

Arbitration Centres at Srinagar, Jammu

An alternative dispute resolution is the method of arbitration under which even without going to court, disputes can be settled. We see cases keep on piling up in the already overburdened courts and it usually takes months and years, in normal course, in deciding the cases. Seeking justice is also felt by large number of people to be a costly affair. Why not to submit a dispute to a third party called as Arbitrator to resolve the dispute after hearing the presentation of both parties, is thought about by many litigants as an easy middle path. In this connection, it is heartening to learn that High Court of Jammu and Kashmir has accorded approval to setting up of High Court annexed Arbitration Centres at Srinagar and Jammu. Like this, not only an institutionalized framework is created for arbitration but it is expected to bring about speedy and expeditious resolution of disputes. These Centres shall be called as The Jammu and Kashmir International Arbitration Centres (JKIAC).

Needless to add, while Section 89 of the Code of Civil Procedure provides for such a facility for the litigants, due to certain reasons like absence of detailed modalities etc, the issue has remained increasingly inactive in Jammu and Kashmir. The section, however, does not bind a court to necessarily conduct arbitration but does not debar it either from referring a dispute to arbitration or reconciliation. The premise is that it should feel satisfied that the dispute in a pending suit could be settled through arbitration. The denial of such a facility so far, has resulted, on the whole, the parties to the disputes not getting speedy justice and thus remaining out of the domain of securing fair, speedy and less expensive justice. Now since the relevant (Management) Rules have been framed by the High Court, constituting of such centres is expected to be not only smooth but effective as well. While the Rules have been lineated about the composition of the Arbitration Centres, the Arbitration Committee, Arbitration experts, a secretariat with coordinators, the Panel of Arbitrators and other associated prerequisites and other requirements, the Chief Justice of the High Court of Jammu and Kashmir shall be its Patron-in-Chief. We, therefore, expect that following an awareness about this facility on a wider scale, litigants would find these Centres of great avail to have their disputes settled. The successful results from and the encouraging functioning of such Arbitration Centres (Courts annexed) at Delhi, Chandigarh, Bangalore, Chennai and Cuttack shall become the cause and the reason of such facilities going to be started in the twin capital cities of the UT of Jammu and Kashmir with great zeal and expected good results. The objective behind Section 89, thus shall get duly accomplished.

It is again the question of taking initiatives in this noble cause to dispense speedy and less expensive justice to the desirous parties to a dispute for arbitration in that the panel of Arbitrators prepared by the JKAIC and the Arbitration Committee must not only be the most suitable but willing as well to serve as Arbitrators. Looking to various advantages besides being less expensive, the process is essentially a private procedure in that if the parties desire privacy, then the dispute and the resolution can be kept confidential. Arbitration must be sought after thinking, that the process shall be the end of the dispute, as there are very little options for preferring an appeal. This advantage gives the Arbitration process and its award the distinction of finality which is not very often present in a trial decision. So, the right to appeal is not there even if after the arbitration decision, either of the parties feels disadvantaged. However, arbitration is very useful tool for resolving disputes and setting up of Jammu and Kashmir International Arbitration Centre (JKIAC) shall go a long way in its objects and requirements, all in the interests of the litigants.

COVID-19 & Health Clubs at Panchayats

For screening and identification of COVID suspects both symptomatic and non symptomatic as also those carrying mild infections, UT Government has come up with a promising proposal of setting up of Health Clubs in rural areas at Panchayat levels so that the spread of the deadly virus was contained effectively. This step has been taken keeping in view the spike in daily cases of infections across the UT of Jammu and Kashmir, the spread now having gone even up to rural areas which so far had very less cases of reported infections.

While these clubs must be made the best use of in checking the spreading of the virus by subjecting people to various tests and screening etc, the idea of overseeing the availability of masks, pulse oximeters, vital drugs etc by these clubs is a welcome step. Addressing various myths, apprehensions, misinformation as also the menace of fake news particularly on social media in respect of the virus, would go a long way in not only in allaying the fears and doubts of the people but creating a genuine awareness about the pandemic and how precautionary protocol was mandatory and essential to follow. Since nothing definite could be said about how long the virus was going to trouble the globe, the fact that we had to learn to live along with the threat while keeping safe by taking simple precautions, needed to be effectively conveyed.

Holiday Tribute to the Ruler of Dismantled Kingdom

Maj Gen Goverdhan Singh Jamwal, Col J P Singh

Maharaja Hari Singh was born on 23rd September 1895, in Amar Mahal Jammu which is a museum of world fame and most popular tourist attraction in Jammu. Coincidentally his Coronation was also on 23rd September 1925. He ruled the most troubled region of the sub-continent during the most turbulent time of history when the sub-continent was divided on the basis of religion. He came under tremendous pressure for acceding to Pakistan because majority of his subjects were Muslim. He took an all time historic decision and signed the Instrument of Accession in favor of India on 26 October 1947. Today J&K is part of democratic India and we are Indian because of him. Four Dogra rulers ruled J&K for 101 years but none ever faced such uncertain and fast moving political and military challenges that he faced including threats to his life and property right from the time of the Round Table Conference. Yet he steered the state to its destination wisely for which he deserves to be remembered and celebrated.

He was son of Raja General Amar Singh Ji; younger brother of Maharaja Partap Singh. He ascended to the throne of Jammu & Kashmir State on 23 September 1925 after the demise of Maharaja Sir Partap Singh Ji.

He was one of the renowned rulers of British India for ruling the largest, (87,000 Sq Miles) and strategically the most important state of British India which continues to remain in the limelight even today for several political, military and historical reasons. He gained acclamation for being "The Last Ruling King of Independent India" since he continued to be 'Maharaja of Jammu & Kashmir' till 15th November 1952 while all other rulers of princely states had seized to be Kings by 1948.

His rule has been described as glorious by many historians because of several reforms that he introduced in Administration and Judiciary. His commitment to justice and rule of law has been vividly described by Justice T S Thakur, ex Chief Justice of India, in a video which is going viral these days. After ascending to the throne he brought about several rules and regulations for the welfare and betterment of his subjects. There are numerous instances worth mentioning but few of them such as making primary education compulsory for all men & women, prohibiting child marriage and opening all the places of worship for low caste subjects are most remarkable. He opened lot of new schools and colleges to promote education. He managed to check corruption in the administration by adopting unique ways of detecting corruption, finding culprit officials and punishing them. He banned beggar (free labour) and it is said that during his rule none dared to accept bribes or deny wages for any services rendered. He even ploughed himself to get land holding rights to his subjects.

He was a member of the Imperial War Council from 1944 to 1946 during the World War II. During the war he visited Middle East where he joined his units which were fighting against Axis Powers. He lived with them in their temporary bunkers which boosted their morale, the same way as PM Modi's visit to Ladakh during current Indo-China standoff has done. Showing his solidarity with his forces in the battlefield earned him lot of respect not only of his men but also of the Allied Powers particularly of the British Army. He was very popular and respected by his men who defended the State of 600 miles border with 12000 soldiers till the Indian Army came at a cost of 1990 officers and men killed.

Maharaja Hari Singh's rule witnessed lot of political upheavals. From 1931 onwards his rule faced Kashmiri insurrection against his rule which almost became a mass movement in the valley under the leadership of Sheikh Abdullah. He opposed Jinnah's Muslim League for its communal agenda illustrated in his two nation theory; hence faced his wrath. He was victim of hostility of Indian National Congress because of Pt Nehru and Sheikh.

Maharaja was a democratic and progressive ruler and knew what was to come. He had made it clear in the Round Table Conference in London that he was for independence of India for which he had to pay heavily as British never trusted him thereafter. As a result he had to face many uprisings fomented and abetted by them. He knew that the era of the dynastic rule was to end soon for which he prepared his subjects by introducing elections for the Paraja Sabha. He

also prepared his son to fit in the future democratic set up of the country. Dr Karan Singh bears testimony to it as he became the first elected head of the State as Sadar-i-Riyasat and later Union Minister and Parliamentarian for many years. The credit for preparing him for the distinguished career in the changed political scenario goes to the Maharaja.

Lord Mountbatten visited Srinagar in June 1947. He advised Maharaja Hari Singh to accede to Pakistan. Maharaja ignored this advice and instead wanted more time to decide the future of his State. Maharaja had his own reasons as ascertained by me while spending a month with him in Bombay along with his ADC Late Capt Diwan Singh in Apr 1954. Why he did not join Pakistan. He treated his subjects as his family. He thought 30 percent of his Non Muslim subjects i.e. Hindu, Sikhs, Bodh, Jains and 10 percent of Shias and Christian will not be happy in a Country born on religious grounds whereas all including 60 percent Sunni Muslims will live happily in India being a pluralistic Democracy. How true he was, is now in front of us. This was his farsightedness.

There was a provision of Standstill Agreement in the process of transfer of power. He offered Standstill Agreement to both the Dominions. Unfortunately it was not accepted by Pt Nehru which changed the course of history. Had Pt Nehru accepted it, Pakistan couldn't have attacked J&K in October 1947 as the State would have been the joint responsibility of both the Dominions.

However following the invasion by Pakistan on 21/22 October 1947, he appealed to the Indian Union for help. India refused unless he acceded to the Indian Union. He signed the 'Instrument of Accession' with the Govt. of India on 26 October 1947 acceding his country to the Indian Union which included Jammu, Kashmir, Northern Areas, Ladakh, Trans Karakoram Tract, POK and Aksai Chin.

Due to growing hostility with his Prime Minister Sheikh Abdullah, he appointed Yuvraj Karan Singh as his regent and left for Bombay in June 1949, never to return to his State thereafter. He spent rest of his life in Exile. He breathed his last on 26 April 1961 at Bombay. As per his will his Ashes were immersed in Tawi and spread all over J&K.

The events mentioned above leading to the Accession of J&K with Indian Union created Indo-Pak hostility which has resulted into 4 wars. Due to undemocratic nature of transition, the largest State of India today is left half of what Maharaja acceded. All the territories mentioned above are split between India, Pakistan and China, a flash point of the World.

J&K State, which was knit together by his illustrious forefathers was re-organised on 5th August 2019 into two UTs of J&K & LADAKH. Ladakhis are overjoyed on coming under direct central rule but Jammu is not yet reconciled to the down gradation of state of their forefathers' creation. Like Ladakh Jammu had also aspired for separation from Kashmiri domination. Hence the Dogras are still hopeful of Jammu Statehood. In the mean time they appeal to the Lt Governor to declare 23 September as Holiday as a tribute to a distinguished last ruler who made J&K part of India despite all the odds.

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The Reformist

D R Bhagat

Maharaja Hari Singh was the fourth and the last Dogra ruler of princely state of Jammu and Kashmir. He was born as a son of Raja Amar Singh who was the brother of Maharaja Partap Singh. He succeeded to the crown in 1925 after the death of his uncle Maharaja Partap Singh. He was the most liberal and reformist Maharaja of the state and was much interested in the welfare of all sections of the society. He made many social, economic and administrative reforms.

Due to the prevailing caste system in the society, the condition of the depressed people of the society was quite miserable. They were not allowed to draw water from the common well or the pond. Their children were segregated from other children while studying in the schools. They were not allowed to enter and perform puja in the temples. He announced that all wells and schools shall be open to all and there shall be no discrimination on the basis of caste. He ordered that all the untouchables should be allowed to enter and perform puja in all the temples of the state. A formal proclamation was issued in this regard on 31 October 1932. There was wide spread opposition from the priests and other orthodox people of the society. The head priest of Raghunath temple in Jammu resigned in protest but the Maharaja did not succumb to the pressure and got the orders implemented strictly. He was the first ruler of any Indian princely states of India to have courage to stop discrimination against untouchables. He also granted scholarships to their children to help and encourage them

parents of each daughter in Rajput family shall be given one acre of land and financial help at the time of the marriage of a daughter which discouraged this inhuman practice. He also made reforms in the field of education. He made primary education compulsory for the children of the state. Many primary schools were opened. The number of primary schools increased from 700 in 1925 at the time of his coronation to 20700 in 1945. To encourage higher education, the college fees were reduced to very low. He granted scholarships to brilliant students who wanted to go for higher studies outside the state. He also abolished polyandry which was the practice of marrying all the brothers of a family to one woman and it was prevalent among the Buddhist community in Ladakh.

There were also some notable achievements on the economic front. To give relief to farmers from high handedness of money lenders, he passed the Agriculture Relief Act by which a debtor could settle his accounts with the creditors in the court of law. The peasants were given the proprietary rights. The trade and industry were encouraged. Small scale industry like carpet, leather goods and silk were established which provided employment to the local people. In 1938, The Jammu And Kashmir Bank was established and its branches were opened in main towns of the state. Important towns were linked with telephone, telegraphy and wireless services. To give maximum employment to the people of the state in government services, he passed the State Subject Law. With all these measures, the economic condition of the people improved to some extent. On the administrative front also some important reforms were made. A Legislative assembly called the Praja Sabha was established in 1934 which had 75 members. Out of these 33 were elected members whose strength rose to 40 in 1939. Panchayats were associated with the implementation of various schemes for the welfare of villagers. In the health sector, he opened the Maharaja Hari Singh Hospital in Srinagar which was one of the biggest hospitals in the sub continent. At the time of coronation, he said, "Justice is my religion". So he took steps to improve the justice delivery system in the state. He established the Jammu and Kashmir High Court in 1928 with one chief Justice and two other judges. These judges were appointed by the Maharaja from best legal experts. In the matter of religion, he had a secular temperament. He respected the religious sentiments of all his subjects. At the time of Eid, he joined his Muslim subjects in Eid prayer. He did not discriminate Hindus and Muslims in the matter of important appointments. He had appointed two Muslims namely Malik and Noor Mohammed Khan as his ADC's. The legendary singer Malka Pukhraj was the court singer who used to sing bhajans in the palace. Abdul Qayum Khan was his secretary. He was a true nationalist and in the Round Table Conference held in 1930 in London, he forcefully spoke in favour of independence of the country which annoyed the Britishers. He also acceded the state to India despite being the Muslim majority state and pressure from Pakistan to accede to that country.

The welfare measures taken by him went in a long way in ameliorating the woes of the people of the state which was one of the biggest kingdoms enjoying the autonomy and the internal sovereignty. He was much ahead of many princely states in making social, economic and educational reforms. But despite all these good works done by him, his tenure as Maharaja was not an easy going affair. Due to his nationalistic character, the British government in India was not happy with him and so they supported the communal forces in the state which were rising against the autocratic rule of the Maharaja. Some ugly communal incidents took place. This movement was being led by Sheikh Abdullah who also became the Prime Minister of the state after independence. With the support of Nehru and Sardar Patel, he was successful in sending him to exile. On 20 June 1949, he left for Bombay and never returned to see his state and its people who were so dear to him. Only his ashes were brought here when he left the world on 26 April 1961 while still in exile in Bombay now Mumbai. Recently, the demand for declaring his birthday as a state holiday has gained the momentum. This demand is just one as the Maharaja is considered as the architect of modern state of Jammu and Kashmir now J&K UT.

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for education.

There were many evil customs in the society which draw the attention of the Maharaja. The widows were prohibited to remarry and therefore forced to lead a miserable life. He passed a law to allow remarriage by a Hindu widow and also banned the practice of Sati. He prohibited the child marriage which was very common in the society. He passed the Infant Marriage Prohibition Law which prohibited the marriage of a boy below the age of 18 and that of a girl below the age of 14. In 1934, he banned the immoral trafficking of women and as a result many brothels in the state were closed. These women were rehabilitated by providing them training in various handicrafts. The female infanticide was common in Hindus especially in Rajputs who considered the daughters as a curse. The poor Rajputs were not able to meet the dowry demands of in laws of the daughter at the time of marriage. To put an end to this nasty practice, he proclaimed that the

Sunidhi Mahajan

COVID-19 is not only a challenge for global health systems, but also a test of our human spirit. Recovery must lead to a more equal world that is more resilient to future crises. Women will be the hardest hit by this pandemic but they will also be the backbone of recovery in communities. The year 2020 marked 110 years of International Women's Day celebration. This year was slated to be a turning point. A new beginning for centuries-long struggle. The year 2020, is also marked as the twenty-fifth anniversary of the Beijing Platform for Action, which was intended to be ground-breaking for gender equality. Instead, with the spread of the COVID-19 pandemic even the limited gains made in the past decades are at risk of being rolled back. The pandemic is deepening pre-existing inequalities, exposing vulnerabilities in social, political and economic systems which are in turn amplifying the impacts of the pandemic.

Feminism has been locked-down and the progress of achieving gender-equality seems to be slowing down, arrested in the cuffs of the pandemic. In content emerging from across the world, the pandemic has been declared a disaster for gender justice.

Gender-based violence exacerbates with the tensions around security, money and

health conditions. Within confined spaces, living conditions for certain families are not even healthy and can lead to violence against the vulnerable members of the household. So many women are stuck with their perpetrators in the lockdowns imposed to contain the virus and helpline numbers are limited in scope due to restrictions on relocation or mobility. Across the world, but more specifically in India, the instances of domestic violence against women and young girls have increased by 100%. Communities, where there is more alcoholism, lack of access to alcohol, can lead to violence due to withdrawal symptoms like frustration and aggression. Also, in single-income households where women are sole breadwinners, they are now unable to get the money due to lockdown. Even at those homes where every day, non-physical friction exists, the chances of that converting to emotional and physical abuse in such circumstances is high. New cases of violence are being reported along with sectors pre-disposed to violence where there is a marked increase. Work from home due to lockdown is disorienting for many people, leading to mental health issues.

"Homes which were already unsafe for many and now it is becoming more so because

lockdown is forcing people to remain close doors without any chance of seeking support. Similarly, instances of child sexual abuse have increased. I get more instances of child sexual abuse, or people amid gender transition or who have already transitioned to self-determined gender identities because they face discrimination. The family



may not accept them. Still, they have to stay inside the four walls of the house in this lockdown". Mental health issues in being times are genuine. There are a lot of people who experience disorientation and discomfort working from home with the challenge of handling so many things

In developing countries like India, women are the primary caregivers at the household

level. With the mobility restrictions, educational institution closures the burden of household care is likely to be increasing on the women. The burden of care and responsibility - of home staying children, extended family members, and elderly - can make the situation more stressful for the women, even for those who do not work out-

side of the home. For those who do, working from home will imply lower productivity. Male involvement in the domestic activities has been a hard nut to crack despite many long going gendered and family welfare interventions.

In rural areas, women's involvement on farms may go up in regions where there is shortage of labour due to a decrease in the number of

migrant labourers. For instance in India, during this year's harvest season (March-April), many migrants have moved back to their homes. This may result in higher agricultural wages for women in the short-run. Therefore, the demand for women's time both within and outside the household may rise in rural India. The net effect on women's time allocation will depend on the relative net benefits of time at home and outside.

In urban areas, due to the greater proportion of nuclear families, women may be needed to support the family by being at home to take care of the sick and/or due to loss of jobs/earnings in the immediate future. In the long-run, however, if working from home becomes the norm; more work opportunities may become available to women who often prefer home-based work.

Moreover, in many countries, women's participation in the labour market is often in the form of temporary employment. Across the world, women represent less than 40% of total employment but make up 57% of those working part-time. In many sub-Saharan African countries, travel restrictions will constrain the many women in the informal sector, who depend on incomes that are earned on a daily basis, from plying their trade.

This is perhaps the clearest lesson emerging from the pandemic. This includes gender-responsive economic and social policies and placing women's economic lives at the heart of the pandemic response and recovery plans. Women across sectors are feeling the social and economic impact of COVID-19. In the political sphere, women are stepping up to take new roles to take care of fellow women in these troubled times. The social and economic inequalities foreseen in the post-pandemic world would be better handled with more women leadership in politics and strong anchoring of sisterhood which would help women at the other end of spectrum thus building an equitable world. Feminism as a movement has faced a lot of obstacles. It is not a kind of movement that will stop existing because COVID has come. Rather feminists are very vocal and active in responding to multiple challenges whether calling attention to domestic violence survivors, or to people with disabilities or senior citizens. A lot of feminist work and advocacy is still going on and will keep happening. Intersectionality lets you see these things and I think feminism will definitely employ these tools to look at the areas and respond to them through either civil society work culture or advocacy in larger sector.

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