



1 **INDIA ADR WEEK DAY 1: BANGALORE**

2 **9<sup>th</sup> Oct-2023**

3  
4 **SESSION 6**

5  
6 **KEYNOTE ADDRESS BY HON'BLE MR. JUSTICE PRASANNA B VARALE,**  
7 **KARNATAKA HIGH COURT**

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9 **PROMOD NAIR:** Thank you and good evening to all of you. Good evening, Justice Varale.  
10 It's a pleasure to have you with us on the inaugural day of the India ADR week. Please do settle  
11 down and thank you for making the inaugural day so exciting. It's my very distinct honour this  
12 evening to welcome Chief Justice Prasanna Varale to this function on the inaugural day of  
13 India ADR week. I think it's customary for most people to say that main speaker this evening  
14 needs no introduction and Justice Varale truly belongs to that category. It's also common for  
15 most people to say that and also make a few introductory comments so I am going to stick to  
16 convention and do that. Chief Justice Prasanna Varale is the 32<sup>nd</sup> Chief Justice of the High  
17 Court of Karnataka and he was sworn into office one year ago on the 15<sup>th</sup> of October 2022. He  
18 was the senior most judge of the Bombay Court till his elevation as Chief Justice of Karnataka.  
19 He was born in 1962 in Karnataka as a coincidence. He studied arts and law and graduated  
20 from Dr Baba Saheb Ambedkar Marwada University, Maharashtra and began his practice as  
21 an advocate in 1985. He joined the Chambers of Shri S.N. Lohia and practiced extensively in  
22 various aspects of civil and criminal litigation. He also wore an academic hat. He was a lecturer  
23 in law at Ambedkar Law College, Aurangabad from 1990 to 1992 and worked as an assistant  
24 government leader and additional public prosecutor at the Bombay High Court bench at  
25 Aurangabad and as additional standing Counsel for the Union of India. He was elevated as the  
26 judge of Bombay High Court on the 18<sup>th</sup> of July 2008. Chief Justice Varale is the latest in an  
27 illustrious list of the Bombay High Court who have been appointed to the post of Chief Justice  
28 of Karnataka. The list I think and maybe there are people in the room who may correct me  
29 starts with Justice S.P. Bharucha in 1991 followed by Justice Pence in 1995, Justice A. S. Oka  
30 in 2019 and now Justice Varale who's been in office as Chief Justice of Karnataka since October  
31 last year. And interestingly enough especially for all the attendees today both Justice Bharucha  
32 and Justice Pence were two of the finest and busiest arbitrators in the country after their



1 retirement from the bench and we have absolutely no doubt that both Justices Oka and Justice  
2 Varale will also be much sought after arbitrators in few years' time. Anyone who has appeared  
3 before Justice Varale cannot but be impressed by his patience, his legal acumen and his good  
4 humour and his unflappable temperament, which remains constant from 10:30a.m. to 04:30  
5 p.m. at the end of the hearing day. His expertise is extensive. It spans public law, private law,  
6 commercial law, family law, environmental cases. The first ten cases before him usually are  
7 public interest litigation cases and he also has handled arbitration cases as well. Every litigate,  
8 every cause, every advocate is given a fair and patient hearing and even when we are at losing  
9 end of a case, we go away with the satisfaction of understanding why the case has been decided  
10 the way it has. Thank you, Justin Varale for your contributions to upholding the Rule of Law  
11 and of course for being with us here this evening. A very, very warm welcome to you.

12 **CHIEF JUSTICE VARALE:** Learned members of the bar, Shri K.S. Bharath Kumar,  
13 Register General High Court of Karnataka, Bengaluru, Shri Madhu Keshwar Desai, Founder  
14 and CEO, Mumbai Centre for International Arbitration, distinguished guests, ladies and  
15 gentlemen, good evening, Namaskaram. I'm deeply honoured to have been invited to deliver  
16 the keynote address at this distinguished gathering, which marks a significant milestone in  
17 our journey towards a more efficient and just system of Dispute Resolution at the Chief Justice  
18 of Karnataka High Court and the chief guest for Third India ADR week organized by  
19 prestigious MCIA. First and foremost, I would like to extend my heartfelt gratitude to MCIA  
20 for their unwavering commitment to promoting the principles of alternative dispute resolution  
21 ADR in our nation. It is organizations like MCIA that play a pivotal role in advancing the cause  
22 of ADR both at the national and international levels. I commend their dedication to creating a  
23 platform for dialogue, learning, and collaboration in the field of arbitration and mediation. As  
24 we gather here for the Third India ADR week, it is an opportune moment to reflect upon the  
25 transformative power of ADR mechanism in our legal landscape. Alternative dispute  
26 resolution has emerged as a cornerstone of modern justice system worldwide. It is a testament  
27 to our evolving understanding that dispute resolution is not merely about litigation, but also  
28 about achieving timely, cost effective and equitable solutions that preserve the relationship  
29 and foster a culture of peace. India's rich history has always embraced the principles of  
30 reconciliation and compromise in dispute resolution. Our ancient text and traditions bear  
31 witness to the use of mediation, negotiation and arbitration as means to resolve conflict  
32 peacefully. Let me just share one example. As we all know the epic war of Mahabharata, and  
33 when Kunti was apprehensive considering the effect of this war, she requested Lord Shri  
34 Krishna to intervene and pleads if he can do something. So, accordingly, Lord Shri Krishna  
35 thought of it to see if there's some solution, possible and makeable solution is possible. He  
36 approached Kauravas and then said, that see Pandavas don't want entire Kingdom. They will



1 be happy if you just give them five villages. Duryodhana in reply said, leave aside five villages,  
2 I will not spare even an inch to the extent of the needle of... to the point of a needle. And  
3 probably that was the first failure report of the arbitration. So, we have a history of the  
4 arbitration or mediation, tried, failed but then this was a long tradition for our culture. It is  
5 nothing new for us. The Third India ADR week is a manifestation of our collective commitment  
6 to furthering the cause of ADR. This weeklong event is more than a conference. It is a  
7 celebration of the progress we have made and an acknowledgment of the journey that lies  
8 ahead. It brings together legal practitioners, scholars, policymakers and stakeholders to  
9 engage in a fruitful discussion, share experiences and chart a path towards more effective  
10 dispute resolution mechanism. In Karnataka we have witnessed a remarkable success of ADR  
11 particularly in areas such as family disputes, commercial conflicts and environmental matters.  
12 Mediation centres and ADR institutions have played a crucial role in reducing the backlog of  
13 cases in our courts and offering citizens an expediated path to justice. The Bangalore  
14 mediation centre is doing well in this regard. As per the data available from January '23 till  
15 now the BMC has received 11,977 cases for mediation and out of them 7,525 cases are  
16 mediated, and 4,791 cases are settled through the process of mediation. In so far as arbitration  
17 and conciliation is concerned, Arbitration and Conciliation Centre, Bangalore is also doing a  
18 marvellous job. The data available indicates around 588 cases pertaining to arbitration and  
19 conciliation have been filed in the centre in this year to date and among them 341 cases are  
20 disposed and around 162 cases are now pending. This includes the cases pending as on 31st  
21 December 2022, The Arbitration and Conciliation Centre, Bangalore is well equipped  
22 institution. It was established on 14th April '23, to promote both domestic and international  
23 arbitrations in furtherance of Arbitration and Conciliation Act of 1996. Apart from the Board  
24 of Governors, the centre is headed by a Senior District Judge as its Director and one Deputy  
25 Director of Senior Civil Judge Cadre. The centre had 10 court halls, including a library and a  
26 pantry. Centre has 28 staff members. I'm proud to mention here that there are 9 registered  
27 arbitrators who are former judges of Supreme Court of India, including honourable Chief  
28 Justice T. S. Thakur, former Chief Justice of India. 11 chief justices of various High Courts,  
29 including our High Court are on the panel. 31 former judges of High Court of Karnataka, and  
30 judges of other High Courts are registered their names as arbitrators. 81 former district judges  
31 and 4 senior civil judges are also on the panel. Coupled with this 30 technical and other  
32 arbitrators are on the panel of arbitrators and one ex Vice Chancellor and one ex CAT, Central  
33 Administrative member is also on the panel. The cases pending before the centre are domestic  
34 arbitration cases and there are no pending cases... pending international arbitration cases. I'm  
35 proud to inform that our Karnataka Legal Services Authority, with the active cooperation of  
36 District and Taluka Legal Services authorities could settle more than 7 lakh cases on the Bharat  
37 National Lok Adalat held on 9th September 2023. Karnataka stands at the third position at



1 the national level in settlement of cases. As per the data available, total number of cases  
 2 disposed during the [UNCLEAR]Bharat Lok Adalat, at 24,36,270. Among them, 2,14,925 were  
 3 pending cases, and 22,21,345 were pre litigation cases. Further, so far as disposal of the cases  
 4 in the principal bench and benches at Dharwad and Kalaburagi is concerned totally 1434 cases  
 5 were taken up for conciliation in the Lok Adalat and out of them, 655 cases were disposed of.  
 6 Nevertheless, as we celebrate our achievements in ADR, it is incumbent upon us to recognize  
 7 the challenges that lie ahead. One of the foremost challenges is the need of greater awareness  
 8 and education about ADR mechanism. Many individuals and businesses remain unaware of  
 9 the benefits of ADR and the diverse options available to them. It is our responsibility to bridge  
 10 this knowledge gap and empower the parties to make informed choices. The  
 11 integration of technology into ADR is another promising avenue. The advent of online dispute  
 12 resolution platforms and virtual mediation has reigned access to the ADR services, especially  
 13 in remote and unserved areas. Embracing technology can lead to more efficient, accessible,  
 14 and user friendly ADR process. On an international stage, India has made substantial strides  
 15 in becoming an attractive destination for resolving International Commercial disputes.  
 16 Institutions like MCIA have played a pivotal role in building our reputation in international  
 17 arbitration. As we continue to evolve in this arena it is imperative that we maintain high  
 18 standards of professionalism, transparency and neutrality. In conclusion the Third India ADR  
 19 serves as a reminder of the potential that ADR holds for our nation. It is a call to action for all  
 20 stakeholders, including the legal fraternity, government bodies, businesses and civil society to  
 21 come together and promote the use of ADR as a means of resolving disputes peacefully,  
 22 efficiently and fairly. I profoundly thank the organizers for kindly inviting me to this  
 23 memorable gathering and giving me an opportunity to share my few thoughts. I wish you all a  
 24 productive and enlightening Third India ADR Week. In this context, I appreciate the efforts of  
 25 MCIA in joining hand with judiciary in settlement of disputes through ADR mechanism.  
 26 Together we can pave the way for brighter and more peaceful future for our nation and the  
 27 world. Jai Hind, Jai Karnataka. Thank you.

28

29 **SHREYAS JAYASIMHA:** Justice Varale, thank you very much for the erudite and  
 30 enthusiastic comments. Very educational and informative to everyone in the room but I see  
 31 many new visitors to Bangalore in this crowd. Some of us have been showing up at all these  
 32 arbitration events for many years. And I just want to share like you began Sir with the  
 33 Mahabharata. It is precisely these examples of entirely indigenous attempts at, and which is  
 34 existing in all cultures. There's no one culture that says this is the only way to do it. But this is  
 35 how it is, what it means, to be truly international. International is not a question of aping one



1 culture or another. It is to be deeply rooted in yourself yet embrace the world. And the more  
2 deeply rooted one is, it is easier to fly with wider wings, with larger hearts and embrace the  
3 world. So, I wanted to quickly suggest that somebody maybe MCI or any other person should  
4 use Bangalore to celebrate Ubhaya Bharati. Ubhaya Bharati like Sri Krishna, who Justice  
5 Varale had suggested, was a leading female intellectual. A person who was in fact the arbitrator  
6 between Adi Shankaracharya and his debates on what Advaita philosophy ought to be and how  
7 the practice of it ought to be and her own husband, Mandana Mishra. But she was appointed  
8 as an arbitrator, and her decision was agreed by both parties to be final and binding. And I say  
9 suggest that the link between her and Karnataka is visceral. Because if you go to the Sringeri  
10 Sri Sharada Math even today, legend has it that it is she who travelled as Saraswati as the  
11 Sharada, and the temple that you see there is stationed at that place because she said she would  
12 follow Adi Shankaracharya on one condition that he would not look back. And that was a place  
13 where he for some reason had to turn back and that's when she said she will freeze. So, the  
14 idea of now, sir, the diversity, inclusion, having female arbitrators or people, persons of all  
15 backgrounds is not contemporary alone. And it is on the shoulders of all of us to realize the  
16 very tall shoulders that each of us stand on and it's not just the work of men. And I would like  
17 to use this opportunity to celebrate Ubhaya Bharati, and hope that there is a Ubhaya Bharati  
18 Memorial Arbitration or Mediation lecture at least if not a movement, and with that I offer  
19 sincere gratitude and thanks, sir, to you for continuing to inspire us on this journey. And thank  
20 you all for organizing this MCI and others and all the sponsors. Thank you very much. I  
21 believe I'll hand it to your organizers. Niti, would you like to please come here. Okay, your MC  
22 for the evening. Thank you.

23 **GOUTHAM RV:** Thank you, everyone. Thank you all for this evening and for the gathering.  
24 Please join us for the drinks and the dinner. Thank you.