

FAREWELL SPEECH ON THE RETIREMENT OF
HON'BLE MS. JUSTICE VEENA BIRBAL DELIVERED
ON 30.05.2014

G. ROHINI
CHIEF JUSTICE

Justice Veena Birbal,

My esteemed brother and sister colleagues,

Shri Rajeev Khosla, President, Delhi High Court Bar Association,

Shri Rajeeve Mehra, Additional Solicitor General,

Shri Murari Tiwari, Hony. Secretary, Bar Council of Delhi,

Shri Jatan Singh, Vice-President, Delhi High Court Bar Association,

Shri Abhijat, Hony. Secretary, Delhi High Court Bar Association,

Ms. Zubeda Begum, Standing Counsel (Civil), Govt. of NCT of Delhi

Shri Salim Ahmed, Standing Counsel (Criminal), Govt. of NCT of
Delhi

Other Standing Counsel of the Central and State Government,

Executive Members of the Delhi High Court Bar Association,

Office-bearers of other District Bar Associations,

Senior Advocates,

Members of the Bar,

District & Sessions Judges,

Law Secretary,

Family members of Justice Birbal, and

Ladies and gentlemen.

We have assembled here today for the third time in a month, to bid farewell to yet another dearest colleagues of mine - Justice Veena Birbal who is demitting office today after almost 8 years of service to this court.

Justice Veena Birbal was born into a family of lawyers, so perhaps it was natural for her to follow in their footsteps, and take up law as a profession.

She completed her B.Sc from Miranda House College of Delhi University in 1973, and went on to did her bachelors in law from Faculty of law, Delhi University in 1977. She practiced in the various District Courts, the High Court of Delhi and the Supreme Court from 1978 to 1992 when she was appointed as an Addl. District and Sessions Judge in 1992.

In 2003, Justice Birbal was sent by the Delhi High Court to the Govt. Of NCT of Delhi as the Secretary of Law, Justice and Legislative Affairs and worked there till 2006.

Thereafter she worked as the Judge-in-charge at Karkardooma District Court till February 2007, when she was elevated to the High Court as an Addl. Judge of this Court.

It was in the 4th Century B.C. when the wise Greek philosopher Socrates said that there are four qualities required in a Judge – “to hear courteously, to answer wisely, to consider soberly and to decide impartially”

I believe that Justice Birbal possesses all the said four qualities apart from the virtues that a judge must possess. She is known to be knowledgeable, wise, and her judgements reflect not just her reliance on the laws as are laid out, but also her extreme respect for integrating the principles of social justice and of equity.

Justice Birbal has given a number of important judgements both on procedural and substantive laws.

Some of her important judgments included *Shama Parveen vs. State(NCT) of Delhi* in which Justice Veena Birbal sitting with Justice Badar Durrez Ahmed said that the evidence given by a child witness, if found competent to depose the facts and a reliable one, could be the basis for conviction. Justice Birbal also observed that the court must be cautious while assessing the evidence of the child to ensure that there is no likelihood of the witness being tutored.

In *Erin Jennifer Hawk v. State & Another*, Justice Birbal held that the welfare of a minor is the sole consideration while appointing a guardian of the minor. In that case, a permanent resident of the USA separated from her husband wanted to adopt a female child. The permanent resident already had two male children living with her. Justice Birbal held that even though the woman was well off and would have cared for the child, the presence of two male children with the female child would not be appropriate.

She also held that the welfare of the child has to be measured not just in terms of money and physical comforts, but that the word 'welfare' must be taken in its widest sense.

In *Pritam Ashok Sadaphule vs. Hima Chugh*, the petitioner had sued for dissolution of marriage by a foreign court on the grounds of Irretrievable Breakdown of Marriage.

Justice Birbal held that since the marriage was solemnised in New Delhi, according to the Hindu Marriage Act, the ex parte decree by the foreign court would not be recognised as irretrievable breakdown of marriage and was not a ground of divorce under Hindu Marriage Act and therefore the decree of the foreign court would fall under the purview of Section 13 of the CPC.

In *Suman Kaushik vs. N.P. Kaushik*, Justice Birbal affirmed the well known principle that cruelty can be both mental and physical, however she went on to say that the standard of proof for both is highly subjective.

Justice Birbal observed that in such cases, the courts are required to probe into mental effects of incidents that are brought out in evidence.

Justice Birbal also observed that the concept of proof beyond the shadow of doubt is to be adhered to in criminal trials and not to civil matters, and certainly not in matters of delicate personal relationships as that of husband and wife.

In *Om Prakash vs Delhi Society for Prevention of Cruelty to Animals*, Justice Birbal held that there is no bar on initiation of inquiry by the Disciplinary Authority even if the person accused of misconduct has been acquitted from the criminal court. She held that there is no bar on the Disciplinary Authority insofar as the proceedings carried on by them are in accordance with law.

One can see that Justice Birbal decided both procedural and substantive matters with the same level of care, and also relied on the principles of social justice and equity to help the aggrieved parties as best as she can, without deviating from the letter of the law.

She has also been a member of the Building and Maintenance Committee of the Dwarka Courts, and has had an immense contribution in the welfare of the premises of the Dwarka Court.

Though I have not known Justice Birbal for a long time, it is evident to me that she is an extremely dedicated professional, as well as being a very able and distinguished judge. It is my great pleasure to have interacted with Justice Birbal even if it was for a shorter duration than I would have liked, and I wish her good luck in all of her future endeavours. I am sure that she will do well at whatever she does because of her dedicated and hardworking nature.

Thank you.