

IL – 410: Alternate Dispute Resolution

UNIT-I Introduction

- a. General Introduction
- b. Alternative Disputes Resolution – concept, origin, definition, scope, legislative recognition, Justice Malimath Committee report, Advantages of ADR
- c. International conventions
 - a. New York Convention Award
 - b. Geneva Convention Award
- d. Dispute resolution at grass root level:
 - a. Lok Adalats
 - b. Nyaya Panchyats
 - c. Legal Aid
 - d. Ombudsman
 - i. Lok pal and Lokayukta

UNIT-II Arbitration

- a. Arbitration: Meaning and need of arbitration;
- b. History and development of arbitration
- c. Characteristics of arbitration
- d. Arbitration and Conciliation Act, 1996
 - a. General provisions
 - b. Arbitration agreement
 - c. Appointment and qualifications of an arbitrator
 - d. Arbitral Tribunal – Composition & Jurisdiction
 - e. Conduct of arbitral proceedings
 - f. Arbitral award

UNIT-III Conciliation and Negotiation

- a. Conciliation: Meaning and need of conciliation,
- b. Qualifications and duties of a conciliator
- c. Duties of a conciliator;
- d. Procedure;
- e. Principles of conciliation
- f. Conciliation under statutes Industrial Disputes Act, 1947; Family Courts Act, 1984; Arbitration and Conciliation Act, 1996.
- g. Negotiation:
- h. Meaning;
- i. Different styles of negotiation;
- j. Characteristics of negotiation
- k. Process of Negotiation
- l. Qualities of a negotiator;
- m. Difference between negotiation and conciliation

UNIT-IV Mediation

- a. Mediation: Meaning;
- b. Qualities of mediator;
- c. Role of mediator; d) Mediation Process
- d. Different Types of mediation;
- e. Advantages and disadvantages of Mediation
- f. Difference between – conciliation and mediation, arbitration and mediation
- g. ADR application – Commercial and financial disputes, real estate and land disputes, consumer disputes, accident claims, matrimonial disputes.

Suggested Reading:

- a. Avtar Singh, Law of Arbitration and conciliation and Alternative Dispute Resolution, Eastern Book Company
- b. Dr. S. C. Tripathi, Alternate Dispute System (ADR), Central Law Publication
- c. Dr. S. K. Roychowdhary & H. K. Saharay, Arbitration & Conciliation, Eastern Law House Sukumar Ray, ADR, Eastern Law House
- d. S. K. Chawla, Law of Arbitration & Conciliation including other ADRs, Eastern Law House Madhusudan Saharay, Textbook on Arbitration & Conciliation with Alternative Dispute Resolution, Universal Law Publishing Co., New Delhi
- e. P. K. Basu Majumdar, Law of Arbitration, Universal Law Publishing Co., New Delhi