


MULTIPRONGED STRATEGY FOR CHINA

The way the expansionist China has been raising edifice along Indian border in Ladakh amidst border standoff between the two countries in eastern part of the UT there is dire need that India should adopt a multipronged strategy to tackle the situation which is critical and complex. In this context, Ladakh's Chushul Councillor Konchok Stanzin has raised alarm over China installing three mobile towers very close to the Indian Border, days after the US voiced concern over Beijing's construction of dual-use infrastructure along India's border. The people's representative from Chushul has tweeted that after completing the bridge over Pangong Lake, China has installed 3 mobile towers near China's hot spring very close to the Indian Territory. Of course raising such kind of strategic edifice near border shows the Dragon nation's bad intentions and make is important for India to quickly understand the motives behind this policy as already the country has faced many complicacies due to deceitful role played by the China which is the only country in the world having conflicts and issues with all its neighbouring countries over border demarcations. India must understand that China is not a weak country anymore as its name figures in the list of superpowers in the world and therefore tackling with China is a tedious job. The closeness of China with Pakistan is another issue which the country has to look very minutely as China's anti-India activities have increased drastically since its unprovoked aggression in the Indian territories at Ladakh since April, 2020. China has helped Pakistan recently by providing half-dozen J-10CE fighter jets to reduce India's advantage with the acquisition of Rafael aircraft. This is an all-weather multi-role 4.5-generation aircraft having capability to hit an adversary's high value targets from beyond the visual range and launch precision attacks on ground targets. China is providing weapons to significantly boost Pakistan's combat capabilities and help its military in meeting China's shared security interests in the region. This on the other hand is crucial for India as the country's western neighbour is becoming strong militarily raising the need to further bolster the defence of the country as things can escalate any time with enemies like China and Pakistan sitting on one side. To tackle all this, a multipronged strategy is must for the country to counter both the aforesaid countries effectively.

CHANGED MODUS OPERANDI

As the security forces and other intelligence agencies has tightened their belts to eliminate the menace of terrorism permanently from J&K by intensifying the anti-insurgency operation and tightening the security grid, the terrorists and their supporters presently present in J&K, are finding it hard to carry out their nefarious designs effectively. Moreover, due to various high-tech gadgets and scientific advancements in place by the security agencies, it has become far-difficult for the anti-national elements to even get instructions from their masters sitting across the border as the alert forces have always kept a stern vigil on all suspected conversations or chats on social media without any laxity. Looking at such stern action of the forces, it has been observed that now the terrorists have changed their modus operandi and using the data of somebody else to remain away from the radar of security forces. During an investigation of a terror attack held recently in Valley, a suspect was nabbed by the security forces as the detailed revealed that the Sim using which the attack was planned has been issued on his name but the suspect denied any involvement in such activity. He further revealed that he had purchased a Sim and handed it over to his fiancé along with a mobile after which she too was interrogated. During questioning, it came to fore that the woman too had not any connection with any terror activity but she accepted that another woman used to avail his data through hotspot quite often, who is presently absconding. Now, as per the police, people have been warned to remain aware from such activities as there are chances that some anti-national elements may use their data through hotspot for which the owner of the Sim will also be held guilty. Although the majority people at present own a smart-phone but there are very few who are fully aware of the features of smart-phone as the majority are quite ignorant about the same and didn't know anything about password or safety features etc. Such type of innocent people especially in rural areas, can be easily targeted by the enemies of the nation by getting them involved in the anti-national activities by using their phone data without any knowledge to them.



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Unreasonable delay between hearing of arguments & delivery of judgment

■ ADV DINESH SINGH CHAUHAN

As it is, pending litigation has been a pandemic too. Nani Palkhivala once said, "Law may or may not be an ass; but in India it is a snail - it moves at a pace which would be regarded as unduly slow in a community of snails." In our adversarial system in preference to the inquisitorial system arguments by counsel have a key role to play in discovery of truth. The Bar, the professional instrument of presentation of cases, is indispensable in the forensic process. As Brandeis observed; 'For a Judge rarely performs his functions adequately unless the case before him/her is adequately presented.' The great Holmes put it neatly; 'Shall I ask what a Court would be unaided? The law is made by the Bar, even more than by the Bench.' It is clear that the best Judgment is the product of the finest submissions at the Bar. In this sense the lawyer is an officer of the Court and is an integral to the administration of Justice. A good Bar is a great [art in justifying and, therefore, must be given a high place in the fulfillment of the right to Justice which is fundamental to all fundamental rights. The Bench without the Bar is as bankrupt in the delivery of Justice as the Bar without an intelligent, impartial and independent Bench to hear and decide. The right to Justice is inherent in every citizen; even the devil has that right.

When arguments are concluded and the Judgment Reserved is delayed, the litigant's expectations darken into depression. Then that depression turns into dreaded or frightened feelings, which transform itself into despair and despair evolves into explosive frustration. Judicial discipline requires promptness in delivery of Judgments - an aspect repeatedly emphasized by this Court. If delay in pronouncing Judgments occurs on the part of the Judges of the Subordinate Judiciary, the whip of the High Court studded with supervisory and administrative authority could be used and it had been used quite often to chide them and sometimes to take action against the erring Judicial Officers. But what happens when the High Court Judges do not pronounce Judgments after lapse of several months since completion of arguments? The Constitution of India did not provide anything in that area presumably because the architects of the Constitution believed that no High Court Judge would cause such long and distressing delays. Such expectation of

the makers of the Constitution of India remained unsullied during the early period of the post Constitution years. But unfortunately, the later years have shown slackness on the part of a few Judges of the Superior Courts in India with the result that once arguments in a lis concluded before them, the records remain consigned to hibernation. Judges themselves normally forget the details of the facts and niceties of the legal points advanced. Sometimes the interval is so long that the Judges forget even the fact that such a case is pending with them expecting Judicial verdict. Though it is an unpleasant fact, it is a stark reality. In 1961, Judge of the Patna High Court expressed his anguish when a Magistrate took nine months to pronounce a Judgment. The words used by him for expressing his Judicial wrath is the following:

"The Magistrate who cannot find time to write Judgment within reasonable time after hearing arguments ought not do any Judicial work at all. This Court strongly disapproves the Magistrates making such a tremendous delay in the delivery of his Judgments."

Further, the Supreme Court in ["Anil Rai Vs State of Bihar", 2001 (7) SCC 318] deemed it appropriate to provide some guidelines regarding the pronouncement of Judgments, expecting them to be followed by all concerned under the mandate of the Supreme Court of India, wherein, two Judges of the Patna High Court took two years for pronouncing a Judgment after concluding arguments when the parties were languishing in jail, the Counsel appearing in Supreme Court in challenge of the said Judgment asked in unison whether the exhortation made by the Patna High Court in 1961 is not intended to apply to the High Court. Sethi, J., enumerated them succinctly as follows:

"(i) The Chief Justices of the High Courts may issue appropriate directions to the Registry that in a case where the Judgment is reserved and is pronounced later, a column be added in the Judgment where, on the first page, after the cause-title date of reserving the Judgment and date of pronouncing it be separately mentioned by the court officer concerned.

(ii) That Chief Justices of the High Courts, on their administrative side, should direct the Court Officers/ Readers of the various Benches in the High Courts to furnish every month the list of cases in the matters where the

Judgments reserved are not pronounced within the period of that month.

(iii) On noticing that after conclusion of the arguments the Judgment is not pronounced within a period of two months the concerned Chief Justice shall draw the attention of the Bench concerned to the pending matter. The Chief Justice may also see the desirability of circulating the statement of such cases in which the Judgments have not been pronounced within a period of six weeks from the date of conclusion of the arguments amongst the Judges of the High Court for their information. Such communication be conveyed as confidential and in a sealed cover.

(iv) Where a Judgment is not pronounced within three months from the date of reserving Judgment any of the parties in the case is permitted to file an application in the High Court with prayer for early Judgment. Such application, as and when filed, shall be listed before the Bench concerned within two days excluding the intervening holidays.

(v) If the Judgment, for any reason, is not pronounced within a period of six months any of the parties of the said lis shall be entitled to move an application before the Chief Justice of the High Court with a prayer to withdraw the said case and to make it over to any other Bench for fresh arguments. It is open to the Chief Justice to grant the said prayer or to pass any other order as he deems fit in the circumstances."

Judgments reserved and not delivered get piled up, to the eternal prejudice of the litigant public. Tapping into the portals of the Madras High Court, one is rudely reminded of a Circular of 2014 Vintage, issued at the instance of then Chief Justice Sanjay Kishan Kaul (now a Puisne Judge of the Supreme Court). In that Circular, Court Officers before the Principal Bench at Chennai & the Madurai Bench were directed to mention the dates on which orders were reserved and the dates of their pronouncement, immediately after the cause titles of the cases. Interestingly, the Circular was in the 'wake' of a Judgment of the Supreme Court of India dated August 06, 2001. The Circular was not contemporaneous, affording enough breathing space to the law lords.

Adverse effect of the problem of not pronouncing the reserved Judgments within a reasonable time was considered by the Arrears Committee constituted by the Government of India on the recommenda-

tion of the Chief Justices' Conference. In its report of 1989-90 Chapter VIII, the Committee recommended that reserved Judgments should ordinarily be pronounced within a period of six weeks from the date of conclusion of the arguments. If, however, a reserved Judgment is not pronounced for a period of three months from the date of the conclusion of the arguments, the Chief Justice was recommended to be authorised to either post the case for delivering Judgment in Open Court or withdraw the case and post it for disposal before an appropriate Bench.

It is true, that for the High Courts, no period for pronouncement of Judgment is contemplated either under the Code of Civil Procedure or the Criminal Procedure Code, 1973, but as the pronouncement of the Judgment is a part of Justice Dispensation System, it has to be without delay. In a country like ours where people consider the Judges only second to God, efforts be made to strengthen that belief of the common man. Delay in disposal of the cases facilitates the people to raise eye-brows, some time genuinely which, if not checked, may shake the confidence of the people in the Judicial system. A time has come when the Judiciary itself has to assert for preserving its stature, respect and regards for the attainment of the Rule of Law. For the fault of a few, the glorious and glittering name of the Judiciary cannot be permitted to be made ugly. It is the policy and purpose of law, to have speedy Justice for which efforts are required to be made to come to the expectation of the society of ensuring speedy, untainted and unpolluted Justice.

As the saying goes, "Never waste a good crisis". If all reserved Judgments could come tumbling out, as if in an assembly line, Justice may be done to We the People. It may, however, not be out of place to allude to the ongoing debate among advisers to policy makers that in the face of inordinate delays and the institution's inability to clear the backlog of reserved judgments, as to why the Centre or state should not come out with Ordinances to bring closure to at least vexed litigation, where National interest may be overwhelming.

Such a course may be the need of the hour in this virally vulnerable moment. But if that happens, it may not surely augur well for the Judiciary as an Institution.

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

Transformational Budget 2022-23

Being priority sector, Health & Medical Education gets Rs 1484.72 cr

In the recent budget, Central Government has sanctioned an amount of Rs 1,484.72 crore for Health and Medical Education sector to be expended under Capital Expenditure for 2022-23. Continuing the wheel of unprecedented development in health infrastructure, the Center government has allocated a whopping budget for health sector which reflects commitment and concern of Prime Minister, Narendra Modi, towards growth and welfare of people of Jammu and Kashmir.

Some of the worth mentioning health infrastructure projects included two new AIIMS with a project cost of Rs 4000 crore one each at Jammu and Kashmir divisions, seven new Government Medical Colleges being established with a total outlay of Rs 1595 crore, ten new Nursing Colleges being set up with an approximate cost of Rs. 60 crore besides two State Cancer institutes worth Rs 240 crore, coming up one each at Jammu and Kashmir division.

Under AB PMJAY SEHAT scheme, universal health coverage scheme in convergence with Ayushman Bharat Pradhan Mantri Jan Arogya Yojana (AB-PMJAY) to provide free of cost insurance cover up to Rs 5 lakh per household per year is progressing smoothly. Nearly, 55.56 lakh beneficiaries have already been registered under the scheme while 1,592 medical packages, as approved under AB-PMJAY, are accessible to the beneficiaries of Jammu and Kashmir SEHAT scheme. It is expected that the pace of coverage will further be accelerated during 2022-23 to achieve the set target with the objective to cover all the residents of Jammu and Kashmir under this insurance cover. An action plan has been framed to bring down the Infant Mortality Rate (IMR) to a single digit for which necessary provision has been earmarked under the National Health Mission (NHM) budget.

The Government of Jammu and Kashmir intends to start the first batch

of MBBS classes in both the new Medical colleges at Handwara (Kupwara) and Udhampur during academic session 2022-23, thereby increasing the overall intake capacity to 1,300 MBBS seats in the Union Territory. For better patient management and reduction of referrals, availability of doctors and specialists in new Government Medical Colleges will be increased. All the remaining 7 Nursing colleges are targeted for completion during 2022-23. Regarding COVID Management, Jammu and Kashmir has emerged as a model for the entire country in management of COVID 19 pandemic.

With 100 per cent vaccination of eligible population, J&K has crossed the 20 million vaccine dose mark.

The vaccination in respect of 15-17 age group has been started all across the Union Territory and 100 per cent target will be achieved soon. Besides, Oxygen Generation Plants have increased by 87 with 90,300 Liters Per Minute (LPM) capacity addition. Also, two 500 bedded

hospitals were set up by DRDO in Jammu and Srinagar to fight COVID-19 pandemic.

The government of Jammu and Kashmir has introduced 'Saksham' scheme for the families who have lost their only breadwinner due to COVID.

Under the scheme, a scholarship of Rs 20,000 per annum is being provided to school going children and Rs 40,000 per annum to college going students through Direct Benefit Transfer (DBT). Besides, Rs 1,000 per month to the surviving spouse and eldest dependent family member are also provided under the scheme.

The sincere and concerted efforts of government of Jammu and Kashmir with the help of central government has resulted in developing a strong public health infrastructure in the UT. Besides, the process of establishing world class health care facilities is going on with full pace which will change the face of healthcare system across the Union Territory in coming years.

YOUR COLUMN

Poor functioning of Tata CIIT center

Dear Editor,

I have written a letter on 16/03/2022 related to poor functioning of Tata CIIT center, Polytechnic College Vikram Chowk Jammu. I would like to add few more points after I visited the CIIT center to meet Principal few days back:-

1. Tata CUT center at Polytechnic Jammu which started in April 2021 to provide training to students is not functioning properly at present. The center has machinery and equipments worth cost of more than 190 crore to train approx. 2000 students per year from engineering, Polytechnic, ITI, industries background in various three month courses per year. But as per sources, only less than 50 students had received 3 months training till date in last one year.

When I tried to highlight the issue with college principal, Reetu jamwal 2-3 times, she was not available or did not want to listen as she said she is busy in exam in college. The admission website of CUT Jammu is also not functional for last more than 6 months. Many students who took admission last year applied for refund of fee as they did not received the training and still some students are approaching the college for refund of their fee deposited last year. Efforts are required to make this center a hub of skill development of J&K youth.

The principal may be asked to furnish the data relat-

ed to trainings of students in last one year from engineering college, Polytechnics, ITIs and industries which will give a clear picture of poor functioning of center. Many MoUs have been conducted with various engineering colleges and industries by earlier principal but no action has been taken as a part of MoUs.

2. As per sources, the hi-tech machinery installed which is lying idle and is not functioning properly now due to poor maintenance by college. As per sources, the present principal had no vision to run this prestigious center and only visit the center, during if any visit from the higher authorities.

The center was functioning only due to sincere efforts of HOD mechanical who was incharge of CIIT center, but unfortunately the principal had removed him as incharge of CIIT and replaced him with HOD from architecture branch, inspite of fact most of the machinery and equipments is from mechanical engineering.

This step speaks volume about the vision of principal to run this center. The staff from tata is not provided with any facilities like stationay, material etc.

3. The college bus provided by the TATA for students is also lying idle.

The log book of the bus may be checked to verify how many visits are conducted by bus for CIIT students and staff.

There is one small electric vehicle also provide by tata for practical work of students and that vehicle without registration is misused by the college authorities and is used by the principal for her personal work outside college, which may be verified.

4. In 2021, all polytechnics of J&K had 100 per cent admission, but Jammu college could not achieve 100 per cent admission and many students were denied

admission last year in this college, so students suffered a lot and later took admission in private or other colleges. There are no activities conducted for students in last one year and to provide placement to students no job fair and students activities organized in college in last more than 1 year.

5. The construction of Hostel is not completed yet for students which in finishing stage in 2021, inspite of funds availed with college. Many ongoing works in the college had been stopped.

The work on one lab for automobile students which was started but later stopped for last one year, repair of college canteen, sports ground, drain work, buildings repair etc are not completed yet and many funds for repair are surrendered by college.

6. As per sources, the auction of defunct equipments, furniture and books lying in college, the lists of which was finalized and approved by committee for last more than one year is still pending and many labs and library are junk yard at present.

The college principal simply write to higher authorities whenever there is any issue without taking any decision on her own, due to which many students and college staff suffer.

7. Further, this principal has served only in Jammu district for last 29 years and only one tenure of 1 year in Reasi college. She had managed her postings every time due to her link with various politicians, media houses etc, while there are many principals who had never got chance to serve in Jammu and few retired without serving in Jammu which is great injustice for other principals who are working outside Jammu district last many years.

Ajay Kumar (Social activist), Channi Himmat.