



SAVITRIBAI PHULE PUNE UNIVERSITY

(Formerly University of Pune)

Diploma in Alternative Dispute Resolution

**Diploma Courses Syllabus
(Faculty of Humanities- Law)**

**Revised syllabus will be implemented with effect from the
Academic Year 2025-2026**

Savitribai Phule Pune University, Pune
Diploma in Alternative Dispute Resolution (ADR)
(With effect from 2025-2026)

Eligibility for Admission

To be eligible for admission, the candidate must be 12th pass or have equivalent degree from any recognized Board / University.

Duration of the Program

Duration of the course shall be one academic year.

Medium of Instruction

The medium of Instruction of the Diploma in Consumer Protection Laws shall be English.

Examination

The examination shall be held at the end of every academic year.

Standard of Passing or Exemption

1. There shall be a written examination of 100 marks for all the theory papers at the end of the academic year.
2. A student who has secured 40 marks in the written examination is said to have passed the theory paper (course).
3. There shall be a journal for the practical paper consisting of 80 marks and a viva voce examination of 20 marks to be conducted by one internal faculty member and one external faculty member as assigned by the university or the principal of the Law college.
4. A student who has secured a minimum of 32 marks for the journal and a minimum of 8 marks in the viva voce is said to have passed the practical paper (course).
5. There shall be revaluation of the answer sheets of end semester University examination of theory papers as per Ordinance No. 134 A and B of SPPU, Pune.

Removal of Doubts and Difficulties:

Notwithstanding anything stated in the rules herein, for any unforeseen issues arising, and not covered by the rules herein, or in the event of differences of interpretation, the Vice-Chancellor of the University may take a decision and the said decision of the Vice-Chancellor shall be final and binding

Program Outcomes:

1. To provide an in-depth understanding of the **various ADR mechanisms** and their legal foundations.
2. To explore the **strengths and limitations** of Arbitration, Mediation, Conciliation, and Lok Adalats.
3. To impart **practical skills** required to conduct effective arbitration, conciliation, and mediation.
4. To understand the **evolution of the ADR movement** in India and abroad, including the influence of international models like UNCITRAL.
5. To analyze and compare the **legal implications** of each ADR method, especially post the Mediation Act, 2023.
6. To prepare participants to become **trained ADR professionals**, capable of facilitating settlements and ensuring justice outside formal litigation.
7. To support the judiciary in **case management** and **backlog reduction**.
8. To promote the **effective use of ADR in both court-annexed and private settings**.
9. To strengthen the justice delivery system by **minimizing delays and enhancing accessibility**.

The Diploma in Alternative Dispute Resolution (ADR) comprises of following 5 (five) papers:

ADR -DT- 101

Introduction of ADR: National and International Perspective

ADR -DT- 102

Law of Arbitration and Conciliation

ADR -DT- 103

Negotiation and Mediation Law in India

ADR -DT- 104

ADR under Legal Services Authorities Act, 1987 & Other Laws

ADR -DP- 105

Practical Training & Field Work

Detailed Syllabus is given below:

ADR - DT – 101

Introduction of ADR: National and International Perspective

1. Historical Development and Conceptual Framework of ADR

- Meaning and Definition of ADR
- Traditional dispute resolution & Indian Knowledge Systems (IKS) in ancient India: Panchayats, Nyaya Panchayats, village councils. Relevance of IKS in modern ADR models.
- Evolution of ADR mechanisms in India and globally.
- Development post-independence leading up to the Arbitration Act, 1940 and its limitations.
- Liberalization and the shift to modern ADR: Enactment and Significance of the Arbitration and Conciliation Act, 1996 and recent developments.
- Establishment of the India International Arbitration Centre under India International Arbitration Centre Act, 2019 – promoting international arbitration in India.
- Types of ADR: Negotiation, Mediation, Conciliation, Arbitration, Lok-Adalat.
- Distinguishing Features, Benefits and Limitations of ADR.
- Rules of professional conduct applicable to ADR.
- Judicial sanctions for ADR and development of ODR (Online Dispute Resolution) under Indian Arbitration Law.

2. International Perspectives

- Overview of ADR in comparative jurisdictions (USA, UK, Singapore, China)
- UNCITRAL Model Law on International Commercial Arbitration, 1985 (amended 2006) – Adoption, Key features and the significance of 1985 Model Law.
- New York Convention, 1958 – Recognition and enforcement of foreign arbitral awards. – Its Scope, Implementation in various jurisdictions, relevance to India.
- Geneva Protocol 1923 and Geneva Conventions - 1927 and 1937 – Historical relevance and limited applicability in current international Arbitration.
- Role of key international institutions in ADR -
 - i. UNCITRAL – Legislative framework and promotion of International Trade Law,
 - ii. International Chamber of Commerce (ICC) – ICC Court of Arbitration,
 - iii. World Bank and ICSID (International Centre for Settlement of Investment Disputes) – Investment treaty Arbitration (ICSID Convention, 1965)
 - iv. WIPO Arbitration and Mediation Centre – ADR in Intellectual Property disputes.

- v. WTO (World Trade Organisation) – Dispute Settlement Body (DSB) and rule-based resolution of international trade dispute.

ADR - DT – 102

Law of Arbitration and Conciliation

1. General Provisions:

- Objectives and scope of the Arbitration and Conciliation Act, 1996 (as amended)
- Salient features of the Arbitration and Conciliation Act, 1996.
- Key definitions and essential concepts.
- Distinction between arbitration, conciliation, mediation & negotiation.

2. Arbitration & Arbitration Council of India (Part I & IA of the Act)

- Arbitration Agreement – Essentials and legal validity.
- Composition of Arbitral Tribunals – Number, Qualifications, Appointment, Challenge and Termination.
- Jurisdiction of Arbitral Tribunals – Competence principle.
- Interim measures by Courts and Tribunals.
- Conduct of Arbitral Proceedings – Rules of procedure, evidence, hearings and party autonomy.
- Making of Arbitral Award – form, content, timelines, termination of proceedings and correction of award.
- Grounds and procedure for setting aside Arbitral Awards – (Section 34).
- Appeals and Enforcement – Finality, Enforcement and Appeals (Section 35 & 36).
- Arbitration Council of India – Structure, powers and functions (Section 43A to 43M – introduced in 2019).

3. Conciliation (Part III of the Act)

- Meaning, features and modes of Conciliation.
- Legal framework of Conciliation under the Arbitration and Conciliation Act, 1996 (as amended)
- Appointment and Role of Conciliator(s).
- Conciliation Procedure - Commencement, Negotiation, Settlement Agreement and Termination of proceedings.
- Legal status of settlement agreement and enforcement.
- Confidentiality and finality of conciliation proceedings.

4. Enforcement of certain Foreign Awards (Part II of the Act)

- Enforcement of foreign awards under Part II of the Arbitration and Conciliation Act, 1996. (Section 44 to Section 60) –

- i. New York Convention Awards (Section 44-52)
 - ii. Geneva Convention Awards (Section 53-60)
- Recognition and enforcement procedures
- Key distinctions between domestic and foreign awards.
- Grounds for refusal of enforcement in India: Public policy and other defences.
- Judicial precedents and trends in enforcement of foreign arbitral awards.

5. Recent Developments and Amendments to the Arbitration and Conciliation Act, 1996

- Overview of major amendments to the **Arbitration and Conciliation Act, 1996**: 2015, 2019, and 2021
- Key changes introduced:
 - i. Timelines for completion of proceedings (Fast track Arbitration)
 - ii. Institutional Arbitration & Designated Arbitral Institutions.
 - iii. Automatic stay of awards and public policy
 - iv. Graded fee structure for arbitrator

ADR - DT – 103: Negotiation & Mediation Law in India

1. Negotiation:

- Meaning, Nature and importance of Negotiation in dispute resolution.
- Features, advantages and limitations of Negotiation.
- Types of Negotiations – Distributive, Integrative, Positional, Principled, etc.
- Process of Negotiation – Preparation, opening, bargaining and closure.
- Role, appointment, and key skills of the negotiator.
- International Negotiation: Cross-border negotiation challenges and role of culture, diplomacy and legal systems.
- Good Offices as a form of facilitated international negotiation
- Ethics and best practices in negotiations.

2. Mediation - Concept and Evolution:

- Meaning, nature and features of Mediation.
- Advantages and limitations of Mediation
- Historical development and informal mediation in Indian Tradition.
- Need for legislative reforms and the evolution of Mediation Act, 2023.

- Scope and applicability: Civil, Commercial, family and community disputes.
- Definitions and key provisions of the Act.

3. Pre-Litigation and Court Referred Mediation

- Concept of Pre-litigation mediation under the Mediation Act, 2023.
- Mandatory mediation in specified civil and commercial disputes/matters.
- Exempted disputes under the Act (Schedule I)
- Mediation process: Notice, consent, timelines and conclusion.
- Court-annexed mediation and its framework

4. Conduct and Regulations of Mediation Proceedings

- Mediation Agreement & initiation of proceedings.
- Appointment, Role and qualifications of mediator.
- Code of conduct, duties, and impartiality of mediators.
- Core principles: Confidentiality, neutrality, and voluntary participation.
- Online Mediation and its regulation.
- Role of Mediation Service Providers.

5. Settlement, Enforceability and Institutional Framework

- Mediated Settlement Agreement (MSA) – Form, content, legal effect.
- Registration and enforcement of MSA under the Mediation Act.
- Grounds and procedure for challenging MSAs.
- Termination of mediation proceedings.
- Mediation Council of India – Establishment, powers and functions.
- Accreditation and Registration of mediators and mediation institutions.
- Creation and use of Mediation fund.
- Interface with courts and other ADR mechanisms

ADR - DT – 104

ADR under Legal Services Authorities Act, 1987 & other Laws in India

1. Legal Services Authorities Act, 1987

- Objectives and scope of the Act.
- Key definitions under the Act (For e.g. Legal Services, Lok Adalat, etc)
- Authorities under the Act:
 - i. National Legal Services Authority (NALSA)

- ii. State Legal Services Authorities (SALSA)
 - iii. District Legal Services Authorities (DLSA),
 - iv. Taluka Legal Services Committees (TLSC).
- Composition, functions, powers and jurisdiction of each authority.
- Eligibility criteria and categories for free legal aid under the Act.
- Lok Adalats:
 - i. Concept, jurisdiction, procedures.
 - ii. Nature and binding effect of awards (Section 21)
- Permanent Lok Adalats (PLAs)
 - i. Jurisdiction of public utility services.
 - ii. Procedure and non-adjudicatory character.

2. ADR Provisions in Key Legislations

- Constitution of India – Article 39A: Equal justice and free legal aid
- Civil Procedure Code (CPC) – Section 89 and Order X: Court-referred ADR
- Industrial Disputes Act, 1947 – Role of conciliation officers and labour courts
- Family Courts Act, 1984 – Emphasis on conciliation and counselling (Section 9)
- Consumer Protection Act, 2019 – Establishment and function of Mediation Cells (Sections 74–81)
- Companies Act, 2013 – Mediation and conciliation under NCLT/NCLAT (Section 442)
- Hindu Marriage Act, 1955 – Duty of court to refer parties to reconciliation (Section 23(2))
- Criminal Procedure Code, 1973 –
 - a. Section 320: Compounding of offences
 - b. Chapter XXI-A: Plea bargaining
- Micro, Small and Medium Enterprises Development Act, 2006 – Dispute resolution by MSEFC (Sections 18–21)
- Real Estate (Regulation and Development) Act, 2016 – Promoting ADR (Section 32(g))
- Indian Contract Act, 1872 – Section 28: Validity of arbitration clauses
- Electricity Act, 2003 – Dispute resolution by State Commissions or arbitration (Section 86(1)(f))
- Petroleum and Natural Gas Regulatory Board Act, 2006 – Section 34: Arbitration provision
- Commercial Courts Act, 2015 – Section 12A: Mandatory pre-institution mediation
- Protection of Women from Domestic Violence Act, 2005 – Section 14: Counselling/mediation referral by magistrate

3. Key Judicial Pronouncements Promoting ADR in India

- Supreme Court and High Court decisions promoting ADR.
- 1. **Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd.** (2010) 8 SCC 24.
- 2. **K. Srinivas Rao v. D.A. Deepa** (2013) 5 SCC 226.
- 3. Jagdish Chander v Ramesh Chander 2007 (5) SCC 719
- 4. Vidya Drolia v. Durga Trading Corporation (2021) 2 SCC 1
- 5. Jagmittar Sain Bhagat v. Health Services, Haryana (2013) 10 SCC 136
- 6. M.R. Krishna Murthi v. New India Assurance Co. Ltd. (2019) 4 SCC 767
- 7. BALCO v. Kaiser Aluminium (2012) 9 SCC 552.
- 8. Salem Advocate Bar Association v. Union of India (2005) 6 SCC 344
- 9. Hindustan Construction Co. Ltd. v. Union of India (2020) 17 SCC 324
- 10. Fuerst Day Lawson Ltd. v. Jindal Exports Ltd. (2023) SCC On Line Del 1729
- 11. Government of Maharashtra v. Borse Brothers Engineers & Contractors Pvt. Ltd. (2021) 6 SCC 460

Note – The concerned subject teacher may refer to recent landmark judgment on ADR.

ADR - DP - 105

Practical Training & Field Work

Journal Writing: (80 Marks)

Students shall maintain a journal for this paper. The journal will be assessed by the subject teacher and must be presented at the time of the **viva voce examination**.

The journal shall contain the following:

Contents of Written Submissions (Journal)

1. Visit Reports: (30 Marks)

- Lok Adalat proceedings.
- District or State Mediation Centre.
- District Legal Service Authority (DLSA)/ State Legal Service Authority (SLSA)
- Legal Aid Clinics.
- Arbitration Centre.

Note: Each visit report must include:

- Name of the Institution / Proceeding, Date, and Place
- Objective/Purpose of the visit
- Observations and information collected
- Relevant legal provisions
- Comments on the linkage between theory and practice
- Conclusion

2. Drafting Exercises: Students shall draft the following legal documents related to ADR(30 Marks)

1. Draft of a **Domestic Arbitration Agreement** after a commercial dispute has arisen.
2. Draft of an **Application to the Court for appointment of an Arbitrator**, when parties fail to appoint as per the Arbitration Agreement.
3. Draft of an **Application to set aside an Arbitral Award** under the Arbitration & Conciliation Act, 1996.
4. Draft of an **Arbitration Clause in an international contract** (one party being an Indian company) referring disputes to institutional arbitration outside India.
5. Draft of a **Conciliation Clause** in a commercial contract.
6. Draft of a **Settlement Agreement** following conciliation proceedings, with reference to relevant provisions of law.
7. Draft of a **Mediation Agreement** (post-dispute) as per the **Mediation Act, 2023**.
8. Draft of an **Application for Interim Injunction or Appointment of Receiver**, before commencement of arbitral proceedings.
9. Draft of an **Application for Enforcement of a Foreign Award**.

3. Interactive sessions of Experts(20 Marks)

Students shall attend and report on interactive sessions conducted by ADR experts and practicing professionals.

Each report should include:

- Name of the Expert, Date, and Place of the session
- Objective of the session
- Key insights and observations
- Relevant legal provisions
- Connection between legal concepts and real-world application
- Conclusion

Note:

1. The concerned teacher may modify the drafting topics considering the objectives of the course.
2. All submissions must demonstrate understanding of relevant legal provisions, practical application, and critical thinking.

Viva Voce (20 Marks):

The viva voce examination will be conducted by **one internal and one external examiner**. Evaluation will be based on the following:

Recommended Readings:

1. Dr. Avtar Singh : *Law of Arbitration and Conciliation*
2. Myneni, S.R. – *Alternative Dispute Resolution*
3. Dr. Avtar Singh – *Law of Arbitration and Conciliation*
4. O.P. Tiwari – *The Arbitration and Conciliation Act, 1996*
5. Justice R.S. Bachawat – *Law of Arbitration & Conciliation*, Vol. I & II (LexisNexis)
6. P.C. Markanda – *Law Relating to Arbitration and Conciliation* (LexisNexis)
7. S.B. Malik – *Commentary on the Arbitration and Conciliation Act* (Universal Law Publishing, 2017)
8. N.D. Basu – *Law of Arbitration and Conciliation*, 13th Ed. (Orient)
9. N.V. Paranjpe – *Law Relating to Arbitration and Conciliation in India*, 7th Ed. (Central Law Agency)
10. Boulle, L. – *Mediation: Principles, Process, Practice*
11. Shriram Panchu – *Mediation Practice and Law: The Path to Successful Dispute Resolution* (LexisNexis)
12. Mukta Mahajani – *Let's Talk: Negotiation and Communication at Workplace* (Jaico Publishing House)
13. P.C. Rao & William Sheffield – *Alternative Dispute Resolution: What it is and How it Works*
14. Ashwinie Kumar Bansal – *International Commercial Arbitration: Practice & Procedure*
15. The UNCITRAL Model Law on Arbitration and Conciliation
16. Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention)
17. The Arbitration and Conciliation Act, 1996 (including latest amendments)
18. The Code of Civil Procedure, 1908 – Sections relevant to ADR (e.g., Section 89)
19. Mediation Rules of the Bombay High Court
20. 222nd Law Commission Report – Need for Justice Dispensation Through ADR
21. India International Arbitration Centre (IIAC) – Rules and Guidelines