

SPECIAL ADDRESS BY

HON'BLE JUSTICE D.K SINGH (JUDGE, HIGH COURT OF KARNATAKA)

HOST: Ladies and gentlemen, we now move to the next leg of this evening's program. It is now time for the special address by our Guest of Honour. If I may invite Dr. Harish Narasappa, Senior Advocate, to kindly come up on stage and introduce us our Guest of Honour, Honourable Mr. Justice D.K. Singh, Judge High Court of Karnataka.

DR. HARISH NARASAPPA: For all of us in the arbitration bar, Justice D.K. Singh is not a stranger. Ever since he's come to our High Court, he's also been the President of the Arbitration and Conciliation Centre that has been instituted by the Karnataka High Court. Instead of reading out from his biography on the High Court website, I thought I'd instead mention the steps that he has taken as the President of the Arbitration and Conciliation Centre to improve the arbitration ecosystem in the city of Bangalore.

The first point that I wanted to bring to everybody's attention and many of you may already know it, is the there was a long standing demand that the Centre did not have among its panel advocates. It only had a retired High Court judges and district judges and retired Supreme Court judges. So, now the centre has included about 50 lawyers, if I'm not mistaken, as a first step and they are now prescribed a set of guidelines on the basis of which lawyers can apply to become member of the panel of the Arbitration and Conciliation Centre. So, I would like to thank both our Chief Justice and Justice D.K. Singh for ensuring that that long standing demand we have been... has been met. I'm sure there are many other demands which the bar will come up with. But I thought we should we should celebrate this big step for the arbitration bar in Bangalore.

The second step that has been taken is having a case management system for the arbitration centre. It was launched a couple of weeks ago and that also has given this meaning of hybrid hearings for the Arbitration Centre, a real sense rather than just, logging in through your phone or VC.

The third process, which is which is going on still is the is a rehaul of the overhaul of the rules of the Arbitration Centre and many people have submitted suggestions. And I'm told that, you know, that they're considering it and you know, it's being reviewed in consultation with other judges and arbitrators. So, with that introduction, I request Justice Singh to deliver his address. Thank you.

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JUSTICE D.K SINGH: Honourable the Chief Justice, Vibhu Bakhru, the Senior advocates present in the bar, Mr. Narasappa and others, the organizers of this ADR Week, a very good evening to all of you. We have introduced some features in the Arbitration Centre but it is not complete. Now we will have around 38,000ft² more space within no time. We have got this space we are today the Finance Secretary called me and said that sir, we have approved substantial budget of 16 crores for renovating it and making it to the international standard. So, once we have the renovation done, we will change the name and we will make it a Bengaluru International Arbitration Centre in all sense.

I would like to begin my Guest of Honor speech by thanking the Mumbai Centre for International Arbitration for the honour of inviting me to address this distinguished gathering of arbitrators, the advocates, the lawyers and experts in the field as a Guest of Honour. They say in ADR, we avoid court so often that some of us now settle even during our lunch plans by mediation. But I promise by the end of this week, even those among us who still think that every dispute needs a case number will be convinced that there is a better way of resolving the disputes. It is a privilege to stand before you. The very people who are quietly and steadily reshaping how India resolves its disputes, arbitral institutions, judiciary, practising advocates, businesses and academicians who have chosen to invest their considerable talent in building consensual, efficient and dignified pathways of resolving the disputes and delivering the justice. Over the past decades, MCIA has emerged as one of the India's most trusted arbitral institutions. Regarding 79.5% increase in new case filing in 2025 alone, I mean, this is a feat, must be celebrated. Bringing its total administered matters to 181 since inception, with awards delivered to an average of 16 months and 25 days and no MCIA administered award has been set aside so far. It also, champions diversity, with women accounting for 38% of arbitrators appointed in 2025. We have not... We have around 25%, which we have appointed amongst the lawyers.

In the India ADR Week held annually across Bengaluru, Mumbai and Delhi is a key MCIA led initiative that brings together the arbitration community to foster dialogue, institutional growth. The 2026 edition running from 7th to 11th September, marks MCIA's 10th anniversary and features participation from 50 arbitral institutions from India and abroad. I extend my respectful greetings to all the dignitaries of my learned brothers and mediators. I bring with me a good wishes of the Arbitration and Conciliation Centre, Bengaluru, an institution, I have had the privilege to be associated with for more than a year and which has watched its own growth in a modest way contributed to the remarkable growth of the ADR movement in the state of Karnataka and the country.

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Why we gathered this week here? India ADR Week is in a sense an occasion for all of us to pause and ask a simple but profound question: Are we a justice system giving our citizens and our commercial community, the kind of dispute resolution they deserve? Are we resolving conflicts in a manner that is timely, affordable and preserves relationship rather than destroying them? These are not academic questions. They go to the heart of what access to justice means in the largest population of the world. For decades, the word "litigation" in India has carried with it an unspoken but universally understood suffix that is delay. We have all heard an old lament, some say attributable to a Chief Justice long ago that 'justice delayed is justice denied.' It has become almost a cliché. Precisely because it has remained true for so long. Our courts from the District Court to the Supreme Court carry a docket that would stagger any comparative legal system in the world. Despite seminars, the symposiums, the judicial academy, the training programmes regarding the docket explosion, we have not been able to manage it effectively so far.

Yet within this very challenge lies the opportunity, the opportunity of Alternative Dispute Resolution or I prefer it to call Appropriate Dispute Resolution. The importance of ADR mechanism is not a matter of policy, but as a matter of life experience for the ordinary litigant. Consider the small trader in Bengaluru whose payment has been withheld by a buyer in Mumbai over a contractual dispute with a few lakhs rupees or consider a couple seeking a seeking to resolve a marriage with dignity rather than acrimony. Or consider two business partners, who built a company or partnership firm together and now disagree on its future but whose falling out need not mean the end of every relationship they value. For each of them, a decade long court battle is not merely an inconvenience, it is often practical impossibility. It drains resources, consumes years of productive life and frequently leaves both Parties poorer regardless of who ultimately wins. This is where mediation, arbitration, conciliation and negotiation steps in, not as an inferior substitute for real justice dispensed by the courts but as legitimate and in many cases superior form of justice in their own right.

ADR mechanism offers for things that our litigants prize most, speed, cost efficiency, confidentiality and perhaps the most underappreciated the preservation of the relationships. Arbitration allows commercial parties to have their disputes decided by an expert of their choice, applying a procedure they have themselves designed without disclosing sensitive business information in an open courtroom. Mediation goes a step further. It does not impose a decision at all but empowers the Parties themselves to craft a solution that a judge, however wise, would never mandate because only the Parties truly know what will make them whole. A mediated settlement between feuding family members over ancestral property or between a

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manufacturer and its long standing supplier does something a decree can never do. It keeps the door open for the future. For the litigant, therefore, ADR is not an alternative in the sense of being secondary, it offers... It is often the primary and most rational choice the impact of the ground is measurable matters that would consume five, seven, sometimes 15 years in the court system are frequently resolved through mediation in few hours.

With a fraction of cost, with outcomes that both sides have actually agreed to and are therefore more likely to honour voluntarily. It would be mistake to think of ADR as a foreign import grafted onto Indian soil. The truth is quite opposite. Consensual Dispute Resolution is in many ways older than our former court legal system. The panchayat, the Jati Sabha and the community based mediation have resolved disputes in Indian villages and towns for centuries. Long before the first colonial courtroom was built, what India has done in the last three decades is not invent ADR but institutionalize and modernize an instinct that has always run deep into our civilization approach to conflict namely, the reconciliation is often wiser than adjudication. Our modern legal architecture reflects this Article 39A of the Constitution commits the state to securing a legal system that promotes justice on the basis of equal opportunity. And it was in fulfilment of that promise that Parliament introduced Section 89 into the Code of Civil Procedure, requiring courts to explore settlement through arbitration, conciliation, mediation before proceeding to trial. This single provision quietly transformed the culture of Indian civil litigation, embedding ADR not as an afterthought but as a mandatory checkpoint in the life of every suit.

The Arbitration and Conciliation Act, first enacted in 1996 and substantially strengthened through amendments over the years, brought Indian arbitration law in line with UNCITRAL Model Law, giving our institutions and our courts a modern framework to support both domestic and international commercial litigation and arbitration. The establishment and growth of institutions such as Mumbai Centre for International Arbitration, Delhi International Arbitration Centre and closer to home, our own Karnataka Arbitration and Mediation Centre and the Bengaluru Mediation the Arbitration and Conciliation Centre reflect a deliberate national effort to move away from an ad hoc judge appointed arbitration towards institutional arbitration of the kind that global commerce recognises and trust. Equally significant has been India's embrace of mediation as a distinct discipline, the Mediation Act, enacted in 2023, was a watershed moment. For the first time India has a comprehensive statutory framework governing mediation including provision for pre-litigation mediation, recognition of mediated settlement agreements as enforceable and a framework for the registration and regulation of mediators. This Act builds upon decades of quieter but no less

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important work, the Lok Adalat Movement under the Legal Services Authority Act, which has since 1980s resolved likes upon likes disputes from motor accident claims to matrimonial matters to bank recovery cases through the simple but powerful device of Conciliatory Settlement backed by the legal sanction.

We must also acknowledge the extraordinary contribution of court annexed mediation centres. Many of them established following the directions of the Supreme Court and the High Courts across the country. The Bengaluru Mediation Centre, established under the aegis of the High Court of Karnataka, has for years stood as one of the finest examples in our country of how a court can actively refer rather than merely adjudicate disputes, resolving disputes, commercial disagreement and property matters with success rate at any judicial forum would be proud of.

On the international commercial front, India has also worked to position itself as a seat of arbitration reforms to the Arbitration and Conciliation Act. The push towards minimal judicial interference consistent with the principle of party autonomy and the development of the world class institutional infrastructure in the cities such as Mumbai, Delhi and Bengaluru; all speak to an ambition that India should not merely be a country whose disputes are arbitrated elsewhere but a jurisdiction of choice for arbitration itself.

The Commercial court framework too deserves mention. The Commercial Courts Act mandates pre-institutional mediation for commercial disputes that do not contemplate urgent interim relief. A legislative recognition that even before Plaintiffs filed, the door-to-settlement must first be knocked upon this is India telling itself through the language of the statute that litigation should be the last resort, not the first instinct. Institution, statutes and statistics matter, but only because of what they mean for the person standing at the other end of the dispute, the Litigant. Let me offer a few reflections from the bench on what this shift has meant in practice. First, access. A daily wage earner who suffers a motor accident and approaches local can walk out often on the very same day with settlement cheque in hand and the matter closed, an outcome that would otherwise take years to achieve through a contested trial. That is not a diminished from the justice that is justice delivered at the speed at which life actually happens.

Second, dignity. In family and matrimonial disputes, mediation allows parties to speak in a room without the formality and adversarial closure of a courtroom, often leading to a outcomes, custody arrangements, maintenance settlement, even reconciliation that a

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judgment could never have produced because they emerged from the Parties own voices rather than being imposed upon them.

Third, commercial confidence. For businesses, particularly those engaged in cross-border trade and investment, the availability of credible, enforceable and efficient arbitration, often a pre-recognition not an afterthought to engage business in a jurisdiction at all.

Fourth and my most important and the most important is the relief of our own judicial system. Every dispute which has resolved through mediation or arbitration is a dispute that does not add to the burden of an ordinary, overstretched judiciary. It is a recognition that healthy justice system is one with multiple doors, not one door alone, and that directing disputes to the most appropriate door, be it trial, arbitration or mediation serves the interests of justice itself.

We must, however, resist the temptation to declare victory. Much remains to be done. We need initiative from the youngsters in the legal fraternity to build much larger, better trained cadre of professional mediators and arbitrators across the country, not concentrated only in our metropolitan cities. We need greater awareness among litigants, particularly in smaller towns and rural areas, that ADR is not a lesser form of justice reserved for those who cannot afford lawyers, but sophisticated choice available to all. We need our legal education to treat negotiation and mediation as core skills for every lawyer because the advocate of tomorrow will spend as much time as negotiating table as in the courtroom. Institutions such as Karnataka Arbitration and Mediation Centre have a vital role to play here in training empanelled neutrals, in setting standards of institutional rigor that match the best of the world and serving as a bridge between the judiciary, the bar and the business community. I can assure you that the centre remains firmly committed to this task and weeks such as this one which brings together so many stakeholders under one roof, are precisely the kind of collective endeavour that will carry this movement forward.

In conclusion, I will say the measures of justice system is not only the judgments, it delivers after full dress trial but equally in disputes. It prevents from ever needing one. Alternative Dispute Resolution popularly nurtured does not compete with our courts. It completes them. It restores to disputing parties something that adversarial litigation often takes away the ability to save their own resolution in their own time, on their own terms with dignity intact. India stands today at a meaningful point of this journey with a modern arbitration law, a new and comprehensive mediation statute, a deepening network of institutions and a judiciary that has on the whole embraced this moment rather than resisted it. The task before us gathered

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here this week is to carry this momentum forward, so that every litigant in this country, whether a farmer in village panchayat or a multinational corporation before an arbitral Tribunal has genuine access to dispute resolution mechanism that is swift, fair, just and proper. I thank the Mumbai Centre for International Arbitration of India, ADR Week for this opportunity and I wish this event and every one of you present here great success in this day ahead, Jai Hind, thank you.
