

LL.M. 1st SEMESTER
OPTIONAL PAPER
LAW REGULATING ALTERNATE DISPUTE RESOLUTION

FUNDAMENTALS OF ALTERNATE DISPUTE RESOLUTION

Paper: 104-C

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note:

1. There shall be total Five Units in the question paper.
2. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus.
3. There shall be two questions in each Unit i.e. Unit-II to Unit-V.
4. The student is required to attempt four questions by selecting one question from each unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

COURSE OBJECTIVES:

- The Course is designed with the object to understand the basic principles, elements, advantages and disadvantages of Alternate Dispute Resolution mechanism.
- To know the key differences under various Alternate dispute resolution methods viz. arbitration, conciliation, mediation and Lok Adalats.
- To find out the role of Alternate Dispute Resolution in resolving the Family Disputes, Consumer Disputes, Industrial Disputes and Commercial Disputes.

UNIT-I

Introduction of Alternate Dispute Resolution

- Dispute: Meaning and its Kinds, Dispute Resolution system, Theory of restorative justice and its application.
- Alternate Dispute Resolution: Concept, Nature, Scope, Limitations, Necessity, Advantages and Disadvantages of Alternate Dispute Resolution.
- Legislative Recognition of Alternate Dispute Resolution.
- Kinds of Alternate Dispute Resolution: Arbitration, Conciliation, Mediation, Negotiation, Lok Adalat and Other Methods.

UNIT – II

Evolution of Alternate Dispute Resolution

- Evolution of Alternate Dispute Resolution in Ancient, Medieval and Modern India.
- Evolution of Arbitration and Conciliation Law.
- Evolution of Legal Aid.
- Evolution of Mediation Law.

UNIT- III

Modes of Alternate Dispute Resolution

- Arbitration: Concept, Nature, Scope and Kinds of Arbitration, Ad-hoc Arbitration, Mandatory Arbitration, Domestic Arbitration and International Commercial Arbitration, etc.
- Negotiation: Concept, Nature, Scope and Significance of Negotiation, Techniques and Approaches to Negotiation.
- Conciliation: Concept, Nature, Scope and Significance of Conciliation, Modes of Conciliation.
- Mediation : Concept, Nature, Scope and Significance of Mediation, mediation in India, Mediation institutions and their role.

UNIT- IV

Alternate Dispute Resolution and Indian Legal System

- Alternate Dispute Resolution and Indian Legal System.
- Alternate Dispute Resolution under Civil Procedure Code, 1908.
- Role of Alternate Dispute Resolution in Family Disputes.
- Role of Alternate Dispute Resolution in Consumer Disputes.
- Role of Alternate Dispute Resolution in Industrial Disputes.
- Role of Alternate Dispute Resolution in Commercial Disputes.

COURSE OUTCOME:

- To enable the students to evaluate, compare, and assess legal implication of each of the Alternate Dispute Resolution methods.

- The course helps the students to learn the theoretical and practical training in Alternate Dispute Resolution in order to reduce the burden of courtroom litigation and to create awareness about the importance of Alternate Dispute Resolution methods.
- The course will help the students to have an approach in the process of arbitration, conciliation and mediation in the new areas of conflict that demands resolution by alternative methods.

SUGGESTED READINGS:

1. Dr. Avatar Singh :Law of Arbitration and Conciliation including ADR System.
2. Dr.Tripathi, S.C : Alternative Dispute Resolution.
3. S.R. Myneni :Alternative Dispute Resolution.
4. Dr. Anupam Kurlwal : An Introduction to Alternative Dispute Resolution.
5. Paras Diwan : Family Law in Modern India.
6. Mishra, S.N : Labour and Industrial Law of India.
7. Agarwal, V.K : Law of Consumer Protection.