

Paper Code: LL.B. 402
Paper: Alternative Dispute Resolution

L	T	Credit
4	1	5

The objective of this paper is to acquaint students with various modes of ADR.
Pattern of Question Paper: The question paper shall have Parts 'A' and 'B'. In part 'A' there shall be one compulsory question based on objective or short answer type questions carrying 25 marks and covering the entire course. In part 'B', two questions of 12.5 marks each shall be asked from every unit asking the candidates to attempt one question from each unit.

1. Introduction

1. Alternative Dispute Resolution (ADR):

Concept
Need
Techniques
Difference in various techniques

2. Legal Aid:

- Concept, Dimensions and Practice
- Constitutional Provisions: Article 38 and 39A
- Legal Services Authority Act, 1987
- Legal Literacy Mission

(Number of hours – 09)

Sheela Barse vs. State of Maharashtra
Hussainara khaton vs. State of Bihar,

II. Techniques of ADR – I

Negotiation / Consultation
Mediation
Good offices

(Number of hours – 08)

III. Techniques of ADR – II

The Arbitration and Conciliation Act 1996

Arbitration

Definitions: Arbitration, Arbitration agreement / Clause, court, award.

Formation of the arbitral tribunal

Power of court in arbitration

Redressal against award

Conciliation:

Definition

Appointment of conciliator

Powers of conciliator

Decision

Other Applicable Law;

ICC rules of arbitration
UNCITRAL model law on arbitration
KSID

(Number of hours – 09)

IV. Recognition and Enforcement

Indian Practice
Provisions of C.P.C.
Other laws

International Practice
New York Convention
Geneva Convention

(Number of hours – 08)

Referred cases:

1. 2000(1) RAJ 117
Jayant N.Seth Vs Gyaneshwar Apartment Cooperative Housing Society Ltd
2. 2001(4) RAJ 660
Pyrites, Phosphate and Chemicals Vs Excel Shipping Enterprises
3. 2001(4) RAJ 209
Jindal Financial & Investment Services Vs. Prakash Industries Ltd.
4. 2003(2) RAJ 433
Ankati Satyamaiah Vs. Sallangula Lalaiah
5. 2005(1) RAJ 506
Union of India Vs Tecco Trichy Engineers & Contractors Decided on 16.3.2005
6. 2002 AIR SC 1432
Bhatia International Vs Bulk Trading S.A.
7. 1999(1) RAJ 385
Kitechnology NV Vs Unicor GMBH Plastmaschinen
8. 2000(1) RAJ 336
Anuptech Equipments Pvt ltd Vs Ganpati Cooperative Housing Society Ltd.
9. 2002 AIR SC 1432
Bhatia International Vs Bulk Trading S.A.
10. 2003(2) RAJ 58
Precision Engineers and Fabricators Vs Delhi Jal Board
11. 2003(3) RAJ 335
Union of India Vs MAA Agency
12. 2001(57) DRJ 154
BHEL Vs CN Garg & Ors.
13. 2000 AIR (P&H) 276
Pappu Rice Mills Vs Punjab State Cooperative Supply and Marketing Federation Ltd.

14. 1998 AIR SC 1297
KK Modi Vs KN Modi
15. 2003(2) RAJ 152
Skanska Cementation India Ltd Vs. Bajranglal Agarwal
16. 1999(3) RAJ 73
Mohan Singh Vs. HP state Forest Corporation
17. 2000(1) RAJ 320
Divya Shivilaks Impex Vs. Shantilal Jamnadas Textiles (P) Ltd
18. 2002(3) RAJ 403
Motilal Vs Kedarmal Jainarayan Bharadiya
19. 2003(4) RAJ 176
Viraj Holdings, Mumnai Vs. Motilal Oswal Securities Pvt Ltd
20. 2001(4) RAJ 12
PT Tirtamas Comexindo Vs. Delhi International Ltd.
21. 1999(2) RAJ 314
22. Premlaxmi and Co Vs Trafalgar House Construction India Ltd.
23. 2001(4) RAJ 574
24. Wankanner Jain Social Welfare Society Vs. Jugal Kishore Sapani
25. 2002(2) RAJ 313
Trans World Finance & Real Estate Co Pvt Ltd Vs. Union of India
26. 2003 (2) RAJ 483
AK Jaju Vs Avni Kumar
27. 2003(4) RAJ 336
NEPC-MICON Ltd Vs Perfect Engineering (Mysore) Works
28. 2000 AIR (SC) 1886
P. Anand Gajapathi Raju Vs. PVG Raju
29. 2003(1) RAJ 91
Jagdish Raj & Brothers Vs Jagdish Raj
30. 2002(3) RAJ 624
31. Sunil Kumar Vs AAKAR
32. 2001(1) RAJ 406
Sunair Hotels Ltd Vs Union of India
33. 2002(3) RAJ 310
Management Committee of Montfort Sr Sec School Vs Vijay Kumar
34. 1998(2) RAJ 141
ITC Classic Finance Ltd Vs. Grapco Mining & Co.
35. 2000(3) RAJ 511
Punjab State Cooperative Supply and Marketing Federation Ltd Vs. Shiv Rice and General Mills
36. 2005 (1) RAJ 225
Air Conditioning Corporation Ltd, Calcutta Vs. Rajasthan Agriculture University, Bikaner
37. AIR 1999 (SC) 565
Sundaram Finance Ltd Vs NEPC India Ltd
38. 2001(3) RAJ 433
Bharti Televentures Ltd Vs DSS Enterprises

39. 2003(4) RAJ 661
Payal Enterprises Vs Union Of India
40. 2000(4) RAJ 512
Naval Gent Maritime Ltd Vs Shivnath Rai Harnarain
41. 2001(1) RAJ 93
Marriott International Inc Vs Ansal Hotels LTd
42. 2004(1) Arb. LR 396 (SC)
National Aluminum Co Ltd Vs. Gerald Metals SA
43. 2004(1) Arb.L.R. 141(SC)
Ashok Traders and Anr.. Vs. Gurumukh Das Saluja and Ors
44. 2004(3) R.A.J. 430
Ispat Industries Ltd Vs m.v. Thor Orchid decided on 4.3.2004
45. 2001(2) RAJ 1
Fuerst Day Lawson Ltd Vs Jindal Exports Ltd
46. 2001(3) RAJ 531
MM Acqua Technologies Ltd Vs Wig Brothers Builders Ltd

Text books / Compulsory Readings (Latest editions only):

International Dispute Settlement – J.G. Merrills

Legal Services Authority Act, 1987

Arbitration and alternative dispute resolution- Dr. N. V. Paranjape