

## ADDRESSING CLIMATE CHANGE

The average condition of weather measured over many years at a place is called climate. The climate of a place depends on its location, altitude, distance from the sea and relief. That is why we experience regional variations in the climate of India. The climate of India is broadly called monsoon dry climate.

Climate includes long-term weather data related to atmospheric pressure, temperature, humidity, wind movements, clouds etc. of any place, which can be studied to determine the lifestyle, food habits, agricultural economy of a particular nation. Arrangements etc. are determined.

Climate, defined as the long-term average weather of a location, is influenced by factors like location, altitude, and proximity to the sea. India, with its diverse geography, experiences regional variations classified as a monsoon dry climate.

Climate encompasses atmospheric conditions, influencing lifestyle, food habits, and agricultural economies. Climate change, marked by long-term shifts in weather patterns, manifests globally, evident in phenomena like melting glaciers, increased temperatures, and extreme weather events. Current observations show a 1-degree Fahrenheit rise in Earth's temperature over the past century. This global shift poses threats, notably to food security, with reduced crop production, soil degradation, and heightened vulnerability to drought. Regions like Asia and Africa, reliant on imports, face increased risks. Additionally, the rise in atmospheric carbon impacts crop nutritional quality. Scientists emphasize the urgency of understanding and addressing climate change to safeguard our planet's future.

## Waste Management

■ G.L KHAJURIA

The waste is a serious threat to the public life particularly I rural areas as these are generated in predominantly organic forms. And an incorrect disposal can tantamount to multihued disease such as water borne diseases which include diarrhea, cholera, typhoid, malaria to the extent of dengue and the like. As per the estimates, people in rural areas are generating 0.4 to 0.5 million metric tons of the organic and recyclable solid waste per day and that constitute 88%-95% of the total disease burden. All this is fundamentally due to lack of clean water, sanitation and above all improper waste Management. The figures are as per Government of India (GOI) ending year 2008.

And one of the emerging serious challenges is of incorrect faecals sludge management. Though no doubt its Management in rural areas is much more easier than urban areas.

In 2016, the Ministry of Drinking water and sanitation, Government of India issued a letter to all principal secretaries of State Government of cleanliness index and solid and liquid waste management (SLWM) to raise awareness in cleanliness campaign in almost all areas such as villages, Gram Panchayats, tehsils and the districts.

It was hope that this will generate improvement in cleanliness, hygienic and quality of life in rural areas but unfortunately , the mission did not make the headway to the extent it was so aimed at and targeted for.

The solid and liquid waste management (SLWM) is as such an important determinant of improved sanitation in any community.

The goals of sanitation will not be met adequately unless otherwise the waste is safely and judiciously disposed off. And in rural areas, this aspect is oftenly ignored owing to lack of infrastructure, Non availability of sustainable technology. Interestingly enough, the Indian diversity extends to its waste generation also. The wide varied diversity, topography and climate in unison play a pre dominant part.

Rural communities have oftenly been known to use and reuse resource resulting thereby zero waste generation. However, of course with the passage of time and other factors. The situation is drastically changing given the growing consumerism, changing food habits and easy availability of plastic bags and non bio degradable packages.

And most of waste management options are based on the principals of reduction, rescue, recycle and recover.

Under solid and liquid waste management (SLWM), The following activities are warranted to be undertaken. One the solid waste management, the state shall have to decide areas i.e collection, segregation and safe disposal of household garbage. And in this context, decentralized system such as household composting and biogas plants are of paramount importance

Activities related to maximum reuse of solid organic as manure shoul preferably be adopted and such technologies should include NADEP composting or to say vermin-compositing methods. Individual and biogas plants. The amount of funds soallotted for SLWM may be used to implement shape disposal solutions for menstrual waste and also setting up incinerators in school and other women's community sanitary complexes, primary health centers or in any other suitable places in the village where collection mechanization are convenient.

The technologies may include appropriate options that are socially acceptable and above all environmentally safe.

Secondly, in liquid waste management, the state warrants to be identified with suitable technologies and the methods adopted for liquid waste management on maximum rescue of such waste for agriculture purposes with last operation and management and maintenance cost, and for the collection of waste water, low cost drainage or small bore system are optimal.

In the third place, the treatment of waste water technologies that can be considered include waste stabilization Pond (WSP), Duckweed based wastewater treatment and finally phytorollod technology developed by NEER.

Economic implications in term of capital, operational and maintenance (O and M expenditure) socio cultural aspect of acceptability and adoptability. The technical aspect for obtuness in respect whether and environmental conditions have their own part to play alongside operational practices. And capacity to sustainable operation and maintenance process and technologies.

Conclusively, therefore, all steps so elaborated here in above managing waste and to reduce its generation and thence to seek all means affordable for reuse and recycling with geometric progress in and successful orientation.

(The author is Former Deputy Conservator of Forest J&K).

## Same-Sex Marriage in sanctimonious India

■ HONEY SHARMA

Can multicoloured flowers blossom in a multicultural land ? Can the moon of love gleam in a religious country? Can Ardhnarishwar live in a nation of its own devotees? The answer should have been an emphatic yes, but unfortunately, the answer varies in our hypocritical, sophisticated human society.

And today ,we might have attained the apogee in the realm of development . But our weak instincts still bar us from recognizing the true meaning of love .

For humans love is like yin - yang , where yin signifies the beauty of attachment, affection and compassion between the partners while yang shows the intricacies of beings to procreate. And while yin is considered pure in every form to be observed by society , garnering praise for its piety , yang on the other hand is bound to be secretive and covered with a veil of dignity as it is what symbolises human's modesty and chastity.

Humans have always tried to dive into the stream of relationships that can provide them with something valuable enough and satiate their needs. In the realm of humans, every relationship outside the bloodline is made after contemplating over the beneficial attributes. The intensive search can be for a status holder , a belle ,an emotional supporter or a good samaritan . And just like every star has its unique formation , every being on our planet has its own orientation that needs to be valued ,rejoiced and appreciated.

Sex is a sociological construct, and

according to our deeply embedded patriarchal society, there are only two biological differences between any living being ; male and female , and that is it , God can't go beyond the boundaries of these two complex constructs because he has only one objective in mind ,that is to enhance population on earth.

Even though our sacred books are not only about the lovelife of Manu and Satarupa but rather it comprehensively mentions the third gender , 'napunsak' as a revered human. Lord Ram treated them with respect and gave them a place to stay in front of his palace. Shikhandi and Lord Arjuna's transgender form Brihannala played a majestic role in the Mahabharata.

It is heart wrenching that in today's contemporary world we remain oblivious to the divine creation of God. Lesbians , gay, bisexuals, transgenders, queer and asexuals are looked down upon as if they are some evil forms . Society bows to them, asking for blessings for their own rightful families . But their attitude changes if the same kind of person takes birth in their own family. There are religious communities who compare the origin of humans with animals and are of the peculiar view that if nothing like that exists in them , how can it possibly be experienced by humans?

Existence of humans is like several flowers blooming on the earth's crust , creating a lively aura with their own pleasant essence. Isn't it a sin to deny someone the right to flourish? Isn't it evil to pluck the flowers of life that wanted to blossom in

the garden of humanity just because its colour varied? And instead of being monochromatic like its other counterparts , they were garnered with numerous hues of colours ?

Aradhya ( name changed ), born as an intersex baby to an Indian couple, was assigned a male gender by her father . Admitted in school as a boy pupil she was forced to live as a gender she never perceived herself to be. Hitting puberty ,she started developing feminine features that gave her male classmates a reason to denigrate and harass her. Depressed with her own self ,she was in a dilemma over her own existence. That is when her father decided to stop her from studying further.

But the diligent girl danced in religious ceremonies , collected money through the jagratas and completed her graduation. Now she successfully runs her own beauty salon and is doing masters from a reputed Central University. Isn't this story inspiring ?

This young and robust girl now wants to engage in the pious relationship of marriage but is afraid of society's concocted laws. Aradhya made a name for herself , she is educated, well qualified and is financially independent . Then why on earth, she can't marry and live her life to the fullest?

We as humans have made our lives more difficult than it actually is . And we not only do it with ourselves , in fact we make it sure that everyone around feels the same. Life is not a fearful exam to pass by a few. Life is indeed a precious gift for all and we should cherish every moment

of it .

Section 377 was scrapped in 2018 by the honourable court of Bharat, the substantive verdict invigorated the spirits of LGBTQ+ citizens of the country. Legalising their relationship and opening the bars of constraints ,they were finally granted 'right to life' under Article 21 of our constitution, which we as citizens are enjoying for time immemorial.

When Dutte chand , India's professional sprinter, revealed herself to be a lesbian and in a relationship with a person of same - sex . She was met with instant backlash from her own hometown. But unfazed by the criticism she said , " I believe in individual freedom and the right to decide how and with whom I will live my life."

She also opines, "Like the queer people have the right to vote, they should also be allowed to marry a person of their choice." It is indeed intriguing that as natives of our country LGBTQ+ can vote but they can't marry? The court has recently passed another instrumental judgement asking parliament to decide on the laws for the same sex marriage. Love has no boundaries and no one on earth should be ostracised on the basis of caste , sex, colour or creed.

Let our country be enveloped by a sphere of love and compassion .And I genuinely hope that all futuristic decisions will be in favour of betterment and welfare of LGBTQ+ , who were always kept aside in the name of quirky psychology, but are indubitably God's very own creation.

(The writer is from Central University Jammu).

## Cutting the pendency clog at subordinate level

■ V.K SHARMA

Justice Surya Kant, judge of the Supreme Court, speaking at an event at the Punjab and Haryana High Court, has rightly described the ever rising pendency of cases as a 'big challenge for bar and bench both' with the arrear phenomenally rising to over four lakh cases in the High Court in 2023, from over 3 lakh cases in 2018. He, however, added that unless "quality assistance" is provided by the bar, the bench will not be able to deliver and overcome the challenge. Similarly, the Chief Justice of India, D.Y.Chandrachud, during a hearing in the Supreme Court recently, has also lamented at the practice of unnecessary adjournments, and called upon the lawyers not to reduce the apex court to a tarikh pe tarikh court "by sending requests at the drop of a hat for adjournment of cases listed for hearing".

Both these observations made by the two judges of the top court, in one way or the other, have elicited active support from the lawyers community in timely disposal of cases, while pointing towards the grave problem of ever increasing pendency of cases at all the three levels of judiciary; the federal court, high courts and, most importantly, the subordinate courts-wherein more than 85% cases of the total pendency are languishing, taking the total number to over 4.4 crore as of now, as per the information released by the National Judicial Data Grid (NJDS). In other words, the subordinate courts are the real clogging centres for the huge arrear, which needs to be cleared in a time-bound manner to ensure speedy and timely justice to the litigants.

The latest available official data released by the Government in July this year during Question Hour in the upper house Rajya Sabha, the pendency of cases have crossed the whopping mark of 5 crore. As Law Minister Arjun Ram Meghwal has put it, over 5.2 crore cases are pending in Indian courts, namely the Supreme Court, 25 high courts across the country and the subordinate courts. A break-up of the pending cases reveal that 69,766 cases are pending in the apex court as on 1st July, 2023, 60,62,953 matters in all high courts and the huge pendency of 4,41,35,357 cases is clogged with the district courts, which is the first pedestal of seeking justice in the hierarchy of the administration of justice in India. Ironically, this is the largest pendency of cases in the world, with the district courts grabbing a gigantic share of over 85% pending cases. Unfortunately, government is the biggest litigant of the country, having 50% of the pending cases sponsored by the State.

If we recall a 2018 Niti Aayog Strategy Paper highlighting the prevailing rate of disposal of cases in our courts, it would take more than 324 years (more than three centuries) to clear the backlog. In 2018, the pending cases stood at 29 millions, which unexpectedly and alarmingly rose to the present 50 million- only a bit short of being double in previous 5 years, which implies that the cases are rising exponentially whereas rate of disposal is decreasing dismally.

It is a million dollar question as how the Indian courts will make up the yawning gulf between the pendency and the disposal at the prevailing speed?, Shockingly, out of 5.2 er pending cases, 1,69,000 cases are those which are long-drawn clogs pending for over 30 years at the district and high courts level. Another important question arises: If a citizen is not able to get justice in 30 years-or say during his life span, what is the reliability and efficacy of the justice delivery system? English philosopher and jurist Sir Edward Coke was right in coining the popular phrases that, "justice delayed is justice denied" and "injustice anywhere is a threat to the justice everywhere" as early as in the early 1600s. In present times too, there is no denying the fact that if we don't get timely justice in our courts, it shakes the societal faith towards the judicial system, and Indian judicial system is no exception to it.

Furthermore, the huge pendency of cases is not only detrimental to the speedy justice delivery system and prejudicial to the rights of the justice-seekers, but it also cost 1.5% to 2% revenue to our GDP, which is a colossal loss for a developing country like India.

Analytically, the causes and reasons offered and cited for this huge pendency by various stakeholders, including the government, have remained always hackneyed, identical and mostly theoretical-which don't give any insight or a concrete formula on how to deal with this national problem.

Law Minister Arjun Ram Meghwal says, "We have no direct role in disposal of cases", It implies that the government has no active role in the pendency of cases. Rather, it is the judicial system, which needs to devise a fool-proof plan to clear the backlog. However, Meghwal cites some oft-repeated reasons, saying, "criminal cases function on assistance of various agencies such as police, prosecution, forensic labs, handwriting experts and medico-legal experts and complexity of facts and evidence" etc. However, this may be partially true in the context of pending criminal cases, but what about those matters of civil nature which are languishing in Indian courts for years and years together; where final disposal still appears to be distant cry. One of the most prevalent and potent reasons often cited for the pendency of cases is: Low strength of judges and judicial officers against their sanctioned strength. This reason may be justified to some extent. To illustrate, in the year 2018, there were 21.3 judges to deliver justice to one million populations, with the total strength of judges in the Supreme Court as 34, in High Courts as 1108 and in district courts as 24631. To make up the shortfall, the Law Commission and Justice V.S.Malinath Committee, in the past,had recommended to raise the strength of judges and judicial officers to 50 per million or 1 judge on 20,000 population. However, these recommendations could never see the light of the day, which could have given some relief to the over-burdened judicial system. On the contrary, in 2022, the working strength of judges drastically decreased to 14.4

per million, far below the recommended number of 50 judges. In sharp contrast to other countries, the strength of judges in India is 210 per million in Europe and 150 judges per million in America, where speedy dispensation of justice is the order of the day.

Admittedly, appointment of judges is a long-drawn process in India. Lack of coordination and cooperation is a major cause for the vacancy in higher judiciary. In the event of any disagreement between the Collegium recommendations and the appointing authority, the Union of India, the appointments are delayed for years together with names pending with the government for approval, to the loss and deterrent of the justice delivery system. Retirement, resignations, removal and voluntary retirements of judges further tend to aggravate the shortfall since no immediate substitutes are in place to fill the vacuum.

Undoubtedly, shortage of judges against the sanctioned strength, shortage of court staff, especially at the subordinate level, lack of infrastructure, inadequate funding and archaic Code of Criminal Procedure (CrPC) and Civil Procedure Code (CPC) making sufficient room for using adjournments as a tool to delay proceedings and abuse of the process of law are other prominent reasons for the overwhelming pendency of cases in our courts.

Adding fuel to the fire, the ever rising cases of the cheque dishonour under Section 138 of the Negotiable Instruments Act have immensely contributed towards accumulation of the clog. As per a report released in April, 2022, more than 33.44 lakh cases are pending in the courts-which registered a growth of close to 30% in only five months. This is an extremely embarrassingly high figure for a problem that is a civil liability in most of the developed world. Ironically, the dishonour of cheques was criminalised in India only in 1988 without conducting any judicial impact assessments beforehand, which backfired soon and the courts were inundated with criminal complaints, which further started having an adverse effect in disposal of other criminal cases. In most parts of the country, there are special and designated courts to deal with cheque bounce cases; still the backlog continues to swell with each passing day-primarily because of faulty provisions of NI Act. In most of the cases, sometimes, it takes many years to secure the presence of an accused before Magistrate in a cheque bounce case. Prior to that, preliminary evidence of complainant, generally, eats many dates of long durations which cause major inconvenience to the aggrieved party, besides adding to the pendency. In other words, securing presence of an accused is a very tedious and lethargic process, and the case will continue to linger on with date after date till an accused appears before the court to face trial, if at all.

To deal with the menace, a five-judge Constitution Bench of the Supreme Court had noted, in March 2021, that, "there is no doubt or dispute about the fact that matters under the Negotiable Instruments Act has posed what by

now has become an intractable problem accounting for close to 30 to 40% of the pendency in the trial courts and a very high percentage in the high courts". The cheque bounce cases, alone, constitute 8.81% of total criminal cases pending in the country, thus a major contributor to the pendency.

A close look at the functioning of the subordinate courts would reveal that despite sufficient strength of judges and judicial officers, the demon of pendency continues to rule with impunity. The most practical and ostensible reasons leading to accumulation of the pendency at the subordinate level include undue and unwarranted adjournments most due to lingering-attitude of lawyers, non-availability of clerical staff to record testimony of witnesses on the date fixed, non-supply of all case documents by the litigants to their counsels in a time-bound manner, unwanted deferment of proceedings due to leave of concerned judge/judicial officer; excessive court holidays including all Saturdays of a month, undue delay in delivering verdicts and judgments despite completion of all pleadings, non-availability of bench sometimes even during working hours, re-employment of retired judges in various commissions and tribunals who mostly tend to work at their own convenience rather than strictly adhering to the court hours, long delay in listening final arguments by concerned presiding officers thus delaying disposal of the case, long wait in filing written statement by defendant in a civil suit to unnecessary delay completion of pleadings, and, among others, lack of adequate punitive measures available to penalise the party adopting delaying tactics to cause delay in the case. Minor costs do not fit the bill to deter a party from adopting dilatory attitude.

To recapitulate, a victim or an aggrieved litigant has to wait endlessly till he gets justice, if at all, during his life. This is the major cause of pendency at the subordinate level.

Needless to say that it is high time for the justice delivery system and the government to work out a concerted and pragmatic plan to ensure speedy and timely disposal of cases. All the stakeholders, involved in the process, need to contribute jointly in evolving such a mechanism so as to dispose of cases in a time-bound manner. Judges and judicial officers must also ensure to not allow adjournments till a sufficient and cogent reason is forthcoming and complete all proceedings of the case on the date fixed for the purpose. A comprehensive pendency-clearance plan needs to be framed implemented in letter and spirit across the country to ensure that cases are disposed within the period earmarked for the same. Otherwise, with the present speed and style of functioning of the judicial system at the subordinate level, the pendency of cases will continue to rise enormously to erode legal and fundamental rights of the litigants-citizens, earnestly yearning to get timely justice through the independent judiciary of our democratic country.

(The author is an advocate practising law in Haryana).

## YOUR COLUMN

### Waking up early offers several benefits for students

Dear Editor,

Waking up early in the morning is a practice that has been celebrated throughout history for its various benefits, particularly for students. The early morning hours offer a unique and tranquil environment that fosters a sense of calm and focus. As the world gradually comes to life, students can capitalise on this peaceful time to engage in activities that set a positive tone for the day ahead. Whether it's dedicating time to study, engaging in reflective practices like meditation or exercise, or simply enjoying a nutritious breakfast, waking up early provides students with an opportunity to establish a routine that can enhance their overall well-being and productivity.

Moreover, the early morning hours provide a precious commodity that is often scarce in today's fast-paced world - time. By waking up early, students can carve out additional moments in their day to prioritise tasks, set goals, and plan effectively. This proactive approach allows for a more deliber-

ate use of time, enabling students to manage their responsibilities with greater efficiency. Waking up early can be a challenge, especially for teenagers, but there are many benefits to starting your day off early.

Early risers often find that they are more alert and focused in the morning, which can positively impact academic performance. This increased alertness can lead to better concentration during classes and while studying.

Waking up early helps in establishing a consistent daily routine. A structured routine can contribute to better time management, helping students balance their academic and personal responsibilities more effectively.

Mornings are often quieter and less distracted, providing an ideal environment for focused work. This can lead to increased productivity as students can tackle important tasks without the interruptions they might face later in the day.

Establishing a morning routine that includes activities such as exercise or mindfulness can positively impact mental health. Regular exercise in the morning, for example, has been linked to reduced stress and improved mood.

Waking up early provides students with extra time in the morning to plan their day, organise their tasks, and set priorities. This proactive approach to time management can lead to

a more successful and less stressful academic experience.

Research suggests that the brain tends to function at its best during the early hours of the day. By waking up early, students may be able to harness this period of optimal brain function for tasks that require critical thinking and problem-solving.

Early risers are more likely to engage in regular exercise, which contributes to overall physical health. Morning exercise has been associated with better fitness levels, weight management, and a reduced risk of various health issues.

Exposure to natural light in the morning can regulate the body's internal clock, known as the circadian rhythm. This helps in maintaining a healthy sleep-wake cycle, potentially improving the quality of sleep and overall well-being.

Waking up early is often linked to going to bed earlier, which can contribute to better sleep quality. A consistent sleep schedule is crucial for maintaining good physical and mental health.

Early mornings provide a quiet and undisturbed time for personal development activities such as reading, reflection, or pursuing hobbies. This dedicated time can contribute to personal growth and self-improvement.

Vijay Garg