

# Policy decisions of Govt not susceptible to judicial review: HC

Excelsior Correspondent

JAMMU, Sept 28: High Court has held that the deployment of armed forces with UN Peace Keeping Mission cannot be equated with Formed Police Units as both played separate role according to UN mandate and policy decisions of the Government are not susceptible to judicial review.

This significant judgment has been passed by Justice Wasim Sadiq Nagal in a petition filed by Rajender Singh Saini and others seeking quashment of Order No. II-2701234/2005-PF.I.C.H.D.08/11/2003 dated 08.11.2006 issued by the Government of India, Ministry of Home Affairs, by virtue of which, sanction was accorded to the grant of Overseas Allowance to ITBP Personnel deployed on UN Mission at Congo at US\$ 2120 per month for officers, US\$ 1600 per month for subordinate officers and US\$ 925 per month for other ranks.

The petitioners were also seeking directions to the respondents to reimburse the Overseas Allowance to the petitioners in accordance with the Memorandum of Understanding

## HC dismisses appeal for compensation on delayed factor

Excelsior Correspondent

SRINAGAR, Sept 28 The Division Bench of the High Court has dismissed an appeal seeking setting aside of writ court judgment whereby compensation was sought on account of death of father of the appellant in firing way back in 1993.

The son of the deceased challenged the judgment of a single judge dismissing his petition for compensation on account of the death of his father in police firing. Before that he had approached the then State Human Rights Commission with a complaint that his father-Taseem Ahmad Raina was an agricultural labourer and was killed in firing by the Border Security Forces on 27.09.1993 at Kulgam and the Commission made enquiries in the matter and upon report of the Director General of Police dated 12.08.2014 to the effect that enquiries in the matter revealed that father of the petitioner-appellant was a militant and was killed in an encounter in connection with which FIR No.117/1993 was registered, dismissed the complaint.

The then Commission while dismissing the complaint observed that the investigation reveals that the deceased was a militant and had died in an encounter and that the incident had happened in the year 1993 and the Commission was approached in the year 2014 by the petitioner-appellant.

Challenging both the verdicts of SHRC and writ court the appellant-Javed Ahmad Raina apart from making the claim of compensation of rupees one crore has also sought completion of investigation in FIR No.117 of 1993 registered under Section 307 RPC, 3/4 TADA and 3/25 Arms Act, P/S Lalpora.

## Shaheen seeks early completion of Panthial, Mehar tunnels

Excelsior Correspondent

BANIHAL, Sept 28: National Conference (NC) leader and District President Ramban, Mir Sajjad Shaheen has expressed serious concern over frequent traffic jam and closure of the Jammu-Srinagar National Highway (NH44), saying that people have been left at the mercy of landslides and shooting stones that disrupt traffic on the only all-weather road connecting the valley with rest of the country.

In a statement, he alleged that the mismanagement and lack of coordination among the construction companies, Administration and Traffic Police posted all along the NHW were responsible for the present traffic mess on the NHW as these agencies have completely failed to regulate smooth flow of traffic with the result daily road commuters and public in general have to remain stranded in traffic jams for hours together between Banihal and Batote stretch of NHW causing grave inconvenience to students, patients, employees, traders, transporters particularly fruit growers.

He also expressed anguish over the halting of fruit laden trucks on Srinagar-Jammu highway, saying the unnecessary halts are causing huge losses to fruit growers, traders involved with the horticulture sector.

Taking strong note of deteriorating condition of the National highway, Shaheen said the road has turned into a nightmare for commuters and the egregious rise in difficulties to road users count is immensely worrisome.

"The current administration, led by LG must look into the reason why the condition of

between the Government of India and United Nations for contribution of Formed Police Units I & II to MONUC by paying the petitioners the arrears of the allowance with interest.

After hearing both the sides, Justice Nagal observed, "the order impugned has been issued by the Ministry of Home Affairs which falls within the realm of the policy decision by the Government of India whereby the Government of India have powers to fix the Overseas Allowance according to the grade and work assigned to those personnel deployed in Formed Police Unit with UN Peace keeping Mission".

"Thus, the order impugned which has been issued by the Ministry of Home Affairs with regard to the Overseas Allowance for CPFs personal deployed in UN Mission (MONUC) falls within the realm of policy decision of Government of India and the same is not susceptible to judicial review as no fault can be found with regard to the policy", High Court said, adding "the petitioners have failed to project as to how and under what circumstances they are aggrieved of the order

The Division Bench of Chief Justice Pankaj Mithal and Justice Puneet Gupta while upholding the writ court verdict said that the incident in which the father of the petitioner-appellant was killed took place in the year 1993 and for a comparative long distance of time till 2014 none of the family members much-less the petitioner-appellant who may be a minor at the relevant time approached any authority so as to complain that he was not a militant or that the investigation pursuant to the FIR are not being conducted in a proper manner.

"No averment has been made as to why even the other family members of the deceased remained silent and did nothing in the matter and allowed it to be left for the petitioner-appellant to take care of it on attaining maturity. Any inquiry or investigation in respect of an incident of 1993 at this stage appears to be totally unwarranted and of no use", DB recorded.

The DB said, the order of the Commission is very explicit and the Commission has adopted the procedure as prescribed under the Jammu & Kashmir Protection of Human Rights Act, and got the matter enquired into.

The enquiry, court added, has found that father of the petitioner-appellant was a militant and was killed in an encounter. "Accordingly, in view of the aforesaid facts and circumstances, we do not find that the Writ Court has committed any error or illegality in dismissing the petition. The appeal, as such, lacks merit and is dismissed", DB concluded.

Court with regard to the completion of the investigation pursuant to the FIR said that it may or may not have been closed but the same stands covered by the decision of the PIL referred to by the Single Judge.

National highway is going from bad to worse. It seems the road widening project has of now only led to an increase in people's problems," he said and asked the Government to consult the experts for reaching to the bottom of problems that have resulted in increased landslides and shooting stone incidents in the area causing immense loss to life and limb, especially post road widening.

Shaheen urged the Administration to expedite the work on the Panthial and Mehar Tunnels and make it functional at an earliest possible time so that no lives are lost in future due to the shooting stones at this deadliest stretch.

## Driver injured as mini-bus rolls down

Excelsior Correspondent

KISHTWAR, Sept 28: A driver was injured after a mini-bus he was driving rolled down into gorge near Kanour area here.

The ill-fated vehicle bearing registration number JK17-6570 was on its way to Thakraira from Anjole when the driver lost control over the vehicle and it rolled down into deep gorge near Kanour area, resulting into injuries to the driver.

After getting information, police team rushed to the spot and retrieved the injured driver from the gorge with the help of locals.

The injured driver identified as Rinku Kumar has been rushed to District Hospital Kishtwar, where he was undergoing treatment when last reports came in.

Kishtwar Police has taken cognizance in this regard.

impugned". Justice Nagal further observed, "since the United Nations, Department of Peace Keeping Operation has deployed Formed Police Units of various members countries for maintaining peace in the Kosovo, Congo, Liberia, Sudan, etc, according to UN Mandate, MoU was signed between Government of India and UN Peace Keeping Mission relating to payment that would be made by UN to Government of India on account of deployment of two Formed Police Units on self-sustenance basis".

"As such, the Government of India has the power to fix the amount of OSA to be paid to officers, subordinate officers and other ranks. Even in Army deployed with UN Peace Keeping Mission, the amount to be paid to officers, subordinate officers and other ranks is fixed by the Government of India", High Court said.

Justice Nagal further said, "the policy, which has been framed by the Government of India, has the reasonable classification with the object sought to be achieved by personnel of Formed Police Units cannot be equated in terms of payment of OSA and, thus, no fault can be found with regard to the policy as all the personnel of BSF/ITBP have been paid MSA as per the rate prescribed for Gazetted Officers/Subordinate Officers/Other ranks as decided by the Government along with pay admissible to them, which by no stretch of imagination, can be considered an illegal enrichment of some members of the Formed Police Units as prayed by the petitioners".

## Arun Prabhat rues deplorable condition of cluster universities

Excelsior Correspondent

JAMMU, Sept 28: BJYM Jammu Kashmir president, Arun Prabhat Singh expressed serious concern over deplorable condition of newly formed cluster universities of Jammu and Srinagar.

In a press statement issued after meeting senior scholars and faculty here, today, the BJYM president said that both the cluster universities were established in 2016 under 'The Srinagar and Jammu Cluster Universities Act, 2016' under an initiative of Centrally sponsored scheme RUSA.

Arun Prabhat raised serious questions on both the universities which have miserably failed to develop owing to constant and consistent bureaucratic hurdles being created for its establishment. He categorically mentioned that there are some people having vested interests are not allowing establishment of these universities. He pointed out that most prestigious colleges from Jammu and Srinagar were made constituent colleges of both the universities.

The BJYM JK president expressed surprise to know that more than six years have been passed and yet no land has been allocated to both the



BJP leaders during a meeting in Jammu on Wednesday

## BJP will form next Govt in J&K: Vinay

Excelsior Correspondent

JAMMU, Sept 28: BJP district Jammu held a meeting today considering forthcoming programmes to be carried out by Jammu district in office Kachi Chawni wherein senior leaders reviewed the functioning of the district and also sought the details concerning the facilities available at the district level.

The meeting was chaired by Vinay Gupta in the presence of BJP senior leader and former Dy CM, Kavinder Gupta, BJP vice president J&K Yudhvir Sethi, former Minister, Priya Sethi, Ex district president, Baldev Singh Billawaria and councilors attended the meeting.

Kavinder Gupta explained that BJP is the only party with an active cadre base at every polling station. "We recently identified booths within every Assembly constituency and deployed a team of workers in each such booth to reinvigorate the party's connection with the electorate. We have demographic data from every pocket of the J&K, and our contact programmes are designed in keeping with local expectations". He

universities, as the file of land transfer is lingering in the offices of Civil Secretariat from one table to another without any serious outcome. There is enormous pressure of students to get admission in Schools as well as Constituent Colleges of Universities but there is huge dearth of infrastructure and basic facilities in both the Universities, he added.

Arun Prabhat astonished to know that the file of faculty recognition of Cluster Universities of Jammu and Srinagar has not been cleared yet in spite of the repeated attempts being made by universities. There is no finance involved in recognition of faculty of Cluster University and as per sources, many directions from top level have been given many times to Finance Department and concerned Higher Education Department to clear this file but still this not happened due to vested bureaucratic interests who did not want to lose control of top city Colleges of Jammu and Srinagar.

He further mentioned that around 170 fresh teaching posts were sanctioned for both the universities but till now nothing has happened owing to some technical hurdles being created from some quarters.



Former Minister and BJP vice president, Surjeet Singh Slathia inaugurating private enterprise at Vijaypur on Wednesday

## Entrepreneurship holds promise to boost employability: Slathia

Excelsior Correspondent

SAMBA, Sept 28: Referring to the big impetus being given to startup initiative by Prime Minister, Narendra Modi to empower the youth, former Minister and the BJP Pradesh vice president, Surjeet Singh Slathia today called for mindset change in order to becoming job providers rather than job seekers.

"Entrepreneurship has the prospect of leading a good life and deriving satisfaction of being a job provider", Surjeet Singh Slathia said while inaugurating two establishments in the private sector at Bari-Brahmana and Vijaypur.

Slathia highlighted the crucial importance of promoting employability and lauded the motivation among youth for not hankering after white collar jobs but instead taking up entrepreneurship, which he described as a viable option for self-sustenance and generating jobs.

He hoped that a positive approach and progressive vision in the private sector can be beneficial to society. It is an ethical responsibility of the entrepreneurs to ensure supply of credible products at affordable prices. Credibility is a huge investment in the business sector and those engaged in entrepreneurship

urged the party cadres to stay in the midst of the public and live up to their expectations.

Vinay in his address asked BJP workers to make aware those who are new voters, especially the youth so that no voters are hindered in making new votes. Gupta said he is confident that the BJP's welfare schemes and outreach to Scheduled Castes and Scheduled Tribes will ensure its victory in the next Assembly election in J&K.

Priya Sethi stated that BJP is ready for elections in Jammu and Kashmir. "We want Assembly elections to be held as soon as possible so that an elected Government comes to power.. We will win more than 50 seats in J&K, which is the mission of the BJP, and by the will of the lord, we will make the Government and the next CM will be from the BJP," she added.

The meeting was also attended by Ashok Kumar Vistark, district general secretaries Anshuk Gupta, Kuldeep Kandhari and Naresh Sharma, district office bearers, Mandal presidents, general secretaries and all Morcha presidents, general secretaries within the Jammu district.

# Tribute paid to Shaheed Bhagat Singh on birth anniversary

Excelsior Correspondent

JAMMU, Sept 28: Different organizations here today celebrated the birth anniversary of Shaheed Bhagat Singh and paid rich tribute to the freedom fighter. Aryans Group of Colleges, Rajpura, near Chandigarh organized various activities for the students at campus.

Dr. Sanjeev Kumar, SDM, Rajpura was the chief guest while Rajeev Kumar, Naib Tehsildar, Rajpura was the guest of honour on this occasion.

Dr. Anshu Kataria, Chairman, Aryans Group presided over the function.

Bravo Company comprising Dogra Degree College and Dogra Law College under the patronage of 4 J&K Battalion NCC conducted an online event on the birth anniversary of Shaheed Bhagat Singh. NCC cadets recited patriotic poems and hosted talks to mark the day.

Cadet Saksham Rampal & Cadet Hem Raj recited poem on the life of Shaheed Bhagat Singh. Cadet Upneet Singh narrated life story of the great martyr. Junior Under Officer, Ankit Singh, also threw light on life of Shaheed Bhagat Singh and sacrifices made by him. Senior Under Officer, Abhishek Singh Chib, hosted a quiz competition on the life story of Shaheed Bhagat Singh. Junior Under officer, Abhishek Sharma, hosted the entire event.

Like every year Shaheed-e-Azam Bhagat Singh Foundation and Jewel Bazar

traders Association organized a function to celebrate 115th birth anniversary of Bhagat Singh at Shaheed Bhagat Singh Chowk, Jammu. Large number of people from all walks of life paid floral tribute to the martyr. Government Ayurvedic Hospital Jammu organized a free medical camp on this occasion which benefitted more than 520 people.

Kulbir Handa, SP Jammu was awarded Shaheed Bhagat Singh Citizens award for his contribution towards the society. The chief guest Dr. S.P Varma, Padamshri, a noted

Gandhian while paying floral tribute to the martyr said that Bhagat Singh was sent by Almighty to grant us freedom from the brutal British rule.

Chairman, J&K Intellectual Civil Society, New Delhi, S.S Sodhi along with others paid rich tribute to the revolutionary leader Shaheed Bhagat Singh on his birth anniversary.

Speaking on the occasion, S.S Sodhi said that Bhagat Singh's supreme sacrifice, sentimental passion and heroism for the nation has set an example of patriotism for millions in the country.

In a statement issued here, today KPC said its stand is firm that carving out one place in Kashmir valley for rehabilitation of displaced Pandits who are in exile for last 33 years.

It said KPC in a meeting at Delhi held under the leadership of its president, Kundan Kashmiri stated that it is very unfortunate that some leaders of KP organisations and activists change their narrative from time to time about rehabilitation of displaced Pandits, as suits them and in this way making fun of the community sentiments.

Kundan Kashmiri said that at

one point of time they demanded one place rehabilitation, then settlement in three clusters in Valley and now changed their narrative for creation of legitimate minority space, means rehabilitation of displaced KPs at their previous locations, Mohallas and towns, which is most disgusting. KP community in general and KPC in particular rejects such narrative which is totally unacceptable, Kashmiri added.

He further said that it is also unfortunate that they termed one place settlement of the community in Valley will be like aliens and asked how the community will live with those people who are responsible for its exodus and exile.

Kashmiri appealed the leaders of such organizations to desist from creating such a new unacceptable narrative which will create confusion within the community and damage their 33 years long struggle.

## Modi Govt's thrust is to nurture women entrepreneurs : Rekha

Excelsior Correspondent

JAMMU, Sept 28: Rekha Mahajan secretary BJP J&K met with Chairman Social Justice Committee Ajay Gupta at Jammu Municipal Corporation regarding various welfare schemes of the corporation for women.

Rekha Mahajan said that the schemes like Pradhanmantri Jan Dhan Yojna ,Pradhanmantri Ujjwala Yojna ,Pradhanmantri Awas Yojna , S u k a n y a S a m r i d d h i Accounts where girls enjoy better interest rate . Women have played an important role from making PPE Kits during the COVID pandemic, contributing to nutrition campaign, Swachh Bharat movement and so on .Today more than eight crore women across the country are associated with Self Help Groups, she added.

Ajay Gupta awared them about various welfare schemes of the corporation and assured them any kind of help even in future when and where required.

# KPC rejects settlement of Pandits at previous locations

Excelsior Correspondent

JAMMU, Sept 28: Kashmiri Pandit Conference (KPC) has totally rejected the fresh narrative created by some organisations for creation of legitimate minority space in Valley and to settle displaced Kashmiri Pandits at their previous locations, Mohallas and towns.

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progress of humanity is incomplete without the empowerment of women. Success comes automatically to those sectors where the representation of women has increased. Making lives of women easier and providing them growth opportunities are among the top priorities of the Modi Government, she said.

She said that major thrust area of Modi Government is to nurture women entrepreneurs

Post specialist docs in Rajiv Gandhi Hospital: Satish

Excelsior Correspondent

JAMMU, Sept 28: Alleging shortage of specialists in Government Rajiv Gandhi Hospital, secretary of State Congress and former Chairman of Jammu Municipal Corporation (JMC) Satish Sharma today demanded posting of specialist doctors in the Hospital.

Addressing a press conference here today, Satish Sharma said due to shortage of specialist doctors in Rajiv Gandhi Hospital

also released funds. But as soon as the power changed in 2015, the BJP changed it to 50 beds instead of 100 beds.

Sharma said, "During COVID, we had got all kinds of doctors posted in this hospital after meeting the senior officers of the health department but few months ago, the Government cancelled the attachment, after which all the doctors were called back from this hospital, leaving just one orthopaedician and dentist."

He said it is very regrettable that Lieutenant Governor Manoj Sinha had himself come to dedicate this hospital to the public but till date no status has been given to this hospital. Accusing the BJP, he said that the big leaders of BJP talk about providing better health facilities to the people, but in reality there is no truth in those promises.

Satish said that if all types of specialist doctors are not sent to Rajiv Gandhi Hospital soon, then they will launch a huge agitation against the Health Department.

On this occasion, Congress' Minorities Department's Jammu District president Baldev Singh Wazir and Block Gandhi Nagar Congress senior vice president Sumanpreet Singh were also present.

# 2 suspended after Deodar tree fallen in Boniyar

Excelsior Correspondent

SRINAGAR, Sept 28: The violators have cut down nearly 100 square feet Deodar tree from Compartment number 33 of forests in north Kashmir's Boniyar.

As per details, the violator was given the sanction to cut a Kairoo tree in the forest compartment in Jhelum Valley Division in Trakanjan of Boniyar in Uri area of North Kashmir's Baramulla, however, apart from cutting down the

Kairoo tree he also took away a Deodar tree.

The locals said that there is a nexus between the various officials and the people who are resorting to such violations and are openly looting the green gold. "It is revealed by the fact that so far no FIR has been lodged and there sure is a nexus going on," one of the locals said.

The officials, however, said that after the action two beat guards have been suspended and an FIR is going to be lodged soon.

DECC hosts 'Job Fair cum Placement Drive'

Excelsior Correspondent

JAMMU, Sept 28: District Employment and Counselling Centre Jammu on Wednesday organized a one day 'Job Fair cum Placement Drive' in its office premises.

The programme started with the welcome address by Deputy Director Employment Jammu, Dr. Manisha Koul, who guided the job seekers regarding the job vacancies available and encouraged them to participate with zeal for the job screening process.

The Career Counselling Session was conducted by Career Counselling Officer, Dushant Singh and Employment Officer, Shivali Choudhary. The focus was on encouraging the youth to enhance their employability skills and avail benefits of Online registration on employment portal(jakemp.nic.in) which has been integrated with NCS portal which has 1.92 Lakh employers onboard.

The participating youth were guided to keep their minds open towards all available opportunities for honing their skills and taking advantage of different Schemes of the Government.

The candidates were made aware of the Self-Employment Schemes of different Government Departments like Agriculture, Horticulture, Animal Husbandry, SC/ST/OBC Corp., Handicraft/Handloom, District Industries Centre , KVIB etc.

Life Insurance Corporation, Innov, City Livelihood Centre and Janbaaz Management Services participated in the job fair and conducted on-spot interview of the job seekers.

Around 150 job seekers participated in the job fair out of which 43 candidates were shortlisted by the companies and 16 candidates were selected.

The candidates shortlisted will be scrutinized and the final selections will be made in coming days.

# 8 vehicles involved in illegal mining seized

Excelsior Correspondent

JAMMU, Sept 28: Jourian, Chinore and Domana Police seized 8 vehicles involved in illegal mining.

As per police sources, a team from Police Post Jourian led by PSI Karmil Singh under the supervision of SHO Akhnoor Inspector Hilal Azhar and SDPO Rural Mohan Lal Sharma conducted raids in its jurisdiction and seized 6 vehicles involved in illegal mining.

Similarly, teams from Police Post Chinore led by PSI Rajesh Kumar and Police Station

Domana led by SHO Inspector Tilak Raj Sharma under the supervision of SDPO Domana Sunil Singh conducted raids and seized two vehicles involved in illegal mining.

DMO Jammu was also intimated about the same.

The mining was being done in violation of order of High Court of J&K.

In order to strictly implement the drive against illegal mining and to tighten noose against the violators of the law, Jammu Police has initiated strict action.



BJP secretary Rekha Mahajan during a meeting with chairman Social Justice Committee Ajay Gupta at Jammu on Wednesday



Congress leaders during a press conference at Jammu.



Congress leaders during a press conference at Jammu.