

Toshkhana's delayed handover

A visit to the Dogra Art Museum at Pink Hall used to take us back to that era, and it was an experience never to be forgotten. The calmness and peace, historic artefacts, wall-size paintings, swords, and all weaponry are just too awesome to be forgotten shortly. Ever since the downfall of the Dogra Dynasty, the palaces as well as their belongings were handled in a way that made it seem like some outside invader had conquered the territory and had nothing to care about the earlier ruler. In both Jammu and Srinagar, the palaces were converted into Government offices, resulting in true vandalism of historic heritage buildings, with despoliation of unimaginable proportions, and what could have been a grand museum or heritage hotel was now reduced to rubble. The same is true of Toshkhana: there was no record of what was there, who handled the things, what was left, no videography, nothing on record until the 1980s when the Jammu and Kashmir High Court appointed a committee to investigate what was there. In the mid-eighties, with the emergence of terrorism, this Toshkhana lost all focus, and things turned from bad to worse. Despite elections and elected Governments since 1996, nothing constructive for Toshkhana has been done. A mysterious fire broke out in 2009 at Toshkhana. There was no damage assessment; it was free for all, and whatever was left was eventually stored in the Civil Secretariat's strong room and the Toshkhana Organization's stores. An investigation committee was also formed to look into the fire incident, but no logical conclusion was reached. Nobody was bothered, as a treasure of historic significance has been lying without proper care. Nobody knows what happened to the heirlooms, clothing, gold and silver utensils and cutlery, furniture, fixtures, carpets, and other items. What the Hospitality and Protocol Department has to do with Toshkhana items is beyond one's imagination. Ultimately, in August 2022, the LG administration ordered to hand over all the items to the Culture Department. Six months gone, employees transferred, but no handover-takeover on the ground. There seems to be least coordination between different departments. The Archives, Archaeology, and Museums Department, assigned for the task, are themselves short on space. The museum is currently housed in the Army Headquarters Building; when the entire Heritage Mubarak Mandi Complex will be restored following the duly approved Master Plan 2019, no one knows. The roofs of all palaces under the supervision of the Mubarak Mandi Heritage Society have been demolished, and when these structures will get back to their original shape is now anybody's guess.

The administration has taken the right decision, and it's time for all concerned departments to chalk out a proper time-bound plan to conceive and deliver a Grand Museum of the Dogra Era. The Mubarak Mandi Heritage Complex Master Plan has proper plans for the Grand Museum, but four years have already elapsed, and a project that was supposed to be completed by now is nowhere near completion. As such, it requires the immediate attention of the highest authorities. Meanwhile, all items should be handed over to the Archives, Archaeology, and Museums Department to store them properly under their custody. Any missing items must be recovered and restored to their proper place. The G-20 meetings are scheduled in Jammu and Kashmir, and it is indeed a historic moment to showcase Jammu and Kashmir's glorious history.

Pahalgam TRC

Jammu and Kashmir is known for its natural scenic beauty, which is literally beyond words and imagination. Lakhs of tourists come to see "Paradise on Earth," all hotels are usually booked for the summer, and there is good foot fall even in the winter. Pahalgam, the location of the famous Betaab Valley in a Bollywood film, is one such destination. It is also the gateway to Shri Amarnath Ji Yatra, but eight years later, it is still waiting for a proper Tourist Reception Centre. The old TRC was gutted in 2014, and a new one was planned but put on hold by the then-CM to build in an alternative location. Eight years have gone by, and an alternative place has not been decided until now. Tourism is the backbone of the Kashmir Valley, and many families rely solely on it for a living, so the lack of a proper TRC is a major impediment. Instead of handling tourism and tourists professionally with proper waiting rooms, an inquiry counter, guide rooms, taxi operators' office, ticketing counters, and all modern amenities, TRC is being operated from a hut at Nunwan. Can a hut be substituted for a proper TRC? All the tall claims of the Tourism department about world-class facilities seem to be on paper only. In this digital age, facilities matter, money doesn't, and these rickety and frugal arrangements are not going to work. The department must come up with a proper plan and coordinate with other departments to get the alternative land, and a mega TRC should be established. Most Shri Amarnath Ji pilgrims require proper guidance and information about other places in Pahalgam and the surrounding area that can be visited in a short period of time. It will play an important role in boosting the local economy. When the GoI and LG Administration are focusing so much on promoting Kashmir, how can such vagaries be allowed? Concerned authorities must expedite the process, and a proper TRC must be convened as soon as possible.

Time to implement Uniform Civil Code

Ashok Bhan

Uniform Civil Code crusaders believe that personal laws based on religion are an "affront to the nation's unity" and add that the UCC will ensure the integration of India by bringing different communities on a common platform. They argue that it aims to provide protection to vulnerable sections as envisaged by Ambedkar including women and religious minorities, while also promoting nationalistic fervour through unity. When enacted, the code will work to simplify laws that are segregated at present on the basis of religious beliefs like the Hindu code bill, Sharia law, and others. The code will simplify the complex laws around marriage ceremonies, inheritance, succession, adoptions making them one for all. The same civil law will then be applicable to all citizens irrespective of their faith.

The Uniform Civil Code (UCC) calls for the formulation of one law for India, which would be applicable to all religious communities in matters such as marriage, divorce, inheritance, and adoption. The code comes under Article 44 of the Constitution, which lays down that the state shall endeavor to secure a Uniform Civil Code for the citizens throughout the territory of India.

India is a 'secular' and democratic' Country. The constitutionalism envisions a separation between religion and state matters. 'Secularism' means equality of all religions and practitioners of all religions before the law. Currently, with a mix of different civil codes, different citizens are treated differently based on their religion. The rights of a Hindu woman are far more progressive than those of a Muslim woman who is governed by Muslim Personal Law based on Sharia law. Women's rights groups have said that this issue is only based on their rights and security, irrespective of sensationalism by religious conservatives. The arguments for it are: Its mention in Article 44 of the Constitution, need for strengthening the unity and integrity of the country, rejection of different laws for different communities, importance for gender equality and reforming the archaic personal laws of Muslims-which allow unilateral divorce and polygamy. India is, thus, among the nations that legally apply the Sharia law.

According to Experts, the Muslim Personal laws are "Anglo-Mohammadan" rather than solely Islamic. The Hindu nationalists view this issue in concept of their law, which they say, is secular and equal to both sexes. In the country, demanding a uniform civil code can be seen negatively by religious authorities and secular sections of society because of identity politics.

The only state in India i.e. Goa has a uniform civil code. The Goa Family Law is the set of civil laws, originally the Portuguese Civil Code, continued to be implemented after its annexation in 1961.

Sikhs and Buddhists objected to the wording of Article 25, which terms them as Hindus with personal laws being applied to them. However, the same article also guarantees the right of members of the Sikh faith to bear a Kirpan.

Today, Goa is a leading example of different religious groups - Catholics, Protestants, Hindus and Muslims living in harmony due to its Uniform Civil Code.

In 2015, Supreme Court of India opined the need of a uniform civil code and said that, "This cannot be accepted, otherwise every religion will say it has a right to decide various issues as a matter of its personal law. We don't agree with this at all. It has to be done through a decree of a court".

The Law Commission of India stated in 2018 that a uniform civil code is "neither necessary nor desirable at this stage" in a 185-page consultation paper, adding that secularism cannot contradict plu-

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rality prevalent in the country.

Indian society in pre-independence era had many other considerations like socio-economic status, Jati and gotra etc. in case of marriages. While the Hindu code bills wiped out all such practices in Hindu, Jains, Sikh, Buddhist, Parsi, Christian communities, some conservative section of these society had been demanding amendments to their Marriage Acts.

The current dispensation says the personal laws based on religion are an "affront to the nation's unity" but adds that the UCC will ensure the integration of India by bringing different communities on a common platform. However, it has maintained that only elected representatives and the legislature will decide whether the country should have a UCC, rather than involving courts.

The issue has been at the center of political narrative and debate for over a century and a priority agenda for the Bharatiya Janata Party (BJP), which has been pushing for the legislation in Parliament. The party was the first to promise the implementation of UCC if it comes to power and the issue was part of its 2019 Lok Sabha election manifesto.

The objective of Article 44 of the Directive Principles in the Indian Constitution was to address the discrimination against vulnerable groups and harmonize diverse cultural groups across the country. Dr. B R Ambedkar, while formulating the Constitution had said that a UCC is desirable but for the moment it should remain voluntary, and thus the Article 35 of the draft Constitution was added as a

part of the Directive Principles of the State Policy in part IV of the Constitution of India as Article 44. It was incorporated in the Constitution as an aspect that would be fulfilled when the nation would be ready to accept it and the social acceptance to the Uniform code could be made.

The origin of the Unified code dates back to colonial India when the British government submitted its report in 1835 stressing the need for uniformity in the codification of Indian law relating to crimes, evidence, and contracts, specifically recommending that personal laws of Hindus and Muslims be kept outside such codification.

Increase in legislations dealing with personal issues in the far end of the British rule forced the government to form the B N Rau Committee to codify Hindu law in 1941. The task of the Hindu Law Committee was to examine the question of the necessity of common Hindu laws. The committee,

Laws that apply to a certain group of people based on their religion, caste, faith, and belief were made after due consideration of customs and religious texts. The personal laws of Hindus and Muslims find their source and authority in their religious ancient texts.

In Hinduism, personal laws are applicable to legal issues related to inheritance, succession, marriage, adoption, co-parenting, obligations of sons to pay their father's debts, the partition of family property, maintenance, guardianship, and charitable donations. In Islam, personal laws apply to matters relating to inheritance, wills, succession, legacies, marriage, wakfs, dowry, guardianship, divorce, gifts, and pre-emption taking roots from Holy Quran.

What will Uniform Civil Code do?

To provide equal status to all citizens: In the modern era, a secular democratic republic should have common civil and personal laws for its citizens irrespective of their religion, class, caste, gender etc.

To promote gender parity: It is commonly observed that personal laws of almost all religions are discriminatory towards women. Men are usually granted upper preferential status in matters of succession and inheritance. A uniform civil code will bring both men and women to par.

To accommodate the aspirations of the young population:

Contemporary India is a new society with 55% of its population is below 25 years of age. Their social attitudes and aspirations are shaped by universal and global principles of equality, humanity, and modernity. Their view of shedding identity-based on any religion must be seriously considered to utilize their full potential towards nation building.

To support the national integration: All Indian citizens are already equal before the court of law as the criminal laws and other civil laws (except personal laws) are the same for all. With the implementation of the Uniform Civil Code, all citizens will share the same set of personal laws. There will be no scope of politicization of issues of the discrimination or concessions or special privileges enjoyed by a particular community based on their particular religious personal laws.

To bypass the contentious issue of reform of existing personal laws:

Existing personal laws are mainly based on the upper-class patriarchal notions of the society in all religions. The demand of Unified code is normally made by aggrieved women as a substitute for existing personal laws as patriarchal orthodox people still demand the reforms in personal laws will destroy their sanctity and oppose it profusely.

Let the Parliament build a consensus and take a final call to enact a progressive legislation. (The Author is Senior Advocate, Supreme Court of India)

Toolkits to dismantle India

Satya Dev Gupta

Prime minister Narendra Modi after the Gujarat election made a speech in December 2022 where he mentioned that despite anti-incumbency factors of 25 years, people have outrightly voted for the Bhartiya Janata Party (BJP) and created history by sharing affection and belief in BJP policies. He had warned the party workers to get prepared for the near future as BJP and his government shall face an onslaught, charges and bombardment not only from the critics within India but also from outside the country. Prime Minister might have some inputs from intelligence agencies that were enough to alert his colleagues and party men in lieu of anticipated challenges from the critics and opponents who have been primed and equipped well to sharpen their attacks. Capital TVs channel, chief editor Dr Maneesh Kumar in his narration says that in September 2022 three meetings were organized in Delhi at 3 different places namely Motibaag, Bahadur shah zuffer road at the residence of a renowned advocate, and in an embassy situated in the southwest of the capital where the plan to defeat Modi in 2024 elections was hatched. The intelligentsia, experts in election campaigns, lobbies of pharma and petroleum-based products, journalists etc, mainly the Indian origin assembled for "Regime Change Operation". It was impressed upon to spend 6 million dollars on multifaceted instrumentation of electronic, print, public relationships, business lobbies, mass media etc spreading worldwide including China, USA, Britain, European countries, Middle East, Pakistan and many other places. The agenda was to be activated and executed by September 2023 for 180 days: however, the game project leaked and intelligence agencies came into action.

Since Narendra Modi has taken as prime minister in 2014 he and the BJP Government has been attacked by opposition parties particularly Congress, left-liberals and by foreign agencies particularly from the USA and the western world. The fake and false narratives frequently are generated to dent and tarnish Modi and India from time to time to confuse the public and make impediments in the progress of the country. Series of conspiracies, which were hatched on the unnatural ground were

blown out by the current of wind of facts. The narratives true or false were raised to concrete plans to be performed and have been given the name 'Toolkits' and during the last 8 years, we have been accustomed to listening or reading in newspapers and media very much about "Toolkit".

TOOLKIT

In politics and the political world, toolkits have been used by social justice and human campaigners to provide protest avenues to raise awareness and suggest studies to mobilize protesters. The political toolkits have been used by major protests such as the Occupy Wall Street protest of 2016, the Black lives Matter of 2020, the Hong Kong protests of 2019, India's anti-CAA (Citizens Amendment Act) protests of 2019-20 and farmer's year-long agitation Rafal aircraft deal etc. The motive of the toolkit used by teachers, journalists, academicians, armed forces, government agencies etc. is to make full use of resources for team members in one place and formulate the schemes and projects to coordinate for faster acquisition and execution of the assigned tasks. With the advent of the New Era, the toolkits have changed their design and now the speeches and pamphlets have been replaced by digital Toolkits.

SIGNIFICANCE OF DIGITAL TOOLKITS
The significance of a digital toolkit kit is that it spreads messages for and wide, and facilitates the passage of directions to both online and on-ground supporters to unite and coordinate for the accomplishment of specific work.

DIGITAL TOOLKIT GUIDE AND ACTION
CAA protest tool kits shared on Whats App suggested Twitter hashtags or digital campaigning, places to hold protest and guide on what to do and what to carry if detained by police. They provided ideas to those willing to provide food water or medicine to protesters and also encourage sympathizers to find protests happening in their neighbourhood.

HISTORY OF SOME FORMAL AND NON-FORMAL TOOLKITS IN INDIA

The political Toolkits were more prevalent when Congress led Government in combination with Left-liberal Socialist, Muslim League and others was overthrown and a new regime of so-called

rightist BJP led Government took over.

ANTI-CAA MOVEMENT

This Citizen Amendment Act was enacted on December 2019 for the settlement of non-Muslims (Hindus, Sikhs, Christians etc), from Pakistan, Bangladesh and Afghanistan, who have been subjected to targeted violence by Islamic fundamentalists and wanted to come to India for settlement in lieu to Liaquat-Nehru Pact. Some opposition parties and groups while talking about the advantage, were successful in highlighting this opportunity into another shade. The false narratives were coined to exploit Muslims, the capital city was seized and a form of anarchy was created that led to communal riots with a loss of 53 innocent lives.

FARMERS AGITATION

A young Swedish climate activist Greta Thunberg supported the Farmer's protest in India through a series of tweets was the Toolkit which was thrown from abroad and caught by the agitators. Nikita, Shantanu, and Disha were the creators of the document, and organised meetings in zoom group with pro-khalistani elements, on 11 January 2021, just 15 days ahead of the republic day that led to violence on 26th January and tarnished the image of India.

AGNIPATH AND AGNIVEERS SCHEME

The Government of India on 14 June 2022 introduced a "duty style in the scheme" for the recruitment of soldiers below the rank of commissioned officers into all three services of armed forces both males and females. The personnel recruited in this scheme were given the name 'Agni Veers' meaning Fire-Warriors. In this scheme, the Indian government planned to recruit 40,000 to 50,000 new personnel every year. The violent protests were organised by the miscreants, and separatists supported by anti-Indian and anti-government forces on 16th June. The train services were disrupted to a great extent and by 17 June 12 trains were set on fire and a lot of national property ransacked.

TOOLKITS OF THE RECENT PAST

BBC Documentary:

The readers know about Gujarat violence and communal riots that had erupted in 2002 during Narendra Modi's regime as Chief minister from

Rasleen Kour

Is a safe and a promising world a possibility for women in India? I have no uncertainties as to the answer of the question I have put up for all of us as we all are pretty much familiar with the state of affairs in India when it comes to the subject of safety of women in the country.

Three shocking and barbaric cases have surfaced in our country where women, who were in live-in relationships, were brutally murdered and then later discarded in different ways. However, one query is reasonable to be coming in our minds after learning these cases, why unfortunate incidents like these have happened in the first place? Yet more questions pour in, are live-in relationships to be blamed for this or are they not to be? Has time really come that we as families and as a society teach our boys some crucial moral values from their early age onwards that could probably ensure a safe and dignified environment for girls? Does India as a conservative country accepts such relationships and what the law of the country holds for the same? These questions are not only questions but they hold a potential to bring a transforming revolution in the country in area of women safety as well as alleviating the status of women if looked upon with an intention to actually set the path clear for change.

We must understand that women, just like their male counterparts, have and are entitled to enjoy every single right that is bestowed on an independent human being, be it a fundamental right or a human right, and this urgently needs to be

addressed. I am strongly emphasising on this aspect for the reason that taking into account the recent bone chilling murders of women in India living in live-in relationships are unfortunately hinting at the opposite. The liberties of and respect for women as dignified individuals, in these cases, have been ripped apart by the perpetrators.

There seems to be no trace of deterrence in the minds of the criminals while they indulge in such crimes even after having so many laws and penal sanctions in place for such offences. From life imprisonment to capital punishment, these sanctions should be creating a sense of acknowledgment in the minds of the wrongdoers that their actus reus (wrongful acts) will not go unnoticed and the same will entail criminal liability to them for their criminal actions. However, sadly, this currently seems to be not the scenario in our country. In addition to this, I believe we also need to educate and infiltrate a sense of equality and honour and start teaching basic 'human rights' to our young generation, especially boys, so that when they grow old they are accompanied with the most fundamental and essential aspects of reverence being given to a human life and dignity, especially when it comes to women and girls, which needs protection and be treated equally.

Since the validity and morality of live-in relationships as an institution in itself is now being debated in the country, it also needs to be touched upon in this discussion. A live-in relationship exists where two consenting adult persons of lawful age and of sound mind mutually decide to live together with-

out or before they tie a knot. Because this concept of live-in relationship is a foreign one and not a traditional one therefore Indian culture, customs and Indian society itself does not praise this practice. However, if we begin to see the perspective of this matter from a legal point of view, it will help bringing some life to such relationship as Article 21 of the Constitution of India which guarantees 'Right to life and personal liberty' protects the constitutional rights of the two consenting partners intending to enter a live-in relationship, especially of a woman who, as the law recognises, has a right to make independent choices for herself. Moreover, the hon'ble Supreme Court of India has also given important judgements in this regard thus upholding the validity of this institution. Some of the relevant case laws in this respect are Badri Prasad v. Dy. Director of Consolidation (1978); Lata Singh v. State of U.P. (2006); S. Khushboo v. Kanniammal & Anr (2010), in these cases the court has clearly held that being in a live-in relation is not an offence as long as certain requirements such as that of legal age, consent, soundness of mind of both the partners are fulfilled.

Now that we know that live-in relationship has been given a nod by the law of the land so whatever hesitation is prevalent around this institution is a moral and societal one. Because when an individual, especially a woman, decides to enter into a live-in relationship with the other the society in a way becomes inclined towards cutting ties with that individual as his or her actions are not considered moral. And that is exactly where the severance of social ties and connections with such individual begins to take

place and this further can probably lead to isolation and can probably lead up to unfortunate incidents like those that have happened. Therefore, as per my understanding, it becomes essential for the society and families as well to recognise these situations and to refrain from severing connections with their loved ones even when the latter break the moral code.

Finally, we should understand that both men and women are created equally by nature and are bestowed with equal rights and liberties. The law of the land also guarantees the same and creates no differences. Both the genders have equal potential and abilities and this needs to be accepted and respected by us. And when it comes to women, she deserves equal rights and opportunities in every sphere of her life and most importantly needs to be respected. In addition to this, I believe we also need to educate and infiltrate a sense of equality and honor and start teaching basic 'human rights' to our young generation, especially boys, so that when they grow old they are accompanied with the most fundamental and essential aspects of reverence being given to a human life and dignity, especially when it comes to women and girls, which needs protection and be treated equally.

And in order that a safe and just environment be created for a girl and a woman to grow and lead a normal life all the above factors play an important role in ensuring the same. And it is only when we consider and implement these factors into our lives that we surely can build a safe and a promising possibility for women in India.

(The author is an advocate)