
**HALF WIDOWS IN KASHMIR -A STUDY ON THE IMPACT OF POST TRAUMATIC
DISTRESS DISORDER ON WOMEN**

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A woman whose husband is missing but not known to be dead is known as half widow. This term was emerged in Kashmir after 1989 military insurgency. Most of the civil society workers and scholars agree on this point that "half-widows" are undefined legally term within the patriarchal socio-cultural context of South Asia. In rural Kashmir, with fewer economic opportunities, "half-widows" are at a greater risk of suffering manipulation by government officials and even community leaders. According to a detailed 2007 report by the award winning Kashmir based journalist, Haroon Marani, the primary concern of families "is to find their missing person. They move from one police station to another, from one army camp to another and so on. It takes months and years". During the years of conflict in Kashmir, it's not only the half-widows who have suffered. The half-orphans have also suffered heavily under the weight of lives with little opportunity. As a child's self-esteem is wrapped in the identity of a missing father, a generation of children is now living through the confusion of broken dreams. The legal system and society confines half-widows and their children between the boundaries of the past and the present, where they hope against hope.

A report titled "Half Widow, Half Wife" released on 2011 by the Association of Parents of Disappeared Persons (APDP) says that the fact that the men have disappeared and have not been declared dead, has left thousands of women, known as "half-widows", and their children in a precarious state, with little legal protection, rendering many desperate and homeless and paving the way for abuse and exploitation. The story of the half-widows of Kashmir "captures the unseen

and pernicious face of insecurity in Kashmir", the report says, based on their insecure position of being "single", yet still legally married, the "half-widows" are unable to access the family estate or ration cards. Ex-gratia relief can only be accessed by "half-widows" after a period of seven years has passed and only when the case is passed through a local screening committee. The report says that the committee is usually made up of police officers and those from government bureaucracy, thereby undermining the process."Most legal remedies remain elusive due to the severe financial and emotional costs over multiple year timelines," the report notes, adding that "administrative remedies fall short of providing due relief to half-widows".

Poor half-widows, who do not come from wealthy families in Kashmir, are living in desolate conditions and suffering psychological illnesses connected to war conflict, including an inclination towards suicide,. Many have fallen prey to psychological problems including depression, phobia, emotional instability and post traumatic stress disorder. Sadaqat Rehman, Assistant Professor in clinical psychology at Srinagar's psychiatric hospital, says: "Many half-widows are coming these days that are hypersensitive and shows signs of depression. We treat them with cognitive behavioral therapy. Beside the economical instability half widows suffers from the constant agony, trans-generational trauma, and post traumatic disorder. The prolonged absence of their husbands opens these women to scrutiny and policing by their society as well as threats and manipulation by those in power.

Aasia Jeelani, a Kashmiri human rights activist, said: "There is glaring evidence that the suddenness of bereavements - and general and sexual violence - has caused an immense rise in psychiatric and psychosomatic illnesses in people. Doctors at the government psychiatry hospital say women comprise more than the 60% of the patients they examine. Experts agree, women have to bear the brunt of every tragedy. They have to support their family after the death of a husband, father, son or brother. Their injuries are more than physical".

There are many cases, even after 10 years, where a husband has been missing and widows have not been able to remarry. Responsibility to in-laws, children, property rights and other social factors act as the main barriers. For many half-widows, the constant dilemma of whether or not to remarry is juggled with a sense of loyalty and love for the missing husband. The considerations include children, too, whose very survival is a Herculean task for single mothers struggling with life, education for their children and their own money-making efforts. A well known Kashmiri Sociologist, Prof Bashir Ahmad Dabla, carried out a survey in which he says that one of the tragic

consequences armed conflict has been experienced in terms of emergence of huge widows and orphans, 16,000 widows in 2000, their estimated number has increased to 32,400 with 97,000 orphans in 2008. The research says, having the provision for re-marriage in Islam, only 8.66 percent had remarried. "Rest doesn't want remarry because they wanted to devote themselves for the development of children of the dead husband." "89 percent had not married till date and had no intention to marry again because children emerged as the crucial problem," adds study. The social taboos around remarriage are cultural rather than religious. The half widow is mostly not equipped, educationally or socially, to begin earning for her family. As a result she, as well as any children she has, become dependent on others, most often the husband's family (given the cultural context where parents live in a joint family with their sons and daughters-in-law, not with their married daughters). In the in-laws' family, relationships often sour after the disappearance.

As wives of disappeared men half widows face various economic, social and emotional insecurities. It should be noted that most disappearances have occurred in rural areas, where women generally enjoy less economic and social independence. The greatest dilemma faced by the half widows is that in the absence of their bread winners they have to rely on their in laws or parents for their economic need with their property and custody rights undetermined. Further several other economic relief such as issuance of ration cards or transfer of husband's property or bank accounts are also close to half widows since these process require death certificate which of course half widows generally do not have as their husbands are officially not recognized as deceased. These economic hardships mostly forced these women to live life below poverty line as mostly they are not equipped, socially or educationally to begin earning for their children.

The trauma of disappearance of their husbands along with economic hardship and social challenges faced by half widows results in the lasting adverse effects on the lives of their children as well. These children either grow up in the insecurity that veils the lives of these women or away from their mothers in orphanages or in their grandparent's homes. These children carry the social stigma of being 'fatherless' in a society where the father's name and status is crucial to a child's identity. After the disappearance of their father, children's education is often suspended and they become vulnerable to exploitation.

Half Widows and Islamic Sharia

Islam encourages widow remarriage. In Islamic law, Sharia, there is no consensus around the marriage of women who are half widows, because there is no special provision for the phenomenon

of enforced disappearances. All major schools of Islamic thought provide different guidance about re-marriage. However, the concept of 'Ijtihad' provides for scholars to extrapolate an opinion regarding any topical issue that has no instance in Islamic jurisprudence, if done in accordance with the context and urgency of the issue and without violating basic Sharia. Thus, though the Hanafi School has declared that a woman has to wait 90 years after her husband's disappearance but, Maliki School says that a woman either wait four or seven years, and if husband remains missing, without information about his whereabouts even after proper investigation the marriage is deemed to have been dissolved.

The International Day of the Disappeared is commemorated every year on 30 August. The survivors, particularly half widows and orphans, are facing multiple problems. To deliberate over the plight and rights of half widows and to ponder over the orphans' inheritance rights, the Association of Parents of Disappeared Persons (APDP) held a seminar, entitled "**Half Widows and Orphans-A Way Forward in Islamic Jurisprudence and the International Treaty Against Disappearances**" held on the International Day of the Disappeared. Islamic scholars and civil society leaders were invited. The personalities and Islamic scholars invited were Mufti Azam Bashir-ud-din Sahab, Moulana Yaqoob Sahab of Jamait-e-Ahlihadees, Moulana Mushtaq Sahab of Baramulla, Molvi Yaseen Sahab of Budgam, Mr. Gautam Navlakha, Dr. Altaf Hussain, Dr. Mubarik Ahmad and other civil society members.

Mr. Zahir-ud-din, the moderator, stated that he requested different NGOs to take half widows under the care of their organizations, but they refused by saying there are no such aims in their Constitution and By-laws which oblige them to help the half widows. He said that nobody is ready to help them. He said that this is our obligation. Maulana Mohammad Yaseen Saheb of Baramulla said: "When we observe Quran, there is not a single chapter mentioning widows and orphans. In Allah's book, it is clearly written that we should extend a helping hand. We will try to develop a consensus so that we can initiate a step for helping survivors. There are always debates about the victims but there should be something practical." Our Prophet Mohammad (SAW) said, "If you keep your hand on an orphan, you have kept on me, if you are feeding an orphan in your home, you are feeding me."

In view of the Quran and Sunah, it was discussed how Ulema has projected Islam and has made society abide by these norms. Then society accepted this as a law known as Sharia. This law mentions women's rights over men, minors' rights over parents, one brother's rights over another

and one neighbor's rights over another. The Sharia has, in different perspectives, explained the norms of inheritance and norms of marriage and remarriage.

In Kashmir, there is a burning issue of disappeared persons (Arabic = Maqood-ul-Khabar - means whereabouts of a person is unknown, whether the person is dead or alive, where is the person? what he is doing?). If a person has disappeared, he left his children behind and there is none who can take care of their wellbeing. Sharia said that we have to understand what is to be done to the destitute. Four schools of thought like Imam-e- Abu Hanifa , Imam- e-Shafai, Imam-e-Malik , Imam-e-Ahmad bin Hambal. These are basically four schools of thought which have interpreted Islam and have given their several interpretations of Sharia. Imam Azam said that a woman has to wait for ninety years before she remarries if her husband has disappeared. But the other Imams question the length of the period. The Imam Maalik's school of thought provides that if a married person will be missing for 4 years and there would be no clue of the person's status even after proper investigation, then, the Qazi Sharia or Mufti (religious scholar) will cancel the person's marriage and the person would be considered dead, even if the person might still be alive. When Qazi Sharia will declare the disappeared person as dead, then the half widow has to wait for four months and 10 days and after this, she can remarry.

However, there are state laws as Marriages Acts which provide that a woman has to wait for seven years since the disappearance of her husband. According to the Act, a disappeared is declared dead after 7 years of being disappeared. There is a contradiction between the State law and norms of Sharia, but according to our religion, norms laid down in Sharia will prevail over State Laws." "As per the property of the disappeared person, it cannot be divided or distributed until after ninety years. But if the person would have children, then the property would be distributed among them. In case the disappeared person would be living with his father, under such circumstances, the power of distribution of property lies with the father. The children of the disappeared cannot claim property from their grandfather. But if there would be involvement of other relatives, in that case, the issue of property would be kept pending."

While speaking about the problems and inheritance rights of half orphans, Maulana Yaqoob Saheb said: "It is really great that people have the concern with the destitute. In the Islamic way of life, a person should not only be concerned with his problems but he should also look into his surroundings and be concerned with other people's problems. A person should contribute to the resolution of the problems of the victimized. On inheritance of half orphans, he said: "If a person is

disappeared and he left behind his children, the primary responsibility of taking care of these half orphans falls on their grandfather. Islam says that the grandfather has to look after his grandchildren and has to provide them with all necessary things including education. Ulema say that even if the orphans are not entitled to the inheritance of their father's property but under such complex circumstances, it is obligatory that a grandfather has to inherit something in favor of his grandchildren. But it is sad when their orphans' grandfathers deprive them of everything and oust them from their families. This is not permissible in Islam. The close relatives have to take care of the inheritance rights of orphans. If a half orphan's grandfather is dead, the uncles have to look after and contribute to their education and ensure their good future.

Now there are several Questions regarding half widow remarriage, if she remarried after 10 or 15 years of her husband's disappearance. But if her first husband would return, would the woman be wife of the first husband or the second husband? Mufti Azam Bashir-ud-din says if a woman (half widow) had approached Qazi Sharia and have sought permission for remarriage, then she would remain the wife of the second husband even if the first husband would come back after the remarriage. But if the half widow has remarried without seeking permission from Qazi, the second marriage would not be valid. The woman would remain wife of the first husband. Seeking permission from Qazi Sharia is compulsory for remarriage; otherwise the remarriage would be invalid.

POST-TRAUMATIC STRESS DISORDER (PTSD) AND HALF WIDOWS

Post traumatic stress disorder (PTSD) is a severe anxiety disorder that can develop after exposure to any event those results in psychological trauma. This event may involve the threat of death to oneself or to someone else, or to one's own or someone else's physical, sexual, or psychological integrity, overwhelming the individual's ability to cope. As an effect of psychological trauma, PTSD is less frequent and more enduring than the more commonly seen post traumatic stress. Post-traumatic stress disorder (PTSD) can develop following a traumatic event that threatens your safety or makes you feel helpless. Traumatic events that can lead to PTSD include: war, natural disasters, car or plane crashes, terrorist attacks, sudden death of childhood neglect or any shattering assault, sexual or physical abuse event that leaves you stuck and feeling helpless and hopeless.

Symptoms of post-traumatic stress disorder (PTSD)

The medical practitioners and Psychiatricians identified several symptoms of PTSD. According to them the symptoms of post-traumatic stress disorder (PTSD) can arise suddenly, gradually, or come and go over time. Sometimes symptoms appear seemingly out of the blue. At other times, they are triggered by something that reminds you of the original traumatic event, such as a noise, an image, certain words, or a smell. While everyone experiences PTSD differently; there are three main types of symptoms:

Re-experiencing the traumatic event

Avoiding reminders of the trauma

Increased anxiety and emotional arousal

Symptoms of PTSD: Re-experiencing the Traumatic event

In case of half widows in Kashmir we can discuss further points to understand this problem .If there are repeated or re experiencing the event by them they can suffer with PTSD .These are as follows-

Intrusive, upsetting memories of the event

Flashbacks (acting or feeling like the event is happening again)

Nightmares (either of the event or of other frightening things)

Feelings of intense distress when reminded of the trauma

Intense physical reactions to reminders of the event (e.g. pounding heart, rapid breathing, nausea, muscle tension, sweating)

Treatment for Post-traumatic stress disorder (PTSD)

Treatment for PTSD relieves symptoms by helping them deal with the trauma they have experienced. Rather than avoiding the trauma and any reminder of it, treatment will encourage half widows to recall and process the emotions and sensations they felt during the original event. In addition to offering an outlet for emotions they have been bottling up, treatment for PTSD will also help restore their sense of control and reduce the powerful hold the memory of the trauma has on their life.

In treatment for PTSD

Explore half widow thoughts and feelings about the trauma

Work through feelings of guilt, self-blame, and mistrust

Learn how to cope with and control intrusive memories

Address problems PTSD has caused in their life and relationships

Types of Treatment for PTSD half widows -

Trauma-focused cognitive behavioral therapy-Cognitive-behavioral therapy for PTSD and trauma involves carefully and gradually “exposing” yourself to thoughts, feelings, and situations that remind you of the trauma. Therapy also involves identifying upsetting thoughts about the traumatic event—particularly thoughts that are distorted and irrational—and replacing them with more balanced picture.

Family therapy-Since PTSD affects both you and those close to you, family therapy can be especially productive. Family therapy can help your loved ones understand what you’re going through. It can also help everyone in the family communicate better and work through relationship problems caused by PTSD symptoms.

Medication -is sometimes prescribed to people with PTSD to relieve secondary symptoms of depression or anxiety. Antidepressants such as Prozac and Zoloft are the medications most commonly used for PTSD. While antidepressants may help you feel less sad, worried, or on edge, they do not treat the causes of PTSD.

EMDR (Eye Movement Desensitization and Reprocessing)- incorporates elements of cognitive-behavioral therapy with eye movements or other forms of rhythmic, left-right stimulation, such as hand taps or sounds. Eye movements and other bilateral forms of stimulation are thought to work by “unfreezing” the brain’s information processing system, which is interrupted in times of extreme stress.

Many half widows exhibit Post Traumatic Stress Disorder (PTSD); anxiety attack may be triggered by memories of the disappearance or the disappeared. The Government Psychiatric Diseases Hospital Srinagar Kashmir is the only Hospital for Mental health in the whole of Kashmir. It is the main referral institution for all patients suffering from any Psychiatric Disease or Condition from all

over the state. It provided to and fro referral services with the other Associated Hospital Government Medical College Srinagar.

The Government Psychiatric Diseases Hospital in Srinagar continues to receive 200 patients a day in its Out Patients' Department. However, doctors there report not seeing half widows or other family members of the disappeared come in for treatment very often; the families continue to harbor hope without recognizing that retaining such hope has taken its toll on their own mental well-being. Half widows are known to self-medicate, consuming easily available antidepressants, resulting in further health issues. In a vicious cycle, the worsening mental and physical health has adverse effects on their economic situation, which further worsens their social standing and vulnerability, entrenches their isolation and suffering, further compromising. Valley's well known psychiatrist Mushtaq Margoob told Agency India Press that most of the half widows have insecurity and uncertainty. "They are always in a state of turbulence, because they are over burned with responsibilities of their children," says Margoob. "Their whole world changes their entire life suffering a perpetual trauma and having extreme psychological agony. Which many times magnified, after months or years, because of their loneliness. They have also hope at the same time. They think Creator's powers are not limited, it would create a miracle and finally their husband will come back," elaborates Margoob.

Despite its wide extent the phenomenon of disappearance in Kashmir is not officially recognized by the government as a result of which half widows and their children currently fail to receive due response and assistance. Unfortunately administrative remedies fall short of providing due relief to half widows. Although the government has created a relief system i.e. ex gratia relief and compassionate appointment, these are only available where death is certain and can be proven. In the case of legal remedies, obstruction begins for half widows during the initial search for the disappeared husband. When she approaches the police they often refuse to register a FIR (First Incident Report) as a result of which the investigation into the crime of disappearance does not commence. This failure by police authorities is systematic and undoubtedly the denial of fair trial to victim and his family.

Furthermore, the legal procedure is lengthy and daunting for half widows who often live far from cities and mostly have no formal education. IHRC emphasizes the changes in both law and policy must be made to address the concerns and issues of half widows who are silently suffering these injustices. It is not only the state government which should made required changes to its policies

but New Delhi must change its policies that have significant influence on Kashmir's administrative matters.

Theoretically, the government has to pay Rs 100,000 and provide employment to one family member as compensation to the relative of any civilian killed by insurgents or the security forces. However, the family of a missing person has to wait for five years before they can apply for such benefits. The government's remedies have thus far failed to alleviate the economic hardship. It is therefore very important that a streamlined system for compensation without the room for delay, harassment or coercion must be instituted for half widows. The right to fair trial is one of the most recognized human rights. The legal system is generally overcrowded and costly which represents difficulty for half widows who are generally at an economic, social and educational disadvantage. It is therefore paramount that a special bench in Jammu and Kashmir High Court must be constituted to hear cases filed by half widows on an expedited basis. It is equally important that these benches must be committed to independent and impartial judgments.

Despite the fact that disappearances are a wide phenomenon in Kashmir, the government has signed but not yet ratified the Convention for the Protection of All Persons from Enforced Disappearances. India must ratify this Convention to make it part of the Indian legal system and exhibit a true commitment to promote universal respect of human rights and fundamental freedoms.

Recommendations-

In the end of my paper I recommend these points to resolve the half widows problem including their Post-traumatic stress disorder problem in Kashmir these efforts must be taken by the Government, Civil society and by the Local people as well as by half widows. In this context there is need to start few short term initiatives as well as long term programmes and policies. Few among them are-

1-A special bench in the Jammu and Kashmir High Court must be constituted to hear cases filed by half widows on an expedited basis.

2- The government must allow free civil society activity around the cases of half widows.

3-The central Indian Government must ratify the International Convention for the Protection of All Especial legislation on enforced disappearance.

4-Indian and international civil society must recognize the issues faced by half widows in Kashmir and advocate the government to act on the opportunity to bring meaningful change to a visible and vulnerable section of Kashmiri society

5-Civil society—local, Indian, and international must consider funding initiatives that directly aid half widows, such as health care programs, income generating projects, and scholarships for the children of half widows.

6-Islamic scholars must develop and publicize a consensus around the ‘waiting period’ of 4 years, after which a half widow be permitted to re-marry under Islamic law.

7-A holistic understanding of women’s rights issues must be promoted and a rights-based approach developed.

8-An increased investment in women’s leadership must be made.

9- Local action by & for Half Widows should be initiated by the community members to resolve health problem and there should be a strong demand to open more hospitals and good health care centre for women’s health checkup.

Conclusion

In conclusion, I would argue that a great deal needs to be done by the state and other political activists to ameliorate the condition of half widows particularly for their health and Post Trauma Stress Disorder issue in Kashmir. Half widows must also be providing assistance for legal representation, creation of income generation and psychological care. It is also fundamentally important that the state government should take steps to establish the rule of law by punishing the perpetrators of enforced disappearance so that such future crimes can be deterred.

Without a doubt the enforced disappearances in Kashmir have created an aura of fear that weakens the families of the missing with invasive collateral damage. The common opinion of many families is that they have been deprived of all rights and means of protection. Relatives of the missing are often left in a grueling state of uncertainty where they can neither mourn nor live with happiness. In such condition it is very important that the disappearance cases must be resolved by the state and half widows and relatives must be told about the whereabouts of their loved ones whether dead or alive.

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