

FAREWELL SPEECH ON THE RETIREMENT OF
JUSTICE PRATIBHA RANI
24.08.2018

My esteemed sister and brother colleagues,
Ms. Maninder Acharya, Additional Solicitor General of India,
Mr. K.C. Mittal ,President, Bar Council of Delhi
Mr. Kirti Uppal, President Delhi High Court Bar Association,
Mr. J.P. Sengh, Vice-President, Delhi High Court Bar Association,
Mr. Amit Sharma, Secretary, Delhi High Bar Association,
Mr. Ramesh Singh, Standing Counsel, (Civil), Govt. of NCT of Delhi,
Mr. Rahul Mehra, Standing Counsel, (Criminal) Govt. of NCT of Delhi,
Other Standing Counsels of the Central and State Government,
Executive Members of the Delhi High Court Bar Association,
President, Secretary and Office bearers of all the Bar Associations of Delhi.
Secretary and Office bearers of the Bar Council of Delhi.,
Senior Advocates,
Learned Members of the bar,
Family Members of Justice Pratibha Rani
And every one present...

We have assembled here this afternoon to bid farewell to one of our dear Colleagues Justice Pratibha Rani who demits office on superannuation after a distinguished and fulfilling career.

Justice Pratibha Rani was Born on 25th August, 1956 in Delhi. On completing her schooling from Delhi, she studied at Lady Shri Ram College, Delhi University in 1975. She obtained her LL.B. degree from Law Faculty, Delhi University in 1978.

Justice Pratibha Rani joined Delhi Judicial Service in 1979. She worked as a Metropolitan Magistrate, Civil Judge, and also as the Presiding Officer of the Labour Court before being promoted to the Delhi Higher Judicial Service in July, 1996.

Justice Pratibha Rani has worked as Special Judge (NDPS), Additional District and Sessions Judge, Special Judge (CBI) and District Judge, Incharge ASJ and became the District and Sessions Judge, Delhi on 1st March, 2011.

In the District Judiciary, Justice Pratibha Rani had dealt extensively with civil matters, criminal matters, narcotics and inter-country, intra-country adoption matters, cases under Prevention of Corruption Act and under Official Secret Act. She also adjudicated service matters of public servants who enjoyed protection under Article 311 of the Constitution of India.

Justice Pratibha Rani was elevated to the bench of Delhi High Court as an Additional Judge on 17th October, 2011, and as a permanent Judge on 16th October 2014; and has dealt with matters in various jurisdictions and has delivered various landmark judgements which exhibit her clarity on legal principles, her concern for fairness of justice dispensation, equities in law and her concern for social obligations in the context of her legal work so as to ensure complete justice to the marginalized sections of the society. Justice Pratibha Rani has made notable contributions in diverse

fields of law and has applied her judicial skills to some high profile cases which have surely left an indelible mark on the legal space.

In State, through Reference v. Ram Singh & Others. In her concurring opinion, while dealing with the issue whether death penalty should be awarded to the convicts in the **Nirbhaya gangrape case**, while expressing deep concern for the safety of women and their vulnerability to the dastardly acts of sexual assault, held that when the innocent hapless lady was subjected to such barbaric treatment by convicts who were in position of trust, their culpability assumes the proportion of extreme depravity and arouses a sense of revulsion in the mind of the common man. Confirming Death Penalty for the accused persons, she held that the enormity of the crime, the barbaric and inhuman act of committing the horrendous crime against the deceased victim, death penalty would not only deter others from committing such atrocious crimes but also to give emphatic expression to society's abhorrence of such crimes .

In Kanhaiya Kumar v. State of NCT of Delhi , the subject matter was grant of bail to a JNU student's Union Leader Kanhaiya Kumar in the incident of raising anti- national slogans at JNU, her ladyship, through this judgement reminds the petitioner against his claims of right regarding freedom of speech and expression guaranteed in Part III under Article 19(1)(a) of the Constitution of India, of the fundamental duties under part-IV under Article 51A of the Constitution of India. She held that rights and duties are two sides of the same coin.

She has always remained mindful of the legal provisions and principles of natural justice, while dealing with matters before her, **In the Matter of Sajjan Kumar v. CBI**, the trial court had upheld the CBI's

contention that affidavits filed by the prosecution witness and statements made before Justice Nanawati Commission and Justice Rangnathan Commission were admissible in examination-in-chief of the witness but the accused is precluded from contradicting the witness during cross examination in view of bar of section 6 of the Commission of Inquiry Act., Justice Pratibha Rani held that affidavits filed before the Commission cannot be read in evidence against the accused unless he is given an opportunity to cross examine the PW with respect to the affidavits filed and statement made before the Commission. She also held that it is the duty of the court to ensure an accused gets a fair trial and has to be afforded a reasonable opportunity to defend himself, by permitting him to confront the witness with other evidence relied upon by the Prosecution and that the trial court could not have curtailed the right of the accused.

In yet another judgement, conscious of her social responsibility, **In Sachin & Anr v. Jhabbu Lal & Anr**, Justice Pratibha Rani has said that where the house is self acquired property of the parents, son whether married or unmarried, has no legal right to live in that house. He can live in that house only at the mercy of his parents till such time the parents allow. Merely because the parents have allowed him to live in the house does not mean that the parents have to bear his burden throughout his life.

In Rupali Gupta v. Rajat Gupta, in a petition under section 24 of the Hindu Marriage Act, while deprecating the practice of awarding maintenance to qualified spouses, having earning capacity but desirous of remaining idle, Justice Pratibha Rani held that it is not the aim and object of Section 24 of Hindu Marriage Act to create an army of such idle persons.

Though I did not have the occasion to share the bench with Justice Pratibha Rani, however, in my brief interaction with her during these few days, I have found her to be very polite, soft spoken, quite affable and humble.

Justice Pratibha Rani has discharged her constitutional obligations ably and will be long remembered for her contribution to the cause of justice. Her legal acumen and notable judicial work of about four decades has surely left an indelible impact on the legal horizon. We respect her significant contribution and the values espoused by her while discharging her duties as a judge. We express our gratitude for all her support in all the court related activities.

As Justice Pratibha Rani departs from this office, we will remember her with fondness; we wish her good health and deep contentment with her accomplishments. I alongwith my colleagues convey our best wishes to Justice Pratibha Rani.

Thank You.

Chief Justice