

Implement Fassal Bhima Yojna

Agriculture and allied agricultural activities must be treated under the most priority sectors of the economy and Jammu and Kashmir being basically agriculture and tourism dependent economy, prudence demands that enough attention to these vital sectors, especially the agriculture sector, must never be found wanting in regarding extent and content. That, an important pro farmer scheme of Pradhan Mantri Fasal Bhima Yojna (PMFBY) should not be even in its embryonic stage in the Union Territory looks not only beyond comprehension but strangely paradoxical. Launched in early 2016 across the country, if it is not implemented in the UT, the reasons need to be fairly investigated not merely known and such casual perhaps all wilful approach is tantamount to defeating such a vital scheme sponsored by the Government to compensate the farmer against any sort of damage or destruction of one's crop depending upon the provisions of the scheme. The process of registration has been made so easy both for Rabi and Kharif crops that it can be done just through online mode for which those needing necessary help are to be provided by the Government officials. However, it seems that the "faasla" or the distance to reap the benefits under the scheme by the farmers is still much far way in Jammu and Kashmir.

The question is as to why it is not implemented in all the 20 districts of the UT and reportedly only in four districts, say three in Jammu and one in Kashmir, therefore, 16 districts kept bereft of the insurance cover of crops grown by the farmers. Even in these four districts, insurance compensation money in respect of damages caused to standing crops due to unexpected and unusually severe hailstorm has not been paid simply because glaring goofs were committed primarily due to casual approach in respect of paying premium money to Insurance Companies. The pattern of premium calculations of premium payable to the Insurance Companies is two percent by farmers and the difference between the rate of insurance charges and the premium, as per provisions of the scheme to be shared equally by the Central Government and the states /the UTs, as the case may be.

Even in the four districts covered, the half hearted implementation of the scheme speaks volumes about non serious approach of the concerned authorities towards the issue connected to agriculture. If the farmers paid their share of premium, why the difference was not paid by the Government which resulted in not releasing full premium in respect of the insured farmers. It would be, therefore, the sole responsibility of the Government to enter into the shoes of the Insurance Companies which means it should pay the amount of compensation to all those farmers who otherwise would have got the insured amount had all the formalities in respect of depositing premium amount and within time been well taken care of. As per the data available over 52000 farmers were eligible for being covered under the scheme. The total premium amount jointly pooled by the farmers, UT Government and the central Government would have been Rs.1932 lakh.

It does not auger well for the UT Administration that the affected farmers having been left in the lurch are reported to be desperately running from pillar to post for being heard and insured amount released. Not only are the aggrieved farmers' grievances in respect of making a mockery of the PMFBY but are sore about numerous cases wherein officials from the Revenue Department were not fair about the data in respect of compensation in many districts. The same is alleged to having not been prepared correctly but as per their whims. The scheme as per the farmers, is quite useful but on account of its faulty implementation, they are disillusioned and may not feel interested in insuring their crops in such a manner as they feel all uncertainties about getting the insured money in future also. Not only must the premium consideration be quite reasonable and justified but released too in time for ensuring timely cover. For that, the Government must call for fresh bids from various service providers in the field of insurance. Agriculture and farmers' interest must remain on top priority of the Government.

Pradeep Gupta

When Ms Kiran Vijay Singh, ADM Jabalpur ordered the detention of Shivakant Shukla under MISA during the run up to the 'Emergency' little did she know that her act would earn her a footnote in the Indian judicial history. When the Madhya Pradesh High Court quashed the detention order holding that Habeas Corpus Petitions could be heard and decided under Article 226 notwithstanding the Proclamation of Emergency, the lady judge filed an appeal in the Supreme Court culminating in the infamous lead case titled ADM Jabalpur V/s Shivakant Sharma. Contemporaneously dramatic events were unfolding on the Indian political scene. PM Mrs. Gandhi was confronted by the "Navnirman Andolan" in Gujarat, students protests in Bihar, railway strike spearheaded by George Fernandes and finally a call for 'Sampoornakranti' by Jayaprakash Narayan. In the midst of this turmoil, order of Justice Jagmohan Lal Sinha on 12 June, 1975 holding Mrs. Gandhi guilty of election malpractices and simultaneously barring her from holding an elected office for six years sent her into a tizzy.

Instead of countering her opponents politically she chose the 'emergency route' to quell the unrest and perpetuate her rule. At her behest, the

Life, Liberty and Freedom

proclamation of Emergency was signed by President Fakhruddin Ali Ahmed on the mid night of 25th June, 1975 without the proposal being considered by the Union Cabinet. The matter was placed post facto before the cabinet the next morning! The Proclamation was followed by another Presidential Order on 27th June, 1975 declaring that rights to move Courts under Articles 14, 21 and 22 shall remain suspended during the period of Emergency. Consequently political leaders and others opposed to the Government were imprisoned on a massive scale under MISA. It was in this backdrop that ADM Jabalpur case was heard and decided by the MP High Court and thereafter the Supreme Court. A five judge bench of Supreme Court comprising of CJI AN Ray, Justices HR Khanna, MH Beg, YV Chandrachud and PN Bhagwati by a majority judgement, Justice Khanna being the lone dissenter, decided the matter on 28th April, 1976 holding that in view of Presidential Order dated 27 June, 1975, no person has a locus standi to move a writ petition under Article 226 before a High Court for habeas corpus or any other writ challenging the legality of an order of detention even on the ground that the order is not under the Act or is illegal or is vitiated by malafides factual or legal! The court further held that Article 21 of the Constitution is

the sole repository of right to life and personal liberty. The majority took a narrow construction of the Presidential Order dated 27 June, 1975. Judiciary was the last bastion of hope for the beleaguered citizens detained during the emergency. Unfortunately the Court instead of protecting the liberty of the people leaned in favour of the State.

In his celebrated dissenting judgement, Justice Khanna held that Article 21 cannot be considered to be the sole repository of the right to life and personal liberty. Sanctity of life and liberty was not something new when the constitution was drafted. The principle that no one will be deprived of his life and liberty without the authority of law was not a gift of the Constitution. It is a basic assumption of rule of law and it existed before the Constitution came into force and was protected by Article 372 of the Constitution. The dissenting judgement cost Justice Khanna elevation to the position of CJI while other three brother Judges constituting the bench went on to become CJIs. Justice Khanna resigned when he was superseded by Justice Beg.

The damage done by the majority judgement in the ADM Jabalpur case was undone by the Constitution 44th Amendment effected by the Janata Party Government in the year 1978 where-

by Articles 20 & 21 were brought out of the purview of Article 359. But it still stood technically and to review the impugned judgement by a nine judge Constitutional bench arose only in the year 2017 in the so called 'Privacy Judgement' Case titled KS Puttaswamy V/s UOI. The Supreme Court while holding that right to privacy is protected under Article 21 being intrinsic to life and personal liberty, overruled its decision in the ADM Jabalpur case primarily relying on the dissenting judgement of Justice Khanna. The Court held that life and personal liberty are inalienable to human existence and power to issue a writ of Habeas Corpus is precious and undeniable feature of rule of law and not a bounty conferred by the State. It was a rare moment in the history of Indian judiciary that Justice DY Chandrachud was part of the bench that overruled the judgement to which his father Justice YV Chandrachud was a party! This Landmark judgement was brought to a closure by annulling the earlier judgement that had shocked the nation and haunted the conscience of the judiciary for decades. Judiciary is the saviour of human rights and writ of Habeas Corpus an effective tool to protect right to liberty. Yet the citizens have also to nurture the tree of Life, Liberty and Freedom.

(The author is a former civil servant)

Delimitation kindles hope among STs

Dr. Javaid Rahi

The Delimitation Commission on Jammu and Kashmir has proposed nine out of total ninety assembly seats to be reserved for Scheduled Tribes in both the regions of Union Territory.

The proposal is largely welcomed by the main tribal communities of Jammu and Kashmir -the Gujjars, Bakerwals, Gaddis, Sippis and Shina/Dards. The recommendations of the Delimitation Commission has rekindled hope among the tribes.

The implementation comes after 30 years of the grant of Scheduled Tribes status as all these communities were listed as tribal on 19 April 1991, after an amendment in the ST list for J&K -1989 by the Parliament of India. In view of the special status of the erstwhile state, no political reservation was granted to STs as warranted under provisions of the Constitution of India till 2021.

The tribal communities termed the draft recommendation of the Delimitation Commission regarding the reservation of nine seats for tribals (STs) in J-K Assembly as a step that will prove historic towards tribal development and their political empowerment.

The main objective of Delimitation is to redraw boundaries in a way so that the population of all seats (based on the data of the last Census) and the geographical area is to be taken into consideration to provide equal opportunities to tribal and people living in every nook and corner of Jammu and Kashmir.

As per the census 2011 the Tribal population constitutes 11.9% of total Population of J&K. Here under is distribution of existing Assembly segments viz a viz tribal population in all the districts/ Division and UT of J&K

Existing Assembly segments- district wise Tribal population

The census 2011 data reveals that Rajouri district stands first among 20 districts with the highest Scheduled Tribe population constituting 18% of the total tribal population of J&K. In total 4 Assembly segments the distributions of tribal population ratio across the district is - Rajouri, Darhal, Kalakote and Nowshera figure at number one to four in descending order.

Dr Anu Sharma, Rajesh Dutta

"It is the worst of times but it is the best of times because we still have a chance"-Sylvia Earle

Looking at the wonders of plastics, they appear to be inevitable. As the years passed plastics have become a part of our daily lives. Hey wondering reading these lines! This is the harsh reality indeed. Emergence of plastics in 20th century was a revolution in itself. Belgian chemist and marketer Leo Baekland was the first to give us the first fully synthetic plastic in 1907.

Though the evolution of plastic in the market was never good to the environment, particularly when its use touched its peak. The advent of single use plastic (SUP) made it even more challenging and worse ever. A throw away culture thus developed. We found it easy way out. It, of course, appeared an easy way initially but with the passage of time this tendency of use and throw led to multifarious environmental issues.

SUPs are the plastics which are used for once and then thrown away. They are very commonly called disposals or use and throw items! India has defined SUP as "a plastic commodity intended to be used once for the same purpose before being disposed of or recycled" in its Plastic Waste Management Amendment Rules, 2021. Our country has also kept a target of phasing out the single use plastics by 2022. Therefore many action plans at various levels are being framed and many efforts like banning plastics, forming task forces of students, awareness campaigns at schools and colleges has begun. This is indeed appreciative.

Today the management of SUP has been a serious issue. Therefore, phasing out followed by complete ban has been enforced worldwide including India. As reported by one of the BBC political cor-

This is followed by Poonch District where tribal population constitutes 14% of total ST population and 40% of total population of the district (Source 2011-Census). The descending order of population of tribal in Assembly segments is - Haveli figures at number one while Mendhar and Surankote figures at number two and three.

Anantnag is the third district of UT where a sizable tribal population resides. In three Assembly segments viz Kukarnag, Pahalgam and Dooru, STs are in good numbers, as per descending order of population.

In Reasi district, Gool-Arnas Assembly segments possess the largest tribal population followed by Reasi Assembly Segment. In Bandipora district, the Bandipur segment has the largest tribal population followed by the Gurez Assembly Segment.

The Lolab Assembly segment in Kupwara District has the largest tribal population followed by Karnah Segment. In other Assembly segments, tribes are scattered.

In Jammu district, Nagrota Assembly segment is largely populated by tribes.

In Ganderbal district, Kangan segment is thickly populated by the STs.

In Kathua district, Kathua and Basohli segments have a sizable tribal population.

Ramban Assembly segment in Ramban District, Interwal segment in Doda district, Kishtwar Assembly segment in Kishtwar District, Uri Assembly Segment in Baramulla district, Home-Shallibog in Kulgam District, Shopian Assembly segment in Shopian District, Vijaypur in Samba District having sizeable tribal population.

The tribal population is scattered in districts like Pulwama, Srinagar, Badgam and Udhampur.

Existing Assembly segments- Jammu Division -Tribal population

As per 2011 census, in Jammu Division, Rajouri Assembly segment in Rajouri District possesses the highest tribal population followed by Haveli Assembly segment in Poonch, Darhal (-Budhal) in Rajouri District figures at number three in population. Gool-Arnas, Mendhar and Surankote Assembly segments are at fourth, fifth and sixth rank in tribal population. Kalakote

Assembly segment is on 6th rank in terms of descending order of population of St communities, as per census 2011.

Existing Assembly segments- Kashmir Division -Tribal population

In Kashmir Division, as per census 2011, the Kangan Assembly segment in Ganderbal possesses the highest chunk of tribal population, while the Kukarnag Assembly segment in Anantnag district is at number two, Lolab Assembly segment figures at number three in descending order of tribal population in the region. While Bandipur, Pahalgam, Doru, and Noorabad Assembly segment figures at 4th, 5th, 6th and 7th rank in descending order of population.

Existing Assembly segments-Joint Kashmir-Jammu Division -Tribal population

In the Union Territory of Jammu and Kashmir, the constituency-wise population of tribes (2011-Census) in descending order is (1) Rajouri segment in Rajouri district, (2) Haveli Assembly segment in Poonch district, (3) Darhal (-Budhal) segment in Rajouri district, (4) Mandhar segment in Poonch district, (5) Gool-Arnas segment in Reasi district, (6) Kangan in the segment in Ganderbal district (7), Kukarnag segment in Anantnag district, (8) Lolab segment in Kupwara district, (9) Bandipur segment in Bandipora district, (10) Gurez in Bandipora District, (11) Kalakote segment in Rajouri district, (12) Pahalgam segment in Anantnag district, (13) Dooru segment in Anantnag, (14) Noorabad in Kulgam District (15) Ramban in the segment in Ramban Rajouri district.

Geographical Considerations

In case, the geographical conditions are taken into consideration by the commission while reserving 9 seats for tribal, the Gurez Assembly Segment in Bandipur district and Basohli Segment in District Kathua may figure in the list nine reserve seats for STs.

Rekindling of Hopes

The proposal of the commission has generated a new ray of hope for the Gujjars, Bakerwals and Gaddis who were facing political exclusion for the last 30 years when ST status was granted to them by the Centre. Such a move will help to empower them at large besides it would eradicate poverty, caste stigma, social

inequality as tribal.

Owing to geographical settings, in passing decades, the indicators of development of 'Schedule Tribes' of Jammu and Kashmir, reveal an intense growth in socio-economic, education and health status of tribal groups. Inadequately represented in socio-politico-administrative structures- the tribal being mainly nomads, semi-nomads or different habitats, necessitate inventive initiatives, form the government for effective resolution of adversities, they have been facing since long.

The new proposal of Centre to grant Political Reservation to Gujjars / Bakarwals is largely hailed by the community as it will be a "biggest gift" of the 21st century for STs of J&K as the community have been agitating to get political reservation Since 1991.

Political empowerment of Tribes

A substantial chunk of the Tribal Population resides in Jammu and Kashmir and they play a big role in political process and power formations in the UT. There are 20 Assembly constituencies where Gujjars-Bakarwals constitute 25% to 60% of the franchise. Besides, there are ten Assembly segments where Gujjar candidates won elections which includes, Haveli, Surankote, Mendhar, Rajouri, Darhal, Gool-Arnas Gulabghar, Kalakote, Kangan and Uri. In other 14 constituencies, Gujjar/Bakarwal vote can turn the tables which include, Kukarnag, Noorabad, Pahalgam, Kupwara, Karnah, Nagrota, Interwal, Shangs, Tangmarg, Bandipur, Ramban, Kishtwar, Bani, Basoli.

Besides, above 24 seats, there is a sizable population of Gujjars and Bakerwals residing in around 50 Assembly segments of Jammu and Kashmir except for a few urban constituencies, where they can play a decisive role. In each district, they are scattered in each segment and are playing a decisive role and impact election results.

These historical steps will strengthen Gujjars identity in Jammu and Kashmir and the people belonging to far-flung areas of the state will be able to play a positive role in the development and progress of the region and country.

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Plastic problems

respondent (Nick Eardley) 20 firms alone create half of all one-use -plastics in England. In England it is called "War on Plastics".

Indian government announced ban on the single-use plastics which came in the wake of the resolution made in 2019 to address the problem of plastic pollution throughout the country. The ban will become effective from July 01, 2022 (CNBC). Ministry of Environment Forest and Climate change therefore notified Plastic Waste Management Amendment Rules, 2021, thereby prohibiting 20 SUP items by 2022. These include products under three groups namely Carry bags which include carry bags made of virgin or recycled plastic <75 and 120 microns in thickness. Second group are Non-woven Plastic carrybags i.e. non-woven carry nags <60 GSM (Grams per square meter) or 240 microns thickness. Third group is single use plastic including polystyrene and expanded polystyrene items. These single use plastic items include ear buds with plastic sticks, plastic sticks for balloons, plastic flags, candy sticks, ice cream sticks, polystyrene (thermofoam) for decoration, plates, cups, glasses, forks, spoons, knives, straw, trays, wrapping or packing films around sweet boxes, invitation cards & cigarette packets, plastic PVC banners less than 100 microns and stirrers

Some facts :

* Packaging material contributes to nearly 60% of total plastic being generated as reported by Centre for Science and Environment. This has been out of list as it has been proposed to be collected

and managed through Extended Producer Responsibility (EPR). Online shopping involves use of multilayered packing including layers of plastics also which needs an immediate attention. Packaging industry and Food delivery from hotels and restaurants

* Another issue is compostable Plastics. They are nearly 50 microns of thickness. They are entering into the Indian market on the pretext that they are compostable. But the story doesn't end here, rather it begins here as awareness among the public regarding compostable plastics is very low. A layman feels that a compostable plastic can be littered or added to our home / community compost pit that will reduce it to simpler compounds like carbon-di-oxide and water vapor. But it does not work like this. Here it becomes necessary that the consumers should understand how it actually works. Compostable plastics can only be composted only in industrial composting facilities under the right set of controlled parameters. The problem lies in that India, with its current waste management system, is not ready for compostable plastics as they end up contaminating the potentially recyclable plastic. This adds to labour costs and further reduces the overall efficiency of plastic waste recycling in the country. Moreover, the number of industrial composting units present in the country is something that no one is talking about. If we are promoting compostable plastics, where are our industrial composting units?

* Other issues include which all of us come

across at one or the other times are: SUP in the form of cutlery is used widely in conferences, workshops, seminars, training programs etc. On one hand, within the four walls of halls people come and give lectures and presentations on environmental protection and interestingly during interval time same people are seen having tea, coffee, water and eatables being served in single use plastic items. Moreover, each individual is seen with plastic water bottles which are rarely reused. SUPs are also very common during festive seasons, in langars, weddings and certain other get togethers.

* Said or unsaid many issues remain on this front.

Why at all we are worried about Single use plastics?

Many related issues call for immediate attention and action. Some of them are : Environmental concerns, land pollution, marine pollution in the form of microplastics, health concerns of not only human beings but also animals. For example stray animals as well as marine animals eat away plastics assuming it to be food. Many a time they die out of suffocation. If not die, they face lot of problems in the form of choking, disruption of endocrine system due to toxic chemicals released from plastics when they get mixed up with the water bodies. These chemicals do not stop here only. Through the process of bio magnification and bioaccumulation they enter the food chain and remain there forever thereby disrupting the whole system.

Solution? A number of "R" plays a significant role in the solution part

Reduce, reuse, refuse, Recycle, Rethink, Redesign, Restructure, Recreate.

(The views expressed by the authors are their personal)

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Plea to Principal Secretary (Home Deptt)

Sir,

I seek your kind attention to the tragic incident that took place at Bhawan of Shri Mata Vaishno Devi Holy Shrine in Katra resulting in the death of 12 innocent pilgrims and injuries to many on the fateful day of 1st January 2022.

The unfortunate incident that took place shook the entire town. However, the prompt decisions taken in the Shrine Board meeting chaired by the Lieutenant Governor Manoj Sinha has had a soothing effect on the millions of the hurt pilgrims across the country.

The people of Katra and devotees across the globe are grateful and satisfied with the 'relief measures' provided by the administration. Besides, they feel indebted to the Government of the UT in appointment of the 'high level committee' with their esteemed wisdom to carry all its functions with the terms of reference.

The entire town of Katra is really appreciative of the immediate actions taken whereby examining in detail the causes/reasons behind the incident, pointed out the lapses and fixing the responsibility thereof, tickets getting booked via internet (online booking) and appropriate measures taken to control the pilgrim traffic in town.

However, besides these measures taken, I would like to submit the following few suggestions in the capacity as the resident of Katra and former Member of Legislative Assembly (Reasi constituency)

* The master plan of the holy town of Katra needs a holistic review to ensure that

it meets the requirements of ever increasing pilgrims for at least the next 20 years.

* Katra should to be declared as a 'heritage town' on the analogy of Amritsar which will be instrumental in increasing the pilgrimage foothall.

* Concrete steps should be taken for developing, strengthening the holy circuits in and around the town of Katra with a view to decongest Katra at any given point of time and make the experience of the pilgrims remarkable. We should take inspiration from Kashi and make Katra a town that attracts crowd globally. The masterplan of Katra should be revisited and revised on the extensive contours of religious cities that attract pilgrimage on wide contours of yoga centers, religious knowledge hubs, promotion of our cultural heritage. We should look at connecting nearby destinations around Shri Mata Vaishno Devi Shrine such as Deva Mai, Devi Pindi, Nau Devi, Dhansar Baba, Bhumika Mandir, Dera Baba Banda, Naudevi, Baba Aggar Jitto, Cherai Muttal which are situated in the surroundings of the main Shrine destination. We should look at making Shri Mata Vaishno Devi Shrine a religious hub that attracts pilgrims worldwide.

* Housing system on the lines of Ayodhya and Rishikesh should be developed for the pilgrims who come here and are looking for a second home where they can stay for a long period with the purpose of serving the deity.

**Baldev Raj Sharma,
Ex-MLA Reasi constituency,
Katra Vaishno Devi**

Delimitation Commission

Sir,

Reconstitution of Constituencies in UT of Jammu & Kashmir (erstwhile State of Jammu & Kashmir) has remained long pending demand of the deprived communities as well as of the region across Jammu & Kashmir. No previous Govts had taken or initiated any substantial exercise for the sake of justice in favour of the deprived sections of the society in the process of Delimitation. After a long span of 70 years or so the Delimitation process has been put in motion by the Election Commission of India for reconstitution of constituencies in Jammu and Kashmir which stood widely appreciated. In its preliminary report six seats have been reserved for Jammu region and one for Kashmir.

Some political parties have shown their resentment against the report in the process of Delimitation. Since the report is not in final stage, the Delimitation Commission will do justice taking into account every aspect in its final deliberations.

Reservation of nine seats for Scheduled tribes and seven seats for Scheduled caste is a right step in the right direction. Here one is at a loss to understand that there is no mention of KPs in the report. Kashmiri Pandits have been all along demanding reservation of some seats in the State legislature/Parliament which has not been conceded so far is a matter of concern. Their political empowerment will help in their rehabilitation and empowerment. This deprived community is looking forward for their empowerment in the same way as other sections of the society enjoy in democracy.

**S N Raina
Jammu**

Readers Write