

**ADDRESS BY HMsJ DAYA CHAUDHARY, Judge,
Punjab & Haryana High Court & President, BOG, CJA**

**Hon'ble the Chief Justice Sh. Krishna Murari, Patron-in-Chief,
Chandigarh Judicial Academy.**

**Hon'ble my brother/sister judges Justice Rajan Gupta, Justice Ajay
Tewari, Justice Arun Palli and Justice Lisa Gill, Members of Board of
Governors.**

Major Gen. Praveen Kumar, Judge, Advocate General India

Dr. Balram Gupta, Director (Academics)

Ms. Shalini Nagpal, (Director (Administration))

All officers of Judge, Advocate General Office

Good morning to all of you present here.

**It is a matter of pleasure for me to be here to attend the programme. I
am extremely happy to be amongst you to address you on this
occasion of Inauguration Orientation Programme. We are thankful to
our Hon'ble Chief to spare his valuable time and he has accepted our
request. He is motivating force for us being the leader of team and
Head of Judicial family.**

**2. Our judiciary throughout the Union of India has earned a
reputation for great integrity and independence. We are proud of it.
The true touch stone for measuring the success of a judicial
institution is the degree of confidence reposed in it by the public at**

large and it is a matter of pride that the public has respect and confidence. The judgments of the courts are treated with respect.

Former President of India, Dr. APJ Abdul Kalam has stated that “judiciary is the guardian of civilized life.”

The qualities that we should look for in a Judge are burning desire to be fair and impartial; the courage to uphold the law and strike down injustice; compassion coupled with an understanding of human frailties and lastly love for the law .

3. It is popularly said that knowledge is power and knowledge of law is empowerment. You are to be voice of voiceless, to be heard and get their grievances redressed.

The Constitution of India provides for justice to “We the People of India.” The Personnel belonging to the three Armed Services stand included in this mandate of the Constitution. In fact, Military Justice is the need of the hour. This needs serious consideration.

Indian Courts are open houses. Military Courts (Martial Courts) are not open houses. It is a closed door exercise. The members of the Court Martial as also the role of the JAG Branch officers leave much to be desired. The basic principle of any Justice System is : Public hearing by a competent, independent and impartial Tribunal. This is not so in the case of Military/Martial Courts as observed in a number

of judgments of this Court and Supreme Court.

It is because of lack of proper training of JAG officers as well as legal training of members of the Court Martial. The officers of JAG Branch need to be given an exposure to Judicial Practices followed by the Civil and Criminal Courts. The independent functioning of the Judicial Courts is to be engrained in them. Accordingly, it would sensitize the JAG officers to adhere to the independent functioning of Court Martials in order to ensure impartial adjudication.

JAG officers also need to be acquainted with the basics of Constitution. They need to be sensitized with regard to the separation of powers. They also need to be educated regarding the basics of Administrative Law. The role which the Principles of Natural Justice play in the Administration of Justice need to be explained. In short, the JAG officers require the basic knowledge regarding the principles like `reasonableness' and `fairness' in any adjudicatory process.

It is a matter of common knowledge that any adjudicatory process must culminate in `reasoned' orders/judgments. Recording of the reasons is the basic check on `arbitrary' actions and orders.

The Summary Court Martial (SCM) was essentially meant to be a war-time provision for quick disposal. In SCM, no judgment and no reasons are recorded. It was a tool for the officers to deal with the

matter in the shortest possible time. SCM cannot become a matter of routine. It is also not to be resorted to in peace times. Moreover, when serious offences are committed, the same cannot be dealt with through the medium of SCM. `Fair trial' is essential for good Justice System. A fair trial cannot be, short-circuited. Therefore, SCM should not be a matter of common resort to be adopted every now and then.

These are some of the important aspects which have prompted the Chandigarh Judicial Academy for providing orientation to the officers of the three services belonging to the JAG Department. It is an opening for the JAG Department officers that they must imbibe best practices which are followed in Constitutional, Civil and Criminal Courts in the country.

At the end, it can be said that the objective behind the training is to develop the skills, knowledge, work culture and attitude with a view to improve the quality and quantity of his output while working on judicial side. One may commit errors unless trained before performance. Those errors may cause gross injustice.

Yet the process of training does not end here. I pause myself with a quotation from Enrich, who said ;

“The ultimate guarantee of justice in a Court of law is the personality of the Judge.”

I wish all the best for all of you.