

SCHEME OF EXAMINATION

&

DETAILED SYLLABUS

for

MASTER OF LAWS [LLM] (w.e.f 2023 onwards)

[One Year]

With Specialization in

- 1. Corporate Law (CL)**
- 2. Intellectual Property Right (IPR)**
- 3. Alternate Dispute Resolution (ADR)**
- 4. Criminal Justice System (CJS)**
- 5. Gender Justice and Women Empowerment (GJWE)**



**GURU GOBIND SINGH
INDRAPRASTHA
UNIVERSITY**

UNIVERSITY SCHOOL OF LAW AND LEGALSTUDIES

**Guru Gobind Singh Indraprastha University
Dawark Sector-16-C, New Delhi-110078**

PROGRAM OUTCOMES (POS) OF LLM

PO-1: inculcate critical thinking to carry out research objectively without being biased with preconceived notions & equip the student with skills to analyze problems,

PO-2: formulate a hypothesis, evaluate and validate results, and draw reasonable conclusions thereof prepare students for pursuing legal research in varied fields.

PO-3: imbibe effective scientific and/or technical communication in both oral and writing.

PO-4: continue to acquire relevant knowledge and skills appropriate with the help of professional activities and demonstrate highest standards of ethical issues in legal research

PROGRAM SPECIFIC OUTCOMES (PSOS) OF LLM

PSO-1: should be able to demonstrate understanding of substantive and procedural law sufficient to enter the legal profession and professions in which legal knowledge is an advantage.

PSO-2: should be able to associate the learning from the courses related to Law and Management.

PSO-3: should be able to gather and interpret relevant facts and conduct legal research.

PSO-4: to strengthen the capability so as to understand the laws at national and global level and to solve the client's problem.

PSO-5: should possess the skills to communicate in both oral and written forms and ability to formulate legal problems and using appropriate concepts and methods to solve them.

PSO-6: Should analyzing social problems and understanding social dynamics.

LL.M (One Year) – ADR Specialization

Semester I

Paper Code	Paper Title	L	RTDA	C
GEN 101	Research Methods and Legal Writing	4	2	5
GEN 103	System of Governance	4	2	5
GEN 105	Law and Justice in a Globalised World	4	2	5
ADR 115	Evolution and Concept of ADR	4	2	5
ADR 117	Law of Arbitration	4	2	5

Semester II

Paper Code	Paper Title	L	RTDA*	C
ADR 128	Mediation, Conciliation and Negotiation	4	2	5
ADR 130	International Commercial Arbitration	4	2	5
ADR 132	International Investment Arbitration	4	2	5
ADR 134	Practical Training in ADR Skills/ Practical Applications of ADR Methods	4	2	5
GEN 110	Dissertation**	-	-	10

Explanations

- * **L-** Lecture
- * **C-** Credits
- * **RTDA** – Research and Teaching Development Activities
- ** **NUES**

Course Outcome (COs):

- CO1- to understand the backdrop, meaning, advantages and disadvantages of Alternative Dispute Resolution (ADR) mechanisms.
CO2- to study the fundamental concepts associated with dispute resolution mechanism and its utility with legal aid and consumer awareness.

UNIT – I: Introduction to ADR-I **(Lectures 10)**

- a. Disputes – meaning and Kinds of Disputes
- b. Dispute Resolution in adversary system, Justiciable court structure and jurisdiction
- c. ADR- Meaning and philosophy, Need for ADR
- d. Overview of ADR processes

UNIT – II: Indian Perspective of ADR **(Lectures 10)**

- a. Types of ADR in India
- b. Current Trends
- c. Acceptability

UNIT –III: Dispute Resolution at grass root level **(Lectures 10)**

- a) Lok Adalats,
- b) Nyaya Panchayath,
- c) Legal Aid,
- d) Preventive and Strategic legal aid.

UNIT – IV: ADR Application **(Lectures 10)**

- a. Commercial and Financial Disputes
- b. Real estate and Land Disputes
- c. Consumer Disputes
- d. Accident Claims
- e. Matrimonial Disputes

Text Books:

1. P.C. Rao and William Sheffield, *Alternative Dispute Resolution*, Universal Law Publication, 2004
2. Sarfaraz Ahmed Khan, *Lok Adalat: An Effective Alternative Dispute Resolution*, New APCON Publication, Daryaganj, 2006.
3. Madabhushi Sridhar - *Alternative Dispute Resolution*, Butterworth Lexis Nexis, (Reprint 2010) 1st edition.

References:

1. Federal Judicial Centre, *Manual for Litigation Management and Cost and Delay Reduction* (1992).
2. Henry J Brown and Arthur L. Marriott, *ADR Principles and Practices* (2nd ed.) Sweet and Maxwell, 1999. 41
3. J. G. Merrills, *International Dispute Settlement*. U.K : Cambridge University Press, 2005(Fifth Edition)

Paper – V

L4 RTDA2 C5

Subject: Law of Arbitration

Paper Code: ADR 117

Course Outcome (COs):

- CO1- interpret the arbitration agreements with respect to the intent of the parties, seat of arbitration, applicable law and other relevant clauses.
CO2- to understand framework of arbitration and different issues of jurisdiction
CO3- to understand the practical issues in drafting “Arbitration Clause”.

UNIT – I: Introduction to Arbitration

(Lectures 10)

- a. Concept and Essential features
- b. Need of Arbitration in International and Indian Law
- c. Arbitration Law before 1996
- d. Arbitration Law after 1996

UNIT –II: Law of Arbitration in India-I

(Lectures 10)

- a. Arbitration Agreement
- b. Appointment of Arbitrator
- c. Conduct of Arbitration Proceedings
- a. Power of Courts to interfere in Arbitration Proceedings
- d. Place of Arbitration
- e. Law applicable to the Arbitration

UNIT – III: Law of Arbitration in India-II

(Lectures 10)

- a. Interim Measures
- b. Jurisdictional Issues
- c. Arbitral Award
- d. Setting Aside the Arbitral Award
- e. Enforcement of Arbitral Award
- f. Online Dispute Resolution

UNIT – IV: International Dispute Resolution

(Lectures 10)

- a. Foreign Award
- b. New York Convention
- c. Geneva Convention
- d. Enforcement of Foreign Award: Public Order

Text Books:

1. Avtar Singh, Law of Arbitration and Conciliation, Eastern Book Company, 2013(10th Edition)
2. Bansal, A. K. *Law of international commercial arbitration*, Universal, Delhi, (2010)
3. David St. John, Judith Gill, Mathew Gearing, *Russell on Arbitration*, Sweet & Maxwell, 23rd ed. 2013.

References:

1. O. P. Malhotra & Indu Malhotra, *The Law and Practice of Arbitration and Conciliation*, 3rd ed. (2014).
2. Justice P.S. Narayan, *The Arbitration and Conciliation Act*, 4th ed. (2007).
3. Chawla, S.L. *Law Of Arbitration and Conciliation*, Eastern Law House (2004)
4. Markanda P.C., *Law Relating to Arbitration and Conciliation*, Wadhwa Nagpur

Course Outcome (COs):

- CO1- to understand Drafting skills of Mediated Agreements and its enforceability.
CO2- to study the significance of specialized communication skills, and negotiation techniques which facilitate productive interaction for mediator/conciliator.

UNIT – I: Mediation-I (Lectures 10)

- a. Mediation: Meaning, Scope and importance of Mediation
- b. Adjudication vs Mediation
- c. Techniques of Mediation
- d. Mediation Ethics and Obligations of Mediation

UNIT – II: Mediation II (Lectures 10)

- a. Supreme Court's Module on Mediation
- b. Civil and Commercial Mediation
- c. Family Mediation
- d. Victim-offender Mediation

UNIT – III: Conciliation and Negotiation (Lectures 10)

- a. Conciliation: Nature and Modes of Conciliation
- b. Law Relating to Conciliation
- c. Negotiation: Meaning and Significance
- d. Techniques and approach to Negotiation

UNIT – IV: International Practices (Lectures 10)

- a. Comparative study of Mediation
- b. Comparative Study of Conciliation
- c. Negotiation for International Relations and Disputes

Text Books:

1. Sriram Panchu, *Mediation Practices & Law*, Lexis Nexis Butterworth, 1st ed. (2011).
2. S. Susheela, *Mediation Readers Handbook*, Asia Law House, 1st ed. (2012).

References:

1. Abraham P. Ordover and Andrea Doneff, *Alternatives to Litigation : Mediation, Arbitration, and the Art of Dispute Resolution*, Notre Dame: National Institute for Trial Advocacy, 2002
2. Mediation in India, A Toolkit, USEFL
3. The Mediator's Handbook by Ruth Chariton and Micheline Dewdney .
4. The Fundamentals of Family Mediation by John M. Haynes and Stephanie Charlesworth.

Paper – VII

L4 RTDA2 C5

Subject: International Commercial Arbitration

Paper Code: ADR 130

Course Outcome (COs):

- CO 1 - The students gain knowledge base of the currently existing main international legal provisions and sources of norms viz., UNCITRAL model law on arbitration regulating international commercial arbitration and have demonstrated the application of the law in the recent and leading Supreme Court decisions.
- CO 2- The students will be familiarised with the concept of arbitral awards and its enforceability.

UNIT-I: Introduction (Lectures-10)

- a. Concept, Nature and Emergence of International Commercial Arbitration
- b. Dispute Resolution in International Trade
- c. Important terms used in International Commercial Arbitration
- d. International Arbitration Institutions
- e. A comparison between institutional versus ad-hoc rules of arbitration

UNIT-II: Applicability of Laws (Lectures-10)

- a. Types of laws
- b. applicable in international commercial arbitration
- c. Governing law of arbitration, Law applicable to the substantive and procedural issues
- d. Enforcing the choice of law clause
- e. Party Autonomy: Choice of law (Seat Theory), Choice of national law.
- f. Conflict Rules

UNIT-III: Regulating International Commercial Arbitration (Lectures-10)

- a. An introduction to UNCITRAL Model law on International Commercial Arbitration
- b. Judicial intervention to Arbitration
- c. Reference to arbitration
- d. Interim Measures
- e. General policy for enforcement, review and refusal of foreign award in India.

UNIT-IV: Recognition or enforcement of foreign arbitral awards (Lectures-10)

- a. Foreign Award- meaning
- b. The International Conventions for recognition and enforcement of arbitral awards
- c. Reciprocity and Commercial Reservation
- d. Indian law- Scope and Applicability
- e. Recognition and enforcement of annulled awards

Text Books:

1. Jay E. Grenig, International Commercial Arbitration, West Thomson Reuters, 1st ed.(2014).
2. Kroll, Laukas A Mistelis, Viscasilas, V. Rogers, International Arbitration and International Commercial Law, Kluwer International (2011)

References:

1. Ashwinie Kumar Bansal, International Commercial Arbitration - Practice and Procedure (Enforcement of Foreign Awards - Covering more than 75 Countries), Universal Law Publication Co. Pvt. Ltd, 1st ed. (2014).
2. Justice R.S. Bachawat, Anirudh Wadhwa, Anirudh Krishnan, Law of Arbitration and Conciliation with Exhaustive Coverage of International Commercial Arbitration & ADR, Lexis Nexis Butterworth, 5th ed. (2013).

Course Outcome (COs):

- CO 1- to study the significance of Investor-State Dispute Settlement and how qualified arbitrators serves foreign investors.
CO2- to understand the functionality of commercial courts on the subject of international Investment Arbitration.

UNIT-I: Introduction

(Lectures-10)

- a. Overview of issues and trends in foreign investments
- b. Foreign investments in historical context.
- c. Trends in flow of foreign investments.
- d. Foreign investments and development.

UNIT-II: Regulation of Foreign Investment

(Lectures-10)

- a. Historical trends in regulation of foreign investments
- b. Perspectives and emergence of bilateral, regional and multilateral Investments Treaties.
- c. Rights of foreign investors.
- d. Responsibilities of foreign investors' vis-à-vis environment, human rights and other municipal concerns of host states

UNIT III: Remedies for Foreign Investors

(Lectures-10)

- a. Trends and issues in treaty based remedies for foreign investors.
- b. Fork in the road and the umbrella clauses.
- c. Overview of foreign arbitral institutions.
- d. Recognition and enforcement of foreign arbitral awards with specific reference to India.

UNIT-IV: International Centre for Settlement of Investment Disputes (Lectures-10)

- a. Overview of ICSID.
- b. Resolution of Investors State Dispute with specific reference to Washington Convention 1965.
- c. Preliminary issues in respect of jurisdictional proceedings.
- d. Essentials for the jurisdiction of ICSID, patterns of consent and meaning of foreign investment under Article 25 of the ICSID.

Text Books:

1. Campbell Mc Lachlan, Laurence Shore & Matthew Weiniger, *International Investment Arbitration: Substantive Principles*, Oxford University Press, 1st ed, 2008.
2. Todd Weiler, *International Investment Law and Arbitration: Leading Cases from the ICSID, NAFTA, Bilateral Treaties and Customary International Law*, Cameron, 2005.
3. Mohamed A. M. Ismail, Conseil d'État, *International Investment Arbitration: Lessons from Developments in the MENA Region*, Ashgate, 1st ed., 2013

References:

1. *Arbitration under International Investment Agreements: A Guide to the Key Issues* (2010) INTL K3830 .A75 2010. 45
2. Kroll & Horn, *Arbitrating Foreign Investment Disputes: Procedural and Substantive Legal Aspects*, Kluwer Law, (2004)

Paper – IX

L4 RTDA2 C5

Subject: Practical Training in ADR Skills

Paper Code: ADR 134

Course Outcome (COs):

- CO1- to equip the learner with an understanding of various ADR methods;
- CO-2 to train the learner to choose from these methods, and use them in a manner which creates minimum stress on the parties – in terms of both money and time; and
- CO3- to enable learners to pursue solutions acceptable to both sides in a legal dispute

The objectives of this paper is to develop in the students of LLM ADR practical understandings of the matter which can be preferably resolved through ADR. They will therefore be given actual training in processing cases for resolution using ADR techniques. The main focus will be on resolution of commercial disputes of both national and international dimensions, disputes between citizens and government, matrimonial disputes, arbitration and those concerning civil rights. During the semester at least four cases will have to be processed by the students. The evaluation of course work in this paper shall be exclusively internal by a Board of examiner constituted by the Academic Programme Committee of the University School of Law and Legal Studies.