

Will they or will they not...!

■ PROF NUTAN RESUTRA

A stereotype and well-familiar situation is prevalent in our pampered part of Union Territory. I am talking of Kashmir and referred situation is the aftermath of victory of Pakistan over India in the erick-et match. As has been 'standing operating procedure' (please read these in satirical mode), the victory of Pakistan saw jubilations being shared on social media among Kashmiri students. The marked feature was singing of Pakistani National Anthem by them in Government Medical College Srinagar and the elite Sher-e-Kashmir Institute of Medical Sciences, Srinagar which is as good as AIIMS. The celebrations extended to Samba in Jammu to Jaipur in Rajasthan to Agra in Uttar Pradesh, besides several other parts.


So far so good! For all those students and teachers and others who danced, distributed sweets, shared messages on social media and sang Pakistan's National Anthem, it was nothing unusual, something that had been happening every time when India lost and Pakistan won in any game. But then something unexpected did happen; something that had never been there. Suddenly, there were protests, protests on roads against those celebrations. Heated debates started taking place on television channels where anchors without mincing words said that those who celebrated are doing it at cost of hard-earned money of Indian tax-payers. These institutes are being funded to make them good doctors and not anti-nationals. The focus of discussions and protests was not celebrations but more on singing of anthem of another country.

Realising gravity of situation, authorities cracked whip and registered cases under provisions of Unlawful Activities Prevention Act against those doctors in making. Three engineering students were arrested from Agra and they have been lodged in jail till 11th November, and a teacher and an operation theater attendant's services are terminated. Yogi Adityanath, the Chief Minister of Uttar Pradesh clearly stated all these students would be tried for treason. Two Jammu girls, who are students in Valley, are not only being trolled but are also being extended death threats for sharing video of students singing Pak National Anthem, labeling them as Police Mukhbirs.

And now the other game has started. The political parties have started building up case in favour of those students against whom action has been initiated. The usual argument is that 'Yeh to Nadan Bacchey Hain, In Ka Kya Kasoor'. It has always happened, so let us ignore this time also and withdraw cases registered against them. Someone went to the extent of saying; instead of punishing these 'innocent' students, punish those who had been pampering this situation previously and Chor Nahin Chor Ki Maan Ko Maaro. (Does it mean those Chief Ministers of erstwhile State who had always been writing to their counterparts whenever such anti-national acts were done and shielded those Naadan Bacchey? I leave it to imagination of readers).

The BJP at the Centre is under pressure; political parties (including ruling) in the Valley are under pressure and Administration in the Union Territory is under pressure. There is only one point programme. This has always happened in Kashmir and this time also should be accepted as it is. Any harsh action against them would alienate innocent Kashmiris even more from India. I am no one to comment on why did this Match was ever agreed to be played in so called hostile conditions on LoC and Poonch; on why not to take Pakistan's victory in sportsman spirit because in every match one team wins and other loses; or on action taken by the government agencies to make those Naadan Bacchey understand that they cannot patronize an enemy country at the cost of hard earned money paid by Indian people in shape of taxes on petrol and other commodities to make them good doctors in general and good Indian citizens in particular? Or only why a few, may be five to ten mischief mongers are being called whole of Kashmir? No Sir, I am just not competent to comment on these statements.

My thoughts go to proverbial saying: Will they, or will they not? As has always been happening in the past, will the no nonsense government at the Centre bow to them this time as also and play same tune as had been played in these earlier situations, or at least for once they will take a stand and put this ritual of celebrations to rest once for all. Whatever the outcome, this is going to reflect thinking on the part of those at the helm of affairs regarding dealing with these situations for all times to come. Till then we can say, 'will they, or will they not?'



OFF 'D' CUFF

Decoding the Mystery of Rebirth

Is rebirth real? Will we be born again? Let's analyze. Is 'birth' real? Yes, of course. We see people being born everyday. Some people are born blind, some healthy, some in rich families and some in abject poverty. Is it luck, chance or serendipity? What causes birth? The circumstances of our birth are not a matter of chance, nor is it micro-managed by God. There are certain Universal Laws that control the Universe. The earth rotates once in 24 hours. It revolves around the sun in 365 1/4 days. Everything we throw up in the air, comes right back because of the gravitational force on earth. While we cannot prove these Universal Laws, we infer that they exist. Therefore, without doubt, and through inference, we can conclude that the Law of Action and Reaction, the Law of Cause and Effect, the Law of Karma, also exists. As we sow, so shall we reap. There is no other way for Karma to be executed other than rebirth.

Death is a reality. It is certain that everybody has to

Air Atman In Ravi

Farmers' welfare-Focal point of Government

■ SHOBHA KARANDLAJE

India's agriculture is in an epoch-making era under the Prime Minister Narendra Modi. It is the phase where farmers are reaping the utmost benefit of numerous welfare measures and schemes without any hindrances. The incumbent government, since it assumed power, has unleashed revolutionary efforts to transform the country's agriculture, from being a dependent to an Atmanirbhar. And, to realise it, budgetary allocations have been tremendously improved over last seven years, from Rs 21,933.50 crore in 2013-2014 to Rs 1,23, 017.57 crore in 2021-22, annually.

Farmers' welfare has been the focal point of the Government. Its agriculture policies have centered around the farmers enabling them to avail themselves without any hiccup and hurdle. To exemplify, for the first time in the history of India, farmers are receiving monetary assistance directly into their bank accounts under PM Kissan Samman Nidhi, their damaged crops are compensated with PM Fasal Bima Yojana, fertility of soils has been improved through Soil Health Cards, debts have been abolished by equipping them Kissan Credit Card and many others. Of the set targets of 16 lakh crore, over 14 lakh crore loans have already been disbursed via KCCs.

The MSPs for crops have been raised systematically to be commensurate with the input costs. And, the most effective strive has been the DBT in MSPs (Minimum Support Price) that got rid of the middle man and helped benefit the intended beneficiaries. A record number of procurements have been made through MSPs, and the same has been offered to other crops to induce crops diversification and opt high yielding crops. The pandemic has not inhibited the government from extending monetary assistance, while the Prime Minister has explicitly stated in his public rallies how over 1.5 lakh crores were transferred even amidst the COVID pandemic.

The Ministry of Agriculture and Farmers' welfare is working vigorously to set up 10,000 Farmer Producer Organisations (FPOs) across the nation to facilitate the farmers to become entrepreneurs. To reduce India's dependence on the import of edible oil, cultivation of edible oils are promoted in the states that are favorable and more areas are brought under the cultivation of oil palm, with special emphasis in the North-Eastern region, under National Mission on Oilseeds and Oil Palm (NMOOP). To this effect, a first-ever summit was organised in Assam to underscore the potential of the north-eastern states in substituting the nation's reliance on edible oil. Oil palm areas are expanded and processing units are established.

The Ministry, in its latest decision, has initiated a step to spur production, fertility of soils and diversify crops, and to effectuate, free of cost hybrid seeds mini seeds kit is being distributed to over 8 crores farmers, in 343 targeted districts of 15 adaptable states.

The thrust of Prime Minister Narendra Modi to make India's agriculture self-reliant is being ascertained in the truest spirit. These are not merely on paper but tangible on the ground, and I have endless real-life accounts to share on how farmers across the length and breadth of the nation are benefitted from farmers' centric policies of the Modi government. The decision-making mechanisms have been decentralized while the space once reserved for the officials is opened to the farmers. Coconut Development Board now allowing a farmer to be its president is a validation of it.

The notion of Indian farmers being impoverished and in tatters with bulls and plough are no more the case. Farming has become progressive with the application of modern technologies and sophisticated support systems. Seeds with distinct features to endure climate change and combat malnutrition in India, developed by ICAR, were dedicated to the nation by the Prime

Minister Narendra Modi.

These 35 varieties of climate-resilient seeds will also help counter malnutrition.

MoUs with the private players was signed to make the farmers take an informed decision about the cultivation of precise crops and in a specified time, resulting in higher yield. The farmers will be provided logistics and procurement support, enabling them to choose the just market for a better price. Over 1,000 Mandis have been assimilated into e-NAM (National Agriculture Market) in 18 States and 3 Union Territories, mitigating the volatility in the markets, and giving access to a unified market. Further, Kissan Rail has shrunk inaccessibility, expanded market and is delivering agri-produce fresh from the farms to the customers, in the shortest-possible time.

Agriculture is imbued with contemporary technologies and the rudimentary practices are descending into oblivion. Professionals are stepping in farming with expertise, energy and eagerness and making value addition to crops; exploring international markets.

Advanced mechanisation such as artificial intelligence, drones, robots remote sensing and GIS technology will be employed under the digital agriculture mission that has been set in for 2021-25. Database of 5.5 crore farmers have been created, their land records linked and exercise to generate a unique farmer's ID kicked off. Organic farming has been popularised, and those who have left a mark in agriculture are recognised and accorded top civilian awards.

The government has bestowed several female farmers with India's top awards who have refashioned farming and galvanised others with their sustainable techniques.

Prominence has been given to all crops that can supplement sustainable farmings and traditional farming methods are countenanced.

One district one product is an ambitious scheme to identity at least one

agri-product with export potential from each district of the country, to make it available in the international market.

To our wonder, Nagaland's Raja Mircha is sold in London, Jackfruits from Tripura are exported to Germany and London, Red Rice of Assam is available in the US whereas Jamun from Kanpur, UP are for grabs in the UK, a novel exercise in the history of the country's agriculture.

In my state review meetings, held with respective states, to smoothen the coordination amongst the numerous departments of the centre and states, have categorically stated to form a separate cell to cater for the export demand of agri-products.

The government's bitter decision has born fruitful results, and the exemplification of this was witnessed in J&K. In the last visit, there, I had the chance to converse with the local farmers and apprise myself of the prospects of the region's agriculture. The region produces world-famous saffron, and its cherries are making their way to foreign markets.

The Government is offering every possible help to the farmers of J&K in doubling their incomes and for this Kesar Park is being made operational.

With this, saffron which was sold once for one lakh is now being sold at two and a half lakh rupees per Kg. India has taken to global forum to bring to fruition its predetermined goal to double the income of farmers and has got its resolution of observing the year 2023 as the 'International Years of Millets,' ratified by the United Nation. This nutrient-rich crop, once termed as a poor man crop, is carving a space in the global market. The peculiarity of this crop is that it has a little water precondition and can be grown in semi-arid land. The list can go on to affirm our resolve of an Atmanirbhar Krishi and welfare of our Annadatas and corroborate 'Modi Hai to Mumkin Hai'.

(The author is Union Minister of State for Agriculture and Farmers' Welfare).

Why Indian judicial system should do away with medieval-era colonial practice?

■ ADV DINESH SINGH CHAUHAN

You cannot force someone to respect you, but you can refuse to be disrespected.' A quote, by someone unknown, truly encapsulates the natural principle of human tendencies, which, in all circumstances, cannot be so regulated through Rules and Procedures, as the subjects are products of emotions largely, than of logic. The fluid nature and fine line of distinguishable difference between respect and disrespect, tends to define the relations in personal and professional space, and is no different when it comes to how the Learned Counsels, Public Officials and other members of the public, are found addressing the Judges in our country. As it is usually said, that the past will define the future, in many ways, India is still being subjected to adopted slavery with the carrying on of the British Courts' undefined and unreasoned practices. It bears no doubt that many countries use titles for addressing the Judges in accordance with their customs and traditions. However, the use of the titles viz. 'Your lordship / Ladyship' and 'Milord / My Lord' to address the Honourable Judges in India, prevent us to give our Court system an identity of its own and a sense of belongingness 'We, the People of India' desire. As 'Lordship' came to Indian shores with the cunning East India Company who sent tea, muslin and spices back to England in exchange for gifting us natives with the English Legal System, the British Isles may be a good point from where to begin our inquiry.

Locked in a love-hate relationship in perpetuity, England and France have an interesting connect with why we indeed say 'miluds' or 'milord' in Courts. It transpires that the French term 'Millourt' for a Nobleman or a Rich Person, in use by 1430, was actually imported from across the English Channel and was a variant of 'My Lord'. More than a Century later, around 1598, English Nobles brought back this term from the wanderings across continental Europe and it gained currency as a general form of reference of English Nobility! The Judges, who were also part of the House of Lords, naturally stood addressed in the manner Nobles of those times were.

Different forms of addressing Judges: By Constitutional Reform Act, 2005, a Supreme Court of the United Kingdom was established, which displaced the House of Lords. The forms of address of Law Lords seemed to have been continued. However, 'address malfunction' has plagued Lawyers and litigants forever. The local Grimsby Telegraph reported that one litigant greeted the Crown Court Judge David Tremburg with 'Your Majesty'. Another litigant a few years ago had curtseyed Judge Leslie Hull. Over time, efforts have been made to move away from the conventions of the past. Chief Justice John Murray

presided over the Superior Courts Rules Committee to decide that Judges would be addressed as "Judges" or "The Court", when sitting with more than one Judge.

Relics of Colonial Past: In the Indian context, where the country's social fabric is inter-woven with secularism and equality, if one studies the general parlance, the term 'Lord' is understood in terms of attributing the said title to Deities namely Lord Shiva (Hindus), Lord Jesus (Christians), Rabb/Allah (Lord and Master/God) - [Muslims] and others, and accordingly, the usage does not bear any semblance to any living personality in any manner. The status of faith and divine powers, could not have been so meant to be bestowed upon a living individual or group of individuals, and that too way by a select few, in the course of professional etiquettes, without having a willful acceptance of the people at large. Such titles are though just 'Honorifics' as a matter of Court Practice, but may have a tendency to be wrongly understood in its extension or overlap with religious practices and sentiments of any or every community in India. Therefore, the compulsion to address the Judges as such, being a part of legacy and unwritten long-standing diktat, was to be shown the guided route in order to bring out a near uniform approach, consistent with the dignity and majesty of the Courts and largely, for the Justice Delivery System as a whole.

The Bar Council of India, a statutory body created by Parliament and performing regulatory function by prescribing standards of professional conduct and etiquette and by exercising disciplinary jurisdiction over the members of Bar, made a serious attempt in the year 2006 post consideration of the observations of the Supreme Court of India in Re Progressive & Vigilant Lawyers Forum [W.P. (Civil) 40/2006] that the matter was to be decided by the Bar Council of India as how the Judges should be addressed, by exercising its powers under Section 49 (1)(c) of the Advocates Act, 1961, and made Rules on professional and etiquette standards to be observed by Advocates, in so far as it related to addressing the Judges in different Courts in the country and in furtherance thereof, Chapter IIIA to Part VI of the Bar Council of India Rules was added through a Resolution by the Bar Council of India. The relevant extract of the said Resolution is reproduced herein below, for ready reference: Chapter-III A: To address the Court: Consistent with the obligation of the Bar to show a respectful attitude towards the Court and bearing in mind the dignity of Judicial Office, the form of address to be adopted whether in the Supreme Court, High Courts or Subordinate Courts should be as follows: 'Your Honour' or 'Hon'ble Court' in Supreme Court & High Courts and in the

Subordinate Courts and Tribunals it is open to the Lawyers to address the Court as 'Sir' or the equivalent word in respective regional languages. Explanation- As the words 'My Lord' and 'Your Lordship' are relics of a Colonial past, it is proposed to incorporate the above Rule showing respectful attitude to the Court.

The said Resolution was circulated Vide Letter bearing Ref. No. STBC (CIR) No.11/2006 dated 20.04.2006 by the Bar Council of India to the Secretaries of all the State Bar Councils and also to the Registrars' of all the High Courts in the country, requesting them to circulate the said Resolution to all the Bar Associations in their States, and to others also, in order to give adequate publicity to the said Resolution among the Lawyers. Subsequent thereof, the same was published in the Gazette of India and officially came into force with effect from 06.05.2006, with its addition as Chapter IIIA in Part VI in the Bar Council of India Rules. But, where is the controversy now when the law is clear, concise and communicated to everyone, and calling out only for compliance? Over to the judicial set-up with much flip-flops and varied approaches being witnessed, in the year 2019, the Rajasthan High Court, in its Full Court meeting had unanimously resolved to request the Counsels and those who appear before the Court to desist from addressing the Judges as 'My Lord' and 'Your Lordship', to honour the mandate of equality enshrined in the Constitution of India. Similarly, many Judges including Justice Ravindra Bhat, Judge, Supreme Court of India, Justice S. Muralidhar, Chief Justice, Orissa High Court, Justice Arun Kumar Tyagi, Judge, Punjab & Haryana High Court, Justice P Krishna Bhat, Judge, Karnataka High Court and Justice Rabstan, Judge High Court of Jammu & Kashmir & Ladakh, have asked, time and again, the Learned Advocates not to address them as 'Lordships'. However, to the other side of the coin, being the Judicial side of adjudication of the said issue of addressing the Judges, a remark was found made by the then Chief Justice of India, Justice S A Bobde on 13.08.2020, wherein, the title 'Your Honour' was held to be inappropriate to be used in the Supreme Court of India, partaking the practice of the Court beyond and above the Law of the Land in force.

In 2014, a Writ Petition (Civil) No. 881/2013 titled 'Shiv Sagar Tiwari Versus Secretary General SCI & Ors.', was filed by a Lawyer Shiv Sagar Tiwari, seeking the ban on the usage of archaic expressions of 'My Lord', your Lordship' and such others to be a symbol of slavery and against the dignity of the country, by terming the same as a 'negative prayer' and Bench included Justice S. A. Bobde but was presided by Justice H. L. Dattu, where the Bench allowed to argue in per-

son but the Writ Petition was dismissed, stating that the terms 'My Lord' and 'Your Lordship' had never been compulsory.

The practice of addressing Judges as 'Your Lordship' or 'My Lord' traces its origins to England and Wales where the High Court and Court of Appeals Judges are addressed like that since the Medieval era. The term 'Lord' is itself feudalistic. In fact, it is a title for a British Prince or Sovereign of a Feudal Superior. When the British Colonialists formalised the Indian Legal System, they also extended this system of addressing the Judges to India. The British had formalised our legal system that is why addressing Judges as 'Your Lordship' and 'My Lord' became a matter or practice. However, the fact remains that India became a Constitutional democracy in 1950, while Britain is still governed by an unwritten Constitution. The Indian Legal System is governed by Rule of Law, while the English Legal System is a Constitutional Monarchy. India's Rule of Law renders all citizens equal because no is above the law, irrespective of the status that a person enjoys. The supremacy of law is not as strictly enshrined in the English System as it is embodied in India. This is why the King/Queen is still considered Supreme in England and the system of Lords is essentially a manifestation of the Crown's Supremacy. India being a more evolved legal system and an ardent follower of the Principles of Constitutional Supremacy and Constitutional Equality cannot adopt a system of appointing Feudal Lords. Addressing Judges as Lords is also a vestige of England's Feudalism that has no basis in India. It is high time the practice of addressing the Judges as 'My Lord' or 'Your Lordship', a Relic of the British Raj, ended. To an ordinary mind, it is a denouncement of the British Raj, but in substance it actually manifests abhorrence for the Medieval Era English Feudalism.

Simply the acceptance of the Rule framed by the Bar Council of India, by all the Judges is the fast forward solution, as to be practiced by the Learned Lawyers over a period of time, to make it a behavioural pattern in their Court Room exchange. The usage of terms or titles like 'Your Honour or Hon'ble Court' or 'Hon'ble Bench or Hon'ble Sir or Madam' in a respectful manner, which is reflected through body language of the person addressing, as a means of non-verbal communication, is a more appropriate and desirable way of addressing the Judges. The same should not be perceived as disrespectful and unconventional and should be left entirely to the discretion of the Learned Advocates, as respect through compulsion is no respect, whether or not, the same is given or received.

(The author is an Advocate at J&K High Court of Judicature, Jammu).