

STRENGTHENING JUDICIAL SYSTEM

Looking at huge pendency of cases in various Courts of the country, there is a need to further strengthen the judicial system besides ensuring a robust judicial system in every nook and corner of the Union territory.

Although a number of proactive steps have always been taken in this regard by the ruling dispensation but need of the hour is to put in place some more effective measures so that a visible change can be observed at ground level.

The Union Minister of Law & Justice, Kiren Rijiju, in a written reply in Lok Sabha informed that Article 312 of the Constitution provides for the establishment of All India Judicial Service (AIJS), which shall not include any post inferior to that of a District Judge. The constitutional provision enables creation of the AIJS at District Judge level.

In Government's view, a properly framed All India Judicial Service is important to strengthen overall justice delivery system. This will give an opportunity for induction of suitably qualified fresh legal talent selected through a proper all-India merit selection system as well as address the issue of social inclusion by enabling suitable representation to marginalized and deprived sections of society.

A comprehensive proposal was formulated for the constitution of an All India Judicial Service (AIJS) and the same was approved by the Committee of Secretaries in November, 2012. Besides attracting some of the best talent in the country, it may also facilitate inclusion of competent persons from marginalized sections and women in the judiciary.

The proposal was included as an agenda item in the Conference of Chief Ministers and Chief Justices of the High Court held in April, 2013 and it was decided that the issue needs further deliberation and consideration. The views of the State Governments and High Courts were sought on the proposal.

There was divergence of opinion among the State Governments and among the High Courts on the constitution of All India Judicial Service.

While some State Governments and High Courts favoured the proposal, some were not in favour of creation of All India Judicial Service while some others wanted changes in the proposal formulated by the Central Government.

The matter regarding creation of a Judicial Service Commission to help the recruitment to the post of district judges and review of selection process of judges/ judicial officers at all level was also included in the agenda for the Chief Justices Conference, which was held on 3rd and 4th April, 2015, wherein it was resolved to leave it open to the respective High Courts to evolve appropriate methods within the existing system to fill up the vacancies for appointment of District judges expeditiously.

The proposal for constitution of All India Judicial Service with views from the High Courts and State Governments received thereon was also included in the agenda for the Joint Conference of Chief Ministers and Chief Justices of High Courts held on 5th April, 2015. The proposal of setting up of an All India Judicial Service was again discussed on points of eligibility, age, selection criteria, qualification, reservations etc. in a meeting chaired by Minister of Law and Justice on 16th January 2017 in the presence of Minister of State for Law and Justice, Attorney General for India, Solicitor General of India, Secretaries of Department of Justice, Department of Legal Affairs and Legislative Department.

Setting up AIJS was also deliberated in a meeting of the Parliamentary Consultative Committee in March, 2017 and the Parliamentary Committee on the Welfare of SCs/STs on February 22, 2021.

In view of the existing divergence of opinion amongst the major stakeholders, at present, there is no consensus on the proposal for setting up an All India Judicial Service.

■ G L KHAJURIA

The world wildlife fund (WWF) had long back formulated projects to earmark a biological profile for various states of India. This was being done to highlight the problems connected with biodiversity, particularly its conservation, augmentation, sustainability and utilization at a bigger scale. The first such profile, of course, was the North-Eastern state of Arunachal Pradesh which is internationally acclaimed as the hot-spot. And the second in the series is the north western state of Jammu and Kashmir. Jammu and Kashmir provides a considerable amount of habitat of wide varied diversity. These range from unimaginable and unaccountable beautiful enchanting snow-topped mountains, glaciers and cascading crystal-clear gurgling ice-cold waters in the rivers apart from high altitudinal attractive mountainous landscape and streams. And these, therefore, have their extension to the most hostile habitats such as the lakes, other water bodies, lush green dense forests, and the high altitudinal meadows with carpet cover of green silky grasses covered by multihued wild fragrant flowers for miles and miles in togetherness. Supporting all these, there is ever-refreshing cool breeze of the temperate zone and over-head there are milky white wafting clouds, which still add to the beauty.

These wide-arrayed landscapes can very conveniently be maintained through proper managing conservation of the biodiversity. And no less is the most enchanting and charming vista, the Jhelum formally quite and placid but at occasions in floods fury. At one point of time, Dal Lake used to be have crystal clear with water but with the passage of times the same Dal is turning dull and so is the situation with Wullar and other water bodies which have mostly been polluted. Kashmir or the vale valley is world widely regarded as the paradise on earth and this sanctimonious land is blessed with many saints, sages and seers and of course, blessed with great writer and thinkers.

But unfortunately, this pride land is losing its pristine lust owing to the outside interferences by the neighboring border countries which are hell bent to destabilize its peace and harmony. But fortunately, inhabitants together with a varied biodiversity are well in place and the locals are intelligent hardworking and progressively ahead with zeal and zest wherever they harbour. As per the latest survey report of India ending year 2015 , the Jammu and Kashmir union territory is having a forest cover 201796 Hectares (recorded) out of 22539 Hectares (Actual) which shows the recorded percentage of area having per capita forest cover at around 0.1796 Hectares ending year 2011 which is dismally jeering.

In view of the frizzling forest cover of J&K, an alarming

Emancipation from the bondage of the soil is no freedom for the tree.

-Rabindranath Tagore

Whole of Jammu Division is Dogra Why did leadership from Jammu Division not promote obtaining of Dogra Certificate?

Definition parallel to Kashmiriat was laid down officially for Dogriat in 2011 extending over Jammu Division

■ DAYA SAGAR

Dogras though traditionally more inhabited the Shivalik range of mountains but they are spread over whole of Jammu region/Division of erstwhile Princely State of J&K . Going by the definition of the pre 1947 Dogra Raj, Dogras generally speak Dogri and other dialects too have similarity with Dogri. J&K "Dogra" population includes members of all religions. The Duggar Raj emerged as a Regional domain during pre independence times, more particularly with Maharaja Gulab Singh emerging as a warrior in nineteenth century and the subjects in his domain getting special martial recognition even by the British Government/ Empire. The influence / rule of Gulab Singh had extended over whole of 'Jammu' Region and parts of Ladakh region even by March 1846. Gulab Singh's Kingdom was more known as Dogra Raj (although a large part of Punjab/ now Himachal Pradesh too is Dogra) too was traditionally known as Dogra irrespective of the religious faith one held).

It was in March 1846 that the Kashmir Valley was also handed over to Gulab Singh by British Government (being part of the territories ceded to the British Government by the Lahore State under the treaty of Lahore , dated 9th March 1846) under Treaty of Amritsar.

The Dogra king of Jammu was thereafter known as the Maharaja of Jammu and Kashmir State (Raj). The term Dogra is more akin to the subjects of Himachal Pradesh, some areas of

Punjab and whole region of Jammu of J&K State that was ruled by Raja Gulab Singh as part of Dogra Raj irrespective of the religion one practiced. Before 1947 too Jammu Region / Division of today was the Jammu Province of Maharaja's J&K looked after by a Governor like a separate Governor for Kashmir Valley. Hence definition of Dogra under the J&K Revenue Department Order No. Rev.(LB) 69 of 2011 dated: 25-03-2011 for issue of Dogra Identity Certificate to all residents of J&K (PRC holder) belonging to Jammu division irrespective of ethnicity, cultural background and mother tongue, by Tehsildar (Territorial), provided their forefathers were residents of Jammu Division prior to 1944 (cut-off date of 1944 not to apply to displaced persons from POJK).

The said order issued by the then NC-Congress J&K Government and as clarified by the then Revenue Minister Raman Bhalla in a way expressing veins of Dogriat should be / should have been taken without any political/ regional inhabitation by one and all. But some people from Kashmir valley did try to make the government order of 2011 an issue of conflict but the then NC-Congress government did not yield.

Earlier also the distancing mind set of some Kashmir valley leaders which was more out of their focusing on regional vote bank politics was exposed when they said (April 2010) that Kashmir Valley do not have Schedule Caste and in case

A Look through the Mist

the S.C (Hindu) will get jobs under reservation in Valley Districts the demography would be disturbed. Similarly when ever some isolated proposals are also made for development of people outside Kashmir Valley or addressing the aspirations of people outside Kashmir Valley, some valley leaders had been attempting to carry the issues in distorted forms to locals worth threats about disturbance of peace but not to their ultimate success. In the 2010 Sham Lal Sharma the then Health Minister in NC lead Omar Abdullah government ne bhi Bani (Kathua district) mein door daraaj ke logon aur kshetron ke aarthik even prashanik piche pan ke hetu apnee peeda vayakt ki thee. Apnae likhit beyaan mein Shri Sham Lal ne kaha tha : < agar sarkarein oon logoan ko jo Kashmir ke liyae azadi ki maang rakhtae hain , oon logoan ko jo autonopmy ya self rule ki baat karate hain ko jo esee tarah falnae - foolnae degee to phir bho log bhi jo Jammu ke alg rajay aur Ladakh ke liyae Union territory ki baat karate hain bhi jo pakad saktae hain.> Halan ki jis dang se aur jo kush Sham Lal ji ne Bani mein 5 December2010 ko bola tha bo pooree tarah se oon ke likhit spashitikaran se ootna mel nahin khata tha .Haan oon ke dwara jammu aur Ladakh kshetr ki abhelna sarkaroan dwara keeyae janae par jaroor baat honi chahiyaе thi aur honi bhi chahiye . Agar Sham Lal ne Kashmir ke liyae Azadi ka seeda saada pramash hi dena hota to

phir bo Jammu ko alag rajay aur Ladakh ko union territory bnanae ka sujaab keyon detae.

But the leaders of the day did not truthfully take hold of real strings and hence the good initiatives that could be initiated atleast in terms of atleast the medication of the ideological pollutions could not take meaningful leads.

Why discussing such like issues a senior citizen had said "Eis liyae Dogra Certificate vivaad se parae bhi rajay aur kendriye sarkaroan ke liyae kush sanket ein gatnaon se oojagar hotae the jin ki aur Delhi mein bethae logoan ko bhi rajay Sarkar ke saath saath dhayaan dena chahiye tha jis se Omar Abdullah jaesae netaon ke liyae bhi algaabbad se ladna aasan ho sakta tha par esa nahin huya jis se Kashmir ghati ke bahar ke aam jan ko aarthik evm prashanik dristi se kush sehyog ka rasta sugam na hone ke saath saath Kashmir ghati ke am jan kki bhi hani hoti geyee".

Some people who often talk of Kashmiriat had tried to push Dogriat also in controversies but had failed. After 1990 the people of Kashmir Valley have been rather pushed further into a dilemma of distrust , confusions and misunderstandings on JK {Kashmir } affairs { including "HISTORY" in the name of " Kashmir Issue" where as if at all something could be there it could be "issues in Kashmir".

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Surya Putri -Grace of Jammu

The Jammu city which is known as City of Temples throughout India for its monumental, archeological and historical importance is now losing its pristine grandeur and glory due exploding populating accruing from the migration of population from the valley, rural areas and from industrialization. The amounting pollution is yet another threat to the existence of ability. Over the years, the Tawi which is the life line for Jammu city is depleting and its nectar clear water which perennially flowed is now losing its majestic look with every moment. At one point of time, people in and around the vicinity of Jammu used to subsist on water. The same case is nowhere in sight now. Rather it he flowing water brings along with it filth and debris from Nagrota and other areas. The source of the Tawi river is 'Kailash Kund' Lasca and after taking Tums and twists all along the route it takes in its lap various tributaries varied catchments and reaches the base of "Suez Dhar" whose entire catchment drains into the Tawi at 'Seri and from Seri, the river encompasses various micro to macro watersheds of Lati Dhooma, Jhaked, Marothi, Koi and Gharian on its both sides and then it reaches Sudhmahadev where small rivulets confluence down below Sudhmahadev. The river thence onwards moves serpentine and the entire catchments of Southern areas of Patnitop, Kud, Nathatop on the one hand and 'JugDhar' and its south eastern aspect on the other hand drains into the Tawi river.

Down below, the river loses its water table and is hugely

encountered by garbage dumps, debris and other waste material of unprecedented nature. How this nectar of old golden days is to be kept clean is the clarion call of the day?And then what steps are warranted to restore back this most reverential river to its glory is doubtlessly, a paramount need of the hour. A few steps suggested are: Averting encroachment: All out efforts are warranted to be taken to remove encroachments around the river Tawi and in this context the Forests, Revenue, JDA and MCD and other NGO's would have to come to the prefrontal. The exercise needs to be initiated right from Nagrota downwards upto Ware House Beli Charana and Soura Chak on both the banks of the river so that the sylvan surroundings of the Tawi is restored back to its pristine beauty. Discouraging garbage dumping: The tippers, small carriers loaded with waste filth, debris, ply thence and other non-biodegradable wastes of all hues are dumped into the river making it filth-ridden. These waste materials are mostly an outcome of the marriages and other ceremonial occasions and the same is true of waste material of hospitals and medicare centers. The safest and healthiest way out is to recycle this waste material. Catchment area treatment: All the catchments right from the origin of the Tawi down below Ranbir Singh Pura where it mixes with Rivi warrants to be treated by way of massive afforestation works, coupled with soil conservation works.

In the forestry parlance, the campaign should start from top to bottom as the barren tops are benefit of vegetative

cover and unless, these are well clothed. The entire exercise shall prove futile.

And in achieving this mission a multidisciplinary approach on the part of forests, soil conservation, and agriculture, horticulture and sericulture departments has to take intense at these resections. This will enhance scenic beauty of the area.

Vehicular cleansing: Does anyone of us claim that Tawi river is having clustered service stations for vehicles which of all hues intrude into it for cleansing? And where have the concerned authorities gone? They probably seem to have gone under hibernation or deep slumber. So, at this juncture all -out efforts are needed to be taken to unit a blanket ban on this ugly practice which otherwise tantamount to desertification of river Tawi a pride of Jammu. Fish Culture: Some natural springs and ponds do exist on the left bank of the Tawi river where there is ample scope of fish culture and the department of fisheries have to take a forward stride. Massive afforestation along the Tawi banks- Arboriculture alongside Tawi shall provide picturesque panorama to the people. Bathing Ghats: On the left bank of the river exists idol of Lord Hanuman amongst a cluster of many temples.

The place is also known as 'Hari Ki Pouri' where people of all hues throng for holy dip on the occasion of pious days.

In case these steps are taken, there is hope that the Tawi will flow majestically once again.

J&K-Biomass Landscape of India

scenario is emerging ahead if so remains the situation. As such, therefore, some strategic and tangible steps are warranted and need to be afoot to anticipate impending environmental degradation and the repercussions accruing there from.

The Jammu and Kashmir union territory is as well is nomenclaturised as a biomass union territory of the country for reason as well-known having a potential exporter of fruits (fresh/drieds, nuts) , vegetables, medicinal and aromatic herbs of multihued forms apart from seeds and other minor forest produce (MFP) for the manufacture of multi-medicinal drugs (Ayurvedic) for which we are having a richest treasure trove of medicinal potential for which we are privileged ad prideful . The only pertinent and moot point of expectation is the active surveillance of Forest Department. To avert exploitation and illegal smuggling of Minor forest produce (MFP) their conservation and promotion. Apart from all that as have been enumerated here in above, J&K as a whole is the richest biomass source such as Mushrooms, honey, condiments like black zira (Caraway) and above all saffron (Kesar-Zafran) an equivalent of chanan of South India. Silk and silken product /garments, woollen products such as rafals, pashmina and shatios, carpets, silk and silken products such as rafals, pashmina and shawl, carpets, fur garments are as yet another forms of the most attractive and charming part of Kashmir products which ,of course, constitute fascinating component of biomass. Wood crafts, carving , Khutamband ceilings, wicker work, Papier-mache, Joinery products and sports items occupy an important and alluring part and parcel of Kashmir products of the biomass which nowhere are nowhere in existence throughout India and unambiguously across the globe. These luxurious and attractive products are everlasting rather constituting heritage itemization. Kashmir is prominently known for embroidery on silk, wool and even on cotton garments, curtains and other allied furnishings and these materials together with products are fundamentally derivatives of biomass, much of which is from rich and varied biodiversity existing in the valley. In a way, the trade and economy in the valley is almost dependent exclusively on biological raw material directly or indirectly whose optimum source is from biomass ensuing from biodiversity in all its forms and ramification. And this calls for boosting and invigoration in a bigger way to ensure and enhance union territory's economy for which it is the richest treasure trove throughout India and the best services of the idling youth can be taken use of who are wrongfully channeling their energies.

Tourism industry is predominantly the traditional main-

stay of economy of the union territory which doubtlessly enjoys its unique placement. There is no dearth of beautiful spots in Jammu and Kashmir which are no way inferior to any other place in the entire Himalayan region. Ranging from lower start to the higher echelons, all the spots are attracting, charming and mesmerizing as, when and where we talk of beauty, tourism (eco-tourism, temple Tourism) so on and so on. In so far as Jammu region is concerned, right from Lakanpur (gate way to J&K) we find magnificent spots as those of Bani, Basohili, Billawer (Sukrala Mata, Shiva's temple) Udhampur (Devakar, Krimchi temples, Shankri Devta, Mounгри cave) Cheneni, Sudhmahadev (Lord Shiva's historic temple) Mantalai to the extent of Dudu Basantgarah- all the spots are dotted with scared spots of sanctimonious importance where the tourists/Pilgrims throng in multihued numbers pay obeisance for blessings. The twin lakes Saruinsar-Mansar are the enchanting water bodies with emerald waters flanged and fringed all around with beautiful pines and other lush green vibrant broad leaved forests intermingled with a varied variety of herbs, shrubs and micro-macro ground flora. These forests are as well associated with Kaleidoscopic wildlife including winged visitors who roamed about freely in the natural eco system. Jammu itself is a city of temples and temples and don't demand elaboration. And when one ascends up towards Patnitop, there seems a wider spectrum of colourful and lush green vibrant forest of pines and with altitudinal variation till one reaches Sanasar, Nathatop. All these spots have their own picturesque enchanting and enthralling beauty resembling that of Gulmarg and Pahalgam of vale of Kashmir. Apart from that, these spots are the abode of spirituality of Nag Rajas who are most reverentially revered by all and one.

Lastly, it would be incomplete and inappropriate without making mention of the most prominent dimension of the medicinal and aromatic plants which do deserve conservation, promotion and propagation. Many of such plants are growing in wild viz. Picorhiza, kurra (Kour) a perennial herb useful for liver ailments, valerianawallichina (Mushakbala) prominently used in perfumery, with aniazomnifera finds its usefulness in rejuvenatetherapy, excessive emaniipation and heart ailments, Taxus bacata, Macrotrianibenthom, crysanthinum, Acaeias Achyranthies, Adhatoda, Alove vera , Rauwalfaserpelinа (cobra plant), Datwea, viola, Digitalis, Aegle marmelos (wood apple), Arthimisia, cotonesters, Flacourtiaromanshhi, indigoferoas which are widely sprawling over forests which defacto, form a part and parcel our rich biodiversity and directly or indirectly constitute an important component of our union territory's bio-

mass. Observation and preservation of biodiversity of our union territory would actually ensure perpetual availability of the biomass which in turn would ensure the livelihood of the local inhabitants apart from boosting their economic status in a variety of ways. And this initiative if taken effectively by all the states will go a long way in improving the economy of the country in a bigger way. And in strategizing productivity, the best way would be to harvest and utilize for economic purpose only the annual increment or field of this biological capital.

People orientation cum participation and biomass based micro and macro/mega enterprise is the perfect and right answer for the development of union territory in the anticipative perspective. Given the inherent creative and artistic abilities of the people, particularly of those in the surrounding areas of the biodiversity sprawling zone and its local populace can be very conveniently moulded into uniquely beautiful goods. Modern fields of science , information and technology should warranted gearing up for augmentation and ensuring economic and the ecological security of the union territory and all what is and innovative and creative thinking with a desired spectrum for long-term sustainability Hopefully, of course, beyond all ambiguities the follow up on lines will go a long way in promoting and propagating union territory's arts, craft , tourism and other all multihued innovative fields of activities by all and sundry, particularly amongst those who are the of-shooting younger generation should endow channelize their acumen in the right track in making the union territory socially. These lines economically stronger throughout India and alongside our rich varied biodiversity and its vital component biomass shall ever and ever flourish for the better and economic growth of the union territory in particular and county at large.

Concluding, therefore the writer arrives at the conclusion that the subject matter, J&K : the Biomass union territory of India is though indeed an interesting one where we do definitely feel that world wildlife fund (WWF)m India we hope that the document is of paramount important as far as the hilly union territory as that of Jammu and Kashmir is concerned where there is unlimited scope of planning of biodiversity of the union territory. J&K unambiguously is the richest source of vide, varied biodiversity which calls for its augmentation, preservation and promotion for improving infrastructure for the economy of the union territory in particular and the county as a whole as also emphasized earlier in the body of this article . We as a union territory or nation doing our every bit the very important issues than what hinders us to hem in on this most vulnerable issues of biodiversity for which the Government of India as well as UT administration.

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