

Human Resource Management System

It is an admitted fact that very less has been done over years in a row to have a cogent, workable and flexible Human Resources Management policy in the erstwhile State of Jammu and Kashmir and even not much still being done after it becoming a Union Territory. However, it has now started getting some attention to bring about improvement in its existing ecosystem. We have been repeatedly voicing our concern about not getting the vital strength of this resource duly recognised for bringing about changes in tune with the demands of the time and hence due priority found not adequate otherwise the human resources is responsible for offering services, delivering on the ground, implementing Government's policies and flagship schemes for bettering the lot of the people, contributing to productivity and overall significant role played by it in various forms in building the economy of Jammu and Kashmir.

Equally, very little is being done in terms of investment in human resources capital on periodic basis which in other words means education, healthcare, trainings, acquainting with the latest, research and the like yielding poor returns which again could have in turn strengthen it. However, an expenditure to the tune of Rs.53 crore is expected to be incurred by putting in place a project for funding e-HRM System for data entries of employees of Jammu and Kashmir which was earlier submitted by the National Information Centre (NIC), however, could not take off nearly for a year due to financial limitations faced by the UT Government.

Notwithstanding that limitation, that the UT Government of Jammu and Kashmir is embarking upon bringing in technological intervention in the system to improve upon and better the vital management of Service Books of its employees and associated issues, it is touching or dealing with a part or the branch only of the Human Resources Management System in totality. Still, this step in the shape of deciding to roll out a E- Human Resources Management system to accord a form to and shape of recording and documenting system of individual Service Books of the employees and in a time bound manner, it is a right step in the right direction. This step by roping in the existing potential in the University of Kashmir to develop a portal for e- HRM will definitely help employees to a larger extent from the botheration, tensions, saving their time, money and energy.

Needless to add, in Service Book of employees in Jammu and Kashmir is a built record which comprises all information about the employee, its Date of Birth, educational qualifications, scale of pay, annual increment, service conduct breaches and resolutions thereof, recording of important events, transfers, promotions and other details. Doubts and disputes can arise in normal course in any of the references or recordings, generated by either the employee or the employer and even "things" can be manipulated or "managed" in which case entries from time to time are referred to in order to arrive at a correct position and chances of any type of tampering will now be remote with the introduction of the new technological improvement. Hence, the decision of the Government to set right this most sensitive but at most of the times irritating and even embarrassing positions for the employees, is an innovative step and in fact, a great relief to the Government employees. In other words, all the information in respect of the above mentioned particulars shall now be available in concise electronic form, hence a reform which will be widely welcome by all sections of employees.

Annual Performance Reports, based on how this vital issue is treated like submission thereof in a time bound manner each year and verification of allied details, usually is seen projected as an issue deserving not much importance and e- HRM system will obliterate the habit of delays and now smoothen prompt verification of particulars and entries thanks to the proposed introduction of the said electronic system. Since various information and data required in respect of employees - say one's due transfer, promotions, retirements, releasing of superannuation benefits in lump sum and thereafter releasing of pension etc is directly related to the particulars recorded in one's Service Book, things now shall be smooth, hassles free and importantly not time consuming.

Women 'Agniveers' in the IAF

Not only in the Army and in the Navy but women Agniveers are slated to be recruited also in the Indian Air Force (IAF) starting from the next year. In other words, in all the three wings of the country's defence system young women are being given due representation hence their empowerment. The three services of the country are, therefore, promoting "jointness" and enhancing greater efforts are afoot as that being very important to fight modern day wars. In the words of the Air Chief Marshal VR Choudhry, no single service can win a war on its own, only reconforms the resolve to have a strong joint command in the country's armed services.

The IAF going to have a weapon system branch for its officers which having been approved by the central Government is a major development in various ways. It will result in saving huge amount which it otherwise spends on flying training which is estimated to be around over Rs.3400 crore. Main achievement of this system notwithstanding, notable thing is that such a weapon system branch has been created for the first time since independence in the country which is aimed at unification of all weapon system operators under one entity. The Indian Air Force is having the cherished motto of "Nabh Sparisham Diptam" or - Touch the Sky with Glory - as enshrined in the 11th Chapter of the Holy Gita.

Muneeb Rashid Malik

It is well settled that, in general, all cases brought before the courts, whether civil, criminal, or others, must be heard in open court.....Trial held subject to the public scrutiny and gaze naturally acts as a check against judicial caprice or vagaries and serves as a powerful instrument for creating confidence of the public in the fairness, objectivity and impartiality of the administration of justice....

"Naresh Shridhar Mirajkar v. State of Maharashtra.

On 20th September, 2022, the Full Court of the Supreme Court of India decided to live stream the proceedings of the Constitution Benches. Thereafter, on 27th September, 2022, three Constitution Benches in Courtroom Numbers 1, 2 and 3 of the Supreme Court sat simultaneously and their proceedings were live streamed through Supreme Court's webcast as well as through YouTube. It was truly a historic day as the statistics showed that more than 8 lakh viewers watched the proceedings of the Constitution Benches. This is a significant step taken by the Apex Court which will make the judicial process more accessible and transparent in the country.

It will be apposite to enunciate that four years ago, on 26th September, 2018, the Supreme Court of India in Swapnil Tripathi v. Supreme Court of India allowed the Supreme Court case proceedings of constitutional importance having an impact on the public at large or a large number of people to be live streamed in a manner that is easily accessible for public viewing.

Open courts are not new to the legal system of the country. As per Article 145(4) of the Constitution of India, no

Live streaming of court proceedings

A step in right direction

judgment shall be delivered by the Supreme Court save in open Court, and no report shall be made under Article 143 of the Constitution of India save in accordance with an opinion also delivered in open Court. Open court hearings find a mention in Section 327 of the Code of Criminal Procedure, 1973 and

essential for preserving the rule of law in the country and that can be easily achieved by open court hearings when the public is able to observe the proceedings of the courtroom which will ultimately lead to an organized and transparent judicial process.

There may be times where the

nile Justice (Care and Protection of Children) Act, 2015; matters registered under or involving the Medical Termination of Pregnancy Act, 1971; in-camera proceedings as defined under the Code of Criminal Procedure, 1973 or the Code of Civil Procedure, 1908; matters where the bench is of the view that pub-

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Section 153-B of the Code of Civil Procedure, 1908.

In Swapnil Tripathi (supra), the Supreme Court lucidly opined that live streaming of court proceedings is feasible due to the advent of technology and has been adopted in other jurisdictions across the world. The Apex Court, while enunciating the benefits of technology, observed that technology can epitomise transparency, good governance and accountability, and more importantly, open the vista of the courtrooms, transcending the four walls of the rooms to accommodate a large number of viewers to witness the live court proceedings. Public confidence in the judiciary is

administration of justice itself may make it necessary for the courts to hold in-camera trials, therefore, as per the Model Rules for Live Streaming and Recording of Court Proceedings, the following matters have to be excluded from live streaming and these are: matrimonial matters, child adoption and child custody including transfer petitions arising thereunder; cases concerning sexual offences, including proceedings instituted under Section 376, Indian Penal Code, 1860; cases concerning gender-based violence against women; matters registered under or involving the Protection of Children from Sexual Offences Act, 2012 and under the Juve-

lication would be antithetical to the administration of justice; cases, which in the opinion of the bench, may provoke enmity amongst communities likely to result in a breach of law and order; recording of evidence, including cross-examination; privileged communications between the parties and their advocates; cases where a claim of privilege is accepted by the court; non-public discussions between advocates, etc.

It is pertinent to state that the live streaming of court proceedings has also been started in High Courts of Gujarat, Orissa, Karnataka, Jharkhand, Patna and Madhya Pradesh which is a step in the right direction. With the Hon'ble

Azad's DAP

Missing political rival and agenda

Anil Anand

According to Anson D. Morse, an educator and historian, a political party is a durable organization united by common principles which "has for its immediate end the advancement of the interests and the realization of the ideals... of the particular group or groups which it represents.

When veteran Congress leader of the yore, Ghulam Nabi Azad formed his fledgling new party the Democratic Azad Party (DAP), he must have kept this Morse's principle in mind. He must have identified in his mind the ideals which he wished to realise through his new political vehicle which he could not achieve during his five-decade stay in Congress, and the groups that the DAP proposed to represent or the agenda he wished to set.

Since the DAP is for all practical purposes a Jammu and Kashmir-centric party which has a chequered political history replete with chaos, confusion, deceit, and a multi-linguistic, multi-ethnic and multi-religious population as the electorates with varied religious and social beliefs, it is more pertinent that a political party in making must have its goals, both political as well as developmental, clearly identified. The established players already have their stated lines

and baggage of history to showcase to the people. The new one's either define or come out with scintillating bright ideas to change the course.

Mr Azad's party is just in its infancy, he had formally announced the name of his party on September 26, 2022. Given the scenario that Jammu and Kashmir has undergone constitutional changes with far-reaching repercussions, the political parties, more so the new entities, simply cannot wish away these developments. Whether they like it or not, willingly or unwillingly, the political parties will have to take a stated stand on post August 5, 2019 developments in view of the public sentiments for and against it.

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The limited issues related to these developments that he has promised to focus on are fight for restoration of statehood and domicile rights in the form of land and employment securities which are also being articulated very feebly by him. That somehow reflects his half-hearted

approach in dealing with the new constitutional changes or that he has accepted the fate accompli.

Can a political party come into being without an identified political or ideological rival? And more so in the context of Jammu and Kashmir. It is unfaithful particularly in the face of

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volatile and instable political atmosphere in the UT. After all a political party is formed to fight elections against another party or group of parties. It is imperative that the leader, in this case the DAP, has his or her political rival clearly identified and in turn draw battlelines to motivate the cadres to take on the rival (in purely political terms).

Interestingly, Mr Azad has set out on a mission to carve a niche for the DAP in the turbulent waters of Jammu and Kashmir without a clearly identified political rival. With his Congress background, it was widely

expected that he would take-on the powerful ruling dispensation led by the BJP and become a rallying point for all the anti-BJP and secular forces. Instead, he has chosen to maintain a studied silence even on other political parties such as National Conference and Peoples Democratic

Party (PDP), leave aside his erstwhile party Congress, with whom he could have made a common cause. The initial euphoria as mostly people thought that he would become the rallying point to form an alternative political force and fill the gaping void in Jammu and Kashmir, particularly in Jammu's, social and political firmament, is gradually giving way to a possible state of confusion. Despite some initial movement with people from other political parties showing inclination towards Mr Azad and his party and some even joining him, the

process has almost stopped. The rumour-mill is working overtime mentioning his covert understanding with the powers that be in Delhi. It got some credence when Home Minister Amit Shah during his visit to Jammu and Kashmir gave Mr Azad a clean chit, stating that he was not among those whom he held responsible for the state of affairs in the region.

In this backdrop and on account of a missing political agenda and political goals to be achieved, there is a feeling of unease among those in the DAP, mostly his former colleagues from the Congress, as to what exactly Mr Azad is aiming at. All eyes are riveted on his future moves.

In his inimitable aggressive style, Mr Shah directly took on the parties such as National Conference, PDP and Congress, and their leaders particularly former chief ministers, Dr Farooq Abdullah and Mehbooba Mufti blaming them for everything that went wrong in Jammu and Kashmir. Curiously he glossed over Mr Azad's tenure as Congress chief minister.

The net political gain which Mr Azad has registered since forming the party is that he has been able to split the local Congress unit by weaning away a sizable section of its leaders. Nothing has moved beyond that. The confusion and lack of

Supreme Court of India rising to the occasion by live streaming the proceedings of the Constitution Benches, time is ripe to start live streaming of the proceedings of other Benches as well by excluding the matters not to be live streamed, as discussed above.

The High Courts and District Courts all over the country which have not started live streaming of proceedings as yet should do so as soon as possible so that the object of live streaming is achieved to the fullest, i.e., dissemination of knowledge about the proceedings and grant of access to justice to the litigants. It would be apt to build an infrastructure in Courts which is appropriate for live streaming so that the public can view the court proceedings without any constraints.

The High Courts should determine the modalities of live streaming of cases at the earliest so that live streaming becomes a reality in every part of the country. Live streaming of court proceedings will surely strengthen the right of access to justice flowing from Article 21 of the Constitution of India and it will result in the judicial process being more accessible, organised and transparent. The Supreme Court and various High Courts of the country have taken a substantial step which will undoubtedly maintain public's confidence in our judicial process in the words of Justice J.C. Shah:

"Hearing in open court of causes is of the utmost importance for maintaining confidence of the public in the impartial administration of justice: it operates as a wholesome check upon judicial behaviour as well as upon the conduct of the contending parties and their witnesses..."

(The author is an Advocate and Associate at Luthra and Luthra Law Offices India).

The Chinese envoy's false truths

Harsha Kakar

Speaking at a virtual event to mark China's 73rd anniversary, the Chinese Ambassador to India, Sun Weidong, made statements, which were untrue. He mentioned, 'The current border situation (between India and China) is overall stable.' He added, 'The phase of emergency response since the Galwan Valley incident has basically come to an end, and the border situation is switching to normalised management and control.' Sun Weidong has been singing a similar song on multiple platforms, in recent times. but to no avail. This is because reality is the opposite. For India, normalcy is de-induction which would follow de-escalation, resulting in additionally deployed troops returning to barracks.

Sun Weidong also wrongly believes that by purchasing advertising space in a couple of major Indian dailies to spread Chinese propaganda, including their perception of the border dispute, he can change Indian mindset or win support. Indians are well aware of Chinese games. Sun Weidong blocks those who question him on social media, as he has no answers.

The Chinese mouthpiece, The China Daily, went a stage further and mentioned that Weidong had placed four proposals to the Indian government. These included 'promoting mutual understanding and trust, promoting win-win cooperation, properly handling differences and sensitive issues and finally strengthening coordination and collaboration.' These proposals are a modified version of what S Jaishankar has stated on multiple occasions. Jaishankar has been insisting that for rela-

tions to progress there must be 'mutual respect, mutual interest and mutual sensitivity.' These have no meaning unless implemented by China.

China has displayed its anti-India stance by intruding into its territory, blocking known Pak terrorists from being designated global terrorists by the UNSC as also being a stumbling block for India's entry to global bodies such as the NSC (Nuclear Suppliers Group). On

Indian and Chinese embassies in Sri Lanka also had a media spat over the docking of a Chinese research vessel in Hambantota port against Indian security concerns. China sought to project it as a diplomatic victory while accusing India of pressurizing Colombo. This was effectively retaliated to by the Indian embassy, targeting Chinese debt trap financing being responsible for Sri Lanka's economic collapse.

the contrary its ambassador expects India to adhere to its perception of the border. Is Weidong joking? It is for China to take the first step and follow what its ambassador proposes.

A larger concern for China is India's approach towards its 'one China policy.' Post multiple visits from US elected representatives to Taiwan commencing with Nancy Pelosi, Sun Weidong requested India to reiterate its one China policy. This was rejected. Hence, in his recent address he stated, 'It is hoped that the Indian side can properly handle issues related to China's core interests, including (the) Taiwan question and Xizang-related issues.' The Indian foreign office refused to respond to this statement. To add to insult, India openly backed the Dalai Lama on his visit to

Ladakh, over which the Chinese maintained silence, aware that any comments would be ignored.

A fortnight ago, the Indian army chief, General Manoj Pande, stated that unless Demchok and Depsang are resolved, the next step of de-escalation and de-induction cannot commence. A similar comment was made by the air chief in his pre-air force day press conference. The foreign office reiterated

Indian President, Draupadi Murmu, on her inauguration.

The Chinese foreign minister visited India, in March this year, with proposals similar to those being put forth by their ambassador but was given a cold shoulder. A return visit by Jaishankar to Beijing, displaying Indian intent to restore ties, is nowhere on the cards. India, aware of its diplomatic power and military ability to stall future

states not to back the Chinese proposal of criticizing the procurement of nuclear submarines by Australia as a violation of the Nuclear Non-proliferation Treaty, compelling China to withdraw it.

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China is attempting to legalize its current deployment in Ladakh and thus is pushing through every mechanism, including its ambassador as also foreign minister, for India to accept it and resume ties. It appears to be hinting that it is unwilling for further resolution. India, on its part, refuses to dilute its laid down preconditions for normalization of ties. Simultaneously, India is developing its border infrastructure as also enhancing military capabilities of its forces deployed in Ladakh. It is a fact that Indo-China relations are frayed. No quantum of false truths by its ambassador or full-page newspaper advertisements containing Chinese propaganda will alter opinions or mend ties. Beijing must pull back from all friction points. India is no longer the meek nation China has presumed it to be. Indian leaders refused to acknowledge their Chinese counterparts in multilateral meetings, observed by a global audience, and will continue projecting their displeasure unless China restores desired normalcy along the LAC.

(The author is Major General (Retd)