

24 JAN 2026

NATIONAL LAW UNIVERSITY, JODHPUR  
End Term Examination August-December, 2025  
Semester: UG IX Semester  
Subject: Alternative Dispute Resolution (Compulsory)

Time: Three Hours

Marks: 100

**Instructions:**

1. Attempt any five out of six questions.
2. Due credit will be given to brevity, coherence and style of presentation.
3. Support your answer with relevant statutory provisions, judicial decisions and reasons wherever necessary.
4. Rely on the facts as they are, in the event you make any assumptions, state the same in your response.

**Q.1).** MV Inc., a mid-sized software company, has been using DataCloud's enterprise software for three years. Their current license expires in two months. DataCloud has proposed a 40% price increase, citing enhanced features and market rates. MV's CFO believes this increase is excessive and has discovered that CloudNext, a competitor, offers similar services at 25% less than the proposed new rate. MV's IT Director argues that migrating to CloudNext would cost USD 150,000 in transition expenses and cause operational disruption for 3-4 months. However, continuing with DataCloud at the increased rate would add USD 200,000 annually to their operating costs. The company's CTO has identified that they only use 60% of DataCloud's features. DataCloud's account manager knows MV is a prestigious client whose continued partnership adds credibility to their portfolio. She's been instructed to retain the client but maintain profitability.

Based on this scenario, identify and explain which negotiation approach would be the most effective for MV with reasons. Also, determine MV's BATNA and WATNA in this situation. How would these influence their negotiation strategy? What negotiation style should MV adopt, and what concession strategy would you recommend? Explain the merits and potential demerits of your suggested approach.

(Marks 20)

**Q.2).** Riverside Medical Center (RMC), a prominent 500-bed hospital in the metropolitan area, is facing a critical staffing crisis that has been escalating over the past 18 months. The hospital administration recently implemented a new mandatory overtime policy requiring nurses to work additional 12-hour shifts with only 48 hours' notice to address severe understaffing issues.

The nursing staff, represented by the Healthcare Workers Union, argues that the mandatory overtime policy is causing burnout, compromising patient safety, and negatively affecting their personal lives and mental health. Several nurses have reported making medication errors due to exhaustion, and three experienced nurses have already resigned, citing unsustainable working conditions. The union has documented instances where nurses have worked 60-70 hours per week for consecutive weeks.

Hospital administration contends that the mandatory overtime is a temporary but necessary measure to maintain adequate staffing levels and ensure continuous patient care. They point to the national nursing shortage and their ongoing recruitment efforts, which have yielded limited results. The administration has offered a 15% overtime premium but insists that without mandatory overtime, they may need to close certain departments or reduce bed capacity, which would impact community healthcare access and hospital revenue.



The union has filed a grievance and threatened to organize a work slowdown if the mandatory overtime policy continues beyond the next 30 days. Management has warned that any job action could jeopardize patient safety and result in disciplinary measures, including potential termination. Patient satisfaction scores have declined, and several families have complained about tired-looking staff and delayed responses to call buttons.

Both parties recognize the severity of the situation and the potential consequences for patients, staff, and the community. They have agreed to enter mediation to find a resolution before the situation escalates further.

1. Draft a Mediator's Opening Statement that you feel would help you set the stage for this mediation.
2. Discuss in detail the strategy as a mediator that you feel would help you best address the dispute presented by the parties in this case.
3. Identify the positions and interests of the parties to the present conflict.
4. Analyze the efficacy of potential solutions that may work towards settling the present conflict. **(Marks 5+5+5+5 = 20)**

**Q.3).** The professionalization and practice evolution of international mediation has been shaped by multiple interconnected trends that challenge traditional paradigms. Critically evaluate the key developments in mediator professionalization, mediation advocacy, diversity in practice models, and innovative mechanisms that have transformed the landscape of international mediation. Assess the opportunities and challenges these innovations present in the contemporary international dispute resolution context. **(Marks 20)**

**Q.4).** Jurisdiction is one of the most contentious and frequently litigated issues in arbitration proceedings. The determination of which court has the authority to supervise arbitral proceedings, appoint arbitrators, grant interim relief, and entertain challenges to arbitral awards depends on multiple factors and has been the subject of significant judicial evolution in India. Examine comprehensively the various factors that determine the jurisdiction of courts in arbitration matters under the Arbitration and Conciliation Act, 1996. **(Marks 20)**

**Q.5).** Analyze the remedies available to parties under Indian law when challenging an arbitral award, focusing on recourse against arbitral awards in Indian-seated arbitrations. **(Marks 20)**

**Q.6).** Discuss the comprehensive framework for making arbitral awards under the Arbitration and Conciliation Act, 1996. Examine the rules applicable to substance of disputes under Section 28, different types of awards, essential requirements for valid awards under Section 31, and post-award procedures including correction, interpretation, stamp duty, and interest. How have the 2015 amendments enhanced tribunal flexibility and effectiveness? **(Marks 20)**