

PAPER – V
ARBITRATION, CONCILIATION AND ALTERNATE DISPUTE RESOLUTION
(Practical Training)
(Paper Code : K-407)

The Course will be taught partly through class room lectures including simulating exercise and partly through extension programme like Lok-Adalat, etc. The Course will be taught in association with **practicing lawyers / retired Judges / retired Law Teachers**. The Class room instructions shall include lessons on the concepts and practice of Arbitration, Conciliation and Alternate Dispute Resolution. Students shall be required to maintain the **Diary of the Sessional Work** for this paper in which they shall **record the written exercises assigned to them** by the subject teacher during the session and their observations about the field work / training work of Lok Adalat etc. organized by the Law Department of the College / University and attended by them. **This Paper will carry Maximum 100 Marks.** The **Sessional Diary** will carry **40 Marks** and will be **evaluated by the Board of Examiners at the time of Semester Practical / Viva-voce examination. Forty (40) Marks** are assigned for the **legal field work** assigned by his / her subject teacher / supervisor carried on by student during the Session. **Such field work will be evaluated by Board of Examiners.** The marks earned by the students for the legal field work during the Session will be conveyed to the Ch. Charan Singh University, Meerut by Board of Examiners to be held at the time of Practical / Viva-voce examination. The **Viva-voce will carry 20 Marks.**

Guidelines : It is advisable that the Law Department of the College / University should organize field work in such a manner that all the students get an opportunity to participate in field work so that each candidate may be able to attend at least two such field assignments.

The course shall comprise the followings :

- (1) **Existing Justice Delivery System in India** - Effectiveness and Menaces.
- (2) Reforms in the Legal System for Achieving Effective and Speedy Resolution of Disputes
- Public Interest Litigation
- (3) **Alternate Dispute Resolution System** - Objectives, Meaning and Advantages.
- (4) **Types of ADR System** - Mini Trial, Mediation – Arbitration, Neutral Fact Finding Expert, Early Neutral Evaluation, Court-annexed Arbitration, Mediation and Hybrid Process, Judicial Settlement Conferences etc., Multi-Door Court House.
- (5) Other Amicable Settlement Process - LOK ADALAT
- (6) Arbitration Agreement, International Commercial Arbitration, Composition and Jurisdiction of Arbitral Tribunals.
- (7) Conduct of Arbitral Proceedings and its Termination and Making of Arbitral Award
- (8) **Finality and Enforcement of Arbitral Award** - Recourse Against Arbitral Award, Enforcement of Foreign awards (New York Convention Awards and Geneva Convention Awards).
- (9) **Conciliation** - Commencement of Proceedings, Appointment and Role of Conciliators, Submission of Statement to Conciliators, Settlement Agreement, Termination, Cost and Deposits of Proceedings, Protection for Conciliation Proceedings.
- (10) **Mediation** - Meaning, Advantages, Techniques, Common Errors of Mediation Advocacy.

BOOKS RECOMMENDED

Rao P.C., *Alternative Dispute Resolution*.
Basu N.D., *Law of Arbitration and Conciliation*.
Kwatra G.K., *The Arbitration and Conciliation Law of India*.
Bansal A.K., *Law of International Commercial Arbitration*.
Saraf B.P. & Jhunjhunwala M., *Arbitration and Conciliation*.
Malhotra O.P., *The Law and Practice of Arbitration and Conciliation*
Shaffer Thomas L., *Legal Interviewing and Counseling in Nutshell*.
Binder David A. & Bergman Paul et al, *Lawyers as Counselors*.

Law Commission of India Report :

Law Commission of India Report on Grama Nyayalayas
Law Commission of India Report on Urban Litigation- Mediation