



OFFICE OF THE REGISTRAR :: DIBRUGARH UNIVERSITY :: DIBRUGARH

Ref. No. DU/DR-A/Syllabus-ADR(modified)/2024/1446

Date: 07.08.2024

NOTIFICATION

As recommended by the meeting of the Board of Studies (BoS) in Law held on 17.07.2024, the Hon'ble Vice Chancellor, Dibrugarh University has approved the revised syllabus of Alternative Dispute Resolution (ADR) for B.A.LL.B/ B.B.A.LL.B/ B.Com.LL.B (Honours/Non Honours) and Three Year LL.B. (Honours/ Non Honours) Programme with effect from the academic session 2024-2025.

The above is notified under report to the next meetings of the Under Graduate Board and Academic Council, Dibrugarh University.

The revised syllabus is attached herewith.

Issued with due approval.

Alaganta 07/08/2024
Deputy Registrar (Academic)
Dibrugarh University

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Copy forwarded for kind information and necessary action to:

1. The Hon'ble Vice-Chancellor, Dibrugarh University.
2. The Deans, Dibrugarh University.
3. The Registrar, Dibrugarh University.
4. The Chairperson, Centre for Juridical Studies, Dibrugarh University.
5. All the Principals of the Law Colleges under Dibrugarh University.
6. The Controller of Examinations i/c, Dibrugarh University.
7. The Joint / Deputy Controller of Examinations – 'B', 'C' & 'A', Dibrugarh University.
8. The Programmer, Dibrugarh University with a request to upload the notification in the Dibrugarh University Website.
9. File.

Alaganta 07/08/2024
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Course Title : ALTERNATIVE DISPUTE RESOLUTION

Wef the academic session 2024-25

BA, LL.B, BBA, LL.B, B.Com, LLB (H) (Honours/Non Honours): Course Code- 7.4 P₁

LL.B (Honours/Non-Honours): Course Code- 3.5 P₁

Course objectives:

- To create awareness about the importance of ADR and the latest development.
- To trace the growth, development, and importance of ADR movement.
- To explain primary methods under the alternative dispute resolution and their functions.
- This course outlines the diverse ADR practice prevailing in India and its utility across different settings – both domestic and international.
- To provide a good basic knowledge of ADR methods — Negotiation, Mediation & Arbitration — both theoretical as well as practical.
- To train the student to develop skills and techniques for effective application of each of the ADR methods.
- To evaluate, compare, and assess legal implication of each of the ADR methods
- To understand the role of mediation in commercial as well as personal relationships in the light of the Mediation Act, 2023.

Course outcome:

After completing this course, students will be acquainted with the knowledge and skills with regard to:

- ADR mechanism and its comparison with traditional litigation.
- Various ADR Techniques in practice and differences.
- Practical procedures for various ADR techniques.
- Interface between domestic and international laws in context of various ADR techniques.
- Acquiring one's listening, probing and evaluation skills and thereby improving internal communication and working practices crucial for a good mediator.

Practical-I

End Semester -80

Internal; Assessment-20

Total Marks: 100

(For Unit 1,2,3& 4 there will be written examination of 60 marks of 2 hour duration. Practical examination with viva-voce will be of 20 marks. There will be internal assessment of 20 marks covering all the Units).

Unit-1-Introduction, International and National Perspectives of ADR

- 1.1 Concept of ADR and its types
- 1.2 History and International development of UNCITRAL, 1980
- 1.3 UNCITRAL Rules, 1985
- 1.4 Government of India's obligations (Article 51 and Article 253)
- 1.5 The Arbitration and Conciliation Act, 1996 –I
 - 1.5.1 General Provisions
 - 1.5.2 Arbitration Agreement
 - 1.5.3 Composition of Arbitral Tribunal
 - 1.5.4 Jurisdiction of Arbitral Tribunal

Unit2- The Arbitration and Conciliation Act, 1996 –II
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- 2.1 Conduct of Arbitral Proceeding
- 2.2 Rules applicable to substance of dispute
- 2.3 Time limit for Arbitral Award and Termination of Arbitral Proceeding
- 2.4 Forms and content of Arbitral Award
- 2.5 Application for setting aside Arbitral Award
- 2.6 Conciliation (Section 61 to Section 76)

Unit 3 – The Mediation Act-2023

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- 3.1 Object, application and definition
- 3.2 Mediation (Section- 4, 5,6&7)
- 3.3 Appointment and Termination of Mediator
- 3.4 Mediation Proceedings (Section 13, Section 21, 24 and 25)
- 3.5 Enforcement of Mediation Settlement Agreement (Section 27 & 28)
- 3.5 Online Mediation
- 3.6 Mediation Service Provider (Section 40, 41 and 42)

Unit 4- Legal Services Authorities Act, 1987 & ADRProvisions under different Laws in India
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- 4.1 Legal Services Authorities Act, 1987
 - 4.1.1 Object & Definitions
 - 4.1.2 Authorities under the Legal Services Authorities Act, 1987, composition and jurisdiction (Section 3 to Section 11)
 - 4.1.3 Entitlement to Legal Services (Section 12 &13)
 - 4.1.4 Lok Adalat (Section 19, 20, 21 and 22)
- 4.2 ADR Provisionunder the Constitution of India (Article 39A)

4.3 ADR Provision under the Civil Procedure Code, 1908 (Section, 89), Hindu Marriage Act, 1955

(Section 23(2), Indian Contract Act 1872,(Section 28), Companies Act, 2013 (Section 442).

Practical: Marks:20 (Written Report:10+ Viva Voce :10)

Every student shall attend Lok Adalat, Mediation Centres or other such centres of any Court under the guidance of the teacher concerned. They shall require to submit a Report of the proceedings observed. Written reports will be submitted to the concerned teacher on or before the last date fixed by the College/Authority .

(Note: The written report evaluated by the teacher along with list of the marks awarded will be placed before the external examiner at the time of Viva-Voce examination. The teacher of the practical paper will be the internal examiner who along with the external examiner shall evaluate and award final marks on the written reports and viva-voce examination. Written reports shall not be accepted for final evaluation by the external & internal examiners if not submitted on or before the stipulated date fixed by the Competent Authority .)

Recommended Books:

- 1) Arbitration and Conciliation Act, 1996(with Alternative Means of Settlement of Disputes) by Dr. S.C. Tripathi
- 2) Law relating to Arbitration & Conciliation in India, by Dr.N.V.Paranjape.
- 3) Law of Arbitration & Conciliation by Dr. Avatar Singh.
- 4) The Mediation Act, 2023.

Referred Case:

1. K.K.Modi Vs K.N.Modi & Others, AIR 1998 SC 129.
2. National Insurance Co. Vs Amal Kanti Das, AIR 1998 Gau- 1.
3. SBI & Co. Vs Patel Engg. Ltd. 2005 (8) SCC 618.
4. Krishna Bhagya Jala Nigam Ltd. Vs. Arisandra Reddy (2007) 2 SCC 720
5. Oil and Natural Gas Corporation Vs. Saw Pipes Ltd. AIR 2003 SC 2629