B.A.LL.B (Hons.) 5-Year Integrated Course

VIII- Semester

Alternative Dispute Resolution and Legal Aid

Paper 806 (Practical-II)

 **W.e.f 2023-24**

  **Internal Assessment:40 Marks**

 **Theory: 60Marks**

 **Total:100 Marks**

 **Time: 3 hours**

Note:

(a) Nine questions shall be set in all, two questions in each unit I-IV and one compulsory question in unit-V.

(b) The compulsory question in unit-V shall consist of four parts, one from each Unit

 I-IV.

(c) The Candidate shall be required to attempt five questions in all, selecting one question from each Unit I-IV and question no. 9 in Unit- V shall be compulsory.

(d) Each question in Unit I-V shall carry 12 marks.

**Unit - I**

Theory of restorative justice and its application; Meaning and various procedures of Alternate Dispute Resolution (ADR); Advantages of ADR; Arbitration Agreement; Composition of Arbitral Tribunal; Jurisdiction of Arbitral Tribunal; Conduct of Arbitral Proceedings; Making of Arbitral Awards and Termination of Proceedings; Setting Aside an Award; Enforcement of Award; Enforcement of Foreign Awards; International Arbitration; New York Convention Award and Geneva Convention Awards.

# Leading Case: International Airport Authority of India v. K.D. Bali AIR 1988 SC 1099.

## Unit – II

Meaning and concept of Mediation; Traditional mediation practices in India and abroad; Judicial interpretation and relevant case law; Essential elements, process and stages of mediation; Role of the mediator; Effective and ineffective communication techniques; Decision-making techniques; Problem-solving tactics; Code of ethics; Drafting of agreements; Growth of virtual dispute resolution; UNCITRAL Model Law

**Afcons Infrastructure Ltd. & Anr. v. Cherian Varkey Construction Co. (P)Ltd. & Ors. 2010 (8) SCC 24**

**Unit – III**

Conciliation; Appointment of Conciliators; Stages of Conciliation proceedings; Settlement Agreement in Conciliation; Termination of Conciliation Proceedings; Resort to Arbitral or Judicial Proceedings.

 **Leading Case: Haresh Dayaram Thakur v. State of Maharashtra; AIR 2000 SC 2281.**

**Unit - IV**

Lok Adalats-Concept; Meaning and Growth of Lok Adalats; Positions of Lok Adalats under Legal Services Authority Act 1987; Organisation of Lok Adalats; Cognizance of Cases by Lok Adalats; Award of Lok Adalats; Power of Lok Adalats; Analysis of Working of Lok Adalats in India; Legal Aid- Legal Aid under the Constitution of India; Legal Aid Schemes.

**Leading Case:** **Guru Nanak Foundation v. Rattan Singh and Sons; AIR 1981 SC 2075.**

# Suggested Readings

1 Chitkara; M.G. : Lok Adalat and the Poor- A Socio-Constitutional Study.

2. Deshta; Sunil : Lok Adalat in India

3 Kwatra G.K : The New Law of Arbitration & Conciliation

4. NV Paranjape : Arbitration and Alternative Dispute Resolution

5. Rao; P.C : Alternative Dispute Resolution

6. SC Tripathi : Arbitration and Conciliation Act; 1996

7. Tewari; O.P : The Arbitration & Conciliation Act

8. Sriram Panchu : Mediation Practice & Law: The Path to Successful Dispute

 Resolution

9. Mediation and : Mediation Training Manual of IndiaConciliation Project

 Committee, Supreme Court of India)

10. Anuroop Omkar and : The Art of Negotiation and Mediation - A Wishbone Funnybone

 Kritika and a Backbone Krishnamurthy

11. Christopher Moore : The Mediation Process: Practical Strategies for

 Resolving Conflict