

## Illegal mining ruinous for Ujh Bridge

We, by experience and analysis, can safely deduce that generally mining mafia appears to have an upper hand to this extent that they appear to be invincible in respect of the concerned authorities effectively checking their illegal loot. This mafia, well organised is so much "heartless" that it cares not two hoots for the irreparable damage caused to the natural resources which they loot with both hands. Is it not a fact that they carry on with their illegal activities with the "blessings" and even implied support from those who otherwise are supposed to rein in such elements ? How elements from neighbouring states too are feeling so much "safe" and emboldened so as to carry on "in partnership" with local mafia such unauthorised mining activities in Jammu region? How many of them have been apprehended and subjected to the rigours of justice for indulging in illegal mining activities? How many times, even after the public and in particular residents of the concerned mining area, complaining to the concerned authorities against their activities , action has been taken and costs and damages recovered from them ? In short, we do not feel inclined in supporting , not even in the least, the policy of looking to the other side by the respective district administration in respect of instances of illegal mining activities.

We have strategic Ujh Bridge near India Pakistan border constructed by Border Roads Organisation (BRO) under Project SAMPARK over River Ujh and is an important link between various places within a vast area besides many villages of Gurdaspur in Punjab with Jammu and Kashmir. It is a box Girder bridge on which over Rs.50 crores have been spent by the Union Ministry of Defence. With this brief about the importance of the bridge, it was incumbent upon the district administration in close co-operation and understanding with the Department of Geology and Mining (G&M) to ward off illegal mining activities indulged in by unauthorised persons and elements. On the contrary, we are astonished in getting to know that not only from the local areas but even some groups from Punjab are routinely seen digging deep river beds near this bridge and loading tippers with the booty throughout the nights right up to early mornings without any fear of the law. Not only this, they are pressing into service excavators and other heavy equipment to help them with maximum "reap " of the mining as a result of their digging deep up to more than 15 to 20 feet down the river bed with no one to stop them.

It is, therefore, appearing to be no one's concern as to what a great measure of threat to the bridge itself and other adjoining areas such illegal mining was posing. The sensitivities of the area being India- Pakistan border too are perhaps of no import. For such activities, there must be and definitely is a proper policy under which various guidelines and norms have got to be complied with having direct bearing on environment and the important installations, roads and rivers nearby in order to obtain due permission from the authorities where the royalty, quantum to be excavated, period of such excavation etc are all well specified and supposed to be monitored very carefully. Not only has the water bed in the area got severely affected but the irrigation potential of the area is also threatened due to such wanton illegal mining.

Should things reach to such a pass that people of the area should be forced to protest and come on streets and despite that the authorities not motivated to take any action against the mafia? What type of influence this mafia is enjoying so as to enjoy immunity from legal action , may be made known. Now, see the other part of the picture, since most of such activities of mining are carried out during the nights , the deafening sound produced by the machinery put in use for excavation by the mining mafia is so screeching and intolerable that the residents around cannot sleep during the nights. With such wanton invasion of the river belt, the area is threatened with and exposed to floods and the bridge, important from defence angle stands vastly vulnerable. It is not that some symbolic action or some sort of vigil for a week or so and resultant suspension of such activities for a few days were in any way going to address the problem on permanent basis but a concerted move and dedicated resolute efforts by the administration along with the BRO and the G&M Department against this mining mafia alone would salvage the position.

## Fraudulent appointments

Is there a sort of syndicate or a mindset reminiscent of that, galore in Jammu and Kashmir that series of irregularities are surfacing in respect of recruitments and appointments in Government departments and Autonomous Bodies etc and about which we keep on reporting and urging the Government to take stern action. That, even complaints were received from the public at Raj Bhawan in respect of some fraudulent appointments having been made in the then Technical Education Department and now Skill Development Department and its various wings, remain un-responded let alone proper action taken.

Between 2010 and 2018 , in different departments and Autonomous Bodies, Corporations and Organisations , fraudulent appointments were made and complaints with pointed information were sent to the then Governor of the erstwhile State of Jammu and Kashmir . At best, what was done was to constitute a committee to look into the entire gamut of the wrong and fraudulent doings . The Committee was "high powered" by composition and by number of members and, therefore, what was expected was timely submission of factual report to the Government but even after 20 months , nothing is done. Facts , therefore, cannot be known and culprits continue to be free and not under the clutches of law. Now, fresh committee is framed but why? Why did the earlier committee not do the job assigned to it? What action was taken against the members on that Committee? If it is said that the Committee did not want to unveil the scandal wilfully , it would not be any exaggeration. Let us see how fast the fraudsters are brought in the legal net to restore public trust in the administration.

Inder Jeet S. Bhatia "Prince"

Guru Gobind Singh Ji, the 10th master of the Sikhism, the founder of the 'Khalsa Panth' (The pure ones), was born in 1666 A.D. in the ancient city of Patliputra, now called "Patna Sahib", Bihar. Guru Ji was a spiritual master, warrior, poet and a philosopher. When Guru Tegh Bahadur ji, the 9th Sikh Guru and father of Guru Gobind Singh Ji (Then Gobind Rai Ji) was executed by Aurangzeb, Guru ji was formally installed as the leader of the Sikhs at the tender age of nine years. It so happened that a deputation of Kashmiri Pandits came to Anandpur Sahib and told the cruel acts of injustice of the Mughal Emperor Aurangzeb towards Hindu Community to Guru Tegh Bahadur Ji. Guru ji became silent and was absorbed in deep thoughts. At that time, Guru Gobind Rai Ji, a child of nine years old, asked his father the reason for his silence. Guru Tegh Bahadur Ji explained that these helpless people from Kashmir had no one to protect their religion. The sacrifice of a great and brave soul was needed. Guru Gobind Rai ji immediately said, "Who can be greater and brave than you? Please do whatever is necessary to

redress their grievances and save Hindu religion"

Guru Tegh Bahadur Ji was pleased to hear this. He told Kashmiri Pandits to inform the Emperor that instead of coercing so many Hindus, the ruler should convert 'Guru Ji' to Islam and then all Hindus would automatically adopt 'Islam'

The Emperor was angered. He summoned Guru Tegh Bahadur Ji to Delhi. Guru Ji was beheaded on November 11, 1675 in the presence of thousands of people in Chandni Chowk area of Delhi, when Guru Tegh Bahadur Ji refused to accept 'Islam'. Gurudwara "Sis - Ganj Sahib" stands today at Chandni Chowk Delhi today as a memorial of Great Guru Ji. Thus , Guru Gobind Singh Ji ( Gobind Rai Ji, then) was chosen as 10th master of Sikhs and the great responsibility of directing the affairs of the Sikh faith fell on his shoulders.

The frustrated Emperor having failed to crush the sikh movement by continuously harassing Sikh Gurus, now had ordered his army to march on the SIKHS in an attempt to finish them from the face of Earth.

Sikhs had to be prepared to face the challenge. Guru Gobind Singh Ji, as the first step, decided to consolidate

resources and man power. Sikhs were invited to Anandpur Sahib and were given training in martial arts. Guru

Baisakhi Day. With the "KHALSA" as the guiding spirit of the reconstituted SIKH army, Dashmesh Pita, told his followers, "Dev Siva Bar mohe eh- hey Subh Karman Te Kabhu na taro, Na daro arr seo Jab Jaye Laro Nischey kar apni jit Karo. Arr Sikh ho apne he mann ko, eh laalach ho gun tau ucharo. Jab aav ki audh nidan bane att he rann me tabh joogh maro II. This means Dear God, grant my request so that I may never deviate from doing good deeds. That, I shall have no fear of the enemy when I go into battle and with determination I will be victorious. That, I may reach my mind to only sing your praises. And when the time comes, I should die fight heroically on the field of battle. Thus, Guru

Gobind Singh Ji moved against the tyrant Mughal rulers. His "Khalsa" was



Gobind Singh Ji created "KHALSA" in 1699 A.D. at Anand Pur Sahib on

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# Economic arguments of Farm Bills 2020

Dr Sunil Bhardwaj

Ever since the Government of India has passed three Farm Bills, farmers, particularly from the State of Punjab and Haryana, have started protesting saying that these bills will destroy present mandi system, distort the Government's procurement network and throw open the Indian agriculture sector to the generosity of the corporates. India is a democracy and every citizen of the country has a right to express his opinion on the Government plans and policies but there is a flip side to the story as well.

Agriculture is a very critical sector of the Indian economy which contributes approximately 17% to the country's Gross Domestic Products and provides livelihood to over 70% of the rural population. Due to the hard efforts of successive governments, agriculture production has increased to a value of USD 459 billion in 2019 from USD 101 billion in the year 2000. But unfortunately, the condition of many small and marginal farmers across the country has hardly changed and the number of farmer's committing suicide every year is still worrisome. Researchers attribute farmer's suicide to crop failure, price crash, debt burden, property disputes, failure of irrigation facilities, the marriage of daughters and family problems etc. It is a matter of grave concern that even after 74 years of independence farmers suicide constitutes 11.2% of total suicides in our country. Moreover, the small and fragmented landholdings, lack of modernisation, excessive dependence on monsoon, frequent price interventions, lack of marketing facilities, sluggish fertiliser industry, lack of agriculture infrastructures like warehouses, cold storage etc, and lack of investments in agriculture make the life of a majority of Indian farmers miserable. Not only this, feeding approximately 1.3 billion population which is growing at an alarming rate with a shift in their consumption pattern will be an uphill drive for the Indian agriculture sector in the years ahead. Central Government's vision of doubling the farmer's real income till the financial year 2022-23 over the base year of 2015-16, requires annual growth of 10.41 per cent in farmers income. This ambitious dream is possible only by increasing productivity, resource efficiency, cropping intensity, diversification towards high-value crops, labour output and with proper policies and institutional mechanism set in place.

It is in this context, the Government of India for the first time introduced long-pending reforms through the legislation of three important bills to create an ecosystem, where the farmers and the traders can enjoy the freedom of choice related to

sale and purchase of farm produce at competitive prices.

**Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020.**

This act will decide the framework for contract farming between the farmer and a buyer (agri-business firms, wholesalers, exporter or retailer) at a mutually agreed remunerative price. This will provide the farmer with an advance assurance of price for their agriculture produce based on pre-decided terms and conditions like time of delivery, quality parameters, standards etc. This agreement between the parties related to farm produce shall be exempted from any state act and is governed under this act only. The agitating farmers are of the view that in the initial years of an agreement the buyers will give them guaranteed pre-decided price for their farm produce but will cheat them in the long-run. They also feel the grievance redressal mechanism under this act which makes the SDM or District Collector as a final authority is not sufficient to provide them justice against powerful corporate houses. The majority of Indian farmers are illiterate and approximately 86% are small and marginal with landholdings less than two hectares. According to agitating farmers, this law places them at the mercy of powerful business houses and are therefore demanding the provision of civil courts in the event of a dispute between the parties.

This act allows farmers to produce crop based on market demand for a particular food crop giving them high profitability and market relevance. Quite recently, Moga village of Punjab has emerged as a hub of Broccoli cultivation due to its high demand and nutritional value earning high profitability per acre of land for the farmers. Similarly, there is a huge demand for mushrooms, dairy products, flowers etc in the country which can be sold in the open market. The new act promotes forward integration of farm sector with the manufacturing sector which is a viable business model for bringing the farmers out of financial distress and poverty as done by Varun Agro Ltd. in Maharashtra. It allows farmers to engage with processors, large retailers, exporters etc and enable their access to modern technology and better inputs resulting into reduced cost of marketing and high profitability.

**Farmers Produce trade and commerce (Promotion and Facilitation Act, 2020.**

The act allows hassle-free inter-state and intra-state trade and commerce of agriculture products without any market fee, cess or any levy on farmers or farmer organisations. The new farm laws allow farmers to sell their agriculture produce outside the APMC (Agriculture Produce Market Com-

mittee) Mandis without any tax on such trade. Now, the farmers have a choice to sell their produce anywhere in the country eliminating middleman resulting in full realisation of price. This step has been taken to give space to private players and set up a free market regime for agriculture products for the facilitation of 'One India One Agri-Market'. The farmers are apprehensive that the Government wants to do away with public procurement of agriculture products at MSP (Minimum Support Price) without having put an alternative system into operation and is perceived as a shock by the agitating farmers. The Government has assured farmers that MSP will remain. Moreover, even APMC doesn't enforce the procurement of agriculture produce from farmers at MSP.

Initially, MSP was started as a safety provision for the farmers, if their crop remained unsold in the market and to incentivise farmer to produce a crop for ensuring food security in the country. The procurement price (buffer stock or PDS) was always kept below market price and higher than MSP. In the event of high crop production, the farmer's first preference was to sell at the market price and then to the Government at a procurement price. Any unsold crop was then to be sold to the government at MSP in the end. Over the years, MSP has become a major political stunt and has made Indian farmers comfortable in huge production of rice and wheat whereas the consumption patterns are shifting towards protein-rich crops. Instead of adapting to the market forces of demand and supply, the farmers started banking on pressure tactics on government, as a remedy to their problems. According to the Food Corporation of India website, the food grain stock in the central pool has surged from 514.42 lakh metric tonnes in December 2016 to 811.11 lakh metric tonnes in September 2020. A significant quantity of this stock is rotting in the warehouses. This limits the Government's capacity to purchase more grain from farmers. Indeed, many economists do not support the idea of procurement of agriculture produce by the Government as it leads to huge fiscal expenditure on transportation, storage and distribution etc. Rather, economists believe that market-driven models can give more promising results in the long run.

The Essential Commodities (Amendment) Act, 2020 amends the Essential Commodities Act, 1955 which empowers the central government to control the production, supply, distribution, trade and commerce of certain commodities like foodstuffs, essential drugs, fertilizers, petroleum and petroleum products etc. The act removed certain food items like cereals, pulses, potato, onion, edible oil

seeds from the list of essential commodities which means removing the restriction on storage except under extraordinary circumstances like war, famine, extraordinary price rise and grave natural calamities. It shall restrict hoarding and malpractice only when retail price rise shall be 100% for horticulture produce and 50% for non-perishable produce.

Many farmer organisations said that mass procurement at village level and legalising hoarding of essential commodities will increase prices at the farm levels. They argued that private players can restrict the supply of essential commodities into the market to create artificial demand to earn extraordinary profits which the Government needs to monitor. The amendments in the act can be seen in the light of Economic Survey 2019-20, which suggests that interventionist Government policies like the imposition of stock limits in a bid to control prices have actually increased price volatility in many essential commodities. Recent experience of soaring onion prices has shown that these market interventions are not working in Indian context and there is a need to make a distinction between storage and hoarding. In contrast to new law, the original law (ECA, 1955) discourages the development of storage infrastructure leading to supply shocks and price volatility in the agriculture commodity market. The new law aims at encouraging private players to go deep into villages and buy their farm produce at remunerative prices to enhance farmers income.

**Epilogue**

India has done tremendous work in all the areas to enhance agriculture production over the years. However, the fast-growing country's population which is expected to reach 1.7 billion by 2050 with changing consumption patterns is a challenge for the agriculture sector. To make agriculture sector future-ready and market-relevant, new policy reforms are prerequisite which includes strengthening research and development, creating new technologies, skill up-gradation etc. Pragmatic steps and policy reforms will help us to explore and exploit the demand for agriculture commodities in India as well as in other countries giving more confidence and profitability to the stakeholders. India is built on the hopes and aspirations of its citizens and efficient implementation of policy reforms will act as a catalyst in building India of our dreams. Moreover, the steps taken by the governments must be assessed and evaluated based on merit, common good and kept above the narrow political considerations.

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# Remedying contaminated rivers

Muneeb Rashid Malik

Water is profusely vital for all forms of life and is the chief constituent of Earth's hydrosphere. According to the Ministry of Environment, Forest and Climate Change, Government of India, fresh water is a finite resource essential for use in agriculture, industry, propagation of wildlife and fisheries and for human existence. India is a riverine country. It has 14 major rivers, 44 medium rivers and 55 minor rivers besides numerous lakes, ponds and wells which are used as primary source of drinking water even without treatment. Most of the rivers being fed by monsoon rains, which is limited to only three months of the year, run dry throughout the rest of the year often carrying wastewater discharges from industries or cities or towns endangering the quality of our scarce water resources. In Narmada Bachao Andolan v. Union of India, the Supreme Court observed that water is the basic need for the survival of human beings and is part of the right to life and human rights as enshrined in Article 21 of the Constitution of India and can be served only by providing source of water where there is none. The resolution of UNO in 1977 to which India is a signatory, during the United Nations Water Conference resolved unanimously inter alia that all people, whatever their stage of development and their social and economic conditions, have the right to have access to drinking water in quantum and of a quality equal to their basic needs. World Water Day is observed on 22 March every year to focus on the importance of freshwater. World Water Day raises awareness of the people living without access to safe water. World Water Day's main focus is to support the achievement of sustainable development goal of water and sanitation for all by 2030. As per the United Nations, 2.2 billion people lack access to safely managed drinking water services, over half of the global population or 4.2 billion people lack safely managed sanitation services, 297,000 children under five die every year from diarrhoeal diseases due to poor sanitation, poor hygiene, or unsafe drinking water, 2 billion people live in countries experiencing high water stress, 90 per cent of natural disasters are weather-related, including floods and droughts, 80 per cent of wastewater flows back into the ecosystem without being treated or reused, around two-

thirds of the world's transboundary rivers do not have a cooperative management framework, agriculture accounts for 70 per cent of global water withdrawal, and roughly 75 per cent of all industrial water withdrawals are used for energy production.

On 13th January, 2021, the Supreme Court in Delhi Jal Board v. The State of Haryana & Ors., Writ Petition(s) (Civil) No(s), 8/2021, directed registration of suo moto writ petition (civil) with regard to remediation of polluted rivers and decided to start with the issue of contamination of river Yamuna. A Bench comprising the Chief Justice SA Bobde, Justices A.S. Bopanna and V. Ramasubramanian issued notice to State of Uttarakhand, Himachal Pradesh, Haryana, Delhi, Uttar Pradesh, Secretary, Ministry of Environment, Forest and Climate Change, Secretary, Ministry of Housing and Urban Affairs, Government of India and Central Board of Pollution Control. The Bench directed the CPCB to submit a report identifying municipalities along the river Yamuna, which have not installed total treatment plants for sewage as per the requirement or have gaps in ensuring that the sewage is not discharged untreated into the river. The Bench also directed the CPCB to highlight any other source of prominent contamination within the limits of Municipalities and submit priority-wise list of Municipalities, river stretches adjacent to which have been found to be most polluted. The Bench appointed Ms. Meenakshi Arora, Senior Advocate as Amicus Curiae to assist the Court in the Suo Moto petition. This step by the Supreme Court is commendable and we sincerely hope that it yields desired results as the Constitution provides for right to life and right to live with human dignity. The right to clean environment and water has been protected under the right to life guaranteed under the Constitution.

According to Article 48A, the State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country. H.M. Seervai, an eminent jurist, lawyer and author, has aptly enunciated that Article 48-A reflects an increasing awareness of people all over the world of the need to preserve the environment from pollution, especially in urban areas. Smoke, industrial waste, deleterious exhaust fumes from motor cars and other combustion engines are inju-

rious to the health and well-being of the people and foul the atmosphere. The preservation of forests and their renewal by afforestation has long been recognized in India as of great importance both with reference to rainfall and to prevent erosion of the soil by depriving it of forests which protect it. Article 48-A rightly emphasises the fact that the State should try not only to protect but to improve the environment. As per Article 51A (g), it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures. Thus, there is a constitutional pointer to the State and a constitutional duty of the citizens not only to protect but also to improve the environment and to preserve and safeguard the forests, the flora and fauna, the rivers and lakes and all the other water resources of the country. The neglect or failure to abide by the pointer or to perform the duty is nothing short of a betrayal of the fundamental law which the State and, indeed, every Indian high or low, is bound to uphold and maintain, as was rightly observed by the High Court of Himachal Pradesh.

The Water (Prevention and Control of Pollution) Act, 1974 was enacted to provide for the prevention and control of water pollution and the maintaining or restoring of wholesome of water. The Central Pollution Control Board (CPCB) has also been constituted under the Water (Prevention and Control of Pollution) Act, 1974. Its functions are to promote cleanliness of streams and wells in different areas of the States by prevention, control and abatement of water pollution, advise the Governments of Union Territories with respect to the suitability of any premises or location for carrying on any industry which is likely to pollute a stream or well, lay down standards for treatment of sewage effluents, evolve efficient methods for disposal of sewage effluents on land, develop reliable and economically viable methods of treatment of sewage, assess the quality of ambient water and inspect wastewater treatment installations, to take steps for the prevention, control and abatement of water pollution. CPCB has also been entrusted with the powers and functions under the Air (Prevention and Control of Pollution) Act, 1981. CPCB in association with State Pollution Control Boards and Pollution Control Committees, has already established a

water quality monitoring network which comprises of 3000 stations in 29 states and 6 union Territories. 2101 locations are monitored on monthly basis whereas 893 locations on half yearly basis and 6 locations on yearly basis. Time series data of water quality is being analysed periodically and the issue of indiscriminate sewage discharge in 302 polluted stretches of rivers has also been addressed. Polluted river stretches in India have been identified and measures are being taken for restoration of water quality through identification of sources of pollution and interventions through treatment of municipal as well as industrial effluents.

Despite legislative and executive efforts, water pollution in the country is still increasing at full tilt and there is a growing need for fresh water as we are witnessing tremendous population growth, industrialization, human activities, etc. The contaminated water has an adverse effect on public health and the aquatic life as well. Also, pollution of water bodies by sewage effluents is another cause of various diseases. A duty is cast upon the State to ensure access to fresh water and to take steps for prevention of water pollution. It is high time for setting up of sewage treatment plants and such places must be prioritized which discharge industrial pollutants and sewer directly in rivers. The Supreme Court has held that the onus to operate the effluent treatment plants, rests on municipalities and other local bodies, and they cannot be permitted to shy away from discharging this onerous duty. Mass awareness programmes on the prevention, control or abatement of water pollution must be organized and information related to water pollution, its prevention and control must be disseminated frequently. We, as responsible citizens of the country, also, have to take concerted and coordinated steps to prevent water from being polluted and protect the environment to save the generation by remembering the words of Justice Ranganath Mishra, Former Chief Justice of India, when he stated that preservation of the environment and keeping the ecological balance unaffected is a task which not only governments but also every citizen must undertake. It is a social obligation and let us remind every Indian citizen that it is his fundamental duty as enshrined in the Constitution of India.

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(The views expressed by the authors are their personal)