



Name:			
Enrolment No:			
UPES End Semester Examination, May 2024			
Course: Mediation with Conciliation		Time : 03 hrs. Max. Marks: 100	
Semester: VIII			
Program: BA LLB, BBA LLB			
Course Code: CLCC4026			
Instructions:			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1	Briefly explain the importance of Role Play in Mediation.	2	CO1
Q 2	Describe Online Mediation.	2	CO 2
Q 3	Discuss the concept of 'Institutional Mediation'.	2	CO 2
Q 4	Describe any three impediments for the success of mediation in India.	2	CO 2
Q 5	Describe the need and relevance of Singapore Mediation Convention.	2	CO 2
SECTION B (4Qx5M= 20 Marks)			
Q 6	Discuss the stages of mediation in brief.	5	CO2
Q 7	Write Short Note on the MedArb	5	CO 2
Q 8	Differentiate between adjudication and litigation	5	CO 2
Q 9	Discuss is the nature and scope of the Settlement Agreement entered into between the parties to a dispute	5	CO 2
SECTION-C (2Qx10M=20 Marks)			
Q 10	The idea of community mediation need some rectifications in order to make it more acceptable in India. Elaborate	10	CO 3
Q11	Pre-lawsuit mediation is becoming more widely accepted as a sensible way of resolving disputes before they turn into litigation. Elucidate.	10	CO 3
SECTION-D (2Qx25M=50 Marks)			
Q 12	Please read the below given facts and answer the following questions:	25	CO 3

	<p>The Raichand’s Family, one of the most reputed family from Dehradun visited the famous The British Museum in London to celebrate their children’s excellent grades in Maths. At the museum, Frychand (16 years old son of Raichands), in his excitement to steal the Kohinoor diamond back from the Britishers, bumped into one of the iconic and ancient sculpture. As a result of the bump, the sculpture fell on Frychand which led to multiple fractures of his both hands.</p> <p>When this incident was happening, one of the visitors at the Museum captured the incident and went live on Insta, leading to negative publicity for the Raichands.</p> <p>As a result of the incident, Museum demanded compensation of INR 05 Crores for the damaged sculpture. In response, Raichands demanded compensation from the Museum for Frychand’s injury, loss of vacation enjoyment, and damages for defamation to the tune of INR 04 Crores.</p> <p>Parties agreed for mediation. Assume that the mediation is happening in London.</p> <p>In the light of above cited facts, answer the following questions:</p> <p>(i) Critically analyse the role and responsibilities of the mediator in this case, and how can these facilitate a fair and efficient resolution (05 marks)</p> <p>(ii) Critically examine the key agendas to be discussed between the parties to resolve this dispute amicably through mediation. (10 Marks)</p> <p>(iii) Critically analyse what steps must be taken to ensure that any settlement reached is enforceable in both the parties’ respective countries under the terms of the Singapore Mediation Convention (10 Marks)</p>		
Q 13	<p>Dispute: Acme accuses Beta of infringing on their patent for a revolutionary new battery design. Both companies are eager to avoid a costly and public court battle.</p> <p>Resolution Attempt: The parties agree to participate in mediation as mandated by the Mediation Act, 2023.</p> <p>Scenario: During the mediation, Acme's representative accidentally discloses a highly sensitive trade secret related to their manufacturing process. Despite assurances of confidentiality under the Act, Beta's</p>	25	CO 4

	<p>legal team later attempts to use this information in subsequent court proceedings against Acme.</p> <p>Question 1. Evaluate whether Beta's legal team use the information accidentally disclosed by Acme during mediation? Also evaluate the legal arguments for and against their position. (15 Marks)</p> <p>Question 2. Applying the laws consider the importance of confidentiality in mediation, discuss the potential consequences of this breach, especially when confidential information is revealed in a separate caucus session to the mediator. Would the mediator's ethical code further support confidentiality in this scenario? (10 Marks)</p>		
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