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| Name: Enrolment No: | |  | |
| <p style="text-align: center;">UPES End Semester Examination, May 2025</p> <p> Course: ADR in Diverse Forms of Disputes Program: LLM with ADR Specialization Course Code: CLAD 7001 </p> <p style="text-align: right;"> Semester: II Time: 03 hrs. Max. Marks: 100 </p> <p>Instructions: Read all the questions carefully. All questions are compulsory. Write neatly.</p> | | | |
| SECTION A (5Qx2M=10Marks) | | | |
| S. No. | | Marks | CO |
| Q 1 | Define the term 'Dispute'. | 2 | CO1 |
| Q 2 | List three disadvantages of adversarial system of dispute resolution. | 2 | CO1 |
| Q 3 | Explain four guiding principles of 'ADR'. | 2 | CO1 |
| Q 4 | Discuss the concept of 'Adjudication'. | 2 | CO1 |
| Q 5 | Examine the term 'Early Neutral Evaluation'. | 2 | CO1 |
| SECTION B (4Qx5M= 20 Marks) | | | |
| Q 6 | Discuss the concept of 'ODR' and its relevance in India. | 5 | CO2 |
| Q 7 | Examine three causes of disputes (why disputes occur?). | 5 | CO2 |
| Q 8 | Describe the ethical challenges and considerations that arise in the practice of Alternative Dispute Resolution methods. | 5 | CO2 |
| Q 9 | Examine the potential and limitations of Alternative Dispute Resolution mechanisms in addressing environmental and climate change-related disputes. | 5 | CO2 |
| SECTION-C (2Qx10M=20 Marks) | | | |
| Q 10 | You are the newly appointed legal advisor to 'Vaishnav di Gaddi', a multimillion-dollar food truck empire that began as a single humble truck run by an ambitious entrepreneur, Vaishnav. The founder started this venture despite a professor's dismissive prediction that "nobody gets rich selling food on trucks" | 10 | CO3 |

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| | <p>Today, Vaishnav di Gaddi operates across several Indian cities with central kitchens, franchised trucks, and a booming delivery business. However, with growth has come an increase in disputes—ranging from franchise conflicts and supplier disagreements to customer complaints and municipal licensing issues.</p> <p>Until now, these disputes have been dealt with in an ad hoc and reactive manner, often resulting in litigation.</p> <p>The founder has now tasked you with designing a robust dispute resolution policy.</p> <p>Examine at least five key qualities you should consider while designing an effective dispute resolution system tailored to the needs of Vaishnav di Gaddi.</p> | | |
| Q 11 | <p><i>“Despite the legislative push and institutional efforts, Alternative Dispute Resolution (ADR) mechanisms in India have struggled to realize their full potential. A key reason for this shortfall is the continued interference and over-reliance on the judiciary in both promoting and executing ADR processes. This judicialisation of ADR undermines its foundational principles of party autonomy, flexibility, and informality, thereby defeating its core purpose.”</i></p> <p>Analyse the above statement in light of class discussions and your own understanding. Do you agree that excessive judicial involvement has hindered the growth and effectiveness of ADR in India? Support your answer with relevant examples and reasoning.</p> | 10 | CO 3 |
| <p align="center">SECTION-D (2Qx25M=50 Marks)</p> | | | |
| Q 12 | <p>In one of our Internal Assessments (IAs), I gave the following question, for which most of the students — not surprisingly — gave a ChatGPT-generated answer.</p> <p>Question given to students:</p> <p><i>“The Kandoli family, a well-known industrialist family from Dehradun, organized a lavish destination wedding for their daughter at a luxury resort in Chakrata. During the wedding festivities, Binod (17-year-old niece of the</i></p> | 25 | CO4 |

Kandolis), in her enthusiasm to take a perfect drone shot of the event, accidentally crashed the drone into a chandelier in the resort's grand ballroom. The crash caused the chandelier to fall and severely damage the ballroom floor. Binod suffered minor injuries to her head from falling debris, and the incident was caught on camera by a local photographer who posted the video online, resulting in viral backlash and negative media coverage for the Kandolis.

The resort management demanded INR 8 Crores in compensation for the damages to the property and for the loss of business during repairs. In response, the Kandoli family counterclaimed INR 6 Crores for Binod's injuries, emotional distress during the wedding, and defamation due to the viral video.

Based on the above facts, analyse which ADR methods would be the most appropriate to resolve this dispute and explain why”

One of the AI-generated responses was as follows:

The best way to resolve this dispute is through arbitration because it is always faster and cheaper than going to court. Mediation is not suitable in this case because the parties have already made legal claims and the media has been involved, which means their relationship is already ruined. Negotiation is also not advisable because with such a high amount involved, only a strict legal solution will work.

Arbitration allows both sides to choose a judge and get a legally binding decision. The arbitrator will simply decide who is right and who is wrong, and then the losing party will have to pay the money as per the award. Since Binod is under 18, the arbitrator can also award damages to her. In this case, arbitration is always the best because it guarantees a fair, final, and fast result, and the media cannot report on arbitration proceedings, so confidentiality is fully protected.

Therefore, in conclusion, mediation and negotiation are not suitable here, and arbitration is the only ADR method that should be used.

In light of the above facts, kindly answer the following questions:

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| | <p>a. Critically analyse the above AI-generated response. Identify and explain any inaccuracies, overly broad generalisations, or conceptual errors. (15 marks)</p> <p>b. Critically analyse the opportunities and limitations that technology brings to the practice of ADR. (10 marks)</p> | | |
| Q 13 | <p>Ayusha and Ritiki, two best friends from college, co-founded "Biryani Brothers," a rapidly growing cloud kitchen in Dehradun, famous for its secret spice blend and quirky marketing. Their business skyrocketed when a viral influencer called it the "best biryani for breakups."</p> <p>However, cracks started to form in their partnership when Ritiki proposed expanding into vegan biryani to attract more customers, while Ayusha, a hardcore traditionalist, believed this was "an insult to centuries of biryani tradition."</p> <p>Things escalated when Ritiki secretly launched a limited-edition Kathal Biryani under the brand without informing Ayusha. Furious, Ayusha took down the product, calling it "a crime against food" on social media. Ritiki retaliated by locking Ayusha out of the company's Instagram page and posting a meme calling her "The Biryani Dictator."</p> <p>With their business now in a full-blown civil war, their delivery partners and suppliers became anxious, and customers began taking sides. Ayusha filed a legal notice demanding ₹5 Crores for brand damage and "mental agony caused by biryani blasphemy." In response, Ritiki threatened a countersuit for ₹4 Crores, claiming loss of creative control and defamation.</p> <p>In light of these facts, kindly answer the following questions:</p> <p>a. Critically evaluate the potential advantages and disadvantages of resolving the dispute between Ayusha and Ritiki through an adjudicatory mechanism such as litigation. (10 marks)</p> <p>b. Critically evaluate the effectiveness of resolving the dispute between Ayusha and Ritiki through non-adjudicatory and collaborative methods such as mediation and negotiation. (15 marks)</p> | 25 | CO4 |