



Model Institute of Engineering  
& Technology (Autonomous)  
Course Handout

Kot Bhalwal, Jammu

## COURSE HANDOUT

Alternative Dispute Resolution (BBALLB-604)

BBALLB - 6<sup>th</sup> SEMESTER

ACADEMIC YEAR (2024-25)

**Dr. Rohini Sharma**

Assistant Professor

School of Law



School of Law

Model Institute of Engineering & Technology (Autonomous)

Kot Bhalwal, Jammu - 181122

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Dr. Arun K. Gupta Teaching-Learning Centre

Version 1.1



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Course Code	Course Name	Course Type	Cd		L	T	P	Marks		
								Sessional	Final Exam	Total
BBALLB-604	Alternative Dispute Resolution	Clinical	4		4	0	0	50	50	100

### COURSE OUTCOMES

At the end of the course the student will be able to:	
CO1	Discuss the concept of Arbitration and the importance of the Legal Service Authority Act 1987.
CO2	Compare the difference between ADR methods like Negotiation and Mediation and the procedure to be followed.
CO3	Explain the procedure to be followed in the process of Arbitration and Conciliation.
CO4	Analyse the role of the Arbitral Tribunal and to know the provisions regarding the finality of the Awards.
CO5	Demonstrate the concept and importance of International Arbitration and the enforcement of the award.

#### Unit-I: Introduction

- 1.1 Introduction to ADR – History and Development
- 1.2 Understanding Conflict and Disputes
- 1.3 Modes of Dispute Resolution
- 1.4 Importance of ADR
- 1.5 Importance of Negotiation and Communication in ADR system

(8 Hrs)

#### Unit-II: Negotiation and Mediation

- 2.1 Negotiation – Concept and Meaning
- 2.2 Theories, Development and Its Types
- 2.3 Qualities of Negotiator and Process for Negotiation
- 2.4 Mediation – Concept and Meaning, Elements of Mediation, Process/stages of Mediation
- 2.5 Conducting effective mediation (decision making and problem-solving techniques); Role, Qualities and Skills of Mediators, Code of Ethics for Mediators; Difference between Mediation and Conciliation

(10 Hrs)

#### Unit-III: Arbitration and Conciliation

- 3.1 Arbitration Agreement, Essentials, Rule of Severability
- 3.2 Composition of Arbitral Tribunal, Extent of Judicial Intervention, Interim Measures, Power of Court to refer Parties to Arbitration
- 3.3 Jurisdiction of Arbitral Tribunal, Competence, Competence of Arbitral Tribunal, Conduct of Arbitral Proceedings, Place of Arbitration
- 3.4 Arbitral Award, Termination, Enforcement
- 3.5 Conciliation and its Mechanism

(10 Hrs)

#### Unit-IV: Arbitral Tribunals

- 4.1 Arbitral Tribunal - Composition
- 4.2 Jurisdiction, Conduct of Arbitral Proceedings, Termination of Arbitral Proceedings





- 4.3 International and Commercial Arbitration Power of Judicial authority to refer parties to arbitration. Foreign Awards; conditions and enforcement of foreign awards
- 4.4 Making of Arbitral Award
- 4.5 Fast Track Arbitration

(10 Hrs)

### Unit-V: International Perspective

- 5.1 International Commercial Arbitration
- 5.2 New-York Convention
- 5.3 Geneva Convention
- 5.4 UNCITRAL Model Law, Treaties etc.
- 5.5 Enforcement of Foreign Award and Jurisdictional Issues

(10 Hrs)

#### Textbooks

S.No	Name of the Books	Name of the Author	Publisher Name	Edition (Pub.Yr.)
1	Avtar Singh's Law of Arbitration and Conciliation and Alternative Dispute Resolution (ADR) Systems	Saurabh Bindal	Eastern Book Company	12th (2024)
2.	Arbitration & Conciliation	Dr. S. C. Tripathi	Central Law Publication	9th (2021)

#### Reference Books

S.No	Name of the Books	Name of the Author	Publisher Name	Edition (Pub.Yr.)
1	Law Relating to Arbitration & Conciliation in India	N.V. Paranjape	Central Law Agency	9th (2020)
2.	The Art of Negotiation and Mediation - Wishbone, Funny Bone and Backbone	Anuroop Omkar, Kritika Krishnamurthy	LexisNexis	2nd (2021)

#### Statutory References

S.No	Name of the Books	Publisher Name	Edition (Pub.Yr.)
1.	Arbitration and Conciliation Act, 1996 - Bare Act	Eastern Book Company	30th (2024)
2.	Mediation Act, 2023	Eastern Book Company	1 <sup>st</sup> (2024)



<b>COURSE PLAN</b>		
<b>Unit-I Introduction</b>		
<b>S. No</b>	<b>Topics</b>	<b>Recommended Books</b>
1	Introduction to ADR – History and Development	Book 2, Pg. 1-7
2	Understanding Conflict and Disputes	Book 1, Pg.7-10
3	Modes of Dispute Resolution	Book 2, Pg. 335- 3381-2
4	4 Importance of ADR	Book 2,Pg. 338-340
5	Importance of Negotiation and Communication in ADR system	Book 2, Pg.349-350
<b>Unit-II Negotiation and Mediation</b>		
8	Negotiation – Concept and Meaning	Book 2, Pg. 349-350
9	Theories, Development and Its Types	Book 2,. Pg. 351
10	Qualities of Negotiator and Process for Negotiation	Book 2, Pg. 352
11	Mediation – Concept and Meaning, Elements of Mediation, Process/stages of Mediation	Book 2, Pg. 345-349
12	Conducting effective mediation (decision making and problem-solving techniques); Role, Qualities and Skills of Mediators, Code of Ethics for Mediators; Difference between Mediation and Conciliation	Book 2, Pg. 345-349
<b>Unit-III Arbitration and Conciliation</b>		
16	Arbitration Agreement, Essentials, Rule of Severability	Book 2, Ch.2, Pg. 62-81
17	Composition of Arbitral Tribunal, Extent of Judicial Intervention, Interim Measures, Power of Court to refer Parties to Arbitration	Book 2, Ch.3, Pg. 105-107
18	Jurisdiction of Arbitral Tribunal, Competence, Competence of Arbitral Tribunal, Conduct of Arbitral Proceedings, Place of Arbitration	Book 2, Ch.4, Pg. 150 -163
19	Arbitral Award, Termination, Enforcement	Book 2, Ch.8, Pg. 245-249
20	Conciliation and its Mechanism	Book 2, Pg. 297-314
<b>Unit-IV Arbitral Tribunals</b>		
22	Arbitral Tribunal – Composition	Book 2, Ch.3, Pg. 105-107
23	Jurisdiction, Conduct of Arbitral Proceedings, Termination of Arbitral Proceedings	Book 2, Ch.4, Pg. 150 -163
24	International and Commercial Arbitration Power of Judicial authority to refer parties to arbitration. Foreign Awards; conditions and enforcement of foreign awards	Book 2, Ch.3, Pg. 114-135
25	Making of Arbitral Award	Book 2, Ch.8, Pg. 245-249
26	Fast Track Arbitration	Book 2, Ch.8, Pg. 245-249
<b>Unit-V International Perspective</b>		
29	International Commercial Arbitration	Book 2, Ch.2, Pg.272-296
30	New-York Convention	Book 2, Ch.1, Pg. 273
31	Geneva Convention	Book 2, Ch.1, Pg.296
32	UNCITRAL Model Law, Treaties etc.	Book 2, Ch.1, Pg, 287



33	Enforcement of Foreign Award and Jurisdictional Issues	Book 2, Ch.1, Pg. 287
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### ADDITIONAL WEB RESOURCES

1.	<b>MOOC:</b> Private International Law and Alternative Dispute Resolution: Indian Legal Position by Prof. (Dr.) G.B. Reddy, English and Foreign Languages University, Hyderabad. <a href="https://onlinecourses.swayam2.ac.in/cec24_1w16/preview?us">https://onlinecourses.swayam2.ac.in/cec24_1w16/preview?us</a>
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### GRADING AND ASSESSMENT

- **Sessional Test:** 20 marks
- **Assignment:** 20 marks
- **Attendance:** 10 marks
- **Final Examination:** 50 marks

### COURSE POLICIES

- **Attendance:** Minimum 75% attendance is mandatory to appear in the final examination of the course.
- **Academic Integrity:** MIET's academic integrity policies apply. Plagiarism will not be tolerated.
- **Late Submissions:** Assignments and projects must be submitted by the specified timelines.

### FACULTY INFORMATION

- **Office Hours**  
Monday (12:05 PM - 12:55 PM)  
Friday (12:05 PM - 12:55 PM)
- **Contact Information**  
[rohini.llb@mietjammu.in](mailto:rohini.llb@mietjammu.in)