



NATIONAL LAW UNIVERSITY ODISHA



INFORMATION BULLETIN



NLUO MEDIATION CELL

SINGLE CREDIT COURSE

on

**MEDIATION AND NEGOTIATION:
STYLES, STRATEGIES AND LEGALITIES**

Course offered by:

NLUO Centre for Mediation and Negotiation

ABOUT NLUO

National Law University Odisha (NLUO), Cuttack was established by Act 4 of 2008 by the Odisha State Legislature and started imparting education in Law from the Academic Year 2009-10. The University was established keeping in mind a clearly enunciated vision of advancement of learning, teaching, research, diffusion of knowledge in the field of law and catering to the needs of society. The University has been continuously working for the betterment of the society through various seminars, conferences, consultancy programmes, etc., and in furtherance of the objectives, has established various centres of excellence to carryout research, training and extension activities and one such being the National Law University Odisha Centre for Mediation and Negotiation (NLUO CMN).



ABOUT NLUO CMN

The NLUO Centre for Mediation and Negotiation is an initiative of National Law University Odisha to promote academic research on themes pertaining to Alternative Dispute Resolution (ADR). It was first established in March 2014, with the primary aim of promoting research and training in the field of negotiation and mediation. The Centre has been reconstituted in 2022 under the guidance of Prof. Ved Kumari, Vice-Chancellor, NLUO. The Centre aims to bridge the gap between theoretical understanding and real-world application, with a focus on the study of mediation and negotiation. In addition to conducting research, the centre seeks to organize events such as Faculty Development Programmes (FDPs), seminars, training workshops, and diploma, certificate and credit on ADR to encourage hands-on learning.



ABOUT NLUO MEDIATION CELL

The NLUO Mediation Cell is the first higher education institution run mediation cell in India to provide live mediation services (both private and court-referred mediation) as a part of its social activism. The Cell aims to handle multifarious legal disputes including family, matrimonial, property, land and consumer disputes. The mediators are faculty members of NLUO, who have undergone specialized training in mediation skills and techniques. The Cell provides free mediation services both physically and virtually through Online Dispute Resolution (ODR). The establishment of the Mediation Cell is a positive step towards creating an efficient and accessible alternative dispute resolution mechanism in India as it contributes significantly to reducing the backlog of cases in courts and also in promoting a culture of peaceful resolution of disputes in society.



COURSE OUTLINE

Introduction

The present single credit course is a skill-based course. It means that the participants in this course will *learn by doing*. This course introduces the participants to the theory and practice of Alternative Dispute Resolution. The theory part of the course will be delivered through short lectures and the skills of negotiation and mediation will be learnt by participating through simulation exercises.

This course aims to enable participants to identify the reasons for conflict and choose the best method for its resolution through securing interests of parties concerned instead of being bound by the technicalities of the legal provisions and processes.

The course outline is divided into four modules focusing on the concept of ADR, the art of communication, different techniques and styles of negotiation, process of negotiation and mediation, laws governing mediation in India, etc. Through simulation exercises, the participants will be able to learn the skills of communication, persuasion, thinking on their feet, create innovative solutions, and various negotiation and mediation styles and techniques.

Course Objectives

CREATE: To create awareness and educate the participants about the alternative remedies apart from the conventional legal system.

EVALUATE & REMEMBER: To make participants able to interpret the current mediation law in light of the landmark judgments and recent developments.

ANALYSE: To enable participants to differentiate among various processes of ADR.

UNDERSTAND: To familiarize participants and enhance their understanding about the concepts and the legal provisions relating to ADR, and also to make them understand the importance of communication in the dispute resolution process.

APPLY: To provide practical exposure to participants through simulation exercises on mediation and negotiation.

Course Learning Outcomes

At the end of this course, the participants will be able to:

KNOWLEDGE: Understand the fundamental concepts of ADR and identify the nature of dispute and limitations of the formal judicial systems to effectively offer its resolution; Compare and contrast the strengths and weakness of different dispute resolution methods and choose the best method for dispute resolution in their case.

ATTITUDE: Solve problems and disputes amicably through appropriate ADR mechanism and encourage people to use ADR.

SKILL: Communicate effectively, choose appropriate negotiation strategy employ the best techniques during negotiation or mediation knowing their BATNA, WATNA and MLATNA; Draw settlement agreements.

ETHICS: Solve the ethical dilemmas while acting as a negotiator and mediator; Respect the demeanour of each individual participating in dialogue.

Teaching Methods

- Lecture method
- Role plays and Simulation exercises
- Brainstorming
- Group discussions
- Experience sharing
- Experiential learning
- Story telling method

Division of Modules

Module	Topic	No. of hours
I	Introduction to ADR	4
II	Negotiation: Introduction, Styles and Strategies	5
III	Mediation and the Process	3.5
IV	Laws governing mediation in India	3.5

Total no. of hours = 16

Course Evaluation

The evaluation of the course will be solely based on simulation exercises and role plays on Negotiation and Mediation.

Therefore, an extra engagement of two hours shall be required i.e., total number of hours = 16 + 2 = 18.

It includes:

- Simulation exercise on Negotiation: 15 marks
- Mediator's Opening Statement: 15 marks
- Mediation Settlement Agreement: 20 marks

Total: 50 marks

Attendance

In addition to the compulsory 2 hours evaluation, participants are required to attend a minimum of 75% of total lectures conducted i.e., 14 out of 16 hours.

Note: On successful completion of this course, the participants will get a single credit certificate. Based on the **Choice Based Credit System (CBCS)** and other internal rules, the participants may transfer and utilise this credit in their respective institutions.

DETAILED COURSE OUTLINE

Module 1: Introduction to ADR

4 Lectures (Total = 4 hours)

- Alternative Dispute Resolution: An Introduction
- The Art of Communication
- Role of Communication in Conflict Resolution
- Verbal and Non-Verbal Communication, Para Language
- Body Language Models
- Understanding the Conflict
- Problem, Dispute and Conflict
- Difference between dispute and conflict
- Conflict Ladder and Conflict Triangle
- Conflict Management Styles: Defeat, Accommodate, Compromise, Collaborate, Withdraw
- Important forms of ADR – Negotiation, Mediation, Conciliation, Arbitration, Judicial Settlement, and Lok Adalat.

Cases:

1. *Salem Advocate Bar Association, Tamil Nadu v. Union of India (UOI)*, AIR 2005 SC 3353
2. *Afcons Infrastructure Ltd. and Anr. v. Cherian Varkey Construction Co. (P) Ltd. and Ors.*, (2010) 8 SCC 24

Module 2: Negotiation: Introduction, Styles and Strategies

5 Lectures (Total = 5 hours)

- Introduction to Negotiation
- Steps involved in Negotiation: Preparation, Opening, Bargaining and Closing
- Negotiating Styles: Defeat, Accommodate, Compromise, Collaborate, Withdraw
- Negotiating Techniques: Salami, Fait Accompli, Standard Practice, Deadlines, Feinting, Apparent Withdrawal, Good Guy/ Bad Guy and Limited Authority
- Types of Negotiations: soft negotiation, hard negotiation and principled negotiation
- Types of Bargaining: Rights-based, Positional, Distributive, Interest-based and Integrative (Collaborative)
- BATNA, WATNA, MLATNA, Bottom Line, ZOPA
- Exercise on the negotiating style profile
- Simulation exercise on Negotiation

Module 3: Mediation and the Process

4 Lectures (Total = 4 hours)

- Mediation
- Types of Mediation
- Mediation under the 2023 Act
- Case Appropriate and Inappropriate for Mediation – First Schedule of the 2023 Act
- Stages of Mediation: Introduction (Opening Statement), Joint Session, Caucus (Separate/ Individual Session), Repeated Joint and Separate Sessions, and Settlement and Closure
- Impasse (Deadlock)
- Impasse overcoming techniques
- Benefits of Mediation
- Simulation exercise on Mediator's Opening Statement

Module 4: Laws governing Mediation in India

4 Lectures (Total = 4 hours)

- Overview of the Mediation Act, 2023
- Pre-litigation mediation in India under Commercial Courts Act, 2016
- Mediation in Consumer Disputes
- Mediation in Criminal Cases
- Mediation Settlement Agreement and its drafting
- Simulation exercise on drafting mediation settlement agreement

Cases:

1. *Dayawati v. Yogesh Kumar Gosain*, 2017 SCC OnLine Del 11032
2. *Patil Automation (P) Ltd. v. Rakheja Engineers (P) Ltd.*, (2022) 10 SCC 1

ABOUT COURSE INSTRUCTORS



Prof. Ved Kumari,
Vice-Chancellor
National Law University Odisha

She is the former Dean and Head of the Faculty of Law at the University of Delhi. Prof. Ved is an esteemed legal academician with over four decades of experience, primarily focused on juvenile justice, criminal law, gender discrimination, and clinical legal education. Renowned for her contributions to judicial training and legal pedagogy, she pioneered the Village Immersion Programme for judicial officers to explore grassroots social issues and developed India's first E-course on Judicial Ethics in collaboration with the Commonwealth Judicial Education Institute, Canada. She has authored several landmark texts on juvenile justice, including *Treatise on the Juvenile Justice Act*, with her insights significantly influencing judicial interpretations in India. Prof. Ved has also conducted extensive workshops on teaching ethics, gender mainstreaming, and restorative justice, highlighting her dedication to advancing effective legal education and justice reform.

ABOUT COURSE INSTRUCTORS



Prof. (Dr.) Sunanda Bharti
Professor of Law, Law Centre – I,
Faculty of Law, University of Delhi

She is a Certified Professional Mediator from Indian Institute of Arbitration and Mediation (IIAM). Prof. Sunanda was a Team Leader (Editorial) with LexisNexis Butterworths India for 3 years and hence has experience of the Law Publishing Industry. She completed her Ph.D., LL.M. and LL.B. from the Faculty of Law, University of Delhi. She was awarded the prestigious ‘Sukhdevi Girdhari Lal Grover Prize’ for being the best candidate in Constitutional Law I and II, presented at the 78th Annual Convocation of the Delhi University. She has done pioneering research work on the ‘Legal Personality of Unborn/Foetus’.

ABOUT COURSE INSTRUCTORS



Dr. Eluckiaa Asaithambi
Assistant Professor of Law,
National Academy of Legal Studies
and Research, Hyderabad

She is an accomplished Assistant Professor of Law who brings extensive expertise in mediation and alternative dispute resolution. She has taught a wide range of courses, including International Trade Law, International Investment Law, Law and Justice in a Globalising World, and Access to Justice and Legal Empowerment. Her Alternative Dispute Resolution (ADR) course particularly emphasises a lot on mediation. Dr. Eluckiaa has completed a comprehensive 45-hour Mediation Training Programme conducted by the Centre for Consumer Law at National Law University Odisha in collaboration with the Delhi High Court Mediation and Conciliation Centre "SAMADHAN." She is also deeply involved in research projects that influence policy recommendations and reforms in legal education and judicial performance. Dr. Eluckiaa's scholarly contributions, which span topics such as trade facilitation, investment agreements, corporate governance, censorship and free speech, and environmental law, have been published in respected journals and edited volumes.

ABOUT COURSE INSTRUCTORS



Mr. Akash Kumar,
Assistant Professor of Law
National Law University Odisha

He is teaching Conflict of Laws, International Investment Law, Maritime Law and Medical Law and Ethics in NLUO. He worked for more than 3 years with MATS Law School, MATS University, Raipur, Chhattisgarh. He did LL.M. from NALSAR University of Law in 2012, passed UGC-NET in December 2012. His area of specialisation is International Trade and Business Law and area of interests are International Trade and Investment Law, Alternative Dispute Resolution (ADR), International Commercial Arbitration, Private International Law, Maritime Law and Medical Law and Ethics. He is currently Faculty Advisor to the Moot Society and Alternative Dispute Resolution (ADR) Board and Co-Director for Centre for Maritime Law and Centre for Consumer Law.

ABOUT COURSE INSTRUCTORS



Mr. Abhay Kumar
Assistant Professor of Law
National Law University Odisha

He has completed his LL.B. from Law School, Banaras Hindu University, Varanasi and then after LL.M. from Babasaheb Bhimrao Ambedkar University Lucknow having with First Class First Rank in the University and awarded Gold Medal for the same. He has also qualified UGC NET Examination for Lectureship. Prior to joining National Law University Odisha (NLUO), he had served as a faculty member at Hidayatullah National Law University Raipur (C.G.) and National University of Study and Research in Law, Ranchi (Jharkhand) and before that he was practising as an advocate in Jharkhand High Court, Ranchi. His current area of interest is Corporate Laws, Intellectual Property Rights, Environmental Laws and Taxation as well. He has participated in various Conferences, Seminars, Workshops, Symposium etc. organised by Law Schools in India.

ABOUT COURSE INSTRUCTORS



Dr. Akshay Verma
Assistant Professor of Law
National Law University Odisha

He is a certified mediator and an Assistant Professor of Law, who joined National Law University Odisha in December 2021. Prior to this, he worked as a Guest Faculty in Law Centre-II, Faculty of Law, University of Delhi from September 2018 to April 2021. He completed his Ph.D. in 2023, from Faculty of Law, University of Delhi. His research work examines the successes and pitfalls of the current arbitration system in India and explores the possibility of introducing a hybrid-arbitration mechanism for effective dispute resolution. Dr. Verma is a firm believer in 'learning by doing', and thus offers a purely clinical course on Alternative Dispute Resolution (ADR) at the University, along with other subjects like Law of Evidence, Law of Crimes, Law of Contracts, Personal Laws, etc. He is the founding member of NLUO Mediation Cell which is India's first higher education institution run mediation cell. Further, he is also the Project Coordinator for Project KUTUMB, NLUO which has the primary objective of betterment of village children vis-à-vis education, health and well-being.

LECTURE PLAN

Lecture No.	Topic(s)	Module	Instructor	Duration	Date
1 & 2	<ol style="list-style-type: none"> 1. Alternative Dispute Resolution: An Introduction 2. The Art of Communication 3. Role of Communication in Conflict Resolution 4. Verbal and Non-Verbal Communication, Para Language 5. Body Language Models 	Module 1	Prof. Ved Kumari, Vice-Chancellor, National Law University Odisha	2 Hours	7 Dec
3.	<ol style="list-style-type: none"> 1. Understanding the Conflict 2. Problem, Dispute and Conflict 3. Difference between dispute and conflict 4. Conflict Ladder and Conflict Triangle 5. Conflict Management Styles: Defeat, Accommodate, Compromise, Collaborate, Withdraw 	Module 1	Dr. Akshay Verma, Assistant Professor of Law, National Law University Odisha	1 Hour	8 Dec

LECTURE PLAN

4.	<p>Important forms of ADR – Negotiation, Mediation, Conciliation, Arbitration, Judicial Settlement, and Lok Adalat.</p> <p>Cases:</p> <ol style="list-style-type: none"> 1. <i>Salem Advocate Bar Association, Tamil Nadu v. Union of India (UOI), AIR 2005 SC 3353</i> 2. <i>Afcons Infrastructure Ltd. and Anr. v. Cherian Varkey Construction Co. (P) Ltd. and Ors., (2010) 8 SCC 24</i> 	Module 1	Dr. Akshay Verma, Assistant Professor of Law, National Law University Odisha	1 Hour	8 Dec
5.	<ol style="list-style-type: none"> 1. Introduction to Negotiation 2. Steps involved in Negotiation: Preparation, Opening, Bargaining and Closing 	Module 2	Prof. (Dr.) Sunanda Bharti, Professor of Law, Law Centre – I, Faculty of Law, University of Delhi	1 Hour	14 Dec

LECTURE PLAN

6.	<p>1. Negotiating Styles: Defeat, Accommodate, Compromise, Collaborate, Withdraw</p> <p>2. Negotiating Techniques: Salami, Fait Accompli, Standard Practice, Deadlines, Feinting, Apparent Withdrawal, Good Guy/ Bad Guy and Limited Authority</p>	Module 2	Prof. (Dr.) Sunanda Bharti, Professor of Law, Law Centre – I, Faculty of Law, University of Delhi	1 Hour	14 Dec
7.	<p>1. Types of Negotiations: Soft negotiation, Hard negotiation and Principled negotiation</p> <p>2. Types of Bargaining: Rights-based, Positional, Distributive, Interest- based and Integrative (Collaborative)</p>	Module 2	Dr. Akshay Verma, Assistant Professor of Law, National Law University Odisha	1 Hour	15 Dec
8.	BATNA, WATNA, MLATNA, Bottom Line, ZOPA	Module 2	Dr. Akshay Verma, Assistant Professor of Law, National Law University Odisha	½ Hour	15 Dec

LECTURE PLAN

9.	<ol style="list-style-type: none">1. Exercise on the negotiating style profile2. Simulation exercise on Negotiation	Module 2	Dr. Akshay Verma, Assistant Professor of Law, National Law University Odisha	1½ Hours	21 Dec
10.	<ol style="list-style-type: none">1. Mediation2. Types of Mediation3. Mediation under the 2023 Act4. Case Appropriate and Inappropriate for Mediation – First Schedule of the 2023 Act	Module 3	Mr. Akash Kumar, Assistant Professor of Law, National Law University Odisha	1 Hour	21 Dec
11.	Stages of Mediation: Introduction (Opening Statement), Joint Session, Caucus (Separate/ Individual Session), Repeated Joint and Separate Sessions, and Settlement and Closure	Module 3	Dr. Eluckiaa Asaithambi, Assistant Professor of Law, National Academy of Legal Studies and Research, Hyderabad	1 Hour	22 Dec

LECTURE PLAN

12.	<ol style="list-style-type: none">1. Impasse (Deadlock)2. Impasse overcoming techniques3. Benefits of Mediation	Module 3	Dr. Eluckiaa Asaithambi, Assistant Professor of Law, National Academy of Legal Studies and Research, Hyderabad	1 Hour	22 Dec
13.	Simulation exercise on Mediator's Opening Statement	Module 3	Dr. Eluckiaa Asaithambi, Assistant Professor of Law, National Academy of Legal Studies and Research, Hyderabad	½ Hour	22 Dec
14.	Overview of the Mediation Act, 2023	Module 4	Mr. Akash Kumar, Assistant Professor of Law, National Law University Odisha	1 Hour	28 Dec

LECTURE PLAN

15.	<p>1. Pre-litigation mediation in India under Commercial Courts Act, 2016</p> <p>2. Mediation in Consumer Disputes</p> <p>Case: <i>Patil Automation (P) Ltd v. Rakheja Engineers (P) Ltd, (2022) 10 SCC 1</i></p>	Module 4	Mr. Abhay Kumar, Assistant Professor of Law, National Law University Odisha	1 Hour	28 Dec
16.	<p>Mediation in Criminal Cases</p> <p>Case: <i>Dayawati v. Yogesh Kumar Gosain, 2017 SCC OnLine/Del 11032</i></p>	Module 4	Mr. Abhay Kumar, Assistant Professor of Law, National Law University Odisha	1 Hour	29 Dec
17.	<p>1. Mediation Settlement Agreement and its drafting</p> <p>2. Simulation exercise on drafting mediation settlement agreement</p>	Module 4	Dr. Eluckiaa Asaithambi, Assistant Professor of Law, National Academy of Legal Studies and Research, Hyderabad	½ Hour	29 Dec
Total:					
Lectures: 17					
Modules: 4					