

**FAREWELL SPEECH DELIVERED BY JUSTICE GITA MITTAL
IN THE FULL COURT REFERENCE
ON THE RETIREMENT OF JUSTICE G. ROHINI, CJ**

13.04.2017

Chief Justice G. Rohini,

My esteemed Sisters & Brothers on the Bench;

Mr. Sanjay Jain, learned Additional Solicitor General of India;

Mr. Kirti Uppal, President of the Delhi High Court Bar Association;

Mr. J.P. Sengh, Vice-President, Delhi High Court Bar Association;

Mr. Amit Sharma, Secretary, Delhi High Court Bar Association;

Mr. Rahul Mehra, Senior Standing Counsel, Govt. of NCT of Delhi;

Executive Members of the Delhi High Court Bar Association;

Representatives of the Bar Council of Delhi;

Office Bearers of the District Courts Bar Associations;

Senior Advocates & learned members of the Bar;

Smt. G. Savithri, respected mother of Chief Justice Rohini;

Family members and friends of Chief Justice Rohini;

Registrars, Joint Registrars & members of the Registry;

Ladies and Gentlemen.

1. We have gathered here once again, for the fourth time in a span of two weeks to bid farewell, this time an affectionate farewell to Chief Justice Rohini who has been with us for a meaningful tenure of almost three years being exactly a week short, having been appointed the Chief Justice of this court on the 21st of April, 2014.

2. Chief Justice G. Rohini, was born on the 14th of April, 1955 at Visakhapatnam to Late Sri G. Surya Rao and Smt. G. Savithri. Her father was an Engineer by profession who was employed with the Andhra Pradesh State Electricity Board and retired as its Chief Engineer. This engagement took the Chief Justice to thermal plants in remote tribal areas of A.P. as well.

3. Chief Justice Rohini received her primary education at Kovur in Nellore District. She finished her 10th Standard from St. Mary's High School at Kothagudem. Thereafter, she joined the Arts & Science College, Osmania University at Kothagudem and completed B.Sc. in First Class in the year 1976. Later she joined the College of Law, Andhra University at Visakhapatnam and obtained the B.L. Degree again with First Class in the year 1979.

4. Chief Justice Rohini has told me once that she was a reluctant entrant in the legal profession and enrolled as an advocate with the Andhra Pradesh State Bar Council only in the year 1980. Whereafter she joined the offices of Sri Koka Raghava Rao, the then Chairman of the State Bar Council. While working with Sri Rao, she had the unique opportunity of participating actively in legal journalism. Beginning as a reporter of the

Andhra Pradesh Law Journal, Justice Rohini later became its Executive Editor.

5. Within a short span of time, Chief Justice Rohini gathered a flourishing practice in almost all branches of law in the Andhra Pradesh High Court, the Administrative Tribunal as well as the civil court on account of her outstanding professional caliber. In 1995, she was appointed a Government Pleader in the High Court of Andhra Pradesh and continued as such until her elevation.

6. Chief Justice Rohini was called to the Bench of the Andhra Pradesh High Court on 25th June, 2001 as an Additional Judge, and confirmed as a Permanent Judge on the 31st of July, 2002.

7. During her 12 year service on the bench of the Andhra Pradesh High Court, Justice Rohini delivered several landmark judgments :

i. In *H.H. Arjun Doss Mahant v. Commissioner of Endowments, Hyderabad [2006(3) ALD 22]*, the rights of *math adhipathis* were explained and it was held that the religious and secular duties of a *Mahant* are inseparable.

ii. As member of a five Judges Bench, in *L. Royal Reddy v. Govt. of Andhra Pradesh [2004(2) ALD 225 (LB)]*, it was held that the State was not competent to collect tax under the AP Motor Vehicles Taxation Act, 1963 at a higher rate from the permit holders of Stage Carriages for contravention of the conditions of permits.

- iii.* In *Reserve Bank of India v. Joint Registrar, District Co-operative Officer* [2004 (6) ALD 699 (DB)], the powers of the RBI to supersede the Board of Directors of a Co-operative Bank under the A.P. Cooperative Societies Act, 1964 were upheld.
- iv.* In *K. Devaiah v. Govt. of AP* [2013(2) ALD 741 (DB)], the purport of the Rights of Children to Free and Compulsory Education Act, 2009 was considered in detail. The policy decision of the Government to appoint only those candidates who have studied in English medium as teachers in the Model Schools was upheld.
- v.* In *G.V.S. Rama Krishna & Ors. v. A.P. Transco, Hyderabad*, 2009 (3) ALD 343, it was held that for erection of poles/laying of transmission lines through private lands the consent of owner/occupier is not mandatory under the Electricity Act, 2003, but the owner can claim damages if any sustained to the property.
- vi.* In *K. Somaraju & Ors. v. State of A.P.*, 2011 (1) ALD 7, it was held that the question whether the formation of Special Economic Zone (SEZ) is a public purpose or not requires determination in the context of the object sought to be achieved under the SEZ Act, 2005 and keeping in view the needs of the situation and the changing circumstances.

vii. In *K.L.D. Nagasree v. Government of India & Ors., 2007 (1) ALD 553*, it was held that the interception of messages from mobile telephone of the petitioner therein amounted to violation of her right to privacy since the impugned action was not on the grounds of public emergency or existence of public safety interest which are *sine qua non* for making an order of interception of messages under the Telegraphs Act, 1885.

8. On the 21st April of 2014, Justice Rohini was elevated as the Chief Justice of the Delhi High Court. What was a loss to the Bar and Bench of the Andhra Pradesh High Court was indeed a gain for us! She has held the fort with a great sense of leadership and holds the unique distinction of being appointed the first woman Chief Justice of the High Court of Delhi.

9. As our Chief Justice for almost three years, Justice Rohini has made remarkable contribution to the development of law comfortably ruling on a wide range of ticklish as well as complicated issues in the realm of Civil, Administrative and Constitutional law. The judicial precedents bear an eloquent testimony to her Ladyship's deep knowledge and scholarship in practically all branches of law. The decisions rendered by her Ladyship stand out for their incisive analysis, clarity of expression, scholarship and depth of legal knowledge.

10. Chief Justice Rohini has delivered several landmark judgments on the bench of this Court displaying her deep erudition, some of which must be recounted.

- i.* In a batch of writ petitions led by *WP(C) No. 5888/2015, Govt. of NCT of Delhi v. Union of India* concerning the exercise of legislative powers and executive control in the administration of the National Capital Territory of Delhi. It was held that Delhi continues to be a Union Territory even after the insertion of Article 239AA in the Constitution of India and that its insertion has not diluted the application of Article 239 in any manner.

- ii.* *WP (Crl) Nos. 666/2015 & 1215/2015, Verhoeven, Marie-Emmanuelle v. Union of India* were Criminal Writ Petitions filed by a French National who stood intercepted in Uttar Pradesh on the basis of an Interpol Red Corner Notice issued at the request of the Republic of Chile for alleged offences committed in Chile. She was provisionally arrested under Section 34B of the Extradition Act, 1962. The issue in the writ petition was whether the provisional arrest and detention under Section 34B of the Extradition Act, 1962 followed by the Magisterial Inquiry order by the Government under Section 5 of the Extradition Act, 1962 was legal and valid. Chief Justice Rohini declared the provisional arrest and detention of the petitioner, illegal.

- iii.* In *LPA No. 89/2016, Directorate of Education v. Action Committee Unaided Recognized Private Schools*, concurred with the learned Single Judge that the private unaided schools managements were entitled to full autonomy in administration including the right to admit students and that the order of the GNCTD doing away with the 20% Management Quota in private unaided schools was only an administrative order and without the advice of the Advisory Board was without any authority of law.
- iv.* In *LPA No. 474/2015, Central Board of Film Certification v. Pankaj Butalia*, challenge was laid by the Central Board of Film Certification and the Ministry of Information and Broadcasting to an order of a learned Single Judge whereby he had allowed screening of a documentary film title "*The Textures of Loss*" which was based on the case studies stated to have been made by the director on the life of the people who were affected by long-term violence in the valley of Kashmir. The CBFC subjected exhibition of the film to certain deletions and insertions of a disclaimer which was challenged before the Single Judge. After watching the film, Chief Justice Rohini observed that there was no objectionable material in the film and that the film was in the nature of a documentary film which could not be equated with motion pictures which cater to a mass audience.

- v. In *LPA No.24/2015 (RTI Matter), The Registrar, Supreme Court of India v. Commodore Lokesh K. Batra*, the respondent filed two applications under the RTI Act, 2005 seeking details of the cases pending before the Supreme Court of India in which the arguments have been heard and the orders are reserved during the period 2007-09. The CPIO of the Supreme Court of India had not provided the information on the ground that no data is maintained by the Registry in the manner as sought for by the applicant. On appeal, the CIC directed the CPIO to provide the information within 15 days, if available, and, if the information sought was not available, to bring it to the notice of the competent authority in the Supreme Court to ensure that necessary arrangements are made in future for compiling such information and disclosing it in the public domain. The Id. Single Judge only upheld the direction of CIC to maintain the records in a manner so that the information regarding the period for which the judgments are pending after being reserved is available in future. In the appeal, it was held that no direction can be issued to a public authority to collate the information in the manner in which it is sought by the respondent.
- vi. In *WP(C) No. 2924/2014 Sarin Memorial Legal Aid Foundation v. State of Punjab* pronounced yesterday, it was held that the

concept of 'sustainable development' as a balance between ecology and development, has successfully replaced the traditional idea that development and ecology are opposed to each other and that the objective of the existing law governing the environment was to create harmony between development and environment since neither could be sacrificed at the altar of the other.

11. Martin Luther King, Jr said that "*A genuine leader is not a searcher for consensus, but a moulder of consensus*".

12. Apart from Chief Justice Rohini's work on the Judicial Side, we have had the good fortune of her leadership on the Administrative Side as well. She has always been ready and willing to address every problem placed before her, be it from colleagues on the Bench, the District Judiciary, the Bar or the staff. These traits of an excellent administrator stem from her ability to take quick and strong decisions coupled with her patience, independence, humility, lack of ego and her commitment to hard work.

13. Under the able leadership of Chief Justice Rohini, the High Court of Delhi has celebrated fifty years of its glorious existence.

14. In Delhi, Chief Justice Rohini continued the work she commenced as the Executive Chairperson, Andhra Pradesh State Legal Services Authority from September, 2013 to March, 2014. Under her leadership as the Patron-in-Chief the Delhi State Legal Services Authority has held 7967 Lok Adalats and 3239 Legal Literacy Camps all over Delhi.

15. Many initiatives including the Delhi Victim Compensation Scheme, 2015; Delhi Witness Protection Scheme, 2015; Scheme for the Children of Incarcerated Parents, 2015 and establishment of One Stop Centres for the victims of crime, have been initiated.

16. Chief Justice Rohini inaugurated two mediation rooms at the Delhi Mediation Centre at the Tis Hazari Courts in 2014. She also inaugurated the Mediation Centre at the Patiala House Courts in the year 2015. Endorsing her commitment to alternate dispute redressal, she delivered an inspiring speech in the Patiala House Courts on the occasion of celebration of the settlement of One Lakh Cases in the Delhi Mediation Centres.

17. While a judge of the Andhra Pradesh High Court, Chief Justice Rohini had chaired the High Court Committee to supervise implementation of the provisions of the Andhra Pradesh Juvenile (Care & Protection of Children) Act, 2000 and made extensive suggestions on the subject to the Government of Andhra Pradesh.

18. In Delhi, under her leadership, we have inaugurated Vulnerable Witness Deposition Complexes in Saket, Tis Hazari & Dwarka District Courts enabling child and adult victims of sexual violence to testify without any interface with the accused persons. 1351 victims of sexual violence in these three district courts have traversed the path through court without being subjected to secondary traumatisation.

19. This Court, ladies and gentlemen, has had many great Chief Justice who have left an indelible imprint on the judicial landscape and are respected long after they have demitted office or departed. Chief Justice Rohini will be one who has remained untouched by the immense judicial

and administrative power that she has wielded during her long tenure. Always polite and courteous and full of judicial rectitude, no controversy ever came close to her. Justice Rohini has commanded the respect of her colleagues, the District judiciary, the Bar, and staff alike and at all times, regardless of differences, if any, in their perceptions on any issue that confronted the institution.

20. Today is the logical culmination of a distinguished and satisfying judicial career devoted to justice dispensation. It marks an important milestone in the life of Chief Justice G. Rohini. Justice Rohini shall be remembered as an amiable friend, strong leader and guide amongst us who may physically depart from this court, but we shall look forward to her Ladyship's continued association with this court and guidance in its affairs. Chief Justice G. Rohini shall always occupy a unique place in our minds and hearts.

21. Retirement marks the end of working for someone else, and the beginning of living for yourself. So if I may just say, Chief Justice, on a parting note, for a life of judging and leadership that you have completed with grace and aplomb that "*The best is yet to come*".

22. While bidding farewell to you, Chief Justice Rohini, I, on behalf of my Sisters & Brothers on the Bench and on my own behalf, extend our deep gratitude for your leadership and convey our best wishes for your continued good health, a long life and fulfilling occupations in the future as well.

Thank You.