


Name: Enrolment No:			
<p style="text-align: center;">UPES End Semester Examination, May 2025</p> <p> Course: Negotiation: Theory and Practice Program: LLM with ADR Specialization Course Code: CLAD 7004 </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 'Negotiation'.	2	CO1
Q 2	List two advantages of negotiation as a method of dispute resolution.	2	CO1
Q 3	Explain the concept of 'BATNA'	2	CO1
Q 4	Discuss the concept of 'ZOPA'	2	CO1
Q 5	Examine the term 'WATNA'	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q 6	Examine the difference between the concepts of 'position' and 'interest' in negotiation with the help of an illustration.	5	CO2
Q 7	Examine three different styles of negotiation and bargaining.	5	CO2
Q 8	Describe the concept of 'Reservation Price' with the help of an example.	5	CO2
Q 9	Explain the key theories of negotiation with the help of an illustration.	5	CO2
SECTION-C (2Qx10M=20 Marks)			
Q 10	Sehal Noni, a senior executive from a Japanese technology company, is in negotiation with Shivamansh, an Indian legal counsel representing a startup based in Dehradun. The negotiation pertains to a cross-border licensing agreement for proprietary AI software. Shivamansh adopts a direct and expressive communication style, aiming for quick resolution and closure. In contrast, Sehal is more reserved, prefers indirect communication, avoids confrontation, and frequently refers decisions back to her team in Tokyo for collective input.	10	CO3

	<p>As discussions progress, Shivamansh becomes increasingly impatient with what he perceives as delays and lack of clarity. Sehal, noticing his frustration, becomes even more cautious and withdrawn, citing the need for further internal alignment. The negotiation eventually reaches an impasse, not due to legal or commercial disagreement, but due to a growing sense of discomfort and misunderstanding between the parties.</p> <p><i>Drawing from the negotiation scenario between Sehal Noni, a Japanese executive, and Shivamansh, an Indian legal counsel, critically analyse the role of cultural norms and emotional responses and its impact in a negotiation.</i></p>		
Q 11	<p><i>“Assertiveness in negotiation is often perceived differently based on gender — what is seen as confident in a man may be viewed as aggressive in a woman.”</i></p> <p><i>Critically analyse this statement in the context of legal negotiations. How do gendered perceptions impact negotiation dynamics, outcomes, and the behaviour of negotiators.</i></p>	10	CO 3
<p style="text-align: center;">SECTION-D (2Qx25M=50 Marks)</p>			
Q 12	<p>Nushka Saswal and Prosecutor Kumar, co-founders of an ed-tech startup, are negotiating the terms of their separation. After three years of operations, Nushka wants to exit the business and sell her 40% stake to Prosecutor. Prosecutor, however, believes Nushka’s valuation is inflated. Prosecutor insists she deserves a premium because of the brand goodwill and client relationships she helped build. Prosecutor argues that he took on all financial risk and operational responsibility during the company’s downturn last year.</p> <p>Both parties are emotionally charged — Nushka feels underappreciated, while Prosecutor feels betrayed by her sudden exit. Their respective lawyers have advised strong bargaining positions and minimal compromise. However, their mutual mentor, Mr. Juicy, who helped incubate the startup, has offered to mediate the discussions to help them reach a workable solution without damaging their personal or professional reputations.</p> <p>In light of the facts, kindly answer the following questions:</p> <p>a. Critically analyse which among the competitive or integrative negotiation strategies would be more appropriate to resolve this dispute. (15 marks)</p>	25	CO4

	b. Critically evaluate the role of Mr. Juicy as a facilitator in this emotionally and financially charged negotiation. (10 marks)		
Q 13	<p>You are a young associate working at a family law firm. Your client, a well-educated and financially savvy woman, is going through a divorce with her husband, who has been a stay-at-home parent for most of the marriage and has no independent income or formal education beyond high school.</p> <p>The matter is being resolved through negotiation rather than litigation. You are assisting your supervising lawyer in preparing a comprehensive settlement agreement covering alimony, custody, and division of property.</p> <p>During a private strategy meeting, your client mentions that she recently invested in a plot of land in her mother's name just before the separation, using funds from a joint savings account. The husband is unaware of the transaction. She now wants to include a mutual waiver clause that would prevent him from making any claims on "assets not disclosed during this settlement."</p> <p>When you raise a concern, she responds, <i>"It's technically not in my name. If he doesn't ask, why should we bring it up? This is negotiation — not full disclosure."</i> Your supervising lawyer agrees and instructs you to draft the clause, saying, <i>"We're not obligated to volunteer information he hasn't requested."</i></p> <p>You are aware that the husband is not represented by a lawyer and appears emotionally overwhelmed. You also know that if this land were considered in the settlement, it could materially affect the fairness and structure of the agreement.</p> <p>In light of the above facts, kindly answer the following questions:</p> <p>a. As a legal professional involved in a negotiation, what ethical obligations do you owe — and to whom? (15 marks)</p> <p>b. What would you do in this situation — and why?. (10 marks)</p>	25	CO5