

Acting chief justice Gita Mittal, also Chief justice designate of the Jammu and Kashmir High Court; my colleagues on the Bench, the Additional Solicitor General for India, Ms. Acharya, retired judges of the Delhi High Court,

Standing Counsel, Mr. Rahul Mehra for Govt of NCT of Delhi, President of the Delhi High Court Bar Association, Mr. Kirti Uppal, Vice President JP Sengh, Secretary, Amit Sharma, all office bearers of the association, Additional standing counsel for NCT, Standing counsel for the Union, Chairman of the Bar Council of Delhi, Mr K.C. Mittal, members of the Bar Council; President, Vice President, Secretaries and office bearers of all bar associations of District Courts in Delhi and of tribunals, District Judges, Judicial officers, members of the bar, family members of Justice Mittal, officers and employees of the High Court registry, ladies and gentlemen,

We are gathered here to bid a fond farewell to our dear colleague and acting Chief Justice, who is set to take oath of her office as the Chief Justice of Jammu and Kashmir, the first ever woman judge in the history of the country to head that state's judiciary. And on me falls the pleasant task of bidding *adeieu* and extending warm sincere wishes from all of us here.

Born on 9th December, 1958 Justice Mittal grew up in an environment that stressed on the importance of learning; her parents were in academics. Finishing her schooling from the Lady Irwin Higher Secondary School [Science batch of 1975] she went on to graduate from Lady Shri Ram College For Women [BA (Eco. Hons.) 1978] and the Campus Law Centre, Delhi University [(LL.B) 1981]. Along the way, she has distinguished herself with awards and encomiums: President's Guide Certificate, distinguished alumni award by her college on the occasion of its golden jubilee, and recently conferred *Nari Shakti Puruskar* by the President of India. She has excelled in sports, representing Delhi state in National volley-ball championship, captaining Delhi Juniors in volleyball. She is also the recipient of All Round Best Sports Person Award of her College in 1978.

At the time of joining the Bench, she had a considerable legal practice in various courts and other judicial forums since 1981; she was also the standing counsel for the Delhi Development Authority and also represented various corporations. Justice Mittal took her seat on the Bench, on 16th July, 2004 and was confirmed as a permanent judge on the 20th of February, 2006.

Her 14 year long stint on the Bench has witnessed her participating and presiding over several diverse jurisdictions including single and division bench assignments; civil,

matrimonial, criminal appeals, service matters of the Armed Forces; Cooperative Societies disputes; Criminal Contempt References; Writ Petitions, service disputes of civil servants. Her judicial career is testimony to several insightful and watershed judgments. I will endeavour to sketch what perhaps are the most important judicial contributions. A few judgements stand out for mention at the outset: *Virender v State*, where Justice Mittal outlined the causes for inability of the state authorities to ensure protection of rape and other vulnerable victims and witnesses, and laid out a scheme, through directions about setting up courts, specially equipped and geared to ensure that the victims are not traumatised and at the same time, assure their protection during the course of the trial. The success of the first of such centres was replicated with the creation of similar such centres, in numerous court complexes. The second is the *Delhi High Court Bar Association & vs Govt. Of Nct Of Delhi* decision, of 9 October, 2013, which outlawed as unconstitutional, upward revision of court fees, as impeding access to justice. Discounting the state's argument that court fee is recovered from litigants on the principle of "user pays" it was held:

"The notion of —user pays in the context of court fee creates a simile of marketing so far as access to justice is concerned. Judgments impact even those who were not parties to litigation. Typically, a judgment may have huge externalities therefore, the notion that one who asks for the service or benefits therefrom, pays the court fee is a misconception."

Likewise, the monumental judgment in the *Vikas Yadav* batch of appeals decided by Justice Mittal, is a treatise on salient principles of sentencing. There are several other decisions which impact society; her insistence in a series of public interest litigation orders, to ensure that persons with disabilities are provided a barrier free and user friendly access to public spaces, to public transport, compensation for riot victims; right to shelter of internally displaced persons; right to marriage of a lady member of the Armed Force; the appointment of those suffering from 'Disorder of Sexual Differentiation' and so on.

Justice Mittal's acquired wide ranging experience as chair or member of several court committees; member of the Committee Against Sexual Harassment of Women at Work Place; implementation of Judicial Guidelines for dealing with sexual offences cases and Child Witnesses. For over 5 years, she headed the Mediation and Conciliation Committee and actively participated in programs of mediation. Serving on the COFEPOSA Advisory Board, under the COFEPOSA Act, she chaired a tribunal under the Unlawful Activities (Prevention) Act, and examined the Government ban on activities of the Students of Islamic Movement in India (SIMI).

A much sought after invitee and speaker, Justice Mittal has been often invited to contribute to national and international events and conferences and present papers on

topics including access to justice for the disadvantaged; gender issues; protection of human rights; impact of incarceration on women; corporate social responsibility; death penalty; impact of religion, culture, tradition on judging; corporate laws; procedure and intellectual property litigation and environmental laws and issues. An invitee at the Vatican, she addressed an international gathering on human trafficking in 2017.

Justice Mittal's tenure as Acting chief justice, for 15 months, marked policy initiatives, such as tightening the vigilance framework of the courts in Delhi, framing a new set of practise rules for the High Court, issuing a stable policy for transfer of judges in the District Court, setting up of helplines and video conference links in every district legal services centre in the city. Among the many firsts, she employed acid attack victims as a measure of rehabilitation.

Justice Mittal is the second lady judge from the Delhi High Court to be appointed as a Chief Justice in a High Court in the country. She and I share a same date of entry to the court as judges; we were appointed and sworn in the same day. Her wide range of interests include travel, music, intimate knowledge of flora and fauna. She has three distinct qualities that have brought her to where she is and have sustained her: passion, determination and intensity of purpose. Keeping her counsel, she is confidence personified. There is no detail that escapes her; known for her kindnesses, especially to members of the court staff and younger members of the bar, she will be sorely missed. All these traits will stand her in excellent stead where she goes. On this memorable occasion, I congratulate her proud family members, mother, Ms. Ved Mittal, and members of her family: sister, Dr. Vandana Roy, brother in law Dr. Tushar Roy, niece and nephew, Tanushree and Saushtav Roy for her achievement.

I would extend my heartiest congratulations and sincere best wishes, for myself and on behalf of all of us, her colleagues on the bench of the Delhi High Court for an eventful tenure as chief justice of J & K, hoping you embark on a new journey and leave your unique imprint on the legal system of that state and wish sincerely that many, many more laurels to come in your career ahead.

Thank you.