Gyanmanjari Innovative University

Course Syllabus
Gyanmanjari Institute of LAW
Semester-6 (LL.B)

Subject: Alternative Dispute Resolution - LAWLL16528

Type of course: Compulsory Clinical Course

Prerequisite:

Students should possess a basic understanding of the Indian legal system, court structure, principles of civil and commercial disputes, and fundamental concepts of contract law. Familiarity with legal procedures and dispute-resolution mechanisms will help learners in better understanding the functioning and significance of Alternative Dispute Resolution methods.

Rationale:

The course is designed to provide students with comprehensive knowledge of Alternative Dispute Resolution mechanisms, including arbitration, mediation, conciliation, negotiation, Lok Adalat, and international commercial arbitration. It aims to develop practical skills for resolving disputes efficiently, economically, and amicably outside traditional court processes. The study of ADR equips students with an understanding of contemporary dispute-resolution frameworks, statutory provisions, judicial approaches, and global practices, thereby enhancing their professional competence in legal practice, corporate advisory services, and dispute management.

Teaching and Examination Scheme:

Teaching Scheme			Credits	Examination Marks			Total Marks
				Theory Marks		CA	
CI	T	P	C	ESE	MSE	ALA	150
05	01	00	06	100	30	20	

Legends: CI-Classroom Instructions; T– Tutorial; P- Practical; C– Credit; ESE- Semester End Evaluation; MSE- Mid Semester Examination; CA-Continuous Assessment; ALA- Active Learning Activities.

Course Content:

Sr. No.	Course Content	Hrs.	% Weight age
1	**Introduction & Arbitration agreement** • Introduction-Concept of ADR • Meaning object and importance • History and Reasons for the growth of ADR • Advantages of ADR • Legislative and Judicial Sanction for ADR • Important forms of ADR • Arbitration, Ombudsman, Lokpal and Lokayukta, and Lok Adalat. • Arbitration Agreement- Essentials • Who can enter into arbitration agreement–Validity • Power to refer parties to arbitration where there is an arbitration agreement. • Interim measure etc. by court	15	20
2	**Arbitration proceedings:** • Appointment of the Arbitration Tribunal • Grounds for challenges • Jurisdiction and Powers of the Tribunal • Equal treatment of parties • Determination of rules of procedure • Place of arbitration • Commencement of Arbitral proceeding • Language • Statement of claim and defense • Hearing and written proceedings • Default of a party • Expert appointment by arbitral tribunal.	15	20

	• Court assistance in taking evidence • Making of Arbitral Award and Termination of Proceedings • Recourse against Arbitral Award • Finality and Enforcement of Arbitral Award		
3	**Arbitration award** • Rules of Guidance • Forms and Content of the Arbitration Award • Settlement through ADR • Interim awards and award of interest by the arbitrator • Requirements of a valid arbitral award • Correction and interpretation of the arbitral award • Grounds for setting aside an arbitral award under Section 34 • Incapacity of a party, where applicable under Section 34 • Invalidity of Arbitration Agreement • Want of proper notice and hearing • Contravention of composition and procedure • Breach of conviviality • Impartiality of the arbitrator • Bar of limitation, res judicata • Consent of parties • Termination Proceedings • Powers of Arbitrators	15	20
4	**Negotiation, mediation and conciliation:** • Meaning of Negotiation • Essential of Negotiation • Characteristics of Negotiation • meaning of Conciliation, • Conciliators: Number and qualifications, appointment procedure Principles of Conciliation Procedure, Settlement, Restrictions on the role of conciliators, Termination of Conciliation proceedings	15	20

	• Provisions of Appeal and Revision • Rulemaking powers of High Courts and Central Government • Meaning of mediation • Object, reasons and significance, Mediation Agreement, Pre-litigation Mediation, Mediation Proceedings and role of Mediator, Mediated settlement Agreement and enforcement thereof • On Line Mediation, Mediation Council of India: Composition, duties and functions. • Mediation Service Providers and Mediation Institutes, • Community Mediation: Procedure		
5	**Enforcement of the Foreign Award and Miscellaneous:** • Foreign Award, International and Commercial Arbitration: Essentials • Choice of place and proper law of arbitration • Enforcement of Foreign Awards: Procedure and essentials New York Convention Awards • Geneva Convention Awards • Lok-Adalat • Organization of Lok Adalat • Legal Recognition of LokAdalat in India • Cognizance of case by LokAdalat • Award of LokAdalat • Powers of LokAdalat • Constitution and Jurisdiction of LokAdalat • Consent of Parties • Power of Judicial Review • Permanent LokAdalat	15	20

Continuous Assessment:

Sr. No	Active Learning Activities	Marks
1	**Analysis of landmark judgment:** Students shall present and critically analyze landmark judgments relating to arbitration, mediation, and conciliation. Students must submit the report to the subject faculty and upload the same on the GMIU Web Portal.	10
2	**Comparative Study Project** Students shall compare: • Arbitration and Litigation • Mediation and Conciliation • Domestic and International Commercial Arbitration • Lok Adalat and Permanent Lok Adalat Students must submit the report to the subject faculty and upload it on the GMIU Web Portal.	10
Total		20

List of Suggested Tutorials:

Sr. No	Suggested Tutorials	Credits Hours
1	**PDF Assignment on Introduction to ADR and Its Importance -** Prepare a 2–3-page PDF explaining the concept, meaning, objectives, importance, history, growth, and advantages of Alternative Dispute Resolution (ADR). Include the important forms of ADR, such as arbitration, negotiation, mediation, conciliation, and Lok Adalat, with relevant legal provisions and examples.	1
2	**Video Lecture on Arbitration Agreement and Arbitration Proceedings -** Prepare a video lecture explaining the meaning, essentials, validity, and legal requirements of an arbitration agreement under the Arbitration and Conciliation Act, 1996. Explain the appointment of an arbitral tribunal, grounds for challenging an arbitrator, jurisdiction and powers of the tribunal, conduct of proceedings, and the role of courts, with practical examples.	2
3	**Case Analysis Report on a Landmark Arbitration Judgment -** Choose one landmark judgment related to arbitration and prepare a structured case analysis covering the facts, legal issues, applicable legal provisions, judgment, and significance. Explain the principles established by the court	1

	regarding arbitration agreements, appointment of arbitrators, arbitral awards, or judicial intervention in arbitration proceedings.	
4	**Group Discussion Report on "Role of ADR in Reducing the Burden of Indian Courts" -** Participate in a group discussion on the role of ADR in reducing the burden of Indian courts and promoting speedy justice. Submit a one-page summary report highlighting the importance of ADR, its advantages, limitations, major forms, relevant legal provisions, and suggestions for improving the ADR system in India.	2
5	**Newspaper Case Review on Arbitration, Mediation, or Lok Adalat -** Collect a recent newspaper article related to arbitration, mediation, conciliation, or Lok Adalat and prepare a one-page legal analysis. Identify the nature of the dispute, the method of dispute resolution adopted, the relevant legal provisions, the role of the parties or tribunal, and the outcome or possible legal remedies.	1
6	**Quiz Preparation Activity on ADR Laws and Procedures -** Prepare a 10-question quiz with answers for classroom peer testing. The questions should cover the Arbitration and Conciliation Act, 1996; arbitration agreements; arbitral tribunals; arbitral awards; grounds for setting aside awards; negotiation; mediation; conciliation; and Lok Adalat under the Legal Services Authorities Act, 1987.	2
7	**Research Note on Enforcement of Foreign Arbitral Awards -** Write a short research note explaining the meaning and enforcement of foreign arbitral awards in India. Discuss international commercial arbitration, the essentials of foreign awards, the New York Convention, the Geneva Convention, the procedure for enforcement, and the relevant provisions of the Arbitration and Conciliation Act, 1996.	1
8	**Role-Play Activity on Negotiation, Mediation, and Conciliation -** Prepare and perform a 5–10-minute role-play demonstrating how a dispute can be resolved through negotiation, mediation, or conciliation. Students may select a dispute involving a commercial transaction, family matter, workplace conflict, or contractual disagreement. The role-play should explain the role of the parties, mediator or conciliator, the procedure followed, and the possible settlement.	2
9	**Case Law Presentation on Arbitration Awards and Judicial Review -** Select a landmark judgment related to arbitral awards and prepare a 5–7-minute presentation covering the facts, legal issues, applicable statutory provisions, judgment, and legal principles. Explain the requirements of a valid arbitral award, grounds for setting aside an award under Section 34, and the principles governing judicial intervention in arbitration.	2
10	**Case Study on Lok Adalat and Permanent Lok Adalat -** Prepare a case study explaining the constitution, organization, jurisdiction, powers, and functioning of Lok Adalat and Permanent Lok Adalat under the Legal Services Authorities Act, 1987. Discuss the procedure for referring cases, the role of consent, the legal status and enforceability of Lok Adalat awards, and the distinction between Lok Adalat and Permanent Lok Adalat, with relevant legal provisions and practical examples.	1

Total Hours.	15

Suggested Specification table with Marks (Theory): 100

Distribution of Theory Marks (Revised Bloom's Taxonomy)						
Level	Remembrance (R)	Understanding (U)	Application (A)	Analyze (N)	Evaluate (E)	Create (C)
Weightage	10%	20%	20%	20%	20%	10%

Note: This specification table shall be treated as a general guideline for students and teachers. The actual distribution of marks in the question paper may vary slightly from above table.

Course Outcome:

After learning the course, the students should be able to:	
CO1	Define and explain the basic concepts, objectives, importance, advantages, and different forms of Alternative Dispute Resolution (ADR), including arbitration, negotiation, mediation, conciliation, and Lok Adalat.
CO2	Apply the relevant legal provisions of the Arbitration and Conciliation Act, 1996, the Mediation Act, 2023, and the Legal Services Authorities Act, 1987, to practical dispute-resolution situations.
CO3	Analyze arbitration agreements, arbitral proceedings, arbitral awards, landmark judgments, and the legal grounds for setting aside arbitral awards.
CO4	Evaluate the effectiveness of arbitration, mediation, conciliation, and Lok Adalat in resolving disputes and assess the role of courts in ADR mechanisms.
CO5	Develop appropriate strategies for resolving legal disputes through negotiation, mediation, conciliation, and arbitration by applying legal principles to practical case studies.

Instructional Method:

The course delivery method will depend upon the requirement of content and the needs of students. The teacher, in addition to conventional teaching methods by black board, may also use any tools such as demonstration, role play, Quiz, brainstorming, MOOCs etc.

From the content 10% topics are suggested for flipped mode instruction. Students will use supplementary resources such as online videos, NPTEL/SWAYAM videos, e-courses. The internal evaluation will be done on the basis of Active Learning Assignment.

Practical/Viva examination will be conducted at the end of semester for evaluation of performance of students in the laboratory.

Reference Books:

1. Singh, A. (2018). *Law of Arbitration and Conciliation: Including Alternative Dispute Resolution Systems* (11th ed.). Eastern Book Company.
2. Markanda, P. C., Markanda, N., & Markanda, R. (2022). *Law Relating to Arbitration and Conciliation* (11th ed.). LexisNexis.
3. Malhotra, O. P., & Malhotra, I. (2006). *The Law and Practice of Arbitration and Conciliation: The Arbitration and Conciliation Act, 1996* (2nd ed.). LexisNexis Butterworths.
4. Gurnani, S. R. (2023). *The Arbitration and Conciliation Act, 1996 (Including Amendment Act of 2015 and 2019)*. C. Jamnadas & Co.