


Name:	
Enrolment No:	

UPES

End Semester Examination, May 2025

Course: Mediation with Conciliation

Semester: X

Program: B. Tech_CSE_LLB_CL

Course Code: CLCC 5025

Time: 03 hrs.

Max. Marks: 100

Instructions: Answer all questions from Section A.

Attempt all four questions from Section B.

Attempt all two questions from Section C.

Attempt all questions from Section D.

**SECTION A
(5Qx2M=10Marks)**

S. No.	Question	Marks	CO
Q 1	Mention any two ethical considerations for mediators	2	CO1
Q 2	List any two key differences between adjudicatory and conciliatory approach to resolution of conflict.	2	CO1
Q 3	State two important characteristics of a valid mediation agreement.	2	CO1
Q 4	How is a conciliator appointed in a dispute resolution process.	2	CO1
Q 5	State any two differences between mediation and conciliation.	2	CO1

**SECTION B
(4Qx5M= 20 Marks)**

Q 6	Discuss the effectiveness of mediation as compared to other dispute resolution methods.	5	CO2
Q 7	Illustrate the process of pre-litigation mediation with reference to statutory provisions.	5	CO2
Q 8	Critically analyze the role of lawyers in mediation and how they contribute to the process.	5	CO2

Q 9	Explain the stages of conciliation process under Arbitration and Conciliation Act,1996.	5	CO2
SECTION-C (2Qx10M=20 Marks)			
Q 10	Analyse the key provisions of the United Nations Convention on International Settlement Agreements Resulting from Mediation.	10	CO3
Q 11	Evaluate the role of court-annexed mediation in reducing the burden of litigation in India. Provide relevant examples.	10	CO3
SECTION-D (2Qx25M=50 Marks)			
Q 12	<p>Maya and Sunil, co-owners of a piece of commercial property, have been in a prolonged dispute regarding the terms of their co-ownership agreement. They have tried to resolve the issue through several rounds of negotiation but have been unsuccessful. Eventually, they decide to go for mediation under the Mediation Act, 2023.</p> <p>After several mediation sessions, they come to an agreement on several contentious issues, including the division of the property's rental income, the responsibilities for maintenance, and the future sale or lease of the property. They wish to formalize their agreement through a mediated settlement.</p> <p>As the mediator handling this case, you are tasked with drafting the mediated settlement agreement that reflects the terms agreed upon by both parties. The parties have expressed their willingness to adhere to the terms but wish to ensure that the agreement is binding and enforceable under the Mediation Act, 2023. Draft a mediated settlement agreement with enforceability provisions under Mediation Act,2023.</p>	25	CO4
Q 13	<p>ABC Ltd., a large manufacturing company, has been in a contractual dispute with XYZ Enterprises, a supplier of raw materials. According to the terms of their contract, XYZ Enterprises is required to deliver raw materials to ABC Ltd. on a monthly basis. However, due to supply chain issues, XYZ Enterprises has repeatedly failed to meet delivery deadlines, causing significant delays in production for ABC Ltd. As a result, ABC Ltd. claims substantial losses and has threatened legal action. XYZ Enterprises, on the other hand, claims that the delays were caused by unforeseen circumstances beyond their control and disputes the extent of ABC Ltd.'s financial losses.</p> <p>Both parties have agreed to enter mediation under the Mediation Act, 2023, in hopes of reaching a resolution that avoids litigation.</p> <p>You are the appointed mediator for this commercial dispute. During the first mediation session, both parties are initially entrenched in their positions. ABC Ltd. insists on a large financial compensation for the delays and demands a penalty clause be added to the new contract, while XYZ Enterprises seeks to limit its liability and avoid additional financial</p>	25	CO4

	<p>burdens. Both parties are communicating in a confrontational manner, and the discussions are becoming increasingly tense.</p> <p>As the mediator, your goal is to help both parties resolve the dispute through effective negotiation, bargaining, and communication, ensuring the mediation process remains productive. Outline your strategy as a mediator in reaching settlement agreed by both parties.</p>		
--	--	--	--