SCHEME OF EXAMINATION

and

SYLLABUS

for

MASTER OF LAWS

[One Year]

[LL.M. in ADR]

UNIVERSITY SCHOOL OF LAW AND LEGAL STUDIES

Guru Gobind Singh Indraprastha University
Dawark Sector-16-C, New Delhi-110078
The one year LLM programme shall be introduced from the Academic Year, 2014-15 in the university.

**LL.M (One Year) – IPR**

### Semester I

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**Explanations**

* RTDA – Research and Teaching Development Activities

** NUES
Mode of Evaluation and Distribution of Marks

Each course shall carry total of 100 marks. There shall be semester end written examination for all the courses conducted by Examination Division of the University for 60 Marks. In each course in each semester there shall be Internal-examinations of 15 marks and 25 marks through written and RTDA evaluation respectively as continuous assessment by the subject teacher concerned.

Note:

The total number of Credits of the LL.M. Programme is 55 (Fifty Five).

1. Each student shall be required to appear for examination in all the papers of the course and secure 55 credits for the award of a degree.
Objective: This paper will make students understand research methodology and different components of legal research and their application. The paper will attempt to instill rational tools of analysis in the students so that their research contributes to the development of socio-legal dimensions.

Unit – I: Precepts (Lectures 10)

a. Nature, Scope and Objectives of Legal Research and Methodology
b. Methods of Legal Research
c. Collaborative Research
d. Doctrinal and Non-Doctrinal

Unit - II: Research Designs (Lectures 10)

a. Identification and Formulation of Research Problem
b. Hypothesis and Research Design (Characteristics and contents)
c. Database for Legal Research: Legislations, Judicial Decisions, Juristic Writings and Traditional and Online Databases

Unit - III: Research Techniques (Lectures 10)

a. Methodology: Tool and Techniques for collection of data, collection of case materials and juristic literature, use of historical and comparative research material and use of questionnaire and interview.
b. Census and Survey
c. Sampling: Types, Merits and Demerits
d. Observation
e. Interview, Questionnaire

Unit – IV: Data Processing Report Writing (Lectures 10)

a. Data Analysis and Interpretation
b. Report Writing
c. Supervision
d. Guidelines for researchers
e. Research Ethics
Text Books:


References:

Objective: The objective is to enable the students understands and appreciate various forms and systems of Governance. The students should particularly appreciate the role of judicial institutions in promotion of governance, its limitations and challenges.

Unit - I: Introduction (Lectures 10)

a. Meaning and Concept of Governance  
b. Systems of Governance  
c. Constitutional Governance: Democracy, Rule of Law and Separation of Powers  
d. Law and Governance in India

Unit - II: Federalism as a Pattern of Governance (Lectures 10)

b. Comparative Analysis of American, Canadian and Indian Systems  
c. Corporative Federalism in India: Legislative, Administrative and Financial Relations between Union and States.

Unit - III: Judicial process and its role in Governance (Lectures 10)

a. Concept and Practice of Judicial Review in India and USA  
b. Judicial Accountability, Administrative and Parliamentary Ethics  
c. Role of Judiciary in Promoting Governance: Human Rights, Criminal Justice System, Environment, Public Health etc.  
d. Research and Development in Governance

Unit - IV: Emerging Trends and Challenges to Governance (Lectures 10)

a. Challenges to Governance: Corruption, Criminalization, Caste, Poverty, Terrorism etc.  
b. State Responsibility & PPP  
c. Principles of compensatory discrimination, Religious and Linguistic Minorities  
d. Role of Media in Governance

Text Books:


References:

Objectives: The students should understand the process of globalization in all its dimensions and perspectives, they should particularly appreciate the globalization in the context of law and justice and the *vice versa* i.e. the law and justice in the context of globalization.

Unit-I: Justice in Globalising World: Existing Scenario

a. Globalisation as Process
b. Existing Scenarios and Issues: Economic, Social, Political
c. Rethinking the Idea of Just World Order

Unit-II: Mechanism of Justice under International Legal Regime

a. United Nations’ Institutional Mechanism
b. Responsibility of Nation States
c. Challenges and the Way Forward

Unit-III: Globalisation and National Justice Delivery System

a. Avoidance of National Jurisdictions
b. Intervention of International Human Rights Regime
c. Third World’s Perspectives to Globalisation

Unit-IV: Emerging Initiatives for Justice

a. MNCs and CSRs
b. Other New Initiatives
c. Global *Ombudsman*
d. Protection of Faiths and Culture

Text Books:

References:
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: Dispute Resolution at grass root level (Lectures 10)

Dispute Resolution at grass root level,
   I. Lok Adalats,
   II. Nyaya Panchayath,
   III. Legal Aid,
   IV. Preventive and Strategic legal aid.

UNIT – III: Indian Perspective of ADR (Lectures 10)

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

UNIT – IV: ADR Application (Lectures 10)

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

Text Books:


References:

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:

References:
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:


References:

2. Mediation in India, A Toolkit, USEFL
UNIT-I: Introduction

a. Concept and 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

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

UNIT-III: Regulating International Commercial Arbitration

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

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:

References:

Paper – VIII L4 RTDA2 C5

Subject: Foreign Investment and International Investment Arbitration Paper Code: ADR 124

UNIT I: Introduction (Lectures-10)
- a. Overview of issues and trends in foreign investments
- b. Foreign investments in historical context.
- 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.
- 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:
2. Todd Weiler, International Investment Law and Arbitration: Leading Cases from the
ICSID, NAFTA, Bilateral Treaties and Customary International Law, Cameron, 2005.

References:


Paper – IX

Subject: Practical Training in ADR Skills

UNIT – I: Choosing the Mode of Dispute Resolution (Lectures-10)

UNIT – II: Identification of Ground Realities Likely to Affect (Lectures-10)

UNIT – III: Developing Design to Process a Case (Lectures-10)

UNIT – IV: Case Studies (Lectures -10)
The evaluation of the Dissertation and Viva Voce will be conducted by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon’ble Vice Chancellor.