



*Advocating for Mediation Education in India in the era of the Singapore Convention on Mediation*

**Dr. Bharati Rao**

**Date:** 15 July 2020    **Time:** 1:00pm CEST

**Presentation Summary:**

Dr. Bharati Rao (Founder of Snehi Mediation and Counselling and SIMI Accredited Mediator) gave an invigorating talk on “Advocating for mediation education in India in the era of the Singapore Convention on Mediation”.

Dr. Rao began her presentation by exploring the history of mediation. She discussed the effect that Professor Frank Sanders had when introducing mediation as a legitimate dispute resolution tool in the Pound Conference in the 20th Century. She then went on to share about the distinguishing features of mediation, and why its respect for party autonomy is a key reason for its success and use. Mediation also tends to reveal the underlying emotional factors that sit and brew within disputes. This allows effective facilitation of communication to address such issues.

Dr. Rao lauded the establishment of the Singapore Convention on Mediation (“SCM”) as a milestone in the history of mediation. The Indian Government has put in a place a specific Supreme Court Committee on Mediation law for the enforcement of mediation in relation to the SCM. Mediation is not a new concept for India; with the changing social structures, increased urbanization and a more liberalized economy, there is a need for new answers to settle disputes. Mediation being chief among them.

In order for mediation to excel as a dispute resolution tool, there needs to be an emphasis on effective mediation training. Mediation suffers from little awareness in India and the spread of mediation agencies and centers are minimal. In the context of the educational sector, Dr. Rao expressed her disappointment in the lack of recognized or certified mediation courses in universities by the University Grants Commission (the statutory body that recognizes higher education courses in India).

Accordingly, awareness of mediation is then restricted to only senior members of the judiciary and the legal fraternity. This was identified as a problem as awareness then escapes the main users of mediation: the public, students, young adults, and citizens of tomorrow. Nevertheless, the Indian government has put in place a number of committees to encourage mediation in India since 2005. However, members of these committees are again limited to the senior members of the judiciary and mediators.

Dr. Rao raised an interesting point about whether individuals who trained in adversarial methods of dispute resolution should automatically be qualified as mediators. This was taking into consideration that mediators would need to exhibit a different set of skills. Other issues raised included (i) the expensive procedure of obtaining mediation training outside of India, and (ii) the seemingly lack of certification agencies that forces prospective mediators to do so. The Institute of Corporate Affairs, an organization conducting 40-hour mediation courses, also proved to be quite costly. This prevents young adults and students from taking part in such courses.

Focusing on mediation education would promote its use as well as result in lesser pending cases in courts and more opportunities for people to certify and qualify as professional mediators. As such, Dr. Rao submitted a proposal for a certificate course for awareness of mediation to be recognized by the University Grants Commission. This course would seek to cater to the masses by being subsidized or made free of charge and thus, making it affordable. She then stated that the second round of testing could be a diploma program aimed at more serious mediation practitioners.

## Q&A Discussion

Some questions addressed by Dr. Rao in the interactive question and answer discussion:

- What is the role of the Government of India and The State Government in institutionalizing ADR and mediation practices in India?
- Why are trained management professionals not considered mediators despite the fact that the key skillset for mediation is business exposure with good communication?
- When discussing private mediation, what is the regulation process that is necessary to ensure integrity and professionalism?

Links to other resources that came up during the session:

- Formal accreditation by a standards body for individual mediators:
  - [International Mediation Institute \(IMI\) Certified Mediator](#)
  - [Singapore International Mediation Institute \(SIMI – Credentialing Scheme](#)
- [United Nations Convention on International Settlement Agreements Resulting from Mediation](#) also known as the Singapore Convention on Mediation
- [Consumer Protection Act, 1986](#)
- [Companies Act 2013](#)
- [Consumer Protection Act, 2019](#)

We invite you to listen to Dr. Rao's answers to the questions from the video record of the session [here](#). As well as to catch up on her response to other questions not listed above.

The team at SIMI and IMI would like to express our gratitude to Dr. Rao for sharing her time to be a speaker at the Singapore Convention Seminar Series and to participants for joining us live for the session.

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### About the Speaker



Dr. Bharati Rao is an academic with a passion to spread mediation among students in India. With experience of thirty years- two decades as an Officer with Indian Bank, and six years as a Psychologist-Counselor with Icfai Business School, she has been teaching at Alliance University since

2015. Bharati Rao has Master's in Industrial Psychology, Doctorate in Management and Post Graduate Diploma in Counseling.

Her foray into mediation was a chance occurrence when she attended a conference for counselors in Bangalore in 2015. Here she came to understand the significant role that counseling skills can play in mediation; also, of how mediation can help in resolving conflicts amicably, keeping relationships and communication intact. Since then she has pursued mediation relentlessly trying to take it to the students and to young adults in India. She is one of the firsts from India to train and certify at Singapore Mediation Centre.