

INAUGURATION OF
THE ALTERNATIVE DISPUTE RESOLUTION CENTRE
AND
FAMILY COURT
AT DINDIGUL

INAUGURAL ADDRESS BY
HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI,
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Vanakkam. My esteemed colleagues Mr. Justice K. Kalyanasundaram and Ms. Justice V.M. Velumani, Mr.V. Balasundarakumar, Principal District Judge, Dindigul, Dr. K. Arul, Member Secretary, Mr. M.P. Ganesan, President Dindigul Bar Association and Mr.V. Moorthy, Secretary, Dindigul Bar Association, dear Judicial Officers, Advocates, print and electronic media, public, ladies and gentlemen,

When I came here yesterday, the District Collector of this District and the Superintendent of Police sought excuse for not being present here on the ground that today is the day of nomination. I was little apprehensive whether in this function, which is a judicial function, advocates, public, ladies and gentlemen will be here or not. But I am surprised to see public presence in this place; even there no place to sit! They are all

standing! This is an indication of enthusiasm and interest of the public of this area in the system. Their faith in the system; in the judicial system. I will advise the Principal District Judge that 'whenever there is some programme like this, please extend the area so that people can sit comfortably'. It is not proper that you keep standing for half an hour or forty five minutes, particularly ladies, who are 'shakti', worshipped in India. Overwhelming presence of ladies further gives an indication that the society is a developed society.

Today, I inaugurated the Family Court. I am told the figure of pendency of around 480 cases. The Family Court is fine but I would expect and hope that cases there must get reduced. The problem of a family should be resolved among themselves. I would rather expect their presence in this building which I have already inaugurated today for your resolution of problems, by mediation, settlement and other lok adalats.

When I was coming from the Family Court, my son, who is in Class Ten, asked me 'why this Lok Adalat? What is this ADR building, the Court is in the residential complex and there is no

space but this building is so big having a lot of space?'. Just look at the curiosity! I told him, see this is a place of dispute settlement; dispute resolution where, as Member Secretary has already said, if you go to Court, you lose three things; first money; secondly time; and thirdly, you create enmity forever. But if you come to ADR for settlement, you will have relationship; long lasting relationship. You will save your time. You will have happiness.

I will tell you one example as to how mediation helps. My colleague Ms. Justice Velumani was telling you the percentage in United States. There, success of mediation is 94%. The litigants take recourse to mediation. It is a sign of development. Here figure is almost 10 to 15%. The beauty of mediation I tell you one instance. When I was Judge in the Chattisgarh High Court, a dispute came between two ladies with regard to pensionary benefit of the husband. The husband happily married twice leaving two wives widows. In his pensionary papers, he mentioned one name as beneficiary. But in other papers like property and bank accounts, there was no mention. A dispute arose between two ladies. I advised

mediation. A lady mediator was appointed and she had two sittings. What was the result of that mediation? Both of them embraced each other, they became sisters, they developed a relationship and that developed relationship of elder sister and younger sister. Two families having children became one family. This is the advantage of mediation. If this dispute has been resolved by the Court, what would have happened? Nobody would have been happy. All the time one is happy and the another is unhappy. Enmity would have increased. Brothers and sisters, they could have never become together. Now you decide yourself what is the advantage of alternate dispute resolution.

You know one person needs two things in life. One is good health and other is good place in society. If there is a disease or ailment in your body, you go to a doctor, clinic. But if there is disease in society where do you go? You go to Court. But Courts sometimes, gives heavy dose of medicine. Now you think of Ayurveda or Yoga. Likewise, there when you want longevity in relationship, you go to ADR to have longevity, peace. At the same time, treating your societal disease.

I am always pointing out that there should be a homely atmosphere even in the Court rooms particularly in ADR centres. You should be offered water, tea or coffee so that you can go out with your problem solved. You should not feel shy of telling your problem. Then, in that homely atmosphere, you can resolve your dispute.

There is an apprehension on the side of advocates, 'we may lose our profession'. It is a misplaced apprehension. I tell you why? You charge one time fee for a case. In some of the higher courts, payment is made on day to day basis to senior advocates. Even if you charge one time fee and you get it resolved by discussing it two to three times, you will not be a loser. Get your fee; get more cases. How do you get more cases? People are afraid of coming to Courts because of longer time. If you resolve the dispute in no time, you will hardly get disputes but the people will come to you for advise for resolution and the number of cases will increase. I tell you one example. What happens in developed countries? One student coming from United States was staying in Jawaharlal Nehru University, Delhi. In the United States, there is a

system for making payment of fees on submission of bill then you make the payment. In India, there is nothing like that. A date is fixed and you have to make payment before a particular date your tuition fees and other fees. He was not aware of Indian system. He had gone out and when he came back, he found his luggage was thrown out of the hostel. He felt very bad. Having come from the United States, he decided to prosecute the authorities for damages. This is awakening. Of course, we advised him that in India you cannot get damage in one or two years' time. He did not do that. What I mean is if resolution is quick, you will hardly get a long lasting dispute, you will get dispute resolution. So, the apprehension that people will not come to you for advice is misplaced.

In developing countries, there is now dispute between children and parents. What type of disputes? You have to take care of the child. If you do not take proper care, then the child can sue you. This stage may come here also. But for that, you need not go to the Court. You have to go to ADR to resolve that dispute. Now, children have right to education. Take for example, a parent cannot afford to send the child to school.

The child feels that he must get education. He may go to the Court and say, 'look at my parents, they are not giving me education. It is my fundamental right'. What you will do? Tomorrow this problem may arise. Be careful. Thanks to legal education, now you can go to ADR centres. We have created Legal Aid Clinic, it is called now as 'Legal Care and Support Centre'. For any problem in family, there is a panel of advocates, you go to them and they will tell you. You do not know how to get electricity, go to Legal Aid Clinic. They will tell you and help you in writing an application. This is awakening. This is the development. You must be aware of it.

The Central Government has sanctioned funds for it for the ADR building. At present, the ADR is better than the District Court to facilitate alternative dispute resolution. Please take advantage. If there is any problem, you can meet the panel lawyer, you can meet the Chairman, District Legal Aid Centre. You can meet the Member Secretary of the State Legal Services Authority and go for a beautiful and decent society life. With this I compliment all of you. Nandri Vanakkam.
