

**COURSE-V: CLINICAL COURSE-II:
ALTERNATIVE DISPUTE RESOLUTION SYSTEMS**

UNIT-I

General; Different methods of dispute resolution; Inquisitorial method; Adversarial method; Other methods- both formal and informal- like Arbitration, Conciliation, Negotiation, Mediation, etc.; Advantages and disadvantages of above methods; Need for ADRS; International commitments; Domestic needs; Suitability of ADRs to particular types of disputes; Civil Procedure Code and ADRs

UNIT-II

Arbitration: Meaning of arbitration; Attributes of arbitration; General principles of arbitration; Different kinds of arbitration; Qualities and qualifications of an arbitrator; Arbitration agreement and its drafting; Appointment of arbitrator; Principal steps in arbitration; Arbitral award; Arbitration under Arbitration and Conciliation Act, 1996.

UNIT-III

Conciliation: Meaning; Different kinds of conciliation- facilitative, evaluative, court-annexed, voluntary and compulsory; Qualities of a conciliator; Duties of a conciliator; Role of a conciliator; Stages of conciliation; Procedure; Conciliation under statutes- Industrial Disputes Act, 1947; Family Courts Act, 1984; Hindu Marriage Act, 1955; Arbitration and Conciliation Act, 1996.

UNIT-IV

Negotiation: Meaning; Different styles of negotiation; Different approaches to negotiation; Phases of negotiation; Qualities of a negotiator; Power to negotiate.

UNIT-V

Mediation: Meaning; Qualities of mediator; Role of mediator; Essential characteristics of the mediation process - voluntary, collaborative, controlled, confidential, informal, impartial & neutral, self-responsible; Different models of mediation; Code of conduct for mediators.

Prescribed Books:

- Madabhushi, Sridhar, Alternative Dispute Resolution, (New Delhi: Lexis Nexis, 2006)
- Rajan R.D., A Primer on Alternative Dispute Resolution, (New Delhi: Jain Book Agency, 2005)

Reference Books:

- Sampath D.K., Mediation concept and technique in support of Resolution of Disputes, (National Law School of India University, 1991)
- Gold Neil, et.al., Learning Lawyers Skills, (London: Butterworths in conjunction with the Commonwealth Legal Education Association, 1989) (Chapter-7).
- Michael Noone, Mediation, (Cavendish Pub., 1996) (Chapters-1, 2&3).

Note: Mode of Assessment: The scheme of evaluation for Clinical Course-II: Alternative

- Dispute Resolution Systems shall be as under:
 - Two Written Tests shall be conducted for 30 marks each.
 - The questions in the test papers should be spread over whole syllabus.
 - I. test shall be at the end of 9 weeks of the semester and the II test shall be by the end of the semester.
- There shall be four simulation exercises conducted for 10 marks each (one exercise each in negotiation, mediation, arbitration and conciliation).