

Speech delivered by Selvi J Jayalalithaa, Hon'ble Chief Minister of Tamil Nadu during the Inaugural Function of the Alternative Disputes Resolution Centre and Laying Foundation Stone for Construction of Administrative Block of Madras High Court on 20.8.2013:

Your Lordship Hon'ble Mr. Justice P. Sathasivam, Chief Justice of India / Patron –in-Chief, National Legal Services Authority, New Delhi,

Hon'ble Mr. Justice F.M. Ibrahim Kalifulla, Judge, Supreme Court of India,

Hon'ble Mr. Justice R.K. Agrawal, Acting Chief Justice and soon to be Chief Justice of High Court of Madras,

Mr. K.P. Munusamy, Hon'ble Minister for Municipal Administration, Rural Development, Law, Courts & Prisons, Government of Tamil Nadu,

Hon'ble Mrs. Justice R. Banumathi, Executive Chairperson, Tamil Nadu State Legal Services Authority, Chennai and soon to be Chief Justice of High Court of Jharkhand,

Hon'ble Mrs. Justice Chitra Venkataraman,

Executive Chairperson, Union Territory of Pondicherry Legal Services Authority, Puducherry,

Hon'ble Mr. Justice M. Jaichandren, Chairman,

Tamil Nadu Mediation and Conciliation Centre, High Court, Madras,

Hon'ble Mr. Justice S. Rajeswaran, Chairman,

High Court Building Committee, High Court, Madras,

Ministers of the Government of Tamil Nadu,

Chief Secretary to the Government of Tamil Nadu

Mrs. Sheela Balakrishnan,

Mr. A.L. Somayaji, Advocate General of Tamil Nadu,

Mrs. Saraswathi Sathasivam and Mrs. Kalifulla,

Ladies and Gentlemen,

I am delighted to participate in this function along with the Lordship the Chief Justice of India, Justice Sathasivam, because he is a true son of the soil of Tamil Nadu and Justice Sathasivam has made all of us proud by becoming the first Judge from Tamil Nadu to attain the first of the Chief Justice of India. Indeed not only the people of Tamil Nadu, not only the Tamils living in Tamil Nadu, but Tamils living all over the world are proud of Justice Sathasivam, who is our very own person sitting in the exalted position of Chief Justice of India.

I am glad to participate in the inauguration of the Alternative Disputes Resolution Centre in the Madras High Court campus. I am happy to have sanctioned an amount of 3.20 crore rupees from the State fund towards the construction of this magnificent building.

The growing population, increasing awareness of rights, and the abiding confidence of the people in the judiciary have witnessed a tremendous spurt in litigation. However, in the Indian context, lack of awareness of legal provisions, mystifying legal terms, delays in disposal and the prohibitive cost of litigation are some of the barriers in the way of accessing justice. The cost of litigation has increased exponentially over time, and the ability of the marginalized sections to avail of their constitutional right to legal remedies is seriously hampered by their lack of resources. There are a lot of litigants clamouring for speedy justice. But the elements of judiciousness, fairness, equality and compassion cannot be allowed to be sacrificed for the sake of expeditious disposal. Through careful thought and precise planning, the Alternative Disputes Resolution mechanism has been put in place and has been given legal validity. ADR is now an integral part of modern legal practice and jurisprudence. This will go a long way in weeding out the impediments to securing universal justice.

The enactment of the Arbitration & Conciliation Act, 1996, was a giant stride which gave statutory recognition to the Disputes resolution mechanism. Further, by amending Section 89 in the Civil Procedure Code, such mechanisms have gained strategic importance. The Supreme Court, in its landmark judgment in the case of Salem Advocates Bar Association, Tamil Nadu versus Union of India in 2005, has endorsed and given heightened impetus to the court – annexed Alternative Disputes Resolution methods. Under Section 89 of the Code of Civil Procedure, judges can direct the parties in civil proceedings to resort to methods such as arbitration, conciliation, mediation and settlement through 'Lok Adalats' - when it is perceived that the Disputes can be resolved in a co-operative and non-adversarial manner. This provision is a major systemic improvement in the access to justice, and reflects an exemplar shift in the delivery of legal services, which is indeed laudable.

The idea of resolving matters outside a court room in an orderly, law abiding manner is not unknown to our Society. It has been prevalent in Indian Society from time immemorial. Mediation has been practised by our village elders in the 'Panchayat system'. The Alternative Disputes Resolution mechanism mirrors a metaphorical bridge to this indigenous system.

ADR operates on the principle of consensus, where all perspectives are discussed until a compromise that is acceptable to all sides is reached. It is a forum for decision making after thoughtful analysis and sensitive negotiation. It eliminates the dissenting mentality, and has clearly passed the test of time. Alternative Disputes Resolution does not merely apply fastidious rules, but takes into consideration the human condition and the

need for flexibility in dealing with reality. It allows for greater creativity in solutions, affords an opportunity for mending of relationships and seeks to replace animosity with cordiality.

The main methods of Alternative Disputes Resolution are – Negotiation, Mediation, Conciliation and Arbitration.

The Alternative Disputes Resolution mechanism is a pragmatic tool in solving new generation familial conflicts. The surge of matrimonial disputes in court is a poignant reminder of the ills that plague the fabric of relationships in the family. Litigation — whether for divorce, maintenance, alimony, child custody or any other matrimonial cause — should cease to be viewed in terms of failure or success of legal action. The amicable settlement of family conflicts is a social therapy.

In any conflict it is the woman who encounters an uphill struggle to realize her rights to equality and dignity. Women in India face myriad cultural challenges that impede their social advancement. Women throughout the world face systematic gender-based discrimination and are regularly denied the right to life and security of person, recourse to legal rights, health care, education, employment, inheritance, and freedom of movement. This is an area quite close to my heart. I have, during my previous tenures as Chief Minister of Tamil Nadu, introduced a number of novel schemes for women and female children which have won accolades in our Country and abroad. The flagship schemes of my Government are – the Girl Child Protection Scheme; the 4-gram gold coin for the Thirumangalyam and 50,000 rupees grant for the marriage of impoverished women; Widow Remarriage Assistance Scheme; Orphan Girls' Marriage Assistance Scheme; Inter-caste Marriage Assistance Scheme; financial assistance to young destitute girls for pursuing higher education; cradle baby scheme for girl children to prevent infanticide – this list is not exhaustive.

All the initiatives mooted by my Government have been formulated keeping in mind the disadvantaged and weaker sections of Society. I have strongly condemned all kinds of crimes perpetrated against women and sought to improve their livelihood opportunities, so that they are empowered financially and socially, in order to stand up against any injustice meted out to them. Another critical aspect of this work is to strengthen the leadership opportunities of marginalized women, by equipping them with a voice to articulate the problems that affect their lives; craft solutions that help solve these problems; and contribute to practical, legal and policy changes that advance women's rights and achieve a broader and more meaningful social justice. As a prologue to the above mandate, the Women Self-help Groups, formed with the assistance of my Government, have emerged as an indomitable force, that has transformed the status of women, and liberated them from discriminatory codes and cultural stigma. This is only the beginning - the best is yet to come.

The establishment of All- Women Police Stations was pioneered by my Government in 1992. This was specifically aimed at tackling and giving an impetus to investigation in crimes against women, and to respond swiftly to complaints given by women. It has been a landmark achievement in the path of women empowerment in Tamil Nadu and has set the beacon for other States to follow. In 2002, I had made provision for tough punishments for crimes against women under the Tamil Nadu Prohibition of Harassment of Women Act. I have ordered that all cases relating to sexual violence should be treated as grave crimes and investigation would be carried out by Police Inspectors and would be directly supervised by Deputy Superintendents of Police.

The poor, marginalized and vulnerable live in a parallel world where economic poverty is structurally, politically and socially defined. Fighting poverty also means investing in people's capacity to participate meaningfully in the economy, access gainful livelihood and improve the quality of their lives. I have given deep thought to this concept, and have been devising Government schemes with this in mind – with pro-poor initiatives and inclusive strategies, to improve their economic well-being. At the heart of the idea of empowering the poor, lies the goal of not only alleviation of poverty, but its ultimate elimination. It is my desire to witness this social change of inclusion and equity that is snowballing into a massive transformation. A desire to achieve for my people, the highest attainable standard of health, adequate housing, education, economic opportunities and social security for a dignified life remains at the core of all my policies.

It is a collective responsibility to ensure that the cherished constitutional entitlements reach the poorest of the poor. Today's inauguration has strengthened the faith that all our initiatives towards this goal have started taking root, and I am confident we will witness the glory of its abundant fruits in the years to come.

Thank you.

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