಳ ಸರಿಪಡಿಸುವಿಕೆಗೆ ಉಂಟಾದ ಸುಧಾರಣೆ ಕ್ರಮಗಳನ್ನು ವಿವರಿಸಿ.

Q. No. 9. Solve **any two** of the following problems :

Marks : $7\frac{1}{2} \times 2 = 15$

ಕೆಳಕಂಡವುಗಳಲ್ಲಿನ ಎರಡು ಸಮಸ್ಯೆಗಳನ್ನು ಬಗೆಹರಿಸಿ :

a) In a dispute between Mr. A and B, 'C' will be appointed to act as the arbitrator. Mr. C examined several witnesses and documents and before giving the award declares that he withdraws his consent to be the arbitrator. Whether C 's act is valid ?

ಎ ಮತ್ತು ಬಿಯವರ ನಡುವಿನ ವಿವಾದದಲ್ಲಿ ಸಿಯು ಮಧ್ಯಸ್ಥಗಾರನಾಗಲು ಒಪ್ಪುತ್ತಾನೆ. ಎಲ್ಲಾ ಸಾಕ್ಷಿಗಳನ್ನು ದಸ್ತಾವೇಚುಗಳನ್ನು ಪರೀಕ್ಷಿಸಿದ ನಂತರ ಐರ್ಪತ್ರನ್ನು ನೀಡುವ ಮೊದಲು ತನ್ನ ಮಧ್ಯಸ್ಥಗಾರನಾಗಿರುವ ಒಟ್ಟೆಗೆಯನ್ನು ಹಿಂದೆ ಪಡೆಯುತ್ತಾನೆ. ಇಲ್ಲಿ ಸಿಯ ನಡತೆಯು ಕ್ರಮಬದ್ಧವೇ ?

b) Mr. Arun catches a thief who is found to have stolen gold from his jewellery shop. He decides to handover the thief to Mr. Varun who acts as an arbitrator. Can Varun decide this case ?

ತನ್ನ ತಭ್ಯರಣದ ಅಂಗಡಿಯಲ್ಲಿ ಚನ್ನ ಕೆದಿಯುತ್ತಿದ್ದ ಕೆಳೆನನ್ನು ಆರು ಹಿಡಿಯುತ್ತಾನೆ. ಆತನನ್ನು ಮಧ್ಯಸ್ಥಗಾರನಾಗಿರುವ ವರುಣಾಗೆ ಒಟ್ಟಿಸಿ, ಆತನ ಬಗೆಗೆ ನಿರ್ಧರಿಸುವಂತೆ ಕೇಳಿಕೊಳ್ಳುತ್ತಾನೆ. ವರುಣನು ಈ ದಾವೆಯನ್ನು ನಿರ್ಣಯಿಸಬಹುದೇ ?

c) As there is a dispute between A and B, they decide to approach C as the arbitrator. When the arbitration proceedings are going on, both A and B come to a settlement. What is the position of C now ? Decide.

ತಮ್ಮಲ್ಲಿರುವ ವಿವಾದವನ್ನು ಪರಿಹರಿಸಲು 'ಎ' ಮತ್ತು 'ಬೆ'ಯು 'ಸಿ'ಯನ್ನು ಮಧ್ಯಸ್ಥಗಾರನನ್ನಾಗಿ ಗೊತ್ತುಮಾಡುತ್ತಾರೆ. ಮಧ್ಯಸ್ಥಗಾರಿಕೆಯ ಪ್ರಶ್ನೆಯೇ ನಡೆಯುತ್ತಿರುವಾಗಲೇ, ಅವರಿಬ್ಬರೂ ತಮ್ಮ ವಿವಾದದಲ್ಲಿ ರಾಜೀಯಾಗುತ್ತಾರೆ. ಈಗ ಮಧ್ಯಸ್ಥಗಾರ 'ಸಿ'ಯ ಪಾತ್ರವೇನು ? ನಿರ್ಣಯಿಸಿ.