

**Inaugurates Veshaw Literary Festival at Kulgam**

**J&K reflects composite cultural identity of India: Sinha**

**'Terrorism affects every vital sphere of society, damages artistic freedom, stifles socio-cultural growth'**

**STATE TIMES NEWS**

**KULGAM:** Lieutenant Governor Manoj Sinha on Monday said that Jammu and Kashmir reflects the composite cultural identity of India and it has kept alive time-tested traditional wisdom and knowledge.

"Writers, Artists, Rishi, Sufis were guiding force and immensely contributed to cultural synergies over the years," the Lt Governor said while inaugurating the Veshaw Literary Festival organised by Indira Gandhi National Centre for Arts (IGNCA) and District Administration during his visit to Kulgam.

He said, the world of literature and art expands our horizon, offers limitless wisdom, intellectual inspiration, new ideas and perspectives. Literature is also a device for inner growth and provides new insights. We should cherish the diversity literature offers in different languages to enlighten the society, he added.

During his visit, the Lt Governor paid homage to the martyrs, who made supreme sacrifice to protect the integrity and sovereignty of the nation. He also dedicated various development projects to the people of the district.

Sinha commended the endeavour of the IGNCA and the District Administration for the promotion of the literary activities in Kulgam. The Veshaw Literary Festival over



Lieutenant Governor Manoj Sinha inaugurating Veshaw Literary Festival organised by IGNC A and District Administration at Kulgam.

the next two days will bring power of ideas and imagination to the people, he added.

Reiterating the commitment of the UT Administration, the Lt Governor said, in the last few years, a conducive environment has been created for artists, writers, litterateurs to realize their true potential and promote the rich spiritual, creative and cultural values of Jammu Kashmir.

He called upon the writers and artists to present the transformation taking place in J&K UT to the world.

"Terrorism affects every vital sphere of a society, damages artistic

freedom and stifles the socio-cultural growth. We must come together to neutralize this menace and ensure dignity of people, freedom of thought and fundamental right of cultural expression," Lt Governor said.

The Lt Governor also highlighted the major reforms introduced by the UT Administration to ensure social-economic equality, improving quality of life and inclusive development of J&K.

He said the 29 poor landless PMAY beneficiaries have been provided with 05 Marla land in Kulgam. 7286 Youth in the district were pro-

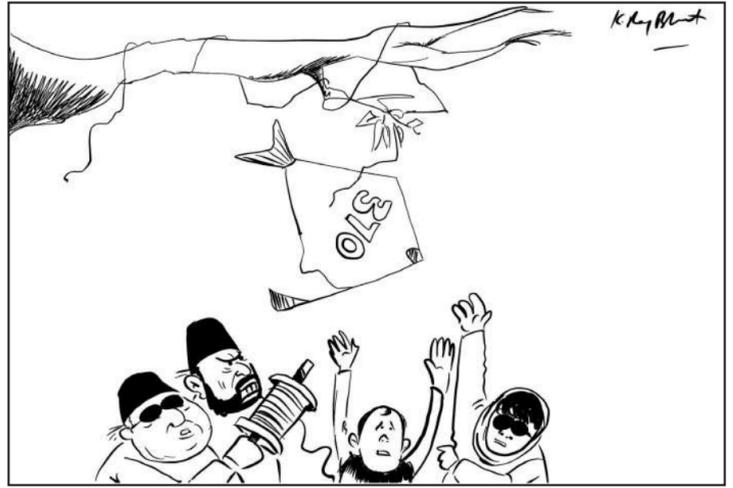
vided handholding under different self-employment schemes, he added.

On the occasion, the Lt Governor also reminded the people to strike a balance between rights and duties to support the progress of the Union Territory.

He said, if the capable section of the society pay for the services, it will become easy for the government to take care of the needs of the poor, small and marginal farmers and even provide them relief in power bills. But, the system cannot function if the rich refuses to discharge their duties towards J&K and the nation.

The projects inaugurated by the Lt Governor today included Conference Hall at Mini Secretariat, Indoor Badminton Court, Two lane 400 Mtr Bridge on Kulgam-Chambgund road and Finance Complex at Mini Secretariat.

Mohammad Afzal Parrey, Chairman, District Development Council Kulgam; Dr Arun Kumar Mehta, Chief Secretary; Vijay Kumar, ADGP Kashmir; Vijay Kumar Bidhuri, Divisional Commissioner Kashmir; Dr Syed Abid Rasheed Shah, Secretary Tourism Department; Dr Bilal Mohi-ud-din Bhat, Deputy Commissioner Kulgam; PRI members, prominent personalities from literary field and large number of people were present on the occasion.



**CUJ awarded Research Project by ICSSR**

**STATE TIMES NEWS**

**JAMMU:** Central University of Jammu has been awarded Research Project under Special Call for studies of the Culture, History and Geography of the scheduled tribes of India by Indian Council of Social Science Research (ICSSR), New Delhi in the recently declared results.

Two faculty members, Dr. Bhat Iqbal Majeed and Dr. Ranvir Singh, Department of Social Work, Central University of Jammu have been awarded this research project under the dynamic and visionary leadership of Prof. Sanjeev Jain, Vice Chancellor, Central University of Jammu. Prof. Jain has been at the forefront in undertaking research on novel and underexplored areas within Jammu and Kashmir. It is his commitment and guidance towards enriching the research in social sci-

ences in the J&K UT that this project has been considered for funding.

Dr. Bhat, said that Vice Chancellor has been actively supporting and promoting the faculty members towards applying for research grants. He further said that the awarded project would study the changing dimensions of nomadic bakkarwals in the Union Territory of Jammu and Kashmir.

Keeping in view the mission and zeal of the Central University of Jammu, Dr. Ranvir said that the project would definitely aid in generating new knowledge about the scheduled tribes of Jammu and Kashmir. He expressed the hope that such kind of research projects would lead towards the establishment of Centre for tribal studies for wider research on the tribal issues of Union Territory of Jammu and Kashmir.

**Over 20 J&K leaders re-join Congress at Delhi** **Mayor starts vaccination under Mission Indradhanush 5.0**

**LG, H&ME team working hard to ensure success of campaign: Sharma**



Leaders from J&K rejoining Congress Party in presence of party chief Mallikarjun Kharge.

**STATE TIMES NEWS**

**NEW DELHI:** Over 20 leaders from Jammu and Kashmir, rejoined Congress in the presence of party chief Mallikarjun Kharge on Monday.

AICC general secretary in-charge organisation K C Venugopal, AICC in-charge of state Rajani Patil and Jammu and Kashmir Congress chief Vikar Rasool Wani, former DyCM Tara Chand were also present on the occasion.

STATE TIMES in its edition dated August 6, 2023 had exclusively reported the re-

joining of Namrata Sharma, Tejinder Singh Tony, Yashpal Kundal and others to Congress party.

Yashpal Kundal, an ex-Minister, a two time legislator from Panthers Party and the Chief of the SC/ST and OBC Department of AAP in J-K, was among those who joined the Congress today.

Haji Abdul Rashid Dar, a former vice president of JKPC who later joined Azad's party, also returned to the Congress fold.

Naresh K Gupta (DPAP), Sham Lal Bhagat (DPAP),

Namrata Sharma (Apni Party), Saima Jan (DPAP), Shalhjean Dar (DPAP), Farooq Ahmad (AAP), Taranjit Singh Toni, Gazanfar Ali, Santosh Majotra (DPAP), Rajni Sharma (DPAP), Nirmal Singh Mehta (DPAP), Madan Lal Chalotra (APNI Party), Hamit Singh Batti (AAP), Ramesh Pandotra (AAP), Vaid Raj Sharma (AAP), Mandeep Chowdhary (AAP), Nazir Ahmed Anqab, Maheshvar Vishwakarma and Jung Bahadur Sharma (DPAP) joined the Congress.

**STATE TIMES NEWS**

**JAMMU:** Mayor of Jammu city, Rajinder Sharma on Monday started the State-wide vaccination campaign Intensified Mission Indradhanush (IMI) 5.0 at Government Hospital Gandhi Nagar along with Bhupinder Kumar, Secretary Health and Medical Education Department and Dr. Rajeev Kumar Sharma, Director Health Services (DHS) Jammu.

A large number of missed/dropout children of 0-5 years age group and pregnant women from Jammu slums were vaccinated with due vaccine doses and their digital immunization certificates were downloaded at the vaccination centre and were handed over to them.

The campaign was a part of nationwide programme to vaccinate the pregnant women and children up to the age of five and it has been started in other parts of the country also.

Speaking on the occasion Mayor Rajinder Sharma



Jammu Mayor, Rajinder Sharma starting vaccination campaign IMI 5.0 at Government Hospital Gandhi Nagar.

highlighted the importance of IMI 5.0.

He told reporters that pregnant women and small children up to the age of 5 shall be administered vaccines under this programme and arrangements are made that no child is left without the vaccination.

"The campaign is going on under the directions of Lieutenant Governor, Manoj Sinha and Secretary Health and Medical Education along with the team of doctors, nurses and other staff which is working hard to ensure success of this campaign so that our children may have a healthy

future," Mayor Rajinder Sharma continued.

Many ladies visited the hospital with their children and got them vaccinated.

Secretary H&ME lauded this special initiative in which all the districts of J&K have identified their due beneficiaries by conducting head count surveys after visiting each household, each slum and nomadic population.

Secretary H&ME briefed the media about the importance of this unique IMI 5.0 wherein such missed/dropout beneficiaries (0-5 yrs old children & pregnant women) shall be vaccinated in campaign

mode which will be done in three rounds (7-12 August, 11-16 September & 9-14 October).

Another focus area was elimination of Measles-Rubella disease from India by December 2023 which will be achieved by this special IMI 5.0 campaign.

Approximately 52000 children and pregnant women have been found due for vaccines.

The Secretary briefed that earlier Mission Indradhanush campaigns used to be conducted in low performing districts of immunization but this time all the districts and all the blocks are being covered.

He further elaborated that this time U-WIN portal has been launched through which all the entries including registration, vaccination and digital immunization certificate generation will be done by entering the phone number of beneficiaries which will help health staff as well as parents of the children to know about

their due doses.

With this feature, even ASHA workers of the village and ANMs will have digital due list and individual beneficiaries will receive SMS alerts reminding them of next due doses and acknowledgement of the same.

This will help all the population importantly nomadic and migratory population to keep on moving from one place to other.

"With this, we hope to achieve 100 % immunization coverage which is already 94-95 % in our J&K UT," he maintained.

Others present on the occasion were Dr. Parveen Yograj, Medical Superintendent Govt Hospital Gandhi Nagar Jammu; Dr Poonam Sethi, Assistant Director Family Welfare MCH & Immunization Jammu; Dr Shahid Hussain, SEPIO J&K; Dr Isha Chalotra, SPO UNDP J&K; Dr Azmat Khan, SMO WHO Jammu; Rakesh Sharma, SMEMO J&K and other officers and officials.

**Article-368 of Constitution of India is for Amending Constitution & Procedure therefor using Constituent Power**

**Operating Art-370(3) on Recommendations of Parliament is within Provisions of Constitution of India Issuing C.O 272 & C.O 273 using Art-370 in August 2019 is under Judicial review for Procedure Adopted Modifying /Repealing Temporary Art-370 is surely not violating basic structure of Constitution of India Art-1 of COI was not applied to 'J&K' through Art-370 but is applied to J&K along with Art-370**

**DAYA SAGAR**

**A**rt-368 of Constitution of India (Power of Parliament to amend the Constitution and Procedure therefor reads among others Notwithstanding anything in this Constitution, Parliament

may in exercise of its constituent power amend by way of addition, variation or repeal any provision of this Constitution in accordance with the procedure laid down in this article and an amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament, and when the Bill is passed in each House by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting, it shall be presented to the President who shall give his assent to the Bill and thereupon the Constitution shall stand amended in accordance with the terms of the Bill. From the text of Art-368 it is evident that the power to amend the Constitution is 'constituent power' i.e. when ever Parliament amends the constituent it is in a way also performing the function of a 'Constituent Assembly' and the same should also be true for the Legislative Assembly of a state/UT where ever applicable. Hence it would not be unconstitutional in case the recommendations of the 'Constituent Assembly' of J&K for the purposes of Art-370(3) are made by Legislative Assembly of the State where

the job in question is amendment / modification/repeal of the Article 370 and that too when it involves no violation of the basic principles enshrined in COI since Article-370 also empowers the Parliament to even amend the procedure for making amendment. As regards amending Art-370 of COI no immunity is provided to it w.r.t to Article 368 (amendment of Constitution of India ) and more particularly after the President made Constitution (Application) Order 2019 vide C.O 272 on 05-08-2019 Article 370 could also be modified/ amended/ abrogated as per Constitutional provisions using Art-368 also without any limitations by Parliament through a regular bill. UPTO 2019 text of Art-370 had not been amended/ abrogated / modified except for some indirect references well within constitutional limits..

If anybody suggests that procedures for amending the Constitution of India can never be modified / amended since constituent assembly is not there it is not acceptable when provision for amending constitution and procedure therefor is already laid in COI. So, if needed that course too could be used where ever suitable. What matters is the requirement and time of requirement. Whether the Legislature/ Parliament shall /will/ should go/ should have gone for modifying/ amending/ abrogating Article 370 is a separate question, and that is not under review.

It could also be opined by some that

the mention of 'obtaining recommendations of the Constituent Assembly' in Art 370(3), a nonexistent body on date that has technically lost significance so the President cannot perform the needed functions for modifying or repealing Article 370 but even they cannot deny that Parliament / Legislative Assembly do exist as Shadow of Constituent Assembly since Constituent powers are enshrined in them for performing functions of amending even constitution, ofcourse without overstretching the basic spirits/ basic structure of the Constitution. And the basic structure / spirits underlying COI do reflect from what has been said in the text of Art-370 itself as regards any action that is made by legislature, if required, w.r.t to Art-370(3) and in the Preamble of J&K Constitution.

Constitution (Application to Jammu and Kashmir ) Order 1954 C.O 48 Dated 14-05-1954 could also be modified / amended with the concurrence of state government to remove only Art-35A , item (4j) but now on 05-06-2019 Constitution (Application to Jammu and Kashmir) order 2019 has been issued i.e C.O 272 of 05-08-2019 to supersede Constitution (Application to Jammu and Kashmir) Order 1954 C.O 48 Dated 14-05-1954 itself with the concurrence of state government ( no recommendations of Constituent Assembly were needed here ) where in



**A Look through the Mist Part-IV**

even additionally Item(15)- PART XX clause (2) relating to Article 368 which said , the following proviso shall be added, namely:- "Provided further that no such amendment shall have effect in relation to the State of Jammu and Kashmir unless applied by order of the President under clause (1) of article 370" too has gone .

When there is President Rule under Art-356 of COI Governor becomes State and Parliament takes function of Legislative Assembly ) . { Art-356 : 356. Provisions in case of failure of constitutional machinery in States.-(1) If the President, on receipt of a report from the Governor of a State or otherwise, is satisfied that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of this Constitution, the President may by Proclamation- (a) assume to himself all or any of the functions of the Government of the State and all or any of the powers vested in or exercisable by the Governor or anybody or authority in the State other than the Legislature of the State; (b) declare that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament}.

Hence Parliament could use either of the options i.e Art-368 and Art-370(3) and option of using recommendations of the Assembly/ Parliament has been

well used with the provisions of constitutional of India to operate upon Art-370 vide C.O 373 Of 06-08-2019.

Clause (4) of Art-368 says " No amendment of this Constitution (including the provisions of Part III) made or purporting to have been made under this article whether before or after the commencement of section 55 of the Constitution (Forty-second Amendment) Act, 1976] shall be called in question in any court on any ground. And clause-(5) says (5) For the removal of doubts, it is hereby declared that there shall be no limitation whatever on the constituent power of Parliament to amend by way of addition, variation or repeal the provisions of this Constitution under this article.] Vo doubt Clause-4 has been declared invalid by the Supreme Court in Minerva Mills Ltd. and Others Vs. Union of India and Others AIR 1980 SC 1789. Any actions by parliament are open for review by Judiciary.

Observations made by experts {like Interlocutors for J&K (2010) in their report 2011} that getting rid of Article 370 would cast a shadow on Accession do not test to real logics since the authors of Constitution of India have named Article 370 as a Temporary Provision. Article (1) of Constitution of India has no reference of Article 370 while defining the territories/ States of India. Section- 3 of J&K Constitution - Relationship of the State with the Union of India - too lays down that The

State of Jammu and Kashmir is and shall be an integral part of the Union of India.

In common interest there is no purpose in going into the proceedings and discussions held during process of framing the Constitution (unless it is very-very necessary). Lets us go only with what the orders/ acts/ laws say and not enter into debates by quoting the expressions of individuals. Go by what has been finally written and laid as order/ Law/Constitutional provision. Otherwise arguments and debates would never end. The separatists and even some mainstream political parties have all these years seized opportunities for posting Art-370 as a distancing sign/ symbol of separatist ideologies whereas constitutionally it is not so. It is more for this distorted/ 'assumed face' of Article 370 that need was more for its modification/ repeal.

And ofcourse under the prevailing circumstances even when the operations as regards Art-370 modification/ repeal are constitutionally valid , still the related issues will have to be handled with a trident approach i.e constitutionally/legally , politically ( carrying the political parties out of the web of Kashmiri wave lengths ) and socially (reaching the innocent common man with new definitions/ descriptions of Article 370).

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