

TACKLING DRAGON NATION

The startling revelation by General Officer Commanding-in-Chief of Eastern Command Lt Gen R.P Kalita about Chinese army's dangerous ploy of capability enhancement in terms of infrastructure, and operational capability close to the Line of Actual Control (LAC) in a large measure cannot be taken in a light way as the expansionist country has a critical track record. Though the army commander has said that India is also doing everything to counter the Chinese overtures but looking into the ease of eastern Ladakh it is necessary to keep an eagle eye view on everything happening across the border. Analyzing things critically, Lt Gen Kalita has given the true picture by saying that border villages created close to LAC could have dual-use possibility thus affirming his stand that PLA is carrying out capability enhancement whether in infrastructure, or operational capability in a large measure. While giving the vital details the army commander has also assured that India is in no way behind the Dragon Nation as far as operational preparation is concerned because as per him India is also acting towards enhancing infrastructure and operational capabilities in order to respond to any emergent situation. What is satisfactory on the part of India is that the army has the complete knowledge of what is happening across the imaginary line dividing the two countries as every little detail is available to India. Of course China has been doing a lot of infrastructure development in Tibet and eastern theatre but India is also not far behind as it has accomplished everything necessary to counter any misadventure by the PLA as China cannot catch India off guard now. As the other side is constructing and upgrading their roads and tracks and connectivity by making new airports and helipads to respond to any emergent situation efficiently, so is the situation on this side making it clear that India under the BJP Government led by PM Narendra Modi is strong enough that no one can bully it anymore? This is not enough as the Indian Army has shifted six Divisions to fortify the border with China and face the challenges from the Northern borders in a dexterous manner.

TIME TO TAME OIC

It is not the first time that India has snubbed Organization of Islamic Cooperation (OIC) over its uncalled for behaviour over the Government of India's stand with regard to its internal matter related to Jammu and Kashmir. It has become necessary for India to keep track of OIC's activities especially with regard to India's stand on J&K because on the behest of Pakistan, the aforesaid organization has crossed its limits on more than one occasion. India has rightly refrained the aforesaid organization from unnecessarily commenting on the matters which are internal to the country and have nothing to do with any other nation including Pakistan which is instigating other countries and such organizations to speak out against India on one pretext or the other. This time it is Delimitation Exercise in J&K. J&K being the integral part of India is an entity to which the country has complete prerogative to act whichever manner it likes and as far as OIC or for that matter any other country of the world has no right to say anything. Reportedly, India has slammed the OIC for its unwarranted comments on the delimitation exercise in Jammu and Kashmir and asked the grouping to refrain from carrying out its "communal agenda" at the behest of Pakistan. India's reaction is totally justified as OIC has criticized the country despite having no locus-standi over the issue. This is not the first time that OIC has unnecessarily made unwarranted comments on India's internal matters because in the past also the same organization has gone too far in giving sermons to India. It is pertinent to mention that the Delimitation Commission did the right thing in the shortest possible time despite bottlenecks like the COVID-19 which acted as big hurdle and led to unavoidable delays. OIC should have maintained a little dignity and not indulge in such kind of inexcusable overtures on the behest of Pakistan because both Pakistan and the OIC don't have any right to say anything in this regard and whatever their stands are with regard to J&K, India has nothing to do with the same and therefore the OIC must act sensibly and not invite ire from the country like India.

OFF 'D' CUFF

How India can become better by following its ancient spiritual traditions

There is a beautiful story in Panchatantra. In a huge well lived two groups of frogs who were always fighting for territory and resources of the well. The king of one group who was clever decided to befriend a cobra and get him into the well so that it could finish off the other group. The cobra came into the well and one by one started eating the frogs of the other group. The king was very happy with this development and felt that his aim of controlling the well and its resources was achieved. However soon the cobra ate all the frogs of the other group and turned his attention to the king's group. The cobra told the frog king that he needs food to survive and so is helpless. Despite king's pleas and entreaties, the cobra started eating the king's subjects and family members one by one and ultimately ate the king himself.

There is a general tendency in people especially those in power to appeal to the baser instincts of people and take the help of negative and evil forces to achieve their goals, little realizing that these forces are nobody's friends and have their own agenda. They destroy everything in their wake including their creator and cannot be controlled.

Anil Rajvanshi

Sad plight of PM package employees

■ OMKAR DATTATRAY

Kashmiri Pandit employees employed under Prime Minister Package stand sandwiched between guns of terrorists and the apathy and indifference of the administration. These unfortunate sons of mother India stand forlorn and dejected and they have only become the objects of experimentation at the hands of the insensitive centre and UT government. Their life and honour is threatened and they are being killed by terrorists in broad day light inside the government offices. The recent targeted killing of Rahul Bhat, an employee of revenue department inside Tehsil office Chadoora in district Budgam has shattered their lives and they are scared as their life is under threat. One is not sure if he or she can safely return from their office after performing their duties and this is great dilemma. This is not the first time that PM package employees have been targeted and martyred by the terrorists but some months earlier a school principal namely Satinder Kour belonging to Sikh religion and teacher Deepak Chand professing Hindu religion had been martyred in the line of duty by the terrorists sending shock waves in the migrant community particularly among the PM package employees as both of them had been martyred for the simple reason of belonging to a different faith. At that time the government assured that the fool proof security cover will be provided to the Package employees but it proved to be hollow and shallow because once again the terrorists have martyred Rahul Bhat a package employee in his office and thus exposing the hollowness of the government assurance of providing the required security. This dastardly killing of the package employee has scared and frightened the KP package employees so much so that they now do not want to work in Kashmir because of the continuous threat to their life and limb as any time they can be attacked and killed. The scare, shock and grief is so much there in the lives of the PM package employees that they demand their repatriation and evacuation to safer places like Jammu and other such places. Now these unfortunate employees do not dare to perform their duties in valley as the fear of gun is looming large and they fear that they may be killed any time and they are

continuously exposed to threat and so the threat perception has forced them to demand their posting outside valley so that they are not annihilated by the terrorists and the flawed rehabilitation policy of the government. These Package employees are becoming cannon fodders for the gun wielding and brain washed youth who always are killing a few and scaring many. The PM package Kashmiri Pandit and other Hindu employees are working under threat to their lives and 24 X 7 they are feeling threat and are thus under tension and depression and this adversely affects their working efficiency and productivity. The package employees cannot work and perform their duties under perpetual threat to their lives and so they with one voice demand their temporary posting outside valley. They do not want to be killed like their colleague Deepak Chand and Rahul Bhat, while performing their duties and so they demand their posting temporarily in Jammu division and so that their lives are saved. It is very sad that 11 Kashmiri Pandits have been martyred by terrorists since 5th August 2019 that is after the abrogation of articles 370 and 35A. As has been seen that the government cannot provide fool proof security to some five thousand package employees working throughout the length and breadth of the Kashmir, so there is no use to ensure their security in Kashmir as this is not possible as the gun wielding marauders are moving freely and striking the soft targets and killing them with sadistic pleasure. Therefore the government cannot provide the required security to all the package employees in valley and they will continue to be killed by the terrorists at their sweet will. So the best course is to post them outside the valley so that they are not killed by the terrorists. There is no use to post the package employees at the district and Tehsil headquarters as these places are not safe for their working because these places are more exposed to the terrorist threats. Rahul Bhat was working at the Tehsil headquarter and he was martyred in the crowded office and so the posting of the Kashmiri Pandit employees at the Tehsil and district headquarters will not serve any purpose except the shelving of the responsibility by the government of protecting these vulnerable employees. Therefore the Package employees have already rejected

the offer of their posting at the district and Tehsil headquarters by the LG administration. These unfortunate employees are not safe at the headquarters. After all these employees have to move from their rented accommodation or from their government accommodations to their office and back and who will protect and provide security to the widely dispersed employees. Thus they stand to be exposed to the terrorist threats while in their move and also in their offices at the district and Tehsil headquarters. Therefore no worthwhile purpose will be served by posting these package employees at the district and Tehsil headquarters and so this idea and policy should be shelved for the time being. The only alternative is to post these employees outside Kashmir temporarily. They can be posted to the central offices for the time being so that they are saved from the mental agony which they are experiencing after the killing of their colleague Rahul Bhat. Therefore if the BJP government is really interested in the welfare of the Kashmiri Pandit package employees they should order their temporary posting outside the valley so that they are not exposed to the guns of the terrorists otherwise it can be construed that the BJP government of centre is using the community of Kashmiri Pandits for the vote bank politics only. The package employees are not going to accept anything less than their temporary posting outside valley to save their life, limb and honour. Therefore without wasting time these employees should be shifted outside valley so that they are not exposed to the guns of the terrorists. Moreover the bonds executed at the time of the appointment of the package employees should be rescinded as it is grossly unconstitutional and illegal and is the worst kind of the human rights violation and as such the signing of the bonds at the time of the appointment should be done away with for fair play and justice. The provision of the signing of the bond at the time of the appointment under the PM package is highly discriminately and illegal and it should be revoked immediately to give a level playing field to the package employees. It is the most genuine demand of the package employees because these employees are not the bonded labours and so the signing of the bonds should be shelved to

provide justice to these employees. Otherwise these package employees will continue to be discriminated. Therefore the fair play and justice dictates that the signing of the bonds should be revoked retrospectively so that justice is given to the package employees. There is urgent need to balm the hurt feelings and emotions of the package employees post Rahul Bhat's killing as these employees fear that they will also be exposed to the guns of the terrorists and therefore it is in the interest of these employees that the LG should order the shifting of Package Pandit employees to secured zones outside Kashmir to save them from the mental agony and depression which they are facing after the brutal killing of their colleague in the office. Rahul Bhat has given the supreme sacrifice of his precious life while working in his office. Now the minority community does not like to die in this way and so they demand in one voice to be shifted and posted outside the valley to save them from annihilation. The plan of rehabilitation of the government will not have a set back with the posting of the package employees outside the valley. Government should eliminate the terrorism from the Kashmir valley so that at the appropriate time the KP package employees can be taken to Kashmir for their duties. But for this the conducive and congenial atmosphere should be created in the valley so that Kashmiri Pandit employees can be posted back to valley. However the time is not ripe for their return to valley for performing their duties. Thus there is urgent need to create conducive working atmosphere in the valley before you embark on the proposal of sending back the package employees for their posting in the valley. Therefore what is needed at present is to shift PM package Kashmiri Pandit employees outside the valley so that they are not exposed as soft targets to terrorists. To conclude it can be said that the package employees are feeling scared and are under depression and tension while working in the valley and so they be shifted outside the valley for the time being to heal their wounds and scars and balm their hurt psyche.

(The author is a Columnist and Social Activist).

Strikes by advocates/lawyers-'Professional Misconduct'

■ MAHADEEP SINGH JAMWAL

The right of an advocate/lawyer to strike is a subject that has been sharply debated over decades. Traverse on the pages of the Indian Constitution apprise us that right to strike is a fundamental corollary conferred by part III of the Indian Constitution under the right to Freedom of Association (Article 19-c). However, it is not an absolute right, but certain reasonable restrictions are imposed on it. Supreme Court and High Courts in its various verdicts had well answered and made it clear that lawyer's strike is illegal. The courts have outwardly pointed out that strike by advocates/lawyers are unlawful and professional misconduct. In late Col S J Choudhary v/s State Delhi Administration, 1984 (1) SCC 722, it was observed by Supreme Court, 'It is the duty of every advocate to attain the court on every day of the case. Absenting from court in pursuance of any concerted or joint movement by advocates to boycott courts is amounting to professional misconduct and is against the professional ethics of the advocates.' Section 35 of Advocates Act gives Bar Council of India (BCI) the power to form a disciplinary committee against an advocate if it has reason to believe that the advocate was guilty of professional misconduct. According to verdicts of court the BCI should ensure that lawyers should not indulge in strikes and protests. However there are instances where BCI itself had called lawyers for strike. In a case of Arunava Ghosh v/s Bar Council of West Bengal and others AIR 1996, the Calcutta High Court observed that Bar Council has no right to call a strike of lawyers and such a call will amount to 'Contempt of Court'. Strikes by advocates also infringe the fundamental right of speedy trial of the litigants. In the Bhima Koregaon caste violence case, highlighting the issue of under trials, the Bombay High Court has said that 'speedy trial is a fundamental right. In the case of Hussainara Khatoon v/s Home SecretaRY, State of Bihar, 1980 (1) SCC 81, the Supreme Court of India held that the right to a speedy trial is a fundamental right under Article 21. In Kartar Singh Singh v/s State of Punjab 1994: It was declared that the right to speedy trial is an essential part of fundamental right to life and liberty. Moreover strike by advocate leads to wastage of valuable time of the court and hard earned money of litigants. We don't find much to support the strikes by advocates/lawyers. The courts are against the strikes by this

fraternal.

The relationship for a legal redress between a client and lawyer comes into picture through 'Vakalatnama', a written document, submitted before a court by a lawyer/advocate declaring that his clients have authorized him to represent them in a legal dispute and this is a professional services contract. The client-lawyer relationships, given under Advocates Act 1961 and also in Bar Council Rules, are mandatory to be followed by every lawyer to achieve ethics in their profession. If an advocate accepts a case and fails to appear before the court, he commits professional misconduct. In Common Cause case Registered Society v/s Union of India, Supreme court of India very clearly stated that if any association of advocates call for a strike, the bar council of India must take stringent action against such association. Supreme Court in case B. L. Wadehra v/s State (National Territory Capital of Delhi) has given some principle that needs to be followed such as: If an advocate goes on strike, then they are supposed to return the client fees with sufficient notice so that an alternative arrangement could be made by the client. If an advocate accepts a case and fails to appear before the court, he commits professional misconduct, a breach of contract, a breach of trust and a breach of professional duty. A court shall never review a case in which an ex parte decision has been given by court due to strike by an advocate (It is irreparable loss to the client).

Supreme Court of India, in Ramon Services Pvt. Ltd v/s Subash Kapoor and others on 14 November, 2000 held that if a strike attorney is not present and the court gives ex parte decision then any loss occurred, all such expenses would be paid by the attorney or the law firm which he represents.

The legal system holds the responsibility of maintaining, creating, changing and even eliminating any nuisance in the laws prevailing in the system of the country to maintain peace and harmony.

But sometimes this system is jeopardized when respectful advocates & lawyers, at a position of responsibility in the legal system, proceed on strike.

In Krishnakanth Tamrakar v/s State of MP, Supreme Court rightly pointed out that every strike, causes non reversible damage to the judicial system, particularly to the litigants. A series of Judgments from Apex Court have held that it is "unprofessional" and "unbecoming" for a lawyer to refuse to attend the court due to a strike or boycott as they cannot disrupt court proceedings and put the interest of their clients in jeopardy. In the case Hussain vs. Union of India, the Apex court held: both strikes by the lawyers and suspension of the court are illegal.

Further Court in Ex-Captain Harish Uppal v/s Union of India and another in 2002 have held: Strike by the advocate is unlawful. A strike will only be permitted in rarest of the rare cases where integrity, respect, and working of the bar are at stake.

A silent dissatisfaction can be shown or an interview to the press and media can be given, till the time it doesn't hamper the working of the court. Despite the fact that courts have given various decisions against strikes caused by advocates, the advocates have continued unabated violations of court decisions.

There are certain professions that need to be dealt with as they have had a motto to serve society at large, and legal profession is one of them that must work to give justice to people without delay.

The lawyers have the right to demand solutions to their grievances, but not at the expense of their client's right that had to suffer as a result of such strikes leading to the delay in the process of justice delivery.

YOUR COLUMN
Adjust PM package employees outside Valley

Dear Editor,

Unfortunately the target killings of Kashmiri Pandits continue unabated, which is very deplorable and sad. The Pandits are becoming cannon fodders for guns of the indoctrinated Islamist terrorists for no fault of theirs but for the only reason that these unfortunate people belong to a different faith and religion. It is very sad and disturbing that this time the barbaric brutes have once again targeted the innocent youth of the minuscule Kashmiri Pandit community. The terrorists have martyred a PM Package employee Rahul Bhat (a clerk in Revenue Department) that too in the office premises which in itself shows that even offices at Tehsil Headquarters are not safe for the minorities. After the last year's killing of a PM Package employee Deepak Chand (also killed in school premises while on duty), the LG's administration had assured full proof security and safety of all Migrant Package employees who are working across Valley in different departments, but unfortunately once again package employees are

becoming soft targets in Kashmir for terrorists. Now all PM package employees are feeling total unsafe and insecure in the valley. These employees are not scapegoats and can't serve in Kashmir at the cost of their lives. However, it is also not feasible to provide security to each and every PM package employee in Kashmir, as even police personnel are being targeted in Kashmir valley by terrorists. How can these police personnel provide security to these unfortunate PM package employees when even they are not safe in Kashmir? This simply shows that Government's tall claims of normalcy in Kashmir are just mere eyewash and nothing else. Under the fear of gun of terrorists, these PM package employees wouldn't be able to serve in Kashmir further as there is fear psychosis among them. Instead of experimenting with PM package employees, the government must absorb these unfortunate sons of soil in different departments outside the valley. It centre government is really serious and concerned about plight of PM package employees then migrant package employees may immediately be adjusted in different departments across Jammu province and even in other states. Is LG's administration listening is the million dollar question?

Brij Lal Raina,
Roop Nagar, Jammu.

JUBILANT J&K
Vocational education receiving prime focus, 70,000 students of classes 9 to 12 being covered annually

Realizing the significance of vocational training in furthering business preferences for students, the Jammu and Kashmir government is laying focused attention on promoting this vital sector at all levels enhancing youth's technical skills for a specific job.

The administration, as a sequel to bring about qualitative enhancement at all levels of education in the Union Territory, established State Council of Education Research and Training (SCERT) by merging existing State Institutes of Education (SIE) and District Institutes of Education and Training (DIET).

The move was aimed at to mainstream teacher education and curriculum reforms besides providing academic research, extension and training support in the field of school education throughout the UT.

According to official details, Skill Hub Initiative has also been implemented in 40 schools for out of school youth under Vocational Education. Vocational Education is being imparted in 714 Secondary and Senior Secondary Schools in 14 different trades across the UT. Besides, with inauguration of 626 Vocational labs by Lieutenant Governor, Manoj Sinha, the total number of this vital facility in J&K has reached to 850. The government is extending vocational education to 70000 students from 9th to 12th every year with most of them getting employment in their relevant fields.

As a part of National Education Policy (NEP), all the students of 6th to 8th have been mapped with vocational institutes to impart the basic skills of vocational education. As part of 'Nipun Bharat Mission', teaching learning material in the form of workbooks, worksheets and flash cards was provided to 52226 students of class I to V besides giving away resource material to 40318 primary teachers at a cost of Rs 13.66 crore. Also, Rs 4.03 crore was provided to DIETs to conduct training on FLN (Foundational Literacy and Numeracy) to make teachers abreast with new techniques of teaching. Besides, 100 days reading campaign was conducted successfully in the UT of Jammu and Kashmir where more than 4 lakh students participated. To take care of basic needs of schools ensuring that learning is not affected, Rs 45.94 crore were provided to 22,250 schools as Composite School Grant varying from Rs 10,000 to Rs 1,00,000 per school, of which, Rs. 4.60 crore was spent on Swachhta activities.

Similarly, payment of Rs 47.29 crore was made through DBT into accounts of 7,88,247 students of class I to VIII as cost of two stitched uniforms @ Rs 600 per student. "Schools with high enrolment shall be developed as Smart Schools in the coming years, which shall be saturated with all the basic facilities," official informed.

He added that there shall be no gap in the Infrastructure and Sports facilities and teachers shall be imparted special trainings to enhance their academic standards.

To channelize youth energy, hone their personality and prepare them for future challenges, youth clubs are being formed in every Panchayat of the UT with at least 5 members.

Similarly, sports and physical education grants of Rs 19.67 crore were provided to schools through district officers for procurement of sports equipment for the schools @ Rs 5,000 for Primary Schools, Rs 10,000 for UPS, and Rs 25,000 for HS and HSS in 2021-22. Under Right to Education, free text books of Rs 19.30 crore were provided to 5,50,000 students of class III to VIII through Jammu and Kashmir State Board of School Education.