

Mangikumar
IV BALLB

COURSE PLAN

Subject: Alternative Dispute Resolution Systems

Class : IV BALLB, IV BALLB, & II LLB

Course Objectives:

1. To understand the dynamics of legal disputes
2. To understand the merits and demerits of adversarial method of dispute resolution
3. To understand different alternative methods of dispute resolution
4. To learn the merits and demerits of alternative methods of dispute resolution
5. To analyse the difference between arbitration and adjudication
6. To equip the students with the skills of negotiation, mediation and conciliation
7. To train students in listening, speaking, questioning, summarizing skills
8. To train the students to learn to settle the disputes amicably by creating different options to the parties to the dispute.
9. To Understand theoretical and practical issues surrounding the differing processes of dispute resolution

Unit	Topic	No of Hours	Method of Teaching	Prerequisite- Readings/ Assignments	Supplementary Reading	Unit Outcomes
1	Introduction- Objectives of the Course, Understanding the dimensions of Dispute	2	Lecturing	-	Law Lexicon and Law Dictionaries and Encyclopedia	Understands the dynamics of disputes in day to day lives of the people.
	Adversarial Method of Dispute Resolution – History, Essentials, Merits and Demerits	2	Lecturing + Discussion Method +	Trial Process under CPC and CrPC	Sridhar Madabhushi- “Alternative Dispute Resolution” + P.C.Rao, “Alternative to	Appreciates the merits and demerits of

		PPTs	Litigation in India" in P.C.Rao and William Sheffield, "Alternative Dispute Resolution"	adversarial method of dispute resolution.
Inquisitorial method of Dispute Resolution - History, Essentials, Merits and Demerits	2	Lecturing + Discussion Method + PPTs	French Legal System	Understands the difference between inquisitorial and adversarial method of dispute resolution.
Introduction to Arbitration, Conciliation, Negotiation, Mediation Merits and Demerits ADR Methods. Distinctions between ADR methods.	1	Lecture + PPTs	Dictionary meanings	Realizes the need and importance of ADRs in India. Learns about the suitability of ADR methods to resolve different kind of disputes.
Need for ADRs	2	Lecturing + Discussion Method + PPTs	Sridhar Madabhushi- "Alternative Dispute Resolution"	Learns the ADR process incorporated within the adversarial process under CPC.
Suitability of ADRs to particular types of	2	Lecturing +	Rajjan R.D. - A Primer on Guru Nanak Foundation v. M/s Rattan Singh & sons, AIR 1981 SC 20175 + http://www.monday.com/india/x/28139/international+trade+investment/ADR+An+Idea+the+Time+for+Which+Has+Come Afcons Infrastructure Ltd. v.	Identifies the lacuna that exist in the court

<p>disputes</p>	<p>Civil Procedure Code and ADRs</p>	<p>Discussion Method + PPTs</p>	<p>Alternative Dispute Resolution</p>	<p>Cherian Varkey Construction Co. (P) Ltd., (2010) 8 SCC 24</p>	<p>annexed ADR methods under CPC.</p> <p>Understands the obligation of India under International Law Regime governing ADRs.</p>
<p>International commitments and Domestic needs of India <i>vis-à-vis</i> ADR</p>	<p>1</p>	<p>Lecture + PPTs</p>	<p>Convention on the Execution of Foreign Arbitral Awards, 1927 Geneva, Convention on the Recognition</p>	<p>https://thewire.in/77002/international-arbitration-india/</p>	
	<p>2</p>	<p>Lecturing + Discussion Method + PPTs</p>	<p>CPC along with 1999 and 2002 Amendments to CPC + Salem Advocate Bar Association v UOI, AIR 2003 SC 189 Salem Advocate Bar Association, Tamil Nadu v. UOI AIR 2005 SC 3353, Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd., (2010) 8 SCC 24</p>	<p>Law Commission Of India Report 238 + Justice R. V. Ravendran, "Section 89 CPC: Need for an Urgent Relook", (2007) 4 SCC J23</p>	

				and Enforcement of Foreign Arbitral Awards, New York, 1958, UNCITRAL Model Law on International Commercial Arbitration, 1985, UNCITRAL Conciliation Rules 1980,		
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UNIT II

II	Arbitration: Meaning, Definition and Attributes	1	Lecture + PPTs	Rajan R.D. - A Primer on Alternative Dispute Resolution	Dr. Anupama Kurliwal, "An Introduction to Alternative Dispute Resolution System"	Understands the Arbitration as a method of Dispute resolution.
	General principles of arbitration	1	Lecture + PPTs	Rajan R.D. - A Primer on Alternative Dispute Resolution		Learns the basic principles governing Arbitration.
	Different kinds of arbitration;	2	Lecture + PPTs	Rajan R.D. - A Primer on Alternative Dispute Resolution		Gets acquainted with different kinds of arbitration.
	Principal steps of arbitration under Arbitration and Conciliation Act, 1996.	2	Lecture + PPTs	Arbitration and Conciliation Act, 1996		Understands the process involved in the Arbitration.

Qualities and qualifications of an arbitrator;	1	Lecture + PPTs	Rajan R.D. - A Primer on Alternative Dispute Resolution	Arbitration and Conciliation Act, 1996	Becomes aware about the duties and qualities of Arbitrators.
Arbitration agreement and its drafting	1	Lecture + PPTs + Drafting exercise	Arbitration and Conciliation Act, 1996	<p><i>Konkan Railway Corporation Ltd. and Anr. v. Rami Construction Pvt. Ltd, S.B.P. and Co. v. Patel Engineering Ltd. and Anr,</i></p> <p>Vishal P. Bhatt Appointment of Arbitrator under Sections 11(4), (5) and (6) of the Arbitration and Conciliation Act : A</p> <p>Never-ending Saga of Judicial Interpretation, (2011) PL May S-25</p>	Learns about essentials and importance of arbitration agreement.
Appointment of arbitrator;	2	Lecture + PPTs	Arbitration and Conciliation Act, 1996 with 2016 Amendments	<p><i>Konkan Railway Corporation Ltd. and Anr. v. Rami Construction Pvt. Ltd, S.B.P. and Co. v. Patel Engineering Ltd. and Anr,</i></p> <p>Vishal P. Bhatt Appointment of Arbitrator under Sections 11(4), (5) and (6) of the Arbitration and Conciliation Act : A</p> <p>Never-ending Saga of Judicial Interpretation, (2011) PL May S-25</p>	Understands the different methods of appointment of arbitrators and the role played by the court in appointment of arbitrators.
Arbitral award	1	Lecture + PPTs	Rajan R.D. - A Primer on Alternative	Arbitration and Conciliation Act, 1996 with 2016	Learns about importance and content of Arbitral award, its enforceability and grounds to challenge it in the court of law.
Kinds of Award	1	Lecture + PPTs	Rajan R.D. - A Primer on Alternative	Arbitration and Conciliation Act, 1996 with 2016	Learns about importance and content of Arbitral award, its enforceability and grounds to challenge it in the court of law.

Grounds for challenging Arbitral Award		Dispute Resolution	Amendments	
Presentations on ADR	10	Student Presentations	-	-
UNIT III				
Conciliation: Meaning, Definition and salient features	1	Lecture + PPTs	Sridhar Madabhushhi- "Alternative Dispute Resolution"	Rajan R.D. - A Primer on Alternative Dispute Resolution
Different kinds of conciliation - facilitative, evaluative, court-annexed, voluntary and compulsory	2	Lecture + PPTs	Rajan R.D. - A Primer on Alternative Dispute Resolution	Learns the process and different kinds of conciliation.
Stages of conciliation under Arbitration and Conciliation Act, 1996.	1	Lecture + PPTs	Arbitration and Conciliation Act, 1996	Becomes aware about the qualities and duties of conciliator in the process of conciliation.
Qualities of a conciliator	1	Lecture + PPTs	Arbitration and Conciliation Act, 1996	
Duties of a conciliator	1	Lecture + PPTs	Arbitration and Conciliation Act, 1996	
Role of a conciliator	1	Lecture + PPTs	Arbitration and Conciliation Act, 1996	

	Conciliation under Industrial Disputes Act, 1947	1	Lecture + PPTs	Industrial Disputes Act, 1947	S.N.Mishra "Labour and Industrial Law"	
	Conciliation under Family Courts Act, 1984; Hindu Marriage Act, 1955	1	Lecture + PPTs	Family Courts Act, 1984; Hindu Marriage Act, 1955	Dr. Paras Diwan "Modern Hindu Law"	
	Conciliation Exercises	10	Simulation by students	-	-	
UNIT IV						
	Negotiation: Meaning, Definition and salient features	1	Lecture + PPTs	Sridhar Madabhushi- "Alternative Dispute Resolution"		Understands and appreciates the value of negotiation in settling the disputes amicably.
	Different styles of negotiation Cooperative Competitive	1	Lecture + PPTs	Sridhar Madabhushi- "Alternative Dispute Resolution"		The stages of negotiation are learnt practically through simulation exercise.
	Different approaches to negotiation – Avoidance Accommodative Competitive Compromising Collaborative	1	Lecture + PPTs	Sridhar Madabhushi- "Alternative Dispute Resolution"		Learns different styles of negotiation.
	Phases of negotiation	1	Lecture + PPTs	Sridhar Madabhushi- "Alternative Dispute Resolution"		Becomes aware about the qualities to be possessed by

Qualities of a negotiator	1	Lecture + PPTs	Sridhar Madabhushi- "Alternative Dispute Resolution"		the negotiator.
Power to negotiate	1	Lecture + PPTs	Sridhar Madabhushi- "Alternative Dispute Resolution"	D.K. Sampath, "Mediation"	Learns how to help the parties to dispute to negotiate and empower he powerless.
Negotiation Exercises	10	Simulation by Students	-	-	
UNIT V					
Mediation: Meaning, definition	1	Lecture + PPTs	Sridhar Madabhushi- "Alternative Dispute Resolution" Anil Xavier "Mediation: Its Origin & Growth In India" Hamline Journal Of Public Law & Policy, Vol. 27	Justice R.V. Raveendran, "Mediation — Its Importance and Relevance" The Practical Lawyer - http://www.ebc-india.com/practicallawyer	Understands the value and importance of mediation as a method of dispute resolution. Gets acquainted with the essential feature of mediation process.
Essential characteristics of the mediation process – voluntary, collaborative, controlled, confidential, informal, impartial & neutral, self-	2	Lecture + PPTs	Sridhar Madabhushi- "Alternative Dispute Resolution"	P.M. Bakshi, "The Obligation of Secrecy in Mediation" in P.C.Rao and William Sheffield, "Alternative Dispute Resolution"	Learns various stages involved in the mediation process through simulation exercises.

	responsible;					
	Stages of Mediation					
		1	Lecture + PPTs	Sridhar Madabhushi- "Alternative Dispute Resolution"		Through case studies learns the qualities of mediator.
	Qualities of mediator	2	Lecture + PPTs	Sridhar Madabhushi- "Alternative Dispute Resolution"	Michael Noone- Mediation	Becomes aware about the various roles to be played by the mediator in the mediation process in facilitating the disputants to settle their disputes on their own terms.
	Role of mediator	2	Lecture + PPTs + Case Studies	Sridhar Madabhushi- "Alternative Dispute Resolution"	Dr. Justice Dhananjaya Y. Chandrachud, Mediation – realizing the potential and designing implementation strategies - http://lawcommissionofindia.nic.in/adr_conf/chandrachud3.pdf	Becomes aware about the different models of mediation that are utilized by the mediators in mediation.
	Different models of mediation Therapeutic Facilitative Evaluative Directive	1	Lecture + PPTs	Sridhar Madabhushi- "Alternative Dispute Resolution"		Becomes aware about the code of conduct prescribed to the mediators while conducting mediation.

Code of conduct for mediators.	1	Lecture + PPTs	Sridhar Madabhushi- • "Alternative Dispute Resolution"	Karnataka Civil Procedure Mediation Rules 2005	
Mediation Exercises	10	Simulation by Students	-	-	

No. of Teaching Hrs : 60

No. of Students Presentation : 40/65/80

No. of Library Hrs : 2

No. of Hand-Outs: 4

No. of Assessment Hrs : 30

No. of writing exercises: 4

No. of Hrs. for revision and Question Paper Solving: 0

No. of Case Studies: 4

No. of documentaries to be screened: 2

Service Learning (if any) : 2

Guest Lectures (if any) : 2

Any Links: Nil

Course Outcome:

Industry/Professional Skills: Negotiation, Mediation skills, Listening, questioning, summarizing skills, Skill to create innovative options to settle the dispute amicably, skills to create win-win situation.

Human Values: Truthfulness, Compassion, Peace, Sharing, Compromising, Cooperation, Forgiveness, Honesty, etc.

Course Teacher

Academic Co-ordinator

Internal Quality Assurance Cell
KLE Society's Law College, Bangalore.

Principal

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