

**DIRECTORATE OF DISTANCE EDUCATION
NALSAR UNIVERSITY OF LAW, HYDERABAD**

Post-Graduate Diploma in Family Dispute Resolution (Batch 2020 – 2021)

Take Home – Annual Examination (June, 2021)

**Paper III – 1.3. Family Disputes and Alternative Dispute
Resolution Mechanism**

TOTAL MARKS: 100

INSTRUCTIONS TO CANDIDATES

- a) Read the instructions for Take Home Examination carefully and adhere to the same.
 - b) *Please mention your name, ID No., subject name and total number of pages on the Answer Sheet.*
 - c) *Clearly indicate the question numbers while answering them.*
 - d) *Answer all the four questions and each question carries 25 marks.*
 - e) *The approximate word limit for a 25 marks question is 800-1000, for a 15 marks question, 600-700, for a 10 marks question, 400-500 and for a 5 marks question 200-250*
 - f) *All the candidates are required to submit only word / Pdf files containing the typed answers.*
 - g) *All papers will be uploaded on Turn-it-in for plagiarism check. Any paper with more than 15% similarity will be considered to be plagiarized and shall not be evaluated.*
 - h) *Since this is a take home exam, we expect your answers to be analytical rather than straight answers.*
 - i) **Copying from any source including from other students is strictly prohibited. Plagiarism is considered as a serious academic mis-conduct and the University will take action as it deems fit.**
-

1. It is necessary to study the causative factors of matrimonial disputes for better understanding of family disputes. In matrimonial disputes, generally it can be observed that the spouses do not fight over any specific issue, but they just do not seem to love each other. In spite of best efforts from both sides, they feel they are not able to rekindle the feelings of love they used to have for each other. Your Professor explained a variety of causative factors in simulation exercises in an illustrative and parable form. Explain those causative factors and root causes that destruct the compatibility of the wife and husband in the institution of family.

2. In the JDR (Judicial Dispute Resolution) mechanism one party approaches the court either personally or through his representative claiming any legal right or privilege, and the other party files his reply/written-statement to deny such claims. The Judge who is a neutral third party, presides over the proceedings of the court, permits both the parties to present evidences in support of their claims and hears arguments of both the sides and finally delivers his judgment, which is binding on both the parties. The JDR mechanism follows the principles of rule of law, procedure of natural justice, and is an authoritative institution which enjoys the public confidence. The same mechanism is also followed in Family Dispute Resolution. There are some advantages and disadvantages in JDR—Examine.

3. The ADR methods such as the arbitration, mediation, conciliation and negotiation has received wide popularity among the people, law makers, members of judiciary and also the members of bar due to the inexpensive and speedy remedy provided by such methods. The ADR methods in India had received legal recognition from the Parliament. The principal legislation dealing with the arbitration and conciliation is the Arbitration and Conciliation Act of 1996. However, there are other legislations which take into purview the ADR methods and provide for venue for resorting to ADR methods in the course of administration of justice. Discuss the Statutory position of ADR in India.
4. Ms. Roma is a student of architecture studying in a reputed National Institute. She was a very successful student and was most sought after intern to the internship providers and placement agencies. During her final year of college, she had the opportunity to do her internship with the world wide reputed ABC Company. As a part of internship she had to join the company at Bangalore and she stayed at Bangalore for a period of four months.

During her internship she came into contact with one Mr. Harish, a software developer, who was working in the same company. Mr. Harish had the opportunity to interact with Ms. Roma frequently and they gradually became good friends. Later on Ms. Roma returned to Hyderabad, completed her graduation in architecture and got a job with the top architecture firm with handsome salary package. Meanwhile, her friendship with Mr. Harish had blossomed into love and they tried to convince their parents about their relationship.

Before the marriage, the parents of Mr. Harish had visited the residence of Ms. Roma and had solemnized the alliance between both the families. However, there was one problem i.e., since the paternal house of Mr. Harish was at Bangalore it was requested that Ms. Roma relocate herself to Bangalore after her marriage to which she agreed. In accordance with the Hindu customs and rites both the parties got married at Hyderabad on 14.02.2020.

As part of the agreement, Ms. Roma prepared herself to relocate to Bangalore. When Ms. Roma went to Bangalore she stayed at her in laws house and immediately she found herself a job at an MNC. With the passage of time she found out that her in laws house is a rented accommodation and that they have their own house in rural Karnataka. Further she found out that after solemnization of alliance with her family her husband was laid over by the company and that, in fact, he is currently unemployed. But the said facts were never revealed to Ms. Roma. Her husband and her in laws are extremely cordial with her and in fact they never bothered her nor interfered with her nature of job or any matter.

On the eve of New Year 2021, Ms. Roma went to the party with her friends. In the said party she took her unemployed husband with herself and during interaction with her friends, who were also accompanied by their husbands. It was revealed that Mr. Harish is the only one who is currently unemployed. Ms. Roma felt embarrassed by the fact that her husband is unemployed left the party early with her husband. After a week, she tried to contact her employer and sought an employment opening for her husband. This fact later came to the knowledge of Mr. Harish, who was a very sensitive and prideful person. He confronted his wife and told her that he does not require any person's recommendation to find a job. This small confrontation led to frequent quarrels between them. The parents of Mr. Harish often tried to intervene and pacify the couple but of no avail.

Ms. Roma returned to her maternal house on March 2021 and after staying there for one week when she came to know that she has conceived and that she is two months pregnant. She is now fed up with the attitude of her husband and in laws and she wanted to move in her career and life. Meanwhile she filed a petition for divorce on the ground of cruelty by her husband and in laws at Family Court Hyderabad. Further, it also came to the light that she is going to terminate her pregnancy at the earliest possible convenience to avoid any further health complication.

This matter is referred to you for Mediation. Submit the Mediation report to the Family Court, Hyderabad.