

LL.M. 2ND SEMESTER
OPTIONAL PAPER
LAW REGULATING ALTERNATE DISPUTE RESOLUTION

LAW OF CONCILIATION, MEDIATION AND NEGOTIATION IN INDIA

Paper: 204-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:

- To understand the fundamental principles and essential elements involved in process of conciliation, mediation and negotiation as an alternative means of dispute resolution.
- To prepare the student to become an efficient conciliator, mediator and negotiator by developing the basic skills including communication, analysis and issue identification engage in simple dispute resolution system.

UNIT-I

Introduction to Mediation

- **Mediation:** Meaning and Concept of Mediation, Traditional mediation practices in India, Essential elements Process and Stages of mediation.
- Role of the Mediator, Techniques of Mediation Effective and ineffective communication techniques, Decision-making techniques, Problem-solving tactics.
- Code of ethics, Drafting of agreements, Growth of virtual dispute resolution.

UNIT-II

Law Relating to Mediation

- The Mediation Act, 2023: Nature, Object, Scope, Application.

- Mediation and Mediator, Mediation Agreement and Pre-litigation Mediation, Power of Court to Refer the Parties to Mediation Appointment of Mediator.
- Place of Mediation, Mediation Proceedings, Enforcement of Mediated Self agreement.
- Online Mediation, Mediation Council of India, Mediation Service Provider, Mediation Institutes, Miscellaneous Provisions.

UNIT-III

Law Relating to Conciliation

- Conciliation under the Arbitration and Conciliation Act, 1996: Application and Scope. Commencement of Conciliation Proceedings, Number of Conciliators, Appointment of Conciliator, Submission of statement to the Conciliator, Conciliator not bound by certain enactments.
- Role of conciliator, Administrative Assistance communication between conciliator and parties, Discloser of Information, Cooperation of parties with conciliator, Suggestions by parties for settlement of disputes.
- Settlement Agreement, Status and effect of settlement agreement, Confidentiality, Termination of conciliation proceedings, Cost deposits, Role of conciliator in other proceedings, Admissibility of evidence in other proceedings.

UNIT-IV

Perspectives on Legal Aspects of Negotiation

- Negotiation: Concept, Nature and Essential Ingredients of Negotiation, Need for Negotiation.
- Stage of Negotiation, Source of Negotiation, Approaches to Negotiation.
- Qualities of Negotiation, Obstructions to Negotiation.

COURSE OUTCOME:

- The course helps the students to understand the skills, principles and elements involved in the process of negotiation, mediation and conciliation.

- The course will prepare the students to find out the difference between the conciliation mediation and negotiation.
- The students will be trained to understand legal knowledge over the conciliation and mediation and its applicability.

SUGGESTED READINGS:

1. Dr. Avatar Singh : Law of Arbitration and Conciliation including A.D.R System,.
2. P. C. Markanda : Law relating to Arbitration and Conciliation.
3. Tripathi S.C : Arbitration, Conciliation and ADR.
4. Dr. N.V Paranjape : Law relating to Arbitration & Conciliation in India.
5. SR Myneni : Arbitration, Law relating to Arbitration & Conciliation.
6. Sriram Panchu : Mediation Practices & Law.
7. Madabhushi Sridhar : Alternative Dispute Resolution, Negotiation and mediation.