

2019

भाषा

LANGUAGE

निर्धारित समय : तीन घण्टे]

[पूर्णांक : 100

Time allowed : Three Hours]

[Maximum Marks : 100

- नोट : (i) अभ्यर्थी सभी तीन प्रश्नों के उत्तर दें ।
(ii) प्रत्येक प्रश्न के अंक उसके सामने अंकित हैं ।
(iii) एक प्रश्न के सभी भागों का उत्तर अनिवार्यतः एक साथ दिया जाय ।

- Notes : (i) Candidates should attempt all the **three** questions.
(ii) Marks carried by each question are indicated at its end.
(iii) The parts of same question must be answered together.

भाग – I / Part – I

1. Translate the following English passage into the ordinary language spoken in courts using Devnagri Script :

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Mahatma Gandhi once said, "I realized that the true function of a lawyer was to unite parties... The lesson was so indelibly burnt into me that a large part of my time during the twenty years of my practice as a lawyer was occupied in bringing about private compromise of hundreds of cases. I lost nothing thereby not even money; certainly not my soul."

Litigation seems to be an indispensable part of the society. Disputes are bound to accrue. As society grows and develops, so do the disputes, as also the tendency of the litigants to enter into multiple rounds of litigation one after the other. Undeniably "Justice can never be luxury for only those who could afford. It cannot be the prerogative of those with money in hand and power in mind". Socio-economic discrepancies can never be allowed to hinder the process of administration of justice.

Since the ends of "Justice" is to give each one his due, delaying or withholding this noble activity will, nevertheless, tend to collapse the faith and confidence reposed by a litigant in the working of the judicial system. A poor litigant may not be well versed with the legal technicalities involved. Order 17 rule 1 though provides for only three adjournments to a party in a suit, yet inevitable, it is to deny that in the interest of justice and fair play the bench never hesitates to grant adjournment, when the same is prayed for unless it is imminently necessary to decline the same.

Prolonged rather endless litigation causes mental agony and a sense of dissatisfaction in respect of the way in which disputes are traditionally resolved resulting in criticism of the Courts, the legal profession and sometimes, leads to a sense of alienation from the whole legal system. It is in this backdrop that the need for not just an alternative to litigation involving adjudication was felt, but an effective and efficacious alternative means of dispute resolution incorporated in the process of administration of an end to the litigation and affording a concrete and amicably agreeable solution to the dispute in question.

What emerges from the aforesaid discussion is that in order to make our social life peaceful, dispute resolution is an indispensable process. This dispute resolution aids to resolve conflicts, so as to enable groups and persons to maintain co-operation. It is sine quo non for maintenance of social life and security of social order so that it does not become difficult for the individuals to carry on their life together. The term 'Alternative Dispute Resolution' is used to describe several modes of resolving legal disputes. But such resolution has become impracticable for many individuals including both business world as well as common men as experienced by them to file suits and get timely justice. For the parties to be heard and decided it takes years, so in order to solve this issue of delayed justice, ADR Mechanism has been displayed in response thereof.

Both nationally and internationally, the method of Alternative Dispute Resolution is being increasingly acknowledged in field of law and commercial sectors. These methods help the parties in order to resolve the disputes at their own terms, that too cheaply and as expeditiously as possible. In almost all contentious matters, which are capable of being resolved under law by way of agreement between parties, ADR can be used. In several categories of disputes, especially civil, commercial, industrial and family disputes, ADR techniques are used. The Preamble of the Indian Constitution enshrines the goal of ADR, which enjoins the State to secure to all the citizens of India, justice social, economical, political- liberty, equality and fraternity.

