

**INAUGURATION OF
ALTERNATIVE DISPUTES RESOLUTION CENTRE
AT VILLUPURAM**

**SPECIAL ADDRESS BY
HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
ACTING CHIEF JUSTICE, HIGH COURT OF MADRAS**

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Maalai Vanakkam.

In this hot season, for your warm reception, I am thankful. My esteemed brother Judges Mr. Justice V. Dhanapalan and Mr. Justice K. Ravichandrabaabu, son of the soil - all of us are sons and daughters of the soil but Mr. Justice K. Ravichandrabaabu is the son of this soil - Principal District Judge, District Collector, Superintendent of Police, Member Secretary, Tamil Nadu State Legal Services Authority, all Judicial Officers of this District, Mr. V. Dayanandam, President, Villupuram Bar Association, Mr. Kalpattu V. Raja, President, Villupuram Criminal Court Bar Association, Mr. V.G. Thulasingham, President, Villupuram Criminal Court Advocates Association, Mr. E.L. Ramanujam, President, Villupuram Lawyers Association, Mr. K.P. Palani, senior citizen - I will say

senior representative and senior counsel; why I call him 'senior' I will tell after two minutes, it is very relevant and important - Government Pleaders, Public Prosecutors, Law Officers, all official functionaries, learned advocates, supporting staff of Villupuram Courts and legal service institutions, all the participants, print media, visual media, ladies and gentlemen,

First of all I express my gratitude for arranging this grant function in this season, where everybody is perspiring, having a smiling face with a mission to do something.

When we get up in the morning, we all pray God Almighty that, *'one more day has been given to us please give us strength so that we can do something for people; for the humanity'* and in the evening, we must thank God that we could do something successfully and later, after taking note of what we have done. We all know human beings are social animals. We have all qualities like animals but we have one thing and that is 'senses and sentiments' which make us supreme, different from others. Having realised that we have taken our birth as human beings, we must know what we have to do something for the society.

Brother Mr.Justice V. Dhanapalan and Brother Mr.Justice K.Ravichandra Baabu have given informative speeches on the benefits of Alternative Dispute Resolution. I need not repeat it. Alternative Dispute Resolution is not a new phenomenon. You know Hindu civilisation is very old civilization like Greece civilization, Chinese civilisation. In Athens, 2700 years back, almost in 700 BC, they had ADR mechanism by encouraging settlement between the parties. This was called as Diaite. The word used is, 'aphesis' for dismissal; 'apallage' for rejection. We are latecomers in this so far as codification is concerned. But our traditional system had recognised alternative dispute resolution by way of Mediation, Conciliation, Arbitration and Lok Adalat. If you go in the mythological aspect, it is said that in the Gods and Goddesses also, they have disputes. May be family disputes other disputes about their ego clash; about their complexes of superiority, supreme - as to whether this God is supreme or the other God is supreme. If it was not resolved, they used to find fault as we do it. But there was a Saint, all of you may be aware about Narad Muni. He is called as Narad. Later on people have misunderstood him and thought he is the person who go to different Gods and creates

problem. But this is not correct. He was the first arbitrator; first Mediator. He used to mediate between the Gods and Goddess to give a happy peaceful solution. This is the concept. It is not only in Hinduism but in all religions the first and foremost requirement is Lok Adalat, Arbitration, Mediation and Conciliation. Why we are not resorting to that? If we have our tradition and culture from that why we are deviating?

A few minutes ago, why I used the word '*senior citizen*'. Now I will tell. The concept of a society is, senior people, senior citizens, have a divine quality. What is divine quality? If he blesses somebody, that blessing is God's divine blessing. That is why if you go for settlement of a dispute to elder people, senior people, that is accepted as divine command. This is the importance of seniors. That is why we say '*respect your seniors*'. Give chair to your seniors. Make a place for them to sit not because they are elder than you. No. If you make them comfortable, they will bless and that blessing will facilitate your working.

What is the ADR Centre? ADR centre is not a beautiful office for Chairman or Member Secretary. What I found today;

an Chief Engineer, who is supposed to be an expert in making a building, comfortable building, has given a wooden panel, a wooden structure for Chairman but Lok Adalat and Mediation Block have no AC. I was told it is proposed to install two ACs in those two rooms. ADR is not for comfort. If it is comfort, it is for public. I have instructed and assured by the District Collector that Mediation Room as well as Lok Adalat Room will have two ACs each for the comfort of the public so that when you come here, when people come here, they must have congenial homely atmosphere to discuss to decide to disclose their problems.

Mr. Palani said – what I was told, what I was explained – that he will devote sometime in this centre. It is a welcome step. I request all the people to devote some time in ADR Centre. At least, half an hour or one hour to tell the people, *'we are here. Come, we will not allow you to go for litigation'*. It is a long drawn litigation which, as rightly pointed out by brother Mr. Justice Dhanapalan, leads to conflict, ego clash, no peace, no solution only waste of money, time and expenses. Please do that. That is the purpose of ADR. I hope you all understood

that litigation must be the last resort not the first resort. Not only for the purpose of family disputes alone. Even compoundable offences under Criminal jurisprudence may also be resolved there. The Collector and the Superintendent of Police, other functionaries, must advise the people, *'please go and settle, please go to ADR Centre'*. Now, it has been codified. Section 89 has come which was recognised by other Countries like Argentina, in the year 1853, where it was a mandatory like ours. Before setting the case for trial, they tell the client tell the advocate, *'please there is a system of mediation, arbitration and conciliation, try to resolve it in one or two sittings'*.

A question arises – not question. A doubt arises - in the minds of advocates what will happen if we solve all disputes like this, who will pay? It is misplaced. Advocates should never forget that this is a profession which is called 'learned profession'. You are all called as learned. Nobody questions about the learning. The learned not from the point of view of knowing law. The client may know more law. He know more

facts. But from the point of view you are learning for eliminating social evils.

I always tell if we have ailments in the body, we go to doctor. We have ailment in the society. You go to courts. But before going to Courts, go to clinic. Now we have Legal Aid Clinics. In all villages, we are going to have Legal Care Centres. That is not only for legal awareness or legal resolution. There all volunteers, judges, advocates must help people how to get their problems resolved. I will tell you one thing. If a person comes to a volunteer, Para Legal Volunteer, that 'I need an electricity connection, I need a ration card, I do not how to get it', a Para Legal Volunteer or an advocate must be ready to tell him, *'here is the application, you have to write an application like this. Here is the officer, you please go to the officer and get it done'*. That is the purpose of your learning. Now you have to do all these things. The whole concept of Legal Aid is service to people. Very good purpose, we should not refuse. We should tell them to go to places, give them legal awareness, legal education.

The Tamil Nadu State Legal Services Authority has initiated a programme, which is unique in this country. You must feel happy and proud of it. That is, going to bonded labours and telling them about the right to education. Take their children to schools. They can have free education. Transgenders; tell them their rights, settle their problems. These are the two aspects which Tamil Nadu has initiated. Go to the colleges and schools, tell about their rights, duties towards the society towards the people, towards your family. That is the purpose of legal aid and ADR.

Now I will give you some figures, which have already been told by my learned predecessors. In this State of Tamil Nadu, we have decided to have ADR in all districts. This is the 12th District which I have inaugurated today. In other revenue districts we are going to have very soon ADR Centres. All the facilities, I would add some more, if some senior person can donate water cooler to give proper pure chilled water to people coming there, that will also be a good human service. Even Officers can do it. Let me tell what is in Delhi. There is a mediation centre running all the time. The Presiding Judges

and advocates; they take one day off. Advocates take one day to sit in the Mediation Centre. They make a request in the Court, *'Please don't list any matter in courts the day. I am sitting in mediation'*. Whatever the gifts they have they carry with them. They offer to people, tea coffee, soft drinks, water. Take one day at least in a month for this type of work where you will not expect but only to give to the humanity and society.

Apart from the figures, this court, Villupuram district, has cleared 10% of the total pendency in one day. For the first time, the State of Tamil Nadu has cleared more than 15 Lakhs cases and, out of that, except 31,000 cases, which are pre-litigation cases, the remaining is clearance from the pendency. It is a great achievement and I compliment all of you for that. I hope with this divine mission you will continue with the same spirit with more speed to achieve this purpose.

With happiness in the evening, good sleep in the night. In the morning, again you continue with this mission. With this, I thank you. Nandri Vanakkam.
