

DIRECTORATE OF DISTANCE EDUCATION
NALSAR UNIVERSITY OF LAW, HYDERABAD

Advanced Diploma in Alternative Dispute Resolution
P.G. Diploma in Alternative Dispute Resolution

Academic Year: 2022-2023

Annual Examination (June, 2023)

Paper I – 1.1. Alternative Dispute Resolution Systems

Duration of the Examination : 3 hours

TOTAL MARKS: 100

INSTRUCTIONS TO CANDIDATES

- a) Read the instructions carefully and adhere to the same.
 - b) Please mention your DDE ID No., date of the exam, name of the programme & subject on the Answer Sheet and the Additional Answer Sheets, if any.
 - c) The questions to be interpreted as given and no clarification can be sought from the Invigilator.
 - d) Clearly indicate the question numbers while answering them. Answers without question numbers / wrong question numbers will not be evaluated.
 - e) Write the answers clearly and neatly. Answers in illegible handwriting will not be taken into consideration.
 - f) Candidates are prohibited to carry phones or any other electronic devices, books, material etc. in the Examination Hall.
 - g) Copying is strictly prohibited and is considered as a serious academic mis-conduct and the University will take action as it deems fit.
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Answer all the four questions and each question carries 25 marks.

1. (a) Explain the difference between any **THREE** of the following: **(15 marks)**
 - (i) Substantive law and procedural law
 - (ii) Mediation and conciliation
 - (iii) Negotiation and mediation
 - (iv) Adversarial system and inquisitorial system
(b) Write a short note on any **TWO** of the following: **(10 marks)**
 - (i) Dispute resolution board
 - (ii) Role of party attorney in mediation
 - (iii) Enforceability of mediated settlement agreements

2. (a) **Choose the correct alternative:** (mention the question number and the correct option in your answer sheet i.e. a/b/c/d). **(5x2 marks each=10 marks)**
 - (i) Win-win outcomes in intergroup conflict can be achieved by which form of bargaining.
 - a. Distributive
 - b. Compromise
 - c. Integrative
 - d. Avoidance

- (ii) The first step in the problem-solving process is _____.
- a. Acknowledge the existence of problem
 - b. To Generate solutions
 - c. To analyse the problem.
 - d. To determine the goals.

(iii) Prateek enters in a commercial agreement to supply a set of 3D printing materials to Ishwar. There arises a conflict on the terms of the contract 3 months later. You are appointed as a mediator. The parties have never been to a mediation before and engage you to help them arrive on various solution and seeks his expertise by providing recommendations and suggestions. Your style of mediation ensures that you define the process and directly influence the outcome of the mediation.

What type of a mediator are you?

- a. Facilitative Mediator
- b. Evaluative Mediator
- c. Transformative Mediator
- d. Narrative Mediator

(iv) Choose the wrong statement

Mediators are:

- a. Allowed to offer ideas which the parties would not otherwise consider.
- b. Encouraged to offer ideas through questions
- c. Always allowed to reject ideas offered by the parties as unfavourable to one party.
- d. Allowed to sometimes negotiate on behalf of the weaker party.

(v) After the parties have signed the agreement, the mediator should not:

- a. Complement the parties on their hard work, creative thinking and willingness to collaborate.
- b. Ask them if they want to meet again
- c. Help the parties realistically understand the case
- d. Thank the parties for their participation

(b) Online dispute resolution is the future of dispute resolution. Critically examine this statement. **(15 marks)**

3. (a) What is expert determination? What are its characteristics, advantages and disadvantages? **(15 marks)**

(b) What is negotiation? Explain the difference between problem solving theory and competitive theory. **(10 marks)**

4. (a) What is mediation? Explain its characteristics and stages of mediation. **(15 marks)**

(b) What is confidentiality in mediation? What are the various stages at which confidentiality plays a key role? What are the key things a party should keep in mind to cover in agreement to mediate before commencing mediation? **(10 marks)**