



# WOMEN IN KASHMIR AT ODDS –PATRIARCHAL TRADITIONS, CULTURE AND CONFLICT

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## ABSTRACT

*Kashmir, a place called paradise on earth, ironically has become a living hell for its inhabitants, especially women. The pitchy blemish of patriarchy, objectionable cultural habitudes along with the torment of armed conflict, has not only exploited but crippled the potential of women. The streak of patriarchy is not very unusual here and invariably leads to abuse and discrimination. The roots of patriarchy have as many archaeological proofs, movements, records and tales written in ancient literature which makes it clear that it existed in the societies for a long long time. So what comes in complimentary to the women of kashmir is this situation of endurance of unjust cultural rituals that are praxis in the society. Adding to the miseries, it is the impact of armed conflict, which mercilessly violates the basic human rights of a woman. It not only counts the sexual and physical violence that a woman encounters but also enumerates financial difficulties and psychological anxieties. The international organisations like CEDAW (Convention on elimination of discrimination against women) and other constitutional provisions that assure the development and protection of women play a very vital role by adding heaps to the standpoint. This paper will try to examine and challenge the cultural stereotypes, the impact of conflict on women of Kashmir and the role of national and international organisations in elevation of their sufferings.*

**Key Words:** *Patriarchy, Cultural Stereotypes, Human Rights Violations, Literature, Armed Conflict, CEDAW, Constitution, Women Rights.*

## I. INTRODUCTION

"SMASH PATRIARCHY" is one of the most trending citations we witness these days in social media, college campuses, rallies and demonstrations all over the globe. Succinctly, patriarchy would mean "male domination" or the subjugation of women by men, the whole idea itself is not a coeval enigma but its roots are deep and existing ever since. The thought of men being superior to women is a disparity that has been accepted even by the great Greek and Roman philosophers, for instance Aristotle, "who saw women as subject to men, but as higher than slaves, as someone who lacks authority." There were no civil and political rights for women but with the revolution of three main waves of feminism, the status of women was uplifted in the society, and a realisation that women were nothing less but human beings came to being.

Nevertheless coming this far we still live in a society which is contemptuously gender biased.



Coming to the plot of armed conflict in Kashmir, its roots are in partition of India followed by the mass insurgency movement of 1989. Indian government bought 70, 0000 troops and implementation of AFSPA (Armed force special power act), POTA (Prevention of terrorist Activities) and PSA (Public Safety Act). The laws not only gave special powers to the army but also a direct licence to indulge in gross human rights violation as a result, even today, Kashmiris find it hard to see the armed personnel as protectors. Amidst the conflict, women, who are the least initiators, suffer the most. Facing the cultural norms of patriarchy at the social and domestic level, the women of Kashmir are deprived of physical and psychological safety. Their protection as well as freedom from fear is marginal, and not even to be found at the bottom of their list of priorities. They are deprived of proper growth and rights that should be fearlessly exercised.

## II. TRADITION, CULTURE AND PATRIARCHY.

Discrimination against women is systematic and rooted in the institution, attitude and mindset of the society. Kashmir is a Muslim dominated region where Islam is the major religion practiced, it is unfortunate that a religion which gave rights to women 1400 years before, enlightened the ignorant Arabs, is now used as a weapon for violence, hierarchy and an order that brings out man as the dominant element of the present society. (the practice of infanticide was prohibited in Islam which was practised by the Arabs and a contemporary catchphrase used for it would be, violation of "the right to life" of a female child.)

Instead of trying to abolish the discriminatory behaviour, the extremists moreover use their manipulative interpretations from the holy verses. It would not be wrong if one calls it a clear conspiracy against the other gender because the predominant gender wouldn't like to loose their authoritative privilege. In a book "Women and Islam: Social conditions, obstacles and prospects" which was published in 2005, Sharif Kanaana, an anthropologist said "Men want to control the patrilineal society's interest in maintaining strict control over designated familial power structures".

The fate or the free will of a kashmiri woman is seen quite entrenched within such patriarchal corrals. From the very beginning she is told how to conduct,, how much to talk and whom to talk with, why she is not supposed to go out and when she is supposed to go out, why she is not supposed to argue and question. To guide and chide a child is a moral obligation of parents but imposing gender and making clear gender bias rules is unjust. There might be different perspectives, opinions and ways of doing the same thing but when it comes to ethics, there can't be two ways to looking at it. The discriminatory conditioning of a child based on their gender is unjustifiable. Phrases like "kori mohnew ye chu ne zabith' (it is unacceptable, on part of a girl) or " choap chaie roap senz, kar khai ti soan senz" (If you keep mum, its silver but if you get it in practice, then its gold), such phrases might eliminate the ills of silence but the way it is being interpreted these days is rather a brain washed theory that completely glorifying the silence of a woman for her oppression. Such norms normalize the discrimination between the genders and appreciate gender roles, where women are seen to be accepting the role attitude of servitude and as an obedient lady that doesn't question the unjust stereotypes that our society has made.

The role of women in marriages is socially constructed. Getting married is not a notion that she is going to breathe a new life with her better half but in reality it is totally a different scenario taking a toll when it comes to the pricey



clothing to the oodles of the glittering gold jewellery, from rituals to lavish decor and the food. Moreover by giving direct/indirect dowry, absurd tradition of giving utensils of copper called "tram", showcasing the unzipped suitcases to in laws as if Cleopatra and her belongings are on an exhibition for the people grading her worth. Also exuberantly expensive clothing to fill the closets of in laws and the far relatives.

All this pressure from such a conventional society not only persuades parents to fulfil the required absurd customs but also cause financial difficulties for them. As a result we see that there is a clear discrimination of education expenditure, whereas a boy gets a handsome education finance from his family, a girl's family, would rather invest and spend on her marriage than higher education(which is the most important determinant of her development).

There is a survey which says that "nobody is willing to marry orphan girls in Kashmir". The number of orphans is increasing day by day. Not a single day is passed without killing, leaving orphans to live in misery. An organisation namely "Jammu and Kashmir Yateem Trust" said they received more than 400 applications from orphan girls, widows and destitute. According to the orphanage officials, 90% of the orphan girls have already crossed 30 years of age. These girls can neither offer dowry nor bear a huge wedding expense. There are thousands of orphan girls as such waiting in slumber to settle down.

There has been a sharp rise in the cases of domestic violence in Kashmir where on an average, the state women's commission receives 20 complaints of domestic violence daily and an equal number of complaints are received by the valley's lone women's police station. Also the marital discord, divorce rates are raising in valley where it's a record of 2500 cases registered with State Women's Commission. This point of compass towards which our society is leading needs a keen attention. In a society like Kashmir where people are so sensitive about their rights must not turn a blind eye to the oppression of women and sheer violation of their rights.

### **III. WOMEN AND CONFLICT.**

The armed struggle that emerged in late 1980's for the right to self determination had an immense impact on people in general especially on women and children. Women rarely initiate conflicts, and inevitably become the worst victims. Heinous violation and crime against women has moreover become a tradition for quite a while. The conflict directly affects the socio-economic conditions of the state. However the women are affected on a larger scale than men. The husbands of half widows are not declared dead officially which calls for a massive problem over inheritance, property rights, bank transfers, all of which requires death certificates coming into context. The death of the only bread winner causes financial difficulties, whereas the housewives of the deceased or disappeared have lost the ability and will to go out and deal with an alien market and earn a living for their family. Apart from conflict inflicted financial frustrations & paroxysm of grief, a woman not only goes through unpaid labour but their energy and efforts go all in vain. On the other hand working women, who have to look after both the chores, are struggling with "Post Partum Depression" (which deals with the responsibility of motherhood including the career and providing of financial service to the household).

The psychological impact of conflict on women is the worst. Since psychological wounds are not visible, such wounds are generally not even recognized. The women in Kashmir, who are undergoing traumatic conditions for



last three decades, suffer from depression, anxiety and post traumatic stress disorder. According to Dr. Arshad Hussain, who is working as a Psychiatrist at the Institute of Mental Health and Neuro Sciences, says, "the relatives of the disappeared, especially the half widows, often suffer from Complicated Grief, Unresolved Grief and Post Traumatic Stress Disorder." Not only the psychological health but the physical health is severely affected. The children born in curfews suffer from lack of proper nutrition and medical facilities which result in underdevelopment and various other physical and mental ailments.

Rape has rather become politics of the state and centre to terrorize the masses. Women are used as weapons to bring down the morale of the opponent parties and the locals. We have heart wrecking cases of mass rape including Kunan Poshpora (1991), Handwara (2004), Shopain (2009), Kangan (1994), Chanapora and Pazipora (1990) which were all incidents of rape and sexual violence by the security forces. Those who are legally bound to protect the civilian rights are the violators of rights and dignity of women. It gets worse because of the justice which not only gets delayed but shamelessly denied. Even today army enjoys its immunity under AFSPA (Armed forces special power Act) in Kashmir, where six women (who were allegedly gang raped in 1991, Kunan Poshpora mass rape case) died, while the remaining seventeen survivors await justice.

#### **IV. CEDAW, 1979 (International Convention on the Elimination of all forms of discrimination against women) AND CONSTITUTION.**

It was the first core convention to deal with a specific group of individuals i.e. women. The convention rests on the basic principle of equality between men and women and it recognizes such equality in both public and private spheres. One of the most widely ratified International treaties is also one of the least known. The convention was adopted by Nations General Assembly in 1979 and ratified by India in 1993. It is a comprehensive treaty on the rights of women and establishes legally binding obligations on the State Parties to follow the legal standards set by it to end discrimination against women. Though ratified by India, the convention still needs the involvement of women to ensure minimum standards of rights.

The principle of gender equality is enshrined in constitution of India, which not only grants equality to women but also empowers state to adopt measures of positive discrimination in favour of women. Under Article 14, 15, 15(3), 16, 39(a), 39(c) and 42 gives special importance to the welfare of women. There are various legal provisions and crimes identified under Special Laws (SLL).

The Security Council adopted resolution (S/RES/1325) on women and peace and security on 31 October 2000. The resolution reaffirms the role of women in prevention and resolutions of conflict, peace negotiations, peace keeping and equal participation. It calls all parties of conflict to take special measures to protect women rights from gender based violence particularly rape and other forms of sexual abuse in armed conflict.

On the other hand India doesn't recognize any conflict zones in its region. Countries like Afghanistan, Nepal do accept conflict in their region but India having a bundle of provisions and laws at the first place doesn't even recognize Kashmir as a disputed territory or a conflict zone. There are not only impacts of 'conflict' in a particular zone but also of 'post-conflict', yet the authorities' dispute on the recognition of the situation as conflict itself. What role would such Legal and Special Provisions for women play when the whole crisis is unrecognised. The



norms at national and international level do not dispose at the local level. It results in a complete failure of all the national/international structure built to help and empower women. This gap needs to be filled and the failure, addressed.

The disadvantages to women also arise from the plurality of Personal Laws combined with the patriarchal principles on which they are based doubly discriminated against women. Women are given formal equality in public sphere but in private sphere even this farce doesn't exist. There can be no effective equality in public life unless it exists in personal life.

## **V.Conclusion**

If we have to fight discrimination and injustice against women, we must start by breaking the pillars of patriarchy so they come crumbling down and sink eternally. Injustice anywhere is a threat to justice everywhere, and it must be understood that women are human beings first. Feminism is a beautiful school of thought which not only talks about the equality of the two sexes but considers women as human as men. It is the radical notion that women are just like any other human being and need to be treated likewise. For a nation to be resilient, the citizens have to be empowered irrespective of their gender. Not only state parties but we, the people at a personal level must be part of all the protests that will ultimately end all the gender biased violence and discrimination. The financial tension and the abuse that women suffer in Kashmir, is it physical, emotional, psychological, social, it is the most pervasive and unaddressed human rights violation on earth. Being a mother who lost her son to bullet, being a wife who lost her husband before even giving birth to his baby, being an individual who is a target of physical & sexual violence, a woman is always deprived of "Freedom from Fear".

The situation of Kashmir on a social, domestic and political level, seems to be targeting women in every aspect and as a result their suffering is never alleviated. International treaties and initiatives fail to dispose at local levels. Human security is still seen as a discourse of mainstream security which is the national security. A woman needs to be recognised as a control actor, whose control is structural and cultural so that no one sees them as obedient slaves or machines at domestic level or weapons and objects who are undignified and used as weapons for raging conflicts and turmoil. A bold plan is needed without any discrimination, in which men and women are equal partners in shaping their societies and lives. It is important to push the role of women to a new level. Contributions are to be made to bring out the culture of respect for women.

What Mahatma Gandhi rightly said "Be the change you want to see in the world" and inevitably a change will come.

Quoting Charlotte Perkins Gilman, an American novelist, "it is true that a woman's duty is centered in her home and motherhood but home should mean the whole country, not just three four rooms of a house, city or a state."

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