

CJ inaugurates Annual Stakeholders Consultation on Children in Conflict with Law

■ STATE TIMES NEWS

SRINAGAR: Chief Justice, High Court of Jammu & Kashmir and Ladakh, Justice N. Kotiswar Singh on Saturday inaugurated one day Annual Stakeholders Consultation on Children in Conflict with Law at Tagore Hall here.

Justice Tashi Rabstan; Justice Sindhu Sharma; Justice Puneet Gupta; Justice Javed Iqbal Wani; Justice Mohammad Akram Chowdhary and Justice Rajesh Sekhri graced the occasion.

The inaugural session was physically attended by Advocate General, D.C Raina; Registrar General, Shalhzad Azeem; Principal Secretary to Chief Justice, MK Sharma; Mission Director, Mission Vatsalya, Harvinder Kour; Registry officers, officers from Civil and Police Administration, J&K.

Commissioner Secretary,

Social Welfare Department, UT of J&K, Sheetal Nanda; Commissioner Secretary, Social and Tribal Welfare Department, UT of Ladakh, Padma Angmo; Member Secretary, Ladakh Legal Services Authority, Spalzes Angmo, joined the consultation virtually.

The consultation meet was organized by the Juvenile Justice Committee, High Court of Jammu & Kashmir and Ladakh under the aegis of Child Welfare Committee, Supreme Court of India in association with the Social Welfare Department, UT of Jammu and Kashmir, and Social and Tribal Welfare Department, UT of Ladakh.

In his inaugural address, the Chief Justice while stressing upon the theme of this year's meet tracing the history of law relating to Child Rights, said that earlier the focus was on victim of offence and now there is paradigm shift towards the

welfare of child in conflict with law. The Chief Justice underlined that collaboration of stakeholders is necessary to restore such children back into the system.

Recalling the recent visits to Child Care Institutions at Nishat, Srinagar and Khansahib, Budgam, the Chief Justice appreciated the efforts of Social Welfare Department in creating and maintaining suitable infrastructure at both the places.

Highlighting the circumstances leading the child onto the wrong side of law, Justice Tashi in his special address appealed to one and all to prioritize prevention over punishment. He called upon the stakeholders to extend empathy and unwavering commitment towards the wellbeing of children in conflict with law.

In his welcome address, Member Secretary, Juvenile Justice (JJ) Committee Amit Kumar Gupta gave an

overview of the programme.

In the first technical session Assistant Director, NIPCCD, Regional Centre, Mohali, Sonali Kumari, was the resource person, who deliberated upon the topic 'Prevention and Early Intervention'. She delved into detailed strategies that could pre-empt adversities, emphasizing the pivotal role of proactive measures. The second and third technical Sessions were on the topics 'Diversion, Alternatives to Detention, and Non-custodial Alternatives' and 'Right to Fair Trial and Child-Friendly Procedures' in which resource persons were Justice (Rtd.) B.A. Kirmani and Justice (Rtd.) M.H. Attar.

In his discourse, Justice B.A. Kirmani while referring to the report of Crime Record Bureau published for the year

2020-2021 highlighted that the popular notion about the Child in Conflict with law belonging to poor and marginalized section of the society, is misconceived as the figures for states of MP and Maharashtra reveal otherwise.

Justice M.H. Attar underscored the significance of child-friendly legal processes and a just trial system in nurturing a sense of justice in young minds.

In the last Technical session, the resource person, Owais Wani, DySP (HQ), Srinagar deliberated upon the topic 'Minimum Age of Criminal Responsibility and Age of Criminal Majority (Preliminary Assessment)'. He also presented the critical analysis of various provisions of Juvenile Justice (Care and Protection) Act 2015.

Most important Pakistani asset, secretly working for ISI & terror outfits

J&K Bank dismisses Chief Manager employee for being 'threat' to security

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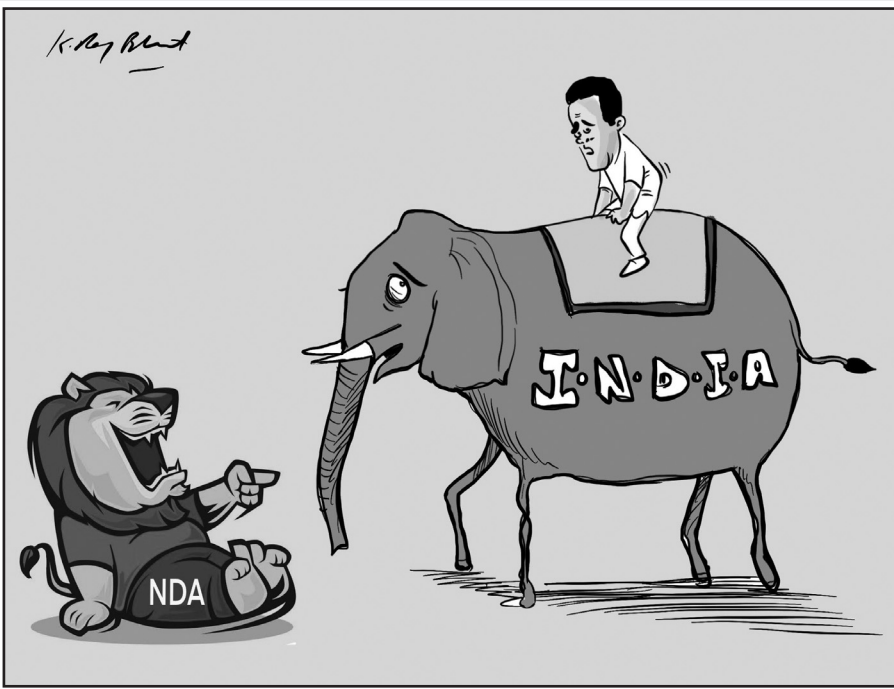
JAMMU: Jammu and Kashmir Bank on Saturday terminated an employee from service for allegedly being a threat to the security of the state, officials said. The services of Sajad Ahmad Bazaz were terminated with immediate effect, the officials said.

They said the decision was taken in view of allegations of Bazaz being a threat to the security of the state. Bazaz was working as a chief manager of the bank.

In an order, the Managing Director of the bank stated that "after considering the facts and circumstances of the case contained in the report received from credible agencies that the activities of Sajad Ahmad Bazaz...posted at Internal

Communication and Marketing Department are such as to warrant his dismissal from service under Rule/Provision 12.29 in OSM (Officers Service Manual)."

Bazaz was appointed as Cashier-cum-Clerk in 1990 and later promoted in 2004 as a head, internal communication of J&K Bank, a public sector entity owned by the J&K Government. The bank management seemed to have no clue that Bazaz was one of the most important Pakistani assets, secretly working for ISI and terror outfits. After abrogation of article 370, the top investigators were probing link of deep ISI assets within the terror ecosystem and Bazaz's name popped up, sources said.



CBI seeks cancellation of bail to JKLF's Rafiq Pahlloo in two terror-related cases

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JAMMU: The CBI on Saturday moved a court here seeking the cancellation of bail to Jammu and Kashmir Liberation Front (JKLF) terrorist Rafiq Pahlloo in the 1990 Indian Air Force officers' killing case and the 1989 Rubaiya Sayeed abduction case.

Both the terror-related cases came up for hearing in the special TADA court on Saturday, Senior Additional Advocate General and chief prosecutor of CBI Monika Kohli told PTL.

Pahlloo has been granted bail in the two cases but was arrested in Srinagar recently along with several others for trying to revive separatist activities.

JKLF chief Yasin Malik, also an accused in the killing and the kidnapping cases, could not attend the proceedings through video conferencing facility due to some "technical glitch".

Malik has been lodged in

Delhi's Tihar Jail since April 2019 when he was arrested by the National Investigation Agency (NIA) in a terror funding case.

Pahlloo alias "Nanaji" was among 10 terrorists arrested by police in July from a hotel in a case related to the conspiracy of reviving banned JKLF and separatist amalgam Hurriyat conference in the valley. He is presently lodged in Central Jail Srinagar on judicial remand.

As the proceedings in both the cases started on Saturday, Kohli said, the CBI moved an application for the cancellation of Pahlloo's bail in the two cases, informing the special TADA court that he had violated the conditions of the bail by indulging in separatist activities.

The court directed the Superintendent of Central Jail to produce Pahlloo on the next date of hearing through the virtual mode and it is most likely that his bail in both the cases will be cancelled, she said.

The special Terrorist and Disruptive Activities (Prevention) Act court has already framed charges separately against JKLF chief Malik and several others in both the cases.

The charges were framed against Malik, Pahlloo and five others on March 16, 2020 in the killing of four IAF personnel in the outskirts of Srinagar in January 1990.

The charges against Malik, Pahlloo and eight others in the 1989 abduction case of Rubaiya Sayeed was framed by the court on January 11, 2021.

The court has set September 16 as next date of hearing in the IAF killing case and October 1 for the Rubaiya Sayeed kidnapping case for cross examination of the witnesses, Kohli said.

Rubaiya Sayeed is the daughter of Mufti Mohammad Sayeed, who was then Union home minister.

Rahul Gandhi will again face defeat in Amethi: Chugh

■ STATE TIMES NEWS

JAMMU: BJP National General Secretary and party In-Charge J&K Tarun Chugh on Saturday said that the people of Amethi will defeat Rahul Gandhi like last elections.

In a statement, Tarun Chugh said the Congress has done nothing seek votes.

"They didn't do any work in Amethi. The people of Amethi had defeated you [Rahul Gandhi] earlier; they will defeat you again," Chugh said while reacting to reports of Congress leader contesting from Amethi in 2024 Lok Sabha elections.

"The people of India have come to know about the vassal, arrogant, dynastic and corrupt thinking of the Congress and the Gandhi family," he said. Every Indian has a democratic right to contest elections and no seat is a family property in a democracy, he said.

"Rahul Gandhi, who stopped the development



of Amethi considering it as his personal fiefdom, exploited the people of this constituency earlier also. The public had defeated him and this time Rahul will be defeated again," Chugh said.

Hitting out at Kejriwal government, Tarun Chugh said, "Delhi assembly is being used by Kejriwal to express his frustration and arrogance. The floor of the assembly should have been used for the development of the people of Delhi and to resolve their problems but I don't know why AAP leaders are trying to boil the cold curry. Kejriwal is doing it again and again."

Expressing shock over the killing of a journalist with a Hindi daily, Vimal Kumar in Bihar, Tarun Chugh said that law and order has collapsed and "jungle raj" had returned to the state under the leadership of CM Nitish Kumar.

Court awards 2 years imprisonment to Girdawar in corruption case

■ STATE TIMES NEWS

JAMMU: After four months of convicting a Patwari in a trap case, Special Judge Anticorruption Jammu, Tahir Khurshid Raina, has now convicted and sentenced Girdawar Mohd Ashraf in a similar trap case, handing down a 2-year imprisonment and a fine of Rs 20,000. Girdawar was taken into custody and sent to District Jail Jammu to serve his sentence.

The court further directed that copies of the judgment be sent to the Commissioner/Secretary of the Revenue Department, J&K. This action was taken in light of the two consecutive convictions of Revenue Officials, aiming to highlight the systemic shortcomings and corruption within the department. During the sentencing, Special Judge Tahir Khurshid Raina, after hearing Assistant Public Prosecutor Irshad Ahmed Sheikh for the ACB, and Senior Advocate Vikram Sharma along with Advocates K S Charak and Goutam for the accused person, observed that just four months ago, this court had convicted and sentenced a Patwari. This emphasized the significant role of a Patwari and their importance at the grassroots level in society. However, it is troubling that only four months later, another official higher in status, a Girdawar, who was discharging Patwari duties, has also been convicted for demanding and accepting bribes. The court noted that this consecutive conviction of Revenue Officials highlights the deep-rooted issues within the Revenue

department's functioning. This becomes even more apparent when the court regularly receives complaints, FIRs, and charge sheets related to alleged fraud involving Revenue Officials. This pattern suggests a lack of accountability within the system, echoing Shakespeare's famous line "something is rotten in the state of Denmark."

The court further pointed out that these criminal acts attributed to Revenue officials have broader implications than just violations of the Prevention of Corruption Act. They are a source of ongoing conflict, chaos, and various forms of crime within society. Sometimes, these issues escalate into serious criminal cases, resulting in irreversible damage to people and resources. While reiterating its concerns about the growing corruption, the court specifically addressed the officials in charge of the Revenue Department, urging them to take decisive action to eliminate corruption across all levels, particularly at the grassroots level where citizens are most affected.

With these considerations, the court ordered that the accused be subjected to one year of simple imprisonment and a fine of Rs. 10,000 for violating Section 4-A of the Prevention of Corruption Act, Svt. 2006, and another one year of simple imprisonment along with the same fine for violating Section 5(2) of the Act. Both sentences were to run concurrently. In case the fines were not paid, the convict would undergo an additional three months of simple imprisonment.

■ SHAKEELA ANDRABI

SRINAGAR: A group of farmers from Rangeen Kultreh and its adjoining villages from Chadoora Tehsil of Budgam district staged a protest here at Srinagar, against setting up of new brick kilns in the area on cultivable land.

The aggrieved farmers said the Pollution Control Committee of J&K allegedly gave its consent more than a year back to one brick kilns, thus violating its own order, as the Pollution Control Committee Budgam had shown its resentment to set up fresh brick kilns in the area.

While speaking to press, in Srinagar the aggrieved farmers who own apple, plum and almond orchards in the area said that no consent has been obtained

from horticulture and agriculture departments.

Air pollution is becoming a major concern for human life but some elements are ignoring such concerns and are trying to earn money in one way or the other. Recently on world lung cancer day, Doctors Association Kashmir said lung cancer cases are on rise among people who have never smoked because of increasing exposure to toxic air. "Poor air quality is behind spike in lung cancer cases among non-smokers," said DAK.

He said evidence has shown that polluted air is associated with increased risk of lung cancer which is the most prominent cancer in Kashmir. The Director SKIMS has also warned us as there are 10,000 deaths taking

place every year due to air pollution. In this scenario no fresh brick kilns should be constructed in J&K.

Pertinent to mention that 20 years ago, Rangeen Kultreh village in Chadoora Budgam had no brick kilns. With the passage of time around two dozen kilns were set up between 2003 and 2012. From 2013 to 2022, the Budgam district administration and the erstwhile J&K Pollution Control Board (now known as JK Pollution Control Committee-JKPCC post Article 370) didn't permit more kilns, but now they gave permission for setting up new brick kiln.

According to experts, most kilns in Budgam or other parts of Kashmir violate the Brick Kiln Act and Section 21 of the Air (Prevention and Control

of Pollution) Act, 1981.

Unfortunately, the Pollution Control Committee does not act against them and instead it grants fresh permissions. This is an open violation of the Air Pollution Act 1981.

"We expected the JKPCC to be stricter as it is under the Central Pollution Control Board's administrative control. Instead, permission to set up two kilns was issued by JKPCC Member Secretary while its District Officials had given an adverse field report a few years back. How can the secretary override his field agencies report.

In March this year the Air Force Station in Srinagar sent a letter to Divisional Commissioner Kashmir and DC Budgam showing its concern over

brick kilns. The letter reads:

"The brick kilns operating around Air Force Station, Srinagar emit a large quantity of smoke and particulate matter. This smog has a direct adverse effect on the environment and in-flight visibility during the terminal stage of the flight. It has been noticed that during the last decade, the number of brick kilns is rapidly increasing. Increasing number of brick kilns [worsens] environmental pollution."

"The JKPCC & District Administration Budgam have bypassed this air traffic security concern also and allowed construction of a fresh brick kiln at Kultreh village which is only 4 to 5 kms aerial distance from Srinagar airport" said a local resident of Kultreh.

Relaxation in conduct rules to Govt doctors allowing private practice was not to increase their Income

Is not serving regular pvt clinic, serving teaching & taking evening calls from Jr. Doctors over 'taxing'

■ DAYA SAGAR

The then J&K Governor N. N. Vohra was quoted as having said while he was speaking (01-06-2013) at 32nd Annual Conference of North Zone Indian Orthopedic Association at SKICC Srinagar that <(i) The frontiers of science are advancing at a fast pace and we can't stand by and claim that we know 'adequately' well what needs to be done. (ii) It seems difficult to accept that all this is possible when we have a system where we expect our doctors, practitioners and surgeons to work 8 to 10 hours a day and then also do private practice and this particular arrangement needs to be reviewed and looked at in all fairness. A day before that on 31st May 2013 the then J&K Cabinet had considered the proposals moved by Taj Mohi ud Din Minister for Medical Education, Youth Services & Sports for banning private practice by faculty members of Government Medical Colleges, Government Dental Colleges and associated hospitals but it was deferred in view of his not getting support of his own cabinet colleagues. Disallowing private practice to government doctors was more in news after Taj Mohi-ud-Din took over the charge of the Medical Education Ministry to improve the patient-care in the govern-

ment institutions and Charge of department of Health was not with Minister for Medical Education.

Those who plead allowing private practice to government doctors 'claim' in support shortage of doctors & need for rendering service in odd hours / emergencies and suggest that if relaxation in service conduct rules for government servants are given to Government Doctors for doing private practice against fee Practice is withdrawn there would be more opportunities to private clinics / private practitioners for fleeing the common man. No doubt when the provision might have been created in earlier days it did have some social pressing needs but the way some government doctors have "converted the provision of consultation to almost like a business enterprise" thereby there being the services in government hospitals are being put under question marks (except institutions like PGI Chandigarh/ AIIMS Delhi) , there is not that pressing shortage of doctors in private sector / many senior retired government doctors are available in the market / doctors even with MD /MS/ DM/MCh Degrees are under employed in private sector / government job advertisements for government jobs get flooded with applicants, government doctors who

do private practice refer emergencies to government hospitals/number of government hospitals has grown in much larger proportion than the population/number of medical colleges has grown many folds after 1947 and ultimately only the government hospitals take the serious emergencies the "loss" being incurred to common cause by the provision of Private Practice by Government doctors is much greater than the social advantage that could at all be anticipated in 'present environment in the health sector'. There may be surely some doctors who still hold to ethics but the 'commercial' culture created around discourages them. The institutions where there is no relaxation in conduct rules permitting private practice the service delivery and commitment levels are much better (say PGI Chandigarh).

And above all as even opined by the then J&K Governor about 10 years back there are many government doctors who do private practice from 6 am to 09:30 am at clinic, then work in government hospital/college from 10 to 4 PM and then again work in private clinic from 5 PM to 11PM. Imagine what justice they can do to teaching, attending to regular duty in hospital



A Look through the Mist

and attending to emergency calls from their juniors back on duty in government hospitals. The requirement for doing away with Private Practice by Govt. doctors has become even more pressing in 2023 in UTs like J&K and other states.

It is no hidden fact that the provision of private practice by government doctors has instead turned into a "malaise," which in addition to lowering the quality/ quantity of services by government hospitals is also inflicting serious damages to the common cause becoming part of unfair culture of inflated prescription writing in terms of drugs / investigations. Yes the "Public men" may not feel that much pinch since they have many to serve and enough to "buy".

The provision of the private practice by government doctors was created in relaxation of conduct rules (like Central Civil Services (Conduct) Rules, 1964 Rule- 15 Private trade or employment/ The Jammu and Kashmir Govt Employees (Conduct) Rules, 1971 Rule -10 1 Private Trade or employment / others) for in in pious / reasonable common cause and not for increasing income but the same is being taken by the community and those who

vote for PP provision more for increasing the income .

Not only this, many people are found suggesting that under the garb of Private Practice (for consultation only) , many practicing doctors these days (1) allegedly look for joining with laboratories / investigation centers and even prescribe unnecessary tests (2) the doctors feel more interested in the drug manufacturers and defeating the public welfare programmes like Jan Aushadi Campaign where we find negligible prescriptions being written by chemical / generic name even for patent free drugs (3) and at occasions disproportionately high cost of appliances/ supporting accessories too may be prescribed by some doctors even where item could be avoided. Many people see even the very 'poor' growth level of Jan Aushadhi Drugs even after 15 years since the 'prescription' writers even in government hospitals appeared working more for the 'trade' (whatever small growth is there after 2015 it is only due to personal interest taken by PM Narendra Modi). Due to unfair high 'costs' MANY suffer loss in health and some even die without taking adequate & timely medicines for treatment of 'self'.

So private enterprise under the garb of

relaxation in conduct rules to Government Doctors must be with drawn. Not only that even no NPA . Employment to government servant can not parttime.

If it is assessed that pay scales /wages of government doctors are less and the public exchequer can afford to pay more , let higher salary be paid to doctors, No, doubt government has authority to make/ modify service rules but no government in a democratic country is expected to ignore the basic principles and codes that are must for one who has to directly or indirectly handle /manage/ preserve the common resources / provisions of the State.

No doubt , in case it is still felt and assessed that in some remote / distant / rural areas still there is need to allow government doctors to privately see patients before / after office hours then there , on case to case basis , a doctor could be permitted to see patients in 'off duty' hours outside hospital/ dispensary /PHC and allowed to receive some payment as honorarium and not fee with clear understanding that relaxation in conduct rules 'has' been given not for increasing the income.

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