

Mediation in india

PAST, PRESENT & FUTURE

Authors

Dr. Sourabh Ubale, Dr. Sudhir Tarote

Editors

Mugdha Satpute, Prafful Tonge, Anushita Dubey, Aditi Kalbhor,
Amruta Borge, Chinmay Godse, Bhargavi Mundhe



“येथे बहुतांचे हित”

**Marathwada Mitra Mandal's
Shankarrao Chavan Law College, Pune**

(Affiliated to Savitribai Phule Pune University & Accredited with 'A' Grade by NAAC)

Published under the Funded Project of



**TRANSFORMING MEDIATION LLC,
GEORGIA, USA**

Mediation in India : Past, Present & Future

~ Authored by ~

Dr. Sourabh Ubale

Dr. Sudhir Tarote

Ms. Mugdha Satpute

Mr. Prafful Tonge

Ms. Anushita Dubey

Ms. Aditi Kalbhor

Ms. Amruta Borge

Mr. Chinmay Godse

Ms. Bhargavi Mundhe

~ Published by ~

Marathwada Mitra Mandal's Shankarrao Chavan Law College, Pune, INDIA
(Affiliated to Savitribai Phule Pune University &
Accredited with 'A' Grade by NAAC)

~ Published under the Funded Project by ~

Transforming Mediation LLC, Georgia, USA

May 2022

© Copyright 2022 by Marathwada Mitra Mandal's Shankarrao Chavan Law College, Pune INDIA (Affiliated to Savitribai Phule Pune University & Accredited 'A' Grade by NAAC) & Transforming Mediation LLC, Georgia, USA.

ISBN 978-93-5627-094-7

First Edition, May 2022

Published by Marathwada Mitra Mandal's Shankarrao Chavan Law College, Pune (Affiliated to Savitribai Phule Pune University & Accredited 'A' Grade by NAAC) under the Funded Project by Transforming Mediation LLC, Georgia, USA.

Printed in India & USA

DISCLAIMER: The views expressed by the authors are their personal views and opinions; and they do not represent the ideas and opinions of the publishers. Marathwada Mitra Mandal's Shankarrao Chavan Law College, Pune INDIA (Affiliated to Savitribai Phule Pune University & Accredited 'A' Grade by NAAC) & Transforming Mediation LLC, Georgia, USA are the joint copyright holders of this publication and no part of it shall be reproduced or transmitted in any material form (including storage in any kind of electronic form) without permission.

Acknowledgement

We are deeply indebted to Prin. Mr. B. G. Jadhav (Executive President, Marathwada Mitra Mandal, INDIA), Dr. Mary Lou Bryant Frank & Dr. Kenneth K. Frank (Co-Founders, Transforming Mediation LLC, Georgia USA) for their constant support, expertise knowledge and encouragement which have been the force behind the successful accomplishment of this edited book.

We are expressing our special thanks to Mr. S. D. Ganage, President, & Mr. Kishor Mungale, Secretary, Marathwada Mitra Mandal & Dr. Kranti Deshmukh, Principal, Marathwada Mitra Mandal's Shankarrao Chavan Law College, Pune.

We extend our gratitude to faculties & administrative staff of Marathwada Mitra Mandal's Shankarrao Chavan Law College, Pune (INDIA).

Finally, we are ever grateful to everyone who has become the part of our extended family of these institutions for their prayerful blessings and moral support without which this work could not be a successful one.

31st May 2022

**Dr. Sourabh Ubale, Dr. Sudhir Tarote, Ms. Mugdha Satpute,
Mr. Prafful Tonge, Ms. Anushita Dubey, Ms. Aditi Kalbhor,
Ms. Amruta Borge, Mr. Chinmay Godse & Ms. Bhargavi Mundhe**
(Authors)

Preface

Being established through an inspiration of socially and educationally charged personalities, we, Marathwada Mitra Mandal established in 1967 as the charitable trust, serves with a motto “*Yethe Bahutanche Hit*” (Welfare of Masses). At its various educational campuses, excellent facilities of education are provided to more than 12000 students pertaining to Architecture, Management, Law, Commerce, Pharmacy and Engineering etc. Marathwada Mitra Mandal’s four colleges are accredited with ‘A’ Grade and one with ‘A+’ Grade by National Assessment and Accreditation Council of India (NAAC). Under the patronage of Marathwada Mitra Mandal, Shankarrao Chavan Law College was established in 2003 with the objective of nurturing future legal professionals and researchers with ideals and values required for playing constructive role to create a better world. The College is affiliated to Savitribai Phule Pune University, approved by Bar Council of India, recognized by Government of Maharashtra with an ISO Certification and accredited with ‘A’ Grade by NAAC. And thus stands as one of the premier law colleges in India. Our College has a motto ‘Quality Legal Education for Masses’. Since inception our College has been encouraging the students to develop themselves into the legal professionals having legal knowledge, acumen and expertise suitable for dynamic and globalized legal industry. With this view, apart from academic excellence, we nurture the students with several co-curricular and extra-curricular activities. We are having collaborations with University of Colombo (Sri Lanka), Universidad Peruana de Ciencias Aplicadas (Lima, Peru), Transforming Mediation LLC (Georgia, USA), University of Chieti-Pescara (Italy) and honoured to have speakers from Nepal, China, Malta, Israel, Canada, etc. College also runs Center for Academic Research, Publication & E-content in Law (CARPEL) which is organising such events in collaborations.

Mediation, at its best, is more than just solving a specific problem; it can be a transforming endeavour. Utilizing skills developed through years of experience in mediation and business settings and based on current research, Transforming Mediation have provided workshops and educational programs

as well as mediation services, to benefit people across groups, organizations, and countries. Some of their work was developed to benefit the non-profit organization, the International Academy of Dispute Resolution and they link you to those pages. They have been humbled to work with INADR to reach students and professionals internationally and help them learn conflict resolution skills and peace-making. They also have been humbled to work with other organizations and continue to find ways where the tenants of mediation can be used to connect us and create a more peaceful planet. Their hope is to help you find the path to resolving conflicts in your life and your work in a way that heals the relationship. They have worked in the field of mediation as trainers and mediators for many years and are humbled to work with people who want to find non-violent means to resolving conflict. With experience nationally and internationally, they believe that mediation is vital work as it can transform relationships, organizations, as well as national and international partnerships. The online/virtual format is necessary during this pandemic, but they believe it has always had the potential for expanding mediation to be more accessible and viable for many people and organizations.

In the light of our association with Transforming Mediation LLC (Georgia, USA), we are greatly honoured to receive the grant for research project USD 675.97 and have this publication of an authored book which is an outcome of the research work carried by Principal Investigator Dr. Sourabh Ubale & Co-Investigator Dr. Sudhir Tarote along with the research team of scholars Ms. Mugdha Satpute, Mr. Prafful Tonge, Ms. Anushita Dubey, Ms. Aditi Kalbhor, Ms. Amruta Borge, Mr. Chinmay Godse & Ms. Bhargavi Mundhe.

We extend our profuse thanks to all the august readers. Hope they'll be pleased reading this book.

31st May 2022

**Dr. Sourabh Ubale, Dr. Sudhir Tarote, Ms. Mugdha Satpute,
Mr. Prafful Tonge, Ms. Anushita Dubey, Ms. Aditi Kalbhor,
Ms. Amruta Borge, Mr. Chinmay Godse & Ms. Bhargavi Mundhe**
(Authors)

transforming



mediation.

30 January, 2022

Sourabh UBALE,
Assistant Professor, I/C International Collaborations,
& Principal - Investigator,
Marathwada Mitra Mandal's Shankarrao Chavan Law College,
Pune (INDIA)

Subject: Approval of Research Project on "Mediation in India: Past, Present & Future" with financial assistance of USD 675 .97 (INR ~ 50000/-) and transferring the research grant amount

Dear Prof. Ubale,

With reference to the Research Project Proposal on "Mediation in India: Past, Present & Future" submitted by you to Transforming Mediation LLP, we are happy to inform you that the Transforming Mediation LLP has approved your proposal for conducting the above mentioned study with financial assistance of USD 675 .97 (INR ~ 50000/-) (Equivalent to - Fifty Thousand Indian Rupees Only).

Best wishes for your Research. We are honored to be partners in this important effort.

Sincerely,

Mary Lou Frank, Ph.D.

Kenneth K. Frank, J.D, M.S.

1.770.354.4960/1.354.4959

transformingmediation@gmail.com

Transformingmediation.com



INDEX

Sr. No.	Chapter	Page No.
I.	INTRODUCTION	01
II.	PAST OF MEDIATION	08
III.	LEGAL FRAMEWORK OF MEDIATION	16
IV.	PRESENT OF MEDIATION	31
V.	FUTURE OF MEDIATION	49
VI.	ISSUES TO BE ADDRESSED FOR BETTER MEDIATION	54
VII.	INTERNATIONAL PERSPECTIVE	67