

**B.A.LL.B (Hons.) 5-Year Integrated Course
VIII- Semester
Alternative Dispute Resolution and Legal Aid
(Practical-II)**

Paper 806

W.e.f 2023-24

**Internal Assessment:40 Marks
Theory: 60Marks
Total:100 Marks
Time: 3 hours**

Note:

- (a) Nine questions shall be set in all, two questions in each unit I-IV and one compulsory question in unit-V.
- (b) The compulsory question in unit-V shall consist of four parts, one from each Unit I-IV.
- (c) The Candidate shall be required to attempt five questions in all, selecting one question from each Unit I-IV and question no. 9 in Unit- V shall be compulsory.
- (d) Each question in Unit I-V shall carry 12 marks.

UNIT - I

Theory of restorative justice and its application; Meaning and various procedures of Alternate Dispute Resolution (ADR); Advantages of ADR; Arbitration Agreement; Composition of Arbitral Tribunal; Jurisdiction of Arbitral Tribunal; Conduct of Arbitral Proceedings; Making of Arbitral Awards and Termination of Proceedings; Setting Aside an Award; Enforcement of Award; Enforcement of Foreign Awards; International Arbitration; New York Convention Award and Geneva Convention Awards.

Leading Case: International Airport Authority of India v. K.D. Bali AIR 1988 SC 1099.

UNIT – II

Meaning and concept of Mediation; Traditional mediation practices in India and abroad; Judicial interpretation and relevant case law; Essential elements, process and stages of mediation; Role of the mediator; Effective and ineffective communication techniques; Decision-making techniques; Problem-solving tactics; Code of ethics; Drafting of agreements; Growth of virtual dispute resolution; UNCITRAL Model Law

**Afcons Infrastructure Ltd. & Anr. v. Cherian Varkey Construction Co. (P)Ltd. & Ors.
2010 (8) SCC 24**

UNIT – III

Conciliation; Appointment of Conciliators; Stages of Conciliation proceedings; Settlement Agreement in Conciliation; Termination of Conciliation Proceedings; Resort to Arbitral or Judicial Proceedings.

Leading Case: Haresh Dayaram Thakur v. State of Maharashtra; AIR 2000 SC 2281.

UNIT - IV

Lok Adalats- Concept; Meaning and Growth of Lok Adalats; Positions of Lok Adalats under Legal Services Authority Act 1987; Organisation of Lok Adalats; Cognizance of Cases by Lok Adalats; Award of Lok Adalats; Power of Lok Adalats; Analysis of Working of Lok Adalats in India; Legal Aid- Legal Aid under the Constitution of India; Legal Aid Schemes.

Leading Case: Guru Nanak Foundation v. Rattan Singh and Sons; AIR 1981 SC 2075.

Suggested Readings

1. Chitkara; M.G. : Lok Adalat and the Poor- A Socio-Constitutional Study.
2. Deshta; Sunil : Lok Adalat in India
3. Kwatra G.K : The New Law of Arbitration & Conciliation
4. NV Paranjape : Arbitration and Alternative Dispute Resolution
5. Rao; P.C : Alternative Dispute Resolution

6. SC Tripathi : Arbitration and Conciliation Act; 1996
7. Tewari; O.P : The Arbitration & Conciliation Act
8. Sriram Panchu : Mediation Practice & Law: The Path to Successful Dispute Resolution

9. Mediation and : Mediation Training Manual of India (Conciliation Project Committee, Supreme Court of India)
10. Anuroop Omkar and : The Art of Negotiation and Mediation - A Wishbone Funnybone
Kritika and a Backbone Krishnamurthy
11. Christopher Moore : The Mediation Process: Practical Strategies for Resolving Conflict