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**JAMMU AND KASHMIR
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D E B A T E S

Official

Report

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P R E F A C E

With great pleasure and honour, I present the proceedings/ debates of the 105th Session (Autumn Session, 2011) of the Jammu and Kashmir Legislative Council. The verbatim reports of the proceedings/debates of the Legislative bodies are not a mere narration of Questions, Replies, Adjournment Motions, Resolutions, Discussions and Bills etc. As a matter of fact, they are a rich source of contemporary history. They provide detailed information on all matters touching the life of a citizen and bring to light the political, economic and social conditions of even the remotest parts of the State. Besides, they serve as a mirror of the hopes and aspirations, concerns and apprehensions of the people as voiced by its chosen representatives. Moreover, these debates are the convenient tools of interpretation for the courts to interpret laws of the land by ascertaining the intention of the Legislature in enacting a particular law.

The Rules of Procedure require that the Secretary has to arrange for the preparation of a full report of the proceedings of each sitting of the House. Accordingly, everything said in the House—every question, remark and speech—is meticulously recorded by the Reporters. The entire proceedings of the day's sitting have to be edited, translated, compiled and printed to perfection.

The last time complete proceedings of the Legislative Council have been published was in the year 1989. From 1990 till 1996, the State was under the Governor's Rule. From 1996 onwards, except for a couple of selected day's proceedings, the practice of publishing the proceedings of the House has been discontinued. Perhaps the Secretariat has not been able to accomplish this job due to shortage of manpower, more in terms of quality than the quantity. Reporting of the proceedings is a highly specialized knowledge-intensive job carried out under great pressure, demanding utmost concentration and intellectual effort. Physical stamina, mental alertness and quick reflexes are the essential attributes of a Reporter's job, without which he cannot deal with situations like the one which usually prevails in the House during the Question Hour testing the competence of even the most experienced Reporter. Reporters have not only to correctly identify the Members asking the questions and the Ministers giving the answers, but also to record every

word of what is said, including the often rapidly-quoted figures, names and unfamiliar technical words. The job of editors and translators is equally specialized and technical.

It is a well known fact that the Council Secretariat is in dire straits for want of skilled and specialized staff as far as reporters, editors and translators are concerned. In this backdrop, undertaking the job of compilation and publication of proceedings of the House after a long gap of 23 years was by no means an easy task. This monumental work has been a product of teamwork of officers and staff of the Council. I express my thanks to them for making this huge task possible. I also express my profound thanks to Hon'ble Chairman of the Legislative Council who was exceptionally liberal in extending every kind of help and support to me in the accomplishment of this monumental task.

The proceeding of the 104th Session (Budget Session, 2011) have also been completed but for the delay in printing by the Government Press, these proceedings could not be made available as scheduled. It is expected that the proceedings of 104th Session would be published within a week's time. It is our resolve to make the publication of proceedings of the House a regular feature now on.

Although utmost care has been taken to ensure that this publication is brought out without any mistake, yet it is possible that some unintentional errors might have crept in, for which we would offer our regrets. As there is always a scope for improvement, we would welcome suggestions for further improving and fine-tuning of our job. We look forward for your suggestions and guidance.

Sd/-
(Mohammad Ashraf Mir)
Secretary

All proceedings of the Autumn Session, 2011

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The Council met in the Council Hall, Srinagar at 10.30 AM.

Mr. Deputy Chairman, S. Arvinder Singh Micky, in the Chair

Mr. Deputy Chairman : Good Morning.

Shri Javed Ahmad Rana: Sir, a question of mine regarding appointment by JKPSA was tabled in this House yesterday. The Hon'ble Minister has also assured that the waiting lists of general category and the ST category would be operated simultaneously. But, today, we came to learn that 4 candidates from the General category have been called for Medical Test whereas ST candidates have been left out which gives a wrong signal. So, I would request the Chair to kindly direct the government to operate the ST waiting list and call 4 candidates from the ST category as well.

Mr. Deputy Chairman : Question Hour starts,

Sheikh Ghulam Rasool: Sir, C. Q. No. 219.

Will the Government be pleased to state :-

- (a) The composition of the State Commission for Backward Classes as per Law and the present status of the Board;
- (b) Whether it is a fact that the Members of the Commission are being appointed strictly in accordance with the provision of the Act and that the Members other than Scheduled Castes/Scheduled Tribes are not eligible to be the members of the said Commission;
- (c) If answer to part(b) is Yes, will the Government please indicated the names of Members of the SC/ST appointed in violation of the Act;
- (d) Will the Government indicate the methodology being adopted by the Commission in determining the Backward Classes and the criteria laid, if any;
- (e) If absence of any criteria as aforesaid, will the Government indicate on which the Commission has recommended backward classes and the Government so approved. In case, no such criteria is prescribed, will the Government indicate the steps being taken to prescribe the methodology and criteria and also the agency supporting to Commission to facilitate the Commission in fulfilling its objective in spirit of the Backward Commission/Act;

Mr. Deputy Chairman : Hon'ble Minister to reply.

Reply. Miss Sakina Itoo (Minister In Charge Social Welfare):-

- (a) The Commission comprises of 5 members which includes the Chairperson of the commission.

As per section 3(2) of the J&K State Commission for Backward classes Act 1997, the Commission shall consist of the following members nominated by the Government.

- a) Chairperson who is or has been a Judge of the Supreme Court or a High Court;
- b) An eminent educationist;
- c) A person who has at least two years held the post of a Secretary to the Government or any other post under the Government which is not less than that of a Secretary to Government and shall in either case, have adequate administrative experience;
- d) Two persons preferably belonging to Backward Classes who have special knowledge in matters relating to Backward Classes;

There shall also be a Secretary to the Commission who shall be person with adequate administrative experience and holding a post of Additional Secretary or its equivalent. Presently the Commission consist of Chairperson and a Member.

- (b) There is no bar under the J&K State Commission for Backward Classes Act 1997 in appointing persons belonging to SC/ST and General category to the Commission. Scheduled Castes/Scheduled Tribes or general category person can be nominated as Member if he is an eminent educationist or a person who has for at least two years held the post of a Secretary to the Government or in case where person belonging to backward Classes who have special knowledge in matters related to Backward Classes, can not be identified for nomination;

- (c) So far the following persons belonging to Scheduled Castes/Scheduled Tribes have been nominate as Members of the Commission:

S/Shri

1. B. L. Bharadwaj (Educationist)
2. Ghulam Mustafa Khan (ST, RBA)
3. R.K. Chanyal
4. O. P. Baru
5. Madan Lal

- (d) The J&K State Government constituted J&K State Commission for Backward Classes in the year 1995 in pursuance to apex Court's Judgment in Indra Sawhney case of 1992. The Commission is empowered to recommend to the state Government the areas / villages for declaring them a educationally and socially backward. The criteria for declaring a village /area as backward is educational and social backwardness. The J&K State commission for Backward Classes is the body entrusted with this work. The J&K State Commission for Backward Classes is governed by the J&K State Commission for Backward Classes Act 1997. It receives representations from citizen of various villages/areas/social castes of J&JK State and they are listed in the Commission under Section 8(2) of J&K State Commission for Backward Classes Act 1997, and has devised the procedure through J&K

State Commission for Backward Classes (Business and procedure) Rules, 1998. The Commission after receiving the representations from various areas/villages/social castes invited objections from general public regarding the inclusion of the villages/areas/Social castes by publishing notice in the news papers. Generally a period of one month is given to the public for sending objections regarding villages /areas/social castes for inclusion in backward class and also the parties are given enough opportunity to establish their cases by providing evidence orally or documentarily etc. Under section 10 of the Act the Commission has powers of a Civil Court and can call for evidence from any person, record, documentary evidence etc. the Commission has devised a format consisting of 53 indicators which is sent to the revenue authorities of the district for receiving the information.

The format/questionnaire is sent to the deputy Commissioner's office for furnishing information. After receiving the information from the Revenue field staff, the Commission in order of priority holds the meeting about the cases and its meeting, the cases are disposed of and the decision is communicated to the Government.

Even in some cases wherever the commission feels necessary personal visits are also paid to areas in order to cross check the information provided by the Revenue authorities.

Section 9 of the J&K State Commission for Backward Classes Act 1997 defines the functions of the Commission:-

- i) The Commission shall examine requests for inclusion of any class of citizens as a backward Class in the lists and hear complaints of over inclusion or under inclusion of any Backward Class in such lists and tenders such advice to the government as it deems appropriate.
- ii) The advice of the Commission shall ordinarily be binding upon the Government.
So far criteria for recommending the villages for inclusion in the list of Backward class/area is concerned the Commission after scrutinizing the report received from the concerned revenue authorities forms its opinion whether the people residing in particular area are socially and educationally backward. On consideration of the Commission unanimously or with a majority vote resolves that the villages/area qualifies for its inclusion in the list as defined under section 2(d) of the J&K State Commission for Backward Classes Act 1997 read along with section 2(o) of J&K Reservation Act, 2004 and recommended the cases to the Government for its inclusion in the list of Backward areas/class. The Government formally vide notification declares the area/village as socially and educationally backward and included it in backward class.
- (e) The methodology and criteria has already been stated in (d). The Commission is supported by revenue Authorities who provide the Commission with information regarding the area/village as per Form devised by the Commission.

Mr. Deputy Chairman : Any supplementary.

Sheikh Ghulam Rasool: Sir, I am thankful for such a detailed reply and it leaves hardly any scope for supplementary questions. But, a couple of clarifications arise out of it. Government has mentioned that members of Scheduled Tribes and Scheduled Castes are on the Board. If you read section 3(2)(d) of the Act, that says- two members preferably should be from the Backward Classes. The idea was that the Commission being basically for the Backward Classes, the Backward Classes should also be given representation on the Commission, so that complaints get minimized.

So, my request to the Hon'ble Minister and the government would be that when they make appointments to the Commission, they should keep in view the spirit behind the law. At the moment, the Commission is having only one Chairman and only one Member. I think that the Commission has not fully provided members to make it effective. The government should take decision quickly to make the Commission functional.

My second supplementary would be relating to the mechanism which has been mentioned in the question in detail. But these details are not given in the Act or in the rules. My point is regarding the methodology to determine the economic criteria, the backwardness. The backwardness should be scrutinized by some expert committee. The idea was that you must have some qualified members on that expert committee, but my experience is that the areas which have been identified are possibly not backward and the people who have been left out deserve more. So, my request to the Hon'ble Minister would be to kindly devise a mechanism which is acceptable and secondly, the methodology and the mechanism adopted should be provided in the rules and should be a part of the procedure and there should be an expert committee.

Mr. Deputy Chairman : Sheikh sahib, would you need any information from the Hon'ble Minister.

Sheikh Ghulam Rasool: Sir, I think the Hon'ble Minister has taken a note of my concern and they would give due consideration upon it.

Mr. Deputy Chairman : Hon'ble Minister may take a note of his findings. Next Question.

Haji Ali Mohammad Bhat: Sir, C. Q. No. 9.

Will the Government be pleased to state :-

- (a) Whether an education zone office has been established in every development block of the state;
- (b) Whether it is a fact that a Block Education office is yet to be established at Block Wakoora, thereby badly effecting the educational activities of the said block;
- (c) Whether it is also a fact that a case favoring establishment of the aforementioned office in the said block stands forwarded to the office of the Director Education vide No. :- CEO/Plg/1739-43, Dated : 20-07-2009;

- (d) Whether the Hon'ble Chief Minister directed the Director Education in his review Board meeting to come up with the necessary formalities to this effect, so that it is approved by the Cabinet, but nothing has been done so far on this score;
- (e) If reply to the above parts be in the affirmative, when it intend to establish the education zone office in Block Wakoora?

Mr. Deputy Chairman : Peerzada Mohammad Syed to reply.

Peerzada Mohammad Syed, Hon'ble Minister for Education:-

- (a) No Sir ; as the education zone is not coterminous with the CD/NES Block;
- (b) Yes Sir;
- (c) Yes Sir;
- (d) Yes Sir;
- (e) The proposal is under consideration of the Department and is being examined in light of work load of the existing zone.

Haji Ali Mohammad Bhat: Sir, the reply is satisfactory. The Hon'ble Chief Minister, presiding over the District Development Board Meeting, felt and decided that Wakoora, consisting of more than 100 schools, would be declared a separate Education Zone as it is quite distant from Srinagar and Ganderbal as well. All the teachers are frustrated in absence of such an arrangement. So, I would like to know as to how long would the government take to implement the decision of the Hon'ble CM with regard to establishment of an Education Zone at Wakoora.

Peerzada Mohammad Syed, Hon'ble Minister for Education : Sir, I agree that Wakoora needs to be declared as a separate Education Zone. But certain formalities need to be fulfilled first. As and when we get the concurrence from Planning and Finance Departments, we would declare it as a separate education zone.

Mr. Deputy Chairman : Next Question.

Shri Mohammad Yousuf Taing: Sir, C. Q. No. 39.

Will the Government be pleased to state :-

- (a) Whether it is a fact that the splendid Mughal Garden, Shalimar Bagh is in the process of degeneration and dilapidation;
- (b) Is it also a fact that the water supply to fountains of the said garden has been discontinued, as a result the reservoir of the glorious pavilion (Baradari) has dried up, which has become the reason of disappointment for the tourists;

- (c) Is it also a fact that the path leading to the grand Pavillion (Baradari) has also been closed and the tourists are not able to observe its splendor;
- (d) Does it intend to take immediate steps for the restoration of this magnificent heritage and if so, when it will materialize?

Mr. Deputy Chairman : Shri Sham Lal Sharma, Hon'ble Minister to reply.

Shri Sham Lal Sharma, Hon'ble Minister for Floriculture :-

- (a) No Sir.
- (b) The water supply to the fountains in the gardens has not been discontinued and most of the fountains are working properly except for a few, which are not functional presently. Few of the fountains, which are not functioning, are not being restored immediately as that would necessitate discontinuation of the water supply to the pavilion (Baradari) and its channel, which cannot be done at this time because of the tourists visiting the garden in large numbers. During 2011-12, so far, 275,000 visitors visited this garden till date. The reservoir of the pavilion is also full of water.
- (c) The path leading to the garden pavilion has not been closed. However, for carrying out cleaning of the Bara-dari, it is closed for a few hours on weekly basis to facilitate the cleaning process.
- (d) The restoration of the prominent features of this heritage garden is a continuous process. Works in this regard are taken in hand in a phased manner. The INTACH, J&K Chapter, is also consulted for restoration of the heritage works.

Shri Mohammad Yousuf Taing: Sir, I am grateful to the Hon'ble Minister for the reply. I would like to point out a couple of things. The pathways of the Shalimar garden have been cemented which goes against the architecture of the garden. In other gardens, stones have been fixed on the pathways. So, I would request the Hon'ble Minister to do so in Shalimar Garden as well.

Secondly, the sound and light show should be revived in the garden, which has a great historical importance and would attract tourists as well.

Shri Sham Lal Sharma, Hon'ble Minister for Floriculture : Sir, restoration works are being carried on in all our heritage gardens which attract tourists. These gardens had been in a very dilapidated condition during and after the turmoil. We have tried to restore all our 22 gardens be it Verinag, Achabal, Darachhiko, Chashma-i-Shahi or others. We have used Devri Stone on the pathways in these gardens and have been using technical expertise as well, be it Bara Dari or other heritage gardens. We also have been getting funds from the Central Government. I would like to assure that the restoration works would be completed within the next couple of years.

Now, regarding the sound and light Show, I have already moved a proposal for its revival and have requested the Hon'ble Chief Minister to provide adequate funds for the same. I have proposed two such shows in Srinagar and one in Bahu-fort, Jammu with an additional provision for a musical fountain. For these, I would require at least Rs. 3 crores and we would be outsourcing it.

Dr. Bashir Ahmad Veeri : Sir, Bijbihara and Achabal have also been mentioned. I would appreciate the efforts of the government for restoration of the gardens. But, I would draw the attention of the Hon'ble Minister towards the dusty pathways of Achabal park which lead to the Baradari. During the Urs, the park gets exploited. So I would request the Hon'ble Minister to devise a mechanism to restore the glory of the park.

Mr. Deputy Chairman : Question to be tabled by Mr. Mohammad Ashraf Mir is deferred and would be taken up later today on the request of the Hon'ble Minister. Next Question.

S. Dharambir Singh Oberoi : Sir, C. Q. No. 129.

Will the Government be pleased to state :-

- (a) Whether it is a fact that there is no Minority Commission in the State ;
- (b) If so, whether it intends to constitute a Minority Commission in the State, if yes, when?

Mr. Deputy Chairman : Miss Sakina Itoo, Hon'ble Minister to reply.

Miss Sakina Itoo, Hon'ble Minister for Social Welfare :-

- (a) Yes Sir.
- (b) At present, there is no proposal for constituting a Minority Commission in the State.

S. Dharambir Singh Oberoi : Sir, I had discussed this matter with the Hon'ble CM and he directed the Commissioner/ Secretary to look into it, I would like to know the progress in this regard. We have a Gujjar Board, Pahari Board and Council for Ladakh, so why not for Sikhs. They are being totally ignored. I would like to know the number of Sikhs appointed in the government services during the last five years. A Sikh Committee frequently approach me with the complaint that nothing is being done in this regard. So, I would request the government to look into the matter. While we have Minority Commissions in all the states, why not here. I would also request the Hon'ble Minister to take up the matter with the Hon'ble CM.

Mr. Deputy Chairman : Madam, I just want to seek some information regarding this. We have a 15 point programme for the Minorities and we have also got a package from the Hon'ble Prime Minister of India. There is also resentment from the Minorities that the distribution is not proper. So why there is a delay in constituting a Minority Commission? It would not be for Sikhs only but for other Minorities as well including Buddhists.

Miss Sakina Itoo, Hon'ble Minister for Social Welfare : Sir, I just want to say that the National Minority Commission has no jurisdiction over the Jammu and Kashmir State. The question of identification of minority concentrated districts will be considered by the State Government at appropriate time. Govt. of India, Ministry of Minority Affairs has accordingly informed that since the Central Act namely the National Commission for Minorities Act, 1992 does not extend to Jammu and Kashmir State and the State also does not have a State Minority Commission Act, therefore, no state level or district level commission has been constituted in this state. As far as the 15 point package is concerned , the same has not been properly used. As the specific question was regarding the constitution of the State Minority Commission, I would definitely look into it and inform the House accordingly.

Sheikh Ghulam Rasool: Sir, the Hon'ble Minister said that the National Act does not extend to the State of Jammu and Kashmir. Why cannot we have our own Minority Commission here. We have got the Kashmiri Pandit Minority, Sikh Minority in the State.

Shri Murtaza Ahmad Khan : Sir, I also want to know from the government whether they intend to extend the jurisdiction of the Central Act or they want to introduce their own legislation in the Jammu and Kashmir Legislature and create our own Minority Commission.

Shri Ajay Kumar Sadhotra: Sir, I would like to ask the Hon'ble Minister if they contemplate to constitute a Minority Commission and if so, would it be done in a time bound manner. Our Sikh Community always feels deprived of their representation.

Miss Sakina Itoo, Hon'ble Minister for Social Welfare : Sir, if the Hon'ble Members have gone through the reply, they would know that at present there is no such proposal for the constitution of the Minority Commission in the State. When the government would deem it necessary, the matter would be examined and if need arises, we would introduce our own legislation. As Hon'ble Member, S. Dharambir Singhji has mentioned about the representation he submitted to the Principal Secretary, I would definitely look into it and examine the same.

Mr. Deputy Chairman : Next Question.

Shri Agha Syed Rizvi: sir, C. Q. No. 89.

Will the Government be pleased to State:-

- (a) Whether it is a fact that a considerable no. of posts of Doctors in most of the Hospitals of District Kargil is lying vacant causing acute hardships top the patients;
- (b) If so, When these vacancies will be filled up stream-wise details of the vacancies of doctors be placed on the Table of the House?

Mr. Deputy Chairman : Shri Sham Lal Sharma, Hon'ble Minister to reply.

Shri Sham Lal Sharma, Hon'ble Minister for Health:-

- (a) The information is given as under :

S. No.	Category of the post	Sanction	In position
1.	B-Grade Specialists	52	11
2.	Assistant Surgeon	94	28
3.	Dental Surgeon	09	08

02 sanctioned posts of A-Grade specialists in District Kargil are promotion quota which will be filled when promotion in favor of B-Grade Specialists is considered.

Besides under NRHM 03 Assistant Surgeons, 03 ISM Doctors and 88 para-medical staff have been engaged on Contract basis.

- (b) The department has referred B-Grade Specialists and Assistant Surgeon posts to PSC for selection of suitable candidates. As soon as selection is received the vacant posts of Doctors will be filled. The vacancy position of Doctors discipline-wise in District Kargil is give as **Annexure "A". (For Annexure see part 11 page 1)**

Shri Agha Syed Rizvi: Sir, I am grateful to the Hon'ble Minister for the information. He stated that out of 94 posts of Assistant Surgeons, 28 of them are still vacant. He has also stated that steps would be taken to promote B Grade doctors to A Grade. So, I would seek an assurance from the Hon'ble Minister that the vacancies would be filled up as early as possible.

Shri Sham Lal Sharma, Hon'ble Minister for Health : Sir, it is a fact that Kargil is a far flung area of our state which remains cut off from rest of the state for nearly seven long months. Keeping this in view, this government had sanctioned these posts for the area and 600 posts of B-Grade Doctors have also been created.. About 1400 doctors, including

Unani and ISM. are in place till date. For 600 posts, interviews are being conducted by the PSC. I assure that the shortfall would be filled up within this financial year only.

Shri Agha Syed Rizvi: Sir, I would request the government to declare the whole district as a difficult area and would seek an assurance in this regard.

Shri Sham Lal Sharma, Hon'ble Minister for Health : Sir, it is the prerogative of the GOI to declare an area difficult, most difficult or inaccessible. We have taken up the matter with the GOI, for not only Kargil or Leh, but for other as well including Bandipora, Kupwara, Poonch, Rajouri, Doda, Kishtwar, Ramban, Reasi, Udhampur, Kathua etc. I hope that they would be designated soon and I am perusing this matter. Just like the Horticulture Technology Mission, GOI have issued separate guidelines for the hilly terrain states, like Himachal, Uttaranchal and Jammu and Kashmir. I have requested them to categories the districts on this pattern only and issue guidelines accordingly for the Centrally Sponsored Schemes.

Mr. Deputy Chairman : C. Q. No. 120.

Dr. Bashir Ahmad Veeri : Sir, C. Q. No. 120.

Mr. Deputy Chairman : Minister In Charge.

Miss Sakina Itoo, Hon'ble Minister for Social Welfare : Sir, I would like to submit that the question pertains to two deptts. The Social Welfare Deptt had prepared their part of the reply but information regarding the other part was still pending on the part of the other Deptt. Otherwise, the reply would have been furnished.

Mr. Deputy Chairman : So, the question is deferred. Next Question.

Shri Ghulam Qadir Pardesi: Sir, C. Q. No. 143.

Will the Government be pleased to state :-

- (a) Whether the Sports Department has taken existing playing field in hand for its development from Khanmouh to Khimber including a play field in Vethpara, Soietang in Sonwar Constituency;
- (b) If yes, what is the status of the works being executed;

- (c) Why the area is being denied this legitimate right of the youth?

Mr. Deputy Chairman : Shri Abdul Gani Malik, Hon'ble Minister to reply.

Shri Abdul Gani Malik, Hon'ble Minister for Higher Education:-

(a&b) Two school playing fields namely Middle School Soieteng and Boys High school Khimber are being developed by Debit to District plan 2011-12.

- (c) Due to limited resources, development of play fields is being considered in a phased manner. However, during 2009-10, 1 play field at Middle School Zawan and during 2010-11, one play field at Boys High School Balhama of the Sonwar constituency have been developed under District plan.

Shri Ghulam Qadir Pardesi: Hon'ble Chairman Sir, the way question has been replied shows that my apprehensions are absolutely correct and the government has done nothing so far. It has been stated that the two school playing fields namely Middle school Soiteng and Boys High school Khimber are being developed. The fact is that the fields already exist and need not to be developed. Those fields which need to be made playable are not even mentioned. With your permission, I would like to say that in Khimber, there is a playing field donated by the local residents of the area which is still in a deserted condition. It has not been even mentioned. I have time and again raised these issues during the previous session as well. So, I would like to ask the government whether they contemplate to develop at least a couple of playing fields in the Sonawar Assembly Constituency.

Shri Abdul Gani Malik, Hon'ble Minister for Higher Education : Sir, as I have stated that as and when we get the resources, the work on the playing fields would be taken up in hand in a phased manner. And two playing fields are being taken up and the resources have been earmarked. As far as playing fields are concerned, the schools which have land available for the purpose are taken up and resources are arranged for them. One would observe that there has been a rise in sports activities in the state from the last one year whereas allocations for sports purposes are very meager. Development of sports infrastructure is the priority of the government. Likewise, the school playfields will also be developed in a phased manner.

Shri Ghulam Qadir Pardesi: Sir, had that the government has done little bit to promote sports activities in state, I would not had raised a cry over here. We still have playing grounds which need to be developed. Last year playing field at Zahoora was under discussion. The statement of the Hon'ble Minister that Rs. 80 lacs have been spent on development of the field is absolutely incorrect. I had requested the Hon'ble Minister to pay a visit to the place to ascertain the facts but it has not been done so far. I still hope that the

Hon'ble Minister would consider this issue and compare the works done there with those done in other constituencies.

Mr. Deputy Chairman : Next Question.

Shri Mohammad Ashraf Mir: Sir. C. Q. No. 98.

Will the Government be pleased to state :-

- (a) Reasons for non-functional of city complexes constructed by Srinagar development Authority particularly Sangarmal and Athwajan;
- (b) Is it a fact that these complexes are non-functional because of the absence of a cancellation clause in the agreement executed at allotment stage;
- (c) What measures have been taken so far in order to make these complexes functional or operational as no purpose has been achieved?

Mr. Deputy Chairman : Shri Nasir Aslam Wani, Hon'ble Minister to reply.

Shri Nasir Aslam Wani, Hon'ble Minister of State for Home:-

- (a) 1. Maximum no. of shops in Sangarmal Shopping Complex have been allotted and are open. The remaining shops have recently been put to auction and will be allotted in due course. The functioning of Sangarmal Shopping Complex was effected last year due to disturbance in the Valley.
2. No shopping mall at Athwajan has been constructed by the SDA. However, SDA has constructed a Squatting market consisting of 2409 spaces at Bus-Stand Pantha Chowk (near Athwajan) out of which 216 spaces stand allotted.
- (b) 1. No sir, there is a cancellation clause in the allotment order as well as in the license deed vide which allottees are bound to make their shops operational, with in a period of one month failing which allotment shall stand cancelled.
- (c) 1. All out efforts were made by the SDA to make the Sangarmal and other complexes functional. Notices have been issued to the allottees to operate shops failing which their allotment shall stand cancelled. Healthy response to the notices has been received and a number of shop keepers have made their shops operational. The Sangarmal complex is almost functional at present except for some shops which too are under process of allotment.

Shri Mohammad Ashraf Mir: Sir, the Hon'ble Minister has brushed his shoulders with such an ease but it is a matter of grave concern. I would like to ask all my colleagues to pay attention. I would like to say that we have three complexes, one at Sangramal, one

workshop at Athwajan and one done ahead of time at Athwajan. These three properties worth 50-60 crores. Belong to SDA which are getting wasted from the last three years. Hon'ble Minister is advocating that there is maximum occupation. I would like to tell him the factual occupation and the rent which they yield to the government, the number of cancellations and allotments. The government has not put it to auction. The response is too low. So, I would like to know their marketing strategy.

Shri Murtaza Ahmad Khan: Sir, do they have any plan to construct new shopping malls at different areas in Srinagar which would give a face lift to the city keeping in view the traffic overload especially in the old city.

Shri Nasir Aslam Wani, Hon'ble MoS for Home : Sir, Murtaza sahib has rightly stated that we should strategize according to the changing times and come up with such shopping complexes. So, we have decided to re-look into the master plan and specify places to construct shopping complexes.

Now, Ashraf Mir sahib has emotionally raised a concern about the three shopping complexes. Regarding the Multipurpose Shopping Complex, Sangramal constructed by the SDA, it has a crafts bazaar with 38 shops. In the module, there are 62 shops and office spaces, 2 food courts and 1 restaurant. Out of these, 52 shops, 5 spaces and 2 open courts have been allotted by proper auction.

Now, regarding Pantha Chowk complex, there are 240 open spaces which could be used, out of which 216 have been allotted. So, I do not think that there is a poor response. Last year all of us were busy due to the disturbances, so we could not push these properties as investment is not an hasty thing to do. We are doing our best to fetch sufficient income from these complexes.

Shri Mohammad Ashraf Mir: Sir, I totally differ with Hon'ble Minister. Marketing is being done on a day to day basis. I would like to know the amount of expenditure on the marketing. Our space worth Rs. 2- crores is lying vacant since the last three years. What he has to say about the huge depreciation the property is incurring and what about the unrealized rents. What was the fun of constructing such huge complexes. The one at Athwajan is still lying vacant, the government should go for a desperate selling. So, what was the need to put the state exchequer at stake while such a poor response has been generated, despite heavy marketing.

Mr. Deputy Chairman : How could you say this out of 240 shops, 216 have already been.

Shri Mohammad Ashraf Mir: Sir, we need to see the value of the property. We could not even fetch adequate rents. These are in the heart of Srinagar.

Shri Nasir Aslam Wani, Hon'ble MoS for Home : Sir, the Hon'ble Member has tried to raise the emotions of the House. But I would like to apprise the House that notices have been served to the occupants who have acquired the shops but have not yet started their business. So we would take action according to the law if they do not start within the stipulated period of time. We would re-auction them. These complexes are the requirement of Srinagar city. We will make more of them so that more and more people get involved in this kind of trade. We should not wait anyone but would start from today so that the city gets developed and the state matches up with other states.

Shri Mohammad Ashraf Mir: Hon'ble Sir, the Hon'ble Minister has not yet stated as to how many cancellations have been there, how many notices have been served.

Shri Nasir Aslam Wani, Hon'ble MoS for Home : Sir, the details regarding cancellations and notices are not with me as the Hon'ble Member had not asked about the data specifically. Whenever he tables the question, the same would be answered.

Mr. Deputy Chairman : Next Question.

Ch. Nizam-ud-din Khatana: Sir, I have a submission. I would request you to kindly permit me to raise question No. 231 instead of 234.

Mr. Deputy Chairman : Do the House permit him to raise the other C. Q.

Hon'ble Members : Agreed.

Ch. Nizam-ud-din Khatana: Sir, C. Q. No. 231.

Will the Government be pleased to state :-

- (a) Total sanctioned strength of teaching staff in Govt Huigh school Kachwan Zone Shangus, Anantnag;
- (b) What are the norms for constituting a Village Education Committee?

Mr. Deputy Chairman : Peerzada Mohammad Syed, Hon'ble Minister to reply.

Peerzada Mohammad Syed, Hon'ble Minister for education :-

- (a) The details are as under :-

Nature of post	Sanctioned	In position
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	strength	
Head master	01	01
Master	03	03
Teacher	07	06

- (b) As per the binding norms for implementation of centrally Sponsored Schemes, panchayat Raj institutions are the ultimate authorities to implement /monitor these schemes at the grass root level.

In the J&K state, Village level Committees were constituted vide Circulars issued under No. Edu/Plan-Edu/Plan/184/2000 dated 19.10.2000. the Village education Committee was finally reconstituted vide Govt. Order No., 1126-GAD dated 22.09.2011 has empowered the PRI institutions in a three tier system to implement and monitor the schools in the State.

Ch. Nizam-ud-din Khatana: Sir, as far as part(a) is concerned, it has been rightly stated that one Head Master is posted there. Three Masters are there, but only one is working. And out of 7 teachers, only five are discharging their duties. Sir, I would like to request the Hon'ble Minister to enquire into it. Being a local resident, I have myself checked the staff position.

As far as part (b) is concerned, I would like to read out something:

"Raising of fingers against the VEC of the village Khatnadi of Zone Bidder. A representative of Sarpanch Panchayat Halqa Krelpora vide his letter has come up with the allegation against the existing VEC for the aforesaid village. His main plank in the plea is that the members of the Committee are not of the village in question and residence of one of the Member, Mr. Anwar Khatana in the case is an issue."

Sir, Mohammad Anwar Khatana does not belong to the village for which the VEC is constituted. Secondly, Mr. Gulzar Ahmad, who is a cook has been discharging the duties of the Accountant. Third person, Mr. Junaid is a forest guard and has been included as a Member. The Committee has been constituted in the year 2005. I seek justice from the House. The concerned sarpanch reported before the DC who wrote to the CEO and then the staff was deputed. Then I would read out the report ;

"With reference to the subject matter, it is humbly submitted that the report has been obtained from the Head Master, Village school Kathnadi. The CEC is already in position in the school vetted by the Hon'ble Minister of Education who is the concerned MLA. Now the present Sarpanch of the village is pressing hard to reshuffle the present VEC by inclusion of his followers, "

Then another Committee was constituted on the spot by the Sarpanch, ZEO and the District Education Officer, planning. But, the same was not allowed to function. I would also submit the voter list of the village for your perusal.

Peerzada Mohammad Syed, Hon'ble Minister for Education : Sir, according to the orders recently issued by the government regarding the Panchayati Raj institutions, the Sarpanch, if literate, would be the Convener of the VEC, while the Head Master of the concerned school is the Member Secretary. Two representatives of the parents (literate) whose wards are studying the school, one woman member, preferably literate, will be a Member, one representative of SC/ST, one teacher/academician will be a Member of the VEC. This is according to the powers delegated to the Panchayats under the Panchayati Raj Act. So, there should be no complaint.

Ch. Nizam-ud-din Khatana: Sir, the new committee hence nominated is not being allowed to function, while a resident of some other village is functioning as a Member to the VEC. I have also submitted a documentary proof in your honour in this regard.

Mr. Deputy Chairman : This issue is more related to VEC than the issue of teachers.

Ch. Nizam-ud-din Khatana: Sir, both the issues go simultaneously. How could an illiterate cook function as an Accountant.

Peerzada Mohammad Syed, Hon'ble Minister for Education : Sir, according to the new provisions of the law, the Sarpanch is the Convener. The fact of the matter is that a son of the Hon'ble Member is the Sarpanch of the village and he has migrated to Jammu. So he is more concerned about him. Anyways, I would look into the matter.

.....Cross talks.....

Mr. Deputy Chairman : Next Question,

Shri Mohammad Amin Bhat: Sir. C. Q. No. 118.

Will the Government be pleased to state :-

- (a) Whether it is a fact that ISM Hospital Anantnag has become defunct due to the non-availability of Doctors;
- (b) Whether it is also a fact that the number of unemployed ISM Degree Holders is continuously increasing day by day in state;
- (c) If reply to part (a) & (b) above be in the affirmative, will it provide employment to all the unemployed ISM degree holders of the State so that the scarcity of Doctors in the ISM Hospitals is addressed?

Mr. Deputy Chairman : Shri Sham Lal Sharma, Hon'ble Minister to reply.

Shri Sham Lal Sharma, Hon'ble Minister for Health :-

- (a) The Unani Hospital Anantnag was run on internal arrangement basis, however the hospital could not be run due to the detachment of the staff deployed earlier for running the hospital in view of the orders of the Hon'ble High Court;
- (b) Yes Sir;
- (c) No Sir, however the department has engaged the doctors under NRHM Schemes to tide over the scarcity of ISM Doctors.

Shri Mohammad Amin Bhat: Sir, I would invite the attention of the Hon'ble Minister towards the ISM District Hospital, Anantnag. Former Hon'ble Health Minister, Ch. Lal Singh inaugurated the Hospital and it functioned effectively for a period of two years and around 2000 patients were checked up/treated on daily basis. Then after three years, the hospital became non-functional and equipment worth crores of rupees got wasted. I have been raising this issue in the Board Meetings as well and in the previous Session also. The Hon'ble Minister had also assured that it would be functionalized, they have also given the reply in affirmative. The govt also agrees that the number of degree holders is increasing day by day who have adopted the agitation path. So, I would like to know about the Hospital and that how long will they take to recruit the doctors under NRHM ?

Shri Sham Lal Sharma, Hon'ble Minister for Health : Sir, first of all, for the information of the House, I must say that none of the Unani Hospitals has ever been designated as District Hospital or having an indoor patient facility. Before 1980, we had a Unani hospital where patients were treated and there was one Ayurvedic Hospital in Jammu also, which we are going to revive which would have the indoor patient facility as well. So, I would like to put the record straight. The Hon'ble Minister stated that at one time, 2000 patients got treated from the ISM Hospital, Anantnag, but being a Minister, I do not think that we get 2000 patients per day all over the state. The hospital was provided on political considerations, which is against my policy. I focus on provision of adequate patient care facilities and not such political considerations. I am the only Minister to constitute a Committee within the department to check out more than 500 institutions provided only on political considerations right from 1987 which were running on the basis of internal arrangements. I am sure that health and education sectors could not function on such adhoc arrangements and with such a casual approach. If we see, more than 800 allopathic doctors get trained every year, while more than 500 get trained in ISM. But, we are short of resources to utilize the services of such trained technocrats, from other fields as well, be it Engineers etc. They have to build their future on their own, as the government do not have the resources to provide jobs to all of them. Regarding the NRHM, I have time and again been making people aware of its objectives. The objective is not to provide employment to the trained technocrats, it was rather, in the first instance, to check the Infant Mortality Rate, as the IMR and MMR rates in India are greater than those in Bangladesh and

Srilanka. So, it should not be correlated with provision of employment. So, I would request the Hon'ble Member to study the guidelines under NRHM.

Mr. Deputy Chairman : Next Question.

Shri Bashir Ahmad Magray: Sir, C. Q. No. 04.

Will the Government be pleased to state :-

- (a) Whether it is a fact that during his visit to some villages of District Pulwama, the concerned Hon'ble Minister has assured the inhabitants of village Tumlahal that the existing sub-centre would be up-graded as an allopathic dispensary;
- (b) If so, when this commitment would be fulfilled?

Mr. Deputy Chairman : Shri Sham Lal Sharma, Hon'ble Minister to reply.

Shri Sham Lal Sharma, Hon'ble Minister for Health :-

(a&b) No Sir.

Shri Bashir Ahmad Magray : Sir, when the Hon'ble Minister visited Pulwama, residents of the area requested the him to convert the Sub-centre into an allopathic dispensary. I would request him to consider their request in the larger interest of people.

Shri Sham Lal Sharma, Hon'ble Minister for Health : Sir, it is a fact that the Hon'ble Member took me into a political gathering where, a charter of demands was laid including this demand as well and I agreed to consider the demand and examine it following the due course. So, it is already in process and I assure the Hon'ble Member that if the unit gets recommended by the District Development Board, we would provide the same, but it would not be an allopathic dispensary but a PHC.

Mr. Deputy Chairman : Next Question.

Shri Javed Ahmad Rana: Sir, C. Q. No. 20.

Will the Government be pleased to state that :-

- (a) Is there any proposal with the Government for establishment of Municipal committee Mendhar;
- (b) If so, details thereof and if not, why not?

Mr. Deputy Chairman : Shri Nasir Aslam Wani, Hon'ble Minister to reply.

Shri Nasir Aslam Wani, Hon'ble Minister of State for Home :-

- (a) Yes Sir.
- (b) The case was not considered for declaration as Municipal, Committee as the local area Mendhar does not fulfill the eligibility criteria fixed for declaration of a local area as a Municipal Committee. The population of Mendhar primarily dependent on occupation other than Agricultural Practices is 42 % whereas as per the eligibility criteria mentioned in Government order No., 204-HUD of 2004 dated : 27-07-2004, it should be 70%.

Shri Javed Ahmad Rana: Sir, when the government was formed under the leadership of Jenab Mufti sahib in 2002, Mendhar was declared a Municipal Committee, approving the demand of the public and on the recommendations of the District Development Board. But, unfortunately till date proper notice has not been issued to this effect. The concerned officer has written to the government in this regard, who I think has misguided the government. While our population is more than 5000, which is the basic criteria for such declaration, but the officer has written to the government that more than 42 % of the population is dependent on occupations other than agricultural practices, which is absolutely incorrect. Our people have been struggling for this since long and we are facing problems on this score. Recently there has been a flood causing huge damages to life and property. The panchayat do not have adequate funds for restoration works. While the government takes the plea that the area does not have Municipal Committee which could have raised funds and make efforts in this direction. I would like to know as to what action would they take against the officer who has submitted incorrect reports to the government.

Shri Murtaza Ahmad Khan: Sir, I have the same concern. Javed Sahib has rightly stated that each Hon'ble CM has declared in every Board meeting that a Municipal Committee would be provided for Mendhar. So, i would like to know as to when the government would notify the same.

Shri Nasir Aslam Wani, Hon'ble Minister of State for Home : Sir, it is a fact that 70% of the population should be engaged in occupations other than agriculture. But, the report says that it is 42%. If the Hon'ble Members do not agree with the reports, we would once again check it out and if the concerned officer had deliberately submitted a mis-leading report, he would be brought to book.

Shri Javed Ahmad Rana: Sir, I would request the Hon'ble Minister to submit the report to the House during this Session and also that the Mendhar be declared a Municipal Committee during the pendency of this very Session. If the Hon'ble Chair allows me to read out the criteria, I could read out the same. So, I would like to ask whether the government would declare Mendhar as a Municipal Committee within a short period of time.

Shri Murtaza Ahmad Khan: Sir, I would request the government that if the need arises, the rules or the criteria be relaxed keeping in view the repeated assurances by successive Chief Ministers during the Board meetings.

Shri Nasir Aslam Wani, Hon'ble Minister of State for Home : Sir, I could not promise that it would be done during the pendency of this session or within a short period of time. Rest, I would assure the Hon'ble Members that after the Session, we would sit and discuss the matter with the concerned officers and I am sure that a way out would be found in this regard.

Mr. Deputy Chairman : The Question Hour is over.

(Starred Questions tabled but not discussed)

Starred C. Q. No. 224, Shri Ravinder Kumar Sharma :-

Will the Government be pleased to state :-

- (a) What is the number of B. Ed. Colleges district-wise along with the sanctioned strength of seats and enrollment of candidates in each college during the current academic session;
- (b) The number of complaints received by the respective Universities of Kashmir and Jammu with regard to conduct of examination viz unfair means etc, due to negligence, connivance of staff/Managements of these B. Ed. Colleges, the nature of complaints, the action taken in each case;
- (c) Is there any proposal to bring reforms to deal with complaints of absenteeism and the conduct of examination in these colleges?

Reply. (Minister for Higher Education)

- (a) There are 144 B. ed. Colleges in the State. The details are as under :-
Private Sector : 142
Government : 02

District wise and college-wise enrollment of candidates for the current session and session 2010-11 in respect of Jammu Division B. ed. Colleges is given in **Annexure A (For**

Annexures see part 11 page 2-4). However, in respect of Kashmir Division the enrollment of private B. Ed. Colleges for current session cannot be determined at this stage as the process of admission is still on/. The enrollment of Kashmir Division for the last session 2010-11 is annexed at **Annexure B. (For Annexures see part 11 page 5-7)**

(b) Total No. of complaints received by Kashmir/Jammu Universities are as under :-

Jammu Division	=	09
Kashmir Division	=	78
Total	=	87

In the year 2009, 89 cases of unfair means /misconduct were reported during conduct of B. Ed. Examinations. However, only 78 such cases were reported during 2010. All these cases have been decided by the unfair means Committee of the Kashmir University for scrutiny of Unfair means/misconduct cases and accordingly the punishments have been awarded. With regard to University of Jammu, the University authorities have proposed realization of heavy fine from erring colleges for which the recommendations of the Committee constituted for the purpose are under process for approval of the competent authority.

(c) The measures to control absenteeism of students have already been initiated by the Universities through the conduct of surprise inspections of these colleges from time to time.

The examination branch of the Universities have also constituted flying squads to oversee the conduct of examinations in these colleges. The extra steps necessitated in this direction have also been taken by shifting the students from one centre to other centre where ever required for the fair conduct of examinations. The Government has also constituted two High Level Committees for identifying all the major abbreviations in the functioning of existing private B. Ed. College in the State for undertaking necessary corrective measures.

Starred C. Q. No. 234, Shri Nizam-ud-din Khatana :-

Will the Government be pleased to state :-

- (a) Whether it is a fact that the educational institutions in the Kokernag constituency are under staffed;
- (b) If so, the reasons thereof?

Reply. (Minister In Charge School Education)

(a & b) Government Degree College Kokernag has ten sanctioned posts of Lecturers, out of which one has been filled up on regular basis and the remaining posts have been referred

to Public service Commission for selection. Against vacant posts, 9 candidates have been engaged on academic arrangements to overcome the paucity of staff.

The details of Teachers, master and Lecturers in the Schools of Breng constituency is as under :-

Category of post	Sanctioned	Working	Vacant
Lecturer	161	33	128
Master	181	155	26
Teacher	1050	933	117

123 candidates have been engaged on academic arrangement as contractual arrangements to overcome the deficiency of the staff.

Starred C. Q. No. 195, Syed Mohammad Rafiq Shah :-

Will the Government be pleased to state :-

- (a) Whether it intend to include the Pahari and Gojri languages in the educational curriculum permanently. If so, when?

Reply. (Minister In-charge Education)

- (a) Pahari and Gojri languages have already been introduced by the J&K Board of School Education. The text books of Pahari and Gojri for classes 1st to 5th have been prepared and are very much available. Moreover, textbooks for classes 6th to 8th are in the pipe line. Steps have been taken for development of Class 9th and 10th Pahari and Gojri text books.

Starred C. Q. No 176, Master Noor Hussain :-

Will the Government be pleased to state :-

- (a) How many Urdu Teachers have been appointed in the primary/Middle Schools in Jammu region since last ten years;
- (b) What is the total requirement of Urdu teachers in the aforesaid region and how many schools are functioning without Urdu Teacher there. District-wise be please furnished?

Reply. (Minister In Charge School Education)

- (a) Teacher is District cadre post and the selection of teacher is made by the SSB strictly on merit basis and not on subject specific basis. Teachers appointed by SSB for the last ten years in Jammu Division and knowing Urdu given as under :-

District	No. of Urdu knowing General Line Teachers
Jammu	43
Samba	16
Kathua	293
Reasi	816
Udhampur	55
Ramban	40
Doda	33
Kishtwar	146
Rajouri	571
Poonch	212
Total	2225

Besides above 7901 Urdu knowing ReT Teachers have been engaged details are as under :-

District	No. of Urdu knowing General Line Teachers
Jammu	126
Samba	13
Kathua	210
Reasi	935
Udhampur	94
Ramban	775
Doda	789
Kishtwar	634
Rajouri	1818
Poonch	2507
Total	7901

(b) District wise requirement of Urdu knowing and number of schools functioning without Urdu Teachers is as under :-

District	No. of Urdu knowing Teachers required	No. of Schools functioning without Urdu Teachers
Jammu	155	155
Samba	19	18

Kathua	132	132
Reasi	247	103
Udhampur	125	35
Ramban	00	00
Doda	80	40
Kishtwar	150	110
Rajouri	323	27
Poonch	47	00
Total	1278	620

Starred C. Q. No. 122, Dr. Bashir Ahmad Veeri:-

Will the government be pleased to state :-

- (a) Whether it is a fact that since Horticulture crop being highly perishable and requires special attention in their harvesting, handling, packaging, storage and processing operations, 10% losses occur at field level, 5% during transportation, 2% during packaging, 9% at storage and 4% at processing, aggregating to above 30% losses;
- (b) Whether it also a fact that lack of cold storage force growers to sell produce at cheap rates and due to unpredictable behavior of the only connecting National Highway to outside state ruins the fresh fruit crop to the extent of 4 lac tones apple on a average every year;
- (c) If so, what measures have been undertaken under Technology Mission to avoid these losses and how many cold storage chains have been established and are functional at present, under plant protection machinery list of beneficiaries from Anantnag may be provided and whose recommendation, sprayers, pumps, pump sets, power tillers have been distributed and what mechanism was adopted;
- (d) Does the Government intend to provide post harvest management infrastructure plant protection apparatus, fruit mandis, cold chain, etc, under the technology Mission in the area of Bijbihara, Pahalgham belt at the places Marhama, Sirhama, Cheeri, Wuddar, Badroo, Sallar, Nowshara, Khiram which contribute to fruit production work Rs. 350 crore annually which is also equivalent to 10% of its State produce, if yes, when?

Reply. (Minister I/C Horticulture)

- (a) Yes sir, horticulture crops are highly perishable and requires special attention during harvesting, packaging, storage and processing. It is also a fact that about 30% losses are estimated which take place during post harvest operations. However, the percentage of losses vary from crop to crop, location to location and even during the season.
- (b) At present, under private Sector storage facility is available to the stent of 33150 mts in the State which is insufficient to cater the actual requirement of cold storage. However, the

department has initiated the measures to create cold storage facilities in the State under centrally Sponsored Scheme, Rashtriya Krishi Vikas Yojan (RKVY) and projects are being formulated for NABARD funding.

- (c) To avoid post-harvest losses, the department has taken pro-active measures for the establishment of cold-chain facility. Presently 18 no. of cold storage in the private sector are available in the state, (3 in Kashmir Valley having storage capacity of 12550 mts. and 15 in Jammu Division having Storage 2600 mts). Horticulture Mission For North-East And Himalayan States (HMNEH) Scheme provided incentives for establishment of Cold Storage facility on 50% subsidy.

Further, the assistance for plant protection machinery is provided to the growers who approach the department for availing benefits of the schemes. The department ascertain the genuineness of the growers, requirement of the items, etc. Even the public representatives also endorse the application which are also being entertained as per norms/ guidelines of the scheme. As per the policy of the government, the farmers select plant protection machines/ other equipment of their choice and negotiate rates at their level with the vendors. The department provides the assistance as per norms to the beneficiaries in the shape of payees account cheque. Various registered /reputed companies are being asked to display their products on a notified day and the respective beneficiaries are asked to attend the Melas and select product/item of brand/product are directly affected by the beneficiary. Beneficiary makes payment to the company/dealer/vendor and the department reimburses the assistance to the grower in the shape of payee's Account Cheques. The list of beneficiaries for Anantnag District is enclosed **Annexure "A"**. (For Annexure see part 11 page 8-13).

As regards providing plant protection equipment etc., in villages of Marhama, Sirhama, Cheeri, Wuddar, Badroo, Sallar, Nowhsra, Khiram, the department is providing assistance for such equipments in all areas /villages including the villages as reflected above. The details of assistance as provided in some of these villages is reflected at S.No. 1-208 in the enclosed Annexure "A".

- (d) There are 3 Fruit and Vegetable Markets at Kulgam, Shopian and Pulwama, where facilities for selling of Horticulture produce are available. 1 terminal market at Jablipora is being established for which the case regarding transfer of state land is under process.

2 Apni mandis at Nunmai, Yaripora and Puchhar Pulwama have been established. The above mentioned post harvest management infrastructure is catering to the requirement of post harvest management in the areas like Marhama, Sirhama, Cheeri, Wudar, Badroo, Sallar, Nowshera and Kiram.

As regards providing plant protection equipment in villages of Marhama, Sirham, Cheeri, Wudar, Badroo, Sallar, Nowshera, khiram, the Department is providing assistance for such equipments in all the areas /villages including these villages. The details of assistance provided is reflected at S, No. 1 -208 in the enclosed **Annexure "A"** (For Annexure see part 11 page 8-13).

Starred C. Q. No. 130, S. Dharambir Singh :-

Will the Government be pleased to state:-

- (a) Whether it is a fact that a number of appointments /engagements of various cadres in local bodies of J&K out of local funds or government exchequer have been made since 2004;
- (b) If so, the full details may please be furnished along with names/parentage and addresses of those appointed /engaged?

Reply. (Deputy Chief Minister - Minister I/C Housing & Urban Development)

- (a) Yes Sir.
- (b) 1. The full details along with names, parentage, addresses of those appointed ./engaged in SMC, JMC and Urban local Bodies, Jammu division is enclosed as **Annexure A, B & C** respectively. (Annexures not available)
2. The information in respect of Directorate, Urban local Bodies, Kashmir is being collected.

Starred C. Q. No. 142, Sheikh Ghulam Qadir Pardesi :-

Will the Government be pleased to state :-

- (a) As to what relief, board of School education gives to the students whose name or parentage or caste is wrongly or incorrectly recorded in their certificate;
- (b) Are the requests of students applying for change of name/parentage disposed off with some Judgment or are they being rejected with deciding those requests on merit;
- (c) What decision has been taken in case No. 420 of 2007, details be furnished?

Reply. (Minister In Charge Education)

- (a) All those students who apply for correction in name/parentage/DOB/Caste, under a prescribed form are considered on the basis of the school record and merit. Once any variation is observed between school and Board records, the necessary correction is inserted, strictly on the recommendation of the High power Correction Committee.
- (b) The correction cases in the name/parentage/caste etc where the candidate desires to change are purely decided on the production of substantial proof from respective agencies i.e., only on the basis of revenue or religious fervor/school record and are referred to the Correction Committee. In all such cases the Admission record from school is brought to

ensure any variation between school and Board records and further to ensure that the case is within time limitation. The Committee is constituted and meeting is convened as and when the above formalities are completed, all such cases are considered on individual merits.

- (c) The correction case bearing No. 420 of 2007 has already been considered and disposed of by the High Power Correction Committee and the decision stands conveyed to the concerned candidates vide Order No. 95_CERTs –B of 2005 and 46 –CERT-1/B of 2007 dated 05.10.2005 and 22.05.2007 respectively.

Starred C. Q. No. 8, Haji Ali Mohammad Bhat :-

Will the Government be pleased to state :-

- (a) Whether it is a fact that Block Wakoora is situated at a distance of 20 kms from the District Headquarters Ganderbal;
- (b) Whether there is a long pending demand of the people to establish a community Health Centre at Block Wakoora, and in the review Board meeting held on 16 December, 2010, the Hon'ble Chief Minister had directed the Director Health Services to start the necessary process for the purpose, with the aim to get it sanctioned in the Cabinet;
- (c) If so, will they establish a community Health Centre Block Wakoora, on priority, in the near future?

Reply. (Minister In Charge Health)

- (a) Block Wakoora is situated at a distance of 15 Km from the District Head Quarters Ganderbal;
- (b&c) In pursuance to the DDB Decision 2007-08 and review meeting of 2010-11 of District Ganderbal, the proposal for up gradation of OHC Wakoora to the level of CHC along with creation of posts was submitted to planning and Development Department for approval.
- However, the Planning & development Department has advised this department to revisit all the creation proposals in view of huge financial implication involved.

It is worthwhile to mention here that near about 10,000 posts of doctors/para medics/other supporting staff are required to be created to implement these DDB decisions & fulfillment of commitments of HCM for the period 2002-2010.

Starred C. Q. No. 97, Shri Mohammad Ashraf Mir:-

Will the Government be pleased to state :-

Work wise details of expenditure incurred by Housing & urban Development Department on drainage system, fencing/footpaths etc on Boulevard road from Dalgate to Hazratbal Dargah via foreshore road during past five years?

Reply. (Deputy Chief Minister- Minister In Charge H&UD)

The work-wise details of expenditure incurred by Housing & urban Development Department on drainage system, fencing etc. on Boulevard road Dalgate to Hazratbal Dargah via Foreshore road during the past five years is as under :-

1. Works executed by LAWDA :-

<u>Name of Works</u>	<u>Financial achievements</u>	<u>Physical Achievements</u>
Trunk sewer	411.64	1644
Re-modelling of drains	63.84	1345
Secondary laterals	2200.06	34824
Sewage pumping station Intermediate Pump Station at Nishat (Civil and Mechanical Component)	77.56	100% completed
Parapet walls from Kralsangri to Nishat under Shoreline development	72.73	2300
Toe wall slope treatment from Kralsangri to Nishat under Shoreline	101.60	2305
Installation of Lighting of NFR from Nishat towards Habak (1 st 2 Kilometers)	25.75	--
Sewage Treatment Plants Habak, Hazratbal and Laam	26.51	100% completed
Ornamental grill fencing from Nishat to Habak along NFR:	68.00	4315

2. Works executed by Srinagar Municipal Corporation :

Construction of Lane Drain and other works- 78.05

The work-wise/year—wise details of expenditure incurred during the last five years is enclosed at **Annexure “A” & “B”**. (For Annexures see part 11 page 14-18)

Starred C. Q. No. 235, Shri Nizam-ud-din Khatana :-

Will the Government be pleased to state :-

- (a) Whether it is a fact that about 80 to 90 residential sheds have been sanctioned for the schedule caste and backward poor residents of the slum areas of the Kokernag Municipal Committee;
- (b) If so, the details of beneficiaries with name /parentage / addresses be furnished?

Reply. (Deputy Chief Minister- Minister In Charge H & UD)

- (a) In Kokernag Municipal Committee, 82 dwelling units have been sanctioned under IHSDP Scheme of JNNURM for the BPL beneficiaries. Out of these 49 beneficiaries belong to Social Caste.
- (b) The details of beneficiaries with name, parentage, addresses is given at **Annexure “A”**. (For Annexure see part 11 page 19-20)

Starred C. Q. No. 123, Dr. Bashir Ahmad Veeri :-

- (a) Whether it is a fact that three Buildings have been constructed at Sirhama, Marhama and Khushroo, Kalan in the Bijbihara constituency for the housing of three primary health centres at respective places;
- (b) Whether it is also a fact that some blue eyed contractors were allotted the construction work of the aforementioned building;
- (c) Whether it is also a fact that in gross negligence of the norms, some middle/matric pass persons engaged on HDF are providing treatment to the patients;
- (d) Will they please furnish the details of the staff posted in three aforementioned Primary Health Centres since their up-gradation.
- (e) Will they also equip said PHCs with all necessary facilities?

Reply. (Minister in Charge Health)

- (a) PHC buildings of Sirhama, marhama and Khushroo Kalan in the Bijbihara constituency stand completed and made functional;

- (b) The works of the Health department are got executed through different executing agencies and department is not directly involved for allotment of works.
- (c) The services of the qualified Doctors are being provided to the patients in health institutions. The persons engaged under HDF are just assisting the paramedical staff in various Health Institutions.
- (d) The details of staff position of PHC Sirhama, Marhama and Khushroo Kalan are given at **Annexure "A"**. (For Annexure see part 11 page 21).
- (e) The following equipments are available at PHC Sirhama, Marhama and Khushroo Kalan.

However the possibilities for providing of additional equipments to these PHCs shall explored as and when funds are available for the purpose.

S. No.	Name of the Institution	No. of equipments		
		X-ray	ECG	Dental Chair
1.	Sirhama	01	01	01
2.	Marhama	01	01	01
3.	Khushroo Kalan	01	01	01

be

Starred C. Q. No. 6, Haji Ali Mohammad Bhat:-

Will the Government be pleased to state :-

- (a) Whether it is a fact that a number of candidates were engaged in the department of Health some four years back and their wages were being paid out of the HDF;
- (b) Whether it is a fact that their wages are normally being paid after an interval of four to five months;
- (c) Whether in terms of a Government Order bearing No. HME/Actt/26 dated 25 April, 2011, it has been made obligatory to deposit the 50% of the monthly HDF in the State Treasury and the remaining 50% is to be utilized for the necessary maintenance of the concerned Hospital;
- (d) If reply to the above parts be in the affirmative, what steps are being taken to regularize the services of the persons engaged working on HDF?

Reply. (Minister I/C Health)

- (a) Yes Sir. A number of persons have been engaged in various hospitals purely on temporary basis and are getting wages out of HDF.
- (b) The wages of the candidates engaged under HDF are paid out of such funds depending on its availability.

- (c) No Govt. Order bearing No. HME/Actt/126 dated 24 April 2011 has been issued by Health and medical Education Department. However, a circular bearing the same number has been issued by the Department which pertains to the implementation of Budget Cabinet decision and not Hospital Development Fund (HDF) **(Copy of the circular enclosed as Annexure A). For Annexure see part 11 page 22.)**
- (d) Since HDF is in the nature of a local fund to be utilized for the repairs/maintenance of Hospital concerned, there is no provision for regularization of these persons. A copy of Govt. order No. 954-HME of 2000 dated 21.02.2000 related to the utilization of Hospital Fund is also enclosed as Annexure B. **(For annexure see part 11 page 23.)**

(Un-starred Questions tabled)

Un-starred C. Q. No. 173, Shri Ajat Shatru Singh :-

Will the Government be pleased to state:-

- (a) Whether it is a fact that people of Jammu and Kashmir gave to travel to Delhi, Chandigarh and Ludhiana for specialized treatment;
- (b) If so, will they please indicate the date of functioning of Super Specialty Hospital at Jammu?

Reply. (Minister In Charge Health)

- (a) The specialized treatment is being provided by the tertiary care hospitals in the State through reputed institutions viz. SKIMS, medical College Srinagar/Jammu and its Associated Hospitals. However, regarding some critical cases which require super specialty facilities/treatment, the same are being referred to other hospitals outside the State;
- (b) The Super Specialty Hospital at Jammu/Srinagar is coming up under PMSSY in the State through CPWD. The overall physical progress of the Super Specialty Hospital Jammu is 99%. The likely date of completion of the hospital is ending December 2011 except Integrated Modular OT, which are being procured and installed through HLL within a period of six months.

Un-starred C. Q. No. 13, Haji Ali Mohammad Bhat:-

Will the Government be pleased to state :-

- (a) Whether it is a fact that a nursing training school is functional at Kangan since long, but the students belonging to far flung areas of district Ganderbal face multiple problem in reaching to the said training school?
- (b) If so, do they intend to the sanction a nursing training school for Wakoora Block of Distt. Ganderbal?

Reply. (Minister In Charge Health)

- (a) AMT School is at Kangan since 2001 which is accessible to the candidates belonging to various areas of the District Ganderbal.
- (b) No Sir.

Un-starred C.Q. No., 57, Syed Asgar Ali :-

Will the Government be pleased to state :-

- (a) Whether it is a fact that vide Administrative Council Decision No. 113/9/2008 dated 22.08.2011 Jammu & Kashmir Government Order No. 242-HME of 2008 dated 31.12.2008 in compliance to Hon'ble High Court decision taken in contempt No. 118 of 2005 Govt has sanctioned 3rd Time Bound Promotion in favor of ISM Doctors at par with Allopathic Doctors.
- (b) Whether it is also a fact that Time Bound promotion case of some doctors who were due since 01.01.2003 and 01.01.2004 have not been cleared till date, while cases of their junior have been cleared which have resulted in great financial loss to incumbents as well as caused mental torture to them;
- (c) What action Government has taken against the delinquent sanctioning order as well as State Govt Orders;
- (d) Will the Govt pay arrears of these effected doctors along with 8% interest per annum (as admissible on GPF) and take steps to charge this extra amount from the salary of delinquent officers.

Reply. (Minister In Charge Health).

- (a) Yes Sir.
- (b) Yes Sir, the time bound promotion cases of few doctors in whose favor 3rd time bound promotion is due w.e.f. 2003 & 2004 are pending for clarification and APRs.
- (c) There is no undue delay from the sanctioning authority.
- (d) No Sir. As there is no undue delay from the sanctioning authority.

Un-starred C. Q. No. 128 : Dr. Bashir Ahmad Veeri :-

Will the government be pleased to state :-

- (a) Whether it is fact that a new technology namely “Walnut” budding and grafting has been introducing in the State with the aim to give fillip to Walnut productions;
- (b) Whether it also a fact that a high-tech green houses has been established at Zakoora where the bumper crop Walnut plants with the help of budding and grafting will be prepared with near future, and distributed among the people.
- (c) Whether it is also a fact that during last 20 years illegal cutting of walnut trees in the state is being done ruthlessly and it continues even today resulting in decreasing their number to an alarming level.
- (d) The details of the aforementioned technology along with the name of the places where it has been introduced, as also its success ratio. Details be furnished?

Reply. (Minister in Charge Bandipora)

- (a) ‘Zero Energy Poly House Technique’ is presently utilized for budding and grafting of walnuts in the State.
- (b) Two semi high tech green houses have been established at Zakoora and two more green houses have been fabricated by the Horticulture Department and are about to be commissioned. These green houses would help in raising substantial number of grafted walnut plants for distribution amongst the growers in the valley, so as to give boost to the production of walnuts. It is expected that around 12000 budded /grafted walnut plants shall be raised annually in these high tech green houses.
- (c) Ruthless cutting of walnut trees has never been allowed by the Horticulture Department. Normally, the permission for cutting of walnut trees is given by the Revenue Department on the basis of the technical advice of the Horticulture Department, but the Horticulture Department has been suggesting looping/cutting of walnut trees in very rare cases. For the last few years, the State has witnessed expansion in the area under walnut plantation due to the efforts of the Department of Horticulture and State Agricultural Universities.
- (d) Earlier, the technology called ‘Hot Callusing Cable technique’ was introduced in the State so as to propagate walnuts by vegetative means of grafting. But because of its higher cost, it has now been replaced by ‘Zero Energy Poly House Technique’ in which low cost poly house s are utilized for budding and grafting of walnuts. The technology of grafting walnuts in poly green houses is being presently followed in the Division of Fruit Sciences, SKAUST –K, Shalimar, as well as Ambri Apple Research Station, SKAUST-K, Balpura, Shopian, where the success rate is normally 65-8-%. Similarly, the Directorate of Horticulture Kashmir has also introduced this technology at its following departmental nursery where 60 -70-% of success rate has been observed:-

S. No.	Name of the Nursery
1.	Fruit Plant Nursery, Chogul
2.	Fruit Plant Nursery, Zakoora
3.	Fruit Plant Nursery, Bandipora
4.	Fruit plant Nursery, Pampore
5.	Advanced Centre for Horticulture Development, Zainpora, Shopian.

In Jammu Division, the technology has been introduced in the following departmental Orchards/nurseries:-

S. No.	Name of the Nursery
1.	Advanced centre for Horticulture Development Govindpora, Ramban
2.	Machedi, Kathua
3.	Khellani, Doda
4.	Siot, Rajouri
5.	Ram Nagar, Udhampur
6.	Poonch.

In Jammu region, the percentage of success has not been adequate in other departmental orchards, where this technique has been introduced except at the Advanced Centre for Horticulture development, Govindpora, Ramban and Siot, Rajouri, where the success percentage remained around 45%.

Un-starred C. Q. No. 199, Syed Mohammad Rafiq Shah :-

Will the Government be pleased to state :-

- Mohalla wise/Block-wise names details and no., of the ICDS centers in Trehgam, Kralpora and Kupwara;
- The full details of name, parentage, residential address and date of appointment of the workers and helpers in the aforesaid ICDS centers may please be furnished;
- Details of the no. of female helpers/Supervisors along with their date of appointment in the aforesaid ICDS Centers be placed on the Table of the House.

Reply. (Minister In Charge Social Welfare)

- (a&b) (776) Anganwari centers were sanctioned ICDS project Kupwara, Trehgam and Kralpora, with Mohalla –wise/Block-wise details and other particulars are given in **Annexure “A”**. (For Annexure See part 11 page 24-58)

- (c) The details of 22 female Supervisors along with their date of appointment /particulars working in the aforesaid centers are given in **Annexure "B"**. (For **Annexure see part 11 page 59**).

Un-Starred C. Q. No. 14, Haji Ali Mohammad Bhat: _

Will the Government be pleased to state :-

- (a) Whether it is a fact that the Higher Secondary Schools are being opened State-wise;
- (b) Whether it is also a fact that Girls School Wakoora was up-graded as High School in the year 1984-85, and is situated at a distance of 20 kms from District Head quarters Ganderbal;
- (c) If so, when it intend to up-grade Girls high School Wakoora as Higher Secondary, so that the educational prospects of female students is not hampered?

Reply. (Minister I/C Education)

- (a) No Sir.
- (b) It is a fact that Girls School Wakoora was up-graded as High School in the year 1984-85 and is situated at a distance of 12 kms away from District Headquarters.
- (c) Up-gradation of Girls High School Wakoora to the level of Higher Secondary School will be considered under RMSA in Phase-II subject to fulfillment of feasibility/norms prescribed under this newly launched Centrally Sponsored Scheme. Phase-II will start in next plan period.

Un-starred C. Q. No. 236, Shri Nizam-ud-din Khatana:-

Will the Government please state :-

- (a) Whether it is a fact that glittering water of Kokernag Spring flows down in the stream which pass through the beautiful garden of Kokoernag;
- (b) Whether it is also a fact that during the past few years the water from the Spring at its source has been trapped in to the pipes and these shabby looking pipes have been allowed to pass through the stream which has caused a shabby look and has marred the beauty ofg the stream as well as that of the garden;
- (c) If so, does it intend to restore the original grace of the garden by way of removing the shabby looking pipes?

Reply. (Minister I/C Floriculture)

- (a) Yes Sir.
- (b&c) From time to time in past, the Public Health engineering (PHE) department has laid 26 pipelines through Kokernag garden for tapping water. However, the PHE Department intends to shift pipes from the said garden for which DPR costing Rs. 420.00 lacs is under formulation/scrutiny in that department. Once this project is approved, the pipes shall be shifted from the garden by that department. The Floriculture Department is, however, making all efforts for maintaining the garden. Appropriate face lifting that may be necessitated after the shifting of the pipes would be under taken by the Floriculture Department.

Un-starred C. Q. No. 12, Haji Ali Mohammad Bhat:-

Will the Government be pleased to state :-

- (a) Whether it is a fact that the promotions are accorded in every department including Education department strictly in accordance with the seniority and educational qualification;
- (b) If yes, why promotions have not been granted to Botany and Bio-Chemistry teachers inspite of assurance given by the concerned Hon'ble Minister in this behalf on the Floor of the House in September, 2010?

Reply. (Minister In Charge School Education)

- (a) Yes Sir.
- (b) The department recently finalized the inter-se-seniority of PG Masters/teachers in various disciplines including Botany and Bio-Chemistry. The process for promotion in the discipline of Botany and Bio-Chemistry are under consideration of the Department.

Un-starred C. Q. No. 197, Syed Mohammad Rafiq Shah:-

Will the Government be pleased to state :-

- (a) Do they intend to up-grade the old Hospital of Trehgam, District Kupwara to the level of Sub-District hospital, if so, when.

Reply, (Minister In Charge Health)

- (a) Pursuant to District development Board Decision of Kupwara District (2003-04), the proposal for up-gradation fo PHC Trehgam to the level of Sub-District Hospital along with creation of requisite posts was submitted to Planning and development Department. However, the Planning & development Department has advised this department to revisit all the creation proposals in view of huge financial implication involved.

A consolidated proposal for opening and up-gradation of various health institutions in pursuant to District development Board Decisions and commitment of Hon'ble CM including up-gradation of PHC Trehgam to the level of SDH for the period 2002-2010 was submitted Planning & development Department for approval along with creation of posts. However, the planning and development Department has advised to revisit these proposal sand assess minimum creation of staff required. The department is presently formulating a proposal for establishment /up-gradation of various health institutions on bare minimum basis.

It is worthwhile to mention here that near about 10000 posts of Doctors/Para-medics/other supporting staff are required to be created to implement these DDB decisions and fulfillment of commitment of HCM.

Un-starred C. Q. No. 109, Shri Khalid Najeeb Suharwardy:-

Will the Government be pleased to state :-

- (a) Whether it is a fact that the medicines provided in the Government Hospitals are sub-standard. Medicines are causing reactions to the patients;
- (b) If so, what steps have been taken to regularize the supplies and check the supply of sub-standard medicines?

Reply. (Minister In Charge Health)

- (a&b) No Sir, the import, manufacture, distribution and sale of drugs in the Country is regulated by the Drug and Cosmetic Act, 1940 and Rules there under. The manufacturers who are supplying medicines to the Government institutions are carrying out manufacture of manufactured drugs strictly as per the mandate of the said Act. Any manufactured drug is of standard quality un less declared otherwise by the Government Analyst appointed under the purview of the said Act. The Inspector's staff ids regularly lifting statutory drug samples under section 23 of the said Act on random basis from the Government institutions to assess and evaluate the quality of these pharmaceutical preparations. In case of any adverse

report for the sample so lifted action is contemplated under the provisions of the said Act is initiated against the offenders. Besides, product recall of such sub-standard drugs is effected and all un-consumed stocks are seized.

As regard sub-standard medicines causing reaction to the patients the department is carrying out investigation through the field staff (Inspectors) appointed for the purpose in case any complaint in this regard is received. However no report received from peripheral health institutions about reactions due to consumption of drugs and medicines provided by the department.

Un-starred C. Q. No. 94, Agha Syed Ahmad Rizvi:-

Will the Government be pleased to state :-

- (a) Whether it is a fact that almost all the Teachers posted in far flung areas of District Kargil have deserted their respective schools and have been attached in High/Higher Secondary Schools of District head Quarter Kargil;
- (b) Whether it is also a fact that more than one teacher is posted in a number of Schools at District head Quarter Kargil against one subject, there by declining the rights of the students of far flung villages of the said area;
- (c) If so what steps are being taken against the unwanted attached system and against the menace of injustice?

Reply. (Minister in Charge School Education)

- (a) It is not a fact that all the Teachers posted in the far flung areas of District Kargil have been attached in High /Higher Secondary Schools of District head Quarters Kargil except 16 Teachers and 1 Master have been deployed purely on health grounds. **(details are in Annexure "A") (For Annexure see part 11 page 60.)**
- (b) Teachers are appointed by SSB as general line Teacher on merit basis and not on subject specific basis. Up to elementary level, a Teacher can teach any subject assigned to him.
- (c) In order to avoid un-wanted attachment system and against the menace of injustice all attachments of teaching staff stand withdrawn under the orders of Chief Executive Councilor, LAHDC, Kargil and those who fail to join their substantive posts have been ordered to withhold their pay till their joining at their original; place of posting.

Un-starred C. Q. No. 227, Shri Ravinder Kumar Sharma :-

Will the Government be pleased to state :-

- (a) The no. of Degree Colleges sanctioned from the year 2002 and status of each of these colleges with regard to the Staff strength, the enrollment year-wise and the funds spent so far on creation of infrastructure for each college;
- (b) The funds available for each of newly sanctioned 22 colleges, the details of Central Government Funds/Aid and present status of each college.

Reply. (Minister I/C Higher Education)

- (a) 63 Degree College have been sanctioned /established since 2002 in the J&K State. The status of these Degree Colleges with regard to the staff strength, enrollment and funds spent on creation of infrastructure is given in **Annexure "A"**. **(For Annexure see part 11 page 61-62.)**
- (b) An amount of 34.00 crores is approved during the current Financial Year for land acquisition and construction of buildings for these 22 colleges under the State Plan. Out of the 22 Colleges\, 11 colleges are taken up under the CCS "Model Colleges in the Backward Areas" on 50:50 basis. An amount of Rs. 4.00 crores for each college as a Capital cost will be provided by the Government of India (GOI) as matching Central Share. However, the central Share has not been received so far.

Un-starred C. Q. No. 188, Shri Subhash Chander Gupta :-

Will the Government be pleased to state :-

- (a) District/Constituency and unit-wise details about buildings sanctioned under Sarva Shiksha Abhiyan during 2009-10, 2010-11 and 2011-12 (till 31st August, 2011) with present status thereof;
- (b) Project-wise details of executing agencies for no. of buildings sanctioned to be constructed in Kathua District under Sarva Shiksha Abhiyan during 2009-10, 2010-11 and 2011-12(till 31st August, 2011);
- (c) District /Constituency-wise list of Government Schools up-graded at various levels during 2009-10, 2010-11 and 2011-12 (till 31st August, 2011) and criteria /norms adopted thereof?

Reply. (Minister I/C Education)

- (a) The details about the building sanctioned under Sarva Shiksha Abhiyan (SSA) during 2009-10 & 2010-11 is given as per **Annexure "A"**. (For Annexure see part 11 page 63-71.). However the target for 2011-12 has not been forwarded to the Districts due to non-availability of funds.
- (b) The details of schools constructed in District Kathua during the year 2009-10, 2010-11 given as per **Annexure B**. (For Annexure see part 11 page 72.). However the target for 2011-12 has not been forwarded to the Districts due to non-availability of funds.
- (c) Under SSA the year-wise up gradation from Primary to Middle Schools is given as per **Annexure "C"**: (For Annexure see part 11 page 73-75.).
Under RMSA District/Constituency-wise list of up-gradation from Middle Schools to High Schools is annexed as **Annexure "C"**: (For Annexure see part 11 page 73-75.).

Mr. Deputy Chairman : Mr. Ajay Kumar Sadhotra to present the Report of the Rules Committee.

Shri Ajay Kumar Sadhotra: Sir, I being member of the Rules Committee, having been authorized by the Committee lay the First Report of the Rules Committee for the year 2011-12 on the table of the House on behalf of the Committee as required under Rules 269(1) of the Rules of Procedure and Conduct of Business in the J&K Legislative Council.

Mr. Deputy Chairman : Now, the Secretary to read the message received from the Assembly regarding Bills.

Secretary : Sir, I have to report to the Council the following message received from the J&K Legislative Assembly signed by the Secretary to the Assembly :

“In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in the Jammu and Kashmir Legislative Assembly, I am directed to enclose herewith a copy of :

1. The Jammu and Kashmir Representation of People's (Amendment) Bill, 2011 (L. A. Bill No.17 of 2011) and
2. The Jammu and Kashmir Standards of Weights and Measures Enforcement (Amendment) Bill, 2011 (L. A. Bill No. 18 of 2011)

as passed by the Legislative Assembly at its sitting held on 29th day of September, 2011 for recommendation of the Legislative Council,

Sir, I lay the Bills on the table of the House.”

Mr. Deputy Chairman : Now we have some Calling Attention Motions. Shri Javed Ahmad Rana.

Shri Javed Ahmad Rana: Sir, I rise to call the attention of the Government towards a matter of urgent public importance namely the situation that has arisen out of non-execution of motorable bridge over Chajja river at Mendhar and change of alignment road from Chajja Tain to Thamlote in the same village and the steps taken by the government in this behalf.

Mr. Deputy Chairman : Hon'ble Minister to reply.

Shri Javed Ahmad Dar, Hon'ble MoS for Works:-

Sir, the detailed Project report for construction of 200 Mtrs span Bridge over Mendhari Nallah at Sagi Chajjala at an estimated cost of Rs. 890.80 lacs have been prepared for NABARD loan assistance and possibilities shall be explored for its funding under NABARD loan assistance.

However, during the current financial year an amount of Rs. 9.00 lacs have been released for construction of 200 m span bridge over Mendhari Nallah at Sagi Chajjala under Special Bridge Programme. The soil investigation would be taken up shortly and tenders will be floated.

The village Tain is having scattered population and during the year 2008-09, construction of road from Tain to village Thamkote was sanctioned under NABARD RIDF-XIV at a cost of Rs. 215.80 lacs for 3.00 kms length and the work was taken up strictly as per the DPR. There is no change in the ailment of the road 1.75 kms road length has been completed upto FW specifications and the work is held up due to land dispute by the land owners. The matter stands taken up with the SDM Mendhar by the Executive Engineer for issuance of award for which part money stands also released to him during 2009-10.

Shri Javed Ahmad Rana: Sir, I am grateful to the government for furnishing a detailed reply and the government is concerned about it. It is an important bridge and we have been hearing from the last three years that it has also been reflected in NABARD. During the last Autumn Session here at Srinagar, the Hon'ble MoS for works said that they are going to take it up soon. I have also given Rs. 10.00 Lacs from my CDF and Rs. 40.00 Lacs have been earmarked for this bridge under BADP and Rs. 9.00 Lacs have been provided under the state sector, but have not been mentioned in this reply. Still, I would thank the government as they are going to float the tenders. It is vast bridge with an estimated cost of Rs. 900.00 Lacs. I would like to know whether this project will get through from NABARD by the end of September according to the schedule.

Shri Javed Ahmad Dar, Hon'ble MoS for Works : Sir, it is a very vital bridge and we understand its importance. To reply the statement of the Hon'ble Member that there is no progress with regard to the bridge, I would say that during the year 2009-10, we took up maximum number of bridges under NABARD, while in 2010-11, we took up maximum roads. Out of 475 schemes, 297 have been sanctioned by NABARD. Again in 2011-12, we will be giving priority to the bridge sector, including important bridges and that too constituency-wise. We are going to rationalize it for Jammu Division, Kashmir Division and Ladakh division as well. Now, regarding this bridge, Rs. 9.00 lac have already been released and the work has been started. Tenders have been processed and the work is in progress. I have firm hope that we would send it under priority to NABARD and I would personally ensure to finish it of.

Mr. Deputy Chairman : Ok. Mr. Naresh Gupta..

Shri Naresh Kumar Gupta: Sir, I rise to call the attention of the government towards a matter of urgent public importance namely the situation that had arisen due to non-availability of qualified medical and para-medical staff in SDH Baderwah and the resentment amongst the people over posting of unqualified staff in the said hospital and the steps taken by the government in this behalf.

Mr. Deputy Chairman : Reply from the Government.

Shri Sham Lal Sharma, Hon'ble Minister for Health:-

Sir, taking into consideration the paramount importance of Health Care, the Health Department is making every possible effort to provide qualified number of doctors and para-medical staff in the Government hospitals all over the State including SDH Baderwah.

There is some shortage of doctors in SDH Bhaderwah, but the doctors/para-medical staffs are very much qualified. B-Grade Specialists are at least PG and Assistant Surgeons at least MBBS and Pharmacist/technician etc are also Diploma Holders. The Staff position of SDH Bhaderwah is as under :-

S. No.	Category of posts	Sanctioned	In-position
1	Doctors	36	11
2	Para Medical & Others	92	52

Details of Doctors and other staff is enclosed as **Annexure "A"**. (For Annexure see part 11 page 76.)

The Physical achievements of CHC Bhaderwah for the year 2010-11 is enclosed as **Annexure "B"**. (For Annexure see part 11 page 77.)

The Department is making continued and vigorous efforts to overcome the shortage of both medical and non-medical staff and as soon as the Select List of candidates against the vacancies become available, their deployment shall be promptly made to augment the manpower in various health institutions all over the state including the SDH Bhaderwah.

Shri Naresh Kumar Gupta: Sir, the reply given by the Hon'ble Minister is a repetition of the replies which we received in previous Sessions or Board Meetings. I would like to apprise that there are two sanctioned posts of B-grade Surgeons in SDH Bhaderwah, and both of them are vacant. Same is the case with two sanctioned posts of B-grade anesthetists, one of B-grade ENT surgeon, one post of B-grade Orthopedics, Radiologist, two posts of Physicians. Out of 17 sanctioned posts of Assistant Surgeons, only 4 are occupied, including two from ISM. An unqualified person has been appointed as Surgery Specialist against one vacant post of B-grade, an Anesthetist was also deputed, but both of them have been transferred. Navratras are going on and the division caters around 1.5 lacs people, including nomads, Gujjar and bakkarwals. so, I would like to ask the reasons for such a discrimination with Bhaderwah area, which is also a part of the state. Why staff is not being provided. I would like to request the government to provide staff at the earliest so that the residents do not suffer.

Mr. Deputy Chairman : Hon'ble Minister to reply.

Shri Sham Lal Sharma, Hon'ble Minister for Health : Sir, the Hon'ble Member has laid the facts. I would say that the posts are vacant since long and we are trying to rationalize the system with creation of new posts, including 600 pots in B-grade. I assure that there is no disparity or discrimination as I do my work as worship. I am trying to depute local

doctors to Bhandarwah but they are not willing to serve there. If the House and the Hon'ble Members cooperate, I assure that I would place all the local doctors in Bhandarwah and Doda as they are supposed to serve their people, but owing to political pressures, this could not be achieved. So, I would fill these gaps.

Shri Naresh Kumar Gupta: Sir, the statement of the Hon'ble Minister is quite satisfactory, There would be no political pressure on the government, it is their discretion to post whom so ever they want to. Our only concern is that the vacant posts in Bhandarwah could be fulfilled so that the residents have a sigh of relief.

Mr. Deputy Chairman : Now, we have Private Members' Bills for Introduction. Shri Ajay Kumar Sadhotra to move...

Shri Ajay Kumar Sadhotra: Sir, with your kind permission, I rise to move for leave to introduce "A Bill to amend the Jammu and Kashmir Panchayati Raj Act, 1989 (Act No. IX of 1989) (L. C. Private Member's Bill No. 13 of 2011).

Mr. Deputy Chairman : Motion moved for leave to introduce "A Bill to amend the Jammu and Kashmir Panchayati Raj Act, 1989 (Act No. IX of 1989) (L. C. Private Member's Bill No. 13 of 2011)".
Hon'ble Member...

Shri Ajay Kumar Sadhotra: Sir, I have brought amendment in section 4 of Act No. IX of 1989. In the Municipalities Act, there is reservation for SCs/STs and Women for the post of Chairman or whom we call the President. There is a reservation for SCs/STs and Women for Panches in the Panchayati Raj Act. So, I have sought amendment in the Act for reservation in favor of SCs/STs and Women for election as Sarpanch. The amendment goes as follows :

" In section 4 of the Jammu and Kashmir Panchayati Raj Act, 1989, hereinafter referred to as the Principle Act, after clause 3, the following clause shall be inserted, namely :

"the Sarpanches seat in every block of the state shall be reserved for SC, ST and Women, and the number of Sarpanch seats so reserved shall bear, as nearly as may be, the same proportion to the total number of Sarpanch seats in Block as the population of SCs, STs in that Block area of Scheduled Castes / Tribes in that area bears to the total population of that area and such Sarpanch seats may be allotted by rotation to different Sarpanch Constituencies in Block in such manner and by such authority as may be prescribed.

Provided that such reservation shall not effect representation in the existing Halqa Panchayat and shall become effective for purpose of holding general elections to the Halqa Panchayat after the commencement of Jammu and Kashmir Panchayati Raj Act, 1989."

The government has taken a revolutionary step and conducted Panchayat elections in spite of such disturbances. We need this amendment for the future.

Besides, there is another proposed amendment to section 43 which is as follows :

"In section 43 of the principle Act for the word 'Sarpanch', the words 'Panch of the Halqa Panchayat' shall be substituted.

Disposal of Election disputes by the Competent authority is not time bound. So, my proposition is that with Sarpanch and Panches, Naib Sarpanches may also be added and the judgment on the petition shall come within 40 days so that justice could be delivered.

There is another amendment proposed to section 48 of the Act IX of 1989-

According to section 48 of the Act, for constitution of Panchayti Adalat, the concerned Panchayat would recommend a panel of 7 persons out of which the Director Rural Development two would select five members. It is the will of the Director of Rural Development Deptt. I propose that only five persons should be recommended leaving no arbitrary powers with the Director.

So, I request the government to accept these amendments, so that common man is benefited and the Panchayat Raj system is revived under the leadership of Jenab Omar Abdullah and further strengthened.

Mr. Deputy Chairman : Hon'ble Minister to reply.

Shri Ali Mohammad Sagar, Hon'ble Minister for Rural Development and Panchayati Raj : Sir, I have opposed the Bill for introduction. We have already carried some of the amendments to the Act. Some Hon'ble Members in the Assembly had earlier proposed certain amendments to the Act to strengthen it and to make it more liberal. At that time also, we said that the Panchayat Raj System is being restored after a long period of 34 years. More than 4125 Panchayats have been elected and the government has transferred the powers to them by virtue of Act of 1989 and some SROs have also been issued from time to time. Decisions were reached after consultation with a Committee headed by the Chief Secretary of the State and capacity building measures have also been taken. Let them consolidate, let them get established. If then the Hon'ble Member thinks that there are some loopholes, he can always seek amendments to the Act. If the government would deem them fit in order to strengthen the system, we would not hesitate to accept his amendments.

But, at present, I would request him to withdraw his amendments and give some time to the institutions to function and we would welcome his amendments at the appropriate time.

Shri Ajay Kumar Sadhotra: Sir, I have not asked for any kind of transfer of powers to the Panchayats. Those have already been given and I am grateful to the Government and congratulate Jenab Omar Abdullah for giving such powers to the Panchayats and I congratulate you also as a Minister.

But, my amendments are regarding empowering SC, ST and Women Sarpanches because there is no reservation.

Shri Ali Mohammad Sagar, Hon'ble Minister for Rural Development and Panchayati Raj : Sir, 33% reservation has been given to women first time in the history of the state. If the process goes on, we would welcome the amendments at later stages.

Shri Ajay Kumar Sadhotra : Sir, at this point of time, weaker sections are feeling deprived. The disposal of election related petitions is not time bound. There happens to be some dispute at the Naib Sarpanch level which does not get resolved. In the Adalti Committee also, I have proposed to nominate only five members instead of seven which would in turn be finalized by the Director on the recommendations of the Panchayat.

Shri Ali Mohammad Sagar, Hon'ble Minister for Rural Development and Panchayati Raj : Sir, Panchayat Adalats are being constituted for the first time in the state. I and the Hon'ble CM also have asked to prefer Advocates in the Adalti Committees which would also include other six in the panel who would be highly educated. So, there is no question of liking and disliking.

Shri Ravinder Kumar Sharma: Sir, the intention of the proposed Bill is good, the government should consider.

Mr. Deputy Chairman : Mr. Sadhotra, do you withdraw your amendment.

Shri Ravinder Kumar Sharma: Sir, the intention of the proposed Bill is good, the government should consider.

Mr. Deputy Chairman : So, does the House allow the Hon'ble Member to withdraw his amendment.

Hon'ble Members : Yes.....

Mr. Deputy Chairman : So, the Bill stands withdrawn. Next Bill. Mr. Sadhotra to move.....

Shri Ajay Kumar Sadhotra: Sir, I rise to move for leave to introduce a Bill to provide for guaranteed employment to skilled and semi-skilled workers of the state industrial sector

and for matters connected therewith or incidental thereto (L. C. Private Member's Bill No. 14 of 2011).

Mr. Deputy Chairman : Hon'ble Minister

Shri S. S. Slathia, Hon'ble Minister for Industries and Commerce : Sir, I oppose the Bill.

Shri Ajay Kumar Sadhotra: Sir, just opposing the Bill would not do, it is very strange. The Hon'ble Chief Minister Jenab Omar Abdullah introduced an industrial package in the state with the spirit to promote the industries sector, where the local youth, skilled or unskilled will get a chance of employment. These incentives had landed in the state in the year 2004, it is unfortunate that no local recruitment is being made or encouraged. I would like to say that the government half-heartedly tried its level best to insist on the industrialists that local youth should be provided skilled and unskilled labour. I know that the first order was issued in 2005 that 90% employment would be given to local youth but unfortunately, that was not adhered to. I remember that as a Member of the Lower House, I used to press upon the implementation of the order. Sometimes Azad sahib used to tell that it was my issue. Then other orders were issued in 2007, 2008 & 2009 which were also not honoured. I had brought this Bill seeing the failure of the government in this direction. The industrialists are discouraging the youth of the state. At one time, the industrialist had accepted that they would train the unskilled labour of the state, employ them and provide stipend and then they could be engaged. There is a vast Industrial growth centre in Samba but unfortunately, no locals have been engaged. Now they have evolved a '*Thekedari*' system for getting workers and the intentions of the government are not being fulfilled. So, I proposed this Bill to check such activities of the Industrialists and to discourage them to go into litigation with the intention to support the unemployed youth of the state. Omar Sahib had somehow got the package renewed. We provide electricity, water, land and tax incentives to the industrialists but in turn, they deceive us with regard to providing employment to the youth with the threat to invoke a stay from the Hon'ble court. So, I request the government to accept the Bill at least to redress the grievances of the local youth who are suffering at the hands of the industrialists. Just opposing the Bill would perhaps be a kind of injustice to the youth.

Shri S. S. Slathia, Hon'ble Minister for Industries and Commerce : Sir, Industries play a vital role in the economy of the state. I would like to bring it to your kind notice that the Industrial Policy was formulated in the state in the year 2004 and it involved a package of 10000 crores and it was expected to be invested in the state. But, an industrialist has a pre-planning of 2-3 years before establishing an industry. He first of all analyses the availability of labour and the investment environment in the state, whether his investment would be safe or fruitful. So, around Rs. 3500 crores were invested in the state. But the policy of 2004

was called off in mid-way which hampered the industries sector. It is not a fact that people did not get employment with the growth of industries. Maximum people are working in industries.

I concur with the views of the Hon'ble Member. But, I would say that we are having difficulties in skilled and semi-skilled labour. For this, we are trying to provide for more and more Polytechnic and ITI Colleges to train youth as Electrician, Plumbers, Fitters so that technical staff could be provided to these industries,

As far as the issue of 90:10 is concerned, it was not issued by the Cabinet but by the Industries Department. But, it would not be possible to press upon it. As a facilitator of the industries, I have to see not only employment, but the comfort of the Industry established here as well. We tried to settle this issue in an amicable manner but the case is sub-judice. After that, we proposed for providing employment in a phased manner but the association did not agree. We still impressed upon the association of industrialists to start the process of employment in a phased manner for which they have agreed. The proposal is again before the Cabinet and I assure the Hon'ble Member that the issue would be settled within a period of one month starting with 55% going to 70-80 % local employment. So I want to say that we do not have trained workers in the state. For this I have established IFLS centers in Jammu and Srinagar to train students in PPP mode so that they could get employment. So, I hope that the matter would get resolved as the basic reason to invite industries in the state was to generate employment. I understand the concern of the Hon'ble Member as well. I hope that considering my submissions, the Hon'ble Member would withdraw his Bill and I assure that the matter would be resolved at the earliest.

Shri Khalid Najeeb Suharwardy: Sir, I think opposing the Bill at the introduction stage is not a healthy practice as it inflicts a blow on its democratic spirit.

Shri Ajay Kumar Sadhotra: Sir, the Hon'ble Minister said that we are providing training avenues to the youth of the state. We have been hearing this since 2004 from Hon'ble Mangat Ram ji, Mufti Sahib and Azad Sahib as well, and also from the then Hon'ble Industries Minister, Mr. Rigzin Jora. This has been a kind of set tape. But, they have now evolved the '*Thekedari*' system of getting labour component rejecting the intentions of the government to boost local employment. They keep on rejecting the orders of the government and continue to challenge them before the Hon'ble Court. So, I proposed this Bill to facilitate the intentions of the government and the spirit of the Hon'ble CM with which he got the package revived. But, the Hon'ble Minister has made a prestige point on a serious issue of unemployment in the state. Would the Hon'ble Minister try to check this new '*Thekedari*' system so as to make room for local employment.

Shri S. S. Slathia, Hon'ble Minister for Industries and Commerce : Sir, we should try to resolve this issue in an amicable manner so that the local unemployed youth could get benefited. I assure that it would get resolved within a month.

Mr. Deputy Chairman : Would the Hon'ble Member withdraw the Bill.

Shri Ajay Kumar Sadhotra: Sir, on the assurance of the Hon'ble Minister, I withdraw the Bill.

Mr. Deputy Chairman : So, does the House allow the Hon'ble Member to withdraw his amendment.

Hon'ble Members : Yes.....

Mr. Deputy Chairman : So, the Bill stands withdrawn. Next Bill. Mr. Murtaza to move.....

Mr. Murtaza Ahmad Khan: Sir, I rise to move for leave to introduce a Bill to provide for the constitution of Jammu and Kashmir Nursing Council for regulation, registration and training of nursing personnel (Nurses and Multipurpose Health Workers) and matter connected therewith. (L. C. Private Member's Bill No. 8 of 2011).

Mr. Deputy Chairman : Motion moved for leave to introduce a Bill to provide for the constitution of Jammu and Kashmir Nursing Council for regulation, registration and training of nursing personnel (Nurses and Multipurpose Health Workers) and matter connected therewith. (L. C. Private Member's Bill No. 8 of 2011).

The Hon'ble Minister

Shri Sham Lal Sharma, Hon'ble Minister for Health : Sir, I rise to oppose the introduction of the Bill.

Mr. Deputy Chairman : Hon'ble Member

Shri Murtaza Ahmad Khan: Sir, the process of legislation doesnot invlove any politics. We Members also put in our earnest endeavour to identify some lacunas in the system and try to plug in the gaps and put in our contributions. But, we tend to oppose the Bills instead of supporting it. Through this Bill, I have sought constitution of Nursing councils in the state to regulate a couple of things. Firstly, there is no legislation in place in the state on this subject matter to regulate the institution of para-medics. Secondly, there is no forum to register the certificates or degrees which are obtained by the people from these institutions. The Nursing profession is a profession in demand not only in the country, but globally, in America, Europe or Gulf countries. It would boost employment in the health sector of the state. It is very strange that the Hon'ble Minister has conveyed the opposition of the

government of this very sensitive issue. It would have been appreciated if the Hon'ble Minister had acknowledged it as a gray area and would have conveyed the intention of the government to bring a comprehensive legislation on this subject. They might have been exercised on this matter, at least. We should have such legislation no matter in whatever shape. I would have welcomed if he had stated that the government would be bringing a Bill which would in turn be discussed in the House and amended as well in due course, so that we could reach out to some decision in this regard. But this is very unfortunate, I must say. The government stood up to oppose the Bill. It is very strange.

Mr. Deputy Chairman : Hon'ble Minister...

Shri Sham Lal Sharma, Hon'ble Minister for Health : Sir, I have not opposed the Bill just for the reason that the mover of the Bill belongs to the Opposition. It is in fact a good piece of legislation and it is very much required. The system is in place since 1956 and I have been saying this from the last two years, though it pertains to the Medical Education Deptt. We have been running the Health Sector with a very casual approach. We do not have a Nursing Act neither we had a Drug Policy. We were affiliated to the Chandigarh Nursing Policy. We have now identified the gaps and will be filling the same soon. The Bill is in process. It has been vetted by the Law Deptt and the Financial Memorandum is also ready. It may possibly come before the Cabinet today only. It has become unavoidable now as the Punjab Govt has refused to extend the affiliation. So, I opposed the introduction because the Bill is already in process, which could be amended from time to time. I, therefore, request the Hon'ble Member to kindly withdraw his Bill.

Shri Murtaza Ahmad Khan: Sir, the Bill is very much need as today, students had taken to streets on this score. I would like to seek an assurance from the Hon'ble Minister that if the Bill gets through from the Cabinet, it may be brought in the House for discussion. If not, then I request him to get it implemented by way of Ordinance and we will discuss it in the next Session. If that is his intent and approach, in that case, I will withdraw.

Shri Ali Mohammad Sagar, Hon'ble Minister for Law : Sir, I just want to put the record straight, as the Hon'ble Minister opposed the Bill. It is clear in Section 84 of the Constitution of J&K that a Money Bill can not be introduced in the Upper House, it is for the information of the Hon'ble Deputy Chairman.

Shri Murtaza Ahmad Khan: Sir, we have kept this thing in mind while drafting the Bill. This Bill could work in either way, if we go through section 10.

Mr. Deputy Chairman : Does the House allow the Hon'ble Member to withdraw his amendment.

Hon'ble Members : Yes.....

Mr. Deputy Chairman : So, the Bill stands withdrawn. Next Bill. Mr. Naresh Kumar Gupta to move.....

Shri Naresh Kumar Gupta: Sir, I rise to move for leave to introduce a Bill to amend the Jammu and Kashmir Prevention of Sabotage Act, 1965 (L. C. Private Members Bill No. 10 of 2011).

Mr., Deputy Chairman : Motion moved for leave to introduce a Bill to amend the Jammu and Kashmir Prevention and Suppression of Sabotage Act, 1965 (L. C. Private Members Bill No. 10 of 2011).

Hon'ble Minister...

Shri Ali Mohammad Sagar, Hon'ble Minister for Law, Justice and Parl. Aff. : Sir, I do not oppose the introduction of the Bill.

Mr. Deputy Chairman : Bill stands introduced. Next Bill.

Mr. Murtaza Khan to move..

Shri Murtaza Ahmad Khan: Sir, I rise to move for leave to introduce a Bill to provide for registration of real estate agents and developers and for matters connected therewith or incidental thereto. (L. C. Private Member's Bill No. 9 of 2011).

Mr. Deputy Chairman : Motion moved for leave to introduce a Bill to provide for registration of real estate agents and developers and for matters connected therewith or incidental thereto. (L. C. Private Member's Bill No. 9 of 2011).

Hon'ble Minister.

Shri Nasir Aslam Wani, Hon'ble Minister of State for Home : Sir, I oppose the Bill.

Shri Murtaza Ahmad Khan: Sir, as I said that we always try to identify and address the gaps wherever existing. It is also one such area which has a vacuum and there is no legislation in this regard. We always learn through the media, meetings, public meetings or any platform in the society that the real estate business is such a business in which people from every segment of the society is involved in one way or the other.

The land mafia, land grabbers have made the lives of general public very awkward. There exists a series of people between a land buyer and the seller whom the law does not allow to figure in, but they still not only get involved, but are the major beneficiaries of the transaction, which also promotes crime and give rise to illegalities and irregularities. The

provisions of different laws, particularly Property Law and Registration Law get circumvented at every stage. I am stunned that the government has opposed the Bill. I expected them to say that they are working on a comprehensive law on this subject. If a poor has to sell his land, he is under compulsion to fall in hands of these land grabbers who do not have any sort of registration, neither any qualification. If it is a business, then the government should also get some benefit out of it. So, I think that there is a need of such a legislation to register them and to regulate their operation, qualification. Another set of people, called developers have gathered in the state and carrying on their operations everywhere and developing colonies in Jammu, Srinagar, Kathua etc on benami basis in the name of the state subjects which has given rise to a big mafia. To check this, I expected the govt to support this Bill.

Shri Nasir Aslam Wani, Hon'ble Minister of State for Home : Sir, on personal level and on behalf of the Ministry, I appreciate this Bill and it has become a need of the hour. A real estate mafia is existing in the state. The Govt of India has started a process of enacting a model real estate regulation Bill in context of development of real estate through out the country which will be circulated in all the states. So, we will draft our own Bill on that model and would also keep in view the intentions of the Hon'ble Member. He has rightly pointed out the role of the outsiders in the real estate development in the state. So, I would request the Hon'ble Member to withdraw his Bill.

Mr. Deputy Chairman : Does the Hon'ble Member withdraw his motion.

Shri Murtaza Ahmad Khan: Sir, on the assurance of the Hon'ble Minister, I withdraw my motion.

Mr. Deputy Chairman : Does the House allow the Hon'ble Member to withdraw his amendment.

Hon'ble Members : Yes.....

Mr. Deputy Chairman: So, the Bill stands withdrawn. Next Bill. Mr. Naresh Kumar Gupta to move.....

Shri Naresh Kumar Gupta: Sir, I rise to move for leave to introduce a Bill to amend the Enemy Agents Ordinance 2005 (L. C. Private Member's Bill No. 11 of 2011)

Mr. Deputy Chairman: Motion moved for leave to introduce a Bill to amend the Enemy Agents Ordinance 2005 (L. C. Private Member's Bill No. 11 of 2011). Hon'ble Minister.....

Shri Ali Mohammad Sagar, Hon'ble Minister for Law, Justice & Parl. Aff. : Sir, I would request the Hon'ble Member to withdraw his Bill as we have already repealed some obsolete laws. This law was also enacted in 1948 and I would not comment on this Bill anymore till we get a nod from the Home Deptt. So, I would request the Hon'ble Member to withdraw his motion.

Mr. Deputy Chairman : Will the Hon'ble Member withdraw his motion.

Shri Naresh Kumar Gupta: Hon'ble Sir, it is being stated in this House from the last couple of years that this Ordinance is being repealed. Rather an assurance was also given in this regard. But, the assurance is not being fulfilled and the poor people are suffering in absence of speedy trials. People from far flung areas have to come to Jammu or Srinagar to follow their cases while Judges of the same status are available in those areas. If the Hon'ble Minister assures that the Bill would be brought up in the next session, I would withdraw my motion.

Mr. Deputy Chairman : Does the House allow the Hon'ble Member to withdraw his amendment.

Hon'ble Members : Yes.....

Mr. Deputy Chairman: So, the Bill stands withdrawn. Next Bill. Mr. Naresh Kumar Gupta to move.....

Shri Naresh Kumar Gupta: Sir, I rise to move for leave to introduce a Bill to amend the Jammu and Kashmir Right to Information Act, 2009 (L. C. private Member's Bill No. 15 of 2011).

Mr. Deputy Chairman : Motion moved for leave to introduce a Bill to amend the Jammu and Kashmir Right to Information Act, 2009 (L. C. private Member's Bill No. 15 of 2011).

Mr. Deputy Chairman : Before getting the response of the government, I would like to say something. The Right to Information Act has been enacted in the state of Jammu and Kashmir a couple of years ago. The baby has just born, it needs proper grooming to prevent it from getting spoilt in the hands of a few people who tend to exploit it at one instance or the other. So, the proposed amendment places a deterrent on such elements in the society. There must be a proper check on the applicant who is seeking an information under the Act. Owing to such a nominal amount of fee, the legislation is being exploited as could be seen at every door step. I would rather suggest to include this right in the list of the fundamental rights provided in the constitution and would seek further amendment from the learned legislators. Further to strengthen and streamline the system, I would suggest

that the inbound application or the outbound information should get routed through the office of the CIC only after proper scrutiny of the creditability of the applicant in order to prevent the valuable time of the concerned department, otherwise they would be overburdened by the applications received under the RTI. Like it happens all over owing to the huge response to the legislation. So I request the government not to oppose the Bill.

Shri Abdul Rahim Rather, Hon'ble Minister for Finance : Sir, the procedure is that the Hon'ble Member would seek the leave of the House and the government would put forth their intention. So, the Hon'ble Member has to give his statement first and the government would reply accordingly.

Shri Murtaza Ahmad Khan: Sir, the Hon'ble Member had sought the leave and the Hon'ble Chair would put the Bill before the House. So, the Hon'ble Member had moved the motion and the Chair has put the Bill before the House. Simultaneously, he made an observation also. So, in the view of the observations of the House, I hope that the government would not oppose the motion.

Shri Abdul Rahim Rather, Hon'ble Minister for Finance : Sir, we have to follow the rules in the first instance. The Hon'ble Member has sought the leave from the House and not the Chair.

Shri Murtaza Ahmad Khan: Sir, the Hon'ble Member has sought the leave from the House through the Chair. I have a point of order. Lets discuss it. The Hon'ble Member sought the leave to introduce the Bill from the House. Once the motion was made, the Hon'ble Chair, taking cognizance of the Motion, sought the leave from the House.

...Cross talks....

Mr. Deputy Chairman : I was about to lay the Bill before the House.

Shri Murtaza Ahmad Khan: Yes, the Hon'ble Chairman was about to lay the Bill and the Hon'ble Minister stood up and opposed the motion. Once the Hon'ble Chairman laid the Bill before the House, then the Hon'ble Minister has to respond. So, we should respect the Chair.

Mr. Deputy Chairman : Motion moved for leave to introduce a Bill to amend the Jammu and Kashmir Right to Information Act, 2009 (L. C. Private Member's Bill No. 15 of 2011).

Now, the Hon'ble Minister to respond.

Shri Abdul Rahim Rather, Hon'ble Minister for Finance : Sir, I oppose the introduction of the Bill.

Shri Naresh Kumar Gupta : Sir, the Bill was enacted in the state in the year 2009. I congratulate the government for enacting such a legislation which has brought some sort of transparency in the working of the government. But there are some lacunas in the Bill, which some people exploit and have become so called RTI activists, some are connected with the civil society, NGOs, some people have formed their own associations and some have even made it an instrument to blackmail offices or institutions. It is correct that every person has a right to get the information with a set procedure. But there is no provision to check the personality or creditability of the person seeking the information. Resultantly, some officers are getting harassed or even blackmailed. It was not the motive of enacting the RTI Act. So, we have sought some amendments in the Act to check these things. We must see whether the seeker of the information is any way connected with the information he is seeking from the concerned office or what is his motive to seek the information and where he intends to use the information so furnished. Whether the Act has such provisions for the CIC to permit them to publish the information hence obtained as some things have ill-effects in the society. So, the amendments would check such mal-practices. The Act also does not have any provision regarding the registration of such RTI activists or to check his character antecedents. Whether he is a tax-payer or a renowned person or whether he has any liability towards the government. Working of the institutions is getting affected. Observing such things, I have proposed some amendments which I would read :

In section 6 of the Act, I have proposed as under -

“An applicant making a request for information shall give reasons for requesting the information and also provide sufficient proof of involvement of his interest in such an information.”

Besides, I have proposed in section 8 that the information, which does not directly or indirectly affect the person seeking the information or in which his personal interest is not involved should not be disclosed.

Besides I have proposed amendment in section 17 that use of information other than taking a legal course shall be prohibited. Publication of the information so obtained with a view to malign or defame a person shall be prohibited. Commission, may on request, permit the publication of the information. There is neither any sort of punishment provision against the misusers of the information furnished. We have proposed the sentence or fine against such people and the authority that could impose such fine or award the sentence. So, on certain apprehensions observed in the civil society, certain amendments have been proposed here and I hope that if the government should not oppose the Bill. I request the government to go through it and consider it. Thank you.

Syed Asgar Ali: Sir, I would like to add some thing with your kind permission...

Mr. Deputy Chairman : No, there is no scope for you to speak on the Bill... Hon'ble Minister.....

Shri Abdul Rahim Rather, Hon'ble Minister for Finance : Sir, there is no scope in the rules for anyone other than the Hon'ble MLC moving the Bill and the concerned Minister to speak on the motion.

Sir, the reason for us to oppose the Bill is, as you have also observed, that the Law is too young as we have enacted it in the very recent past. It has been implemented with great difficulty. Yesterday, Murtaza sahib had asked about the response to the law and the number of applications disposed off, which were 7000 in number out of 1.2 crores population. So, I think that it is too early to interfere in the law. No doubt, as pointed out by the Hon'ble Member, some people are mis-using the law and tend to exploit it which is not acceptable. Ours is exactly the law which is under implementation at the national level, which has evolved out of a series of stages after a detailed exercise at the National level. It has not been amended at the national level despite similar kind of complaints. Some responsible people at the national level have been heard saying that it has become another problem for the people in power, which is also a fact. But, we should have patience and let it continue for some more time. Nobody binds us to amend our own law. You have also stated in your observations that it is a newly born child whom we should allow to grow. At some stage when we would find that the situation has become out of control, we could always amend the law. I think that it would not be proper to amend it on provocation from some bad elements in the society. It would not carry a good message that the govt intends to conceal the information being sought under the Act. The Hon'ble Member has sought certain deterrent action against the misusers. But I would say that we should be open in giving information being sought under our democratic set up. We should not hesitate, it is their right. There is no need of registration as not only the RTI activists have the right to seek information, but every citizen of the state has been provided with this right. So, I would request you not to get emotional, let this law grow further. Wherever we would find any loopholes, they would be taken care of at proper time. The govt would always support your efforts.

Syed Asgar Ali: Sir, I would like to know as to who would be termed as an Activist. Who so ever applies under the Act is an activist.

Shri Abdul Rahim Rather, Hon'ble Minister for Finance : Sir, that is what I am saying that not only an activist, but anyone could seek information under the Act. So, I would request the Hon'ble Member, Mr. Naresh, a learned man, to withdraw his Bill at this stage. He is free to propose amendments to the Act at any later stage.

Mr. Deputy Chairman : Would the Hon'ble member withdraw his motion.

Shri Naresh Kumar Gupta: Sir, on the comments of the Hon'ble Minister and on his assurance, I withdraw the motion.

Mr. Deputy Chairman : Does the House allow the Hon'ble Member to withdraw his amendment.

Hon'ble Members : Yes.....

Mr. Deputy Chairman: So, the Bill stands withdrawn.

Mr. Deputy Chairman : Now we have some Bills for consideration and passing.
Shri Ajay Kumar Sadhotra and Syed Asgar Ali to move...

Shri Ajay Kumar Sadhotra: Sir, I rise to move a Bill to amend the Transfer of Property Act, Svt. 1977 (1920 A.D.) (L. C. Private Member's Bill No. 2 of 2010) be taken into consideration.

Mr. Deputy Chairman : Motion moved that a Bill to amend the Transfer of Property Act, Svt. 1977 (1920 A.D.) (L. C. Private Member's Bill No. 2 of 2010) be taken into consideration.

Any Member who wants to speak can speak,

Shri Ajay Kumar Sadhotra: Sir, the scope of section 138(3) of the Transfer of Property Act is only confined to Kashmir valley. My amendment is to substitute the word 'Kashmir' with 'the state' which would in turn benefit the residents of the whole state. I hope that the government would accept the amendment.

Syed Asgar Ali: Sir, Sadhotra sahib has already explained the need of the amendment, I request the House to pass the amendment with a common voice.

Mr. Deputy Chairman : Hon'ble Minister...

Shri Raman Bhalla, Hon'ble Minister for Revenue : Sir, the Bill has a good spirit, but I would submit that our department is working upon a similar piece of legislation having some other amendments as well. They are on final stages of drafting. So I would request the Hon'ble Members to withdraw their Bill.

Shri Ajay Kumar Sadhotra: Sir, in the last session also, the Hon'ble Minister had used the same plea on the introduction stage. I would like to ask him whether they contemplate to bring the Bill on their own.

Shri Raman Bhalla, Hon'ble Minister for Revenue : Sir why not, it is already in the final stages,

Shri Ajay Kumar Sadhotra: Sir, then we withdraw the Bill.

Mr. Deputy Chairman : Does the House allow the Hon'ble Members to withdraw this amendment.

Hon'ble Members : Yes.....

Mr. Deputy Chairman: So, the Bill stands withdrawn. Mr. Naresh Kumar Gupta....

Shri Naresh Kumar Gupta: Sir, I rise to move that a Bill to amend the Jammu and Kashmir Societies Registration Act, 1998, Jammu and Kashmir Cooperative Societies Act, 1989 and the Jammu and Kashmir Grant of Permanent Resident Certificate Procedure Act, 1963 (L. C. Private Member's Bill No. 7 of 2011) be taken into consideration.

Mr. Deputy Chairman : Motion moved that a Bill to amend the Jammu and Kashmir Societies Registration Act, Svt. 1998, Jammu and Kashmir Cooperative Societies Act, 1989 and the Jammu and Kashmir Grant of Permanent Resident Certificate Act, 1963 (L. C. Private Member's Bill No. 7 of 2011) be taken into consideration.

There is an amendment also to be moved by Mr. Murtaza Ahmad Khan.

Mr. Murtaza Ahmad Khan....

Shri Murtaza Ahmad Khan: Sir, I rise to move the following amendments in the Jammu and Kashmir Laws Amendment Bill 2011 (L. C. Private Member's Bill No. 7 of 2011) The Jammu and Kashmir Grant of Permanent Resident Certificate Procedure Act, 1963 and I propose that-

In sub-section (5) of section 7 the Jammu and Kashmir laws Amendment Bill, 2011, the Jammu and Kashmir Grant of Permanent Resident Certificate Procedure Act, 1963, the word 'or' appearing after the opening mark, and the flowing words 'officers' shall be suffixed by the words 'or person' and the words 'the basis of a' shall be inserted in the second line between the words 'on', 'false'. In the third line of the same sub-section, after the word 'document' the words 'or statement' shall be added. Also the word 'two' shall be added in the beginning of the second last line and the word 'punishable' appearing therein shall be substituted by the words 'punished'. The words 'ten' and 'five' appearing in section 7 shall be substituted by the words 'five' and 'three' respectively.

Mr. Deputy Chairman : Any Member who wants to speak can speak.

Shri Naresh Kumar Gupta : Sir, these Bills were introduced during the last session. Today they have been put for consideration. It was submitted that there is no provision in the Grant of Permanent resident Certificate Procedure Act prescribing punishment against a person who obtains the certificate on fake documents or acquires any property in the state or enters into government service or gets his wards admitted in professional colleges. There are no provisions in Act to get the benefits withdrawn. So, the House permitted to introduce the Legislation at that stage.

It was also connected with the Societies Registration Act. The outsiders from the state have settled in rural areas and have become members of the cooperative societies and acquired properties and managed to obtain a certificate. They continue to draw the benefits despite being outsiders. They also obtain seats in professional colleges while our own children get deprived of the same. Same is the case with government services. So no stringent action have been prescribed in the Laws. Suppose, I, on such basis, acquire a house in the state but after my deed gets exposed, the government does not forfeit the property so acquired or recover any sort of benefits he had acquired after getting into government services or to declare the degree obtained by me or my ward null and void. So, it was not just for one particular region, but for the whole state. We have examples in the Cooperatives headed by outsiders. As Murtaza sahib had pointed out about some Ansals or others. If such provisions had been there, the situation should not have been as such. So, where would our people go. So, I would request the House to consider this Bill.

Shri Murtaza Ahmad Khan : Sir, I am grateful to you for giving me the opportunity to speak. Though I have moved an amendment. Amendments have been sought here in three laws, but I would like to restrict myself to the Permanent Resident Certificate Procedure Act as I have sought an amendment in it. I had also moved an amendment in this House in this regard a couple of years ago and we all need to address this issue. That time, the Hon'ble Minister opposed the Bill tooth and nail and it could not be introduced. Mr. Gupta sought the leave to introduce it in some amended form and I am thankful that leave was granted. I observed during the speech of Mr. Gupta that everyone is concerned about the issue as it was visible from everyone's face. We are facing tremendous difficulties owing to the lousiness of the laws as there exist no provision of any punishment against the defaulter. The right was reserved with the Hon'ble Revenue Minister in the past, then a Commission was appointed which is in vogue today also but we seldom hear that the government acted upon the recommendations of the Commission. And I remember that when the Commission was appointed, there had been complaints against the local High Court Judges, officers, politicians and advocates of the High Court to sabotage it as they were not residents of the State. The motive was to over flood this Commission and not allowing it to function. We do not have any effective law in force today. Police could not take cognizance of any crime connected with this without a formal complaint by the

Commission. The government has also never launched any prosecution on the recommendations of the Commission in turn. So, I request that these amendments may be incorporated to make the law more effective and it may be declared as a cognizable offence otherwise we would also perhaps seem to be hand in glove with those who intend to change the demography of the state. If we remember that the Maharaja at that time finding that there was a scarcity of educated people in the state, hired skilled labour from Punjab and other states in 1885. But, in 1925, when the residents of the state felt that their rights are being suppressed by these outsiders, they launched a movement against the Maharaja and demanded that a law should be enacted immediately in the state on this score, which was enacted by the Maharaja in 1927 with the only intention to check such suppression of people of the state, especially, Jammu. But, unfortunately, we did not effectively implement the law. Today also, I would say that there are lacs of outsiders in the state who could manage to literally buy this State Subject certificate from the local market and you have no procedure to audit the records of the concerned. Resultantly, the rights and the properties of the actual residents are being compromised with. I at some time, joked with the Hon'ble Deputy Chief Minister that observing the trend of settlement of outsiders in the state, one day an outsider would be the Deputy Chief Minister of the State. This is a very serious concern. We should have a stern law on the subject and it is a good effort initiated by some body and I am sure that the entire House will support it and the govt will not oppose it.

Mr. Deputy Chairman : Hon'ble Minister....

Dr. Manohar Lal Sharma, Hon'ble MoS : Sir, I appreciate the spirit of the Hon'ble Member behind this Bill. It was introduced during the last session when it was debated in detail. This amendment has got three parts, first pertains to the Registration of Societies Act, 1998, second pertains to the Cooperative Societies Act and the third pertains to the Revenue Deptt. and the issuance of the PRC. It is not the concern of Mr. Gupta or Mr. Murtaza alone, but it is the concern of the entire House. A stern law on the subject is the need of the hour. But, I would say that the Revenue Deptt has examined the issuance of PRC in detail and I would like to assure the House that the Deptt is going to bring a comprehensive amendment on this subject.

The second issue pertains to the Cooperative societies. It is very clear in the law and the rules that the first requisite of getting it registered is that the Member should have the PR certificate. If the Hon'ble Member could remember, only one Society was registered by the then outsider IAS officers, called the House Building Society, but the same was immediately de-registered by the Registrar. So, the rules are very clear in this regard for the primary members of the society. I do not think that the basic Act needs to be amended as there has been no complaint on this score till date. If any case is brought into our notice, prompt action would be taken.

Thirdly, the governing body of the Society should not be non-state subjects. There is no such complaint in our notice. We would also examine it further and if we feel the need, we would bring a comprehensive Bill; I also share their concern that the PRC law should get more stern. With this assurance, I would request the Hon'ble Members to withdraw their amendments

Mr. Deputy Chairman : Do the Hon'ble Members withdraw their amendments.

Shri Murtaza Ahmad Khan: Sir, it is obvious from the faces of the Hon'ble Members that they are serious on this issue. If the Hon'ble Minister seek the withdrawal of the amendments, I would like to ask him as to when he would be bringing his version of the Bill or he commits to bring an ordinance. So, I request the Chair to put the Bill to vote.

Dr. Manohar Lal Sharma, Hon'ble MoS : Sir, I would request that the Bill is not complete, much needs to be added to make it more strict. I had already assured that the Deptt is exercising upon the matter and we would bring a legislation on this subject. So, I again request the Hon'ble Members to withdraw the Bill.

Shri Naresh Kumar Gupta : Sir, I would like to press the Bill.

Mr. Deputy Chairman : The Hon'ble Members who support the Bill, say yes.

Hon'ble Members : Yes.... Yes....

Mr. Deputy Chairman : The Hon'ble Members who oppose the Bill, say No.

Mr. Deputy Chairman : The Bill stands passed with amendments.

Mr. Deputy Chairman : Now we do not have any business for today. The House is adjourned till Monday, 3rd of October, 2011, 10.30 AM.
