



**NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM**

**PROGRAMME: B.A.,LL.B.(HONS.)FYIC**

**DETAILS OF COURSE OFFERED**

**ODD SEMESTER (IX) – ACADEMIC YEAR .....**

<b>SL. NO</b>	<b>COURSE CODE</b>	<b>COURSE TITLE</b>	<b>L</b>	<b>T/P</b>	<b>CR</b>	<b>CH</b>
<b>1</b>	<b>901</b>	<b>ALTERNATIVE DISPUTE RESOLUTION SYSTEM</b>	<b>4 PER WEEK</b>	<b>1 PER WEEK</b>	<b>4</b>	

- A. CODE AND TITLE OF THE COURSE: 901, ALTERNATIVE DISPUTE  
RESOLUTION SYSTEM**
- B. COURSE CREDIT: 4 (TOTAL MARKS 200)**
- C. MEDIUM OF INSTRUCTION: ENGLISH**
- D. COURSE COMPILED BY: ANKUR MADHIA**
- E. COURSE INSTRUCTOR: ANKUR MADHIA**

## **1. COURSE OBJECTIVES:**

Civil Justice System is the substantive law machinery and procedures for vindicating and defending civil claims. Civil justice system machinery provides – Social Stability and Economic Growth by Resolving Civil Disputes, Enforcement of legal rights and by Protecting private and personal rights. Civil courts help in maintaining orderly society where there are rights and protections. Civil courts deliver civil justice which is a public good but a Fundamental Challenge of Civil courts is how to provide a Modern Justice Delivery System and an Efficient Justice Delivery System which delivers Just outcomes by means of procedures which are perceived by litigants & other courts as fair and enjoys public confidence.

Alternative dispute resolution is one such method which increases the justice delivery mechanism in civil courts as its primary role is to reduce arrears and promotion of fast and affordable settlement of disputes.

The Primary objective of the course is to explain the need of Alternative Dispute Resolution methods for delivery of Justice in Civil Justice System of India and to develop skills in students required for effective implementation of various ADR processes.

## **2. TEACHING METHODOLOGY:**

Teaching Methodology will be mainly interactive lectures with illustrations and practical examples. To explain some topic flow diagrams and charts will be displayed for greater understanding and involvement of the students. Students will be encouraged to participate in class by the way of presenting case analysis. In depth discussion of major cases and research papers will be done for better understanding of various alternatives methods and their techniques.

## **3. COURSE OUTCOMES**

- A student will have an integrated understanding of various alternative dispute resolution processes and the specific need that arise in Civil Dispute Resolution System to opt for Alternative Methods of Resolution.
- Students will have an understanding of various Alternative Dispute Resolution Processes like Mediation, Arbitration, Conciliation and Judicial Settlement by the end of the semester.

#### **4. COURSE EVALUATION METHOD:**

The course shall be assessed for 200 marks. The Evaluation scheme would be as follows:

Internal assessment: 70% (140 marks)

External assessment: 30% (60 marks)

Sl. No.	Internal Assessment	
1.	2 Assignments	2 x 20 marks = 40 marks
2.	Seminar/Group Discussion	20 marks
3.	Class Test (Twice in a Semester)	2 x 35 marks = 70 marks
4.	Attendance in Class	10 marks
5.	Semester End Examination	60 marks

#### **5. DETAILED STRUCTURE OF THE COURSE (SPECIFYING COURSE MODULES AND SUB-MODULES)**

##### **MODULE I**

##### **Introduction to Alternative Dispute Resolution System**

ADR and Civil Justice, Civil Justice System and Challenges to Civil Courts, Threats to Civil Justice System, Ways of Improving civil justice system and origin of ADR, What are Alternative ways of resolving disputes, Three alternative disputes resolution processes, Role of Judiciary in promoting ADR

##### **MODULE-II**

##### **Choose Among the Alternative Dispute Resolution Process**

Vanishing Trails, Reason for rise of Alternative Dispute Resolution Mechanism, Choosing from ADR – Counselling and Interviewing the Client, Examining which

ADR process is most fair, Examining the result of ADR process for the impact on client.

### **MODULE-III**

#### **Barriers to the resolution of conflict and need for Mediation**

Why Negotiations Fails, Barriers to the Negotiated Resolution of Conflicts – First Barrier, Second Barrier, Third and Fourth Barrier, Strategic Barriers, Need for Mediation – Need for a Mediator, Mediation as Alternative, Mediation Theory vs Practice – Naming ADR Processes, Identifying Basic Elements, Recognizing Strategies

### **MODULE-IV**

#### **Evolution of Alternative dispute Resolution System in India**

Section 80 & 89 of Code of Civil Procedure, 1908, National Litigation Policy, Court and Case Management, Legal Services Authorities Act, 1987 and ADR, Arbitration (Arbitration and Conciliation Act, 1996), New Delhi International Arbitration centre act,2019.

#### **List of Cases**

- Hindustan Construction Company Ltd. V. UOI 2019
- BCCI v. Kochi Cricket Pvt. Ltd.
- Salem Advocate Bar Association, Tamil Nadu v. Union of India (UOI), AIR 2005 SC 3353
- Afcons Infrastructure Ltd. And Anr. v. Cherian Varkey Construction Co. (P) Ltd. And Ors., (2010) 8 SCC 24
- United India Insurance Co. Ltd. v. Ajay Sinha and Anr., AIR 2008 SC 2398
- Bar Council of India vs. Union of India (UOI), AIR 2012 SC 3246
- Bhatia International v. Bulk Trading S.A. and Anr., AIR 2002 SC 1432
- Bharat Aluminium Company and Ors. Etc vs. Kaiser Aluminium Technical Service, Inc. and Ors. Etc., (2012) 9 SCC 552

### **6. PRESCRIBED READINGS**

- Building a Pedagogy of Problem- Solving: Learning to Choose Among the ADR Processes by Andrea Kupfer Schnieder
- Negotiator's Toolbox by Frederick Taft
- Why Negotiation Fail: An Exploration of Barriers to the Resolution of Conflict by Robert H. Mnookin

- What do we need a Mediator for?: Mediation's Value-Added" for Negotiators by Robert A. Baruch Bush
- Mediation Theory vs. Practice: What are we Really doing? Resolving A professional Conundrum by Susan Oberman
- Report Number 238, Law Commission of India, GOI
- Report Number 246, Law Commission of India, GOI