

Founder Editor S.D. Rohmetra

Curb repeated RTI Act violations

The Central Information Commission has cautioned multiple Public Information Officers of the UT of Jammu and Kashmir for violating the timelines stipulated under the Right to Information Act, 2005. In one case, an RTI application filed before the Block Development Officer in Rajgarh was not responded to, leading to the appellant filing a first appeal, which was also not adjudicated by the First Appellate Authority. The appellant then approached the CIC with a second appeal. The CIC observed that adequate information had been provided, but there had been a significant delay in providing it to the appellant. The CIC cautioned the PIO to ensure such violations do not occur in the future, failing which appropriate action would be taken under the law. In another case, an RTI application was filed before the PIO in the Raj Bhawan Secretariat, but the respondent claimed not to have received the application. The CIC directed the Under Secretary to submit an explanation to the Commission. A similar note of caution has been issued to several other PIOs of the Government of the Union Territory of Jammu and Kashmir by the CIC.

There could be various reasons why some PIOs defy the RTI Act. Some PIOs may not be aware of the provisions of the Act and their obligations under it. Others may lack the necessary resources or training to effectively respond to RTI applications. In some cases, PIOs may deliberately delay or withhold information due to fear of exposing corruption or malfeasance within their department or organisation. There could also be instances of bureaucratic inertia or resistance to change where PIOs may not fully appreciate the importance of transparency and accountability.

The RTI Act, of 2005, provides for penalties in cases of non-compliance with its provisions. If a PIO fails to provide the requested information within the prescribed time limit or provides incomplete or false information, the applicant can file a complaint with the relevant Information Commission. The Information Commission has the power to impose penalties on the PIO, including a fine of up to Rs. 25,000 and a recommendation for disciplinary action. If the non-compliance is found to be deliberate and mala fide. Additionally, if the PIO has provided false information, they may be liable for disciplinary action and criminal prosecution under the relevant laws. It is important for PIOs to take their obligations under the RTI Act seriously and to ensure that they comply with its provisions in letter and spirit.

The RTI Act acts as a deterrent, helps promote transparency and accountability in Government operations, reduces opportunities for corruption, and encourages citizen participation in the fight against corruption. The RTI Act needs to be taken seriously because it promotes transparency, enhances accountability, empowers citizens, prevents abuse of power, and encourages good governance. Frequent disregard of the RTI Act may undermine its effectiveness and diminish the confidence of the general public in the Government's sincerity towards promoting openness and responsibility. When citizens are unable to obtain information, their ability to participate in decision-making and hold public servants accountable for their conduct is curtailed. Refusal by Government officials to share information can foster a climate that favours corrupt practices, leading to a sense of immunity among public servants who may believe they can act with impunity.

It is concerning that in Jammu and Kashmir, officers are repeatedly defying the RTI Act, and it appears that no significant action is being taken against them. This is a serious issue, as the RTI Act is a crucial tool in ensuring transparency and accountability in governance. It is essential that the authorities take the necessary action to ensure compliance with the Act, and those who violate it must be held accountable for their actions. Failure to take any action against those who defy the RTI Act undermines the very purpose of the Act and erodes public trust in the Government.

Free land for BSNL towers in villages

The Administrative Council has approved the transfer of land free of charge to BSNL, a Government of India enterprise, to provide 4G mobile services to all uncovered villages in Jammu and Kashmir. The decision is in line with the Union Government's policy of providing free land for the saturation of 4G services. The scheme will cover 303 villages in J&K and ensure seamless connectivity under the Universal Service Obligation Fund.

The provision of 4G mobile coverage in villages can have a significant impact on the lives of people living in these areas. It can improve access to health services, education, financial services, and other essential services, enabling them to lead a better quality of life. It can also facilitate the growth of local businesses, attract investment, and create job opportunities in these areas, thereby reducing migration to urban areas.

Furthermore, 4G mobile coverage can also play a crucial role in disaster management and emergency response. In times of crisis, it can help authorities quickly disseminate information, coordinate rescue efforts, and enable affected communities to access vital services.

Concerns have been raised over the inadequacy of proposed 4G base transceiver stations (BTs) for the Jammu division, which covers more than 26,000 sq km of hilly and mountainous districts like Rajouri, Poonch, Doda, Ramban, Kishtwar, Udhampur, Reasi, and Kathua. BSNL plans to provide 3,104 e-node BTs for 4G coverage in the Kashmir valley, covering 15,000 sq km. This will involve upgrading 500 existing sites and adding 2,600 new ones. On the other hand, the proposal for the Jammu region is for only 600 4G BTs, which, given the region's size, population, and proximity to enemy nations, is a poorly planned approach by BSNL.

All aspects, must be taken into account. Overall, providing 4G mobile coverage in villages is essential for promoting inclusive and sustainable development, bridging the digital divide, and ensuring that no one is left behind in the journey towards a digital future.

A Maratha who wrote first Dogri short story!

Squadron Leader Anil Sehgal

I am going to tell you a story that you will think I have taken from Devki Nandan Khatri's epic fantasy novel in Hindi, Chandrakanta.

Well, the characters and situations may appear to have certain similarities. But, there is a subtle difference. Chandrakanta is fiction, and I am going to narrate every inch a true story!

Let us go back to the 18th century India, the times of the famous battles of Panipat. Following is the scenario.

Third battle of Panipat has ended. Bhaskar Rao Sathe, a Maharashtrian Brahmin, was a part of the Maratha forces that fought the third battle against Ahmed Shah Abdali. The Marathas lost this famous battle about which we all have been made to read about in our school history books.

Bhaskar had left his wife and a son at Varanasi before joining the battle. The ruthlessness of a battle, large scale killings and the resultant bloodshed had adverse effects on him. He felt dejected and became disenchanted with life, just like the legendary king Ashok a felt after the Kalinga war.

He did not return to his wife and the son in Varanasi. He renounced the world and became a sanyasi. He wandered from place to place, and reached a place called Dograi near Lahore.

Here he happened to meet Raja Suchet Singh of Rannagar who was a brother of Raja Gulab Singh of Jammu.

The present day Jammu & Kashmir was a part of the Punjab those days and Maharaja Ranjit Singh was the emperor of Punjab.

Three Dogra brothers from Jammu were favourites of the Maharaja who suitably rewarded them for their talents and services. He endowed jagir of Jammu to Gulab Singh, Rannagar to Suchet Singh and Poonch to Dhan Singh.

Suchet Singh was impressed with the horse riding abilities of Bhaskar Rao and invited him to his jagir.

Sanyasi Bhaskar Rao Sathe had instantly developed a liking to Suchet Singh, and moved to Rannagar. He spent rest of his life there adopting the Dogra culture, rituals, and the language.

Kashinath, son of Bhaskar Rao, whom he had left with his mother, started off from Varanasi in search of his father. Soon he was united with his father at Purmandal, near Jammu. Bhaskar Rao took his son to Rannagar.

As time passed, in December 1910, a great grandson was born to this sanyasi, at Rannagar. The child was named Bhagwat Prasad Sathe (BPS) who was to later become the first short story writer of Dogri language.

The boy, BPS was the eleventh child of Permand, son of Kashinath. Permand Sathe was a practitioner of astrology and possessed a large library of the books of astrology. His first ten children could not survive.

BPS spent his childhood in luxury as his father

Permand was the commandant of the Rannagar fort and wielded enviable powers.

After middle school education at Rannagar, BPS joined Sri Ranbir High School, Jammu for his matriculation. In the mid - 1920s, he had the luxury of 50 rupees per month as his pocket money. It was considered a large sum those days.

He indulged in expensive clothes, smoked cigarettes, wore well tailored suits with felt hats and shining shoes. He was talented too. He indulged in theatre, played female roles in Ramlila and participated in the local politics.

However, during the Swadeshi movement launched by Mahatma Gandhi, he burned all his expensive imported possessions in the bonfire that was lit in the historic City Chowk of Jammu city.

Sathe also inherited the art and science of astrology from his father, along with a large library of books on astrology.

Before he could finish his graduation, his father Permand died. Bhagwatu, as he was lovingly called, started writing for newspapers like the Dogra Gazette and Veer to augment his earnings.

Around the year 1930-31, Sathe wrote a short story in Urdu, in one of these papers, which can be considered a first draft of the first Dogri short story Pehla Phull.

Those were the days Dogras will not give their daughter to a refugee Maha-

For residence, he hired a big house that he shared with one Sanskrit teacher, Balak Ram Shastri. They became good friends and spent long hours together in discussing their common interest in astrology.

Sathe, a devout bhakt of Durga, claimed he had achieved a siddhi in astrology. He also busied himself in literature and became a Secretary in the Hindi Sahitya Mandal. He spoke excellent Dogri and was an enthusiast when it came to promote the language.

Eventually, Sathe was a part of the Dogra enthusiasts who formed Dogri Sanstha on 29 January 1944, along with Ram Nath Shastri, Dharam Chand Prashant and others.

Sathe functioned as Publicity Secretary of the Sanstha and wrote a few Dogri short stories, starting with "Pehla Phull" followed by "Kurmen da Lahma" and "Mangte da gharat". By 1946 he had

written quite a few short stories and was in a position to publish a collection of them under the title Pehla Phull by the end of that year.

He was a visionary who had great ideas about popularising Dogri and Kashmiri literature all over India through translations. To give shape to his ideas, he founded a publishing house named Mahashakti Prakashan and also formed a publicity concern called Kash-



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mir Publicity Service. But, partition of the country put a stop to his ideas and it upset all his plans.

In the summer of 1948, his neighbour and friend Balak Ram Shastri died of diarrhoea, leaving behind his young and beautiful wife Ratnavalli and her three sons. Slowly, but surely, Sathe was attracted to her and, breaking all social taboos, started living with Ratnavalli. You may call it the first known case of live-in relationship in the Dograland.

How could a widow have a live-in relationship with a married man whose wife is alive? In the 1940s, it was a social shock for an orthodox society like the Dogras and completely unacceptable. But, Bhagwatu had the guts and the temerity to break all the social taboos.

Sathe kept writing in Dogri, Hindi and Urdu. Soon, he returned to politics and joined the National Conference. But, in a short time, he was disenchanted. At this time, his earnings were meagre and responsibility of Ratnavalli and her

children was telling on his financial health.

He moved to Mumbai with her lady love and the kids to try his hand at his astrological abilities. Be it Jammu, Haridwar, Katra, Varanasi, Mumbai or Ayodhya, Bhagwat Prasad always carried with him his large library of books, mainly the books on astrology.

Somehow, the shift to the erstwhile Bombay did not work well for him. He was forced to supplement earnings by writing for Hindi magazines like Dharmayug and other periodicals. He also worked for top advertising firms and did translation works too. But, all through, he continued his love for Dogri.

He lived in Mumbai for 17 years, published second edition of his astrology book Hastarekha Vigyaan, and got a daughter, Suryakumari, from Ratnavalli. Finally, he was almost settled when he got a call from Jammu.

Dogri Sanstha had invited him to return, and return he did. Duggar and Dogri were always close to his heart. But, somehow things could not work out as planned.

Assignments assured at the Jammu and Kashmir Academy of Art, Culture and Languages, did not materialise. All his hopes were belied. Also, new faces had started appearing in Dogri literature. He realised he did not have much to offer left in him. For the first time, dejection enveloped this enthusiastic pioneer of Dogri literature.

His health suffered adversely. He had had bouts of bronchitis that finally consumed this passionate Dogri litterateur on 6th May 1973, at Jammu Ayurvedic College hospital.

Bhagwat Prasad Sathe was a romantic deeply in love with beauty, especially the feminine beauty, which is evident from his short stories.

He had good measures of sympathy and empathy for fellow humans. He had a feeling heart for the downtrodden and the suffering. In fact, he was a free spirit with independence of thoughts that were uncompromising.

Sathe was a giver who generously gave whatever he could. Unfortunately, his friends failed him miserably when he needed their love and care.

B P Sathe is a pioneer in Dogri who gave the language a firm literary infrastructure to stand on. Before him, Dogri language was not considered fit enough to produce good literature. It was considered a mere dialect. Sathe gave the language literature respect and acceptability.

Literary output of Sathe in Dogri is rather small, but it has given the language her first short story, Pehla Phull, and also given a literary faculty to the language. He gave us two collections of short stories, two novels of translations in Dogri and a few prose essays.

In the words of Dogri critic and historian Shivanant: these works are very significant and important in the development of Dogri literature. His contributions are pioneering in nature, and ensure a permanent place for him in the history of Dogri literature.

security men get martyred. Latest terrorist attack on the military truck in Poonch area which resulted in martyrdom of five army personnel demonstrates the point. Surely the ground situation is far from instilling confidence in the mind of an ordinary resident that he can breathe peacefully in Kashmir.

Security forces are on the streets, Kashmiri Pandits continue to languish in camps outside the Valley and people live in fear stricken.

The situation, however, is not as worse as it was in 1996 to 2014 when Assembly elections were held at regular intervals. If local body elections can be held there is no reason for withholding Assembly poll. But then one has to contend with the political angle. That election wise J&K doesn't provide a low hanging fruit for the rulers at Delhi to pluck. If Karnataka Assembly election doesn't go their way - would they risk assembly election in Kashmir giving same route?

Signals coming from the Valley reveal that resentment is growing against the Central Government for delaying Assembly election. G OI has readymade Yatra to explain the delay. Upcoming Amarnath Yatra will consume better part of the summer 2023, besides stretching security forces to the limit. Autumn will see holding of G 20 meeting in Delhi. This will be the period when no Government in Delhi can afford any misadventure in J&K. Thereafter, preparations for 2024 General Election will get underway, pushing JK Assembly elections farther. Under these circumstances it looks unlikely that "Basic Structure" imperatives will weigh over political considerations of the ruling class.

(The author is former Principal District & Sessions Judge)

Delayed Assembly Poll- A violation of "Basic Structure" Principle

B L Saraf

Date 24th announced the last week of the month of April, 2023. Normally, there is nothing notable in a date which denotes the beginning of a week or a month. But 24th April has a history behind in as much as on this day, in year 1973, a cloak of invincibility was put around certain features of Chapter 111 of the Constitution of India and citizenry rights triumphed over the possible dictatorial State actions. An inviolability of sorts from the State actions was bestowed on the Fundamental Rights, guaranteed to the Indian citizens by the Constitution which are encapsulated in this chapter. This day has added significance because it marks the golden jubilee of Kesavananda Bharti case where in Supreme Court prescribed the "Doctrine of Basic Structure" which has now been accepted by the legislature, executive and the people of India and has spread across the Globe.

We leave delicate legal and academic significance to other day and concentrate only on the broader aspects of the "Doctrine Of Basic Structure", to the extent it is germane to J & K's political atmosphere prevailing today, and see if reading some aspect of the "Doctrine" will help salvage situation and recreate much missed democratic ambience. While deciding the Kesvananda case the Supreme Court concluded "Parliament cannot alter the basic structure or frame work of the Constitution." The Judgment, however, did not define what would be the basic structure or the basic features. Now it is well settled that these include principles of federalism, secularism, separation of powers, independence of judiciary and

free, fair and period elections. None of these features can ever be taken away by Parliament.

Coming to the Assembly elections, the UT Chief Electoral Officer said in an interview to local daily (D E , 23 April) that " three elections are scheduled in J & K during current financial year namely, Panchayats , Municipalities and Parliament while Assembly polls are due . " Summary revision of voters list is going on. Panchayat and the Municipalities will complete five year term in October - November. While he sounded specific about the calendar of Local Bodies elections such exactness was missing in case of the Assembly election. With respect to the election CEO merely said "they are due." Well Assembly election is due since 2018. For the last five years the erstwhile state of J & K is without a State Assembly. Therefore, it is time to analyze whether denial of election constitutes a violation of the "Basic Principle" doctrine, when holding of "a periodic, free and fearless "election is an integral component of it.

The election noise was heard soon after the delimitation report came out, year or so ago. After lying dormant for some time the noise has become a bit louder, today, in political circles of the UT. The election , as and when held , will elect ninety odd MLAs which in turn will form a popular Government and relieve JK of the central rule which in one format set in 19th June 2018 when , Sataypal Malik ,the then Governor of J&K , invoked Section 92 of the Constitution of Jammu and Kashmir and assumed, for himself, the charge of state administration , after BJP withdrew from the Mehbooba Mufti led PDP - BJP coalition Government. The action was initiated for the reason, now, well known which certainly not the one set

was forth as a prelude to the action.

With the expiration of stipulated time period prescribed by Section 92 of J&K constitution provisions of Article 356 of the Union Constitution were resorted to and the state came under President's rule. The arrangement lasted till 31st October, 2019 where after , in consequence of coming into the effect of The Jammu And Kashmir Reorganization Act 2019 (Act shortly) , state got bifurcated into two Union Territories with both coming directly under the administration of Ministry Of Home Affairs , GOI . President's rule was revoked and to continue with the arrangement Art 239 of the Constitution and Sec 73 of the Act were pressed into the service. As things show up there seems to be no end to the prevailing situation - at least not in near future as CEO's interview would indicate. We may continue being denuded of full citizenry rights and bereft of a democratic Government in whose making one could have played some part.

In the autumn of the previous year the HM Amit Shah said that security situation has improved and it was for the Election Commission to take a call on holding Assembly election in J&K. L G Sinha echoed same sentiment. Before that - a year ago - the HM Amit said in a TV interview that in J & K Assembly Elections will be held within 6 to 8 months after delimitation report is available. The report is available for quite a time now. It is no secret that in case of J & K MHA has the last word. Election Commission, with all the pretence of autonomy, falls in line.

Security situation in J&K has not improved to the satisfactory levels. Civilians die, as do the

security men get martyred. Latest terrorist attack on the military truck in Poonch area which resulted in martyrdom of five army personnel demonstrates the point. Surely the ground situation is far from instilling confidence in the mind of an ordinary resident that he can breathe peacefully in Kashmir. Security forces are on the streets, Kashmiri Pandits continue to languish in camps outside the Valley and people live in fear stricken.

The situation, however, is not as worse as it was in 1996 to 2014 when Assembly elections were held at regular intervals. If local body elections can be held there is no reason for withholding Assembly poll. But then one has to contend with the political angle. That election wise J&K doesn't provide a low hanging fruit for the rulers at Delhi to pluck. If Karnataka Assembly election doesn't go their way - would they risk assembly election in Kashmir giving same route?

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(The author is former Principal District & Sessions Judge)

Digital payments gaining momentum in India

Girish Linganna

A woman named Subamma, holding her young child, prepares to go to work selling clay pots in Somanahalli Kanakpura Road, a village on the outskirts of Bangalore City. Across the country, millions sell roadside items for a living. However, the old-fashioned practice of trading goods for money is stepping into the digital era.

A QR code and a speaker can be found in front of Subamma's stall. Through the speaker's built-in SIM card, her customers can make online payments, and the speaker reads out a payment confirmation message to buyers and sellers, informing them that their payment has been successful.

India is transitioning from a cash-first society to a cashless one through QR codes and sound boxes. The number of people carrying cash has dropped dramatically over the past few years. Subamma lives in the shacks she and her family built on the same road and does not have a bank account. They set up a QR code last year after a family friend suggested it. In order to make this for them, he used his own bank account and an Aadhaar number, a government-issued identification code. With an app, she tracks her money and retrieves cash from him as needed.

"To start with, I found the system slightly problematic," she says. "But, slowly, I learned to get past the difficulties and it's now become a far easier and more user-friendly system than dealing in cash." India's scan-and-pay system has transformed the way businesses operate in the country. With apps like Paytm and PhonePe, millions of people can use the online system of transaction across the

country.

India's economy had lacked QR codes for years, compared to Singapore's, South Korea's and China's. Since the early-2000s, China has pioneered digital payments and now has an array of super apps, including Alipay and WeChat, that combine social media, ride-sharing and digital payments.

Despite being relatively new to the fintech game, India has significantly expanded its fintech sector since 2016. Almost 40% of the payments are now digital in the once cash-only economy. A recent report by PhonePe and Boston Consulting Group estimates that this amount is close to US\$3 trillion, with this figure expected to reach US\$10 trillion by 2026.

Small signs and QR-coded sound boxes installed at roadside shops across India now proclaim vendors selling all kinds of items - from cigarettes to bidis to clay utensils. Codes are also found in pop-and-mum stores, eateries, clinics and shopping malls. Nearly 300 million people and 50 million merchants currently use the National Payments Corporation of India (NPCI).

As a result of India's digital revolution, which seeks to integrate more of its massive population into its formal economy, this online payment system may be its most pronounced example. An example of India's digital revolution is, perhaps, this online payment system, which aims at integrating more of the country's massive population into the formal economy.

The Indian population is embracing new technology at an increasingly rapid rate in recent years. The number of smartphone users in the country now exceeds 700 million, according to rating

agency ICRA. In India, mobile data rates are among the lowest in the world as a result of fierce competition among telecom providers. It is estimated that Indians consume almost 17 gigabytes of mobile data on an average every month - higher than the 15 gigabytes consumed in North America and 13 gigabytes in China.

The greatest benefit of a digital-payment network is how millions of unbanked people in India have been able to tap into the financial system and make transactions with ease. Moreover, it is transformational for an economy dominated by cash and informality.

Economic growth in India is largely driven by private consumption, and both urban and rural areas are experiencing a boost in tech consumption. A digital payment infrastructure also became more necessary in 2016, when Prime Minister Narendra Modi's government outlawed large-denomination currency to combat undeclared "black money" and corruption.

The country's cash to the tune of 86% was demonetized instantaneously. The move had a devastating effect on India's heavily cash-dependent economy and, particularly, on small businesses. So, walking the digital path became essential for the government, according to observers. With the increased demand for online shopping during the Covid-19 pandemic, it became even more crucial.

Indian officials launched the 'Digital India' programme in 2015, hoping to achieve "faceless, paperless and cashless" financial transactions for everyone. Providing citizens with biometric iden-

tification numbers was made possible through the Aadhaar initiative launched in 2009. There are now 99% of adults with an Aadhaar number, which allows them to open bank accounts.

With the Unified Payments Interface (UPI) launched in 2016, banks and mobile payment apps can make direct online payments without additional fees. UPI handled more than 8.65 billion transactions worth more than \$170 billion in March, according to the NPCI, which oversees the platform. With UPI, citizens can communicate and transact without their data being entrusted to companies like Google or Meta.

The government must make sure that the UPI system does not become dogged by the same problems plaguing China's vast digital-finance system, experts say. "There are still concerns about how effectively Beijing can regulate its fintech services given their horizontal spread, tendency to gobble up data and the ways in which privacy is compromised, making end consumers vulnerable to risks," an expert says. "India could have a substantially different experience if strict regulatory frameworks were put in place."

A cross-border transaction system, called PayNow, was launched by India and Singapore on February 21, enabling low-cost and faster cross-border payments. Amitabh Kant, one of India's top G20 event coordinators, says that India hopes to promote its digital transformation story globally as it hosts this year's summit. In general, small-business owners are embracing the digital transformation at the local level.

(The author is a Defence and Aerospace analyst.)