

COURSE TITLE	ALTERNATIVE DISPUTE RESOLUTION (CLINICAL COURSE III)
COURSE CODE	10FL0704
COURSE CREDITS	4

Objective:

- 1 Acquaint with the concept and meaning of Alternate Dispute Resolution
- 2 Learn the mechanism that is used in Negotiation, Conciliation and Mediation
- 3 Understand the relevancy of Arbitration Laws in India
- 4 Apply the various principles of Alternate dispute Resolution in the current legal scenario

Course Outcomes: After completion of this course, student will be able to:

- 1 On completion of this course, students will be able To be remember and understand the different facets of Alternate Dispute Resolution
- 2 To be able to apply the principles of negotiation, conciliation and mediation in modern day situations
- 3 To be able to analyze the nuances of arbitration law in India
- 4 To evaluate the role of alternate dispute resolution in reducing the burden of courts along with extent to develop a higher thinking order through identifying the emerging trends in the concerned legal framework.

Pre-requisite of course:No Pre-requisite

Teaching and Examination Scheme

Theory Hours	Tutorial Hours	Practical Hours	ESE	IA	CSE	Viva	Term Work
0	4	0	0	30	20	25	25
Contents : Unit	Topics						Contact Hours
Total Hours							

Suggested List of Experiments:

Contents : Unit	Topics	Contact Hours
1	Introduction • Background and Meaning of ADR, • Key Concepts in Dispute Resolution, • Disputes – Kinds of Disputes, • Dispute resolution in Adversarial System, • Dispute Resolution at Grass root Level – Panchayat, Legal aid, • Settlement of Dispute through Lok Adalat and Lok Nyayalayas, • United Nations Commission on International Trade Law, Arbitration and Conciliation, International Commercial Arbitration, • Extent of Judicial Intervention, Arbitration and Expert Determination	15
2	Rules of Interpretation • Meaning of Negotiation, • Characteristics of Negotiation, • Theories of ADR, • Elements of Negotiation, • Skills in Negotiation, • Good Offices	15
3	Internal Aids to Interpretation • Meaning of Mediation and conciliation, • Distinction between Mediation and Conciliation, • Role of Mediator and Conciliator, • Advantages of Mediation and Conciliation, • Confidentiality, resort to judicial proceedings, costs rule making power of High Court and Central Government	15
4	External Aids to Interpretation • Introduction to Arbitration, • Law of Arbitration- Arbitration Agreement, • Arbitral tribunal- Composition, eligibility and qualifications of arbitrators, • Termination or a mandate of arbitral Tribunal's and of arbitrators, appointment of arbitrators and filling up of vacancies, powers and functions of Arbitral, • Making of the Arbitral Award, • Recourse against the Arbitral Award, • Finality and Enforcement of Arbitral Award both domestic and Foreign Awards, • Appeals, • Tribunal's. competence of arbitral Tribunal to rule on its own jurisdiction etc	15
Total Hours		60

Textbook :

- 1 Taxmann, Guide to Arbitration and Conciliation Act 1996, , Taxmann, , Taxmann, , 2019

References:

- 1 Arbitration and Conciliation, 13th Edition , Arbitration and Conciliation, 13th Edition , Basu N.D, , Orient Publishing Company, , 2018

Suggested Theory Distribution:

The suggested theory distribution as per Bloom's taxonomy is as follows. This distribution serves as guidelines for teachers and students to achieve effective teaching-learning process

Distribution of Theory for course delivery

Remember / Knowledge	Understand	Apply	Analyze	Evaluate	Higher order Thinking / Creative
10.00	10.00	30.00	10.00	20.00	20.00

Instructional Method:

- 1 Field Based Learning

Supplementary Resources:

- 1 <https://openknowledge.worldbank.org/handle/10986/18106>
- 2 <https://hbr.org/1994/05/alternative-dispute-resolution-why-it-doesnt-work-and-why-it-does>
- 3 <https://intersentia.com/en/global-perspectives-on-adr.html>
- 4 <https://www.legalserviceindia.com/article/1167-Alternate-Dispute-Resolution.html>