



MOHANLAL SUKHADIA UNIVERSITY, UDAIPUR

FACULTY OF LAW

SECOND YEAR BACHELOR OF LAWS

(Session 2017-18)

PAPER – IX (PAPER CODE - 7009) : (PAPER NAME – ALTERNATE DISPUTE RESOLUTION)

Max. Marks: 100

Min. Marks: 36

This paper shall consist of following two parts :

Part A. Practical Written Paper - 80 marks

Part B. Viva-voice Examination - 20 marks

The candidate must pass in both parts (a) and (b) separately. For Pass, he will be required to obtain 36% marks in each part, i.e. 29 marks out of 80 and 7 marks out of 20 marks.

Part – A

1. The Arbitration and Conciliation Act, 1996 :

(a) General Provisions – Arbitration Agreement Arbitral Tribunals (Composition and Jurisdiction) – Conduct of Arbitral Proceeding – Arbitral Awards – Termination of Proceeding – Setting Aside of Arbitral Award – Enforcement of Arbitral Awards.

Enforcement of Foreign Awards – New York Convention – Awards, Geneva Convention Awards.

(b) Conciliation – Conciliators – Procedure of Conciliation – Relationship of Conciliator with Parties – Settlement – Agreement – Termination of Conciliation Proceeding Resort to Arbitral of Judicial Proceedings – Costs and Deposits.

2. Lok Adalat : Organisation of Lok Adalats, Jurisdiction and Power of Lok Adalats Procedure for determination of Dispute before the lok Adalat, Permanent Lok Adalat. Alternate Dispute Settlement System for Multinational Corporations.

Part – B

VIVA-VOCE

20 Marks

Students are required to write two arbitration proceeding/ Lok Adalat on the Subject Further they have to attend Lok Adalat/arbitration proceeding and have to report the same in their diary.

The Viva-voce examination shall be conducted by a committee of three persons. In the Committee, there shall be two Internal Examiners and one External Examiner.

The Committee shall award marks on the basis of written submission by the students and performance in the Viva-Voice examination.

LEADING CASES :

1. Rajasthan State Mines & Minerals Ltd. v. Eastern Engineering Enterprises, AIR 1999, SC 3627.
2. Tamil Nadu Electricity Board v. Bridge Tummel Construction AIR 1997, SC 1376, AIR (199) RAJ 27, Andhrapradesh.
3. Trans Osis Shipping Agency Pvt. Ltd. V. Black Sea Shipping AIR 1998, SC 707.
4. A/S Gotan Construction & Fisheries Ltd. v. National Bank of Agriculture & Development AIR 2000, SC 3018

SUGGESTED READINGS :

1. P.R. Swarnkar : माध्यस्थ विधि
2. N.V. Paranjape : माध्यस्थ विधि
3. The Arbitration and Conciliation Act, 1996.
4. Sunil Deshta – Lok Adalats in India – Genesis & Functioning.
5. Bakshi, P.M. – Arbitration Law.
6. Paruck, P.L. – Indian Arbitration Act.
7. Avtar Singh – Law of Arbitration and Conciliation
8. Prof. S.S. Sharma & Dr. Sunil Asopa : विधिकसेवा जनहित वाद, एवं सहयोगी विधिक सेवाएं
9. Prof. S.S. Sharma : Legal Services, Public Interest Litigation & Para Legal Services.