



**NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM**

**PROGRAMME: B.A., LL.B (HONS.) FYIC**

**DETAILS OF COURSE OFFERED**

**ODD SEMESTER (IX) ACADEMIC YEAR .....**

<b>SL. NO</b>	<b>COURSE CODE</b>	<b>COURSE TITLE</b>	<b>L</b>	<b>T</b>	<b>P</b>	<b>CR</b>	<b>CH</b>
<b>1</b>	<b>BL901</b>	<b>MEDIATION AND OTHER FORMS OF ALTERNATE DISPUTE RESOLUTION SYSTEMS</b>	<b>4 PER WEEK</b>	<b>1 PER WEEK</b>		<b>4</b>	

- A. CODE AND TITLE OF THE COURSE: BL901, MEDIATION AND OTHER FORMS OF ALTERNATE DISPUTE RESOLUTION SYSTEMS**
- B. COURSE CREDIT: 4 (TOTAL MARKS 200)**
- C. MEDIUM OF INSTRUCTION: ENGLISH**
- D. COURSE COMPILED BY: DR. NISHA AMOL CHAVHAN**
- E. COURSE INSTRUCTOR: DR. NISHA AMOL CHAVHAN**

## **1. COURSE OBJECTIVES**

- Understand the meaning, advantages and disadvantages of Mediation and Conciliation and other Alternative Dispute Resolution (ADR) mechanisms.
- Understand the key differences between Alternative Dispute Resolution mechanisms and Judicial Adjudication.
- Understand the skills and elements involved in Negotiation, Mediation and Conciliation.
- Understand the conceptual framework related to Arbitration and Conciliation Act, 1996 mediation rule 2003 (Part-I and II), commercial Court Act 2015, and relevant regulations
- Understand the process of dispute resolution through Mediation and Conciliation and other ADR mechanisms.
- Understand the provisions related to reference of disputes to alternative dispute mechanisms under the Code of Civil Procedure (CPC), 1908. [Section 89]. And other laws

## **2. TEACHING METHODOLOGY**

NLU Assam has framed its own teaching methodology to train the students in learning and understanding the subject in depth. The methodology is not a traditional lecture method but participatory teaching with discussion on the respective provisions of Mediation and Conciliation in classroom.

There will be lectures, classroom discussions, audio visual presentations. Surprise tests will be conducted by the course instructor frequently. Multiple Choice Questions will also be solved after completion of certain modules.

The class discussion will revolve around these Case laws and problem based. The mid-term and the final exam will also be based on these primary reading materials. In

addition to the Cases and Materials supplied for the reading, the students are free to refer to any textbook as they deem appropriate.

Further, adequate explanations, illustrations, examples will be given to make clear the shades of law. Discussions will take place on case-laws to understand the interpretation of legal provisions by the Hon'ble courts. In addition, certain demonstrative exercises will be conducted for proper understanding of various ADR mechanisms. Students will be required to prepare a project report and make a presentation as a part of fulfilling the requirements of the course.

### **3. COURSE LEARNING OUTCOMES**

- At the end of this course the following outcomes should be achieved, having successfully completed this course students will be able to:
- Appreciate the advantages of resolving disputes through: Mediation and Conciliation as an alternative dispute resolution mechanism.
- Appreciate the conceptual framework related to various ADR processes.
- Appreciate the skills required for successfully conducting the ADR proceedings.
- Identify various styles of drafting the mediation clause in an agreement.
- Identify and analyze the key provisions of the CPC, Arbitration and Conciliation Act, 1996 mediation rule 2003 (Part-I and II), commercial Court Act 2015, and relevant regulations.

### **4. COURSE EVALUATION METHOD**

The Course will be evaluated on 200 marks. The Evaluation Scheme would be as follows:

Internal Assessment: 70% (140 marks)

Semester End Examination: 30% (60 Marks)

Sl. No.	Marks Distribution	
1	Project Work	40 marks
2	Seminar/Group Discussion	20 marks
3	Assignment/Assessment	30 marks
4	Mid-Semester Test	40 marks
5	Attendance in class	10 marks
6	Semester End Examination	60 marks

**5. DETAILED STRUCTURE OF THE COURSE (SPECIFYING COURSE MODULES AND SUB-MODULE**

**MODULE NO I**

**16 HOURS**

- Introduction to ADR
- Understanding Conflict and Disputes
- Modes of Dispute Resolution
- Importance of ADR
- Importance of Negotiation and Communication in ADR system

**MODULE NO II**

**16 HOURS**

- Concept of Mediation
- Elements of Mediation
- Process/stages of Mediation
- Conducting effective mediation (decision making and problem-solving techniques)
- Role, Qualities and Skills of Mediators, Code of Ethics for Mediators
- Difference between Mediation and Conciliation

**MODULE NO III**

**16 HOURS**

- Mediation Laws in India (legislations, case laws etc.)
- Developments in Mediation (Virtual Dispute resolution, pre institution mediation, UNCITRAL Model laws etc.)
- Mediation and Restorative Justice

**MODULE NO IV**

**16 HOURS**

- **Arbitration**
  - Overview of the A & C act, 1996
  - Overview of international rules

- Lok Adalat
- Hybrid Modes of ADR

## **6. PRESCRIBED READINGS**

- Mediation Practice & Law: The Path to Successful Dispute Resolution (Author: Sriram Panchu)
- Mediation Training Manual of India (Authors: Mediation and Conciliation Project Committee, Supreme Court of India)
- Getting to Yes: How to Negotiate Agreement Without Giving In (Authors: Roger Fisher, William Ury and Bruce Patton)
- The Art of Negotiation and Mediation - A Wishbone, Funnybone and a Backbone (Authors: Anuroop Omkar and Kritika Krishnamurthy)
- An Asian Perspective on Mediation (Authors: Joel Lee and The Hwee Hwee)
- The Mediation Process: Practical Strategies for Resolving Conflict (Author: Christopher Moore)
- Introduction to Non-Violence (Author: Ramin Jahanbegloo)