

## DVOs need vigilance

Two wings of vigilance are in force in our administrative structure. One is the State Vigilance Commission and its branch run as Departmental Vigilance Officers. While the former wing takes care of overall vigilance issues the latter is mandated to look after the departmental affairs with the objective of scuttling chances of corruption on departmental level. Both work in sync with each other.

The State Vigilance Commission has submitted its 4th Annual Report. The report is the summation of the performance of the Commission itself as well as of the Departmental Vigilance Officers. An overall view of the report is not really very encouraging taking into account the number of complaints/enquiries received and disposed of.

This is a department-wise complaint/enquiry report. For want of space we cannot give full details of the pending complaints and inquiries with different departments but just one or two examples would show how poor is the performance of the DVOs. It is revealed that the highest number of 2,163 cases are pending for disposal with the Departmental Vigilance Officers (DVOs) of Revenue and Relief Departments out of a total number of 8935 enquiries pending with the DVOs of different Government departments. While the Revenue Department has the highest number meaning 2,163, the CAPD has the smallest number of 163 inquiries. We have also before us the details of the complaints/inquiries resolved so far by each concerned department and we find that not more than 20 per cent of them have been addressed. The report further said that statements of enquiries and complaints referred to various departments from time to time by the State Vigilance Organization presented a dismal picture as hardly any complaint was found disposed of by any department.

There is hardly anything in the report of the SVC that may be called encouraging. The report laments that the departments are not responding to the need of scrutinizing and bringing to book the cases in which complaints are found genuine. It is regrettable that the departments are trying to shield the corrupt and imbecile functionaries instead of exposing them and supporting the effort of the DVOs in eradicating corruption.

It shows that the State Vigilance Commission has the priority of dealing first with the departments and then to other institutions and organizations. This is a very sad commentary on the performance of the departments. Actually, plugging of corruption should begin with the departments before it reaches the public domain, and if the SVC is entangled in resolving the complaints and inquiries pertaining to the departments only, then it cannot perform the function mandated to it. It is the job of the administration or the General Administration Department, to be precise, to try a mechanism that will reduce huge pendency of complaints with the DVOs. Unless the departmental senior functionaries are seriously handling the vigilance related cases, success in breaking the impasse may not be possible. The departments are supposed to give teeth to the job of the DVOs and the SVO itself. Unfortunately, there are reports that some departmental seniors are trying to shield the offenders in their departments against whom cases have been registered for further enquiry. This is unacceptable. Those who support allegedly corrupt functionaries will be inflicting the blemish on their own fair name by lending indirect support to the tainted persons. They must understand administrative and legal consequence of their unbecoming behaviour and breach of discipline.

## Make PHC functioning transparent

Police Housing Corporation is a public undertaking with the construction programme as its mandate. It has been taking in hand numerous construction works allotted to it by various departments. So far it has executed over 200 works up to medium size. In reply to a question by BJP MLA from Ramnagar Ranbir Singh Pathania in the Legislative Assembly, Chief Minister who is In-charge of Home Department made some revelations about the Police Housing Corporation. One very interesting revelation she said was that the Corporation does not conform to the mechanism of calling for tenders while allocating works to contractors. This, however, is violation of financial code and other relevant practices observed by the R&B Department. The Chief Minister disclosed that Jammu and Kashmir Police Housing Corporation has executed Rs 305 crore worth works without adopting tendering process during the past four years. She disclosed that in the year 2014-15, 130 works worth Rs 108.86 crore were executed by the Police Housing Corporation without floating tenders while as in 2015-16, 73 works worth Rs 83.77 crore got executed by completely ignoring the Financial Code. Similarly, 68 works worth Rs 71.53 crore and 14 works worth Rs 41.36 crore were executed in 2016-17 and 2017-18 respectively without floating tenders, which otherwise is considered as proper and transparent procedure. However, the Chief Minister defended the Corporation in the area of quality of the structures saying that it had the requisite technical expertise to execute the projects that it undertook.

With all said and done, it will be proper that the Police Housing Corporation observes the financial code and practices because tendering the contracts is the recognized procedure and may not be discarded. Not tendering the works is called piece work and the Board of Directors has authorized the Corporation to discard the practice of tendering and invite the contractors to take up the execution of the works. All this needs to be streamlined and brought in line with the recognized practice.

## RPC is ahead of IPC

# Adultery: A Gender Neutral Offence

B L Saraf

Once again, constitutionality of the Section 497 Indian Penal Code (IPC) is on a test. Supreme Court has raised a question, "Why penalize only men for adultery and treat women involved in the crime as victims." This question arose on hearing a petition challenging the constitutionality of Section 497 IPC. Joseph Shine has challenged the provision as "unjust, illegal and arbitrary and violative of citizens fundamental right." He has argued that Section 497 "discriminated against the women by holding an erroneous presumption that women are the property of men. This is evidenced by the fact that if adultery is engaged with the consent of the woman's husband then such act ceases to be an offence. It amounts to institutionalized discrimination."

On 5th January, Supreme Court referred it to the Constitutional Bench of five Judges for a decision, noting that "though criminal law was based on gender neutrality, the concept was absent in Section 497 IPC that criminalized adultery..."

Section 198 (2) of Criminal Procedure Code has also been challenged which empowers only a husband to bring charges against the man with whom his wife has committed adultery. According to the petitioner these sections were discriminatory and violated gender justice as they denied a husband the right to charge his wife with adultery as also a woman the right to charge her husband with adultery.

In 1985 it was argued before the Apex Court, in Sowmithri Vishnu case, that Section 497

gave husband exclusive right as an aggrieved party to prosecute the adulterer in case involving his wife, a similar right has not been conferred on wife to prosecute the woman with whom her husband has committed adultery. Secondly, the provision does not confer any right on the wife to prosecute her husband for adultery. The law does not take into account cases where the husband has sexual relations with an unmarried woman.

However, the three judge bench, relying upon Yusuf Abdul Aziz's case of 1954, dismissed these arguments as having only

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"emotive appeal." Answering why a wife cannot be prosecuted as an abettor in adultery, Justice Vivian Bose, speaking for the bench said the protection given to a woman under Section 497 is in tune with Article 15 (3) of the Constitution. This Article allows for making "special provision which are beneficial for the women and children."

In 1988 two judge bench of the Supreme Court in V. Revathi's case denied gender discrimination in adultery offence by saying "the community punishes the outsider who breaks into the matrimonial home and violates the sanctity of the matrimonial tie by

developing illicit relationship with one of the spouses. The erring man alone can be punished and not the erring woman. It does not arm the two spouses to hit each other with the weapon of criminal law. That is why neither the husband can prosecute the wife and send her to jail nor can wife prosecute the husband and send him to jail."

Supreme Court intends to revisit the issue on a concern for woman's independence and her identity. Question posed by the CJI suggests so, "The time has come for the society to realize that a woman is equal to her husband in every respect." And asked does Section 497 demean a woman by relegating her to the level of commodity?

In J&K, the debate to this extent is irrelevant. Ranbir Penal Code (RPC), which governs penal jurisprudence in the state, does not exempt wife from culpability in offence of adultery. In Sections 497 and 498 she is made an abettor. RPC answers much of the concerns expressed by the Apex Court about the inadequacy in Section 197 IPC, in as much as later exempts woman from prosecution in the offence of adultery.

For RPC, however, a challenging looms large should the Supreme Court affirm what it has said in 1954 and 1988 about leaving women out of the criminality in Section 197 IPC. In that event we may hear a clamor that women should be left out in Section 497 RPC as well.

In Sowmithri case Supreme Court held "....No grievance can be made that Section does not allow the wife to prosecute the husband. The contemplation of law, evidently, is that wife, who is involved in the illicit relationship with another man, is a victim and not the author of the crime..."

At the moment it may not be a matter of concern to us in J & K but one can't be oblivious to the situation which may emerge, either way. If the view of Sowmithri case prevails and decisions rendered in earlier cases are affirmed by the Apex Court in the pending case, then, provision of Section 497 RPC, in so far as it makes the woman an abettor of the offence, will come under a serious cloud. Especially so, in view of the observation that "wife, involved in the illicit relationship with another man, is a victim and not the author of the crime." A victim can hardly be an accused in the same occurrence.

RPC is a law in the domain of criminal jurisprudence, though its applicability is restricted to J&K. A question may be asked: can two laws aimed at same purpose but contrasting in material aspect be allowed to remain on the statute books of one country? Despite earlier decisions of the Supreme Court, Section 497 RPC has stood thus far as it is. Given today's activism and level of public awareness, same cannot be said should the Court affirm its earlier decisions. Maybe the Apex Court follows RPC's gender neutrality and makes a participating woman an abettor in Section 497 IPC, as well.

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## Srinagar gets Press Club

Hashim Qureshi

"I still believe that if your aim is to change the world, Journalism is a more immediate short-term weapon."

The welcome news of Srinagar going to have a Press Club for the first time was relayed through Tweet this morning. It has brought happiness to one and all particularly the intellectual segment of Kashmir society. In most of the small or big towns of the world Press Clubs have been instituted more than thirty years ago. But in a populous and politically sensitive city like Srinagar, idea of formation of a Press Club had become a casualty of the opposition of media persons themselves. However, the authoritarian attitude of the ruling class also contributed to negation of the idea. A Press Club generally assumes the status of the journalism department of any university for the young entrants to the junior segment.

Press Club becomes the rendezvous of the journalists and through this interaction senior journalist come to know each other far better so as to develop respect for each other. PC also provides them a forum to give vent to their professional problems and an opportunity of collective solution as well. PC enhances the identity of a city.

Respectable guests visiting a city find an opportunity of meeting and exchanging ideas with the most prominent brains of the town at one place. Guests coming from outside the State or outside the country are eager to know the current situation and environment in the city and the region and they have the opportunity of meeting the intellectuals, journalists and academics at the place where they can ask questions and receive answers. Foreign journalists and politicians on a visit to the town prefer to address the intelligentsia in press clubs only because their message reaches four corners of the world through the media. Even our journalists also are able to apprise themselves of the conditions in the countries of the visitors through exchange of ideas in the press club. Frankly speaking, for me it was almost a misfortune not to have a press club in my town.

I had suggested before fifteen years in my first press conference in the town after my release from prison on the bail in 2002 January that journalists take the initiative of opening a press club out of their own initiative under the self-help principle. I had said that the journalists should purchase a chunk of land themselves and construct a structure for use as press club. I carried with me an open cheque for twenty-five thousand rupees for this noble purpose. But a senior journalist

opposed to accept my cheque and put forth the astonishing argument that "people in a press club are used to drinking and gambling." My disappointment knew no bounds because none among them was disposed to debate the issue and dismissed it as a big joke.

Nevertheless, the good news is that as a result of the efforts of the journalists and also as the largesse of the present government Srinagar Press Club did get space. Is it the light that is going to make the dark streets of our city bright? With all said and done, may I have the permission of the journalist fraternity to make a few points in my capacity as a writer and a columnist and politician?

\* PC should be kept away from personal or ideological discussions.

\* Press community should be kept apart from any groupism.

\* A Committee should be constituted to run the administration and mechanism of the Press Club.

\* Press Club should not be associated with any particular ideology or line of thinking out of any fear or aggrandizement or ideological propensity.

\* Press conferences of political managers and guest should take place in the press club and some definite policy should be evolved for that purpose. As is the practice in other press clubs, a fee has to be charged from them

so as to supplement the income of the club.

\* Pressmen's Support Fund should be opened to provide succour to those journalist who become victims of some accident or in the case of illness of a member of press fraternity, financial support is provided.

\* May I appeal the functionaries and managers of the Press Club not to run the club on the basis of personal likes and dislikes. I mean that no monopolization should be allowed on the basis of one's political likes or dislikes.

\* The most cherished service that the press club can render is to inculcate the tradition of unbiased and unemotional debate on issues of importance and senility. Those who are engaged in political exercise should be invited to join the collective debate at the press club. Students should have the opportunity of participating in these meaningful debates.

The citizenry in Srinagar is hopeful that the press club will play its positive role in solving various problems of the city. I extend warm felicitations to all connected with the fourth estate, the editors, proprietors, press reporters, stingers, and columnists, camera crew and all others

"bol kih sach zinda hai ab tak Bol jo kuchh kahna hai kah de (Faiz)

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## Pure Blessing

Mehak Gupta Grover

*True blessing or magic, Sprinkle of Love and care, Protection as in warmth, Such is mothers love; So pure and devout!*

The moment a child is born, the mother is also born. Mother, Mom, Maa, Amma, Maasa- so many names but the same soul evokes similar connotations of love and warmth. From the time we enter this world till the time we are carried off by death, we come across many relationships in our lives. Some are just for a while, some deceive us, some leave us when we need them the most and some are with us because of the self-seeking attributes. But the one being that surpasses the care, affection and love of everybody is the 'Mother'.

Mothers have an ever-lasting impact in our lives and it goes beyond just keeping us in their womb for nine months. Those years when we were a toddler trying to walk, our mom was there to encourage us to make progress. When the tides of life seem overwhelming, our mom is always willing to get wet with us. After a tough and a horrible day, our mother is the best person to talk to. She is the one who very well knows how to cheer us up and stay positive after an awful day. She is the most honest person in our lives. She is direct and tells us the truth. There may be times when we have argued on little things. All it takes is 'I am sorry' and everything becomes normal. She never keeps grudges.

Mother is the most lovable and adorable person. No love can exceed or even match the love of a mother for her child, no less than God. She is always the first person we think of in happy times and in not so happy times. She has been blessed with the power to nurture a complete life in her womb with intense love and care. She is the best trainer and guide of every child. She teaches us on how to take those first steps of our lives, how to speak, write and all the behaviour lessons which help us to become better adults. Mother's love shapes cultures and individuals.

In words of Agatha Christie-

"A mother's love for her child is like nothing else in the world. It knows no law, no pity, it dares all things and crushes down remorselessly all that stands in its path."

We always thank our parents for all the good they do. But, the truth is- we can never thank them enough. Thankyou is a very small word. Mother's love is endless, silent, understanding, immaculate, unselfish and enduring.

Our mother is the creator of our existence, she is the one who has enabled us to feel what exactly life is. She made us alive and has produced virtues within us. Someone has beautifully articulated- 'Behind every successful man, there is a woman.' And, I consider this honestly, this woman can be none other than the 'Mother'. Every mother should be given due respect and must be admired for all the things she does and sacrifices she makes for her children. Now, it's our time to discharge our duties towards her. We are obliged towards her for taking so much pain and labour to bring us into this beautiful world.

Mother is the most precious person in everyone's life about whom nothing much can be described in words. She is a God's gift to each and everyone of us. Let us all make a promise, to respect our parents and elders when we grow up as adults and pay a tribute to them by being great human beings.

Anything that sustains and nurtures our life is divine. She is Mother! Let us start this new year with thanking our mothers for being there for us. Let them know how supreme they are for us. Let them know we love them with all our heart. Love you, maa!

## The Greedy Deer

King Prachin Vahirsh yawned openly listening to Narad Muni's long sermon about the need to distance oneself from the lure of this world. Finding that the old king was not much interested in what he was saying, Narad with his yoga power created a vision before him. There, up in the sky, was a beautiful garden, lavish with fruit bearing trees, a variety of fragrant flowers and lush green grass. In a moment, a wild deer came prancing into it and began to graze hungrily. The king saw that the garden was walled, with four gates going out of it. Soon after, his eyes fell on a hunter making preparations to catch the deer. The man fixed a net on one gate, on the second he posted his fearsome dog, the third he barred with a blazing fire and on the fourth, the hunter sat himself with his bow and a quiver full of arrows. Yet, the beast kept feeding itself on the delicious grass, unmindful of the threats to its life and liberty. 'Do you see that silly creature?'

### ANCIENTS SPEAK

Suman K Sharma

asked the sage. King Prachin Vahirsh nodded thoughtfully and replied, 'Yes, I do. The deer is doomed anyway, so what is wrong if he enjoys life while he can?'

The king's response was in keeping with his nature. It must have pleased Narad. He had made a splendid garden and put a deer in it. He made sure that the creature won't escape from it alive. Poor deer would have been struck dumb if someone had told him to ignore what the garden offered and think only of death! That was the view of Prachin Vahirsh, who had sacrificed countless animals in his yagyas just to be sure that he continued to enjoy, even after his death, the pleasures of swarga.

Scriptures tell us that the Universe is 'Ananda Kanda' - a space of bliss, not some kind of a prison, pen or a cage in which the creatures are kept only to die of violence, sickness or of old age. Is not enjoyment of simple pleasures of life a compliment to the Creator? But man is more than a beast. Beyond the satiation of animal hunger are the joys of knowing, of growing inwards and out. He has to know the world around him, know himself, know who has put him in this garden and why. Death has given him only so much time to partake of the joy that he is born to. The sooner he realises this, the better it is for him.

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Dr Bharti Gupta

Work Life Balance pertains to the balance that is to be maintained

between the work i.e. the occupation one is doing and the personal life one is having in the form of family or one's unique sphere of personal relationships.

Work Life Balance as an issue must have been in the society from the time occupations and professions were pursued in an organised form. However, it could not surface earlier conspicuously due to various sociological reasons. The foremost may be the voluntary acceptance or submission of the workers to even the irrational demands of the employers. The demand here refers especially to the "Time" of the workers or employees. The demand for the "time availability" of the employees and workers without any concern for giving importance to their family and personal life may be due to the hegemonic factors associated with the job creators.

The practice of giving importance and respect to those who create job had always been a natural thing in all societies. The reason for this may be the "Wealth factor" associated with those who invested in setting industries and thereby creating jobs. The scenario of dominating the working class by the employers has been there in every part of the world as it has been a human tendency to oppress or dominate those who are at receiving ends.

This has something to do with the power relations that exist between the givers and receivers. The givers have always been in a powerful state in the process of any kind of negotiations for benefits between employers (giver) and employees (receiver). However, the emergence of the labour unions and professional associations has changed the scenario of power dynamism. "Union is Strength" has practically been proved by the shift in some of the power to the side of the labour unions during the process of negotiations with the employers.

The origin of the concept of the "Work Life Bal-

## Work Life Balance for Academicians

"ance" started with due considerations for the needs of the working women. It was during the 1960s and 1970s employers considered work-life mainly an issue for working mothers who struggled with the demands of their jobs and raising children. During the 1980s, recognising the value and the needs of their women contributors, pioneering organisations such as Merck, Dloitte & Touche and IBM began to change their internal workplace policies, procedures and benefits. The changes included maternity leave, Employee Assistance Programs (EAPs), Flex time, Home-Based Work and Child care referral. During 1980s men also began voicing work life concerns. By the end of the decade, work life balance was seen as more than just a women's issue, affecting men, families, organisations and cultures (Jim Bird, 2006). Recognition to the work life balance related issues which started from American organisations had spill over effect to the other parts of the world gradually.

Work Life Balance calls for all the positive attributes from both the employees and the employers for contributing towards balancing these two important spheres of activities in one's life. The balancing has been emphasised because it has now been widely recognised that the performance and the productivity of the average employee significantly depends on the state of mind which he attains after bringing balance between his personal life and the office life. This balance gives certain outcomes like satisfaction and peace which enhance or more importantly helps employees to perform well.

Work Life Balance has been attaining focus as it has given systematically investigated outcomes which speak in favour of the employees. Earlier it has always been the discretion of the employers to decide regarding the time availability of the employees. The occupation has always been put on the priority list keeping family on the back seat.

This attitude has been responsible for the cause of stress among the employees as keeping families secondary than occupation creates guilt and stress especially in those who care for the family interests. Inability to balance personal life with work may at times create discord with family members and a kind of distress and psychological disharmony in adjustment with the society. Work Life Balance concept has actually been a new approach of management for enhancing efficiency and effectiveness. Work Life Balance approach has enabled the employers to understand the importance of a happy employee. Happiness of employee had been considered to be dependent on the motivations the employee used to derive from the recognition of his work either in cash or in kind. But later it was realised that other than the element of recognition, there is another thing which needs to be maintained for the productive output of the employees. This important thing is about giving importance to the personal lives of the employees along with its right equation with the work life.

Academicians have lot of responsibilities to handle from preparing lecture to delivering lecture, designing syllabus, attending meetings, setting examination paper, evaluating answer sheets, administrative work, research work and so forth. These activities of the academia demand much time from the academicians. Among all these preparing lecture demands major part of the working time. As per the UGC ruling the academicians needs to spend minimum of six hours with in the campus. These hours are spent mainly delivering lectures and counselling students and meeting the various other agendas. Among these agendas, the most important agenda of preparing lectures for the class and research work may not get any time during the working hours. This leaves the academicians with the only option to prepare their lectures at home. This tendency and compulsion of the academicians

creates a situation where the boundary between the work and personal life gets dissolved or unclear to great extent. The time which should have been spent at home with family members is spent in preparing lectures. So this tends to disturb the balance. There is a great need to understand the importance of work and family simultaneously. Family should be considered as the initial point wherefrom the social identity of an individual is derived before getting a profession identity. Academicians have been facing challenges in meeting the various professional demands as well as expectations of the relationships that makes one's sphere of personal life.

There have been various studies which have investigated the Work Life Balance in their respective fields. The clear understanding of "Work Life Balance" concept infers that this is something which is relevant across all the fields of work and has been significantly important for all who are into any kind of working relationship with others. The issues and challenges of one field of study can be found similar to the other fields of study due to the reason that Work Life Balance deals with the factors which are generic across all occupations. The generic factors are the primary resource on which are dependant both the work life and the family life.

Work life balance issues may be having varying degrees of intensity for different professions and for different life stages of the employees but the core issues like time management, stress management, children demands, spouse demands, social demands, self management, health management etc. remain same across all disciplines. Therefore, there is an immense need for the employers of varied occupation to understand and recognize the significance of Work Life Balance not only from the perspective of the employees but also from the perspective of work performance and productivity that is core of all occupations.

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