

B.A.LL.B (Hons.) 5 YEARS INTEGRATED COURSE

SEMESTER-IV

Course Code	BAL403
Course Title	Alternate Dispute Resolution
Type of Course	Core
L T P	5 1 0
Credits	6
Course Prerequisites	12 th
Course Objectives (CO)	Delays and arrears in courts have long been causing frustration and hardship to the disputants. Hence, the Alternative Dispute Resolution (ADR) Methods such as Arbitration, Conciliation and Mediation are being actively encouraged by the Governments and the Judiciary to provide a mechanism for speedy justice to the disputants at lower costs. The course on ADR is intended to instill the knowledge and skills essential to sensitize the students to practice various ADR mechanisms. In view of manifold increase in business and commerce, there is a great demand in India for ADR Practitioners.

UNIT-I

Understanding Disputes

Models of Dispute Resolution

Need for Alternative Dispute Resolution

Meaning and Characteristics of Alternative Dispute Resolution

Legislative recognition of Alternate Dispute Resolution

Advantages and Limitations of Alternate Dispute Resolution

ADR Techniques and processes:

Negotiation: Meaning and Scope

Mediation: Meaning, Types of Mediation, Advantages of Mediation, Basic Skills for Mediation, Role of a Mediator, Stages of Mediation Process

Conciliation: Meaning, Scope and Difference between Mediation and Conciliation

Arbitration: Meaning, Scope, Types, Distinction between Arbitration and Conciliation

Unit –II

Other Alternative Dispute Resolution Systems: Gram Nyayalayas; ODR; Lok Adalats; Family Courts; Section 89 and Order X, Rules 1A, 1B and 1C of the Civil Procedure Code.

Unit –III

The Arbitration and Conciliation Act, 1996 — Historical Background and Objectives of the Act

Domestic Arbitration: Definitions: Arbitration, Arbitrator, Arbitration Agreement, Award; International Commercial Arbitration Composition of Arbitral Tribunal; Jurisdiction of Arbitral Tribunal; Conduct of Arbitral Proceedings; Making of Arbitral Award and Termination of Proceedings; Setting aside of Arbitral Award; Finality and Enforcement of Award; Appeals; Arbitration Council of India.

Unit –IV

Enforcement of Certain Foreign Awards: New York Convention Awards; Geneva Convention Awards

Conciliation: Appointment of Conciliators; Procedure of Conciliation; Settlement of disputes through Conciliation; Termination of Conciliation Proceedings

Suggested Readings:

- Bansal A.K., Law of International Commercial Arbitration, Universal Law Publications, Delhi (1999).
- Basu N.D., Law of Arbitration and Conciliation, Universal Law Publications, Delhi (9th ed. 2000)
- Fisher. Roger and Ury. William, Getting to yes: Negotiating an Agreement without Giving In, Penguin Group, UK (3rd ed. 2011).
- Gulati. Ajay & Gulati. Jasmeet, Public Interest Lawyering, Legal Aid & ParaLegal Services, Central Law Agency, Allahabad (2009).
- Johari, Commentary on Arbitration and Conciliation Act 1996, Universal Law Publications, Delhi (1999).
- Kaur. Rajinder, Mediation and Negotiation in Trade and Commercial Conflicts (An Indian Perspective), Thomson Reuters
- Kwatra. G.K., The Arbitration and Conciliation Law of India, Universal Law Publications, Delhi (2000).

- Markanda. P.C, Law Relating to Arbitration and Conciliation, Lexis Nexis Butterworths & Wadhwa, Nagpur (7th ed. 2009).
- Panchu. Sriram, Mediation- Practice and Law, Lexis Nexis, New Delhi (1st ed.2011).
- Rao P.C. & Sheffield. William, Alternative Disputes Resolution-what it is And How it works?Universal Law Publications, Delhi(1997).
- Saraf. B.P. and Jhunjhunuwala. M., Law of Arbitration and Conciliation, Snow white, Mumbai (2000).
- Singh. Avtar, Law of Arbitration and Conciliation, Eastern Book Company, Lucknow (11th ed. 2018).
- Sullar. Harman Shergill, Alternative Dispute Resolution, Shree Ram Law House, (2nd ed. 2017).
- Willieme. Gerald R. (ed.), The New Arbitration and Conciliation Law of India, Indian Council of Arbitration, New Delhi (1998).