DIPLOMA IN ALTERNATIVE DISPUTE RESOLUTION

SEMESTER I

DADR-2: NEGOTIATION AND MEDIATION LAW IN INDIA

Max. Marks: 100

External: 70

Internal: 30

Pass: 40%

Credits: 6

INSTRUCTIONS FOR THE PAPER SETTER/ EXAMINER:

1. The syllabus prescribed should be strictly adhered to.
2. The Question Paper will have 70 Multiple Choice questions (MCQs) and four choices of answers will be there covering the entire syllabus. Each question will carry 1 mark. All questions will be compulsory; hence candidates will attempt all the questions.
3. Paper-setters/Examiners are requested to distribute the questions from section A and Section B of the syllabus equally i.e., 35 questions from section A and 35 questions from Section B.
4. The examiner shall give clear instructions to the candidates to attempt questions.
5. The duration of each paper will be two hours.

INSTRUCTIONS FOR THE STUDENTS

The question paper shall consist of 70 Multiple Choice questions. All questions will be compulsory and each question will carry 1 mark. There will be no negative marking. Students are required to answer using OMR (Optimal Mark Recognition) sheets.

Module I

History. Meaning. Nature, Principles, Importance of Negotiation

Advantages and Challenges of Negotiation in dispute resolution

Module II

Types of Negotiations- Distributive, Integrative, Positional, Principled, etc.

Process of Negotiation Preparation, opening, bargaining and closure. Role, appointment, and key skills of the negotiator.

Module III

Mediation; Concept, Definition, Evolution, Essentials and Method of Mediation.

Need for legislative reforms and the evolution of Mediation Act. 2023.

Module IV

Concept of Pre-litigation mediation under the Mediation Act, 2023. Mandatory mediation in specified civil and commercial disputes/matters.

Mediation Council of India - Establishment, powers and functions. Accreditation and Registration of mediators and mediation institutions.

Suggested Readings

- Dr. Avtar Singh: Law of Arbitration and Conciliation
- Myneni, S.R. - Alternative Dispute Resolution
- Dr. Avtar Singh Law of Arbitration and Conciliation
- O.P. Tiwari - The Arbitration and Conciliation Act, 1996
- Justice R.S. Bachawat - Law of Arbitration & Conciliation, Vol. I & II (LexisNexis)
- P.C. Markanda - Law Relating to Arbitration and Conciliation (LexisNexis)
- N.V. Paranjpe - Law Relating to Arbitration and Conciliation in India, 7th Ed. (Central Law Agency)
- Dr. Nidhi, Dr. Mohit Saini- Alternative Dispute Resolution, 2nd Ed. (University Book House (Pvt.) Ltd.