

**TRANSCRIPT OF THE CONCLUDING REMARKS OF
HON'BLE TMT. JUSTICE PRABHA SRIDEVAN, JUDGE, HIGH COURT, MADRAS,
DURING THE REFRESHER COURSE FOR CIVIL JUDGES (Sr. DIVISION)
FROM THE DISTRICTS OF CHENNAI, KRISHNAGIRI, NAGAPATTINAM,
DHARMAPURI, DINDIGUL, NAMAKKLAL, ERODE, KANNIYAKUMARI AND KARUR
AT
TAMIL NADU STATE JUDICIAL ACADEMY ON 25TH JULY 2010**

Before going for lunch, I would request you to be here for 10 minutes. Just to hear me.

You are perhaps the last refresher group I will be addressing before my retirement. So kindly bear with me for 10 minutes.

The two Acts (Motor Vehicles Act and Land Acquisition Act) that were dealt with today require your expeditious disposal. Because these acts deal with compensation for deprivation of 3L's, life, limbs and land. In one case, they are probably driven to the streets, and in the other, they are probably rendered homeless. And, we have to be sensitive. That doesn't mean that our award will be a lottery or a bonanza. We have to be sensitive to the issue and our award under MACTOP and Land Acquisition Act under the reference must be just and reasonable. Reasonable also means that you have to give reasons, why you have decided that this is the quantum. We have found that there are stock judgments which officers choose and those are inserted between the facts above and the quantum below. That will not do. We know the judgments that have been rendered by the Supreme Court or the High Court dealing with this issue and that. It is this particular case, with respect, of which we want to know, why you awarded so much. Those reasons must be clear and if the reasons are clear, there will be less

interference and there will be swifter disposal of the matter and expeditious relief to the claimants. This is with regard to the two Acts dealt with in the morning session.

Now I will give you some general guidance to you as officers. You must take care of your health. So please spend at least half an hour in exercise. I said this to the officers last week and I am again telling you now. We have to sit in Court for a long time. That is not healthy. That is one of the occupational hazards. We have to take care of ourselves. It could be walking, it could be yoga, it could be swimming, tennis or shuttle. But spend half an hour in exercise. It will refresh you. It will also make you better focused when you get to work in the morning.

Then, when you sit, please don't sit like this (leaning back). That means you are not hearing. Don't slouch in the Court. The litigant must feel that this judge is interested in disposing the case. He must not think that this judge wants to sleep and is just looking at the time, to go back to the room. No. This case is his life. For us it is one out of hundred cases for that day. But for him, it is his life. It is very important. That bundle represents a life. It is not just a sheaf of papers, please.

And then, you must, you must, look dignified. The moment the litigant comes to Court, he must feel comfortable and you must put him at ease. If there is a disabled person, please, ask him to sit. For this, you don't need extra amenities. You don't need infrastructural facilities. You don't need one extra masalchi. You just need kindness. I think you all have that.

Then, please be in court on time. And then, as far as possible don't meet lawyers in your chambers, especially a lawyer, whose case is posted that day. That unnecessarily gives room to speculation. He probably came there only to invite you to his daughter's wedding. It doesn't matter. We are not imputing anything. Be transparent. Because we are coming under great criticism nowadays. So it is for you, to see that people respect us, people look up to us.

Use computers. That is a great facility. It gives you so much information in such short time. And it dispenses with a lot of the requirements that would have needed ten years ago. It is there. It is there at your hand. Please don't treat it as something that cannot be touched. I am much older than all of you and if I have to learnt to use computer, surely you can. You must use it to the best advantage. And there are many softwares. Whatever comes to the Judicial Academy which will be of use to you, will be circulated to all of you, and please make use of them.

Next, please treat your child witnesses with sensitivity. You do have to deal sensitively with the child witnesses. It is her misfortune that she has come there. She could be there in a criminal matter or she could be there in a matrimonial matter. It is really not by her choice that she comes there. You can say, please come, this uncle or aunty is there only to help you. You say whatever you feel will make the child feel comfortable, because, I am sure the child is petrified. அந்த இடத்தில் நீங்களும் மிரட்டா மாதிரி நடந்துக்குகிட்டா ரொம்ப பாவம். She will be scarred for ever. So, please, don't do that.

I am very poor at quotation but there is a Tamil செய்யுள் which probably many of you know which says that if a Court does not read the facts properly, does not ascertain the truth clearly, does not deal with the matter fairly, even the Gods cannot save that Judge. The grief of the aggrieved party வாள் ஆகுமே is what says. It will strike like a sword. Please remember that every moment of your career as a Judge.

We have to be fair. We have to be equipped with the matter. We have to know the Law. We cannot decide anything if we are ignorant. We cannot sleep even for a moment, though it might be very tempting.

When I became a Judge in the year 2000, I had the good fortune to listen to the speech of Justice K.T.Thomas who had come to address the District Judges. He said that if you switch off your attention even for five minutes, in those five minutes the lawyer may be making his best point and a great injustice would have been caused.

For better, or for worse, you have chosen this work. It is very difficult. But we have to do Justice. Really, we have no choice. More depends on us than the other limbs of Government and if we fail, then, I think our sins will be graver.

I will just tell you one story and with that I will let you go for lunch. I won't make you suffer any more.

I used to go all over India, training people in equality education. I was part of a Programme. I went to Delhi. A lady came there. She had had acid poured down her throat by her husband. She was not a Delhi litigant,

because before us the Trainees were Delhi Judges, the Tiz Hazari Judges. She had come from some where else. She said, soon after the acid was poured she had come to court to give evidence, because her matrimonial proceedings were pending. And when she opened her mouth, her voice did not come clearly. Naturally it would have been odd. Everyone in the Court laughed. But more than that, what hurt her was that the judge laughed. The judge probably did not laugh at her. Probably because the others laughed, he may have laughed just by reflex. But she said, if he laughed, where will I get justice? So that is the kind of responsibility that lies on us and we cannot fail them.

With that, I wish you all the best. I take leave.