

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

Advanced Diploma in Family Dispute Resolution

P.G. Diploma in Family Dispute Resolution

Academic Year: 2022-2023

Annual Examination (June 2023)

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

Duration of the Examination : 3 hours

TOTAL MARKS: 100

INSTRUCTIONS TO CANDIDATES

- a) Read the instructions carefully and adhere to the same.
 - b) Please mention your DDE ID No., date of the exam, name of the program & subject on the Answer Sheet and the Additional Answer Sheets, if any.
 - c) The questions are to be interpreted as given and no clarification can be sought from the Invigilator.
 - d) Clearly indicate the question numbers while answering them. Answers without question numbers / wrong question numbers will not be evaluated.
 - e) Write the answers clearly and neatly. Answers in illegible handwriting will not be taken into consideration.
 - f) Candidates are prohibited to carry phones or any other electronic devices, books, material, etc. in the Examination Hall.
 - g) Copying is strictly prohibited and is considered a serious academic misconduct and the University will take action as it deems fit.
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Answer all four questions and each question carries 25 marks.

Q1: 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. Despite the best efforts from both sides, they feel that they are not able to rekindle the feelings of love they used to have for each other. This is only one example and the reasons are numerous. Identify the causative factors as an experienced Conciliator, Mediator, and Judge of the Family court. **(25 marks)**

Q2: The mediator plays a vital role in resolving disputes, particularly in family matters. The Law prescribes certain qualifications and disqualifications to the mediator to handle the disputes. An insolvent, convict, legal practitioner, unsoundness of person, etc are prohibited to deal with mediation issues. The Law and the reason are expecting certain special qualities from a mediator. Enumerate and explain the general qualifications of a mediator, particularly in dealing with sensitive matters and emotional issues of family disputes. **(25 marks)**

Q3: The Family Courts Act 1984 has a wonderful legal framework for the functioning of the Family courts in India. The very objectives of the Family Courts are to maintain a congenial, comfortable, and healthy environment in dealing with family disputes and differences since the issues are emotional, conjugal, and marital relationships involved. Write an essay on the functions of Family Courts in the application of ADR methods in the settlement of family disputes. **(25 marks)**

Q4: One Mr. John, who currently serving the government as the Executive Engineer in the irrigation department is married to one Ms. Esther Shanti in the year 2015. After their marriage, they were living together in various places since Mr. John's job was of transferrable nature. Even after five years of marriage, Ms. Esther was not able to conceive a child. After this, they sought medical intervention from the reputed infertility clinic. During the course of medical treatment and tests, it was revealed that Ms. Esther was suffering from some congenital medical issue due to which she is sterile and cannot bear a child. They sought expensive medical IVF (In-Vitro Fertilization) in order to conceive a child. The said treatment lasted for nearly two years and in the year 2020, Ms. Esther conceived and became pregnant. Meanwhile, Mr. John who desperately wanted to father a child became highly disinterested in his wife after she has conceived. It happened that the relatives of Mr. John were eyeing his property and they wanted Mr. John to write off his property in their name but in case a child is born to him there is every chance that the child would become the successor to all the properties of Mr. John.

The relatives were successful in systematically brainwashing Mr. John and instigated him to ask his wife for aborting the pregnancy. Ms. Esther was shocked to hear the inhuman proposal of her husband as she is in the advanced stages of pregnancy i.e., 6th Month. She pleaded with her husband to drop the idea since both of them had struggled a lot for conceiving the child but to no avail. Her prayers went to deaf ears of her husband and she left her matrimonial house and started living at her maternal house for the rest of her pregnancy. Even after a daughter was born to her, Mr. John never bothered to visit her and after two weeks of the delivery, she received a court notice stating that Mr. John has filed a petition for divorce on the ground of cruelty.

The matter has been referred to you by the Family Court, Hyderabad on April 2023. Conduct the mediation proceedings and write a mediation report. **(25 marks)**