

REGIONAL LANGUAGES IN JUDICIARY

The effective functioning of judiciary is must for smooth functioning of a democratic set-up. Moreover, it is necessary that people can easily understand the proceedings of the Court to keep themselves aware about the status of their courts or pleas, time to time. As majority of elder people in the country are illiterate, they often find it hard to understand the legal terminology and other things due to same done in local languages. Article 348(1)(a) of Constitution of India states that all proceedings in the Supreme Court and in every High Court, shall be in English language. Clause (2) of the Article 348 of the Constitution states that notwithstanding anything in sub-clause (a) of clause (1), the Governor of a State may, with the previous consent of the President, authorize the use of Hindi Language, or any other language used for any official purposes of the State, in proceedings in the High Court having its principal seat in that State. The Cabinet Committee's decision dated 21.05.1965 has stipulated that consent of the Chief Justice of India be obtained on any proposal relating to use of a language other than English in the High Court. as per Union Minister of Law & Justice, Kiren Rijiju, the use of Hindi in the proceedings of High Court of Rajasthan was authorized under clause (2) of Article 348 of the constitution in 1950. After the Cabinet Committee's decision dated 21.05.1965 as mentioned above, the use of Hindi was authorized in the High Courts of Uttar Pradesh (1969), Madhya Pradesh (1971) and Bihar (1972) in consultation with the Chief Justice of India.

Government of India had received proposals from the Government of Tamil Nadu, Gujarat, Chhattisgarh, West Bengal and Karnataka to permit use of Tamil, Gujarati, Hindi, Bengali and Kannada in the proceedings of the Madras High Court, Gujarat High Court, Chhattisgarh High Court, Calcutta High Court and Karnataka High Court respectively. The advice of Chief Justice of India was sought on these proposals and it was intimated that the Full Court of the Supreme Court after due deliberations, decided not to accept the proposals. Based on another request from the Government of Tamil Nadu, the Government requested the Chief Justice of India to review the earlier decisions in this regard and convey the consent of the Supreme Court of India. The Chief Justice of India conveyed that the Full Court, after extensive deliberations decided not to approve the proposal and reiterated the earlier decisions of the Court. Under the aegis of the Ministry of Law and Justice, the Bar Council of India has constituted 'Bharatiya Bhasha Samiti' chaired by former Chief Justice of India, Justice S A Bobde. The committee is developing a Common Core Vocabulary close to all Indian languages for the purpose of translating legal material into regional languages. In addition, Legislative Department of Ministry of Law and Justice has prepared a legal glossary of 65,000 words in Hindi for digitization and making available in public domain in searchable format for the usage of all.

Bharat Jodo Yatra in J&K, a wild goose chase!

■ KR SWARN KISHORE SINGH

When Rahul Gandhi met a group of Kashmiri Pandits during Jammu & Kashmir leg of Bharat Jodo Yatra; he was seen giving a very sympathetic ear to their grievances and Kashmiri Pandits were also pretty amused by his stray sympathetic reactions. Little did they know that within few days when Rahul Gandhi goes to England, trims his beard and visits Cambridge University for a lecture; talks about meeting terrorists in Kashmir and not getting harmed by them. He was propagating power of listening there but at the same time his popular image of a confused politician was also coming out clear: How come you can stand by the plight of Kashmiri Pandits and have compassion for the terrorists at the same time? Bharat Jodo Yatra was indeed a very big investment made by Indian National Congress to refurbish the image of Rahul Gandhi so as to transpire the voting pattern of India in their favour. This whole campaign was a huge PR campaign to undo the damage caused to Rahul Gandhi by sudden rise in use of social media since 2010s. This whole campaign of Bharat Jodo Yatra ran predominantly on two prominent political emotions; first being regional political parties strong in their region want a ally in New Delhi having a pan-India presence (no matter how much scant it is) i.e. Congress and the other being Congress surrendering before the different and sometimes even contrasting ideologies in different regions just to attain menial electoral gains regionally over mighty Bharatiya Janata Party. The crowd running with Rahul Gandhi was also out-sourced to regional political parties with a mutual emotion i.e. abject hatred for Bharatiya Janata Party. Jammu and Kashmir chapter was no different; the calling of crowd was outsourced at different places to different regional factors. Be it Lal Singh in Kathua and Samba or National Conference in Kashmir; both at contrasting political poles. The political direction and dimension of Bharat Jodo Yatra in Jammu and Kashmir appeared to be Rahul Gandhi personified; mostly confused while trying to showcase itself as bold and confident with staged handshakes with some people and eventual blowing of kisses too. The composition and restrictions in the Bharat Jodo Yatra reminded me of the obscene 800 mile long corridor which Mohammad Ali Jinnah had demanded to connect East Pakistan and West Pakistan via mainland India. The Yatra was not for common man to enter and anyone trying to get into the Yatra corridor was seen brutally thrown out; when even Punjab Congress Chief Amarinder Singh Raja Warring was seen to have been manhandled, imagine what a common man would have to go through. The confusion was very much visible when Lal Singh was convinced by Congress high command to join the Yatra; he went all guns blazing to canvass for participation in Rahul Gandhi's Bharat Jodo Yatra but when the Yatra arrived he wasn't even allowed to join. Congress firstly used Lal Singh and then betrayed him after a blatant threatening by National Conference as Congress had a long run in Kashmir division hereby abstinence from Lal Singh. Writing off their Yatra in Udhampur town also speaks volumes of the fact that Congress is almost wiped off from Jammu division. Then the rains saved their face in Ramban when the Yatra couldn't even walk for two kilometers. Congress went ahead with JK National Conference cadres and Omar Abdullah joined Rahul Gandhi in Banihal. Rahul Gandhi even tried to scandalize the whole fiasco and accused the government for security breach but after a detailed rebuttal from Jammu & Kashmir Police there appeared to be none. One question which stays unasked and unanswered is when Congress will betray National Conference again. Congress had opted out of Gupkar alliance for DDC elections in 2021. Congress betrayed Lal Singh and Jammu & Kashmir National Conference seem to be next in line for that. Gupkar Alliance sitting in the lap of Congress is nothing but a desperate attempt to delegitimize what Bharatiya Janata Party did on August 5, 2019. This is nothing but a naked display of political desperation and the national interest can wait till fulfilling of political lewdness of Rahul Gandhi and company. While Rahul Gandhi was very critical of Bharatiya Jantaa Party's efforts in redressing of issues of Kashmiri Pandits, will he seek pardon from the people of Jammu & Kashmir for rigging of 1987 elections by his father and Dr Farooq Abdullah. This whole Bharat Jodo Yatra programme has not been orchestrated for some Mohabbat Ki Dukaans but re-opening of Loot Ki Dukaan which has been shut for last almost 9 years by Narendra Modi led government. Also the Mohabbat Ki Dukaan is not the objective instead its the hate for India which binds them all and hate for Hindu cause. Also the manner of exclusivity with respect to the entry into the Yatra is concerned, it was not the Mohabbat Ki Dukaan rather Mohabbat Ki Feri Wala, if at all it was really about Mohabbat.

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Disaster management and sustainable development

■ DR BANARSI LAL

Now-a-days environment, development and disaster management is the burning topic of many conferences. Climate change is one of the most complex challenges of this century. The question is-do we have enough policies and the legislations to deal with the climate change? What are institutional mechanisms we have in our country to deal with such kinds of issues? Such types of questions are valid and they need to be addressed holistically. From the last one decade Indian economy has been able to maintain its consistent growth rate of over 7-8 per cent per annum and India is making strenuous efforts to even enhance it to 8-9 per cent growth rate or even higher than that. The higher growth rate is very important for the country to fight against unemployment and poverty. Indian economy growth is because of excellent performance of the industrial sector, manufacturing sector, agricultural sector, textiles, pharmaceuticals and basic chemicals production sector. But the development has influenced environment and natural resources capacity. The population pressure has already increased rapidly. High population density, vulnerable ecology; climate change and a significant dependence of the economy growth on the natural resource base have posed the greatest challenge for the sustainable development. The goals of economic and social development must be defined in terms of sustainability in all the developed or developing countries across the globe.

Environment refers to the sum total of conditions which surrounds the space. The scope of the term environment has been changing with the passage of time. In the ancient age, the environment consisted of only physical aspects of the planet Earth's land, air and water. As the time passed on, human beings extended the environment through the social, eco-

nomie and political activities. Environment mainly consists of four segments as: (i) Atmosphere: The atmosphere implies the protective blanket of gases surrounding the earth. (ii) Hydrosphere: It comprises all types of water resources such as oceans, lakes, rivers, streams, reservoirs, glaciers ground water etc. (iii)Lithosphere: It consists of minerals occurring in the earth's crusts and the soil e.g. minerals, organic matter, air and water. (iv) Biosphere: It indicates the realm of living organisms and their interactions with environment, viz. atmosphere, hydrosphere. In present era environmental issues are increasing and threatening the survival of mankind on the earth.

Poverty is a major concerned area which causes a number of problems including unhygienic sanitation and clean drinking water facilities. Increasing population is decreasing the natural resources. Economic growth and technological advancements are also playing major role in disturbing natural environment and causing air, water and nuclear pollution. Government of India is making endeavours for the healthy environment and formulating many environmental policies to keep pace with this alarming situation but still there is lot to be done at the ground level. The key environmental concerns are climate change, global warming, natural disasters, soil health, loss of biodiversity, air and water pollution. All these disturb the balance of the living environment in a big way. In the entire gamut of environment and development, the peaceful human existence is gradually becoming a dream. It is all happening because we have lost the balance in the keys of human existence i.e. air, water, earth, fire and land which are mainly responsible for the survival of living beings. If the equilibrium of air, water and earth is lost, the risks of life will be multiplied manifold. All the natural dis-

asters are happening because of some variations in the environment. The frequency and intensity of cyclones, flash floods, drought, avalanche, heat waves and cold waves have gone up exponentially in the last one decade. It is happening across the globe and is a greater cause for concern. With so many in hunger and poverty, growth and poverty alleviations remain the overarching priorities in most of the developing countries of the world.

Climate change is making the challenge more complicated. The impact of changing climate are already being felt with more floods, droughts, storms , more heat and cold waves etc. leading to enormous economic loss. Continuing climate change, at current rates, will pose increasingly more severe challenges to development. It is expected that by century end, environment could lead to warming by 5 degree C or more. Even our best efforts are unlikely to stabilize temperatures at anything less than 2 degree C. It is a challenge to maintain the equilibrium between the development and climate change. Species and ecosystems with limited climatic ranges could disappear and in most mountain regions, the extent and volume of glaciers and seasonal snow cover will be reduced. Climate change would affect agriculture, tourism, hydropower etc. These changes will potentially have wide-ranging effects on the natural environment as well as on human beings and economies. Although much progress has been made in understanding the climate system and projections of climate change but its impacts still contain many uncertainties, particularly at the regional and local levels. Water is essential not only to survival but is also equally or even more important than nutrients in food production.

According to World Health Organization (WHO) water scarcity will affect over 1.8 billion people by 2025. This could have major impacts on health

particularly on agriculture. It is estimated that water demand is likely to double by 2050.For poor countries with rapid population growth and depletion of groundwater, water-deficit induced food insecurity is a major issue. One major factor beyond agricultural, industrial and urban consumption of water is the destruction of watersheds and natural water towers such as forests in watersheds and wetlands. The contamination of surface waters and the spread of pathogens are promoted by the alteration of catchments and watersheds that have accompanied rapid urbanization and intensive farming. Despite significant improvements in rural water supply and sanitation over the past few decades, water-related diseases still account for a large number of avoidable child deaths every year. Coastal development and livelihoods are under stress due to increase in the incidence of severe weather events. Water, land and air contamination is increasing exponentially. These trends indicate the need for huge investment in environmental management. There is growing pressure to protect the country's biodiversity. Environment has become more fragile and risks prone. People and the eco-system have increasingly become more vulnerable due to climate change. The uncertainties and risks are having different dimensions. It is important to see the environment more holistically. The solutions must flow from an integrated framework and it is equally important that all the national and international stakeholders must work together in translating policy, legislation and programmes on the ground so that the disturbed equilibrium of the environment is restored otherwise the consequences would be more disastrous.

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Need to check menace of land-grabbing

■ RAKESH AATHUR

Roshni-Act scheme was started in order to facilitate to small and marginal farmers of erstwhile state of Jammu & Kashmir in 2009 when there was coalition Government of Congress and National Conference. The ethos of the scheme was to facilitate the small and marginal farmers of J&K by having ownership right upon the state/ evanee land to which they were tilling/ cultivating since before 1947s and still they were rendered destitute of its ownership right. It have procedure that the spot visit of the concerned Patwari in concerned Khasra of land and map making by measuring its proper length and breadth along with its Missal- Haqiat Nakal/copy of 1958-59 was the pre-condition along with requisite fee per- kanal prescribed by the revenue department then. In addition to it a notice was given to the farmer holding such kind of land for mutation purposes in preliminary stage. But history shows that role of land holders who belongs to higher castes was dominant in the erstwhile J&K state.

In these days, states were ruled by the sovereign kings and emperors who belonged mostly to the higher castes of the society. In which Jagirdari system was mostly prevalent among the union of states including J&K. During this higher castes were the sole owners of the landholdings and people belonging to the lower castes were made to work for them known as Kammiss. In turn, this system has also given birth to tenancy system in which the people from the lower castes would used to cultivate the lands of their Jajmans on share cropping pattern. It was also under the ruling sovereignty of higher caste rulers having systems of landholding as Jagirdari system in the state. In which kings were extremely has owned the land at vast scale and people belonging to the lower castes i.e Mahasha, Chamars, Megh, Nai, Dhobi, Muslims, etc would used to cultivated their land under tenancy system for longer time. Then saviors of the proletariat section did a lot of commendable hardship to get- rid these tenants from

the selfish clutches of the callous landlords by announcing land reform in state. They helped tenants to get the Malikana / ownership right over the land to which they used to cultivate then. And setup the uppermost limit of landholdings for the landlords of 6 hectares only. But some influential people including ministers, M.L.As, Bureaucrats, etc has started reclaiming their lands by encroaching Nallahs, ponds, Khads, Ghas- charai (meadows) and snatching the natural resources of state land/ evanee land in kind- Ghas-Charai, Sarkari-Khads, Nallahs, Sarkar land, etc by legislating a new revenue law called Roshani-Act. Influential and powerful people had vanished almost land resources of ponds, Nallahs, social forestry, etc and had illegally grabbed in guise of this act throughout the whole state. Mostly did so the ruling government's ministers, MLAs, bureaucrats, businessmen without fulfilling its requisite fee too. As we knew that people belonging to the lower rungs of the society are just backward in their economic, social, civic status, etc so they do not dare to challenge these people. Therefore there emerging within last few decades a very heinous crime in the shape of land encroachment/ land grabbing in which influential land grabbers are playing very predominant role and rendering the original owners of the land i.e., poor strata as landless and penniless and rendering the natural habitats including wild, stray animal & birds congested out of water scarcity, refuge and fodder needs. They largely encroaching the source of livelihood from the proletariat section of the society on the one hand and rendering the congestion for wild animals by bribing the revenue agency in their behalf by letting the Girdawaris and fake Intkals on their own names through this stake scheme in fraudulent manners. Such examples can be seen in samba district where below revenue agency has been cleverly involved in the same profession, where a revenue Patwari had very close connivance with some land grabbers and who have issued up the Fard-Intikhabhs on the names of his family members without caring poor peoples' resi-

dential houses which had dilapidated in very bad condition owing to it. In addition same had also grabbed the public street vehemently and avail- one- self of his position in large manners at his residence. Like-minded influential people had rendered their business by grabbing the poor farmers' land in connivance to some elite officials of Samba district against whom number of complaints also filed but resting in cool boxes. They had installed there big business points and within a short while many of them had turned as business hubs, party offices, residential flats, etc in the state. The voracious people in the wake of this scheme have grabbed almost natural resources like Nallahs cum Khads, grazing grounds mean Ghas- Charai, Rakbas, hills, ponds, river-channels, Basantars, Devikas, etc vehemently here and there throughout the state. In giving it final touch selfish statesmen have neglected to the natural resources needs of the future generation in wide and large manners. To which a large number of people have challenged from time to time in several suitable agencies including high court of the state later which was focused keenly and survey of the complaint had also done. During which it is founded that there occurred blunder scam in connivance to revenue department then.

On mergence of state into centre and forming a union territory there have greater pressure on the government for taking suitable action in this behalf so concerned department heed with particular feedbacks reports. In consequence to it the particular encroachment eviction drive in the Bazaars of Jammu & Kashmir has been started too. Whereas role of land grabbers is moth eating like menace which is turning up the poor people as landless and penniless and give rise to mendicancy, if within a short while the rampant role of encroaching/ land grabbing in guise of Roshni- Act and others would be checked with iron hands. But prompt action in this regard is not yet less than an iconic or magic work for which every common man will be greatly thankful.

Chhath Mahaparva- a festival of nature

■ ER PRABHAT KISHORE

Chhath Puja is the festival of adoration of Adishakti Sun. The early hymns of the Vedic texts are the hymns of worship of these powers. Ancient Magadh region has been a stronghold of Brahmanism and hypocrisy. The entire region has been marked as the site of resistance to social rigidities and discrimination in Vedic religion and thus originated the natural festival of Surya Puja with name Shashti (Chhath) Vrat. Some 'Maga' priests (from whose name the word Magadh is derived) from Aryan (present-day Iran) were called on to assist.

Whenever there were restrictions for women and the marginalized sections of the society, the people developed new methods of worship without detaching themselves from original roots. Against the declaration of the sanctity of the Ganges and other Holy rivers by the Pundits, they even chose beaches, ponds, puddles, other sources of water logging built by their own labour. They built Surya Mandirs at several places on the banks of rivers, which are ample testament of artistic glory. Chhath Puja is the only festival among all Hindu worshipings that does not require a third person (i.e. the priest) between Bhakt and Bhagwan. It is not a festival of idol worship, but adoration of the almighty natural God "Surya", whom everyone sees and who is the survivor of life. With the migration of people, Chhath Vrat also reached other parts of Magadh and became an integral part of the Indian culture. Later it crossed the boundaries of the states and attained worldwide identity. Along with water, woman (Parvaiti) and Sun, purity has a special significance in Chhath Vrat. All Vedic texts, provide for the worship of the rising Bhuvan-Bhaskar, but the Chhath

ritual is the only worship in which the first Ardhya is given to the setting Sun, while the second Ardhya is offered to the rising Sun. This is a classic example of the capability of the Sun setting in the world.

Chhath Puja is a celebration of solidarity and purely folk faith. The Ardhyas ends with folk songs and locally grown fruits, flowers and roots in the fields. Common fruits and flowers such as radish, tubers, succulents, sugarcane, turmeric, ginger, coconut, banana etc., on which our life survives, are the materials of worship. No Vedic Mantra, Havan or any other ritual is required. It is celebrated with complete simplicity, cleanliness and participation. All parvatis are equal and there is no restriction of Varna (castes) on the banks of rivers, ponds, puddles. No one asks anyone's class from those who give Ardhya. The folk songs of Chhath festival underscore the importance of environment, biological balance and identity of women in the family.

Humanization of Surya: Ved, Puran, Upnishad, Mahabharat and other religious scriptures describe glory of the Sun. There is a tradition in Indian culture to offer water to the Sun every day. On the occasion of Chhath Puja the setting Sun on the evening of Karthik Shukla Paksha Shashti and the redness of the rising Sun on the morning of Saptami bring different colors to erores of fasting women and men. The Sun is special and lakhs of people standing in the water bodies with Ardhya in their hands wake up cheering the Sun on seeing its redness.

In this festival, women put her feelings to the Sun: "Anna, Dhan, Lakshmi, He Dinanath, AhaiKe Del; Ek Putra He DinanathSagarAndhar". (i.e. Food, wealth, prosperity all have been provided

by you. If there is any shortage, that is a child). In other festivals, where there is male dominance; in Chhath Puja, women even pray for daughters as Runki-Jhunki, which is characterized in the folk song " R u n k i J h u n k i B e t i M a n g i l a , PadhalPanditawaDamad; Ye ChhatiMaiya, DarshanDihin Na Apan".

In the songs sung on Chhath Vrat, Surya himself is the son of a mother and Moon is his sister. Surya's mother and the sister Moon wake him up - "Utho Babua Bhel Bhinsar, Ardh Kera Ber Bhel". Even the sun is not less naughty, after getting the opportunity, He also pinches the woman, "Deve Ke Deliau Ge Abla, Garva Jani Bol, Garva Se Bolve Ge Abla, Uho Lebau Chhin". These Magahi folk songs have a deep meaning. People have been explained about life and the world in a subtle way. Everything is from the sun. He is the one who gives and takes away life. Fruits, flowers, intact and all other things, which are dedicated to the Sun, are given by him. Worshipping the Almighty Sun, brings kindness, sympathy and affection to the masses as well.

If a person has made vow or wish and it is fulfilled, then some families perform extra ritual of "Kosi Bharai" during the Chhath festival. In this, the role of sugarcane, which is called Kosi or Kusiyar in the western region, is considered important. Five sugarcane with leaves are erected in the form of a mandap. The five canes represent "PanchTatwa" (i.e. Bhum, Vayu, Jal, Agni and Aakash). Either elephant or Jhilmiliya (a type of Tub), made of clay is placed inside it, over which the Kalash is kept. Dhapani (lid). Diyas are placed around it and gram, Arva rice, Thekua, rice laddos etc. are tied in the sugarcane. All this is decorated in the courtyard after

returning from Sandhya Ardhya. Women sing the song of Kosi and Sindoor is applied to the married women. Devotees do Jagran throughout the night. In the morning, all the items are decorated in the same way at the Ghat. After this, except the cane and Prasad, the remaining items are immersed.

The glory of Chhath is immeasurable. It is believed that observing ChhathVrat not only liberates from diseases, but also increases wealth and prosperity. Seeing the importance of Chhath, peoples of other faiths apart from Hindus have also started worshipping the natural God Surya. The festival of folk faith has been governed by the Chhath tradition and its strict legislation. But now the market, which specializes in taking advantage of all the opportunities, has diluted this festival as well. With the changing times, the market has also started merchandising the people's faith, belief, sensibility and joy. Now sporadically, an idol of Sun is being installed and superstitions, Pandas, Priests are being used as tools, although it is not needed in this festival. There is a competition to spoil the taste by parodying and fusion of Chhath songs settled in female vocals. The flood of cassettes coming every year in the name of Chhath festival has expanded a huge market of profits. Branded companies are attracting customers with their products. The politicization of ChhathVrat has started in some parts of the country, especially in Mumbai and Delhi and vote bank is being created by this. The good wishes of the world, state, society and family for which women worship the Sun, their own faces have started to wither due to rising inflation.

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