


<b>Name:</b> <b>Enrolment No:</b>			
<b>UPES</b> <b>End Semester Examination, May 2025</b> <b>Course: Semester: II</b> <b>Program: LL.M.</b> <b>Course Code: CLCC 7014</b> <b>Course Name: Mediation</b> <b>Time: 03 hrs.</b> <b>Max. Marks: 100</b>			
<b>Instructions: All questions are compulsory.</b>			
<b>SECTION A</b> <b>(5Qx2M=10Marks)</b>			
S. No.		Marks	CO
Q 1	Discuss the core emotional drivers behind each party's position in a conflict? Explain with an example.	2	CO1
Q 2	Describe some key challenges faced in cross-cultural and cross-border mediations?	2	CO1
Q 3	Name any two laws or statutes that provide for mediation as a mode of dispute resolution in India.	2	CO1
Q 4	Differentiate between Mediation and Arbitration.	2	CO1
Q 5	Define 'Commercial Dispute' as per the Mediation Act, 2023.	2	CO1
<b>SECTION B</b> <b>(4Qx5M= 20 Marks)</b>			
Q 6	Discuss the key stages of the mediation process, highlighting the significance of each stage in facilitating a mutually acceptable resolution.	5	CO2
Q 7	Analyze the relationship between Section 89 of the CPC and court-referred mediation in India. How has judicial interpretation shaped the procedural and institutional framework for mediation under this provision?	5	CO 2
Q 8	Can you describe types of disputes be mediated under the Mediation Act, 2023?	5	CO 2
Q 9	Explain the establishment of Mediation Council of India under the Mediation Act, 2023.	5	CO 2

<b>SECTION-C</b> <b>(2Qx10M=20 Marks)</b>			
Q 10	<p>A couple, John and Maria, are facing an extremely difficult time in their marriage due to ongoing financial stress and differences over child-rearing. They have come to a mediation session with you, but both are emotionally charged and unwilling to listen to each other. John feels that Maria is too controlling, while Maria believes that John is emotionally distant and uncommitted to the family. Both are adamant about their positions and refuse to make any concessions.</p> <p><b>In this situation, describe the role communication plays in the mediation process, and how can you, as a mediator, use communication techniques to break the deadlock and foster understanding?</b></p>	10	CO3
Q 11	<p>You have been appointed as the mediator for a sensitive political dispute between two major political parties in a region, where both sides have high emotional stakes and there are concerns about public safety. One party claim that its supporters' rights have been violated, while the other party accuses the first of undermining national security. The conflict has led to widespread protests, and both parties are unwilling to compromise without substantial concessions.</p> <p><b>In this context, outline the key phases you would undertake as a mediator to effectively manage the conflict and facilitate a mutually acceptable resolution.</b></p>	10	CO 3
<b>SECTION-D</b> <b>(2Qx25M=50 Marks)</b>			
Q 12	<p>You have been appointed as a neutral mediator in a multi-party commercial dispute involving the breakdown of a start-up partnership between three founding partners of a fintech company Mr. A (a visionary technologist), Ms. B (a finance expert), and Mr. C (a marketing strategist). The company, once hailed as a 'unicorn-in-the-making,' is now on the brink of collapse due to internal conflict over alleged financial misappropriation by Ms. B, unilateral decision-making by Mr. A in product development, and Mr. C's secret negotiations with a competitor. Further complicating the matter are pending lawsuits over breach of fiduciary duty, investor anxiety, hostile media leaks, and the resignation of the company's CTO. The parties refuse to sit in the same room due to severe breakdowns in trust and communication, with one partner demanding an exit buyout and the other two seeking to remove him through legal means.</p> <p><b>You decide to use Edward de Bono's Six Thinking Hats framework to structure a multi-stage mediation process.</b></p>	25	CO 4

	<p><b>Critically explain how you would guide each party through the six hats (White, Red, Black, Yellow, Green, and Blue) to enable constructive reflection, emotional release, risk-awareness, and creative thinking.</b></p>		
Q 13	<p>You have been appointed as a neutral mediator in a highly sensitive and politically charged land acquisition dispute in the state of X. The government has signed a Memorandum of Understanding (MoU) with a private multinational corporation (PMC) to develop a mega industrial park that promises economic growth and employment. However, the proposed site covers over 5,000 acres of fertile agricultural land belonging to local farmers, many of whom lack formal land titles. In addition, environmental activists have raised serious concerns about deforestation, displacement of indigenous communities, and irreversible ecological damage to a nearby wetland.</p> <p>The conflict has escalated, with protests turning violent, widespread media coverage, and pending PILs in the High Court. Each stakeholder state government, PMC, local farmers (with and without land titles), environmental NGOs, political opposition groups, and displaced tribal communities have different levels of power and interest in the outcome.</p> <p><b>Using the Power-Interest Matrix, critically analyse how their relative power and interest levels would influence your mediation strategy. How would you:</b></p> <ul style="list-style-type: none"> <li>• <b>Prioritize engagement and communication among these groups?</b></li> <li>• <b>Address power asymmetries, such as between illiterate farmers and corporate representatives.</b></li> <li>• <b>Ensure procedural fairness and inclusiveness despite political interference and media pressure?</b></li> <li>• <b>Design a mediation process that leads to a sustainable and widely acceptable resolution?</b></li> </ul>	25	CO 4