



Hindi Vidya Prachar Samiti's

HINDI VIDYA PRACHAR SAMITI'S COLLEGE OF LAW

(Affiliated to University of Mumbai & recognized by Bar Council of India)

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PROSPECTUS 2023 - 2024

POST GRADUATE DIPLOMA

- ALTERNATIVE DISPUTE RESOLUTION
- CYBER LAW & INFORMATION TECHNOLOGY
- INTELLECTUAL PROPERTY RIGHTS

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I/C Principal

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Handbook of Information of Post Graduate Diploma in Alternative Dispute

Resolution (ADR)

(2023-2024)

On the auspicious day of Shri Krishna Janmashtami, 15th August 1938, the people of Ghatkopar and the surrounding suburbs witnessed the birth of Hindi Vidya Prachar Samiti, a brain child of a visionary Late Shri Nandkishore Singh Jairamji. The Samiti was established with the objectives of catering to the educational needs of the Hindi speaking community. It made a humble beginning by starting a primary school, which gradually expanded into a full-fledged secondary school. The Hindi High School with its high academic standards has carved for itself a place not only among leading secondary schools in Mumbai but also educational institutions imparting instructions in Hindi throughout Maharashtra.

With its primary objectives achieved the Samiti decided to extend its frontiers and broaden its horizons. As a result, Ramniranjan Jhunjhunwala College came into existence in 1963, enabling a larger section of the society to take advantage of the facilities provided for higher education. The Ramniranjan Jhunjhunwala College of Arts, Science and Commerce has gone to great heights in regards to the Junior College, Degree College, Selffinancing courses and many other new ventures.

After the success of Ramniranjan Jhunjhunwala College, the Samiti decided to provide the society with an institution which will spread the awareness regarding our rights and duties and to set up new standards in legal education by inculcating a sense of professionalism, respect for rule of law and responsibility towards the society, which was accomplished with the establishment of the "Hindi Vidya Prachar Samiti's College of Law".

Hindi Vidya Prachar Samiti's College of Law was established in the year 2017. Initially, the College started with 3year LL. B course and 5 years B.L.S LL.B course. Our consistency in meeting the standards of the University of Mumbai has led to the university granting us permission to start the LLM course in our College as well commence additional division (1+1) in both the 3year LL. B (120 Seats) and 5year B.L.S. LL. B Course (120 Seats). From 2021, the college received permission by the University of Mumbai to start with PG programme in Law (one year). The aim is to provide high-quality education in the field of law and encourage scholarly research. The curriculum is intended to produce knowledgeable legal professionals and academics with advanced skills and expertise. To achieve this, it is essential for students to acquire a thorough understanding of fundamental legal concepts and principles, as well as the social, economic, and political dimensions of law, and the evolving nature of legal practices.

Moreover, college also offers three Post – Graduate Diploma Courses affiliated to the University of Mumbai, i.e., Post Graduate Diploma in Alternative Dispute Resolution (One Year), Post Graduate Diploma in Cyber Law and Information Technology (One Year), and Post Graduate Diploma in Intellectual Property Rights (One Year).

COURSE INFORMATION

The College has been granted permission to commence Post Graduate Diploma Courses in three areas of law as under:

- 1) Post Graduate Diploma in Alternative Dispute Resolution (One Year)
- 2) Post Graduate Diploma in Cyber Law and Information Technology (One Year)
- 3) Post Graduate Diploma in Intellectual Property Rights (One Year)

Title of the Course	Post Graduate Diploma in Alternative Dispute Resolution (ADR)
Eligibility	Graduate from any faculty from a recognized University.
Duration	One Academic Year
Fees for the course	₹13,000
Examination	To be held at the end of the Academic Year.
Intake Capacity	50

Note:

- **No Student will be allowed to appear for the examination unless he/she has attended 75 % of the total number of Lectures / Seminars / Practices conducted the course.**
- **Each Paper will be of 100 Marks**

Teachers Qualification:

Post Graduate in Law or Graduate in Law with five to ten years teaching experience or five to ten years professional / service experience Law.

Standard of Passing:

- a) To pass the Diploma examination a student must obtain 45% of marks in each paper and 50% in aggregate
- b) Candidate who secures 50% to 59% marks in aggregate shall be declared to have passed the examination in the Second Class.
- c) Candidates who secure an aggregate of 60% and above marks in aggregate shall be declared to have passed the Examination in the First class
- d) In addition to (a) (b) and (c) above, a candidate who secures 70% and above marks in aggregate shall be declared to have passed the Examination with Distinction.

Eligibility:

- Graduate of any recognized University in any discipline; or
- Candidates appearing for the final year examination of Graduation are also eligible to apply; or
- Candidates who have completed three years of their 5-year integrated LLB Degree program in Law are also eligible to apply.
- Diploma in any discipline or any equivalent diploma from a recognized Institution

About the Course:

The ADR methods are used as an alternative to the process of litigation. This process is non adversarial. ADR methods facilitate parties to deal with the disputes in a more cost-effective manner and with increased efficacy. In addition, these processes have the advantage of providing parties with the opportunity to reduce hostility, regain a sense of control, gain acceptance of the outcome, resolve conflict in a peaceful manner, and achieve a greater sense of justice. The different methods of resolution of disputes like Arbitration, Mediation, Negotiation and others take place usually in private and is more viable, economical, and efficient than the conventional court litigation. The Alternative Dispute Resolution Method has proven to be one the most efficacious mechanisms to resolve commercial disputes of an international nature.

Learning Outcome:

Knowledge of ADR Methods: Gain a comprehensive understanding of various ADR methods, including negotiation, mediation, arbitration, and other dispute resolution techniques.

Understanding Legal Framework: Develop knowledge of the legal framework surrounding ADR, including laws, regulations, and standards that govern dispute resolution processes.

Analytical Skills: Develop the ability to analyze complex disputes, identify underlying issues, and determine the most appropriate ADR method for resolution.

Communication and Mediation Skills: Enhance communication and mediation skills to facilitate effective dialogue, manage conflicts, and guide parties towards mutually beneficial resolutions.

Problem-Solving and Negotiation Skills: Acquire skills in problem-solving and negotiation techniques to assist parties in reaching settlements and finding creative solutions to disputes.

Ethical and Professional Conduct: Understand and apply ethical principles and professional standards in ADR practice, ensuring fairness, impartiality, and confidentiality.

Case Management: Learn to effectively manage ADR cases, including case assessment, preparation, documentation, and post-resolution follow-up.

Cultural Sensitivity: Develop an understanding of cultural, social, and diversity issues that can impact ADR processes and learn strategies to address these sensitivities.

Conflict Resolution Strategies: Acquire a range of conflict resolution strategies and tools to handle disputes in various contexts, such as commercial, employment, family, or community disputes.

Practical Experience: Gain hands-on experience through simulated or real-life case studies, role plays, and practical exercises to apply ADR skills in a professional setting.

DETAILS OF SYLLABUS:

PAPER – I: Introduction to Alternative Dispute Resolution

PAPER – II: Application of ADR Methods in Different Fields & Areas

PAPER – III: Arbitration & Conciliation Act, 1996 & International Developments

PAPER – IV: Practical Training / Field Work

POST GRADUATE DIPLOMA IN ALTERNATIVE DISPUTE RESOLUTION

(ADR)

PAPER – I: INTRODUCTION TO ALTERNATIVE DISPUTE RESOLUTION

TOTAL MARKS: 100 MARKS

1. Introduction:

- Evolution of mediation/conciliation as a mode of settlement of disputes, distinction between arbitration, mediation, conciliation, negotiation.
- Nature, Scope, Limitations and necessity of alternative models of disputes resolution

2. Negotiation

- Theory of negotiation, Approaches to Negotiation
- Positional bargaining, Interest-based bargaining or principled negotiation
- Preparation for Negotiation
- Collaborative Communication skills, Negotiating skills, Negotiation exercises

3. Mediation and Conciliation

- Theory of mediation, Role of the mediator (court annexed and private), Preparation for Mediation /Conciliation process
- Confidentiality and neutrality
- How to write Award
- Ethical issues in Mediation /Conciliation
- Mediation in India, institutions, their role

4. Arbitration

- Theory of arbitration, the arbitration process
- Federal and provincial legislation

- Drafting Arbitration clauses and agreements
- Preparation for Arbitration, Conducting an Arbitration, Seat, location, Examinations and its various aspects, Evidence
- Writing Arbitration Award
- Foreign awards
- Ethical issues in Arbitration
- Conducting a Mock Arbitration

5. Communication & Role of the Paralegal

- Verbal communication, Nonverbal communication
- Role of the Paralegal
 - i. In negotiation when representing a client
 - ii. In mediation when representing a client
 - iii. When acting as a mediator

PAPER – II: APPLICATION OF ADR METHODS IN DIFFERENT FIELDS & AREAS

TOTAL MARKS: 100 MARKS

1. Settlement in Labour and Industrial Disputes,
 - i. Bargaining structure, grievance resolution,
 - ii. The role of the Labour Relations Board,
 - iii. Board of conciliation.
2. Administrative tribunals: Article 323 A and B
3. Family Court under the Family Court Act, 1984.
4. Consumer Disputes under the Consumer Protection Act, 1986
5. Settlement of Dispute through Lok Adalat and Lok Nyayalayas. Grassroots Justice and Panchayat System for Resolution of dispute.
6. Settlement of :
 - i. Bank Disputes, Securities and Matters related to Debt recovery
 - ii. Negotiable Instruments.
 - iii. Family and Matrimonial Disputes
 - iv. Maintenance
 - v. Guardianship
 - vi. Custody of the Child
 - vii. Adoption
 - viii. Inheritance/Succession
 - ix. Housing Societies, Maharashtra Housing and Area Development Authority
 - x. Maharashtra Land Revenue Code,
 - xi. Slum Rehabilitation
 - xii. Co-operative Disputes
 - xiii. Accident Claims.

PAPER – III: ARBITRATION & CONCILIATION LAW & INTERNATIONAL PERSPECTIVE

TOTAL MARKS: 100 MARKS

The Arbitration and Conciliation Act, 1996

1. Advantages of conciliation and the Arbitration and Conciliation Act, 1996: Arbitration Agreement, Composition of Arbitral Tribunal, Jurisdiction and conduct of Arbitral Tribunals, Making of Arbitral Award and termination of proceedings, Recourse against Arbitral Award, Finality and Enforcement of Arbitral award, Appeals, Appointment of conciliators, commencement of conciliation proceedings, Termination of conciliation proceedings; costs and deposits.
2. Analyzes the composition and the jurisdiction of arbitral tribunals, the procedure followed by arbitrators, recognition and enforcement of foreign arbitral awards, and other related issues.
3. The appointment of the arbitral tribunal; competence/competence; a consideration of cost-effective arbitral procedures; interim measures; the award, including the challenge, recognition and enforcement thereof
4. A study of the negotiation and administration of collective agreements in the private sector.
5. Family courts and Lok Adalats.
6. Scope, Challenges and Limitations of ADR.

International Developments

1. The law and practice of international commercial arbitration, case studies, including arbitral agreements, applicable law, the enforcement of arbitral awards and arbitrations involving state parties.
2. The UNCITRAL Model Law on International Commercial Arbitration,

3. The role of national courts in the international arbitration process; the evaluation of international arbitral institutions and their rules.
4. The drafting of an international arbitration clause or submission agreement
5. ICSID arbitrations; and current issues in international commercial arbitration (e.g. Confidentiality and consolidation).
6. For understanding the United Nations Convention on Contracts for the International Sales of Goods (CISG), was applied in international commercial arbitration.
7. A consideration of arbitration as a dispute resolution process in the domain of international trade.
8. London Court of International Arbitration and the UN Convention on Recognition and Enforcement of Foreign Arbitral Awards.

PAPER – IV: PRACTICAL TRAINING / FIELD WORK

TOTAL MARKS: 100 MARKS

The project report submitted by the student will be evaluated jointly by the internal and external examiners during the practical examination. The distribution of marks will be as follows:

Dissertation	40 marks
Project Work on Arbitration / Mediation (Practical exercises in the preparation and conduct of arbitration & mediation)	40 marks
Attendance	10 marks
Viva	10 marks

Students learn through classroom lectures, discussion and group problem solving method. Any matters covered in class and/or in the assigned readings will constitute part of the subject content and be eligible for inclusion on all assessments. It is **ESSENTIAL** that students read assigned material before class and make careful notes on the reading material as well as in-class lectures and discussion. It is extremely important for students to be prepared for class and to be actively involved in discussions as this greatly aids the learning process.

RECOMMENDED BOOKS

1. The Indian Arbitration and Conciliation Act, 1996.
2. John M. Haynes and Stephanie Charles worth : The Fundamentals of Family Mediation
3. Robert A Baruch Bush and Joseph Folgers : The Promise of Mediation
4. Marian Roberts : Mediation in Family Dispute
5. Lisa Parkinson : Family Mediation
6. Ruth Chariton and Michelin Dewdney : The Mediator's Handbook
7. Sriram Panchu : Mediation Practice and law (textbook)
8. Mukta Mahajani : Let's Talk, Negotiation and Communication at the Workplace
9. Morton Deutsch, Peter Coleman and Eric Marcus: The Handbook of Conflict Resolution: Theory and Practice. San Francisco: Jossey-Bass)
10. William W Wilmot and Joyce L Hocker: Interpersonal Conflict, New York: McGraw-Hill
11. Simon Roberts and Michael Palmer: Dispute Processes, ADR and the Primary Forms of Decision-Making; Cambridge University Press
12. Charles Ewert, Gordon Barnard, Jennifer Laffier, Michael L. Maynard: Choices in Approaching Conflict, Understanding the Practice of Alternative Dispute Resolution, Emond Montgomery, ISBN: 978-1-55239-384-0
13. Malhotra: Arbitration & Conciliation Act
14. Justice R.S. Bachavat: Law of Arbitration & Conciliation Act, Vol – I & II; LexisNexis Bw; 5th Edition 2013.
15. Mallik: Arbitration & Conciliation Act
16. Myneni: Alternate Dispute Resolution

17. P. C. Rao and William Sheffield: Alternative Dispute Resolution, by Ashwinie Kumar Bansal: International Commercial Arbitration- Practice & Procedure.
18. P. C. Maranda: Law relating to Arbitration and Conciliation. LexisNexis India; 8th Edi. 2013 ISBN – 8180388131
19. Dr. Avtar Singh: Law of Arbitration and Conciliation, Lucknow
20. The Code of Civil Procedure, 1908.
21. Arbitration and Conciliation Act 1996
22. Mediation Rules of Bombay High Court

Note: All research projects, dissertations & other research assignments are required to be in accordance with the circular of the University of Mumbai dated 15th June, 2018 no. Exam /thesis/Uni/VCD/947 of 2018 and UGC (Promotion of Academic Integrity & Prevention of Plagiarism in Higher Education Institution) Regulation 2018.