



Even Semester End Term Examination, May / June 2026

Date: 12/05/2026

Time: 01.00 PM - 04.00 PM

Course Code: LAW2048

Course Name: Mediation and Negotiation

Semester: Tenth Semester

Max. Marks: 100

Weightage: 50%

CO - Levels	CO1	CO2	CO3	CO4
Marks	30	180	150	180

PART A: Answer Following Questions. 20 M

Qn.No	Questions	M	CO	BT
1	Distinguish between rights-based and interest-based dispute resolution in brief.	2	CO1	BT1
2	State how confidentiality operates as a core principle in mediation proceedings.	2	CO1	BT1
3	Identify the significance of Section 89 of the Code of Civil Procedure, 1908 in promoting ADR.	2	CO1	BT1
4	State how virtual dispute resolution has influenced accessibility to justice.	2	CO1	BT2
5	Distinguish between conciliation under the Arbitration and Conciliation Act, 1996 and mediation in practice.	2	CO1	BT2
6	State two ethical obligations imposed on mediators during proceedings.	2	CO2	BT2
7	Identify two key elements of effective non-verbal communication in mediation.	2	CO1	BT1
8	State the relevance of ZOPA (Zone of Possible Agreement) in determining the outcome of negotiations.	2	CO2	BT1
9	Identify two limitations of mediation in complex commercial disputes.	2	CO1	BT2
10	State the role of BATNA in determining negotiation strategy.	2	CO2	BT1

PART B: Answer Any 1 Following Questions. 10 M

Qn.No	Questions	M	CO	BT
11	Two business partners are involved in a dispute regarding profit-sharing. The mediator begins with an opening session, followed by joint discussions, private meetings, and eventually attempts settlement. Analyse the stages of the mediation process followed in the above case. Examine the role of the mediator at each stage and assess how effective handling of these stages can lead to a successful resolution.	10	CO2	BT3
12	Examine the different approaches to mediation, namely facilitative, evaluative, and transformative mediation.	10	CO2	BT3

PART C: Answer Any 1 Following Questions. 10 M

Qn.No	Questions	M	CO	BT
13	In a mediation between an employer and employee over wrongful termination, the mediator conducts separate private sessions (caucus) with each party. During the caucus, the employee reveals sensitive information and settlement expectations. Examine the purpose and significance of private caucus in mediation. Analyse how confidentiality and mediator neutrality must be maintained during such sessions.	10	CO3	BT3
14	Discuss the theories of restorative justice and Gandhian principles in the context of mediation practices in India.	10	CO2	BT3

PART D: Answer Any 1 Following Questions. 10 M

Qn.No	Questions	M	CO	BT
15	In a mediation session, one party requests the mediator to keep certain disclosures confidential while expecting the mediator to use that information to influence the other party. Examine the ethical challenges faced by the mediator in such a situation. Analyse how the mediator should balance confidentiality with fairness.	10	CO3	BT3
16	At the final stage of negotiation, parties fail to clearly define the terms of agreement, leading to future disputes. Analyse the importance of the closing stage in negotiation. Discuss how proper documentation and clarity can prevent such issues.	10	CO3	BT3

PART E: Answer Any 1 Following Questions. 15 M

Qn.No	Questions	M	CO	BT
17	A mediated settlement is reached between two corporate entities. However, one party later refuses to comply with the agreement, claiming that the settlement was unfair and entered under pressure. Examine the legal status and enforceability of mediated agreements in India. Evaluate the remedies available to the aggrieved party and discuss the role of courts in upholding such settlements.	15	CO3	BT4

18	A dispute arises between two partners in a startup over breach of fiduciary duties and profit distribution. The court refers the matter to mediation under Section 89 of CPC. However, one party is unwilling to cooperate and insists on litigation. Analyse the role of the mediator in handling such resistance. Evaluate whether mediation can still be effective in such circumstances and suggest appropriate strategies to ensure meaningful participation.	15	CO3	BT4
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PART F: Answer Any 1 Following Questions. 15 M

Qn.No	Questions	M	CO	BT
19	Negotiation involves multiple strategies, techniques, and stages that influence the outcome of a dispute. Discuss the process of negotiation, including preparation, bargaining, and closing. Analyse various negotiation techniques such as deadlines, good cop-bad cop, and apparent withdrawal, and evaluate their effectiveness.	15	CO4	BT4
20	Negotiation is often influenced by power dynamics, information asymmetry, and strategic behaviour of parties. While traditional negotiation techniques may yield short-term gains, principled negotiation emphasizes fairness and mutual benefit. Analyse the impact of power imbalance and strategic tactics on the negotiation process. Evaluate whether principled negotiation can effectively address these challenges and lead to sustainable outcomes.	15	CO4	BT4

PART G: Answer Any 1 Following Questions. 20 M

Qn.No	Questions	M	CO	BT
21	A dispute has arisen between two parties involving both legal and relational dimensions, where issues of trust, communication breakdown, and financial disagreement are deeply intertwined. The matter has been referred to mediation, but initial interactions reveal high emotional tension, positional rigidity, and a lack of willingness to compromise. In this context, analyse the role of a mediator in designing an effective mediation strategy. Critically examine how the mediator should structure the process, including choice of mediation approach (facilitative, evaluative, or transformative), use of joint sessions and private caucuses, communication techniques, and trust-building measures. Further, evaluate how the mediator can balance neutrality with active intervention, manage power imbalances, and guide the parties towards a sustainable and mutually acceptable settlement.	20	CO4	BT4
22	A multinational corporation is negotiating a joint venture agreement with a domestic company in India. During the negotiation process, the domestic company adopts aggressive strategies, including setting strict deadlines, using apparent withdrawal tactics, and presenting a "take-it-or-leave-it" offer. The multinational corporation, on the other hand, seeks a long-term collaborative relationship but is concerned about power imbalance and information asymmetry. In this context, analyse the stages of the negotiation process and evaluate how each stage should be	20	CO4	BT4

strategically handled by the multinational corporation. Critically examine the impact of negotiation tactics such as deadlines, apparent withdrawal, and positional bargaining on the fairness and outcome of negotiations. Further, discuss how concepts such as BATNA, WATNA, ZOPA, and principled negotiation can be effectively applied to counter these strategies and achieve a mutually beneficial and sustainable agreement.			
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