

**DIRECTORATE OF DISTANCE EDUCATION
NALSAR UNIVERSITY OF LAW, HYDERABAD**

***Advanced Diploma in Alternative Dispute Resolution
(Batch 2021 – 2022)***

Take Home – Supplementary Examination (November 18-21, 2022)

Paper I – 1.1. Alternative Dispute Resolution Systems

TOTAL MARKS: 100

INSTRUCTIONS TO CANDIDATES

- a) Read the instructions for Examination carefully and adhere to the same.
 - b) *Please mention your name, ID No., subject name and the total number of pages on the Answer Sheet.*
 - c) *Clearly indicate the question numbers while answering them.*
 - d) *Answer all the four questions and each question carries 25 marks.*
 - e) ***The answer for the 25 marks question should be written in 1200 - 1500 words and for the 10 marks / 15 marks question it should be 800 – 1000 words.***
 - f) *All the candidates are required to submit only word / Pdf files containing the typed answers.*
 - g) *All papers will be uploaded on Turn-it-in for plagiarism check. Any paper with more than 15% similarity will be considered to be plagiarized and shall not be evaluated.*
 - h) *Since this is a take-home exam, we expect your answers to be analytical rather than straight answers.*
 - i) Copying from any source including from other students is strictly prohibited. Plagiarism is considered serious academic misconduct and the University will take action as it deems fit.
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I. Multiple Choice Questions - (10 X 2.5 marks each)

1. The first step in the problem-solving process is _____.

- A. Acknowledge the existence of problem
- B. To Generate solutions
- C. To analyze the problem.
- D. To determine the goals.

2. Which of the following is not the role of a Dispute Board?

- A. Refer matters to courts and tribunals
- B. Resolve the conflict efficiently and cost-effectively
- C. Become familiar with the construction project and the activities
- D. Draw conclusive orders and action plans that are required to be followed by the parties

3. Which of the following is false about expert determination?

- A. Expert determination is initiated by only one party
- B. The process is neutral and flexible
- C. Expert determination is binding, unless the parties agree otherwise
- D. The process is confidential in nature.

4. **Section 89 of Civil Procedure Code only deals with _____.**
- A. Mediation
 - B. Pre-litigation mediation
 - C. Any ADR method as suitable
 - D. Court referred mediation
5. **Which one of the following is an incorrect statement?**
- A. The conciliator shall assist the parties in an impartial and independent manner.
 - B. The conciliator can make proposals for settlement if it is accompanied by the statement of reasons.
 - C. The conciliator shall be guided by the principles of objectivity, fairness and justice.
 - D. None of the above.
6. **Which of the following statements is NOT true?**
- A mediator shall _____.***
- A. Not divulge any information to any third party in any circumstances.
 - B. Ensure her role does not have any conflict of interest in the dispute involved.
 - C. Ensure his/her personal values or belief system does not interfere with the process of mediation
 - D. Shall not wear the play the role of multiple neutrals.
7. **Which one of the following statements is true about judicial process?**
- A. Judicial process is a non-adjudicatory process where a third party (judge) helps the parties come to a conclusion
 - B. Procedure and decisions are governed, restricted and controlled by the provisions of the relevant statutes.
 - C. The decision is binding on the parties.
 - D. Decision is appealable
8. **Which one of the following is true about confidentiality in ADR?**
- E. Confidentiality is followed if accepted by both parties
 - F. The neutral shall keep all information confidential, except when the parties request it for it to be shared publicly.
 - G. Confidentiality does not extend to online dispute resolution
 - H. Any information disclosed in confidence by one of the parties must not be disclosed to the other parties without permission, unless compelled by law
9. **Which of the following does not belong to the negotiation process?**
- A. Clarification and justification
 - B. Closure and implantation
 - C. Definition of ground rules
 - D. Identification of the settlement terms
10. **Which of the following disputes can be resolved through mediation?**
- A. Election disputes
 - B. Civil offences
 - C. Matrimonial disputes
 - D. Cases of Minors

II. Answer the questions below:

1. What is mediation? Is it necessary to have legislation on mediation in India? **(15 marks)**
2. Write a short note on any TWO of the following: **(5 Marks each)**
 - a) Difference between substantive law and procedural law
 - b) Ethics in ADR
 - c) Theories of negotiation
 - d) Writs in India

III. Answer the questions given below:

1. What the different methods of ADR prevalent in India. Discuss the evolution of ADR in India with relevant case laws and also discuss the advantages and disadvantages of each method. **(25 marks)**

IV. Answer the questions below:

1. Write an essay on ADR is “Appropriate Dispute Resolution” and not “Alternative Dispute Resolution” in the context of India. **(15 marks)**
2. What is Expert Determination? Explain its characteristics and advantages. **(10 marks)**