Journal of
Human Rights Law and Practice

ISSN: 2581-8155
Volume 7, Issue 1, 2024
January–June
DOI (Journal): 10.37591/JHRLP

http://lawjournals.celnet.in/index.php/jhrlp/index

Review JHRLP

Half-widows: The Silent Sufferers of Militancy War in Kashmir–An Empirical Study

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Abstract

The concept of half widows in Kashmir refers to women whose husbands have disappeared without a trace during the political conflict in the region. These women live in a state of limbo, not knowing whether their husbands are alive or dead, and facing social, economic, and psychological challenges due to their uncertain status. They are also not eligible for the same legal and social benefits as widows, as they cannot legally declare their husbands dead. This situation is further complicated by the lack of an effective legal system to address their plight and provide them with justice. The study conducted in district Srinagar of the union territory of Jammu and Kashmir reveals the social, economic, and psychological challenges faced by widows and half-widows of political conflict. The study emphasizes the urgent need for policy interventions to address the issues faced by these vulnerable women and provide them with social, economic, and legal support. The findings also underscore the importance of understanding the social dimensions of conflict and their impact on vulnerable populations.

Keywords: Conflict, conform women, policy intervention, political conflict, psychological challenge, sexual exploitation of women, victims

INTRODUCTION

The issue of women's rights is a universal problem that persists across all societies, including India. Indian women face numerous problems that extend across various domains such as families, economic arrangements, political arrangements, religion, recreation, artistic production, and more. Women living in politically conflict-ridden zones in India, however, face even greater challenges, particularly when it comes to violence. In addition to the tumultuous conditions already faced by women, the international community reflects the heightened suffering of women in regions plagued by political instability.

Women are the worst victims of political turmoil and suffer in diverse ways in such situations. These political conflicts negatively affect all people, especially women, who already face several gender-based disabilities and patriarchal characterizations of society. Sexual violence, particularly rape, is often used as a weapon of war to destabilize families, groups, and communities; carry out ethnic cleansing and genocide; instill fear in populations to dampen resistance; serve as a form of punishment and torture; and to affirm aggression. As a result, sexual exploitation, trafficking, and sexual slavery tend to increase in armed conflict (GSDRC: 2009) [1]. Even government officials, civilian authorities, peacekeepers, and aid workers have been reported to demand sexual favors in exchange for necessities like safe passage, food, and shelter.

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Received Date: November 24, 2023
Accepted Date: December 01, 2023
Published Date: December 04, 2023

Citation: Janees Rafiq. Half-widows: The Silent Sufferers of Militancy War in Kashmir–An Empirical Study. Journal of Human Rights Law and Practice. 2024; 7(1): 29–44p.

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One of the most serious issues emerging due to political turmoil is the rising number of widows and half-widows (half-wife). Widowhood is a state of social death even among the higher castes, according to veteran activist Mohini Giri, who was nominated for the Nobel Peace Prize in 2005. Widows are still accused of being responsible for their husband's death, and they are expected to have a spiritual life with many restrictions that affect them both physically and psychologically.

According to the Home Ministry's National Crime Bureau of India, 40 million widows continue to be deprived of their basic dignity as a kind of atonement for some sin. For India as a whole, mortality rates are 85 percent higher among widows than among married women, according to research by the Guild for Service [2]. Even in the most liberal era of mankind, widows are still enslaved and have yet to free themselves from the socio-cultural stigma associated with the term 'widowhood'. Being a widow in society communicates a message of pity, weakness, deprivation, isolation, and need. They are made to forget their desires and give up all the traits of femininity once they lose their spouse. They are socio-culturally and symbolically stigmatized and internalized to live a life of deprivation as evident by their dress code and social prohibitions attached to them.

Thousands of women travel to the holy city of Varanasi for begging purposes or to take shelter in some ashram after they are thrown out of their family due to unjustified myths associated with widowhood claiming them to bring bad luck after their husband's death. Vrindavan and Radhakund are home to around 15,000 widows, most of whom were driven from their homes by family members. According to the 2007 Maintenance and Welfare of Parents and Senior Citizens Act [3], it is an offense for children to abandon their parents, but most of the widows in India are unaware of how to seek advantage under this, and some feel reluctant to express their issues due to the prevalent conservative atmosphere that expects women to be submissive under the patriarchal hegemony.

Widows and half-widows resulting from political trauma constitute the most oppressed categories among all the widows, whose lives narrate a series of panic sufferings and reflect gloomy shades of darkness and desperation. Besides the issues that widows in general face, they carry tremendous signs of multidimensional poverty and are generally expected to remain in perpetual mourning until the end of their lives.

Widows and half-widows in politically conflict-ridden regions experience a severe form of social exclusion, where they feel isolated from their own selves, society, the judiciary, and the state. They are often compelled to knock on doors to seek compensation and legal justice, and frequently face social ostracism after the loss or disappearance of their husbands. These women are also subjected to extreme forms of physical, sexual, and psychological violence, while simultaneously suffering from the lowest socio-economic status. This issue is particularly acute in the north eastern states and the union territory of Jammu and Kashmir, where the number of widows and half-widows is significantly high.

WHO ARE "HALF-WIDOWS"?

In the conflict-ridden region of Jammu and Kashmir, the term "half widow" is used to describe women whose husbands have disappeared due to the ongoing military conflict. These women are uncertain about the fate of their husbands, whether they are alive or dead, leaving them in a state of ambiguity and uncertainty.

Their struggle is not only emotional and psychological but also economic and social. Without official recognition of their status, these women face difficulties accessing their husband's property, bank accounts, and insurance, leading to financial struggles. Additionally, social and cultural norms forbid them from remarrying without facing social stigma, leaving them feeling guilty about moving on with their lives.

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The exact number of half-widows in Kashmir is unknown, but estimates suggest around 1500, with reports of unnamed mass graves adding to the uncertainty. The plight of half-widows in Kashmir is a tragic consequence of the ongoing conflict, highlighting the need for a resolution that addresses the suffering and struggles of all those affected.

Women are labelled 'half-widows' when their husbands have been disappeared but not yet been declared dead. Such disappearances have been carried out by government forces (police), paramilitary, or military or by militants. Half-widows represent various forms of insecurity, signify rights violations, and stand as a constant reminder of alienation.

As wives of men thus 'disappeared,' half-widows face various economic, social, and emotional insecurities. The absence of husbands thus renders them economically reliant, most often on their in laws, with their property and custody rights undetermined. They are neither complete widows nor complete wives and in prolonged search of their own identities. Further, the uncertain nature and duration of the absence opens women to scrutiny and policing by their society as well as threats, extortion, and manipulation by those in external positions of power.

The phenomenon of disappearances and forced widowhood in Kashmir has its roots in the longstanding conflict over the region's status. Kashmir has been a disputed territory since India and Pakistan gained independence in 1947, with both countries claiming the region as their own. This has led to a cycle of violence and instability, with Indian security forces and various militant groups fighting for control of the region.

The issue of disappearances in Kashmir dates back to the late 1980s, when the conflict began to escalate [4]. The Indian government responded to the insurgency by deploying tens of thousands of security forces to the region, and many Kashmiris were arrested or detained without trial. Many of these detainees were never seen again, with their families left uncertain about their fate. The Indian government has long denied any responsibility for these disappearances, but human rights groups estimate that tens of thousands of people may have been affected.

The issue of disappearances and forced widowhood in Kashmir has been a focus of human rights organizations and activists for many years. They have called on the Indian government to investigate these cases, provide support and protection for affected families, and hold perpetrators accountable. However, progress on these issues has been slow, and many families in Kashmir continue to live with the uncertainty and trauma of not knowing what has happened to their loved ones.

In recent years, there have been some signs of progress on this issue. In 2020, the Indian government announced the creation of a commission to investigate cases of disappearances in Kashmir, although it remains to be seen how effective this commission will be in addressing the issue [5]. Additionally, human rights groups and activists continue to advocate for the rights of half-widows and other victims of the conflict in Kashmir, highlighting the need for justice and accountability.

REVIEW OF LITERATURE

- Kazi Seema (2011) in "In Kashmir: Gender, militarization, and the modern nation-state" emphasizes that Kashmir, which has been called both an "earthly paradise" and the "nuclear powder keg of South Asia", is the world's most heavily militarized region [6]. Despite the fact that millions of Kashmiri civilians, as well as the rest of the world, are in danger due to this deadly and potentially nuclear standoff, the complex struggle for self-determination in Kashmir has been largely overlooked for far too long. In her work, Seema Kazi utilizes rare and candid interviews to draw global lessons from the daily experiences of women who are both living under and resisting the escalating militarization and its devastating consequences, including sexual violence, murder, family destruction, widowhood, grinding poverty, and social death.

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- Khan Nyla Ali (2010) in *"*Islam, women and violence in Kashmir: Between India and Pakistan" provides an overview of the historical and political context leading up to the current situation in Kashmir [7]. The narrative highlights the emotional pain and anguish felt by a Kashmiri woman who mourns the transformation of her once peaceful homeland into a brutal warzone, akin to a large concentration camp teeming with military personnel. Additionally, the author delves into the gender-specific aspects of the military's unbridled power in Kashmir, which has resulted in the violation of over 5000 women, while mothers anxiously wait outside grim detention centers in hopes of catching a glimpse of their unlucky sons.
- Showkat A. Motta (2009) in "Women in Kashmir suffer silently" claims that throughout the two decades of conflict in the Indian territory of Jammu and Kashmir, women have suffered the most from violence—enduring rape, torture, mutilation, and death [8].
- According to a study by the *Medicines Sans Frontieres*, Kashmiri women have experienced some of the most severe cases of sexual violence globally. The study reports that 11.6% of respondents claimed to have been sexually abused, which is considerably higher than Sierra Leone, Sri Lanka, and Chechnya. In Kashmir, the police struggle to take action against soldiers who violate the law because they have immunity under stringent regulations like the Armed Forces Special Powers Act.
- Human Rights Watch (2006) in "Everyone lives in fear" reported that numerous reports have linked Indian security forces to the enforced disappearances of thousands of Kashmiris, with the forces denying any knowledge or custody of them. The high number of disappeared men has led to a new term, "half-widows," for their wives who are left in a state of poverty.

WOMEN IN CONFLICT

The life of women in conflict zones is often characterized by violence, insecurity, and a lack of basic rights. Women and girls are disproportionately affected by armed conflict, as they are often targeted for sexual violence, forced marriage, and other forms of gender-based violence. In addition, women are often denied access to education, healthcare, and employment, making it difficult for them to provide for themselves and their families. Displacement is also a common experience for women in conflict zones, as they may be forced to flee their homes and communities in search of safety. This displacement can result in loss of income, shelter, and other basic necessities, leaving women and girls vulnerable to exploitation and abuse. Despite these challenges, women in conflict zones have shown incredible resilience and strength, often taking on leadership roles within their communities and advocating for their rights. Organizations working in conflict zones must prioritize the protection and empowerment of women, ensuring that they have access to the resources and support needed to rebuild their lives and contribute to their communities.

War crimes against women are a grave violation of human rights and can take various forms. One of the most widespread forms of war crimes against women is sexual violence, including rape, forced prostitution, sexual slavery, and forced impregnation. During the Word War II, numerous women had been victim of Japanese military sexual slavery; these women were known as "comfort women". Japanese military raped these women even girl child of 12 years several times a day in inhuman way without food and other basic necessities. In 1932, the first comfort station was established in Shanghai and thereafter more comfort stations in Japan, China, Philippines, Malays, Indonesia, Burma, Thailand, East New Guinea, Macau, French Indochina, Hong Kong had been established for sexual exploitation of women [9]. Tens of thousands of women and girls were raped, with some estimates putting the number at over 500,000 during the Rwandan genocide in 1994 [10]. Similarly, during the Bosnian War in the 1990s, thousands of Muslim women and girls were subjected to sexual violence by Serbian soldiers [11]. Another form of war crime against women is forced pregnancy and sterilization. This was documented during the conflict in Bosnia, where rape was used as a tool of ethnic cleansing, resulting in the forced pregnancies of women. In other cases, women and girls are forcibly abducted and subjected to forced marriage with members of opposing groups. This was the case during the conflict in Uganda, where the Lord's Resistance Army abducted thousands of girls and women for forced marriage with their fighters [12]. These examples demonstrate the devastating

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impact of war crimes against women and the need for accountability and justice against those responsible. It is crucial that perpetrators of these crimes are held accountable and that survivors receive the support and resources they need to rebuild their lives.

During times of war, women's rights are often violated in numerous ways. Here are some examples of such incidents:

- *Sexual violence:* One of the most common forms of violation of women's rights during war is sexual violence. This can include rape, sexual slavery, forced prostitution, and other forms of sexual exploitation. For example, during the Bosnian War in the 1990s, thousands of Muslim women and girls were raped by Serbian soldiers [13].
- *Forced marriage:* Women and girls may be forced into marriage with soldiers or members of the opposing group during times of war. This can result in forced sexual relations, domestic abuse, and other forms of violence. For example, in Sierra Leone during the civil war in the 1990s, rebel groups abducted girls and forced them into marriage with their fighters [14].
- *Targeted attacks:* Women may be deliberately targeted during war, often because of their gender. This can include attacks on civilian populations, specifically targeting women and children. For example, in the ongoing conflict in Syria, women and children have been targeted in bombings and other attacks.
- *Denial of basic rights:* During times of war, women may be denied basic rights such as access to education, healthcare, and employment. They may also be prevented from leaving their homes or communities, making it difficult for them to access essential services. For example, during the Taliban's rule in Afghanistan, women were denied access to education and employment [15].
- *Displacement:* Women are often disproportionately affected by displacement during times of war. They may be forced to flee their homes and communities, leaving behind their possessions and loved ones. This can result in loss of income, shelter, and other basic necessities. For example, during the conflict in the Democratic Republic of Congo, hundreds of thousands of women and girls have been displaced from their homes [16].

These are just a few examples of the many ways in which women's rights are violated during times of war. It is important to recognize these violations and work to prevent them from occurring in the future.

STATEMENT OF RESEARCH PROBLEM

Half-widows of UT J & K having been living in dark for many years and are suffering on number of fronts. From systematic discrimination to marginalization, their voices have been left unheard. They suffer sociologically, economically, culturally as well as emotionally on various fronts. There is a lack of legal aid from government agencies and departments for their upliftment. The researcher, therefore, intends to explore the social, economic, political, and legal status of half-widows and put forth various policy recommendations that could further their cause and ensure them a life with dignity.

OBJECTIVES OF THE STUDY

The aim of this study is to comprehend the social obstacles encountered by widows and half-widows in Kashmir, who are affected by political conflict, with a particular focus on their economic conditions. The objectives of this study can be summarized as follows:

- To comprehensively review the prevalence and manifestations of violence against women in Kashmir.
- To explore the intersectionality of gender, religion, and ethnicity in their experiences of denial of rights and social exclusion in UT J&K.
- To examine the impact of the social and cultural norms that shape the attitudes towards half-widows, and how these norms perpetuate their exclusion and denial of rights.
- To examine violations of women's rights in conflict zones.

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- To explore the psychological and emotional impact of being a half widow in Kashmir.
- To make policy recommendations to address the issues of violence against women in conflict zones.

RESEARCH QUESTIONS

- Whether half-widows in Kashmir have been deprived of their legal, political, social, and cultural rights?
- What is the impact of the social and cultural norms that shape the attitudes towards half-widows, and how these norms perpetuate their exclusion and denial of rights?
- What are the rights that they are denied in real life?
- What is the emotional and psychological impact of being a half widow in Kashmir?
- What are the possible policy recommendations to address the issue of violence against half-widows in such conflict ridden zone?

METHODOLOGY AND POPULATION OF THE STUDY

To ensure reliable findings for the research questions, a survey was selected as the method of study using an exploratory research approach. Data collection tools included interview schedules, secondary data analysis, and informal interpersonal discussions with respondents. Variables examined in the study were social conditions, economic conditions, and remedies available/unavailable to widows and half-widows of political conflict. Data analysis involved coding, data distribution, and tabulation with Microsoft Excel.

The study was conducted in Srinagar District, one of the 22 districts in the UT of Jammu and Kashmir, which includes various administrative zones, wards, constituencies, and Mohallas. The target population was widows and half-widows of political conflict in Srinagar District, offering a diverse range of socio-economic and geographical backgrounds to enhance the accuracy of sampling.

SAMPLE OF THE STUDY

A snowball sampling method was used to select a sample of 20 respondents, consisting of 10 widows and 10 half-widows, from various administrative zones, wards, constituencies, and Mohallas of Srinagar District. The sample was chosen to represent the population under study. The widows were categorized into three types: young childless widows, widows with children who became widows after some years of marital span, and elderly widows over the age of 50. The sample for this study was selected from the second category, which includes widows and half-widows with children.

RESEARCH GAP

There have not been enough studies that explore the intersectionality of gender, religion, and ethnicity in their experiences of denial of rights and social exclusion in UT J&K. Specifically, researcher focuses on how half-widows from different religious and ethnic backgrounds face different forms of discrimination and marginalization in Kashmiri society. Additionally, researcher intends to examine the impact of the social and cultural norms that shape the attitudes towards half-widows, and how these norms perpetuate their exclusion and denial of rights. Researcher also intends to explore the psychological and emotional impact of being a half widow in Kashmir, and how they cope with the uncertainty of their husbands' whereabouts and the stigma attached to their status.

HYPOTHESIS

Half-widows in Kashmir are facing exclusion and exploitation through the denial of their basic rights, including property inheritance, social security, and legal protections. This exclusion and exploitation perpetuate their vulnerability and marginalization within society, leaving them without adequate support and perpetuating their cycle of poverty.

HUMAN RIGHTS VIOLATION OF HALF-WIDOWS IN KASHMIR

The situation of "half-widows" in Kashmir is one that involves significant human rights violations. The term "half widow" refers to a woman whose husband has disappeared but is not confirmed dead,

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leaving her in a state of limbo and legal uncertainty. Here are some of the human rights violations that half-widows in Kashmir face:

- *Forced disappearances:* The disappearance of husbands and other family members is a common occurrence in Kashmir, and half-widows are often left without any information about their loved ones. The Indian government and security forces have been accused of being responsible for many of these disappearances, which constitute a violation of the right to life and liberty.
- *Lack of legal recognition:* Because half-widows are not technically widows, they do not have the legal status or rights afforded to widows under Indian law. This leaves them in a vulnerable position, without access to government benefits or legal protections.
- *Economic hardship:* Half-widows often struggle to make ends meet, as they are typically the sole breadwinners for their families. They may also face discrimination in employment and other areas due to their uncertain status.
- *Sexual violence:* Women in Kashmir, including half-widows, are at heightened risk of sexual violence, including rape and sexual assault, committed by Indian security forces and militant groups. These acts violate the right to bodily integrity and dignity.
- *Intimidation and harassment:* Half-widows and their families may face harassment, intimidation, and threats from security forces and other actors, particularly if they are seen as sympathetic to separatist or militant groups. This can have a chilling effect on their ability to exercise their rights to freedom of expression and association.

The situation of half-widows in Kashmir is one that involves multiple human rights violations, including the right to life, liberty, dignity, and economic security. It is important that the Indian government and other actors take steps to address these violations and provide greater support and protection for the women affected by this issue.

GENDER BASED VIOLENCE AND SEXUAL HARASSAMENT OF WOMEN AND HALF-WIDOWS IN KASHMIR

The phenomenon of half-widows in Kashmir is highly gendered, as women are disproportionately affected by the disappearance of their male family members. Here are some of the gendered aspects of the half widow phenomenon in Kashmir:

- *Caretaker role:* Women in Kashmir are often expected to take on the role of primary caretaker for their families, including children and elderly relatives. When their husbands disappear, women may be left to shoulder this responsibility alone, often without the support of extended family or the government.
- *Economic dependence:* In many cases, women in Kashmir are economically dependent on their male family members, including their husbands. When their husbands disappear, women may struggle to support themselves and their families, as they may face discrimination in employment and lack access to government benefits.
- *Legal marginalization:* Under Indian law, half-widows do not have the same legal status or rights as widows. This can leave them in a state of legal limbo, unable to access government benefits or pursue legal remedies for their situation.
- *Patriarchal norms:* Kashmiri society is deeply patriarchal, with gender roles and expectations often heavily prescribed. This can make it difficult for women to assert themselves or seek support, particularly if they are seen as challenging traditional gender roles.
- *Risk of gender-based violence:* Women in Kashmir, including half-widows, are at heightened risk of gender-based violence, including sexual violence, committed by Indian security forces and militant groups. The threat of violence can make it difficult for women to assert their rights or seek justice for violations.

Women in Kashmir, including half-widows, are at heightened risk of sexual violence, including rape and sexual assault, committed by Indian security forces and militant groups. The conflict in

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Kashmir has led to a breakdown in law and order, with security forces and militant groups operating with impunity in many areas. This has created an environment in which women are at risk of sexual violence, both as a result of targeted attacks and as a result of the broader breakdown in security.

Women in Kashmir who are half-widows are particularly vulnerable to sexual violence, as they are often living alone or with their children and may not have strong social networks to protect them. In addition, the lack of legal recognition and support for half-widows means that they may not have access to resources such as counseling or legal aid that could help them seek justice or support.

There have been numerous reports of sexual violence committed by Indian security forces in Kashmir, including cases of rape, sexual assault, and harassment. These acts are committed with impunity, as security forces are often protected by laws such as the Armed Forces (special powers) Act, which grants them immunity from prosecution.

Militant groups in Kashmir have also been accused of committing sexual violence, particularly against women who are perceived as being sympathetic to the Indian state or to rival militant groups. These acts of sexual violence are often used as a means of intimidation and control, with women being targeted as a way of punishing their male family members or communities.

The threat of sexual violence in Kashmir has a chilling effect on women's ability to exercise their rights to freedom of movement, association, and expression. It can also have long-lasting physical and psychological effects on survivors, including trauma, stigma, and social isolation.

Overall, the heightened risk of sexual violence faced by women in Kashmir, including half-widows, is a deeply concerning human rights issue. It is important that the Indian government and other actors take steps to address this issue, including by holding perpetrators accountable, providing support and protection for survivors, and addressing the broader political and social factors that contribute to this violence.

OTHER CHALLENGES FACED BY HALF-WIDOWS

Widows in Kashmir, also known as "half-widows", face a range of challenges that are social, political, cultural, and economic in nature. Some of these challenges are:

- *Social isolation and stigma:* Widows in Kashmir are often socially isolated and stigmatized, which can lead to discrimination and exclusion from their communities. They may be seen as burdens or as outcasts, which can make it difficult for them to find support and build social networks.
- *Legal status:* Half-widows in Kashmir do not have a clear legal status, which can make it difficult for them to access government benefits, inheritance rights, and other forms of legal protection. Their status as "half-widows" also creates uncertainty around their spouse's fate, which can lead to prolonged legal battles and make it difficult for them to move on with their lives.
- *Economic hardship:* Many half-widows in Kashmir struggle with poverty and lack of economic opportunities, which can make it difficult for them to support themselves and their families. They may also face discrimination in the workplace, which can limit their earning potential and make it difficult for them to achieve financial independence.
- *Mental health issues:* The trauma of losing a spouse and the uncertainty around their fate can take a toll on the mental health of half-widows in Kashmir. Many may suffer from anxiety, depression, and post-traumatic stress disorder (PTSD), which can impact their ability to function and engage with their communities.
- *Political instability:* The political instability in Kashmir has created an environment of fear and uncertainty, which can exacerbate the challenges faced by half-widows. They may be subject to harassment, intimidation, and violence, which can make it difficult for them to live their lives in safety and security.

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Overall, the challenges faced by half-widows in Kashmir are complex and multifaceted. Addressing these issues will require a concerted effort from the government, civil society, and the broader community to ensure that they have access to the support and resources they need to live their lives with dignity and respect.

FINDINGS OF THE STUDY

The present study's major findings shed light on the social and economic challenges faced by widows and half-widows of political crises. These women endure turbulent situations due to the socio-cultural stigma associated with widowhood and the role of continuous political trauma that intensifies the same. Tables 1–8 provide a clear picture of the social challenges faced by these women. For instance, Table 1 indicates that 65% of widows and half-widows of political conflicts live with their children, and only 25% live with their in-laws. Furthermore, Table 2 shows that 80% of respondents were facing one or another type of social exclusion, and only 20% were socially included.

Table 3 highlights that 45% of widows and half-widows were in average health, while 35% were in poor health conditions. The health status of half-widows was found to be much worse than that of widows. Table 4 reflects that most respondents (50%) had negligible social contacts with their kins, with half-widows comprising the majority. Table 5 shows that 40% of respondents did not have any decision-making power regarding self, society, and their children. In addition, 45% of the widows and half-widows were found to be illiterate (Table 6), and most affected were Muslim women only (Table 7).

Table 8 reveals that 55% of victims were not interested in remarriage, while 35% were interested, but could not succeed due to lack of family support or social humiliation. Most of the widows and half-widows of political conflict (35%) were found to be government employees (Table 9).

Table 10 shows that 70% of widows of political conflict receive remedies in one form or another, but only 30% of half-widows do. The situation of half-widows is comparatively harsh than that of widows. They and their children currently fail to receive due response and assistance from the government, despite being an at-risk population that faces serious economic and social hardships. Table 11 indicates the general socio-cultural problems faced by widows and half-widows of political conflict. Despite its widespread extent, the phenomenon of disappearances in Kashmir is not officially recognized by the government, leading to several challenges for half-widows.

Table 1. Cohabitation status of widows and half-widows.

Cohabitation status	Widows	Half-widows	Number	%age
Living with children only	7	6	13	65
Living with in-laws	3	2	5	25
Living with siblings/parents along with children	0	1	1	5
Living with siblings/parents without children	0	1	1	5

Source: Primary data

Table 2. Social exclusion/inclusion of widows and half-widows.

Social exclusion/inclusion	Widows	Half-widows	Number	%age
Socially excluded	3	1	4	20
Excluded from self and society	2	7	9	45
Excluded from self	2	1	3	15
No exclusion	3	1	4	20

Source: Primary data

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Table 3. Health status of widows and half-widows.

Health status	Widows	Half-widows	Number	%age
Good	2	2	4	20
Average	5	4	9	45
Poor	3	4	7	35

Source: Primary data

Table 4. Connectivity of widows and half-widows with kins.

Connectivity with kins	Widows	Half-widows	Number	%age
Frequent	2	1	3	15
Periodical	5	2	7	35
Negligible	3	7	10	50

Source: Primary data

Table 5. Decision making powers of widows and half-widows.

Decision making power	Widows	Half-widows	Number	%age
Complete	4	3	7	35
Partial	3	2	5	25
Not at all	3	5	8	40

Source: Primary data

Table 6. Level of education of widows and half-widows.

Level of education	Widows	Half-widows	Number	%age
Illiterate	4	5	9	45
Under matriculate	1	1	2	10
Matriculate	2	1	3	15
Higher secondary	2	2	4	20
Graduate	1	1	2	10

Source: Primary data

Table 7. Religious status of widows and half-widows.

Religion	Widows	Half-widows	Number	%age
Muslim	10	10	20	100
Hindu	0	0	0	0
Christian	0	0	0	0
Others	0	0	0	0

Source: Primary data

Table 8. Interest of re-marriage of widows and half-widows.

Interested in remarriage	Widows	Half-widows	Total	%age
Yes	2	5	7	35
No	7	4	11	55
Cannot say	1	1	2	10

Source: Primary data

DISCUSSION: HALF-WIDOWS OF KASHMIR

The military conflict of Jammu and Kashmir has resulted in the forcible disappearance of thousands of married men, leaving their wives with a new fractured identity as ‘half-widows’. A half-widow is a term used for the women of Kashmir whose husbands have disappeared.

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Table 9. Economic status of widows and half-widows.

Means of livelihood	Widows	%age	Half-widows	%age	Total	%age
Agriculture	1	10	2	20	3	15
Govt. employee	6	60	1	10	7	35
Private employee	0	0	2	20	2	10
Dependent on kins	2	20	3	30	5	25
Labourer	1	10	1	10	2	10
Helped by civil society	0	0	1	10	1	5

Source: Primary data

Table 10. Availability/unavailability of remedies to widows and half-widows.

Type of remedy	Widows	%age	Half-widows	%age
Legal	1	10	1	10
Administrative	5	50	1	10
Other	1	10	1	10
No remedies	3	30	7	70
Total	10	100	10	100

Source: Primary data

Table 11. Sociocultural status of widows and half-widows.

Incidence of widowhood	Socio-cultural status	Number	%age
Widows	Psychological trauma, post-traumatic disorders, stress, emotional distress, rumors and accusations, social ostracism, limited freedom to remarry, lack of social support, sexual harassment.	5	50
Half-widows	Psychological trauma, post-traumatic disorders, stress, emotional distress, rumors and accusations, social ostracism, domestic violence, limited freedom to remarry, lack of social support, sexual harassment, restricted employment opportunities, patrilocality.	7	70

Source: Primary data

People say that the men who were someone's husbands were either abducted by unknown forces or killed in combat when they came face to face with the Indian troops in their hideouts. Women are still unaware of their husbands' whereabouts, whether they are alive or dead, whether they should be called a widow or half-widows.

Since 1989, there has been upheaval by armed rebellions. Almost 70,000 people, mostly civilians, have been killed in the disputed territory. And the conflict has resulted in unsolved untold miseries and misfortunes of women whose husbands have disappeared.

Aside from the uncertainty about the existence of loved ones, they do not receive official recognition of their status because there is no proof of their husbands' death. Under these conditions, women are under intense pressure to take over the role of breadwinner for their families. Throughout the process, the struggle between new rules and responsibilities on one hand and their vulnerabilities and deficiencies on the other is evident.

Psychologically and emotionally, these women are living two lives: one in which they are propelled to believe that their husbands will return home one day, and another in which they must accept the possibility that their husbands may never return during the conflict.

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Initially, it was assumed that these war widows displayed symptoms of post-traumatic stress disorder (PTSD). However, this diagnosis has recently been debunked and replaced by the term "ambiguous loss", which identifies the sources of stress as external, outside, ongoing pressure. Amid their suffering over the ambiguous loss, women endure the agony of searching—often in vain—for four years.

Cultures forbid them from remarrying without labeling the relationship as adulterous. Although Islamic law encourages remarriage, there was no agreement among various sects on the issue of remarriage of half-widows. In 2013, Islamic scholars ruled that widows can remarry after four years from the date of disappearance. However, few half-widows remarry [17]. Some are concerned about the social stigma, while others are concerned about the fate of their children.

The issue of remarriage is fraught with guilt, as many half-widows feel guilty about moving on with their lives. Women also fear being excluded from their social network because society is unwilling to accept their choice of remarriage. Moreover, half-widows suffer as non-widows because they cannot prove their husband's death. They are unable to access their husband's property, bank account, and insurance because they failed to provide the death certificate [18]. They frequently face barriers to benefit, such as life insurance and government assistance programs.

According to Muslim Law, a person cannot be declared dead until seven years from the time of disappearance. Till date, the officials are yet to figure out the exact figures on the half-widows of Kashmir but a report responding to gender violence in Kashmir by human rights group in the region of Jammu and Kashmir Coalition of Civil Societies (JKCCS) estimated the number of half-widows is around 1500.

Another report prepared after a survey in Kashmir's Baramullah district have found out that 2700 unnamed, mass graves have been identified in 2009. Therefore, at times, the women assume that their husband must be buried in the mass graves, but they are yet to identify the grave.

LIMITATIONS

The following limitations apply to this study:

- Confined time and resources,
- Small number of participants, and
- Sample representativeness

RECOMMENDATIONS

Improving the position of half-widows in Kashmir will require a comprehensive approach that addresses their social, economic, legal, and political needs. Some ways to make their position better are:

- *Ensure legal provision for widowed and half-widowed women*: One crucial step in addressing the issues faced by widowed and half-widowed women in Kashmir is to ensure legal provisions that recognize their rights. The Jammu and Kashmir Succession Act of 1956 stipulates that a man's property should be divided among his heirs upon his death. However, the act does not recognize half-widows as legal heirs to their husband's property. This legal loophole denies half-widows their rightful share of inheritance, exacerbating their economic vulnerability. It is imperative that the government recognizes the term "half-widows" and provides legal mechanisms for them to claim their share of their husband's assets. Additionally, the law must protect half-widows and their children from any abuses or mistreatment by their in-laws following the death or disappearance of their husband. By ensuring legal provisions for widowed and half-widowed women, the government can help to address the economic and social challenges faced by these women in Kashmir.

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- *Include female police personnel in Jammu and Kashmir police forces:* One of the key reasons for the underreporting of violence against women in Kashmir is the reluctance of victims to approach male police officers and discuss their physical assault. This reluctance leads to cases of violence against women not being registered, which is a serious issue that needs to be addressed. To tackle this problem, the Jammu and Kashmir Police Act, 1983 allows for the establishment of a Special Woman Police Taskforce to deal with such cases. Giving the force the authority to take prompt action once a complaint is filed could go a long way in addressing this issue. Additionally, the government could deploy women's police patrol vehicles and a helpline number to make it easier for women to report cases of violence without fear or hesitation.
- *Setting up the women's commission cell in Kashmir:* A quasi-judicial Women's Rights Commission should be established in the state of Jammu and Kashmir to protect women's rights. The commission should be empowered with the same authority as a civil court concerning evidence matters. The main aim of this independent body is to function as a watchdog or guardian for women who may not be aware of their rights under normal mechanisms. The commission should review existing legislation that affects women in the state, make recommendations to the government on ways to improve social conditions for women, take up cases of violations of women's rights, provide aid and relief to women, and conduct research and fund litigation involving issues that impact a large number of women.
- *Legal recognition and protection:* Half-widows in Kashmir should be given legal recognition and protection under the law. This can include providing them with a clear legal status, access to government benefits and inheritance rights, and protection from discrimination and harassment.
- *Economic empowerment:* To improve the economic position of half-widows in Kashmir, they should be provided with training, education, and employment opportunities. This can include vocational training, entrepreneurship programs, and access to microfinance and credit facilities.
- *Mental health support:* The trauma of losing a spouse and the uncertainty around their fate can take a toll on the mental health of half-widows in Kashmir. They should be provided with access to mental health support and counseling services to help them cope with their loss and deal with the stress and anxiety that they may be experiencing.
- *Social support:* Half-widows in Kashmir should be given social support to help them rebuild their lives and reintegrate into their communities. This can include creating community-based support networks, providing them with access to social services, and raising awareness and reducing stigma around the issues they face.
- *Political stability and security:* The political instability in Kashmir has created an environment of fear and uncertainty, which can exacerbate the challenges faced by half-widows. Ensuring political stability and security in the region can help to create a safer environment for them to live in.
    - A streamlined system for compensation, without room for delays, harassment, or coercion, must be instituted for widows and half-widows.
    - A special bench in the Jammu and Kashmir High Court must be constituted to hear cases filed by widows and half-widows on an expedited basis.
    - The government must allow free civil society activity around the cases of widows and half-widows. The central Indian Government must ratify the International Convention for the Protection of All Persons from Enforced Disappearances.
    - Disappearance cases must be resolved; families must be told the whereabouts of their loved ones, whether dead or alive.
    - Perpetrators of enforced disappearances must be punished under the full extent of the law.
    - Security laws, particularly AFSPA, that stand as barriers to redressal, must be repealed.
    - A complete survey of those killed and disappeared must be undertaken and the results presented to the public.

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- Indian and international civil society must recognize the issues faced by widows and 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. Civil society—local, Indian, and international—must consider funding initiatives that directly aid widows and half-widows, such as health care programs, income generating projects, and scholarships for the children.
- Islamic scholars must develop and publicize a consensus around the 'waiting period' of four years, after which a half-widow be permitted to re-marry under Islamic law.
- A holistic understanding of women's rights issues must be promoted and a rights-based approach developed.
- An increased investment in women's leadership must be made.

Overall, addressing the needs of half-widows in Kashmir will require a coordinated effort from the government, civil society, and the broader community. By providing them with the support and resources they need, we can help to improve their position and ensure that they are able to live their lives with dignity and respect.

CONCLUSION

Over the years of conflict in Kashmir, women have defied the victim label and played active roles in civil society, despite being underrepresented in leadership positions. However, the presence of widows and half-widows is a poignant and often unrecognized symbol of the insecurity in the region, hindering progress towards broader improvement. The unrest of 2008, 2009, and 2010 exemplifies the cycle of violence that results from unmet needs and a lack of space for civil society action. The population of widows and half-widows offers a crucial opportunity for positive change and engagement in Indian-administered Kashmir. Grassroots organizations struggle with limited resources to bring peace and justice in the face of instability and insecurity.

Despite the severity of challenges, the progress made by local organizations offers a model for national and international groups to take action. Immediate attention and action are necessary from the Indian government, Kashmir government, and Indian and international civil society to support half-widows and widows who demand and deserve relief.

The absence of a husband renders women economically vulnerable, especially in socioeconomically weak families who have experienced disappearances. Half-widows lack the education and social status to provide for their families, leaving them and their children dependent on others, often the husband's family. This dependence strains relationships, and the half-widow and her children become seen as burdens. In cases where no family can support them, they may become homeless or forced to rely on orphanages. The prolonged absence of a husband places widows and half-widows at risk of physical and mental harm. While social networks have aided them in coping with trauma, societal biases have often added to their distress. Overall, the plight of half-widows in Kashmir highlights the need for action to address the humanitarian crisis and promote justice and peace in the region.

International conventions for the protection of women's rights can also be an important tool for advocating for the rights of half-widows in Kashmir. The United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which was adopted in 1979, provides a framework for the protection of women's rights and can be used to hold governments accountable for violations of these rights. The convention recognizes the right of women to live free from violence and to enjoy equal protection under the law. Additionally, the Convention on the Rights of the Child (CRC) and the International Covenant on Civil and Political Rights (ICCPR) also recognize the rights of children and women, respectively. By drawing attention to these international legal instruments and the violations of human rights in Kashmir, advocates for half-widows can make a compelling case for justice and accountability.

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Despite these challenges, half-widows and their allies have organized and mobilized in a variety of ways to demand justice and accountability. Through advocacy, legal action, community-based support, artistic expression, and international advocacy, they have sought to raise awareness about the issue of half-widows in Kashmir and to push for greater recognition of their rights. While progress on this issue has been slow, their efforts have helped to shine a spotlight on the human rights violations that continue to occur in Kashmir and to highlight the urgent need for justice and accountability. Ultimately, the struggle for the rights of half-widows in Kashmir must be seen as part of the broader struggle for peace, justice, and human rights in the region.

REFERENCES

1. GSDRC. Conflict and sexual and domestic violence against women. Helpdesk Research Report. Governance and Social Development Resource Centre: Birmingham; 2009.
2. Sara Barrera, Eva Corbacho. The ongoing tragedy of India's widows. Women's Media Center. (2024). [Online] Available from: www. womenunderseigeproject.org.
3. The Maintenance and Welfare of Parents and Senior Citizens Act of 2007.
4. Azad Essa. (2011). The disappeared of Kashmir. [Online] Available from: https://www.aljazeera.com/news/2011/4/18/the-disappeared-of-kashmir.
5. Human Rights Watch. (2011). India: Investigate unmarked graves in Jammu and Kashmir. [Online] Available at: https://www.hrw.org/news/2011/08/24/india-investigate-unmarked-graves-jammu-and-kashmir.
6. Kazi S. Between democracy and nation: Gender and militarisation in Kashmir. United Kingdom: London School of Economics and Political Science; 2009.
7. Khan, Nyla Ali. Islam, women and violence in Kashmir: Between India and Pakistan. New York: Macmillan: Palgrave; 2010.
8. Showkat A. Motta. Women in Kashmir suffer silently. In one World South Asia; 2009.
9. Association for Asian Studies. (2023). Teaching about the comfort women during World War II and the use of personal stories of the victims - Association for Asian Studies. [Online] Available at: https://www.asianstudies.org/publications/eaa/archives/teaching-about-the-comfort-women-during-world-war-ii-and-the-use-of-personal-stories-of-the-victims/.
10. Hrw.org. (2024). Rwanda. [Online] Available at: https://www.hrw.org/reports/1996/Rwanda.htm.
11. Sito-Sucic D. (2019). In global first, U.N. body orders Bosnia to pay wartime rape victim. Reuters. [Online] Available at: https://www.reuters.com/article/idUSKCN1VJ2AE/.
12. Tufts—Feinstein International Center. (2023). Forced Marriage within the Lord's Resistance Army, Uganda—Tufts—Feinstein International Center. [Online] Available at: https://fic.tufts.edu/publication-item/forced-marriage-with-the-lords-resistance-army-uganda/.
13. Sito-Sucic D. (2019). In global first, U.N. body orders Bosnia to pay wartime rape victim. Reuters. [Online] Available at: https://www.reuters.com/article/us-bosnia-un-reparations-idUSKCN1VJ2AR/.
14. Human Rights Watch. (2003). We'll kill you if you cry'. [Online] Available at: https://www.hrw.org/report/2003/01/16/well-kill-you-if-you-cry/sexual-violence-sierra-leone-conflict.
15. Cordaid International. (2023). Women's activism in Afghanistan needs all the support it can get - Cordaid International. [Online] Available at: https://www.cordaid.org/en/story/womens-activism-in-afghanistan-is-still-alive-and-needs-all-the-support-it-can-get-2/?gclid=Cj0KCQjwlumhBhClARIsABO6p-xheTlPAYLgmFS6ZVNWTD_cjEQX7o9hws1vf-LJCPRxchf8OW1HaYMaAp9uEALw_wcB.
16. C-r.org. (2024). Democratic Republic of Congo: The conflict in focus | Conciliation Resources. [Online] Available at: https://www.c-r.org/programme/east-and-central-africa/democratic-republic-congo-conflict-focus?gclid=Cj0KCQjwlumhBhClARIsABO6p-w0DSqdL2AIXxMMY0xV9o2Lvyy2WPxpY3aF2lV2Z8BAxuG2cMiC3vMaAo8VEALw_wcB.
17. Staff Reporter. (2013). Wives of disappeared Kashmiri men can remarry after four years. Deccan Herald. [Online] Available at:https://www.deccanherald.com/content/376897/wives-disappearedkashmiri-men-can.h.

© Law Journals 2024. All Rights Reserved

18. Bhattacharya D. (2015). The never-ending tragedy of Kashmir's half-widows. Scroll.in. [Online] Available at: https://scroll.in/roving/762867/photos-the-never-ending-tragedy-of-kashmirs-halfwidows.

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