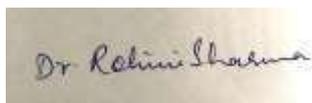


Department of SOL

Details of Lesson Plan

S.No.	Particulars	Details
1.	Course Name	Alternative Dispute Resolution
2.	Course Code	BBALLB-604
3.	Academic Year	2024-25
4.	Semester	6 th
5.	Number of Lesson plans	42
6.	Faculty Assigned	Dr. Rohini Sharma



Faculty Signature

Lesson Plan No. 1	Course Name: Alternative Dispute Resolution Topic: Introduction to ADR	Course No.: BBALLB-604
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Objectives	At the end of the lesson the student shall be able to: <ol style="list-style-type: none"> Students will be able conceptualize the Evolution and Significance of Alternative Dispute Resolution (ADR). Discuss the Legal Framework Governing ADR and Its Role in Justice Delivery. Analyze the Key Features and Benefits of ADR Mechanisms. Appreciate the Principles Underlying ADR and Its Impact on Legal Systems.
Teaching Aids (if any)	<ol style="list-style-type: none"> PowerPoint Presentation Flow chart and diagrams Quiz on ADR.
Teaching Development	<ol style="list-style-type: none"> Introduction (5 minutes) <ul style="list-style-type: none"> Ask questions. What does ADR stand for, and what does it mean? What do you understand from word Alternate Dispute Resolution? What is your understanding about out of court settlement? What are some common types of ADR methods used today? Development (30 minutes) <ul style="list-style-type: none"> Briefly explain how disputes were resolved in ancient societies (e.g., mediation by elders, community councils, and religious arbitration). Highlight ADR's role in traditional dispute resolution systems across different cultures. a. Initial Legislative Efforts: <ul style="list-style-type: none"> Arbitration Act, 1940: First comprehensive law on arbitration but had procedural complexities. Legal Services Authorities Act, 1987: Introduced Lok Adalats as an ADR mechanism for accessible and affordable justice. Arbitration and Conciliation Act, 1996: Modernized India's arbitration laws, aligning with international standards like UNCITRAL Model Law on Arbitration. b. Challenges <ul style="list-style-type: none"> Lack of Awareness and Acceptance Resistance from Legal and Judicial Bodies Enforcement Issues Exercise (5 minutes) – Reflective Questions relating to ADR <ul style="list-style-type: none"> -Why do you think ADR is increasingly preferred over traditional litigation in many legal systems today? -What are the main challenges ADR faces in gaining widespread acceptance in both legal and non-legal communities?



Closure	<ul style="list-style-type: none">- Summarized the Lesson on Alternative Dispute Resolution (ADR) By the end of the lesson, learners will have a clear understanding of how to effectively manage and resolve ADR requests, ensuring a balance between transparency and the legitimate reasons for withholding specific information or data. <p>Suggested Reading</p> <ul style="list-style-type: none">- https://www.legalbites.in/adr-alternative-dispute-resolution/- https://blog.iplayers.in/alternative-dispute-resolution-and-the-law-of-intellectual-property/
Evaluation	<p>1. Reflective Questions</p> <ul style="list-style-type: none">- How does ADR contribute to the overall efficiency of the legal system?- What challenges can arise when trying to implement ADR in different legal systems or cultures?

Lesson Plan No. 2	Course Name: Alternative Dispute Resolution Topic: History and Development	Course No.: BBALLB-604
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Objectives	At the end of the lesson the student shall be able to: <ol style="list-style-type: none"> Students will be able conceptualize the Evolution and Significance of Alternative Dispute Resolution (ADR). Discuss the Legal Framework Governing ADR and Its Role in Justice Delivery. Analyze the Key Features and Benefits of ADR Mechanisms. Appreciate the Principles Underlying ADR and Its Impact on Legal Systems.
Teaching Aids (if any)	<ol style="list-style-type: none"> PowerPoint Presentation Flow chart and diagrams Quiz on ADR.
Teaching Development	<ol style="list-style-type: none"> Introduction (5 minutes) <ul style="list-style-type: none"> Ask questions. What does ADR stand for, and what does it mean? What do you understand from word Alternate Dispute Resolution? What is your understanding about out of court settlement? What are some common types of ADR methods used today? Development (30 minutes) <ul style="list-style-type: none"> Briefly explain how disputes were resolved in ancient societies (e.g., mediation by elders, community councils, and religious arbitration). Highlight ADR's role in traditional dispute resolution systems across different cultures. a. Initial Legislative Efforts: <ul style="list-style-type: none"> Arbitration Act, 1940: First comprehensive law on arbitration but had procedural complexities. Legal Services Authorities Act, 1987: Introduced Lok Adalats as an ADR mechanism for accessible and affordable justice. Arbitration and Conciliation Act, 1996: Modernized India's arbitration laws, aligning with international standards like UNCITRAL Model Law on Arbitration. b. Challenges <ul style="list-style-type: none"> Lack of Awareness and Acceptance Resistance from Legal and Judicial Bodies Enforcement Issues Exercise (5 minutes) – Reflective Questions relating to ADR <ul style="list-style-type: none"> -Why do you think ADR is increasingly preferred over traditional litigation in many legal systems today? -What are the main challenges ADR faces in gaining widespread acceptance in both legal and non-legal communities?



Closure	<ul style="list-style-type: none">- Summarized the Lesson on Alternative Dispute Resolution (ADR) By the end of the lesson, learners will have a clear understanding of how to effectively manage and resolve ADR requests, ensuring a balance between transparency and the legitimate reasons for withholding specific information or data. <p>Suggested Reading</p> <ul style="list-style-type: none">- https://www.legalbites.in/adr-alternative-dispute-resolution/- https://blog.iplayers.in/alternative-dispute-resolution-and-the-law-of-intellectual-property/
Evaluation	<p>1. Reflective Questions</p> <ul style="list-style-type: none">- How does ADR contribute to the overall efficiency of the legal system?- What challenges can arise when trying to implement ADR in different legal systems or cultures?

Lesson Plan No. 3	Course Name: Alternative Dispute Resolution Topic: Understanding Conflict	Course No.: BBALLB-604
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Objectives	At the end of the lesson the student shall be able to: <ol style="list-style-type: none"> 1. Understand the key concepts of conflict and dispute in the context of ADR. 2. Discuss common causes of conflict, such as miscommunication, resource scarcity, differing values, and cultural differences. 3. Analyze the Impact of Conflicts on Relationships and Organizational Functioning 4. Appreciate the Role of ADR in Managing and Resolving Conflicts
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Flow chart and diagrams c. Quiz on ADR.
Teaching Development	<ol style="list-style-type: none"> 1. Introduction (5 minutes) <ul style="list-style-type: none"> - Ask questions. <ol style="list-style-type: none"> i. What is the full form of ADR, and what does it signify? ii. How do you interpret the term “Alternative Dispute Resolution”? iii. What is your perspective on resolving disputes outside of court? iv. What are some widely used ADR methods today? 2. Development (30 minutes) <ul style="list-style-type: none"> - Briefly explain how disputes were resolved in ancient societies (e.g., mediation by elders, community councils, and religious arbitration). - Highlight ADR’s role in traditional dispute resolution systems across different cultures. a. Initial Legislative Efforts: <ul style="list-style-type: none"> - Arbitration Act, 1940: First comprehensive law on arbitration but had procedural complexities. - Legal Services Authorities Act, 1987: Introduced Lok Adalats as an ADR mechanism for accessible and affordable justice. - Arbitration and Conciliation Act, 1996: Modernized India’s arbitration laws, aligning with international standards like UNCITRAL Model Law on Arbitration. b. Challenges <ul style="list-style-type: none"> - Limited Awareness and Acceptance - Opposition from Legal and Judicial Authorities - Challenges in Enforcement 3. Exercise (5 minutes) – <ul style="list-style-type: none"> Reflective Questions relating to ADR - Why do you think ADR is increasingly preferred over traditional litigation in many legal systems today?



	<p>-What are the main challenges ADR faces in gaining widespread acceptance in both legal and non-legal communities?</p>
Closure	<ul style="list-style-type: none">- Summarized the Lesson on Alternative Dispute Resolution (ADR) By the end of the lesson, learners will have a clear understanding of how to effectively manage and resolve ADR requests, ensuring a balance between transparency and the legitimate reasons for withholding specific information or data.- Suggested Reading- https://www.legalbites.in/adr-alternative-dispute-resolution/- https://lawbhoomi.com/alternate-dispute-resolution-mechanisms-an-overview/- Homework- Discuss the ADR method(s) you think would be most effective (Arbitration, Mediation, Conciliation, Lok Adalat) and justify your choice.
Evaluation	<p>1. Reflective Questions</p> <ul style="list-style-type: none">- How does ADR contribute to the overall efficiency of the legal system?- What challenges can arise when trying to implement ADR in different legal systems or cultures?

Lesson Plan No. 4.	Course Name: Alternative Dispute Resolution Topic: Understanding Disputes	Course No.: BBALLB-604
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Objectives	At the end of the lesson the student shall be able to: <ol style="list-style-type: none"> 1. Understand the key concepts of conflict and dispute in the context of ADR. 2. Discuss common causes of conflict, such as miscommunication, resource scarcity, differing values, and cultural differences. 3. Analyze the Impact of Conflicts on Relationships and Organizational Functioning 4. Appreciate the Role of ADR in Managing and Resolving Conflicts
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Flow chart and diagrams c. Quiz on ADR.
Teaching Development	<ol style="list-style-type: none"> 1. Introduction (5 minutes) <ul style="list-style-type: none"> - Ask questions. <ol style="list-style-type: none"> i. What is the full form of ADR, and what does it signify? ii. How do you interpret the term “Alternative Dispute Resolution”? iii. What is your perspective on resolving disputes outside of court? iv. What are some widely used ADR methods today? 2. Development (30 minutes) <ul style="list-style-type: none"> - Briefly explain how disputes were resolved in ancient societies (e.g., mediation by elders, community councils, and religious arbitration). - Highlight ADR’s role in traditional dispute resolution systems across different cultures. a. Initial Legislative Efforts: <ul style="list-style-type: none"> - Arbitration Act, 1940: First comprehensive law on arbitration but had procedural complexities. - Legal Services Authorities Act, 1987: Introduced Lok Adalats as an ADR mechanism for accessible and affordable justice. - Arbitration and Conciliation Act, 1996: Modernized India’s arbitration laws, aligning with international standards like UNCITRAL Model Law on Arbitration. b. Challenges <ul style="list-style-type: none"> - Limited Awareness and Acceptance - Opposition from Legal and Judicial Authorities - Challenges in Enforcement 3. Exercise (5 minutes) – Reflective Questions relating to ADR <ul style="list-style-type: none"> - Why do you think ADR is increasingly preferred over traditional litigation in many legal systems today?



	-What are the main challenges ADR faces in gaining widespread acceptance in both legal and non-legal communities?
Closure	<ul style="list-style-type: none"> - Summarized the Lesson on Alternative Dispute Resolution (ADR) By the end of the lesson, learners will have a clear understanding of how to effectively manage and resolve ADR requests, ensuring a balance between transparency and the legitimate reasons for withholding specific information or data. - Suggested Reading - https://www.legalbites.in/adr-alternative-dispute-resolution/ - https://lawbhoomi.com/alternate-dispute-resolution-mechanisms-an-overview/ - Homework - Discuss the ADR method(s) you think would be most effective (Arbitration, Mediation, Conciliation, Lok Adalat) and justify your choice.
Evaluation	<p>1. Reflective Questions</p> <ul style="list-style-type: none"> - How does ADR contribute to the overall efficiency of the legal system? - What challenges can arise when trying to implement ADR in different legal systems or cultures?

Lesson Plan No. 5	Course Name: Alternative Dispute Resolution Topic: Modes of Dispute Resolution	Course No.: BBALLB-604
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Objectives	At the end of the lesson the student shall be able to: <ul style="list-style-type: none"> a. Understand the various modes of dispute resolution such as negotiation, mediation, arbitration, and conciliation. b. Discuss the Role of a Neutral Third Party in ADR Processes c. Appreciate the Significance of Voluntary Participation and Autonomy in ADR
Teaching Aids (if any)	<ul style="list-style-type: none"> a. PowerPoint Presentation b. Flow chart and diagrams c. Quiz on ADR.
Teaching Development	<p>1. Introduction (5 minutes)</p> <ul style="list-style-type: none"> - What are the different modes of dispute resolution? - How does Alternative Dispute Resolution (ADR) differ from traditional litigation? - Why is it important to have multiple methods of dispute resolution? <p>Development (30 minutes)</p> <ul style="list-style-type: none"> - Community Councils: Village councils, such as Panchayats in India and similar institutions in Africa and Indigenous cultures, played a key role in settling conflicts through collective decision-making. - Religious Arbitration: Many civilizations entrusted religious leaders with dispute resolution, relying on moral and ethical principles to ensure justice. <p>- Initial Legislative Efforts:</p> <ul style="list-style-type: none"> - Early Legal Frameworks: Ancient legal codes, such as the Code of Hammurabi (Mesopotamia) and Manusmriti (India), included provisions for dispute resolution through arbitration and mediation. - Roman and Greek Influence: The Roman legal system formalized arbitration, while Greek city-states encouraged mediation by respected citizens to maintain civic harmony. - Common Law Development: In medieval England, local courts and customary law played a significant role in resolving disputes, laying the groundwork for modern ADR mechanisms. <p>- Challenges</p> <ul style="list-style-type: none"> - Lack of Awareness and Acceptance



	<ul style="list-style-type: none">- Resistance from Legal and Judicial Bodies- Enforcement Issues <p>2. Exercise (5 minutes) – Reflective Questions relating to ADR</p> <ul style="list-style-type: none">- What are the key differences between mediation, arbitration, and negotiation?- In what situations might litigation be preferred over ADR?
Closure	<ul style="list-style-type: none">- Summarized the Lesson on Alternative Dispute Resolution (ADR) By the end of the lesson, learners will have a clear understanding of how to effectively manage and resolve ADR requests, ensuring a balance between transparency and the legitimate reasons for withholding specific information or data.- Suggested Reading- https://www.legalbites.in/adr-alternative-dispute-resolution/- https://lawbhoomi.com/alternate-dispute-resolution-mechanisms-an-overview/
Evaluation	<p>1. Reflective Questions</p> <ul style="list-style-type: none">- How do laws and regulations shape the use of different dispute resolution methods?- What ethical dilemmas can arise in arbitration or mediation?

Lesson Plan No. 6	Course Name: Alternative Dispute Resolution Topic: Importance of ADR	Course No.: BBALLB-604
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Objectives	At the end of the lesson the student shall be able to: <ol style="list-style-type: none"> Understand how ADR provides faster, more cost-effective, and flexible solutions compared to traditional court procedures. Discuss how ADR can make justice more accessible to marginalized or economically disadvantaged groups. Analyze how ADR mechanisms help in reducing the pressure on courts, leading to quicker resolutions of disputes. Appreciate the Role of ADR in Promoting Peaceful Conflict Resolution
Teaching Aids (if any)	<ol style="list-style-type: none"> PowerPoint Presentation Flow chart and diagrams Quiz on ADR.
Teaching Development	<ol style="list-style-type: none"> Introduction (5 minutes) <ul style="list-style-type: none"> Ask questions. -What makes ADR an attractive option for resolving disputes compared to traditional court litigation? -How does the use of ADR contribute to the preservation of relationships between the parties involved in a dispute? -In what ways can ADR provide access to justice for individuals who may not have the resources or time to go through formal court procedures? Development (30 minutes) <ul style="list-style-type: none"> Briefly explain how disputes were resolved in ancient societies (e.g., mediation by elders, community councils, religious arbitration). Highlight ADR's role in traditional dispute resolution systems across different cultures. a. Initial Legislative Efforts: <ul style="list-style-type: none"> -Arbitration Act, 1940: First comprehensive law on arbitration but had procedural complexities. -Legal Services Authorities Act, 1987: Introduced Lok Adalats as an ADR mechanism for accessible and affordable justice. -Arbitration and Conciliation Act, 1996: Modernized India's arbitration laws, aligning with international standards like UNCITRAL Model Law on Arbitration. b. Challenges <ul style="list-style-type: none"> - Lack of Awareness and Acceptance - Resistance from Legal and Judicial Bodies - Enforcement Issues Exercise (5 minutes) – Reflective Questions relating to ADR



	<p>-Why do you think ADR is increasingly preferred over traditional litigation in many legal systems today?</p> <p>-What are the main challenges ADR faces in gaining widespread acceptance in both legal and non-legal communities?</p>
Closure	<ul style="list-style-type: none">- Summarized the Lesson on Alternative Dispute Resolution (ADR) By the end of the lesson, learners will have a clear understanding of how to effectively manage and resolve ADR requests, ensuring a balance between transparency and the legitimate reasons for withholding specific information or data.- Suggested Reading- https://www.legalbites.in/adr-alternative-dispute-resolution/- Homework- Reflect on how this change has impacted the effectiveness and accessibility of ADR.
Evaluation	<p>1. Reflective Questions</p> <ul style="list-style-type: none">- How does ADR contribute to the accessibility of justice for underprivileged or marginalized groups, and what improvements could be made to further this?

Lesson Plan No. 7	Course Name: Alternative Dispute Resolution Topic: Importance of Negotiation	Course No.: BBALLB-604
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Objectives	At the end of the lesson the student shall be able to: i. Understand the Role of Negotiation in ADR ii. Analyze the Significance of Effective Communication in ADR iii. Identify Key Negotiation Techniques Used in ADR. iv. Appreciate the Role of Communication in Building Trust and Rapport.
Teaching Aids (if any)	a. PowerPoint Presentation b. Flow chart and diagrams c. Quiz on ADR.
Teaching Development	<p>1. Introduction (5 minutes)</p> <ul style="list-style-type: none"> - Ask questions. -How does effective negotiation help in resolving disputes more efficiently compared to other ADR methods like arbitration or litigation? Why is clear and open communication crucial in ADR processes, especially in mediation and negotiation? What are some common communication barriers that might arise during ADR, and how can they be overcome to ensure a fair resolution? <p>2. Development (30 minutes)</p> <ul style="list-style-type: none"> - Briefly explain how disputes were resolved in ancient societies (e.g., mediation by elders, community councils, religious arbitration). - Highlight ADR's role in traditional dispute resolution systems across different cultures. <p>a. Initial Legislative Efforts:</p> <ul style="list-style-type: none"> - Arbitration Act, 1940: First comprehensive law on arbitration but had procedural complexities. - Legal Services Authorities Act, 1987: Introduced Lok Adalats as an ADR mechanism for accessible and affordable justice. - Arbitration and Conciliation Act, 1996: Modernized India's arbitration laws, aligning with international standards like UNCITRAL Model Law on Arbitration. <p>b. Challenges</p> <ul style="list-style-type: none"> - Lack of Awareness and Acceptance - Resistance from Legal and Judicial Bodies - Enforcement Issues <p>3. Exercise (5 minutes) – Reflective Questions relating to ADR -Why do you think ADR is increasingly preferred over traditional litigation in many legal systems today? -What are the main challenges ADR faces in gaining widespread acceptance in both legal and non-legal communities?</p>



Closure	<ul style="list-style-type: none">- Summarized the Lesson on Alternative Dispute Resolution (ADR) By the end of the lesson, learners will have a clear understanding of how to effectively manage and resolve ADR requests, ensuring a balance between transparency and the legitimate reasons for withholding specific information or data.- Suggested Reading- https://www.legalbites.in/adr-alternative-dispute-resolution/- Homework- Reflect on how this change has impacted the effectiveness and accessibility of ADR.
Evaluation	<p>1. Reflective Questions</p> <ul style="list-style-type: none">- What are some common communication barriers that might arise during ADR, and how can they be overcome to ensure a fair resolution?

Lesson Plan No. 8	Course Name: Alternative Dispute Resolution Topic: Communication in ADR system	Course No.: BBALLB-604
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Objectives	At the end of the lesson the student shall be able to: i. Understand the Role of Negotiation in ADR ii. Analyze the Significance of Effective Communication in ADR iii. Identify Key Negotiation Techniques Used in ADR. iv. Appreciate the Role of Communication in Building Trust and Rapport.
Teaching Aids (if any)	a. PowerPoint Presentation b. Flow chart and diagrams c. Quiz on ADR.
Teaching Development	<p>1. Introduction (5 minutes)</p> <ul style="list-style-type: none"> - Ask questions. -How does effective negotiation help in resolving disputes more efficiently compared to other ADR methods like arbitration or litigation? Why is clear and open communication crucial in ADR processes, especially in mediation and negotiation? What are some common communication barriers that might arise during ADR, and how can they be overcome to ensure a fair resolution? <p>2. Development (30 minutes)</p> <ul style="list-style-type: none"> - Briefly explain how disputes were resolved in ancient societies (e.g., mediation by elders, community councils, religious arbitration). - Highlight ADR's role in traditional dispute resolution systems across different cultures. <p>a. Initial Legislative Efforts:</p> <ul style="list-style-type: none"> - Arbitration Act, 1940: First comprehensive law on arbitration but had procedural complexities. - Legal Services Authorities Act, 1987: Introduced Lok Adalats as an ADR mechanism for accessible and affordable justice. - Arbitration and Conciliation Act, 1996: Modernized India's arbitration laws, aligning with international standards like UNCITRAL Model Law on Arbitration. <p>b. Challenges</p> <ul style="list-style-type: none"> - Lack of Awareness and Acceptance - Resistance from Legal and Judicial Bodies - Enforcement Issues <p>3. Exercise (5 minutes) – Reflective Questions relating to ADR -Why do you think ADR is increasingly preferred over traditional litigation in many legal systems today? -What are the main challenges ADR faces in gaining widespread acceptance in both legal and non-legal communities?</p>



Closure	<ul style="list-style-type: none">- Summarized the Lesson on Alternative Dispute Resolution (ADR) By the end of the lesson, learners will have a clear understanding of how to effectively manage and resolve ADR requests, ensuring a balance between transparency and the legitimate reasons for withholding specific information or data.- Suggested Reading- https://www.legalbites.in/adr-alternative-dispute-resolution/- Homework- Reflect on how this change has impacted the effectiveness and accessibility of ADR.
Evaluation	<p>1. Reflective Questions</p> <ul style="list-style-type: none">- What are some common communication barriers that might arise during ADR, and how can they be overcome to ensure a fair resolution?

Lesson Plan No. 9	Course Name: Alternative Dispute Resolution Topic: Negotiation and Mediation	Course No.: BBALLB-604
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Objectives	At the end of the lesson the student shall be able to: <ol style="list-style-type: none"> Understand the Role of Negotiation in ADR Analyze the Significance of Effective Communication in ADR Identify Key Negotiation Techniques Used in ADR. Appreciate the Role of Communication in Building Trust and Rapport.
Teaching Aids (if any)	<ol style="list-style-type: none"> PowerPoint Presentation Flow chart and diagrams Quiz on ADR.
Teaching Development	<ol style="list-style-type: none"> Introduction (5 minutes) <ul style="list-style-type: none"> Ask questions. What are the main differences between negotiation and mediation in resolving disputes? How do negotiation tactics vary depending on the nature of the dispute (e.g., business, personal, or legal)? In what situations is negotiation considered the most effective form of dispute resolution? Development (30 minutes) <ul style="list-style-type: none"> What are the primary benefits of mediation over other dispute resolution methods like arbitration or litigation? How does a mediator's neutrality and impartiality impact the outcome of the mediation process? What skills and qualities should a mediator possess to effectively facilitate conflict resolution? <ul style="list-style-type: none"> Initial Legislative Efforts: <ul style="list-style-type: none"> Arbitration Act, 1940: First comprehensive law on arbitration but had procedural complexities. Legal Services Authorities Act, 1987: Introduced Lok Adalats as an ADR mechanism for accessible and affordable justice. Arbitration and Conciliation Act, 1996: Modernized India's arbitration laws, aligning with international standards like UNCITRAL Model Law on Arbitration. Challenges <ul style="list-style-type: none"> Lack of Awareness and Acceptance Resistance from Legal and Judicial Bodies Enforcement Issues Exercise (5 minutes) – Reflective Questions relating to ADR <ul style="list-style-type: none"> How can I improve my negotiation and mediation skills to become a more effective dispute resolver? What challenges have I faced in past negotiations or mediations, and how could I have handled them differently?



	<ul style="list-style-type: none">- How do personal biases or emotions impact the negotiation and mediation process, and how can I manage them?
Closure	<ul style="list-style-type: none">- Summarized the Lesson on Alternative Dispute Resolution (ADR) By the end of the lesson, learners will have a clear understanding of how to effectively manage and resolve ADR requests, ensuring a balance between transparency and the legitimate reasons for withholding specific information or data.- Suggested Reading- https://www.legalbites.in/adr-alternative-dispute-resolution/- Homework- Reflect on how this change has impacted the effectiveness and accessibility of ADR.
Evaluation	<p>1. Reflective Questions</p> <ul style="list-style-type: none">- What are some common communication barriers that might arise during ADR, and how can they be overcome to ensure a fair resolution?

Lesson Plan No. 10	Course Name: Alternative Dispute Resolution Topic: Mediation	Course No.: BBALLB-604
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Objectives	At the end of the lesson the student shall be able to: <ul style="list-style-type: none"> i. Understand the Role of Negotiation in ADR ii. Analyze the Significance of Effective Communication in ADR iii. Identify Key Negotiation Techniques Used in ADR. iv. Appreciate the Role of Communication in Building Trust and Rapport.
Teaching Aids (if any)	<ul style="list-style-type: none"> a. PowerPoint Presentation b. Flow chart and diagrams c. Quiz on ADR.
Teaching Development	<ol style="list-style-type: none"> 1. Introduction (5 minutes) <ul style="list-style-type: none"> - Ask questions. - What are the main differences between negotiation and mediation in resolving disputes? - How do negotiation tactics vary depending on the nature of the dispute (e.g., business, personal, or legal)? - In what situations is negotiation considered the most effective form of dispute resolution? 2. Development (30 minutes) <ul style="list-style-type: none"> - What are the primary benefits of mediation over other dispute resolution methods like arbitration or litigation? - How does a mediator's neutrality and impartiality impact the outcome of the mediation process? - What skills and qualities should a mediator possess to effectively facilitate conflict resolution? <ul style="list-style-type: none"> - Initial Legislative Efforts: <ul style="list-style-type: none"> - Arbitration Act, 1940: First comprehensive law on arbitration but had procedural complexities. - Legal Services Authorities Act, 1987: Introduced Lok Adalats as an ADR mechanism for accessible and affordable justice. - Arbitration and Conciliation Act, 1996: Modernized India's arbitration laws, aligning with international standards like UNCITRAL Model Law on Arbitration. a. Challenges <ul style="list-style-type: none"> - Lack of Awareness and Acceptance - Resistance from Legal and Judicial Bodies - Enforcement Issues 3. Exercise (5 minutes) – Reflective Questions relating to ADR <ul style="list-style-type: none"> - How can I improve my negotiation and mediation skills to become a more effective dispute resolver? - What challenges have I faced in past negotiations or mediations, and how could I have handled them differently?



	<ul style="list-style-type: none">- How do personal biases or emotions impact the negotiation and mediation process, and how can I manage them?
Closure	<ul style="list-style-type: none">- Summarized the Lesson on Alternative Dispute Resolution (ADR) By the end of the lesson, learners will have a clear understanding of how to effectively manage and resolve ADR requests, ensuring a balance between transparency and the legitimate reasons for withholding specific information or data.- Suggested Reading- https://www.legalbites.in/adr-alternative-dispute-resolution/- Homework- Reflect on how this change has impacted the effectiveness and accessibility of ADR.
Evaluation	<p>1. Reflective Questions</p> <ul style="list-style-type: none">- What are some common communication barriers that might arise during ADR, and how can they be overcome to ensure a fair resolution?

Lesson Plan No. 11	Course Name: Alternative Dispute Resolution Topic: Theories	Course No.: BBALLB-604
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Objectives	At the end of the lesson the student shall be able to: <ol style="list-style-type: none"> 1. Understand the Role of Negotiation in ADR 2. Analyze the Significance of Effective Communication in ADR 3. Identify Key Negotiation Techniques Used in ADR. 4. Appreciate the Role of Communication in Building Trust and Rapport.
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Flow chart and diagrams c. Quiz on ADR.
Teaching Development	<ol style="list-style-type: none"> 1. Introduction (5 minutes) <ul style="list-style-type: none"> - Ask questions. - What are the core theories behind dispute resolution, and how do they influence the methods used? <ul style="list-style-type: none"> <input type="checkbox"/> How do interest-based and rights-based approaches differ in dispute resolution theory? <input type="checkbox"/> What role does power dynamics play in the resolution of disputes according to various theories? 2. Development (30 minutes) <ul style="list-style-type: none"> - What role do globalization and cultural exchange play in the development of diverse dispute resolution theories across different societies? - How has the integration of technology, particularly online platforms, contributed to the evolution and development of dispute resolution methods? <ol style="list-style-type: none"> a. Challenges <ul style="list-style-type: none"> - Lack of Awareness and Acceptance - Resistance from Legal and Judicial Bodies - Enforcement Issues 3. Exercise (5 minutes) – Reflective Questions relating <ul style="list-style-type: none"> - How do you think the evolution of dispute resolution theories has impacted the way conflicts are handled in your own community or organization? - Reflecting on your experiences, how effective do you think interest-based negotiation is compared to rights-based negotiation in resolving complex disputes? - How might the development of ADR practices challenge or complement traditional legal systems in your country or region?
Closure	- Summarized the Lesson on Alternative Dispute Resolution (ADR) By the end of the lesson, learners will have a clear understanding of how to effectively manage and resolve ADR requests, ensuring a balance



	<p>between transparency and the legitimate reasons for withholding specific information or data.</p> <ul style="list-style-type: none">- Suggested Reading- https://www.legalbites.in/adr-alternative-dispute-resolution/- Homework- Reflect on how this change has impacted the effectiveness and accessibility of ADR.
Evaluation	<p>1. Reflective Questions</p> <ul style="list-style-type: none">- How do you think cultural differences shape the development and application of dispute resolution theories in global settings?

Lesson Plan No. 12	Course Name: Alternative Dispute Resolution Topic: Development and Its Types	Course No.: BBALLB-604
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Objectives	At the end of the lesson the student shall be able to: <ol style="list-style-type: none"> 1. Understand the Role of Negotiation in ADR 2. Analyze the Significance of Effective Communication in ADR 3. Identify Key Negotiation Techniques Used in ADR. 4. Appreciate the Role of Communication in Building Trust and Rapport.
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Quiz on ADR.
Teaching Development	<ol style="list-style-type: none"> 1. Introduction (5 minutes) <ul style="list-style-type: none"> - Ask questions. - What are the core theories behind dispute resolution, and how do they influence the methods used? <p>How do interest-based and rights-based approaches differ in dispute resolution theory?</p> <p>What role does power dynamics play in the resolution of disputes according to various theories?</p> 2. Development (30 minutes) <ul style="list-style-type: none"> - What role do globalization and cultural exchange play in the development of diverse dispute resolution theories across different societies? - How has the integration of technology, particularly online platforms, contributed to the evolution and development of dispute resolution methods? <p>a. Challenges</p> <ul style="list-style-type: none"> - Lack of Awareness and Acceptance - Resistance from Legal and Judicial Bodies - Enforcement Issues 3. Exercise (5 minutes) – Reflective Questions relating <ul style="list-style-type: none"> - How do you think the evolution of dispute resolution theories has impacted the way conflicts are handled in your own community or organization? - Reflecting on your experiences, how effective do you think interest-based negotiation is compared to rights-based negotiation in resolving complex disputes? - How might the development of ADR practices challenge or complement traditional legal systems in your country or region?
Closure	- Summarized the Lesson on Alternative Dispute Resolution (ADR) By the end of the lesson, learners will have a clear understanding of how to effectively manage and resolve ADR requests, ensuring a balance between transparency and the legitimate reasons for withholding specific



	<p>information or data.</p> <ul style="list-style-type: none">- Suggested Reading- https://www.legalbites.in/adr-alternative-dispute-resolution/- Homework- Reflect on how this change has impacted the effectiveness and accessibility of ADR.
Evaluation	<p>1. Reflective Questions</p> <ul style="list-style-type: none">- How do you think cultural differences shape the development and application of dispute resolution theories in global settings?

Lesson Plan No. 13	Course Name: Alternative Dispute Resolution Topic: Qualities of Negotiator	Course No.: BBALLB-604
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Objectives	At the end of the lesson the student shall be able to: <ol style="list-style-type: none"> 1. Understanding the Role of Negotiation in ADR 2. Examine the Impact of Effective Communication in ADR 3. Analyze the Significance of Effective Communication in ADR 4. Identify Key Negotiation Techniques Used in ADR. 5. Appreciate the Role of Communication in Building Trust and Rapport.
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Flow chart and diagrams c. Quiz on ADR.
Teaching Development	<ol style="list-style-type: none"> 1. Introduction (5 minutes) <ul style="list-style-type: none"> - Ask questions. - How do I manage my emotions and stay calm during a high-stakes negotiation, and what strategies can I adopt to improve this? - What steps do I take to ensure that both parties feel heard and respected during a negotiation process? - How do I evaluate the success of a negotiation, and how can I learn from past negotiations to improve my future performance? 2. Development (30 minutes) <ul style="list-style-type: none"> - Briefly explain how disputes were resolved in ancient societies (e.g., mediation by elders, community councils, religious arbitration). - Highlight ADR's role in traditional dispute resolution systems across different cultures. <ol style="list-style-type: none"> a. Initial Legislative Efforts: <ul style="list-style-type: none"> - Arbitration Act, 1940: First comprehensive law on arbitration but had procedural complexities. - Legal Services Authorities Act, 1987: Introduced Lok Adalats as an ADR mechanism for accessible and affordable justice. - Arbitration and Conciliation Act, 1996: Modernized India's arbitration laws, aligning with international standards like UNCITRAL Model Law on Arbitration. b. Challenges <ul style="list-style-type: none"> - Lack of Awareness and Acceptance - Resistance from Legal and Judicial Bodies - Enforcement Issues 3. Exercise (5 minutes) – Reflective Questions relating <ul style="list-style-type: none"> - How does negotiation as a process contribute to the effectiveness of ADR in resolving disputes? - What negotiation techniques can I apply to achieve fair and mutually beneficial agreements in ADR? - How do my personal negotiation strengths and weaknesses influence the



	outcomes of ADR proceedings?
Closure	<ul style="list-style-type: none">- Summarized the Lesson on Alternative Dispute Resolution (ADR) By the end of the lesson, learners will have a clear understanding of how to effectively manage and resolve ADR requests, ensuring a balance between transparency and the legitimate reasons for withholding specific information or data.- Suggested Reading- https://www.legalbites.in/adr-alternative-dispute-resolution/- Homework- Reflect on how this change has impacted the effectiveness and accessibility of ADR.
Evaluation	1. Reflective Questions <ul style="list-style-type: none">- In what ways do I prepare for a negotiation, and how can I refine my approach to improve my negotiation outcomes?

Lesson Plan No. 14	Course Name: Alternative Dispute Resolution Topic: Process for Negotiation	Course No.: BBALLB-604
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Objectives	At the end of the lesson the student shall be able to: <ol style="list-style-type: none"> 1. Understanding the Role of Negotiation in ADR 2. Examine the Impact of Effective Communication in ADR 3. Analyze the Significance of Effective Communication in ADR 4. Identify Key Negotiation Techniques Used in ADR. 5. Appreciate the Role of Communication in Building Trust and Rapport.
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Quiz on ADR.
Teaching Development	<ol style="list-style-type: none"> 1. Introduction (5 minutes) <ul style="list-style-type: none"> - Ask questions. - How do I manage my emotions and stay calm during a high-stakes negotiation, and what strategies can I adopt to improve this? - What steps do I take to ensure that both parties feel heard and respected during a negotiation process? - How do I evaluate the success of a negotiation, and how can I learn from past negotiations to improve my future performance? 2. Development (30 minutes) <ul style="list-style-type: none"> - Briefly explain how disputes were resolved in ancient societies (e.g., mediation by elders, community councils, religious arbitration). - Highlight ADR's role in traditional dispute resolution systems across different cultures. <ol style="list-style-type: none"> a. Initial Legislative Efforts: <ul style="list-style-type: none"> - Arbitration Act, 1940: First comprehensive law on arbitration but had procedural complexities. - Legal Services Authorities Act, 1987: Introduced Lok Adalats as an ADR mechanism for accessible and affordable justice. - Arbitration and Conciliation Act, 1996: Modernized India's arbitration laws, aligning with international standards like UNCITRAL Model Law on Arbitration. b. Challenges <ul style="list-style-type: none"> - Lack of Awareness and Acceptance - Resistance from Legal and Judicial Bodies - Enforcement Issues 3. Exercise (5 minutes) – Reflective Questions relating <ul style="list-style-type: none"> - How does negotiation as a process contribute to the effectiveness of ADR in resolving disputes? - What negotiation techniques can I apply to achieve fair and mutually beneficial agreements in ADR? - How do my personal negotiation strengths and weaknesses influence the outcomes of ADR proceedings?



Closure	<ul style="list-style-type: none">- Summarized the Lesson on Alternative Dispute Resolution (ADR) By the end of the lesson, learners will have a clear understanding of how to effectively manage and resolve ADR requests, ensuring a balance between transparency and the legitimate reasons for withholding specific information or data.- Suggested Reading- https://www.legalbites.in/adr-alternative-dispute-resolution/- Homework- Reflect on how this change has impacted the effectiveness and accessibility of ADR.
Evaluation	<ol style="list-style-type: none">1. Reflective Questions<ul style="list-style-type: none">- In what ways do I prepare for a negotiation, and how can I refine my approach to improve my negotiation outcomes?

Lesson Plan No. 15	Course Name: Alternative Dispute Resolution Topic: Mediation – Concept and Meaning, Elements of Mediation	Course No.: BBALLB-604
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Objectives	At the end of the lesson the student shall be able to: <ol style="list-style-type: none"> 1. Understanding the Role of Negotiation in ADR 2. Examine the Impact of Effective Communication in ADR 3. Analyze the Significance of Effective Communication in ADR 4. Identify Key Negotiation Techniques Used in ADR. 5. Appreciate the Role of Communication in Building Trust and Rapport.
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Quiz on ADR.
Teaching Development	<ol style="list-style-type: none"> 1. Introduction (5 minutes) <ul style="list-style-type: none"> - Ask questions. - What is the core concept of mediation, and how does it differ from other forms of dispute resolution like arbitration or litigation? - What are the key elements of mediation, and why is neutrality and confidentiality important in the process? - How do the roles of the mediator and the parties involved differ during the mediation process? 2. Development (30 minutes) <ol style="list-style-type: none"> a. What is the fundamental concept of mediation, and why is it considered a flexible and collaborative method of dispute resolution? b. What are the essential elements of mediation, and how do they contribute to a successful resolution of conflicts? c. How does the role of a mediator differ from that of a judge or arbitrator in the mediation process? <p>d. Challenges</p> <ul style="list-style-type: none"> - Lack of Awareness and Acceptance - Resistance from Legal and Judicial Bodies - Enforcement Issues 3. Exercise (5 minutes) – Reflective Questions relating <ul style="list-style-type: none"> -How can the mediator ensure that both parties are equally engaged throughout the process? -What role does the neutrality of the mediator play in the mediation process? How does it affect the outcome?
Closure	<ul style="list-style-type: none"> - Summarized the Lesson on Alternative Dispute Resolution (ADR) By the end of the lesson, learners will have a clear understanding of how to effectively manage and resolve ADR requests, ensuring a balance between transparency and the legitimate reasons for withholding specific information or data. - Suggested Reading



	<ul style="list-style-type: none">- https://www.legalbites.in/adr-alternative-dispute-resolution/- Homework- Reflect on how this change has impacted the effectiveness and accessibility of ADR.
Evaluation	<ol style="list-style-type: none">1. Reflective Questions<ul style="list-style-type: none">- How important is communication in mediation, and how can the mediator encourage open, effective dialogue between parties?

Lesson Plan No. 16	Course Name: Alternative Dispute Resolution Topic: Mediation – Process/stages of Mediation	Course No.: BBALLB-604
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Objectives	At the end of the lesson the student shall be able to: <ol style="list-style-type: none"> 1. Understanding the Role of Negotiation in ADR 2. Examine the Impact of Effective Communication in ADR 3. Analyze the Significance of Effective Communication in ADR 4. Identify Key Negotiation Techniques Used in ADR. 5. Appreciate the Role of Communication in Building Trust and Rapport.
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Quiz on ADR.
Teaching Development	<ol style="list-style-type: none"> 1. Introduction (5 minutes) <ul style="list-style-type: none"> - Ask questions. - What is the core concept of mediation, and how does it differ from other forms of dispute resolution like arbitration or litigation? - What are the key elements of mediation, and why is neutrality and confidentiality important in the process? - How do the roles of the mediator and the parties involved differ during the mediation process? 2. Development (30 minutes) <ol style="list-style-type: none"> a. What is the fundamental concept of mediation, and why is it considered a flexible and collaborative method of dispute resolution? b. What are the essential elements of mediation, and how do they contribute to a successful resolution of conflicts? c. How does the role of a mediator differ from that of a judge or arbitrator in the mediation process? <p>d. Challenges</p> <ul style="list-style-type: none"> - Lack of Awareness and Acceptance - Resistance from Legal and Judicial Bodies - Enforcement Issues 3. Exercise (5 minutes) – Reflective Questions relating <ul style="list-style-type: none"> -How can the mediator ensure that both parties are equally engaged throughout the process? -What role does the neutrality of the mediator play in the mediation process? How does it affect the outcome?
Closure	<ul style="list-style-type: none"> - Summarized the Lesson on Alternative Dispute Resolution (ADR) By the end of the lesson, learners will have a clear understanding of how to effectively manage and resolve ADR requests, ensuring a balance between transparency and the legitimate reasons for withholding specific information or data. - Suggested Reading



	<ul style="list-style-type: none">- https://www.legalbites.in/adr-alternative-dispute-resolution/- Homework- Reflect on how this change has impacted the effectiveness and accessibility of ADR.
Evaluation	<ol style="list-style-type: none">1. Reflective Questions<ul style="list-style-type: none">- How important is communication in mediation, and how can the mediator encourage open, effective dialogue between parties?

Lesson Plan No. 17	Course Name: Alternative Dispute Resolution Topic: Conducting effective mediation (decision making and problem-solving techniques).	Course No.: BBALLB-604
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Objectives	At the end of the lesson the student shall be able to: <ol style="list-style-type: none"> 1. Understanding the Role of Negotiation in ADR 2. Examine the Impact of Effective Communication in ADR 3. Analyze the Significance of Effective Communication in ADR 4. Identify Key Negotiation Techniques Used in ADR. 5. Appreciate the Role of Communication in Building Trust and Rapport.
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Flow chart and diagrams c. Quiz on ADR.
Teaching Development	<ol style="list-style-type: none"> 1. Introduction (5 minutes) <ul style="list-style-type: none"> - Ask questions. - What decision-making and problem-solving techniques are most effective in mediation, and how do they help resolve disputes? - How can a mediator facilitate the development of creative solutions that satisfy both parties involved in a conflict? 2. Development (30 minutes) <ul style="list-style-type: none"> - Initial Legislative Efforts: <ul style="list-style-type: none"> - Arbitration Act, 1940: First comprehensive law on arbitration but had procedural complexities. - Legal Services Authorities Act, 1987: Introduced Lok Adalats as an ADR mechanism for accessible and affordable justice. - Arbitration and Conciliation Act, 1996: Modernized India's arbitration laws, aligning with international standards like UNCITRAL Model Law on Arbitration. a. Challenges <ul style="list-style-type: none"> - Lack of Awareness and Acceptance - Resistance from Legal and Judicial Bodies - Enforcement Issues 3. Exercise (5 minutes) – Reflective Questions relating <ul style="list-style-type: none"> -How can the mediator ensure that both parties are equally engaged throughout the process? -What role does the neutrality of the mediator play in the mediation process? How does it affect the outcome?
Closure	- Summarized the Lesson on Alternative Dispute Resolution (ADR) By the end of the lesson, learners will have a clear understanding of how to effectively manage and resolve ADR requests, ensuring a balance between transparency and the legitimate reasons for withholding specific



	<p>information or data.</p> <ul style="list-style-type: none">- Suggested Reading- https://www.legalbites.in/adr-alternative-dispute-resolution/- Homework- Reflect on how this change has impacted the effectiveness and accessibility of ADR.
Evaluation	<p>1. Reflective Questions</p> <ul style="list-style-type: none">- How do you think the mediator's approach in conciliation differs from the approach in mediation and what impact does that have on the dispute resolution process?

Lesson Plan No. 18	Course Name: Alternative Dispute Resolution Topic: Role, Qualities and Skills of Mediators, Code of Ethics for Mediators; Difference between Mediation and Conciliation	Course No.: BBALLB-604
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Objectives	At the end of the lesson the student shall be able to: <ol style="list-style-type: none"> 1. Understanding the Role of Negotiation in ADR 2. Examine the Impact of Effective Communication in ADR 3. Analyze the Significance of Effective Communication in ADR 4. Identify Key Negotiation Techniques Used in ADR. 5. Appreciate the Role of Communication in Building Trust and Rapport.
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Quiz on ADR.
Teaching Development	<ol style="list-style-type: none"> 1. Introduction (5 minutes) <ul style="list-style-type: none"> - Ask questions. - What decision-making and problem-solving techniques are most effective in mediation, and how do they help resolve disputes? - How can a mediator facilitate the development of creative solutions that satisfy both parties involved in a conflict? 2. Development (30 minutes) <ul style="list-style-type: none"> - Initial Legislative Efforts: <ul style="list-style-type: none"> - Arbitration Act, 1940: First comprehensive law on arbitration but had procedural complexities. - Legal Services Authorities Act, 1987: Introduced Lok Adalats as an ADR mechanism for accessible and affordable justice. - Arbitration and Conciliation Act, 1996: Modernized India's arbitration laws, aligning with international standards like UNCITRAL Model Law on Arbitration. a. Challenges <ul style="list-style-type: none"> - Lack of Awareness and Acceptance - Resistance from Legal and Judicial Bodies - Enforcement Issues 3. Exercise (5 minutes) – Reflective Questions relating <ul style="list-style-type: none"> -How can the mediator ensure that both parties are equally engaged throughout the process? -What role does the neutrality of the mediator play in the mediation process? How does it affect the outcome?
Closure	- Summarized the Lesson on Alternative Dispute Resolution (ADR) By the end of the lesson, learners will have a clear understanding of how to effectively manage and resolve ADR requests, ensuring a balance between transparency and the legitimate reasons for withholding specific



	<p>information or data.</p> <ul style="list-style-type: none">- Suggested Reading- https://www.legalbites.in/adr-alternative-dispute-resolution/- Homework- Reflect on how this change has impacted the effectiveness and accessibility of ADR.
Evaluation	<p>1. Reflective Questions</p> <ul style="list-style-type: none">- How do you think the mediator's approach in conciliation differs from the approach in mediation and what impact does that have on the dispute resolution process?

Lesson Plan No. 18	Course Name: Alternative Dispute Resolution Topic: Role, Qualities and Skills of Mediators, Code of Ethics for Mediators; Difference between Mediation and Conciliation	Course No.: BBALLB-604
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Objectives	At the end of the lesson the student shall be able to: <ol style="list-style-type: none"> 1. Understanding the Role of Negotiation in ADR 2. Examine the Impact of Effective Communication in ADR 3. Analyze the Significance of Effective Communication in ADR 4. Identify Key Negotiation Techniques Used in ADR. 5. Appreciate the Role of Communication in Building Trust and Rapport.
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Quiz on ADR.
Teaching Development	<ol style="list-style-type: none"> 1. Introduction (5 minutes) <ul style="list-style-type: none"> - Ask questions. - What decision-making and problem-solving techniques are most effective in mediation, and how do they help resolve disputes? - How can a mediator facilitate the development of creative solutions that satisfy both parties involved in a conflict? 2. Development (30 minutes) <ul style="list-style-type: none"> - Initial Legislative Efforts: <ul style="list-style-type: none"> - Arbitration Act, 1940: First comprehensive law on arbitration but had procedural complexities. - Legal Services Authorities Act, 1987: Introduced Lok Adalats as an ADR mechanism for accessible and affordable justice. - Arbitration and Conciliation Act, 1996: Modernized India's arbitration laws, aligning with international standards like UNCITRAL Model Law on Arbitration. a. Challenges <ul style="list-style-type: none"> - Lack of Awareness and Acceptance - Resistance from Legal and Judicial Bodies - Enforcement Issues 3. Exercise (5 minutes) – Reflective Questions relating <ul style="list-style-type: none"> -How can the mediator ensure that both parties are equally engaged throughout the process? -What role does the neutrality of the mediator play in the mediation process? How does it affect the outcome?
Closure	- Summarized the Lesson on Alternative Dispute Resolution (ADR) By the end of the lesson, learners will have a clear understanding of how to effectively manage and resolve ADR requests, ensuring a balance between transparency and the legitimate reasons for withholding specific



	<p>information or data.</p> <ul style="list-style-type: none">- Suggested Reading- https://www.legalbites.in/adr-alternative-dispute-resolution/- Homework- Reflect on how this change has impacted the effectiveness and accessibility of ADR.
Evaluation	<p>1. Reflective Questions</p> <ul style="list-style-type: none">- How do you think the mediator's approach in conciliation differs from the approach in mediation and what impact does that have on the dispute resolution process?

Lesson Plan No. 19	Course Name: Alternative Dispute Resolution Topic: Arbitration Agreement, Essentials.	Course No.: BBALLB-604
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Objectives	By the end of the lesson, students will be able to: <ol style="list-style-type: none"> 1. Understand the concept of Arbitration Agreement and its significance in dispute resolution. 2. Identify the essential elements of a valid Arbitration Agreement. 3. Analyze the Rules of Severability and its application in arbitration. 4. Discuss the impact of the Arbitration Agreement on the enforceability of disputes.
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Quiz on ADR.
Teaching Development	<p>1. Introduction (5 minutes)</p> <ul style="list-style-type: none"> • Ask questions to stimulate interest and activate prior knowledge: <ul style="list-style-type: none"> ○ What is the importance of an arbitration agreement in resolving disputes? ○ Can you differentiate between arbitration and other methods of ADR? ○ Why do you think parties in a dispute choose to opt for arbitration over litigation? <p>2. Development (30 minutes)</p> <ul style="list-style-type: none"> • Definition of Arbitration Agreement (10 minutes) <ul style="list-style-type: none"> ○ Explain what an arbitration agreement is: a written contract between two or more parties agreeing to resolve disputes through arbitration rather than going to court. ○ Discuss the role of arbitration in the wider ADR framework and how it differs from other methods. ○ Highlight the different forms of arbitration agreements (e.g., pre-dispute and post-dispute agreements). ○ Importance of the arbitration agreement in ensuring the commitment of the parties to resolve their disputes outside of court. • Essentials of a Valid Arbitration Agreement (10 minutes) <ul style="list-style-type: none"> ○ A clear and mutual agreement to arbitrate: Both parties must agree voluntarily to resolve disputes through arbitration. ○ Written form: Arbitration agreements must be in writing (Section 7 of the Arbitration and Conciliation Act, 1996). ○ Defining the scope: The subject matter of the dispute must be defined clearly in the agreement. ○ Legal capacity: The parties must have legal capacity to enter into



	<p>the agreement.</p> <ul style="list-style-type: none"> ○ A specified method of arbitration: The agreement should ideally specify the rules, venue, and arbitrator selection process. ○ The need for mutual consent: Both parties must consent to the choice of the arbitral forum and the arbitral process. <ul style="list-style-type: none"> ● Rules of Severability (10 minutes) <ul style="list-style-type: none"> ○ Explain the concept of severability in arbitration agreements: Severability refers to the principle that if part of the arbitration agreement is found to be invalid or unenforceable, the rest of the agreement remains intact and enforceable. ○ Discuss Section 16 of the Arbitration and Conciliation Act, 1996, which recognizes the severability of arbitration agreements. ○ Key cases explaining severability in arbitration agreements: <ul style="list-style-type: none"> ▪ <i>K.K. Verma v. Union of India</i> – Court held that an arbitration clause in a contract is separable and does not affect the main contract even if the main contract is deemed void. ▪ <i>Shakti Bhog Foods Ltd. v. Kola Shipping Ltd.</i> – The court observed that the invalidity of a contract does not automatically invalidate the arbitration clause. <p>3. Exercise (5 minutes)</p> <ul style="list-style-type: none"> ● Case Law Discussion: Present a case in which an arbitration agreement was disputed. <ul style="list-style-type: none"> ○ Students will analyze how the court treated the arbitration clause and applied the severability rule. ○ Example: <i>Bharat Aluminium Co. (BALCO) v. Kaiser Aluminium Technical Services Inc.</i> – Examine the decision on the validity of arbitration agreements under international law and the court’s approach to severability
<p>Closure</p>	<ul style="list-style-type: none"> ● Summarize the key points covered in the lesson: <ul style="list-style-type: none"> ○ Arbitration agreements must be in writing and must specify the scope of disputes. ○ Essential elements of a valid arbitration agreement include mutual consent, written form, and legal capacity. ○ The Rule of Severability ensures that the invalidity of part of an agreement does not affect the enforceability of the arbitration clause. ● Suggested Reading: <ul style="list-style-type: none"> ○ "Arbitration and Conciliation Act, 1996" – Section 7 and Section 16 ○ <i>Bharat Aluminium Co. (BALCO) v. Kaiser Aluminium Technical Services Inc.</i> ○ <i>Shakti Bhog Foods Ltd. v. Kola Shipping Ltd.</i> ● Further Exploration: Encourage students to review case law and explore how courts in different jurisdictions have applied the severability



	<p>rule.</p> <ul style="list-style-type: none">- Suggested Reading- https://www.legalbites.in/adr-alternative-dispute-resolution/- https://blog.iplayers.in/alternative-dispute-resolution-and-the-law-of-intellectual-property/
Evaluation	<p>Reflective Questions:</p> <ul style="list-style-type: none">• Why do you think severability is important in arbitration agreements?• How does the validity of an arbitration agreement impact the resolution of disputes?• What are the legal consequences when a part of an arbitration agreement is found to be unenforceable?

Lesson Plan No. 20	Course Name: Alternative Dispute Resolution Topic: Rules of severability.	Course No.: BBALLB-604
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Objectives	By the end of the lesson, students will be able to: <ol style="list-style-type: none"> 1. Understand the concept of Arbitration Agreement and its significance in dispute resolution. 2. Identify the essential elements of a valid Arbitration Agreement. 3. Analyze the Rules of Severability and its application in arbitration. 4. Discuss the impact of the Arbitration Agreement on the enforceability of disputes.
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Quiz on ADR.
Teaching Development	<p>1. Introduction (5 minutes)</p> <ul style="list-style-type: none"> • Ask questions to stimulate interest and activate prior knowledge: <ul style="list-style-type: none"> ○ What is the importance of an arbitration agreement in resolving disputes? ○ Can you differentiate between arbitration and other methods of ADR? ○ Why do you think parties in a dispute choose to opt for arbitration over litigation? <p>2. Development (30 minutes)</p> <ul style="list-style-type: none"> • Definition of Arbitration Agreement (10 minutes) <ul style="list-style-type: none"> ○ Explain what an arbitration agreement is: a written contract between two or more parties agreeing to resolve disputes through arbitration rather than going to court. ○ Discuss the role of arbitration in the wider ADR framework and how it differs from other methods. ○ Highlight the different forms of arbitration agreements (e.g., pre-dispute and post-dispute agreements). ○ Importance of the arbitration agreement in ensuring the commitment of the parties to resolve their disputes outside of court. • Essentials of a Valid Arbitration Agreement (10 minutes) <ul style="list-style-type: none"> ○ A clear and mutual agreement to arbitrate: Both parties must agree voluntarily to resolve disputes through arbitration. ○ Written form: Arbitration agreements must be in writing (Section 7 of the Arbitration and Conciliation Act, 1996). ○ Defining the scope: The subject matter of the dispute must be defined clearly in the agreement. ○ Legal capacity: The parties must have legal capacity to enter into the agreement.



	<ul style="list-style-type: none"> ○ A specified method of arbitration: The agreement should ideally specify the rules, venue, and arbitrator selection process. ○ The need for mutual consent: Both parties must consent to the choice of the arbitral forum and the arbitral process. ● Rules of Severability (10 minutes) <ul style="list-style-type: none"> ○ Explain the concept of severability in arbitration agreements: Severability refers to the principle that if part of the arbitration agreement is found to be invalid or unenforceable, the rest of the agreement remains intact and enforceable. ○ Discuss Section 16 of the Arbitration and Conciliation Act, 1996, which recognizes the severability of arbitration agreements. ○ Key cases explaining severability in arbitration agreements: <ul style="list-style-type: none"> ▪ <i>K.K. Verma v. Union of India</i> – Court held that an arbitration clause in a contract is separable and does not affect the main contract even if the main contract is deemed void. ▪ <i>Shakti Bhog Foods Ltd. v. Kola Shipping Ltd.</i> – The court observed that the invalidity of a contract does not automatically invalidate the arbitration clause. ● 3. Exercise (5 minutes) <ul style="list-style-type: none"> ● Case Law Discussion: Present a case in which an arbitration agreement was disputed. <ul style="list-style-type: none"> ○ Students will analyze how the court treated the arbitration clause and applied the severability rule. ○ Example: <i>Bharat Aluminium Co. (BALCO) v. Kaiser Aluminium Technical Services Inc.</i> – Examine the decision on the validity of arbitration agreements under international law and the court’s approach to severability
Closure	<ul style="list-style-type: none"> ● Summarize the key points covered in the lesson: <ul style="list-style-type: none"> ○ Arbitration agreements must be in writing and must specify the scope of disputes. ○ Essential elements of a valid arbitration agreement include mutual consent, written form, and legal capacity. ○ The Rule of Severability ensures that the invalidity of part of an agreement does not affect the enforceability of the arbitration clause. ● Suggested Reading: <ul style="list-style-type: none"> ○ "Arbitration and Conciliation Act, 1996" – Section 7 and Section 16 ○ <i>Bharat Aluminium Co. (BALCO) v. Kaiser Aluminium Technical Services Inc.</i> ○ <i>Shakti Bhog Foods Ltd. v. Kola Shipping Ltd.</i> ● Further Exploration: Encourage students to review case law and explore how courts in different jurisdictions have applied the severability rule.

	<ul style="list-style-type: none"> - Suggested Reading - https://www.legalbites.in/adr-alternative-dispute-resolution/ - https://blog.ipleaders.in/alternative-dispute-resolution-and-the-law-of-intellectual-property/
Evaluation	Reflective Questions: <ul style="list-style-type: none"> • Why do you think severability is important in arbitration agreements? • How does the validity of an arbitration agreement impact the resolution of disputes? • What are the legal consequences when a part of an arbitration agreement is found to be unenforceable?

Lesson Plan No. 21	Course Name: Alternative Dispute Resolution Topic: Composition of Arbitral Tribunal	Course No.: BBALLB-404
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Objectives	At the end of this lesson, students will be able to: a. Understand the composition of an arbitral tribunal and the role of arbitrators. b. Evaluate the extent of judicial intervention in arbitration proceedings. c. Discuss the concept of interim measures in the context of arbitration. d. Explain the power of courts to refer parties to arbitration and when judicial intervention is appropriate.
Teaching Aids (if any)	a. PowerPoint Presentation b. Quiz on ADR.
Teaching Development	<p>1. Introduction (5 minutes)</p> <ul style="list-style-type: none"> • Opening questions: <ul style="list-style-type: none"> ○ What is an arbitral tribunal? ○ How does an arbitral tribunal differ from a court? ○ Have you heard of the term "interim measures" in relation to arbitration? ○ What role do courts play in the arbitration process? • Contextualizing the lesson: Introduce the significance of understanding the structure of arbitral tribunals, judicial intervention, and interim measures in ensuring smooth arbitration processes. <p>2. Development (30 minutes)</p> <p>a. Composition of Arbitral Tribunal (10 minutes)</p> <ul style="list-style-type: none"> • Definition and importance: An arbitral tribunal is the body or panel of arbitrators responsible for resolving the dispute through arbitration. • Types of arbitral tribunals: <ul style="list-style-type: none"> ○ Sole arbitrator ○ Three-member tribunal (most common) • Selection of arbitrators: <ul style="list-style-type: none"> ○ Agreement of the parties ○ Institutional rules vs. ad-hoc arbitration • Qualifications of arbitrators: <ul style="list-style-type: none"> ○ Expertise in the subject matter ○ Impartiality and independence ○ Integrity and transparency • Role of the chairperson: <ul style="list-style-type: none"> ○ Leading the tribunal ○ Decision-making authority



	<ul style="list-style-type: none"> ○ Managing hearings <p>b. Extent of Judicial Intervention (10 minutes)</p> <ul style="list-style-type: none"> ● Role of the court: In arbitration, courts are generally expected to refrain from intervening unless necessary. <ul style="list-style-type: none"> ○ Instances where intervention is allowed: <ul style="list-style-type: none"> ▪ Enforcement of an arbitral award ▪ Challenges to an arbitral award (e.g., on the grounds of procedural irregularities) ▪ Appointment or removal of arbitrators ○ Judicial non-interference: Courts should respect the autonomy of the arbitration process to encourage its efficiency and finality. ● Key case laws: Reference landmark cases (e.g., <i>Bhatia International v. Bulk Trading S.A.</i>) to illustrate the principles of judicial intervention and non-intervention. <p>c. Interim Measures (5 minutes)</p> <ul style="list-style-type: none"> ● Definition: Interim measures are temporary actions taken by a tribunal or court to preserve the status quo, protect assets, or prevent harm during the arbitration process. ● Common interim measures: <ul style="list-style-type: none"> ○ Orders for the preservation of evidence ○ Protection of assets or property ○ Prohibition on certain actions ● Court's role in interim measures: In some cases, courts may grant interim relief even before the constitution of the arbitral tribunal. <ul style="list-style-type: none"> ○ Under the <i>Arbitration and Conciliation Act, 1996</i>, courts can provide interim relief if the tribunal has not been formed. <p>d. Power of the Court to Refer Parties to Arbitration (5 minutes)</p> <ul style="list-style-type: none"> ● Judicial reference to arbitration: <ul style="list-style-type: none"> ○ Under Section 8 of the <i>Arbitration and Conciliation Act, 1996</i>, courts are empowered to refer parties to arbitration if a valid arbitration agreement exists. ● Conditions for referral: <ul style="list-style-type: none"> ○ Existence of an arbitration agreement ○ Whether the dispute is arbitrable ● Exceptions to referral: <ul style="list-style-type: none"> ○ If the arbitration agreement is not valid or is subject to a challenge ○ If the dispute is not arbitrable under the law of the jurisdiction (e.g., family law, criminal cases). <p>3. Exercise (5 minutes)</p> <ul style="list-style-type: none"> ● Interactive exercise: Provide a case scenario where students have to analyze the composition of an arbitral tribunal, judicial intervention,
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	<p>interim measures, and the power of the court to refer parties to arbitration.</p> <ul style="list-style-type: none"> • Example scenario: A company enters into a contract with a supplier that includes an arbitration clause. A dispute arises over delivery terms, and the parties are seeking interim measures. <ul style="list-style-type: none"> ○ What steps can be taken? ○ What is the role of the court in this case?
Closure	<p>4. Closure (5 minutes)</p> <ul style="list-style-type: none"> • Summary: Recap the key points: <ul style="list-style-type: none"> - The composition of an arbitral tribunal and how arbitrators are selected. - The extent of judicial intervention in arbitration and its limits. - The importance of interim measures in protecting rights and assets during arbitration. - The conditions under which a court can refer parties to arbitration. • Suggested Reading: <ul style="list-style-type: none"> ○ “Arbitration and Conciliation Act, 1996” ○ Case studies on arbitration and judicial intervention <p>Related articles on interim relief and power of courts in arbitration</p> <ul style="list-style-type: none"> - Suggested Reading - https://www.legalbites.in/adr-alternative-dispute-resolution/ - https://blog.ipleaders.in/alternative-dispute-resolution-and-the-law-of-intellectual-property/
Evaluation	<p>1. Reflective Questions</p> <ul style="list-style-type: none"> - How does the composition of an arbitral tribunal affect the fairness and efficiency of the arbitration process? - Why is judicial intervention in arbitration limited, and how does this support the arbitration process? - When would interim measures be necessary in an arbitration, and who decides on them? - Under what conditions can a court refer a dispute to arbitration, and when might it refuse to do so?

Lesson Plan No. 22	Course Name: Alternative Dispute Resolution Topic: Extent of Judicial Intervention, Interim Measures, Power of Court to refer, Parties to Arbitration	Course No.: BBALLB-404
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Objectives	At the end of this lesson, students will be able to: a. Understand the composition of an arbitral tribunal and the role of arbitrators. b. Evaluate the extent of judicial intervention in arbitration proceedings. c. Discuss the concept of interim measures in the context of arbitration. d. Explain the power of courts to refer parties to arbitration and when judicial intervention is appropriate.
Teaching Aids (if any)	a. PowerPoint Presentation b. Quiz on ADR.
Teaching Development	<p>1. Introduction (5 minutes)</p> <ul style="list-style-type: none"> • Opening questions: <ul style="list-style-type: none"> ○ What is an arbitral tribunal? ○ How does an arbitral tribunal differ from a court? ○ Have you heard of the term "interim measures" in relation to arbitration? ○ What role do courts play in the arbitration process? • Contextualizing the lesson: Introduce the significance of understanding the structure of arbitral tribunals, judicial intervention, and interim measures in ensuring smooth arbitration processes. <p>2. Development (30 minutes)</p> <p>a. Composition of Arbitral Tribunal (10 minutes)</p> <ul style="list-style-type: none"> • Definition and importance: An arbitral tribunal is the body or panel of arbitrators responsible for resolving the dispute through arbitration. • Types of arbitral tribunals: <ul style="list-style-type: none"> ○ Sole arbitrator ○ Three-member tribunal (most common) • Selection of arbitrators: <ul style="list-style-type: none"> ○ Agreement of the parties ○ Institutional rules vs. ad-hoc arbitration • Qualifications of arbitrators: <ul style="list-style-type: none"> ○ Expertise in the subject matter ○ Impartiality and independence ○ Integrity and transparency • Role of the chairperson: <ul style="list-style-type: none"> ○ Leading the tribunal ○ Decision-making authority



	<ul style="list-style-type: none"> ○ Managing hearings <p>b. Extent of Judicial Intervention (10 minutes)</p> <ul style="list-style-type: none"> ● Role of the court: In arbitration, courts are generally expected to refrain from intervening unless necessary. <ul style="list-style-type: none"> ○ Instances where intervention is allowed: <ul style="list-style-type: none"> ▪ Enforcement of an arbitral award ▪ Challenges to an arbitral award (e.g., on the grounds of procedural irregularities) ▪ Appointment or removal of arbitrators ○ Judicial non-interference: Courts should respect the autonomy of the arbitration process to encourage its efficiency and finality. ● Key case laws: Reference landmark cases (e.g., <i>Bhatia International v. Bulk Trading S.A.</i>) to illustrate the principles of judicial intervention and non-intervention. <p>c. Interim Measures (5 minutes)</p> <ul style="list-style-type: none"> ● Definition: Interim measures are temporary actions taken by a tribunal or court to preserve the status quo, protect assets, or prevent harm during the arbitration process. ● Common interim measures: <ul style="list-style-type: none"> ○ Orders for the preservation of evidence ○ Protection of assets or property ○ Prohibition on certain actions ● Court's role in interim measures: In some cases, courts may grant interim relief even before the constitution of the arbitral tribunal. <ul style="list-style-type: none"> ○ Under the <i>Arbitration and Conciliation Act, 1996</i>, courts can provide interim relief if the tribunal has not been formed. <p>d. Power of the Court to Refer Parties to Arbitration (5 minutes)</p> <ul style="list-style-type: none"> ● Judicial reference to arbitration: <ul style="list-style-type: none"> ○ Under Section 8 of the <i>Arbitration and Conciliation Act, 1996</i>, courts are empowered to refer parties to arbitration if a valid arbitration agreement exists. ● Conditions for referral: <ul style="list-style-type: none"> ○ Existence of an arbitration agreement ○ Whether the dispute is arbitrable ● Exceptions to referral: <ul style="list-style-type: none"> ○ If the arbitration agreement is not valid or is subject to a challenge ○ If the dispute is not arbitrable under the law of the jurisdiction (e.g., family law, criminal cases). <p>3. Exercise (5 minutes)</p> <ul style="list-style-type: none"> ● Interactive exercise: Provide a case scenario where students have to analyze the composition of an arbitral tribunal, judicial intervention,
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	<p>interim measures, and the power of the court to refer parties to arbitration.</p> <ul style="list-style-type: none"> • Example scenario: A company enters into a contract with a supplier that includes an arbitration clause. A dispute arises over delivery terms, and the parties are seeking interim measures. <ul style="list-style-type: none"> ○ What steps can be taken? ○ What is the role of the court in this case?
Closure	<p>4. Closure (5 minutes)</p> <ul style="list-style-type: none"> • Summary: Recap the key points: <ul style="list-style-type: none"> ○ The composition of an arbitral tribunal and how arbitrators are selected. ○ The extent of judicial intervention in arbitration and its limits. ○ The importance of interim measures in protecting rights and assets during arbitration. ○ The conditions under which a court can refer parties to arbitration. • Suggested Reading: <ul style="list-style-type: none"> ○ “Arbitration and Conciliation Act, 1996” ○ Case studies on arbitration and judicial intervention <p>Related articles on interim relief and power of courts in arbitration</p> <ul style="list-style-type: none"> - Suggested Reading - https://www.legalbites.in/adr-alternative-dispute-resolution/ - https://blog.iplers.in/alternative-dispute-resolution-and-the-law-of-intellectual-property/
Evaluation	<ol style="list-style-type: none"> 1. Reflective Questions <ul style="list-style-type: none"> ○ How does the composition of an arbitral tribunal affect the fairness and efficiency of the arbitration process? ○ Why is judicial intervention in arbitration limited, and how does this support the arbitration process? ○ When would interim measures be necessary in an arbitration, and who decides on them? ○ Under what conditions can a court refer a dispute to arbitration, and when might it refuse to do so? 2. Quiz/Assessment <ul style="list-style-type: none"> ○ A short quiz on the components of an arbitral tribunal, the role of courts in arbitration, and interim measures. ○ Case study analysis where students must determine whether judicial intervention is warranted or if interim measures should be sought.

Lesson Plan No. 23	Course Name: Alternative Dispute Resolution Topic: Jurisdiction of Arbitral Tribunal, Competence, Competence of Arbitral Tribunal.	Course No.: BBALLB-604
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Objectives	At the end of this lesson, students will be able to: <ol style="list-style-type: none"> 1. Understand the concept and scope of the jurisdiction of an arbitral tribunal. 2. Differentiate between competence and jurisdiction in the context of arbitration. 3. Recognize the key responsibilities in the conduct of arbitral proceedings. 4. Discuss the place of arbitration and its legal significance. 5. Analyze the competence of an arbitral tribunal to rule on its jurisdiction.
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Quiz on ADR.
Teaching Development	<p>Introduction (5 minutes)</p> <ul style="list-style-type: none"> • Start with a brief overview of arbitration as an alternative dispute resolution (ADR) method. • Ask students: <ul style="list-style-type: none"> ○ What is the role of an arbitral tribunal? ○ Why is determining jurisdiction important in arbitration? • Introduce the topics of the lesson and explain the significance of understanding the jurisdiction, competence, conduct of proceedings, and place of arbitration in the arbitration process. <p>2. Development (30 minutes)</p> <p>a. Jurisdiction of Arbitral Tribunal (10 minutes)</p> <ul style="list-style-type: none"> • Explain the jurisdiction of the arbitral tribunal—refers to the authority to hear and decide the disputes submitted to it. • Discuss how jurisdiction is established: <ul style="list-style-type: none"> ○ The arbitration agreement. ○ The subject-matter of the dispute. ○ The parties involved. • Explain the process for challenging the jurisdiction of the arbitral tribunal, especially if a party contests the tribunal's authority. <p>b. Competence of Arbitral Tribunal (7 minutes)</p> <ul style="list-style-type: none"> • Define competence: the tribunal's ability to address the dispute based on



	<p>the scope of the arbitration agreement.</p> <ul style="list-style-type: none">• Discuss the competence-competence principle: an arbitral tribunal has the authority to determine its own jurisdiction.• Review relevant case law on competence of the tribunal and the consequences of jurisdictional challenges. <p>c. Conduct of Arbitral Proceedings (8 minutes)</p> <ul style="list-style-type: none">• Outline the key aspects of the conduct of arbitral proceedings:<ul style="list-style-type: none">○ The procedural rules: how parties can agree on procedural rules or the tribunal's power to set them.○ Fairness and transparency: ensuring that both parties have a fair opportunity to present their case.○ Timeliness: the need to adhere to timelines and deadlines in arbitration proceedings.• Discuss the role of the arbitral tribunal in ensuring a smooth and fair conduct of the process. <p>d. Place of Arbitration (5 minutes)</p> <ul style="list-style-type: none">• Define the place of arbitration: the physical location where arbitration proceedings occur.• Discuss how the place of arbitration affects:<ul style="list-style-type: none">○ Applicable laws: procedural laws of the country where the arbitration is held.○ Enforceability: the ability to enforce the arbitral award in different jurisdictions.• Explain the concept of seat of arbitration and how it is distinct from the place of arbitration. <p>3. Exercise (5 minutes) – Case Study Analysis</p> <ul style="list-style-type: none">• Present a hypothetical scenario where an arbitral tribunal's jurisdiction or competence is challenged.• Ask students:<ul style="list-style-type: none">○ How would you resolve this challenge?○ How does the tribunal establish its competence in this scenario?○ What issues would arise regarding the place of arbitration and the laws governing the proceedings? <p>4. Interactive Discussion (5 minutes)</p> <ul style="list-style-type: none">• Discuss key questions:<ul style="list-style-type: none">○ How can an arbitral tribunal establish its jurisdiction?○ Why is it important for the tribunal to determine its competence before proceeding with arbitration?○ How does the place of arbitration influence the arbitration process and the final award?
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Closure	<ul style="list-style-type: none">• Summarize the lesson by emphasizing the importance of understanding the jurisdiction, competence, and the place of arbitration to effectively navigate the arbitration process.• Reinforce the role of the arbitral tribunal in ensuring fair and efficient proceedings, as well as the legal principles involved. <p>Suggested Reading</p> <ul style="list-style-type: none">• Book: Gary B. Born, <i>International Commercial Arbitration</i>• Article: “Competence-Competence: Jurisdiction and the Arbitral Tribunal” – <i>International Arbitration Journal</i>• Online Resources:<ul style="list-style-type: none">○ International Arbitration Laws○ The Place of Arbitration and Its Legal Implications
Evaluation	<p>Reflective Questions:</p> <ol style="list-style-type: none">1. What are the key differences between the jurisdiction and competence of an arbitral tribunal?2. Why is the place of arbitration so important in arbitration proceedings?3. How does the competence-competence principle impact the autonomy of the arbitral tribunal in determining its jurisdiction?

Lesson Plan No. 24	Course Name: Alternative Dispute Resolution Topic: Conduct of Arbitral Proceedings, Place of Arbitration	Course No.: BBALLB-604
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Objectives	At the end of this lesson, students will be able to: <ol style="list-style-type: none"> 1. Understand the concept and scope of the jurisdiction of an arbitral tribunal. 2. Differentiate between competence and jurisdiction in the context of arbitration. 3. Recognize the key responsibilities in the conduct of arbitral proceedings. 4. Discuss the place of arbitration and its legal significance. 5. Analyze the competence of an arbitral tribunal to rule on its jurisdiction.
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Quiz on ADR.
Teaching Development	<p>Introduction (5 minutes)</p> <ul style="list-style-type: none"> • Start with a brief overview of arbitration as an alternative dispute resolution (ADR) method. • Ask students: <ul style="list-style-type: none"> ○ What is the role of an arbitral tribunal? ○ Why is determining jurisdiction important in arbitration? • Introduce the topics of the lesson and explain the significance of understanding the jurisdiction, competence, conduct of proceedings, and place of arbitration in the arbitration process. <p>2. Development (30 minutes)</p> <p>a. Jurisdiction of Arbitral Tribunal (10 minutes)</p> <ul style="list-style-type: none"> • Explain the jurisdiction of the arbitral tribunal—refers to the authority to hear and decide the disputes submitted to it. • Discuss how jurisdiction is established: <ul style="list-style-type: none"> ○ The arbitration agreement. ○ The subject-matter of the dispute. ○ The parties involved. • Explain the process for challenging the jurisdiction of the arbitral tribunal, especially if a party contests the tribunal's authority. <p>b. Competence of Arbitral Tribunal (7 minutes)</p> <ul style="list-style-type: none"> • Define competence: the tribunal's ability to address the dispute based on the scope of the arbitration agreement.



	<ul style="list-style-type: none">• Discuss the competence-competence principle: an arbitral tribunal has the authority to determine its own jurisdiction.• Review relevant case law on competence of the tribunal and the consequences of jurisdictional challenges. <p>c. Conduct of Arbitral Proceedings (8 minutes)</p> <ul style="list-style-type: none">• Outline the key aspects of the conduct of arbitral proceedings:<ul style="list-style-type: none">○ The procedural rules: how parties can agree on procedural rules or the tribunal's power to set them.○ Fairness and transparency: ensuring that both parties have a fair opportunity to present their case.○ Timeliness: the need to adhere to timelines and deadlines in arbitration proceedings.• Discuss the role of the arbitral tribunal in ensuring a smooth and fair conduct of the process. <p>d. Place of Arbitration (5 minutes)</p> <ul style="list-style-type: none">• Define the place of arbitration: the physical location where arbitration proceedings occur.• Discuss how the place of arbitration affects:<ul style="list-style-type: none">○ Applicable laws: procedural laws of the country where the arbitration is held.○ Enforceability: the ability to enforce the arbitral award in different jurisdictions.• Explain the concept of seat of arbitration and how it is distinct from the place of arbitration. <p>3. Exercise (5 minutes) – Case Study Analysis</p> <ul style="list-style-type: none">• Present a hypothetical scenario where an arbitral tribunal's jurisdiction or competence is challenged.• Ask students:<ul style="list-style-type: none">○ How would you resolve this challenge?○ How does the tribunal establish its competence in this scenario?○ What issues would arise regarding the place of arbitration and the laws governing the proceedings? <p>4. Interactive Discussion (5 minutes)</p> <ul style="list-style-type: none">• Discuss key questions:<ul style="list-style-type: none">○ How can an arbitral tribunal establish its jurisdiction?○ Why is it important for the tribunal to determine its competence before proceeding with arbitration?○ How does the place of arbitration influence the arbitration process and the final award?
Closure	<ul style="list-style-type: none">• Summarize the lesson by emphasizing the importance of understanding



	<p>the jurisdiction, competence, and the place of arbitration to effectively navigate the arbitration process.</p> <ul style="list-style-type: none">• Reinforce the role of the arbitral tribunal in ensuring fair and efficient proceedings, as well as the legal principles involved. <p>Suggested Reading</p> <ul style="list-style-type: none">• Book: Gary B. Born, <i>International Commercial Arbitration</i>• Article: “Competence-Competence: Jurisdiction and the Arbitral Tribunal” – <i>International Arbitration Journal</i>• Online Resources:<ul style="list-style-type: none">○ International Arbitration Laws○ The Place of Arbitration and Its Legal Implications
<p>Evaluation</p>	<p>Reflective Questions:</p> <ol style="list-style-type: none">1. What are the key differences between the jurisdiction and competence of an arbitral tribunal?2. Why is the place of arbitration so important in arbitration proceedings?3. How does the competence-competence principle impact the autonomy of the arbitral tribunal in determining its jurisdiction?

Lesson Plan No. 25	Course Name: Alternative Dispute Resolution Topic: Arbitral Award, Termination	Course No.: BBALLB-604
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Objectives	At the end of this lesson, students will be able to: <ol style="list-style-type: none"> 1. Understand the concept and significance of an arbitral award in the arbitration process. 2. Explore the process of termination of arbitral proceedings and the grounds for it. 3. Comprehend the legal framework and procedures for the enforcement of arbitral awards. 4. Examine the challenges in enforcing arbitral awards, particularly in international contexts. 5. Appreciate the implications of non-compliance with an arbitral award and possible remedies.
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Quiz on ADR.
Teaching Development	<p>1. Introduction (5 minutes)</p> <ul style="list-style-type: none"> • Begin with a brief recap of previous lessons on the jurisdiction and competence of arbitral tribunals. • Ask students: <ul style="list-style-type: none"> ○ What is an arbitral award, and why is it important in arbitration? ○ Have you heard of situations where an arbitral award is not followed? What happens in such cases? • Introduce the topics of arbitral awards, termination, and enforcement, and their significance in the arbitration process. <p>2. Development (30 minutes)</p> <p>a. Arbitral Award (10 minutes)</p> <ul style="list-style-type: none"> • Definition: An arbitral award is the final decision made by the arbitral tribunal that resolves the dispute. • Types of awards: <ul style="list-style-type: none"> ○ Interim/Preliminary awards: Issued to resolve issues before the final award. ○ Final awards: Conclude the arbitration and address the substantive claims. • Elements of a valid award: <ul style="list-style-type: none"> ○ Must be in writing. ○ Should be signed by the arbitrators. ○ Must address the claims presented by the parties. • Content of an arbitral award:



	<ul style="list-style-type: none">○ The tribunal's reasoning.○ The relief granted (e.g., monetary compensation, injunction).○ A timeline for compliance, if applicable.● Discuss the timeframe within which the arbitral award must be rendered (e.g., under the Arbitration and Conciliation Act, 1996 in India, the award must be issued within a specific time period unless the parties agree otherwise). <p>b. Termination of Arbitral Proceedings (7 minutes)</p> <ul style="list-style-type: none">● Grounds for termination:<ul style="list-style-type: none">○ Award rendered: Arbitration ends once the final award is issued.○ Agreement between parties: Parties may agree to terminate the proceedings before the award is rendered.○ Failure to proceed: If the tribunal or parties fail to act within a certain time frame or due to procedural delays.● Setting aside or vacating the award:<ul style="list-style-type: none">○ Grounds under Section 34 of the Arbitration and Conciliation Act, 1996 (e.g., lack of jurisdiction, procedural irregularity, violation of public policy).○ International grounds for setting aside or challenging an award under the New York Convention.● Discuss how parties can also withdraw their claims during arbitration (thus terminating the proceedings without an award). <p>c. Enforcement of Arbitral Awards (10 minutes)</p> <ul style="list-style-type: none">● Enforcement of domestic arbitral awards:<ul style="list-style-type: none">○ Discuss how arbitral awards are enforced under national laws (e.g., Indian Arbitration Act, Arbitration Act 1996 in the UK, and FAA in the U.S.).○ Process of applying to the court to enforce an arbitral award.○ Recognizing the award: Ensuring that the court recognizes the arbitral award as binding.● Enforcement of international arbitral awards:<ul style="list-style-type: none">○ New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958): Key international treaty facilitating the enforcement of arbitral awards across borders.○ The process and grounds for refusal of enforcement:<ul style="list-style-type: none">▪ If the award is contrary to the public policy of the enforcing country.▪ If the arbitration agreement was not valid.▪ If the award was not rendered in accordance with due process.● Discuss challenges faced in enforcing foreign awards, including issues related to sovereignty, public policy, and judicial cooperation. <p>d. Remedies for Non-Compliance with an Arbitral Award (3 minutes)</p> <ul style="list-style-type: none">● Discuss what happens when a party refuses to comply with an arbitral award:
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	<ul style="list-style-type: none"> ○ Contempt of court: The enforcing court may hold the non-complying party in contempt. ○ Asset seizure: Courts may authorize the seizure of assets to satisfy the award. ● Monetary penalties or interest imposed for delay in enforcement. <p>3. Exercise (5 minutes) – Case Study Analysis</p> <ul style="list-style-type: none"> ● Present a case study where an arbitral award is challenged or not enforced. Ask students to: <ul style="list-style-type: none"> ○ Identify the legal grounds for challenging or refusing enforcement. ○ Discuss whether the enforcement of the award should be allowed based on the facts of the case. <p>4. Interactive Discussion (5 minutes)</p> <ul style="list-style-type: none"> ● Discuss key questions: <ul style="list-style-type: none"> ○ Why do some parties resist complying with arbitral awards? ○ What steps can a party take if they face difficulties in enforcing an award abroad? ○ How does the New York Convention ensure that international arbitral awards are recognized across borders?
Closure	<ul style="list-style-type: none"> ● Summarize the lesson by emphasizing the importance of the arbitral award in resolving disputes and the procedures for terminating and enforcing such awards. ● Reinforce that enforcement of arbitral awards is critical to ensuring that arbitration remains an effective and binding alternative dispute resolution mechanism. <p>Suggested Reading</p> <ul style="list-style-type: none"> ● Book: Gary B. Born, <i>International Commercial Arbitration</i> (Chapters on enforcement of awards and termination). ● Article: "Enforcing Arbitral Awards in International Disputes" – <i>Journal of International Arbitration</i>. ● Online Resource: <ul style="list-style-type: none"> ○ The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards
Evaluation	<p>Reflective Questions:</p> <ol style="list-style-type: none"> 1. What are the key requirements for an arbitral award to be considered valid and enforceable? 2. What legal steps can a party take to enforce an arbitral award in a foreign jurisdiction under the New York Convention? 3. In what cases might an arbitral award be set aside or not enforced? What



	are the implications of this?
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Lesson Plan No. 26	Course Name: Alternative Dispute Resolution Topic: Arbitral Award, Enforcement	Course No.: BBALLB-604
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Objectives	<p>At the end of this lesson, students will be able to:</p> <ol style="list-style-type: none"> 1. Understand the concept and significance of an arbitral award in the arbitration process. 2. Explore the process of termination of arbitral proceedings and the grounds for it. 3. Comprehend the legal framework and procedures for the enforcement of arbitral awards. 4. Examine the challenges in enforcing arbitral awards, particularly in international contexts. 5. Appreciate the implications of non-compliance with an arbitral award and possible remedies.
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Quiz on ADR.
Teaching Development	<p>1. Introduction (5 minutes)</p> <ul style="list-style-type: none"> • Begin with a brief recap of previous lessons on the jurisdiction and competence of arbitral tribunals. • Ask students: <ul style="list-style-type: none"> ○ What is an arbitral award, and why is it important in arbitration? ○ Have you heard of situations where an arbitral award is not followed? What happens in such cases? • Introduce the topics of arbitral awards, termination, and enforcement, and their significance in the arbitration process. <p>2. Development (30 minutes)</p> <p>a. Arbitral Award (10 minutes)</p> <ul style="list-style-type: none"> • Definition: An arbitral award is the final decision made by the arbitral tribunal that resolves the dispute. • Types of awards: <ul style="list-style-type: none"> ○ Interim/Preliminary awards: Issued to resolve issues before the final award. ○ Final awards: Conclude the arbitration and address the substantive claims. • Elements of a valid award: <ul style="list-style-type: none"> ○ Must be in writing. ○ Should be signed by the arbitrators. ○ Must address the claims presented by the parties. • Content of an arbitral award:



	<ul style="list-style-type: none">○ The tribunal's reasoning.○ The relief granted (e.g., monetary compensation, injunction).○ A timeline for compliance, if applicable.● Discuss the timeframe within which the arbitral award must be rendered (e.g., under the Arbitration and Conciliation Act, 1996 in India, the award must be issued within a specific time period unless the parties agree otherwise). <p>b. Termination of Arbitral Proceedings (7 minutes)</p> <ul style="list-style-type: none">● Grounds for termination:<ul style="list-style-type: none">○ Award rendered: Arbitration ends once the final award is issued.○ Agreement between parties: Parties may agree to terminate the proceedings before the award is rendered.○ Failure to proceed: If the tribunal or parties fail to act within a certain time frame or due to procedural delays.● Setting aside or vacating the award:<ul style="list-style-type: none">○ Grounds under Section 34 of the Arbitration and Conciliation Act, 1996 (e.g., lack of jurisdiction, procedural irregularity, violation of public policy).○ International grounds for setting aside or challenging an award under the New York Convention.● Discuss how parties can also withdraw their claims during arbitration (thus terminating the proceedings without an award). <p>c. Enforcement of Arbitral Awards (10 minutes)</p> <ul style="list-style-type: none">● Enforcement of domestic arbitral awards:<ul style="list-style-type: none">○ Discuss how arbitral awards are enforced under national laws (e.g., Indian Arbitration Act, Arbitration Act 1996 in the UK, and FAA in the U.S.).○ Process of applying to the court to enforce an arbitral award.○ Recognizing the award: Ensuring that the court recognizes the arbitral award as binding.● Enforcement of international arbitral awards:<ul style="list-style-type: none">○ New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958): Key international treaty facilitating the enforcement of arbitral awards across borders.○ The process and grounds for refusal of enforcement:<ul style="list-style-type: none">▪ If the award is contrary to the public policy of the enforcing country.▪ If the arbitration agreement was not valid.▪ If the award was not rendered in accordance with due process.● Discuss challenges faced in enforcing foreign awards, including issues related to sovereignty, public policy, and judicial cooperation. <p>d. Remedies for Non-Compliance with an Arbitral Award (3 minutes)</p> <ul style="list-style-type: none">● Discuss what happens when a party refuses to comply with an arbitral award:
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	<ul style="list-style-type: none"> ○ Contempt of court: The enforcing court may hold the non-complying party in contempt. ○ Asset seizure: Courts may authorize the seizure of assets to satisfy the award. ● Monetary penalties or interest imposed for delay in enforcement. <p>3. Exercise (5 minutes) – Case Study Analysis</p> <ul style="list-style-type: none"> ● Present a case study where an arbitral award is challenged or not enforced. Ask students to: <ul style="list-style-type: none"> ○ Identify the legal grounds for challenging or refusing enforcement. ○ Discuss whether the enforcement of the award should be allowed based on the facts of the case. <p>4. Interactive Discussion (5 minutes)</p> <ul style="list-style-type: none"> ● Discuss key questions: <ul style="list-style-type: none"> ○ Why do some parties resist complying with arbitral awards? ○ What steps can a party take if they face difficulties in enforcing an award abroad? ○ How does the New York Convention ensure that international arbitral awards are recognized across borders?
Closure	<ul style="list-style-type: none"> ● Summarize the lesson by emphasizing the importance of the arbitral award in resolving disputes and the procedures for terminating and enforcing such awards. ● Reinforce that enforcement of arbitral awards is critical to ensuring that arbitration remains an effective and binding alternative dispute resolution mechanism. <p>Suggested Reading</p> <ul style="list-style-type: none"> ● Book: Gary B. Born, <i>International Commercial Arbitration</i> (Chapters on enforcement of awards and termination). ● Article: "Enforcing Arbitral Awards in International Disputes" – <i>Journal of International Arbitration</i>. ● Online Resource: <ul style="list-style-type: none"> ○ The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards
Evaluation	<p>Reflective Questions:</p> <ol style="list-style-type: none"> 1. What are the key requirements for an arbitral award to be considered valid and enforceable? 2. What legal steps can a party take to enforce an arbitral award in a foreign jurisdiction under the New York Convention? 3. In what cases might an arbitral award be set aside or not enforced? What



	are the implications of this?
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Lesson Plan No. 27	Course Name: Alternative Dispute Resolution Topic: Conciliation	Course No.: BBALLB-604
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Objectives	At the end of this lesson, students will be able to: <ol style="list-style-type: none"> 1. Understand the concept of conciliation as a method of resolving disputes. 2. Learn about the conciliation process and the role of the conciliator. 3. Identify the legal framework governing conciliation in different jurisdictions. 4. Compare conciliation with other ADR methods, such as mediation and arbitration. 5. Recognize the benefits and limitations of conciliation as an alternative dispute resolution mechanism.
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Quiz on ADR.
Teaching Development	<p>1. Introduction (5 minutes)</p> <ul style="list-style-type: none"> • Start by asking students: <ul style="list-style-type: none"> ○ What do you know about conciliation as a method of dispute resolution? ○ How does conciliation differ from mediation and arbitration? • Briefly explain that conciliation is an ADR process where a neutral third party (the conciliator) assists the parties in reaching a mutually agreeable settlement. • Introduce the main topics: the conciliation process, the role of the conciliator, and the legal framework surrounding conciliation. <p>2. Development (30 minutes)</p> <p>a. Concept of Conciliation (7 minutes)</p> <ul style="list-style-type: none"> • Define conciliation: A process in which a neutral third party (the conciliator) assists the parties in dispute by facilitating communication, suggesting solutions, and helping them reach an agreement. Unlike a mediator, the conciliator often proposes solutions. • Key Characteristics of Conciliation: <ul style="list-style-type: none"> ○ Voluntary: Participation in conciliation is usually voluntary, though it may be mandatory in some jurisdictions or under specific contracts. ○ Non-binding: The outcome of the conciliation process is non-binding unless the parties agree to a settlement. ○ Informal: The process is more informal than court procedures or arbitration. ○ Flexible: The process can be tailored to the needs of the parties

	<p>involved.</p> <p>b. The Conciliation Process (10 minutes)</p> <ul style="list-style-type: none"> • Steps in the Conciliation Process: <ol style="list-style-type: none"> 1. Initiation: The process begins when one party requests conciliation, and the other party agrees to participate. It may be initiated by agreement between the parties or by a court order. 2. Appointment of the Conciliator: A neutral third party, agreed upon by the parties, is appointed to facilitate the process. 3. Preliminary Meeting: The conciliator meets with the parties individually to understand their issues and the potential areas of agreement. 4. Joint Sessions: The parties meet with the conciliator together to discuss the dispute openly. The conciliator helps identify common ground and suggests possible solutions. 5. Proposals and Negotiation: The conciliator may propose solutions or help the parties negotiate terms for a settlement. 6. Agreement or Outcome: If the parties reach an agreement, the conciliator helps draft a settlement agreement. If no agreement is reached, the parties may proceed to other forms of dispute resolution. • Role of the Conciliator: <ul style="list-style-type: none"> ○ Facilitator: Ensures smooth communication between the parties. ○ Neutral Advisor: Offers suggestions or proposals to resolve the dispute. ○ Confidential: The conciliator keeps the information shared by the parties confidential. <p>c. Legal Framework for Conciliation (8 minutes)</p> <ul style="list-style-type: none"> • International Frameworks: <ul style="list-style-type: none"> ○ UNCITRAL Model Law on International Commercial Conciliation: Sets guidelines for the practice of conciliation in international disputes. ○ The New York Convention (1958): Encourages recognition and enforcement of conciliation agreements. • National Legislation: <ul style="list-style-type: none"> ○ India: The Indian Arbitration and Conciliation Act, 1996 (Part III) governs conciliation. The law emphasizes that the conciliator should act in a neutral and impartial manner, and it offers an opportunity for court-appointed conciliation in certain situations. ○ United States: Conciliation can be part of the mediation process in many legal systems, particularly through the Uniform Mediation Act in some states. ○ European Union: Many European countries use conciliation in both commercial and family disputes, often linked with mediation processes. • Discuss the differences in conciliation procedures across different jurisdictions, emphasizing the flexibility in approach but also the legal
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frameworks that guide the practice.

d. Comparison with Other ADR Mechanisms (5 minutes)

- **Conciliation vs. Mediation:**
 - Both are voluntary and informal processes, but the key difference is that conciliators may propose solutions, whereas mediators only facilitate discussion.
 - Mediators typically have less involvement in suggesting outcomes than conciliators.
- **Conciliation vs. Arbitration:**
 - Arbitration involves a binding decision by the arbitrator, while conciliation results in non-binding agreements unless the parties agree to be bound.
 - Arbitration is often a more formal process, whereas conciliation is usually less formal and more flexible.

e. Benefits and Limitations of Conciliation (5 minutes)

- **Benefits:**
 - **Cost-effective:** Conciliation can be cheaper than litigation or arbitration.
 - **Time-efficient:** The process is generally faster than going through a court case.
 - **Confidential:** The process remains private, and the settlement is often confidential.
 - **Preserves relationships:** As a less adversarial process, it can help preserve business or personal relationships.
 - **Flexibility:** The process can be adjusted to suit the needs of the parties.
- **Limitations:**
 - **Non-binding:** The outcome is not enforceable unless the parties agree.
 - **No guaranteed success:** The process may not lead to a resolution if the parties do not agree.
 - **Lack of judicial enforcement:** Some legal systems may not have adequate mechanisms to enforce conciliation agreements.

3. Exercise (5 minutes) – Case Study Analysis

- Present a real-life case study where conciliation helped resolve a dispute. Ask students to:
 - Identify the role of the conciliator.
 - Discuss how conciliation contributed to the resolution.
 - Reflect on the effectiveness of conciliation compared to litigation or arbitration in this case.

4. Interactive Discussion (5 minutes)



	<ul style="list-style-type: none">• Discuss the following questions:<ul style="list-style-type: none">○ In what types of disputes would conciliation be particularly beneficial?○ What are the advantages of conciliation over traditional court-based dispute resolution?○ What challenges might arise when parties are unwilling to compromise during the conciliation process?
Closure	<ul style="list-style-type: none">• Summarize the lesson by emphasizing the importance of conciliation as a flexible and voluntary ADR method.• Reinforce the role of the conciliator in helping parties reach a mutually acceptable solution.• Encourage students to consider conciliation as an alternative for resolving disputes in both personal and professional contexts. <p>Suggested Reading</p> <ul style="list-style-type: none">• Book: <i>Alternative Dispute Resolution</i> by Thomas E. Carbonneau• Article: "Conciliation as an Effective Method of Dispute Resolution" – <i>Journal of ADR Practice and Policy</i>• Online Resource:<ul style="list-style-type: none">○ UNCITRAL Model Law on Conciliation
Evaluation	<p>Reflective Questions:</p> <ol style="list-style-type: none">1. How does the role of a conciliator differ from that of a mediator?2. What types of disputes are best suited for conciliation, and why?3. What are the challenges of using conciliation in a multi-party dispute where one party is not cooperative?

Lesson Plan No. 28	Course Name: Alternative Dispute Resolution Topic: Conciliation and its Mechanism	Course No.: BBALLB-604
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Objectives	At the end of this lesson, students will be able to: <ol style="list-style-type: none"> 1. Understand the concept of conciliation as a method of resolving disputes. 2. Learn about the conciliation process and the role of the conciliator. 3. Identify the legal framework governing conciliation in different jurisdictions. 4. Compare conciliation with other ADR methods, such as mediation and arbitration. 5. Recognize the benefits and limitations of conciliation as an alternative dispute resolution mechanism.
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Quiz on ADR.
Teaching Development	<p>1. Introduction (5 minutes)</p> <ul style="list-style-type: none"> • Start by asking students: <ul style="list-style-type: none"> ○ What do you know about conciliation as a method of dispute resolution? ○ How does conciliation differ from mediation and arbitration? • Briefly explain that conciliation is an ADR process where a neutral third party (the conciliator) assists the parties in reaching a mutually agreeable settlement. • Introduce the main topics: the conciliation process, the role of the conciliator, and the legal framework surrounding conciliation. <p>2. Development (30 minutes)</p> <p>a. Concept of Conciliation (7 minutes)</p> <ul style="list-style-type: none"> • Define conciliation: A process in which a neutral third party (the conciliator) assists the parties in dispute by facilitating communication, suggesting solutions, and helping them reach an agreement. Unlike a mediator, the conciliator often proposes solutions. • Key Characteristics of Conciliation: <ul style="list-style-type: none"> ○ Voluntary: Participation in conciliation is usually voluntary, though it may be mandatory in some jurisdictions or under specific contracts. ○ Non-binding: The outcome of the conciliation process is non-binding unless the parties agree to a settlement. ○ Informal: The process is more informal than court procedures or arbitration. ○ Flexible: The process can be tailored to the needs of the parties



	<p>involved.</p> <p>b. The Conciliation Process (10 minutes)</p> <ul style="list-style-type: none"> • Steps in the Conciliation Process: <ol style="list-style-type: none"> 1. Initiation: The process begins when one party requests conciliation, and the other party agrees to participate. It may be initiated by agreement between the parties or by a court order. 2. Appointment of the Conciliator: A neutral third party, agreed upon by the parties, is appointed to facilitate the process. 3. Preliminary Meeting: The conciliator meets with the parties individually to understand their issues and the potential areas of agreement. 4. Joint Sessions: The parties meet with the conciliator together to discuss the dispute openly. The conciliator helps identify common ground and suggests possible solutions. 5. Proposals and Negotiation: The conciliator may propose solutions or help the parties negotiate terms for a settlement. 6. Agreement or Outcome: If the parties reach an agreement, the conciliator helps draft a settlement agreement. If no agreement is reached, the parties may proceed to other forms of dispute resolution. • Role of the Conciliator: <ul style="list-style-type: none"> ○ Facilitator: Ensures smooth communication between the parties. ○ Neutral Advisor: Offers suggestions or proposals to resolve the dispute. ○ Confidential: The conciliator keeps the information shared by the parties confidential. <p>c. Legal Framework for Conciliation (8 minutes)</p> <ul style="list-style-type: none"> • International Frameworks: <ul style="list-style-type: none"> ○ UNCITRAL Model Law on International Commercial Conciliation: Sets guidelines for the practice of conciliation in international disputes. ○ The New York Convention (1958): Encourages recognition and enforcement of conciliation agreements. • National Legislation: <ul style="list-style-type: none"> ○ India: The Indian Arbitration and Conciliation Act, 1996 (Part III) governs conciliation. The law emphasizes that the conciliator should act in a neutral and impartial manner, and it offers an opportunity for court-appointed conciliation in certain situations. ○ United States: Conciliation can be part of the mediation process in many legal systems, particularly through the Uniform Mediation Act in some states. ○ European Union: Many European countries use conciliation in both commercial and family disputes, often linked with mediation processes. • Discuss the differences in conciliation procedures across different jurisdictions, emphasizing the flexibility in approach but also the legal
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	<p>frameworks that guide the practice.</p> <p>d. Comparison with Other ADR Mechanisms (5 minutes)</p> <ul style="list-style-type: none"> • Conciliation vs. Mediation: <ul style="list-style-type: none"> ○ Both are voluntary and informal processes, but the key difference is that conciliators may propose solutions, whereas mediators only facilitate discussion. ○ Mediators typically have less involvement in suggesting outcomes than conciliators. • Conciliation vs. Arbitration: <ul style="list-style-type: none"> ○ Arbitration involves a binding decision by the arbitrator, while conciliation results in non-binding agreements unless the parties agree to be bound. ○ Arbitration is often a more formal process, whereas conciliation is usually less formal and more flexible. <p>e. Benefits and Limitations of Conciliation (5 minutes)</p> <ul style="list-style-type: none"> • Benefits: <ul style="list-style-type: none"> ○ Cost-effective: Conciliation can be cheaper than litigation or arbitration. ○ Time-efficient: The process is generally faster than going through a court case. ○ Confidential: The process remains private, and the settlement is often confidential. ○ Preserves relationships: As a less adversarial process, it can help preserve business or personal relationships. ○ Flexibility: The process can be adjusted to suit the needs of the parties. • Limitations: <ul style="list-style-type: none"> ○ Non-binding: The outcome is not enforceable unless the parties agree. ○ No guaranteed success: The process may not lead to a resolution if the parties do not agree. ○ Lack of judicial enforcement: Some legal systems may not have adequate mechanisms to enforce conciliation agreements. <hr/> <p>3. Exercise (5 minutes) – Case Study Analysis</p> <ul style="list-style-type: none"> • Present a real-life case study where conciliation helped resolve a dispute. Ask students to: <ul style="list-style-type: none"> ○ Identify the role of the conciliator. ○ Discuss how conciliation contributed to the resolution. ○ Reflect on the effectiveness of conciliation compared to litigation or arbitration in this case. <p>4. Interactive Discussion (5 minutes)</p>
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	<ul style="list-style-type: none">• Discuss the following questions:<ul style="list-style-type: none">○ In what types of disputes would conciliation be particularly beneficial?○ What are the advantages of conciliation over traditional court-based dispute resolution?○ What challenges might arise when parties are unwilling to compromise during the conciliation process?
Closure	<ul style="list-style-type: none">• Summarize the lesson by emphasizing the importance of conciliation as a flexible and voluntary ADR method.• Reinforce the role of the conciliator in helping parties reach a mutually acceptable solution.• Encourage students to consider conciliation as an alternative for resolving disputes in both personal and professional contexts. <p>Suggested Reading</p> <ul style="list-style-type: none">• Book: <i>Alternative Dispute Resolution</i> by Thomas E. Carbonneau• Article: "Conciliation as an Effective Method of Dispute Resolution" – <i>Journal of ADR Practice and Policy</i>• Online Resource:<ul style="list-style-type: none">○ UNCITRAL Model Law on Conciliation
Evaluation	<p>Reflective Questions:</p> <ol style="list-style-type: none">1. How does the role of a conciliator differ from that of a mediator?2. What types of disputes are best suited for conciliation, and why?3. What are the challenges of using conciliation in a multi-party dispute where one party is not cooperative?

Lesson Plan No. 29	Course Name: Alternative Dispute Resolution Topic: Arbitral Tribunal	Course No.: BBALLB-604
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Objectives	At the end of the lesson, students will be able to: <ol style="list-style-type: none"> 1. Understand the concept of an Arbitral Tribunal and its composition. 2. Learn the procedures for appointing members of an Arbitral Tribunal. 3. Identify the roles and responsibilities of arbitrators within the tribunal. 4. Discuss the factors that influence the composition of arbitral tribunals in both domestic and international arbitration. 5. Analyze the advantages and challenges related to the composition of arbitral tribunals.
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Quiz on ADR.
Teaching Development	<p>1. Introduction (5 minutes)</p> <ul style="list-style-type: none"> • Begin by asking students: <ul style="list-style-type: none"> ○ What do you understand by the term arbitral tribunal? ○ Why is the composition of an arbitral tribunal important in the arbitration process? • Briefly explain that an arbitral tribunal is a panel or group of individuals appointed to resolve a dispute through arbitration, and its composition is crucial for ensuring fairness, expertise, and impartiality. <p>2. Development (30 minutes)</p> <p>a. Concept of an Arbitral Tribunal (7 minutes)</p> <ul style="list-style-type: none"> • Definition: An arbitral tribunal is a body of one or more arbitrators appointed to resolve a dispute outside of the court system through arbitration. • Composition of the Arbitral Tribunal: <ul style="list-style-type: none"> ○ Single Arbitrator: In some arbitration proceedings, especially those involving smaller disputes or where the parties mutually agree, a single arbitrator is appointed. ○ Panel of Arbitrators: In more complex or high-value disputes, a panel of three or more arbitrators may be appointed to provide greater expertise and impartiality. A typical panel consists of an odd number of arbitrators (often three) to avoid a tie in decision-making. <p>b. Appointment of Arbitrators (8 minutes)</p> <ul style="list-style-type: none"> • Methods of Appointment:



	<ul style="list-style-type: none">○ Agreement of the Parties: The parties can mutually agree on the number of arbitrators and their selection process.○ Institutional Arbitration: In cases where the parties choose an institutional arbitration (e.g., ICC, LCIA, SIAC), the institution may play a role in appointing arbitrators.○ Ad-Hoc Arbitration: For non-institutional arbitration, the parties may directly appoint arbitrators, or in some cases, a national court may intervene to appoint the arbitrators.● Factors in the Selection of Arbitrators:<ul style="list-style-type: none">○ Expertise: Arbitrators should have knowledge and experience in the subject matter of the dispute (e.g., construction law, intellectual property, commercial contracts).○ Impartiality and Independence: Arbitrators must be free from conflicts of interest and should act impartially to ensure fairness.○ Availability: The arbitrators must be available to conduct hearings and render an award within the stipulated timeframe.● Tribunal Composition and Party Autonomy: The parties may specify the tribunal's composition in their arbitration agreement or as part of the dispute resolution clause. <p>c. Roles and Responsibilities of Arbitrators (8 minutes)</p> <ul style="list-style-type: none">● Role of the Sole Arbitrator:<ul style="list-style-type: none">○ In disputes where a single arbitrator is appointed, the sole arbitrator takes on all responsibilities for managing the case, making procedural decisions, and rendering the final award.● Role of the Panel of Arbitrators:<ul style="list-style-type: none">○ In a panel, each arbitrator must act impartially and contribute to the decision-making process.○ The Chairperson or Presiding Arbitrator: In a panel of arbitrators, one of them is typically appointed as the chairperson to lead the tribunal, manage the hearings, and ensure that the tribunal's procedures are followed. The chairperson may have the casting vote if there is a tie.● Responsibilities:<ul style="list-style-type: none">○ Conduct hearings and manage the procedural aspects of the case.○ Review evidence presented by both parties.○ Render a final award in accordance with the agreement and the applicable law. <p>d. The Importance of Tribunal Composition (7 minutes)</p> <ul style="list-style-type: none">● Ensuring Impartiality and Independence:<ul style="list-style-type: none">○ The composition of the tribunal is crucial for avoiding any bias or conflicts of interest. Arbitrators must disclose any potential conflicts to maintain the integrity of the arbitration process.● Diverse Expertise: In complex cases, having multiple arbitrators with diverse backgrounds allows for a more comprehensive understanding of the issues at hand.● International Arbitration: In international arbitration, parties from different legal and cultural backgrounds may want to ensure the
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	<p>composition of the tribunal reflects a balance between their interests.</p> <ul style="list-style-type: none"> • Confidentiality and Neutrality: The tribunal must ensure that the proceedings remain confidential and impartial, especially when dealing with sensitive business information. <p>e. Legal Framework for Arbitral Tribunal Composition (5 minutes)</p> <ul style="list-style-type: none"> • Arbitration and Conciliation Act, 1996 (India): <ul style="list-style-type: none"> ○ Section 10 of the Act provides that the parties are free to agree on the number of arbitrators and the method of their selection. If they cannot agree, the court may appoint an arbitrator. • UNCITRAL Model Law: <ul style="list-style-type: none"> ○ Article 10-15 of the UNCITRAL Model Law provides guidance on the appointment and composition of arbitral tribunals, ensuring that parties have the freedom to choose the number and method of selecting arbitrators. • International Frameworks: <ul style="list-style-type: none"> ○ In international arbitration, rules from bodies like the ICC, LCIA, and others provide detailed rules on tribunal composition, including the selection of a presiding arbitrator and the balance of nationalities on the panel. <p>3. Exercise (5 minutes) – Case Study Analysis</p> <ul style="list-style-type: none"> • Present a case study where the composition of the arbitral tribunal was critical to resolving the dispute. Ask students to: <ul style="list-style-type: none"> ○ Identify how the tribunal’s composition influenced the outcome. ○ Discuss the advantages and disadvantages of using a panel of arbitrators versus a sole arbitrator. <p>4. Interactive Discussion (5 minutes)</p> <ul style="list-style-type: none"> • Discuss the following questions: <ul style="list-style-type: none"> ○ Why is it important to have a tribunal composed of arbitrators with expertise in the subject matter of the dispute? ○ What are the challenges of ensuring impartiality in the composition of a tribunal, especially in international arbitration?
Closure	<ul style="list-style-type: none"> • Summarize the importance of the composition of the arbitral tribunal, emphasizing that a well-composed tribunal ensures fairness, expertise, and efficiency in resolving disputes. • Reinforce that the role of arbitrators is central to the success of the arbitration process, and their impartiality and independence are key to maintaining the integrity of the process. <p>Suggested Reading</p> <ul style="list-style-type: none"> • Book: Gary B. Born, <i>International Commercial Arbitration</i> (Chapters on tribunal composition and appointment).



	<ul style="list-style-type: none">• Article: "Arbitral Tribunal Composition: Challenges and Best Practices" – <i>Journal of International Arbitration</i>.• Online Resource:<ul style="list-style-type: none">○ Arbitration and Conciliation Act, 1996 (India)○ UNCITRAL Model Law on Arbitration
Evaluation	Reflective Questions: <ol style="list-style-type: none">1. What are the main factors that influence the composition of an arbitral tribunal?2. What are the advantages and challenges of using a panel of arbitrators versus a sole arbitrator?3. How can a tribunal maintain impartiality and independence during the arbitration process?

Lesson Plan No. 30	Course Name: Alternative Dispute Resolution Topic: Arbitral Tribunal - Composition	Course No.: BBALLB-604
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Objectives	At the end of the lesson, students will be able to: <ol style="list-style-type: none"> 1. Understand the concept of an Arbitral Tribunal and its composition. 2. Learn the procedures for appointing members of an Arbitral Tribunal. 3. Identify the roles and responsibilities of arbitrators within the tribunal. 4. Discuss the factors that influence the composition of arbitral tribunals in both domestic and international arbitration. 5. Analyze the advantages and challenges related to the composition of arbitral tribunals.
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Quiz on ADR.
Teaching Development	<p>1. Introduction (5 minutes)</p> <ul style="list-style-type: none"> • Begin by asking students: <ul style="list-style-type: none"> ○ What do you understand by the term arbitral tribunal? ○ Why is the composition of an arbitral tribunal important in the arbitration process? • Briefly explain that an arbitral tribunal is a panel or group of individuals appointed to resolve a dispute through arbitration, and its composition is crucial for ensuring fairness, expertise, and impartiality. <p>2. Development (30 minutes)</p> <p>a. Concept of an Arbitral Tribunal (7 minutes)</p> <ul style="list-style-type: none"> • Definition: An arbitral tribunal is a body of one or more arbitrators appointed to resolve a dispute outside of the court system through arbitration. • Composition of the Arbitral Tribunal: <ul style="list-style-type: none"> ○ Single Arbitrator: In some arbitration proceedings, especially those involving smaller disputes or where the parties mutually agree, a single arbitrator is appointed. ○ Panel of Arbitrators: In more complex or high-value disputes, a panel of three or more arbitrators may be appointed to provide greater expertise and impartiality. A typical panel consists of an odd number of arbitrators (often three) to avoid a tie in decision-making. <p>b. Appointment of Arbitrators (8 minutes)</p> <ul style="list-style-type: none"> • Methods of Appointment:



	<ul style="list-style-type: none">○ Agreement of the Parties: The parties can mutually agree on the number of arbitrators and their selection process.○ Institutional Arbitration: In cases where the parties choose an institutional arbitration (e.g., ICC, LCIA, SIAC), the institution may play a role in appointing arbitrators.○ Ad-Hoc Arbitration: For non-institutional arbitration, the parties may directly appoint arbitrators, or in some cases, a national court may intervene to appoint the arbitrators.● Factors in the Selection of Arbitrators:<ul style="list-style-type: none">○ Expertise: Arbitrators should have knowledge and experience in the subject matter of the dispute (e.g., construction law, intellectual property, commercial contracts).○ Impartiality and Independence: Arbitrators must be free from conflicts of interest and should act impartially to ensure fairness.○ Availability: The arbitrators must be available to conduct hearings and render an award within the stipulated timeframe.● Tribunal Composition and Party Autonomy: The parties may specify the tribunal's composition in their arbitration agreement or as part of the dispute resolution clause. <p>c. Roles and Responsibilities of Arbitrators (8 minutes)</p> <ul style="list-style-type: none">● Role of the Sole Arbitrator:<ul style="list-style-type: none">○ In disputes where a single arbitrator is appointed, the sole arbitrator takes on all responsibilities for managing the case, making procedural decisions, and rendering the final award.● Role of the Panel of Arbitrators:<ul style="list-style-type: none">○ In a panel, each arbitrator must act impartially and contribute to the decision-making process.○ The Chairperson or Presiding Arbitrator: In a panel of arbitrators, one of them is typically appointed as the chairperson to lead the tribunal, manage the hearings, and ensure that the tribunal's procedures are followed. The chairperson may have the casting vote if there is a tie.● Responsibilities:<ul style="list-style-type: none">○ Conduct hearings and manage the procedural aspects of the case.○ Review evidence presented by both parties.○ Render a final award in accordance with the agreement and the applicable law. <p>d. The Importance of Tribunal Composition (7 minutes)</p> <ul style="list-style-type: none">● Ensuring Impartiality and Independence:<ul style="list-style-type: none">○ The composition of the tribunal is crucial for avoiding any bias or conflicts of interest. Arbitrators must disclose any potential conflicts to maintain the integrity of the arbitration process.● Diverse Expertise: In complex cases, having multiple arbitrators with diverse backgrounds allows for a more comprehensive understanding of the issues at hand.● International Arbitration: In international arbitration, parties from different legal and cultural backgrounds may want to ensure the
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	<p>composition of the tribunal reflects a balance between their interests.</p> <ul style="list-style-type: none"> • Confidentiality and Neutrality: The tribunal must ensure that the proceedings remain confidential and impartial, especially when dealing with sensitive business information. <p>e. Legal Framework for Arbitral Tribunal Composition (5 minutes)</p> <ul style="list-style-type: none"> • Arbitration and Conciliation Act, 1996 (India): <ul style="list-style-type: none"> ○ Section 10 of the Act provides that the parties are free to agree on the number of arbitrators and the method of their selection. If they cannot agree, the court may appoint an arbitrator. • UNCITRAL Model Law: <ul style="list-style-type: none"> ○ Article 10-15 of the UNCITRAL Model Law provides guidance on the appointment and composition of arbitral tribunals, ensuring that parties have the freedom to choose the number and method of selecting arbitrators. • International Frameworks: <ul style="list-style-type: none"> ○ In international arbitration, rules from bodies like the ICC, LCIA, and others provide detailed rules on tribunal composition, including the selection of a presiding arbitrator and the balance of nationalities on the panel. <p>3. Exercise (5 minutes) – Case Study Analysis</p> <ul style="list-style-type: none"> • Present a case study where the composition of the arbitral tribunal was critical to resolving the dispute. Ask students to: <ul style="list-style-type: none"> ○ Identify how the tribunal’s composition influenced the outcome. ○ Discuss the advantages and disadvantages of using a panel of arbitrators versus a sole arbitrator. <p>4. Interactive Discussion (5 minutes)</p> <ul style="list-style-type: none"> • Discuss the following questions: <ul style="list-style-type: none"> ○ Why is it important to have a tribunal composed of arbitrators with expertise in the subject matter of the dispute? ○ What are the challenges of ensuring impartiality in the composition of a tribunal, especially in international arbitration?
Closure	<ul style="list-style-type: none"> • Summarize the importance of the composition of the arbitral tribunal, emphasizing that a well-composed tribunal ensures fairness, expertise, and efficiency in resolving disputes. • Reinforce that the role of arbitrators is central to the success of the arbitration process, and their impartiality and independence are key to maintaining the integrity of the process. <p>Suggested Reading</p> <ul style="list-style-type: none"> • Book: Gary B. Born, <i>International Commercial Arbitration</i> (Chapters on tribunal composition and appointment).



	<ul style="list-style-type: none">• Article: "Arbitral Tribunal Composition: Challenges and Best Practices" – <i>Journal of International Arbitration</i>.• Online Resource:<ul style="list-style-type: none">○ Arbitration and Conciliation Act, 1996 (India)○ UNCITRAL Model Law on Arbitration
Evaluation	Reflective Questions: <ol style="list-style-type: none">1. What are the main factors that influence the composition of an arbitral tribunal?2. What are the advantages and challenges of using a panel of arbitrators versus a sole arbitrator?3. How can a tribunal maintain impartiality and independence during the arbitration process?

Lesson Plan No. 31	Course Name: Alternative Dispute Resolution Topic: Jurisdiction, Conduct of Arbitral Proceedings.	Course No.: BBALLB-604
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Objectives	By the end of the lesson, students will be able to: <ol style="list-style-type: none"> 1. Understand the concept of jurisdiction in arbitration and its impact on the proceedings. 2. Learn the rules and procedures for conducting arbitral proceedings. 3. Understand the reasons for termination of arbitral proceedings and the process involved. 4. Analyze the relationship between jurisdiction and the conduct of arbitration. 5. Appreciate the legal and practical issues that arise during the conduct and termination of arbitral proceedings.
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Quiz on ADR.
Teaching Development	<p>1. Introduction (5 minutes)</p> <ul style="list-style-type: none"> • Ask students: <ul style="list-style-type: none"> ○ What is jurisdiction in the context of arbitration? ○ How do you think arbitration proceedings are conducted differently from court procedures? ○ Under what conditions arbitral proceedings might be terminated? • Introduce the main topics: jurisdiction in arbitration, the conduct of proceedings, and the termination of arbitration. <p>2. Development (30 minutes)</p> <p>a. Jurisdiction of Arbitral Tribunal (10 minutes)</p> <ul style="list-style-type: none"> • Concept of Jurisdiction: Jurisdiction in arbitration refers to the authority of the arbitral tribunal to hear and determine a dispute. It includes: <ul style="list-style-type: none"> ○ Subject-Matter Jurisdiction: The tribunal must have the authority to adjudicate the particular type of dispute (e.g., commercial, construction). ○ Personal Jurisdiction: The tribunal has jurisdiction over the parties involved, which is typically determined by their consent, as reflected in the arbitration agreement. ○ Temporal Jurisdiction: The tribunal can only hear disputes that arise within the specified time period defined in the arbitration agreement. • Determination of Jurisdiction: <ul style="list-style-type: none"> ○ Jurisdiction is typically determined at the beginning of the arbitration. The parties' arbitration agreement and the



	<p>applicable law will define the tribunal's jurisdiction.</p> <ul style="list-style-type: none"> ○ Competence-Competence Principle: This principle states that the arbitral tribunal has the authority to rule on its own jurisdiction, including challenges to its jurisdiction by one of the parties. ○ Challenges to Jurisdiction: A party can challenge the tribunal's jurisdiction during the proceedings, which can result in the tribunal or a court determining whether the tribunal has authority to hear the case. <ul style="list-style-type: none"> ● Case Study: Present a case where the tribunal had to determine its jurisdiction, and discuss how jurisdiction was established or challenged. <p>b. Conduct of Arbitral Proceedings (10 minutes)</p> <ul style="list-style-type: none"> ● General Principles: <ul style="list-style-type: none"> ○ The tribunal is responsible for ensuring the fair, efficient, and expeditious conduct of arbitration proceedings. ○ Arbitral proceedings are typically more flexible than court proceedings, but certain rules must still be followed to ensure fairness. ● Steps in the Conduct of Arbitration: <ol style="list-style-type: none"> 1. Commencement of Proceedings: This occurs when one party sends a notice of arbitration to the other party, along with the relevant documents and issues. 2. Appointment of Arbitrators: The tribunal's composition is finalized, and the arbitrators are appointed according to the procedures agreed by the parties or specified in the arbitration agreement. 3. Preliminary Meeting: A meeting between the parties and arbitrators to outline the procedures, set timelines, and address any procedural issues. 4. Exchange of Statements: The parties exchange their statements of claim and defense, along with supporting evidence. 5. Hearing: The tribunal conducts a hearing, where the parties present their arguments, evidence, and witnesses. 6. Deliberation and Award: After the hearing, the tribunal deliberates and issues its award, which must be in writing and include the reasons for the decision. ● Role of the Arbitrators: The arbitrators must act impartially and independently, ensuring that the process is transparent and that both parties have the opportunity to present their case. ● Case Study: Review a case where the conduct of arbitral proceedings was contested by one party due to issues like bias, procedural irregularities, or delays. <p>c. Termination of Arbitral Proceedings (10 minutes)</p> <ul style="list-style-type: none"> ● Reasons for Termination: <ul style="list-style-type: none"> ○ Award is Rendered: The most common reason for termination is the issuance of a final award. Once the tribunal renders its award, the arbitration proceedings are concluded.
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	<ul style="list-style-type: none"> ○ Settlement: If the parties reach a settlement during the proceedings, the arbitration can be terminated. ○ Non-Participation: If a party fails to participate in the arbitration process, the tribunal can terminate the proceedings. ○ Lack of Jurisdiction: If the tribunal determines that it does not have jurisdiction over the dispute, the proceedings will be terminated. ○ Withdrawal of Claims: If the claimant withdraws its claims or if the dispute is resolved before the tribunal renders an award. ● Procedures for Termination: <ul style="list-style-type: none"> ○ Award of Dismissal: The tribunal may issue a formal dismissal or an award of termination if no dispute remains or if the tribunal lacks jurisdiction. ○ Notification to the Parties: Once the arbitration is terminated, the tribunal notifies the parties of the termination, outlining any consequences, such as cost allocation. ● Consequences of Termination: <ul style="list-style-type: none"> ○ Binding Effect: If the proceedings are terminated after the issuance of an award, the award is binding on the parties. ○ Resumption of Court Proceedings: If the arbitration proceedings are terminated due to jurisdictional issues, the parties may return to court for resolution. ● Termination by Court Intervention: In certain circumstances, a court can intervene and terminate arbitral proceedings, such as when one party challenges the award or requests a stay on the proceedings. ● Case Study: Discuss a scenario where arbitration was terminated early due to settlement between the parties or a lack of jurisdiction. <p>3. Exercise (5 minutes) – Interactive Discussion</p> <ul style="list-style-type: none"> ● Ask students to: <ul style="list-style-type: none"> ○ Identify the factors that could lead to jurisdictional challenges in arbitration. ○ Discuss a situation where the conduct of proceedings might become problematic, such as delays or bias from the arbitrators. ○ Reflect on why and how arbitration proceedings might be terminated prematurely or before the final award is issued.
Closure	<p>Closure (5 minutes)</p> <ul style="list-style-type: none"> ● Summarize the key points of the lesson: <ul style="list-style-type: none"> ○ Jurisdiction is essential in defining the scope of arbitration. ○ The conduct of arbitral proceedings must ensure fairness, efficiency, and transparency. ○ Termination of arbitration occurs for several reasons, including the issuance of an award, settlement, or a lack of jurisdiction. ● Reinforce the relationship between jurisdiction, procedural fairness, and the smooth termination of proceedings. ● Emphasize that both parties and arbitrators must be vigilant in ensuring the proper conduct of arbitration proceedings for an effective and fair



	<p>resolution.</p> <p>Suggested Reading</p> <ul style="list-style-type: none">• Book: Gary B. Born, <i>International Commercial Arbitration</i> (Chapters on jurisdiction, conduct of proceedings, and termination).• Article: "Jurisdiction in International Arbitration" – <i>Journal of International Arbitration</i>.• Online Resource:<ul style="list-style-type: none">○ Arbitration and Conciliation Act, 1996 (India)○ UNCITRAL Model Law on Arbitration
Evaluation	<p>Reflective Questions:</p> <ol style="list-style-type: none">1. How does the jurisdiction of an arbitral tribunal impact the outcome of arbitration proceedings?2. What are the challenges that may arise during the conduct of arbitral proceedings?3. In what circumstances might arbitration proceedings be terminated, and what are the legal consequences?

Lesson Plan No. 32	Course Name: Alternative Dispute Resolution Topic: Termination of Arbitral Proceedings	Course No.: BBALLB-604
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Objectives	By the end of the lesson, students will be able to: <ol style="list-style-type: none"> 1. Understand the concept of jurisdiction in arbitration and its impact on the proceedings. 2. Learn the rules and procedures for conducting arbitral proceedings. 3. Understand the reasons for termination of arbitral proceedings and the process involved. 4. Analyze the relationship between jurisdiction and the conduct of arbitration. 5. Appreciate the legal and practical issues that arise during the conduct and termination of arbitral proceedings.
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Quiz on ADR.
Teaching Development	<p>1. Introduction (5 minutes)</p> <ul style="list-style-type: none"> • Ask students: <ul style="list-style-type: none"> ○ What is jurisdiction in the context of arbitration? ○ How do you think arbitration proceedings are conducted differently from court procedures? ○ Under what conditions arbitral proceedings might be terminated? • Introduce the main topics: jurisdiction in arbitration, the conduct of proceedings, and the termination of arbitration. <p>2. Development (30 minutes)</p> <p>a. Jurisdiction of Arbitral Tribunal (10 minutes)</p> <ul style="list-style-type: none"> • Concept of Jurisdiction: Jurisdiction in arbitration refers to the authority of the arbitral tribunal to hear and determine a dispute. It includes: <ul style="list-style-type: none"> ○ Subject-Matter Jurisdiction: The tribunal must have the authority to adjudicate the particular type of dispute (e.g., commercial, construction). ○ Personal Jurisdiction: The tribunal has jurisdiction over the parties involved, which is typically determined by their consent, as reflected in the arbitration agreement. ○ Temporal Jurisdiction: The tribunal can only hear disputes that arise within the specified time period defined in the arbitration agreement. • Determination of Jurisdiction: <ul style="list-style-type: none"> ○ Jurisdiction is typically determined at the beginning of the arbitration. The parties' arbitration agreement and the



	<p>applicable law will define the tribunal's jurisdiction.</p> <ul style="list-style-type: none">○ Competence-Competence Principle: This principle states that the arbitral tribunal has the authority to rule on its own jurisdiction, including challenges to its jurisdiction by one of the parties.○ Challenges to Jurisdiction: A party can challenge the tribunal's jurisdiction during the proceedings, which can result in the tribunal or a court determining whether the tribunal has authority to hear the case. <ul style="list-style-type: none">● Case Study: Present a case where the tribunal had to determine its jurisdiction, and discuss how jurisdiction was established or challenged. <p>b. Conduct of Arbitral Proceedings (10 minutes)</p> <ul style="list-style-type: none">● General Principles:<ul style="list-style-type: none">○ The tribunal is responsible for ensuring the fair, efficient, and expeditious conduct of arbitration proceedings.○ Arbitral proceedings are typically more flexible than court proceedings, but certain rules must still be followed to ensure fairness.● Steps in the Conduct of Arbitration:<ol style="list-style-type: none">1. Commencement of Proceedings: This occurs when one party sends a notice of arbitration to the other party, along with the relevant documents and issues.2. Appointment of Arbitrators: The tribunal's composition is finalized, and the arbitrators are appointed according to the procedures agreed by the parties or specified in the arbitration agreement.3. Preliminary Meeting: A meeting between the parties and arbitrators to outline the procedures, set timelines, and address any procedural issues.4. Exchange of Statements: The parties exchange their statements of claim and defense, along with supporting evidence.5. Hearing: The tribunal conducts a hearing, where the parties present their arguments, evidence, and witnesses.6. Deliberation and Award: After the hearing, the tribunal deliberates and issues its award, which must be in writing and include the reasons for the decision.● Role of the Arbitrators: The arbitrators must act impartially and independently, ensuring that the process is transparent and that both parties have the opportunity to present their case.● Case Study: Review a case where the conduct of arbitral proceedings was contested by one party due to issues like bias, procedural irregularities, or delays. <p>c. Termination of Arbitral Proceedings (10 minutes)</p> <ul style="list-style-type: none">● Reasons for Termination:<ul style="list-style-type: none">○ Award is Rendered: The most common reason for termination is the issuance of a final award. Once the tribunal renders its award, the arbitration proceedings are concluded.
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	<ul style="list-style-type: none"> ○ Settlement: If the parties reach a settlement during the proceedings, the arbitration can be terminated. ○ Non-Participation: If a party fails to participate in the arbitration process, the tribunal can terminate the proceedings. ○ Lack of Jurisdiction: If the tribunal determines that it does not have jurisdiction over the dispute, the proceedings will be terminated. ○ Withdrawal of Claims: If the claimant withdraws its claims or if the dispute is resolved before the tribunal renders an award. ● Procedures for Termination: <ul style="list-style-type: none"> ○ Award of Dismissal: The tribunal may issue a formal dismissal or an award of termination if no dispute remains or if the tribunal lacks jurisdiction. ○ Notification to the Parties: Once the arbitration is terminated, the tribunal notifies the parties of the termination, outlining any consequences, such as cost allocation. ● Consequences of Termination: <ul style="list-style-type: none"> ○ Binding Effect: If the proceedings are terminated after the issuance of an award, the award is binding on the parties. ○ Resumption of Court Proceedings: If the arbitration proceedings are terminated due to jurisdictional issues, the parties may return to court for resolution. ● Termination by Court Intervention: In certain circumstances, a court can intervene and terminate arbitral proceedings, such as when one party challenges the award or requests a stay on the proceedings. ● Case Study: Discuss a scenario where arbitration was terminated early due to settlement between the parties or a lack of jurisdiction. <p>3. Exercise (5 minutes) – Interactive Discussion</p> <ul style="list-style-type: none"> ● Ask students to: <ul style="list-style-type: none"> ○ Identify the factors that could lead to jurisdictional challenges in arbitration. ○ Discuss a situation where the conduct of proceedings might become problematic, such as delays or bias from the arbitrators. ○ Reflect on why and how arbitration proceedings might be terminated prematurely or before the final award is issued.
Closure	<p>Closure (5 minutes)</p> <ul style="list-style-type: none"> ● Summarize the key points of the lesson: <ul style="list-style-type: none"> ○ Jurisdiction is essential in defining the scope of arbitration. ○ The conduct of arbitral proceedings must ensure fairness, efficiency, and transparency. ○ Termination of arbitration occurs for several reasons, including the issuance of an award, settlement, or a lack of jurisdiction. ● Reinforce the relationship between jurisdiction, procedural fairness, and the smooth termination of proceedings. ● Emphasize that both parties and arbitrators must be vigilant in ensuring the proper conduct of arbitration proceedings for an effective and fair



	<p>resolution.</p> <p>Suggested Reading</p> <ul style="list-style-type: none">• Book: Gary B. Born, <i>International Commercial Arbitration</i> (Chapters on jurisdiction, conduct of proceedings, and termination).• Article: "Jurisdiction in International Arbitration" – <i>Journal of International Arbitration</i>.• Online Resource:<ul style="list-style-type: none">○ Arbitration and Conciliation Act, 1996 (India)○ UNCITRAL Model Law on Arbitration
<p>Evaluation</p>	<p>Reflective Questions:</p> <ol style="list-style-type: none">1. How does the jurisdiction of an arbitral tribunal impact the outcome of arbitration proceedings?2. What are the challenges that may arise during the conduct of arbitral proceedings?3. In what circumstances might arbitration proceedings be terminated, and what are the legal consequences?

Lesson Plan No. 33	Course Name: Alternative Dispute Resolution Topic: International and Commercial Arbitration Power of Judicial authority to refer parties to arbitration.	Course No.: BBALLB-604
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Objectives	At the end of the lesson, students will be able to: <ol style="list-style-type: none"> 1. Understand the power of judicial authorities to refer parties to arbitration in international and commercial disputes. 2. Learn about foreign awards and the conditions for their recognition and enforcement. 3. Analyze the challenges and procedures related to the enforcement of foreign arbitral awards under international conventions. 4. Appreciate the significance of international treaties like the New York Convention in regulating the enforcement of foreign awards.
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Quiz on ADR.
Teaching Development	<p>1. Introduction (5 minutes)</p> <ul style="list-style-type: none"> • Start by asking students: <ul style="list-style-type: none"> ○ How do you think international commercial disputes are resolved? ○ Why might parties opt for arbitration instead of going to court, especially in a cross-border context? ○ What challenges do you think exist when trying to enforce foreign arbitral awards? • Briefly explain that this lesson will focus on the judicial authority to refer parties to arbitration, as well as the recognition and enforcement of foreign arbitral awards. <p>2. Development (30 minutes)</p> <p>a. Judicial Authority to Refer Parties to Arbitration (10 minutes)</p> <ul style="list-style-type: none"> • Judicial Referral to Arbitration: <ul style="list-style-type: none"> ○ Under certain circumstances, judicial authorities have the power to refer parties to arbitration, even when one party has filed a case in court. ○ Section 8 of the Arbitration and Conciliation Act, 1996 (India) provides that if a party to a dispute submits a request for arbitration based on an existing agreement, the court must refer the matter to arbitration. ○ International Context: In many countries, courts will refer parties to arbitration if the dispute is covered by an enforceable



	<p>arbitration agreement, even if one party seeks judicial intervention.</p> <ul style="list-style-type: none"> • Key Principles: <ul style="list-style-type: none"> ○ Competence-Competence: The arbitral tribunal has the primary authority to determine whether it has jurisdiction, but if one party files a case in court, the court can refer the matter back to arbitration under certain conditions. ○ Court’s Role in Arbitration: Courts are generally not allowed to hear the substance of the dispute if there is a valid arbitration agreement between the parties. Their role is limited to enforcing arbitration agreements, ensuring the appointment of arbitrators, and issuing interim relief. • Case Study: Present a case where a court referred a dispute to arbitration despite a party’s initial request for judicial intervention, and discuss how the court upheld the arbitration agreement. <p>b. Foreign Arbitral Awards: Conditions for Recognition and Enforcement (15 minutes)</p> <ul style="list-style-type: none"> • Definition of Foreign Award: A foreign arbitral award is a decision rendered by an arbitral tribunal outside the jurisdiction of the country where enforcement is sought. It is typically governed by international conventions and treaties. • International Legal Framework for Enforcement: <ul style="list-style-type: none"> ○ New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958): This treaty provides a framework for the recognition and enforcement of foreign arbitral awards in over 160 countries. ○ UNCITRAL Model Law on International Commercial Arbitration: Many countries, including India, have adopted provisions of the UNCITRAL Model Law, which align with the New York Convention and provide a basis for recognizing and enforcing foreign awards. • Conditions for Enforcement of Foreign Awards: <ul style="list-style-type: none"> ○ Article V of the New York Convention outlines grounds for refusing enforcement of foreign awards: <ol style="list-style-type: none"> 1. Incompetence of the Arbitral Tribunal: The tribunal lacked jurisdiction. 2. Invalidity of the Arbitration Agreement: The arbitration agreement was invalid under the law to which the parties have subjected it. 3. Due Process Violations: The party against whom the award was made was not given proper notice of the proceedings or was unable to present its case. 4. Public Policy Exception: The award is against the public policy of the country where enforcement is sought (e.g., it violates the country’s laws or public order). 5. Non-Compliance with the Law: The award has not been rendered in accordance with the applicable law of the country where the arbitration took place.
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	<ul style="list-style-type: none"> • Enforcement Procedure: <ul style="list-style-type: none"> ○ A party seeking to enforce a foreign award must apply to the local court of the country where enforcement is desired. ○ The court will typically check if the conditions under the New York Convention (or other relevant treaties) are met, and if no grounds for refusal exist, the court will enforce the award. • Challenges to Enforcement: <ul style="list-style-type: none"> ○ Non-recognition of the Award: A party may challenge the recognition and enforcement of an award in courts, particularly under the public policy exception. ○ Delays and Procedural Issues: Even when an award is recognized, enforcement can sometimes face delays, particularly in jurisdictions that have not fully aligned their laws with the international standards. <p>c. Case Study: Enforcement of Foreign Arbitral Awards (5 minutes)</p> <ul style="list-style-type: none"> • Present a real-life case where a foreign arbitral award was enforced (e.g., N.V. Nederlandsche Combinat v. Indian Oil Corporation Ltd.), discussing the factors the court considered and the decision reached. • Highlight challenges encountered during the enforcement process and the reasons behind them (e.g., public policy concerns or issues with the arbitration agreement). <p>3. Exercise (5 minutes) – Group Discussion</p> <ul style="list-style-type: none"> • Ask students to discuss the following: <ul style="list-style-type: none"> ○ How does the New York Convention facilitate the enforcement of foreign arbitral awards? ○ What could be the potential obstacles to enforcing a foreign arbitral award in a jurisdiction with a different legal system? ○ How do courts determine whether an award is against public policy, and what criteria do they use?
<p>Closure</p>	<p>Closure (5 minutes)</p> <ul style="list-style-type: none"> • Summarize the key points: <ul style="list-style-type: none"> ○ Judicial authorities have the power to refer parties to arbitration, ensuring that arbitration agreements are respected and that disputes are resolved through agreed-upon processes. ○ The recognition and enforcement of foreign arbitral awards are governed by the New York Convention, with specific grounds for refusal under international law. ○ The enforcement of foreign awards is an essential aspect of international commercial arbitration, ensuring that arbitral decisions are respected across borders. • Reinforce the importance of international treaties and conventions in promoting the global enforceability of arbitral awards.



	<p>Suggested Reading</p> <ul style="list-style-type: none">• Book: Gary B. Born, <i>International Commercial Arbitration</i> (Chapters on foreign awards, enforcement, and judicial intervention).• Article: "The Recognition and Enforcement of Foreign Arbitral Awards: Issues and Challenges" – <i>Journal of International Arbitration</i>.• Online Resource:<ul style="list-style-type: none">○ [New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958)]○ UNCITRAL Model Law on International Commercial Arbitration
<p>Evaluation</p>	<p>Reflective Questions:</p> <ol style="list-style-type: none">1. What are the conditions under which a foreign arbitral award may not be enforced?2. How does the New York Convention facilitate the global enforceability of arbitral awards?3. What challenges can arise in enforcing foreign awards in jurisdictions that have different legal systems or public policies?

Lesson Plan No. 34	Course Name: Alternative Dispute Resolution Topic: Foreign Awards; conditions and enforcement of foreign awards	Course No.: BBALLB-604
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Objectives	At the end of the lesson, students will be able to: <ol style="list-style-type: none"> 1. Understand the power of judicial authorities to refer parties to arbitration in international and commercial disputes. 2. Learn about foreign awards and the conditions for their recognition and enforcement. 3. Analyze the challenges and procedures related to the enforcement of foreign arbitral awards under international conventions. 4. Appreciate the significance of international treaties like the New York Convention in regulating the enforcement of foreign awards.
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Quiz on ADR.
Teaching Development	<p>1. Introduction (5 minutes)</p> <ul style="list-style-type: none"> • Start by asking students: <ul style="list-style-type: none"> ○ How do you think international commercial disputes are resolved? ○ Why might parties opt for arbitration instead of going to court, especially in a cross-border context? ○ What challenges do you think exist when trying to enforce foreign arbitral awards? • Briefly explain that this lesson will focus on the judicial authority to refer parties to arbitration, as well as the recognition and enforcement of foreign arbitral awards. <p>2. Development (30 minutes)</p> <p>a. Judicial Authority to Refer Parties to Arbitration (10 minutes)</p> <ul style="list-style-type: none"> • Judicial Referral to Arbitration: <ul style="list-style-type: none"> ○ Under certain circumstances, judicial authorities have the power to refer parties to arbitration, even when one party has filed a case in court. ○ Section 8 of the Arbitration and Conciliation Act, 1996 (India) provides that if a party to a dispute submits a request for arbitration based on an existing agreement, the court must refer the matter to arbitration. ○ International Context: In many countries, courts will refer parties to arbitration if the dispute is covered by an enforceable



	<p>arbitration agreement, even if one party seeks judicial intervention.</p> <ul style="list-style-type: none"> • Key Principles: <ul style="list-style-type: none"> ○ Competence-Competence: The arbitral tribunal has the primary authority to determine whether it has jurisdiction, but if one party files a case in court, the court can refer the matter back to arbitration under certain conditions. ○ Court’s Role in Arbitration: Courts are generally not allowed to hear the substance of the dispute if there is a valid arbitration agreement between the parties. Their role is limited to enforcing arbitration agreements, ensuring the appointment of arbitrators, and issuing interim relief. • Case Study: Present a case where a court referred a dispute to arbitration despite a party’s initial request for judicial intervention, and discuss how the court upheld the arbitration agreement. <p>b. Foreign Arbitral Awards: Conditions for Recognition and Enforcement (15 minutes)</p> <ul style="list-style-type: none"> • Definition of Foreign Award: A foreign arbitral award is a decision rendered by an arbitral tribunal outside the jurisdiction of the country where enforcement is sought. It is typically governed by international conventions and treaties. • International Legal Framework for Enforcement: <ul style="list-style-type: none"> ○ New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958): This treaty provides a framework for the recognition and enforcement of foreign arbitral awards in over 160 countries. ○ UNCITRAL Model Law on International Commercial Arbitration: Many countries, including India, have adopted provisions of the UNCITRAL Model Law, which align with the New York Convention and provide a basis for recognizing and enforcing foreign awards. • Conditions for Enforcement of Foreign Awards: <ul style="list-style-type: none"> ○ Article V of the New York Convention outlines grounds for refusing enforcement of foreign awards: <ol style="list-style-type: none"> 1. Incompetence of the Arbitral Tribunal: The tribunal lacked jurisdiction. 2. Invalidity of the Arbitration Agreement: The arbitration agreement was invalid under the law to which the parties have subjected it. 3. Due Process Violations: The party against whom the award was made was not given proper notice of the proceedings or was unable to present its case. 4. Public Policy Exception: The award is against the public policy of the country where enforcement is sought (e.g., it violates the country’s laws or public order). 5. Non-Compliance with the Law: The award has not been rendered in accordance with the applicable law of the country where the arbitration took place.
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	<ul style="list-style-type: none"> • Enforcement Procedure: <ul style="list-style-type: none"> ○ A party seeking to enforce a foreign award must apply to the local court of the country where enforcement is desired. ○ The court will typically check if the conditions under the New York Convention (or other relevant treaties) are met, and if no grounds for refusal exist, the court will enforce the award. • Challenges to Enforcement: <ul style="list-style-type: none"> ○ Non-recognition of the Award: A party may challenge the recognition and enforcement of an award in courts, particularly under the public policy exception. ○ Delays and Procedural Issues: Even when an award is recognized, enforcement can sometimes face delays, particularly in jurisdictions that have not fully aligned their laws with the international standards. <p>c. Case Study: Enforcement of Foreign Arbitral Awards (5 minutes)</p> <ul style="list-style-type: none"> • Present a real-life case where a foreign arbitral award was enforced (e.g., N.V. Nederlandsche Combinat v. Indian Oil Corporation Ltd.), discussing the factors the court considered and the decision reached. • Highlight challenges encountered during the enforcement process and the reasons behind them (e.g., public policy concerns or issues with the arbitration agreement). <p>3. Exercise (5 minutes) – Group Discussion</p> <ul style="list-style-type: none"> • Ask students to discuss the following: <ul style="list-style-type: none"> ○ How does the New York Convention facilitate the enforcement of foreign arbitral awards? ○ What could be the potential obstacles to enforcing a foreign arbitral award in a jurisdiction with a different legal system? ○ How do courts determine whether an award is against public policy, and what criteria do they use?
<p>Closure</p>	<p>Closure (5 minutes)</p> <ul style="list-style-type: none"> • Summarize the key points: <ul style="list-style-type: none"> ○ Judicial authorities have the power to refer parties to arbitration, ensuring that arbitration agreements are respected and that disputes are resolved through agreed-upon processes. ○ The recognition and enforcement of foreign arbitral awards are governed by the New York Convention, with specific grounds for refusal under international law. ○ The enforcement of foreign awards is an essential aspect of international commercial arbitration, ensuring that arbitral decisions are respected across borders. • Reinforce the importance of international treaties and conventions in promoting the global enforceability of arbitral awards.

	<p>Suggested Reading</p> <ul style="list-style-type: none"> • Book: Gary B. Born, <i>International Commercial Arbitration</i> (Chapters on foreign awards, enforcement, and judicial intervention). • Article: "The Recognition and Enforcement of Foreign Arbitral Awards: Issues and Challenges" – <i>Journal of International Arbitration</i>. • Online Resource: <ul style="list-style-type: none"> ○ [New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958)] ○ UNCITRAL Model Law on International Commercial Arbitration
<p>Evaluation</p>	<p>Reflective Questions:</p> <ol style="list-style-type: none"> 1. What are the conditions under which a foreign arbitral award may not be enforced? 2. How does the New York Convention facilitate the global enforceability of arbitral awards? 3. What challenges can arise in enforcing foreign awards in jurisdictions that have different legal systems or public policies?

Lesson Plan No. 35	Course Name: Alternative Dispute Resolution Topic: Making of Arbitral Award	Course No.: BBALLB-604
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Objectives	By the end of the lesson, students will be able to: <ol style="list-style-type: none"> 1. Understand the process of making an arbitral award in international and domestic arbitration. 2. Recognize the legal requirements for an arbitral award to be valid and enforceable. 3. Learn the key components and content of an arbitral award. 4. Understand the procedures that arbitrators follow to draft and issue an award. 5. Explore the challenges and common issues faced by arbitrators during the award-making process.
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Quiz on ADR.
Teaching Development	<p>1. Introduction (5 minutes)</p> <ul style="list-style-type: none"> • Ask students: <ul style="list-style-type: none"> ○ What is an arbitral award? ○ How does an arbitral award differ from a judgment given by a court? ○ Why the making of an arbitral award is considered the final and crucial stage in arbitration? • Briefly introduce the topic: The making of an arbitral award is the culmination of the arbitration process, where the arbitral tribunal issues its decision based on the merits of the case. <p>2. Development (30 minutes)</p> <p>a. What is an Arbitral Award? (5 minutes)</p> <ul style="list-style-type: none"> • Definition: An arbitral award is the final decision issued by an arbitral tribunal that resolves the dispute between the parties. It is binding and enforceable in jurisdictions that recognize the award. • The award is made after considering the evidence, arguments, and legal principles involved in the dispute. <p>b. The Process of Making an Arbitral Award (10 minutes)</p> <ul style="list-style-type: none"> • Step-by-Step Process: <ol style="list-style-type: none"> 1. Final Hearing: After the parties have presented their case and submitted all relevant evidence and arguments, the tribunal holds a final hearing where it listens to closing submissions.



	<p>2. Deliberation: The arbitrators discuss and deliberate the issues in private. During this time, they consider the applicable law, the facts presented, and any procedural issues raised during the hearing.</p> <p>3. Drafting the Award:</p> <ul style="list-style-type: none"> ▪ The award is drafted in writing, detailing the reasons for the decision. The arbitrators must explain how they arrived at the conclusion, including the law applied and the evidence considered. ▪ It should also include orders related to costs (who will bear the costs of the arbitration) and any other relief or remedies granted. <p>4. Signature of Arbitrators: After finalizing the draft, the arbitrators sign the award. If there is a dissenting opinion, it is also included in the document.</p> <p>5. Delivery of Award: The award is delivered to the parties. In some jurisdictions, the award must be filed with a court before it is considered final and enforceable.</p> <p>c. Legal Requirements for an Arbitral Award (5 minutes)</p> <ul style="list-style-type: none"> • Formal Requirements: <ol style="list-style-type: none"> 1. Written Award: The award must be in writing. 2. Date and Place: The award should include the date and place of issuance. This ensures transparency and accountability. 3. Reasons for the Decision: The tribunal must provide reasons for its decision, unless the parties have explicitly agreed that no reasons are required (in some cases, e.g., in certain ad-hoc arbitration arrangements). 4. Signatures: The award must be signed by the arbitrators. If there is a dissenting opinion, it must be noted in the award. • Content of the Award: <ul style="list-style-type: none"> ○ Findings of Fact: The tribunal summarizes the facts of the case. ○ Legal Reasoning: The tribunal explains the legal reasoning it used to make its decision. ○ Disposition/Orders: The tribunal includes the order or ruling (e.g., payment of damages, injunctions, etc.). ○ Costs: The tribunal specifies who bears the arbitration costs (e.g., legal fees, arbitration fees, etc.). <p>d. Types of Arbitral Awards (5 minutes)</p> <ul style="list-style-type: none"> • Partial Award: An award issued on some issues, while other issues remain unresolved and will be dealt with later. • Interim Award: An award issued to address urgent matters before the final resolution, such as granting an injunction or ordering the preservation of assets. • Final Award: The final decision that resolves all issues in the dispute. • Consent Award: An award where the parties agree to a settlement, and the tribunal formalizes this into an award.
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	<p>e. Challenges and Issues in Making an Arbitral Award (5 minutes)</p> <ul style="list-style-type: none"> • Delays: Delays in making the award can occur if the tribunal has difficulty in reaching a consensus or if the issues are complex. • Dissenting Opinions: In some cases, there may be a dissenting opinion by one of the arbitrators. The tribunal must decide how to include the dissent in the final award. • Error in Law or Facts: Although an arbitral award is generally final, errors of law or procedural errors can lead to challenges or annulment of the award in some jurisdictions. • Enforcement Issues: Even after an award is made, enforcing it can be challenging, especially in cross-border cases, if the opposing party refuses to comply or contests the award’s validity. <p>f. Case Study: The Making of an Arbitral Award (5 minutes)</p> <ul style="list-style-type: none"> • Discuss a real-life case where the arbitral tribunal’s process of making the award faced challenges or led to unique issues (e.g., a complex commercial dispute in an international setting). • Identify how the tribunal overcame issues such as jurisdictional challenges, complex legal questions, or procedural delays in reaching its final decision. <p>3. Exercise (5 minutes) – Group Discussion</p> <ul style="list-style-type: none"> • Divide the class into small groups and ask them to discuss the following: <ul style="list-style-type: none"> ○ What are the key challenges arbitrators might face when making an arbitral award? ○ What would happen if an arbitral award fails to meet formal legal requirements (e.g., lack of reasons, failure to sign)? ○ How does the type of dispute (e.g., commercial vs. construction) affect the process of making an award?
<p>Closure</p>	<ul style="list-style-type: none"> • Summarize the key points: <ul style="list-style-type: none"> ○ The making of an arbitral award involves a structured process of deliberation, drafting, and issuing a decision that resolves the dispute. ○ The award must meet legal requirements such as being in writing, having reasons, and being signed by the arbitrators. ○ Various challenges can arise during this process, including delays, errors in legal or factual findings, and issues around enforcement. • Emphasize that the arbitral award is the final stage in arbitration, and understanding how it is made is critical to ensuring the fairness and legitimacy of the arbitration process. <p>Suggested Reading</p>



	<ul style="list-style-type: none">• Book: Gary B. Born, <i>International Commercial Arbitration</i> (Chapters on making and enforcing arbitral awards).• Article: "The Arbitration Award: Making, Enforcing, and Challenges" – <i>Journal of International Arbitration</i>.• Online Resource:<ul style="list-style-type: none">○ Arbitration and Conciliation Act, 1996 (India)○ UNCITRAL Model Law on International Commercial Arbitration
Evaluation	Reflective Questions: <ol style="list-style-type: none">1. What are the formal requirements that must be met for an arbitral award to be considered valid and enforceable?2. How does the process of making an arbitral award differ from the process of making a court judgment?3. What challenges might arbitrators face in drafting a final award, and how can these challenges be overcome?

Lesson Plan No. 36	Course Name: Alternative Dispute Resolution Topic: Fast Track Arbitration	Course No.: BBALLB-404
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Objectives	By the end of the lesson, students will be able to: <ol style="list-style-type: none"> 1. Understand the concept of fast-track arbitration and its key features. 2. Analyze the benefits and challenges of fast-track arbitration in comparison to traditional arbitration processes. 3. Evaluate the legal framework and procedures surrounding fast-track arbitration in domestic and international contexts. 4. Appreciate the importance of time efficiency and cost-effectiveness in resolving disputes via fast-track arbitration.
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Quiz on ADR.
Teaching Development	<p>1. Introduction (5 minutes)</p> <ul style="list-style-type: none"> • Start with a brief discussion: <ul style="list-style-type: none"> ○ Why do you think some disputes need to be resolved quickly? ○ What are the benefits and challenges of a faster arbitration process? ○ How does fast-track arbitration differ from regular arbitration? • Explain that this lesson will focus on fast-track arbitration, a streamlined process designed to expedite dispute resolution. <p>2. Development (30 minutes)</p> <p>a. What is Fast-Track Arbitration? (5 minutes)</p> <ul style="list-style-type: none"> • Definition: Fast-track arbitration refers to an expedited arbitration process designed to resolve disputes quickly and efficiently. It is typically used in less complex disputes or when the parties agree to resolve a matter as quickly as possible, often for cost-saving reasons. • Key Characteristics: <ul style="list-style-type: none"> ○ Shortened timelines for hearings and decision-making. ○ Limited procedural steps, reducing the need for extensive pre-hearing procedures and evidence exchanges. ○ Reduced costs due to quicker timelines and fewer administrative steps. <p>b. Key Features of Fast-Track Arbitration (10 minutes)</p> <ul style="list-style-type: none"> • Time Constraints:



	<ul style="list-style-type: none"> ○ Arbitration rules are designed with tight deadlines for submitting statements, scheduling hearings, and delivering the final award (typically within 6 months to a year). ● Simplified Procedural Steps: <ul style="list-style-type: none"> ○ Limited discovery: Less documentation and fewer formalities for evidence exchange. ○ Single Arbitrator: Often, a single arbitrator is appointed instead of a panel, which speeds up the decision-making process. ○ Abbreviated hearings: There may be no oral hearings or limited oral hearings. The tribunal may rely on written submissions. ● Reduced Costs: <ul style="list-style-type: none"> ○ With a more efficient process, the overall costs of arbitration are generally much lower than traditional arbitration. <p>c. Fast-Track Arbitration in Practice (10 minutes)</p> <ul style="list-style-type: none"> ● Domestic Fast-Track Arbitration: <ul style="list-style-type: none"> ○ Many national laws or arbitration rules allow for fast-track procedures. For example, India's Arbitration and Conciliation Act, 1996 allows parties to agree to a fast-track arbitration process in certain circumstances. ● International Fast-Track Arbitration: <ul style="list-style-type: none"> ○ Many international arbitration institutions have fast-track procedures, such as: <ul style="list-style-type: none"> ▪ ICC (International Chamber of Commerce): The ICC provides a fast-track procedure under the ICC Arbitration Rules, with an expedited timeline for certain disputes. ▪ LCIA (London Court of International Arbitration): The LCIA has expedited procedures for disputes under a certain monetary threshold, typically involving fast resolution. ▪ SIAC (Singapore International Arbitration Centre): SIAC also has a fast-track procedure to resolve disputes efficiently. <p>d. Advantages and Disadvantages of Fast-Track Arbitration (5 minutes)</p> <ul style="list-style-type: none"> ● Advantages: <ol style="list-style-type: none"> 1. Time Efficiency: The process is much quicker compared to traditional arbitration, with awards being issued in a matter of months. 2. Cost-Effectiveness: Due to shorter timelines and fewer procedural steps, the cost of arbitration is significantly lower. 3. Efficiency for Low-Value or Urgent Disputes: Ideal for smaller or less complex disputes where both parties agree to expedite the process. ● Disadvantages: <ol style="list-style-type: none"> 1. Limited Procedural Rights: The streamlined process might limit the ability to fully present a case, especially in more complex disputes.
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	<ol style="list-style-type: none"> 2. Potential for Less Thoroughness: The speed of the process might lead to concerns over the quality of the decision or overlooked issues. 3. Risk of Inadequate Evidence Presentation: Due to limited time for submission of evidence, parties may not have the opportunity to present their full case. <p>e. Example of Fast-Track Arbitration Procedure (5 minutes)</p> <ul style="list-style-type: none"> • Walk through an example using ICC Fast-Track Arbitration rules, illustrating how the process works: <ol style="list-style-type: none"> 1. Notice of Arbitration: The claimant submits a notice to the ICC, which includes a request for the fast-track procedure. 2. Appointment of the Arbitrator: The ICC appoints a single arbitrator, who is usually required to issue the award within six months of the start of the proceedings. 3. Hearings and Submissions: The arbitrator may decide the case based on written submissions alone or hold a brief hearing. 4. Issuance of the Award: The arbitrator issues the final award within the prescribed time limit. • Highlight the speed and simplicity compared to traditional arbitration. <p>3. Exercise (5 minutes) – Group Discussion</p> <ul style="list-style-type: none"> • Ask students to break into small groups and discuss the following questions: <ul style="list-style-type: none"> ○ In what types of disputes would fast-track arbitration be most beneficial? ○ How would you balance the need for speed with the need for a thorough review of evidence in fast-track arbitration? ○ What might be the risks of choosing a fast-track procedure for a complex commercial dispute?
Closure	<p>Closure (5 minutes)</p> <ul style="list-style-type: none"> • Summarize the key points: <ul style="list-style-type: none"> ○ Fast-track arbitration is an efficient and cost-effective method of dispute resolution designed for quicker resolution of disputes, especially in less complex cases. ○ The process has its advantages, such as saving time and costs, but it also has drawbacks, particularly when it comes to procedural limitations and the depth of the case review. ○ Fast-track arbitration is increasingly popular in both domestic and international arbitration and is offered by many leading arbitration institutions around the world. • Emphasize the importance of selecting the appropriate arbitration process based on the nature of the dispute and the needs of the parties involved.



	<p>Suggested Reading</p> <ul style="list-style-type: none">• Book: Gary B. Born, <i>International Commercial Arbitration</i> (Chapters on fast-track arbitration and expedited procedures).• Article: "Expedited Arbitration: A Comparative Study" – <i>Journal of International Arbitration</i>.• Online Resource:<ul style="list-style-type: none">○ LCIA Fast-Track Procedures
<p>Evaluation</p>	<p>Reflective Questions:</p> <ol style="list-style-type: none">1. What are the key features that differentiate fast-track arbitration from traditional arbitration?2. In your opinion, what types of disputes are most suited for fast-track arbitration? Why?3. What are the potential drawbacks of fast-track arbitration, and how can they be mitigated?

Lesson Plan No. 37	Course Name: Alternative Dispute Resolution Topic: International Commercial Arbitration	Course No.: BBALLB-604
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Objectives	By the end of the lesson, students will be able to: <ol style="list-style-type: none"> 1. Understand the concept and scope of international commercial arbitration. 2. Identify the key differences between domestic and international commercial arbitration. 3. Recognize the legal framework governing international commercial arbitration, including key conventions, treaties, and arbitral institutions. 4. Explore the advantages and challenges of using international commercial arbitration to resolve cross-border disputes. 5. Understand the role of arbitral tribunals in resolving international disputes.
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Quiz on ADR.
Teaching Development	<p>1. Introduction (5 minutes)</p> <ul style="list-style-type: none"> • Start by asking students: <ul style="list-style-type: none"> ○ What is international commercial arbitration, and how does it differ from domestic arbitration? ○ Why arbitration is considered a preferred method of dispute resolution in international commercial contracts? ○ What are some of the advantages of resolving international disputes through arbitration instead of court litigation? • Briefly introduce the lesson and explain that international commercial arbitration is widely used in the resolution of cross-border disputes between businesses, often involving parties from different legal systems. <p>2. Development (30 minutes)</p> <p>a. What is International Commercial Arbitration? (5 minutes)</p> <ul style="list-style-type: none"> • Definition: International commercial arbitration refers to a private dispute resolution mechanism where parties from different countries resolve their commercial disputes through arbitration rather than through litigation in national courts. • Key Features: <ul style="list-style-type: none"> ○ Cross-border disputes: Involves parties from different countries. ○ Voluntary: Both parties agree to arbitration, typically through an arbitration clause in a contract.



	<ul style="list-style-type: none">○ Private and Confidential: Arbitration proceedings are generally not made public.○ Neutral forum: The tribunal is typically neutral and not tied to the national laws of any of the parties involved. <p>b. Legal Framework Governing International Commercial Arbitration (10 minutes)</p> <ul style="list-style-type: none">● International Conventions and Treaties:<ul style="list-style-type: none">○ New York Convention (1958): A key international treaty that facilitates the enforcement of arbitral awards across member states, which includes most countries worldwide. It ensures that arbitral awards made in one country can be enforced in others.○ UNCITRAL Model Law on International Commercial Arbitration (1985, updated in 2006): A model law adopted by various countries to harmonize and standardize arbitration laws, ensuring consistency in international arbitration.● Arbitration Institutions and Rules:<ul style="list-style-type: none">○ International Chamber of Commerce (ICC): Provides well-established arbitration rules and is one of the most recognized arbitral institutions worldwide.○ London Court of International Arbitration (LCIA): Another leading institution known for its expedited arbitration process and international reach.○ Singapore International Arbitration Centre (SIAC): Offers services for resolving international commercial disputes, particularly in Asia.○ Other Institutions:<ul style="list-style-type: none">▪ American Arbitration Association (AAA)▪ International Centre for Dispute Resolution (ICDR)▪ Hong Kong International Arbitration Centre (HKIAC)● Jurisdictional Challenges:<p>International commercial arbitration often deals with issues of jurisdiction, as parties may have their businesses in different countries, and the location of arbitration is often decided by the parties or the tribunal.</p> <p>c. How International Commercial Arbitration Works (10 minutes)</p> <ul style="list-style-type: none">● Arbitration Agreement: The parties typically enter into an agreement (often in the form of an arbitration clause) that specifies the dispute resolution method, including arbitration.● Arbitrators: Usually, one or three independent arbitrators are selected. The arbitrators are often chosen based on their expertise in the subject matter of the dispute, such as commercial law, trade practices, or international contracts.● Arbitration Procedure:<ol style="list-style-type: none">1. Filing a Claim: One party files a claim with the chosen arbitral institution (e.g., ICC, LCIA). The claimant submits a Notice of Arbitration.
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	<ol style="list-style-type: none"> 2. Response: The other party provides a Response to the Notice of Arbitration, addressing the claims and defending its position. 3. Preliminary Hearing: A preliminary hearing may be held to discuss issues like timelines, evidence exchange, and procedural issues. 4. Hearing and Submission of Evidence: The arbitration proceeds to a hearing where both parties present their cases through witnesses and evidence. 5. Issuance of Award: The tribunal deliberates and issues an arbitral award, which is final and binding. 6. Enforcement: The award can be enforced internationally under the New York Convention. <p>d. Advantages of International Commercial Arbitration (5 minutes)</p> <ul style="list-style-type: none"> • Neutrality: Arbitration offers a neutral forum where neither party is biased towards the legal system of the other party. • Enforceability: Under the New York Convention, arbitral awards are more easily enforceable internationally than court judgments. • Confidentiality: Arbitration is often confidential, providing privacy for businesses. • Flexibility: The procedure can be tailored to the needs of the parties, including the choice of arbitrators, language, and location. • Speed and Cost Efficiency: Arbitration is often faster and more cost-effective than traditional court proceedings, especially with institutions offering expedited procedures. <p>e. Challenges in International Commercial Arbitration (5 minutes)</p> <ul style="list-style-type: none"> • Cost: While arbitration is often more cost-effective than litigation, high-profile international cases can still incur substantial costs due to arbitrator fees, travel expenses, and administrative costs. • Enforcement Issues: Despite the New York Convention, some countries may still be resistant to enforcing arbitral awards, particularly in cases involving sovereign immunity or public policy concerns. • Delays: While arbitration is generally faster than litigation, complex cases or disputes involving multiple parties or jurisdictions can still experience delays. • Risk of “Arbitration Fatigue”: Repeated arbitration can lead to fatigue for parties who feel that the arbitration process has become too routine or predictable, which may reduce its perceived efficiency. <p>3. Exercise (5 minutes) – Group Discussion</p> <ul style="list-style-type: none"> • Divide the class into small groups and ask them to discuss: <ul style="list-style-type: none"> ○ How does the neutrality of international commercial arbitration impact the balance of power between parties from different legal systems? ○ What are the advantages and disadvantages of choosing an international arbitral institution (such as ICC or LCIA) for resolving commercial disputes?
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	<ul style="list-style-type: none"> ○ How can enforcement of international arbitral awards be made more effective across borders?
Closure	<p>Summarize the key points:</p> <ul style="list-style-type: none"> ○ International commercial arbitration is a vital method for resolving cross-border disputes and is governed by international treaties, conventions, and recognized institutions. ○ Its advantages include neutrality, enforceability, confidentiality, and flexibility, making it a preferred choice for international business disputes. ○ While it offers several benefits, challenges like cost, delays, and enforcement issues still exist, and these must be considered when opting for arbitration. <ul style="list-style-type: none"> ● Encourage students to read case studies or recent landmark cases involving international commercial arbitration, which will help them understand the practical aspects of arbitration and its evolving role in global commerce. <p>Suggested Reading</p> <ul style="list-style-type: none"> ● Book: Gary B. Born, <i>International Commercial Arbitration</i> (Chapters on legal framework and procedure). ● Article: “The Role of International Arbitration in Global Business” – <i>Journal of International Arbitration</i>. ● Online Resource: <ul style="list-style-type: none"> ○ New York Convention (1958) ○ LCIA Arbitration Rules
Evaluation	<p>Reflective Questions:</p> <ol style="list-style-type: none"> 1. What are the key differences between domestic and international commercial arbitration? 2. Why is neutrality such an important factor in international arbitration, and how does it affect the decision-making process? 3. What challenges might arise in the enforcement of an international arbitral award in countries with differing legal systems?

Lesson Plan No. 38	Course Name: Alternative Dispute Resolution Topic: New-York Convention	Course No.: BBALLB-604
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Objectives	By the end of the lesson, students will be able to: <ol style="list-style-type: none"> 1. Understand the New York Convention (1958) and its importance in international arbitration. 2. Analyze the core provisions of the New York Convention, including its application to the recognition and enforcement of foreign arbitral awards. 3. Evaluate the impact of the New York Convention on global commerce and international dispute resolution. 4. Identify limitations and challenges related to the enforcement of arbitral awards under the New York Convention.
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Quiz on ADR.
Teaching Development	<p>1. Introduction (5 minutes)</p> <ul style="list-style-type: none"> • Begin with a discussion on why arbitration is preferred for international disputes, emphasizing the need for enforcement across borders. <ul style="list-style-type: none"> ○ Questions for the class: <ul style="list-style-type: none"> ▪ Have you ever wondered how arbitral awards are enforced when the parties are from different countries? ▪ What challenges might arise if one party refuses to abide by an arbitral award made in a foreign country? • Introduce the New York Convention as the international framework that addresses the recognition and enforcement of foreign arbitral awards. <p>2. Development (30 minutes)</p> <p>a. What is the New York Convention? (5 minutes)</p> <ul style="list-style-type: none"> • Definition: The Convention on the Recognition and Enforcement of Foreign Arbitral Awards (commonly known as the New York Convention) is a multilateral treaty adopted by the United Nations in 1958. It obligates the signatory countries to recognize and enforce arbitral awards made in other contracting states, thereby promoting consistency and certainty in international arbitration. • Significance: <ul style="list-style-type: none"> ○ The New York Convention has become the cornerstone of the international arbitration framework, providing a universal system for the enforcement of arbitral awards. ○ The Convention is crucial for ensuring that arbitral awards are not only binding but also enforceable in signatory countries,

ensuring cross-border dispute resolution efficiency.

b. Key Provisions of the New York Convention (10 minutes)

- **Article I – Scope of Application:**
The Convention applies to **all arbitral awards** that are made in the territory of a contracting state, whether domestic or foreign, as long as the award involves commercial disputes and the parties are located in different countries.
- **Article II – Agreement in Writing:**
A key condition for recognition and enforcement under the New York Convention is the presence of an **arbitration agreement** in writing, such as an **arbitration clause** in a contract. This article enforces the notion that parties must agree to arbitrate their disputes as a pre-condition for invoking the Convention.
- **Article III – Recognition and Enforcement of Awards:**
This article mandates that contracting states **recognize and enforce foreign arbitral awards** in the same way as they enforce national court judgments, subject to limited grounds for refusal.
- **Article V – Grounds for Refusal of Enforcement:**
The Convention allows for the **refusal of enforcement** on specific grounds, including:
 1. **Incompetence of the arbitral tribunal** (e.g., if the tribunal was not properly constituted).
 2. **Non-arbitrability** of the subject matter under the law of the country where enforcement is sought (e.g., disputes related to illegal activities).
 3. **Public policy:** The enforcement may be refused if the award violates the **public policy** of the country where enforcement is sought.
- **Article VII – More Favorable National Provisions:**
If a country's national laws offer a more **favorable regime** for the enforcement of arbitral awards, that regime takes precedence over the Convention.

c. Global Impact and Application (10 minutes)

- **Signatories:**
As of now, more than **160 countries** are parties to the New York Convention, making it one of the most widely adopted international treaties in the field of commercial dispute resolution. This widespread adoption ensures that arbitral awards are recognized and enforced globally.
- **Practical Implications:**
 - International commercial arbitration would be significantly **weakened** without the New York Convention, as parties would have little recourse to enforce awards across borders.
 - **Cross-border disputes** in industries such as **shipping, construction, intellectual property, and finance** are increasingly resolved through arbitration, and the Convention facilitates the enforcement of these awards.

	<ul style="list-style-type: none"> • Case Study Example: <ul style="list-style-type: none"> ○ Discuss a real case, such as the Chromalloy Aeroservices v. Egypt case, where the U.S. courts enforced an arbitral award rendered in favor of a U.S. company against the Egyptian government, despite the Egyptian government’s objections. ○ Another example is the Warranties & Warranties Ltd v. Indonesia case, where the English courts enforced a foreign arbitral award under the New York Convention, despite Indonesia’s public policy objections. <p>d. Challenges and Limitations (5 minutes)</p> <ul style="list-style-type: none"> • Public Policy Exception: While the Convention allows for the refusal of enforcement on public policy grounds, there is often debate over what constitutes a violation of public policy. In some cases, it has been used as an escape route by parties seeking to avoid enforcement. • Different Interpretations: Different courts in different jurisdictions may interpret the grounds for refusal under Article V differently, leading to inconsistent enforcement of arbitral awards in some cases. • Sovereign Immunity: Sovereign nations may invoke sovereign immunity as a defense against enforcement, particularly in cases involving states or state-owned entities. <p>3. Exercise (5 minutes) – Group Discussion</p> <ul style="list-style-type: none"> • Divide the class into small groups and ask them to discuss: <ol style="list-style-type: none"> 1. What challenges might arise when enforcing an arbitral award in a country with different legal traditions or judicial systems? 2. How does the public policy exception under the New York Convention balance the need for international arbitration with national sovereignty? 3. Discuss whether the grounds for refusal in the New York Convention should be expanded or limited, considering the changing nature of global trade and business.
Closure	<p>Closure (5 minutes)</p> <ul style="list-style-type: none"> • Summarize the key points: <ul style="list-style-type: none"> ○ The New York Convention (1958) is a foundational treaty in international commercial arbitration, enabling the recognition and enforcement of arbitral awards across borders. ○ It offers a standardized mechanism for enforcing awards, but also contains certain exceptions and challenges related to public policy and sovereign immunity. ○ Its widespread adoption has made international commercial arbitration a reliable tool for resolving cross-border disputes. • Encourage students to explore real-world cases where the Convention



	<p>has been applied and consider its practical implications in international arbitration practice.</p> <p>Suggested Reading</p> <ul style="list-style-type: none">• Book: Gary B. Born, <i>International Commercial Arbitration</i> (Chapters on enforcement of arbitral awards and the New York Convention).• Article: “The New York Convention: 50 Years of Practice and Development” – <i>Journal of International Arbitration</i>.• Online Resource:<ul style="list-style-type: none">○ UNCITRAL Website on the New York Convention
<p>Evaluation</p>	<p>Reflective Questions:</p> <ol style="list-style-type: none">1. How does the New York Convention help to ensure the effectiveness of international arbitration as a dispute resolution mechanism?2. What challenges might a party face when seeking to enforce an arbitral award in a jurisdiction that is unfamiliar with or reluctant to apply the New York Convention?3. Do you think the public policy exception under the New York Convention is too broad or too narrow? Why?

Lesson Plan No. 39	Course Name: Alternative Dispute Resolution Topic: Geneva Convention	Course No.: BBALLB-604
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Objectives	<p>By the end of the lesson, students will be able to:</p> <ol style="list-style-type: none"> 1. Understand the Geneva Conventions and their significance in the field of International Humanitarian Law (IHL). 2. Analyze the four Geneva Conventions and the Protocols that supplement them, focusing on their core provisions and protections. 3. Discuss the historical context and development of the Geneva Conventions. 4. Evaluate the role of the International Committee of the Red Cross (ICRC) in ensuring compliance with the Geneva Conventions. 5. Examine key case studies and examples where the Geneva Conventions have been applied or violated.
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Quiz on ADR.
Teaching Development	<p>1. Introduction (5 minutes)</p> <ul style="list-style-type: none"> • Start with a question to the class: <ul style="list-style-type: none"> ○ What do you think are the fundamental rights of individuals in times of armed conflict? ○ Why is there a need for international rules to govern the conduct of armed forces during war? • Briefly introduce the Geneva Conventions as a cornerstone of International Humanitarian Law, which sets out rules aimed at limiting the effects of armed conflict. <p>2. Development (30 minutes)</p> <p>a. Historical Context and Development of the Geneva Conventions (10 minutes)</p> <ul style="list-style-type: none"> • Origin: The Geneva Conventions were born out of the 1859 Battle of Solferino, where Swiss businessman Henry Dunant witnessed the horrific treatment of wounded soldiers and was moved to push for international efforts to improve humanitarian conditions in wartime. • First Geneva Convention (1864): The first convention, which established standards for the treatment of the wounded and sick in armed forces. • Expansion: Over the years, the Geneva Conventions were revised and expanded to cover not only the treatment of the wounded but also the treatment of prisoners of war, civilians, and the protection of humanitarian organizations during armed conflict. • Current Framework: The four Geneva Conventions of 1949 and

	<p>Additional Protocols of 1977 and 2005 constitute the core of the Geneva Conventions system today.</p> <p>b. Overview of the Four Geneva Conventions (10 minutes)</p> <ul style="list-style-type: none"> • First Geneva Convention: <ul style="list-style-type: none"> ○ Concerned with the wounded and sick in the armed forces in the field. ○ Requires that wounded soldiers be treated without discrimination and that medical personnel be protected. • Second Geneva Convention: <ul style="list-style-type: none"> ○ Relates to the wounded, sick, and shipwrecked members of armed forces at sea. ○ Protects soldiers on ships, ensuring that they are treated humanely. • Third Geneva Convention: <ul style="list-style-type: none"> ○ Covers the treatment of prisoners of war (POWs). ○ Ensures that POWs are treated with dignity and respect, and guarantees them basic rights such as food, shelter, and access to communication. • Fourth Geneva Convention: <ul style="list-style-type: none"> ○ Deals with the protection of civilians in times of war, including in occupied territories. ○ It provides protection for civilians against acts of violence, forced displacement, and ensures that they have access to basic needs like food and medical care. <p>c. Additional Protocols (5 minutes)</p> <ul style="list-style-type: none"> • Protocol I (1977): Extends the protections of the Geneva Conventions to victims of international armed conflicts (conflicts between two or more states). • Protocol II (1977): Deals with the protection of victims of non-international armed conflicts (civil wars or conflicts within a single state). • Protocol III (2005): Introduces the red crystal as a symbol for humanitarian organizations, in addition to the red cross and red crescent. <p>d. Key Principles of the Geneva Conventions (5 minutes)</p> <ul style="list-style-type: none"> • Humanity: People affected by armed conflict must be treated humanely, without distinction of race, religion, or political beliefs. • Neutrality: The Geneva Conventions apply to all parties to the conflict, regardless of which side is right or wrong. • Proportionality: Harm caused to civilians or civilian infrastructure must be proportionate to the military objective. • Non-discrimination: No distinction should be made on the basis of nationality, religion, or political views when it comes to providing protection.
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	<p>e. Role of the International Committee of the Red Cross (ICRC) (5 minutes)</p> <ul style="list-style-type: none"> • The ICRC is tasked with ensuring that the Geneva Conventions are respected by the parties involved in armed conflict. • It has a unique status in international law, with its primary role being to monitor compliance with IHL and offer assistance to the victims of armed conflicts. • The ICRC also delivers humanitarian aid, acts as an intermediary between parties to conflict, and works on prisoner exchange. <p>3. Exercise (5 minutes) – Case Study Discussion</p> <ul style="list-style-type: none"> • Divide the class into small groups and assign each group a real-life example of a situation where the Geneva Conventions were either respected or violated (e.g., the Rwandan Genocide, Yugoslav Wars, Syria Conflict). • Ask each group to discuss: <ul style="list-style-type: none"> ○ Which provisions of the Geneva Conventions were violated? ○ How could the situation have been improved if the Conventions had been respected? ○ What role did the ICRC or other humanitarian organizations play in the conflict?
<p>Closure</p>	<p>Closure (5 minutes)</p> <ul style="list-style-type: none"> • Summary: <ul style="list-style-type: none"> ○ The Geneva Conventions provide the fundamental framework for the protection of wounded soldiers, prisoners of war, and civilians in armed conflict. ○ These conventions have evolved and expanded to address the changing nature of warfare and the importance of humanitarian protection during conflicts. ○ The ICRC plays a crucial role in monitoring and ensuring compliance with these laws, striving to limit human suffering in the most challenging conditions. • Encouragement: Encourage students to explore further the impact of the Geneva Conventions on modern international conflicts and the role of the International Criminal Court in prosecuting violations of these rules. <p>Suggested Reading</p> <ul style="list-style-type: none"> • Book: Jean S. Pictet, <i>The Geneva Conventions of 12 August 1949: Commentary</i>. • Book: Andrew Clapham, <i>Human Rights: A Very Short Introduction</i> (Chapter on IHL). • Online Resource:



	<ul style="list-style-type: none">○ Geneva Conventions Full Text
Evaluation	Reflective Questions: <ol style="list-style-type: none">1. How do the Geneva Conventions contribute to the humanization of armed conflict, and why is this important?2. What challenges exist in ensuring compliance with the Geneva Conventions in modern conflicts, especially non-international conflicts?3. What role do non-governmental organizations like the ICRC play in upholding the Geneva Conventions, and what more could be done to strengthen their impact?

Lesson Plan No. 40	Course Name: Alternative Dispute Resolution Topic: UNCITRAL Model Law, Treaties etc.	Course No.: BBALLB-604
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Objectives	By the end of the lesson, students will be able to: <ol style="list-style-type: none"> 1. Understand the UNCITRAL Model Law and its role in harmonizing international arbitration laws. 2. Analyze the impact of the UNCITRAL Model Law on international arbitration and how it has influenced national legislation. 3. Discuss the relationship between the UNCITRAL Model Law and key international arbitration treaties, including the New York Convention. 4. Examine how UNCITRAL's efforts contribute to the development of global trade by promoting effective dispute resolution mechanisms. 5. Critically evaluate challenges faced by countries in adopting and implementing the UNCITRAL Model Law.
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Quiz on ADR.
Teaching Development	<p>1. Introduction (5 minutes)</p> <ul style="list-style-type: none"> • Begin by asking students about their experiences with dispute resolution in international transactions: <ul style="list-style-type: none"> ○ Have you heard about arbitration as a method of resolving disputes in international contracts? ○ Why do you think a global standard is necessary for arbitration laws across different countries? • Introduce the UNCITRAL Model Law as an international effort to standardize arbitration practices and ensure consistency in international commercial disputes. <p>2. Development (30 minutes)</p> <p>a. What is the UNCITRAL Model Law? (5 minutes)</p> <ul style="list-style-type: none"> • The United Nations Commission on International Trade Law (UNCITRAL) Model Law on International Commercial Arbitration is a legal framework adopted in 1985 aimed at harmonizing and modernizing arbitration practices worldwide. • Objective: The Model Law seeks to ensure that arbitration is a fair, efficient, and effective means of resolving international commercial disputes. It helps countries create a consistent legal structure for arbitration that aligns with international norms. • The Model Law has been adopted by more than 80 countries, including most of the major trading nations.

b. Key Features of the UNCITRAL Model Law (10 minutes)

- **Scope of Application:** The Model Law applies to **international** commercial arbitrations. It sets out rules for arbitration agreements, the composition of arbitral tribunals, procedures for challenging awards, and the enforcement of awards.
- **Arbitration Agreement:** The Model Law provides a legal framework for the **validity** and **enforceability** of arbitration agreements. It requires that the arbitration agreement must be in writing, whether in a contract or in other forms of agreement, such as letters or emails.
- **Composition of the Arbitral Tribunal:** The Model Law outlines the process of selecting arbitrators, ensuring that arbitrators are impartial and independent. It also provides a framework for resolving challenges to the appointment of arbitrators.
- **Conduct of Arbitral Proceedings:** It sets out the **procedural rules** for conducting the arbitration, ensuring that parties are given a fair opportunity to present their case. It also emphasizes **party autonomy** in determining procedural aspects, subject to some basic fairness standards.
- **Enforcement of Arbitral Awards:** The Model Law facilitates the **recognition and enforcement** of arbitral awards in different countries, aligning with the **New York Convention** on the Recognition and Enforcement of Foreign Arbitral Awards.

c. The Relationship Between UNCITRAL Model Law and the New York Convention (5 minutes)

- **New York Convention:** The **Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958)** provides the mechanism for enforcing international arbitral awards.
- While the **New York Convention** ensures that awards are recognized and enforced across contracting states, the **UNCITRAL Model Law** provides the procedural framework for arbitration and guides countries in adopting laws to implement the Convention.
- Countries that adopt the UNCITRAL Model Law ensure that their domestic arbitration procedures are compatible with the international **enforcement standards** of the New York Convention.

d. Other Relevant UNCITRAL Treaties and Frameworks (5 minutes)

- **UNCITRAL Arbitration Rules (1976):** These rules serve as a model for the arbitration process and offer procedural guidance on the conduct of international arbitration. They complement the **Model Law** by offering a more detailed procedural structure.
- **UNCITRAL Conciliation Rules (1980):** These rules provide a framework for **conciliation** as an alternative dispute resolution method, aiming to help parties settle disputes amicably.
- **UNCITRAL Convention on the Use of Electronic Communications in International Contracts (2005):** This treaty facilitates the use of **electronic communication** in international business transactions, supporting arbitration processes that involve cross-border parties.

	<p>e. Impact of the UNCITRAL Model Law on International Arbitration (5 minutes)</p> <ul style="list-style-type: none"> • The Model Law has contributed to the growth of international arbitration by providing a uniform legal framework, making arbitration more attractive to businesses worldwide. • Efficiency: It has reduced the complexity of legal proceedings by offering clear rules on issues such as the appointment of arbitrators, the powers of the tribunal, and the enforcement of awards. • Legal Certainty: Countries adopting the Model Law enhance the predictability of the arbitration process, which is particularly important in cross-border disputes where parties need assurance of a fair and enforceable process. <p>3. Exercise (5 minutes) – Group Discussion</p> <ul style="list-style-type: none"> • Divide the class into small groups and ask each group to: <ul style="list-style-type: none"> ○ Analyze a specific country’s adoption of the UNCITRAL Model Law and compare it to the New York Convention. ○ Discuss whether the adoption of the Model Law has made arbitration more accessible or efficient in that country. ○ Highlight any challenges the country faced in aligning its domestic law with the Model Law.
<p>Closure</p>	<p>Closure (5 minutes)</p> <ul style="list-style-type: none"> • Summary: <ul style="list-style-type: none"> ○ The UNCITRAL Model Law plays a crucial role in standardizing international arbitration practices, creating a predictable and efficient dispute resolution process for cross-border business. ○ By harmonizing national arbitration laws with the New York Convention, the Model Law contributes significantly to the growth of global trade and the resolution of international commercial disputes. ○ Although the Model Law is not a binding treaty, its widespread adoption demonstrates the global commitment to fostering consistency and fairness in international arbitration. • Encourage students to review the UNCITRAL Arbitration Rules and New York Convention for a deeper understanding of their practical application in international commercial disputes. <p>Suggested Reading</p> <ul style="list-style-type: none"> • Book: Gary B. Born, <i>International Commercial Arbitration</i> (Chapters on UNCITRAL Model Law and Arbitration Rules). • Online Resource: <ul style="list-style-type: none"> ○ https://www.legalbites.in/adr-alternative-dispute-resolution/ ○ https://blog.ipleaders.in/alternative-dispute-resolution-and-the-



	law-of-intellectual-property/
Evaluation	Reflective Questions: <ol style="list-style-type: none">1. How has the UNCITRAL Model Law improved the accessibility and efficiency of international arbitration?2. What are the key differences between the UNCITRAL Model Law and national arbitration laws in countries that have not adopted it?3. In what ways can the UNCITRAL Model Law and the New York Convention support or hinder businesses in resolving cross-border disputes?

Lesson Plan No. 41	Course Name: Alternative Dispute Resolution Topic: Enforcement of Foreign Award	Course No.: BBALLB-604
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Objectives	<p>At the end of the lesson the student shall be able to:</p> <ol style="list-style-type: none"> 1. Understand the concept of enforcement of foreign arbitral awards under international law. 2. Analyze the role of the New York Convention and other treaties in facilitating the recognition and enforcement of foreign awards. 3. Explore jurisdictional issues related to the enforcement of foreign arbitral awards. 4. Critically assess the challenges faced by courts and tribunals in enforcing foreign arbitral awards. 5. Evaluate the balance between party autonomy in arbitration and the limits imposed by national courts on enforcement.
Teaching Aids (if any)	<ol style="list-style-type: none"> a. PowerPoint Presentation b. Quiz on ADR
Teaching Development	<p>1. Introduction (5 minutes)</p> <ul style="list-style-type: none"> • Ask students: <ul style="list-style-type: none"> ○ What is the purpose of an arbitral award, and why is its enforcement crucial in international arbitration? ○ Have you encountered any jurisdictional issues when enforcing judgments or awards from other countries? • Introduce the concept of enforcement of foreign arbitral awards and discuss the global recognition of such awards as essential to the success of international arbitration. <p>2. Development (30 minutes)</p> <p>a. The Importance of Enforcement of Foreign Awards (5 minutes)</p> <ul style="list-style-type: none"> • In international arbitration, the enforceability of arbitral awards is crucial for ensuring that arbitration is a practical and effective dispute resolution mechanism. • Without proper enforcement, arbitral awards are useless, as parties may fail to comply with the decision. This is particularly important in cases where the losing party refuses to comply or is located in a different jurisdiction. <p>b. The New York Convention (1958) on Recognition and Enforcement of Foreign Arbitral Awards (10 minutes)</p> <ul style="list-style-type: none"> • Overview: The New York Convention is the key international treaty



	<p>governing the enforcement of foreign arbitral awards. It was adopted in 1958 and has been signed by over 160 countries, making it one of the most widely recognized international treaties.</p> <ul style="list-style-type: none">• Key Provisions:<ul style="list-style-type: none">○ Article III: Requires contracting states to recognize and enforce arbitral awards in accordance with their domestic law.○ Article V: Lists limited grounds for refusing the recognition or enforcement of an award, such as:<ul style="list-style-type: none">▪ Lack of a valid arbitration agreement.▪ Violation of the public policy of the enforcing country.▪ Arbitrators exceeding their authority.▪ Denial of due process (e.g., failure to give notice to the party).• Impact: The New York Convention provides a uniform framework for the enforcement of foreign arbitral awards and ensures that an arbitral award made in one country can be enforced in another country, significantly enhancing the global use of arbitration. <p>c. Jurisdictional Issues in Enforcement (10 minutes)</p> <ul style="list-style-type: none">• Jurisdictional Issues refer to the challenges regarding which court or country has the authority to enforce an arbitral award.• Key Jurisdictional Challenges:<ul style="list-style-type: none">○ Forum non convenient: A court may refuse to enforce an arbitral award if it considers that another forum is more appropriate for the case.○ Challenges to Jurisdiction: Parties may challenge the jurisdiction of the arbitral tribunal itself or the enforcement court, particularly if they argue that the award was made in a jurisdiction that should not have been chosen.○ Public Policy Exception: Some countries may refuse to enforce awards that they perceive as violating their public policy, even if the award is in compliance with the New York Convention.○ Dual Jurisdiction: Issues may arise when the party seeking enforcement faces challenges based on conflicting national laws that differ in how they interpret the recognition and enforcement of foreign awards.• Case Studies:<ul style="list-style-type: none">○ The Philippines v. The Republic of China (Taiwan): A case in which the Philippines challenged the enforcement of an award made under arbitration rules, asserting a violation of national public policy.○ Chromalloy Aero services Inc. v. The Arab Republic of Egypt: In this case, Egypt sought to resist enforcement, citing national public policy despite the fact that the award was issued under the New York Convention. <p>d. Grounds for Refusal of Enforcement (5 minutes)</p> <ul style="list-style-type: none">• According to the New York Convention (Article V), courts can refuse to enforce a foreign award under the following circumstances:
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	<ul style="list-style-type: none"> ○ The parties to the agreement were under some disability (e.g., they lacked capacity to enter into the agreement). ○ The arbitration agreement is not valid under the law it was governed by. ○ The arbitral procedure was not in accordance with the agreement or the laws of the country where the arbitration took place. ○ The award violates the public policy of the country where enforcement is sought (this is a highly controversial ground and is applied very narrowly). ○ The award concerns matters that are not arbitrable under the law of the country in which enforcement is sought. <p>3. Exercise (5 minutes) – Group Discussion</p> <ul style="list-style-type: none"> ● Divide students into groups and ask them to discuss the following scenario: <ul style="list-style-type: none"> ○ A company based in Country A wins an arbitration award against a company in Country B under the UNCITRAL Rules. The losing party refuses to comply. What jurisdictional and enforcement challenges might arise when trying to enforce the award in Country B? ○ What grounds could the losing party raise to resist enforcement under the New York Convention?
<p>Closure</p>	<p>Closure (5 minutes)</p> <ul style="list-style-type: none"> ● Summary: <ul style="list-style-type: none"> ○ The New York Convention is the primary international framework governing the enforcement of foreign arbitral awards, ensuring the recognition and enforcement of awards in over 160 countries. ○ While the Convention provides significant uniformity, jurisdictional challenges, such as public policy exceptions and forum issues, can still present barriers to enforcement. ○ Understanding these challenges and the limited grounds for refusing enforcement is crucial for parties involved in international arbitration. ● Encourage students to review case law regarding enforcement and jurisdictional issues, focusing on how national courts balance domestic law with international treaties like the New York Convention. <p>Suggested Reading</p> <ul style="list-style-type: none"> ● Book: Gary B. Born, <i>International Commercial Arbitration</i> (Chapter on the New York Convention and Enforcement of Foreign Awards). ● Book: Richard H. Kreindler, <i>Enforcement of International Arbitration Awards</i>. ● Online Resource: <ul style="list-style-type: none"> ○ https://www.legalbites.in/adr-alternative-dispute-resolution/



	<ul style="list-style-type: none">○ https://blog.iplayers.in/alternative-dispute-resolution-and-the-law-of-intellectual-property/
Evaluation	Reflective Questions: <ol style="list-style-type: none">1. Why do you think national courts are often reluctant to enforce foreign arbitral awards, even with the New York Convention in place?2. How do jurisdictional issues impact the efficiency and predictability of international arbitration?3. Can you think of any alternative ways to resolve jurisdictional conflicts in the enforcement of foreign awards, aside from litigation?

Lesson Plan No. 42	Course Name: Alternative Dispute Resolution Topic: Jurisdictional Issues	Course No.: BBALLB-604
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Objectives	At the end of the lesson the student shall be able to: <ol style="list-style-type: none"> Understand the concept of enforcement of foreign arbitral awards under international law. Analyze the role of the New York Convention and other treaties in facilitating the recognition and enforcement of foreign awards. Explore jurisdictional issues related to the enforcement of foreign arbitral awards. Critically assess the challenges faced by courts and tribunals in enforcing foreign arbitral awards. Evaluate the balance between party autonomy in arbitration and the limits imposed by national courts on enforcement.
Teaching Aids (if any)	<ol style="list-style-type: none"> PowerPoint Presentation Quiz on ADR
Teaching Development	<p>1. Introduction (5 minutes)</p> <ul style="list-style-type: none"> Ask students: <ol style="list-style-type: none"> What is the purpose of an arbitral award, and why is its enforcement crucial in international arbitration? Have you encountered any jurisdictional issues when enforcing judgments or awards from other countries? Introduce the concept of enforcement of foreign arbitral awards and discuss the global recognition of such awards as essential to the success of international arbitration. <p>2. Development (30 minutes)</p> <p>a. The Importance of Enforcement of Foreign Awards (5 minutes)</p> <ul style="list-style-type: none"> In international arbitration, the enforceability of arbitral awards is crucial for ensuring that arbitration is a practical and effective dispute resolution mechanism. Without proper enforcement, arbitral awards are useless, as parties may fail to comply with the decision. This is particularly important in cases where the losing party refuses to comply or is located in a different jurisdiction. <p>b. The New York Convention (1958) on Recognition and Enforcement of Foreign Arbitral Awards (10 minutes)</p> <ul style="list-style-type: none"> Overview: The New York Convention is the key international treaty



	<p>governing the enforcement of foreign arbitral awards. It was adopted in 1958 and has been signed by over 160 countries, making it one of the most widely recognized international treaties.</p> <ul style="list-style-type: none"> • Key Provisions: <ul style="list-style-type: none"> ○ Article III: Requires contracting states to recognize and enforce arbitral awards in accordance with their domestic law. ○ Article V: Lists limited grounds for refusing the recognition or enforcement of an award, such as: <ul style="list-style-type: none"> ▪ Lack of a valid arbitration agreement. ▪ Violation of the public policy of the enforcing country. ▪ Arbitrators exceeding their authority. ▪ Denial of due process (e.g., failure to give notice to the party). • Impact: The New York Convention provides a uniform framework for the enforcement of foreign arbitral awards and ensures that an arbitral award made in one country can be enforced in another country, significantly enhancing the global use of arbitration. <p>c. Jurisdictional Issues in Enforcement (10 minutes)</p> <ul style="list-style-type: none"> • Jurisdictional Issues refer to the challenges regarding which court or country has the authority to enforce an arbitral award. • Key Jurisdictional Challenges: <ul style="list-style-type: none"> ○ Forum non convenient: A court may refuse to enforce an arbitral award if it considers that another forum is more appropriate for the case. ○ Challenges to Jurisdiction: Parties may challenge the jurisdiction of the arbitral tribunal itself or the enforcement court, particularly if they argue that the award was made in a jurisdiction that should not have been chosen. ○ Public Policy Exception: Some countries may refuse to enforce awards that they perceive as violating their public policy, even if the award is in compliance with the New York Convention. ○ Dual Jurisdiction: Issues may arise when the party seeking enforcement faces challenges based on conflicting national laws that differ in how they interpret the recognition and enforcement of foreign awards. • Case Studies: <ul style="list-style-type: none"> ○ The Philippines v. The Republic of China (Taiwan): A case in which the Philippines challenged the enforcement of an award made under arbitration rules, asserting a violation of national public policy. ○ Chromalloy Aero services Inc. v. The Arab Republic of Egypt: In this case, Egypt sought to resist enforcement, citing national public policy despite the fact that the award was issued under the New York Convention. <p>d. Grounds for Refusal of Enforcement (5 minutes)</p> <ul style="list-style-type: none"> • According to the New York Convention (Article V), courts can refuse to enforce a foreign award under the following circumstances:
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	<ul style="list-style-type: none"> ○ The parties to the agreement were under some disability (e.g., they lacked capacity to enter into the agreement). ○ The arbitration agreement is not valid under the law it was governed by. ○ The arbitral procedure was not in accordance with the agreement or the laws of the country where the arbitration took place. ○ The award violates the public policy of the country where enforcement is sought (this is a highly controversial ground and is applied very narrowly). ○ The award concerns matters that are not arbitrable under the law of the country in which enforcement is sought. <p>3. Exercise (5 minutes) – Group Discussion</p> <ul style="list-style-type: none"> ● Divide students into groups and ask them to discuss the following scenario: <ul style="list-style-type: none"> ○ A company based in Country A wins an arbitration award against a company in Country B under the UNCITRAL Rules. The losing party refuses to comply. What jurisdictional and enforcement challenges might arise when trying to enforce the award in Country B? ○ What grounds could the losing party raise to resist enforcement under the New York Convention?
<p>Closure</p>	<p>Closure (5 minutes)</p> <ul style="list-style-type: none"> ● Summary: <ul style="list-style-type: none"> ○ The New York Convention is the primary international framework governing the enforcement of foreign arbitral awards, ensuring the recognition and enforcement of awards in over 160 countries. ○ While the Convention provides significant uniformity, jurisdictional challenges, such as public policy exceptions and forum issues, can still present barriers to enforcement. ○ Understanding these challenges and the limited grounds for refusing enforcement is crucial for parties involved in international arbitration. ● Encourage students to review case law regarding enforcement and jurisdictional issues, focusing on how national courts balance domestic law with international treaties like the New York Convention. <p>Suggested Reading</p> <ul style="list-style-type: none"> ● Book: Gary B. Born, <i>International Commercial Arbitration</i> (Chapter on the New York Convention and Enforcement of Foreign Awards). ● Book: Richard H. Kreindler, <i>Enforcement of International Arbitration Awards</i>. ● Online Resource: <ul style="list-style-type: none"> ○ https://www.legalbites.in/adr-alternative-dispute-resolution/



	<ul style="list-style-type: none">○ https://blog.iplayers.in/alternative-dispute-resolution-and-the-law-of-intellectual-property/
Evaluation	Reflective Questions: <ol style="list-style-type: none">1. Why do you think national courts are often reluctant to enforce foreign arbitral awards, even with the New York Convention in place?2. How do jurisdictional issues impact the efficiency and predictability of international arbitration?3. Can you think of any alternative ways to resolve jurisdictional conflicts in the enforcement of foreign awards, aside from litigation?