



Centre for  
Dialogue and  
Reconciliation

# **Women's Role in Society: Issues of Mutual Concern**

**An Intra-Kashmir Cross-LoC Women's Dialogue**

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An Intra-Kashmir Cross-LoC  
Women’s Dialogue

September 2011





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*Tsaalun chhu vuzamala ta tratay  
Tsaalun chhu mandinyan gatakaar  
Tsaalun chhu paan panun kadun gratay  
Heta maali santoosh vaatiy paanay.*

**Endure you must lightning and cloudbursts  
Or a sudden pall of darkness at noon  
Or the body crushed between two grindstones.  
Accept it all with patience and contentment will come.**



*Kyah kara yiman paantsan, dahan ta kaahan,  
Yath leji yimav vakhshun kor ta dray?  
Saari samahan yath razi lamahan  
Ada ma raavihe kaahan gaav.*



**What am I to do with the five, the ten and the eleven.  
Who stirred the pot, scraped it and left?  
Had they all been together and pulled the rope  
The eleven would not have lost the cow.**



*– Lal Ded – 13<sup>th</sup> Kashmiri mystique & poetess  
English translations by Prof. Neerja Mattoo*



# Introduction

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A two day intra-Kashmir cross-LoC women's dialogue on 'Women's Roles in Society: Issues of Mutual Concern' took place in Gulmarg from the 27th to 29th of September, 2011. There were forty seven participants. All the regions of Jammu and Kashmir (henceforth J&K), as well as Azad Jammu Kashmir (AJK) and Gilgit-Baltistan (GB) were represented. The dialogue was organized by the Centre for Dialogue and Reconciliation (CDR), New Delhi, and Women for Peace, Srinagar. It was the largest gathering of women in this conflict zone, where all of them took a bold, determined and unequivocal stand against violence of every kind and shade.

The Centre for Dialogue and Reconciliation (CDR) has held a series of dialogues between various stakeholders and civil society actors from the regions of Ladakh, Jammu and Kashmir since 2003. As a part of these efforts CDR organized its first intra-Kashmir women's conference in November 2007; it was among the first efforts to connecting women across the LoC and to bridging divides.

Women for Peace is a Srinagar based organization, which is working to build peace, end violence and give women their rightful place in all decision-making processes regarding the future of Jammu and Kashmir. It was formed in early 2011 when a group of women, pained by the summer unrest of 2008, 2009 and 2010 – which resulted in much death and destruction - came together and decided to take an initiative to prevent further bloodshed.

The mindless violence that had seized the region in the recent past had sent out an urgent message that not only was violence of any kind to be shunned, but that sustainable peace requires equal participation from both women and men in society. The brunt of the instability, armed conflict and violence was borne disproportionately by women. Yet, the ongoing lack of women's inclusion or participation in issues of national interest and security would only lead to the

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absence of women's equal voice in any accord or resolution that may be achieved. It was against this backdrop that the Dialogue was organized, bringing women from both sides of the Line of Control (LoC) in Kashmir.

The Dialogue addressed Women's Roles in Peace-building, Women's Roles in Policy-making and Socio-economic and Legal Issues in Women's Empowerment. It created a platform where women – 16 from AJK and GB and 25 from J&K – were able to share their experiences of living in a conflict zone, discuss pressing issues of mutual concern, and strategize to find solutions to them. This was the only path to building a strong and sustained peace on both sides of the LoC, which would then engender enabling conditions for all the inhabitants of the region to live and realize their full potential with dignity.

The Dialogue opened with an evening of introductions in an informal and peaceful setting in Gulmarg on 27th September 2011.

Most of the participants were involved in gender-based issues connected to either women or the girl child. Many of them had participated in the first intra-Kashmir women's conference organized in 2007 and were here to renew old bonds of friendship and dialogue and to build new ones. Some had discovered family living on this side of the LoC and who waited to be visited, while for others there were families waiting to be discovered.

The evening was replete with the recitation of beautiful and moving Urdu poetry, humorous anecdotes and short encounters with the experience of 'the other'. The beautiful resort amidst the high peaks of Gulmarg, its walls adorned with rich Kashmiri tapestries, provided the perfect backdrop for women to bond together even as they listened to each other's tales of anguish and pain, hope and courage, and gleaned for themselves the many agencies that women exercised in unspoken, muted, selfless ways, ways in which only women can act.



# Conclusion

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The Gulmarg Dialogue formally ended on 30<sup>th</sup> September 2011 with a public reception at the Hotel Broadway in Srinagar. A large gathering of dignitaries, distinguished members of civil society, and representatives of the media attended it. The participants of the Dialogue shared their experiences from the conference and reflected on things they had heard and discussed. The consensus statement, reached and adopted after two days of deliberations by the participants, was read out and shared with the audience and formally released to the media.

The conference had provided a much needed platform for women to speak uninhibitedly about the matters of concern to them, thrash out their differences, underscore the commonalities and find common ground. Participants from both AJK and J&K echoed each other in their sentiments about the need for such a dialogue, with promises to keep it an ongoing process. For many it had been an empowering, if emotional, experience.

The Dialogue recognized that while the conflict had impacted women differently on

either side of the LoC, there were common concerns of structural discrimination and violence against women on both sides. Women in Kashmir had borne a disproportionate brunt of the conflict yet they remained absent from peace negotiations because politics and society have always been traditionally male-dominated. Yet without tackling the political angle it was not possible to engage in peace negotiations. Women had not represented themselves as women, nor articulated their concerns as citizens. They continued to be seen through the prism of victimhood and their agency was ignored.

Unfortunately, women in decision-making positions have not sufficiently taken up the cause of women victim-survivors of the conflict. Women leaders needed to be cultivated and the panchayat elections in J&K earlier this year with 10,000 women panches have opened up an opportunity for women's political mobilization at the grass-roots.

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The Dialogue also served to recognize and emphasize the fact that women's groups in J&K needed to engage with both the legal community and the clergy for more gender-sensitive legislation and implementation, while extracting a correct interpretation of religious laws.

Since common concerns had emerged from both sides of LoC, it was felt that pressure groups should be created on each side in order to address these concerns. Such pressure groups should include people from different walks of life. Networking among different women's groups was also mooted, while the importance of cross-LoC dialogue and networking among women's organizations to learn from each other's experience was emphasized.

For such sustained dialogue greater communication between women in AJK and J&K was needed. This called for improved cross-border communication including regular LoC bus service, speedier visa processing, more

liberal telephone facilities, especially on the Indian side.

Such Dialogue was also necessary to create time-bound strategies to facilitate the above so that there could be a stock-taking of achievements at the next conference.

Finally, prolonged conflict in the region had made both India and Pakistan divert resources for development to security and defence, which had grave implications for development in J&K and AJK respectively. Demilitarization was a necessity and, as a first step towards creating an atmosphere conducive for building sustainable peace, AFSPA needed to be repealed.

Acting as a platform for women to unanimously reject violence in Kashmir and articulate their needs and concerns, the Gulmarg Dialogue became a milestone in forging a path to peace building, reconciliation and reconnection between women from either side of the divide in Kashmir.



## Women's Voices

### Nighat Shafi Pandit

Let us together build bridges between women from the two sides of the LoC. It is possible that some of us may have contrasting, often conflicting, political, cultural and religious approaches. By meeting each other we can become friends and learn more about different ways of building trust and understanding, which are prerequisites for Peace. We want our children, our women to live in an atmosphere of Peace and Dignity.



We are concerned that values and attitudes which differ from ours are caricatured and presented as threatening to each other. As a result damaging stereo types are sometimes formed and fear and enmity prevails. We believe that some negative and potentially destructive feelings can best be reduced through individual friendships.

It is absolutely necessary that we change our mindsets from War-mongering to Peace-mongering, bringing down the walls of Prejudice. Instead let us build bridges of Peace and understanding. Let us all, Peace women, join hands to change lives and thus change the world around us.

The circumstances which have prevailed on the two sides have created perceptions about callousness and insensitivity with regard to each other's concerns. Let me quote a couplet to remove such misgivings and create hope for the future.

*Tu ne chaha naheen haalat badal sakte the  
Mere anson Teri aankhon se nikal sakte the.*

The problems affecting women cut across political, geographical and social boundaries. If we women from both the sides can build a coalition to seek our right to empowerment together, find the special issues we can create

synergy and thus build a constituency for Peace which will be lasting and self-sustaining.



### Tanveer Latif

The Press for Peace is an organization of young journalists. They asked me to be their Patron in Chief. The organization has done much good work, especially in collecting the data of poor missing villagers of LoC who were caught by Indian Army while collecting black mushrooms or grazing their animals. Some of them wrongly crossed the border and some were caught on the bases of doubt. They were more than 300 imprisoned in different jails of India and Jammu and Kashmir State. They were prosecuted under TADA and ten civil courts, undergoing sentence of 10 to 14 years imprisonment and did not have the right to be released. In their absence their poor families suffered a lot. Young journalists of Press for Peace moved the file to the Prime Minister of AJK, from where it was sent to Ministry of Kashmir Affairs, Ministry of Defense, Foreign Affairs, Interior Affairs, without getting any result and wasting a lot of precious time in red tapism. Ultimately, I personally requested Dr. Attiya Anayatullah, the then federal minister for Women Development. She met President Musfarraf for immediate action to recover missing Kashmiris. Ultimately the prisoners of Azad Kashmir came back home.



### Indu Kilam

We do have a considerable number of women at high positions in the administration but very few women leaders. We have even seen women who have been actively involved in the struggle for freedom being sidelined when it comes to decision-making or sharing power.



### Amina Bi

Gilgit Baltistan is the fourth component in the Kashmir issue. It should be given representation in Pakistan-India dialogues and it should also be included in the issue of opening up of ancient trade routes. Last but not the least, communication problems between Pak-India are unjustified! All countries are connected in this global village except these two and this should be immediately addressed.



### Najma Banoo

Before the introduction of Hill Development Council and Panchayati Raj, the role of women was limited. However, after coming up of Hill Development Council and Panchayati Raj in Kargil, opportunities were opened for women in policy making. Two seats were reserved for women in Hill Development Council and 33% in Panchayats. Their role can be made more effective by providing more seats in these fields.



### Jigmet Yangchan

The representative form of democracy has little meaning unless we make it a participatory one. Our concern is not the privileged minority but the underprivileged majority who are ignored, neglected and alienated from the process of democratic functioning.



### Syed Najma Shakur

Kashmir is a male dominated society, and men are highly valued as an asset since they are the main source of income for families. That is the reason that the greatest attention has been paid to the education of boys and the labour and incomes of



men. Women's labour did not receive the same attention as did that of men. Hence, women's work is treated as inferior and secondary. Further, women are forced to perform all domestic chores, which include child caring and housework, etc. The result is that women's work is never really done.



### Shaheen Akhter

AJK is not a 'conflict zone' but has been directly and indirectly affected by larger Kashmir conflict. For the women most affected the coping mechanisms available to them are limited by traditions of Kashmiri society. The policies of the AJK government towards these affected women are largely gender blind and there is no significant NGO, whether local or international, focusing on the rehabilitation of these affected women. These women have positively responded to Kashmir specific confidence building measures (CBMs), which include the ceasefire on the LoC, opening of Srinagar-Muzaffarabad & Poonch-Rawalakot bus services and resumption of cross-LoC trade on these routes.



The existing legal framework includes:

- AJK Interim Act 1974: all state subject equal before law and are entitled to equal protection before law.
- Muslim Family Laws Act of AJK 1965, Family courts Act, 1993, both favourable to women
- Anti Harassment Bill is now debated in AJK Assembly
- legal rights to own and inherit property from their families.
- Five reserved seats in AJK Assembly; 6 in Gilgit-Baltistan legislative assembly for women.



### Arifa Jan

My biggest start-up challenge was facing the criticism of some of my relatives and neighbours who did not think it fit for a young woman to start a business. The social acceptance of my decision to become an entrepreneur was a challenge that I confronted till the time I achieved some initial success in my business.



### Effat Yasmin

In order to make micro-credit scheme socially relevant it is suggested that it should be made inclusive for all women. It is also important that a wider dissemination programme be launched to make people aware about this scheme. Organized marketing facility must be created so that finished products are sold at competitive prices bringing net income to these women. Gram Sevikas appointed by the government have been the only source of information related to women development programmes per block. Due to huge deployment of security forces in agricultural fields, rural women have in a way lost their control over agriculture-related household assets. It is necessary that NGOs and other women organizations step in to enhance economic empowerment of the women especially in rural areas.



There is no doubt that women have benefitted from minimum 33% reservation introduced by 73rd constitutional amendment in 1992. This got further augmented due to competitive politics of various political parties. But while looking into the role of women in decision making what one sees in these local bodies today is public patriarchy whereby the women are included but not allowed to participate and their work is undervalued.



### Dr. Naseema Seema Jomezai

For the last many years, I have to the best of my abilities, tried to advance the cause of Kash-

miri women. I strongly believe that platforms such as this conference have an important role to play in facilitating dialogue and bridging the gap between Kashmiri women that has been created over many years due to the Kashmir dispute.



I was fortunate to participate in the first such dialogue organized by the CDR in November of 2007. During the past four years for one reason or the other we are not nearer in creating an environment which could have an impact on the stated positions of Pakistanis, Indians and Kashmiris. The Kashmir dispute has been in limbo for decades and the status quo is no longer tenable due to the changing geopolitical situation of the region.

Being South Asian women, most of us are aware of the gender bias that exists in the sub-continent towards women albeit to varying degrees depending on which geographical area one wishes to talk about. The victimization of women takes on a heightened tone in conflict zones. When talking about issues this grand and complex, it is very tempting to come up with a one step all encompassing solution but as we all know, the world with all its complexities does not work this way. There is no one step solution to empowering women and the disadvantaged and more importantly there are no short term solutions.



### Nergis Khan

The relationship between the law and women's status is complex. A country's legal system is a powerful social institution, which can either enable or constrain women's full enjoyment of rights and control over their lives. In addition, access to resources, such as land and credit, are keys to women's economic survival, yet women often face legal discrimination in these areas.





# Conference Declaration

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The Gulmarg conference ended with the following unanimous resolution:

We, the women of entire Jammu and Kashmir, from both sides of the LoC desire peace, security, and economic stability to prevail throughout the region and an immediate end to the protracted conflict.

We demand the inclusion of women in all peace-building and peace negotiations/dialogue on Kashmir.

As an outcome of these two days' deliberations we have resolved the following:

The resolution on Kashmir must reflect the aspirations of all regions and communities of all parts of undivided Jammu and Kashmir, including Gilgit Baltistan.

We demand from our respective governments:

- the simplification of procedures in trade, communication and travel across the LoC and opening of other trade

and travel routes, like Kargil-Skardu, Chamb-Bhimbar, and Leh-Khaplu;

- the cease-fire be respected with immediate halt to violations and land mine issues be addressed;
- the immediate release and return of stray crossers;
- the immediate phased de-militarization in all civilian areas, and repeal of draconian acts like AFSPA and PSA;
- the government review its policy towards the SPOs, SOGs, and VDCs;
- an end to human rights abuses and violations of all kinds – arbitrary arrests and detentions, enforced disappearances, sexual violence, crackdowns, searches, displacement of all kinds, rehabilitation of displaced communities without segregation – by all sides;
- thirty three percent women's representation in legislative assemblies,



- councils, and local bodies on both sides of the LoC;
- adequate women's representation in departments dealing with gender issues;
  - representation of women in and the strengthening of autonomous and independent state institutions to monitor and report gender-based issues, like State Commission for Women, State Human Rights Commission, Information Commission, and the establishment of similar commissions in other regions where they do not currently exist;
  - the establishment of legal aid committees and village helpline by the state to immediately address issues of half-widows and sexual assault;
  - state compensations to be covered under civil law;
  - immediate people friendly police reforms and gender sensitization of all the law enforcement agencies;
  - greater access to women and female education;
  - revisiting of the curriculum;
  - student and faculty exchange program across LoC;
  - implementation of gender budgeting and allocation of resources across sectors;
  - increase women's access to micro-financing schemes;
  - increased vocational and skills training for women;
  - processes be simplified to facilitate SMEs, and marketing facilities be increased for small entrepreneurs;
  - effective implementation of wage policy for women;
  - women's health issues, especially maternal and infant mortality and mental health issues, to be immediately addressed;
- We, the participants of this conference, resolve to:
- network through internet and other means for inter-regional, inter-community, cross-LoC networking of women's groups and individuals for peace building;
  - establish a joint forum of women's organizations working for peace from both sides of the LoC for inclusion in all peace negotiations and discussions and also to reach out to grass-roots women's organizations and policy makers.



# Deliberations and Proceedings

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The formal deliberations began on 28th September.

The themes for the day were **Women's Role in Peace Building, Women's Roles in Policy-making and Socio-economic and Legal Issues in Women's Empowerment**

How could women, as a group and as a gender, effectively and politically direct the flow of their societies and nations towards recovery and re-building in a region which has seen enormous material and human loss? As one of the participants explained in a rendering of a poignant Urdu verse – a woman is equipped to handle politics because her role in running the house amply prepared her to navigate through diverse difficulties and intrigues. This set the tone of discussions and **Women's Role in Peace Building** was the theme that opened the dialogue.

The first session under this theme – **Women's Experiences in Peace Building** – analysed the nature of peace and discussed

the various directions that any proposed peace process could take through women's specific awareness, participation and inclusion in the process.

The chair set the tone of the discussion by outlining a theoretical framework of sustained peace and delineated the reasons why women had such an inherent interest and pivotal role to play in it. The challenge, however, was that peace building was far from being easy. Women had to first come to an understanding with themselves; they had to overcome the dualities within themselves and transcend boundaries of class, community and nationality to embark on the path of peace building. Only then could their actions be effective and meaningful.

Speakers in the session were all engaged in peace building in various ways and at various levels. They were working with orphans, widows, displaced persons, stray crossers across the LoC, and with those suffering from trauma and mental disorders, both of which were widespread especially in J&K due to the protracted conflict there.

For these women peace was not some remote or abstract idea. For them peace work meant intervening in the daily lives of people around them to mitigate their sufferings to whatever degree possible.

They drew on their own experience to talk of what peace building meant to them and how as women they could contribute to it. Nighat Shafi Pandit, Chairperson of HELP Foundation, Srinagar, spoke of how the foundation was engaging with orphans and helping people cope with trauma and mental disorders. Tanveer Latif Hussein, the former Director General of the Directorate of Curriculum Research of Azad Jammu and Kashmir talked about how she had inspired young people to work for peace through the media. The Press for Peace had done incredibly good work in facilitating the release of illiterate farmers and villagers who had inadvertently crossed the LoC into India from AJK and had been incarcerated in Indian jails. Indu Kilam, founder of Sabzaar, an organization that promotes education among the displaced Pandit community in Jammu, spoke about the suffering of the Kashmiri Pandits who had to flee Kashmir en masse, with many ending up in camps for displaced where they wait rehabilitation till today. Women especially have faced dislocation, negative growth, and – most importantly - a threat to their identities, Indu reminded the gathering.

For these women peace was not some remote or abstract idea. For them peace work meant intervening in the daily lives of people around them to mitigate their sufferings to whatever degree possible.

The session ended with the unanimous agreement that women were integral to any kind of peace building because not only were they half the population, they also bore a disproportionate brunt of the conflict, and their participation helped bring gender concerns to the table.

There was agreement that peace building was not easy as participants came from diverse backgrounds with varied experience but by dialoguing and listening to each other's anguish

and experience, a beginning could be made and then built on gradually.

The next session focused on **The Absence of Women in Peace Building.**

This particular theme was premised on the fact that the larger political problem and its dominant male involvement seemed to ignore or subsume issues emerging from the conflict that directly affected women. This marginalization, of both non-elite and elite women, had resulted in their exclusion from positions of authority, power and autonomy, encouraged by the fact that there was little to no awareness among women of religio-patriarchal/nationalistic notions.

The discussions first focused on the theoretical necessity for involving women in peace discussions and negotiations, and as reflected in UN Resolution 1325. However, across regions women seemed to be missing from the peace dialogue. Some of the points raised were: what are the points of convergence and divergence among women's involvement in peace-building? Can women's engagement in rehabilitation and issues be used politically as a starting point for consensus? Should affirmative action be used to increase women's much-needed participation in public life?

The theoretical framework was augmented by personal testimonies. A deeply moving narrative was that of Anjum Habib Zamruda, an author and founder of Muslim Khawateen Markaz. A founder-member of the All Parties Hurriyat Conference, who later spent years in Tihar Jail in Delhi, Habib knows that the inclusion of the political angle was crucial to peace building. Building peace, she pointed out, was not a one-time event but a process and a political one at that. It required both negotiations and demilitarization and an end to all human rights violations by agencies of the state. In J&K women suffered from physical, economic and emotional insecurities, which were reflected in the narratives of widows, half-widows, women who had suffered sexual violence,



*Fahmida Shah, Naseem Shafaie and Nusrat Andrabi*

women whose brothers, husbands and sons had disappeared.

‘Women of Kashmir have paid the price like other women in other conflict areas of the world. We all know the humiliation that Kashmiri women and girls have to undergo at the ruthless hands of thousands of Indian military and paramilitary forces. She has been disgraced by different agencies and unknown gunmen,’ lamented Habib and warned for this reason alone women’s voices should be heard in any peace process.

While the conflict in Kashmir impacted women on both sides of the LoC, there were qualitative differences in their experience.

In AJK, as Nayyar Malik, a senior education consultant with Kestral Resources, Rawalpindi, narrated, people suffered from the conflict in different ways: there were refugees from J&K who had crossed into AJK through the LoC and were living in camps; there were people who had been displaced from their homes along the LoC; and there were stray crossers who had inadvertently crossed over the LoC and been detained by Indian security forces.

Yet, on both sides of the divide women had been excluded from the negotiating table whether it was between India and Pakistan or between the people of AJK or J&K negotiating with the Pakistani or Indian state.

In J&K in particular women’s agency had been ignored by both the Indian state as well as the separatist politicians. Though women had participated actively in the resistance movement in J&K, as participants heard Habib narrate, their concerns were not included in the separatist agenda. Women had exercised their agency in other ways too - by resisting gender segregation - but had ultimately been located only as victims in the conflict. This allowed conflict politics to use these women as instruments, but beyond that little had been done for them.

In her presentation, Rekha Chowdhury, Professor, Dept of Political Science, University of Jammu, critiqued women’s political participation in J&K. The few women visible in mainstream politics -- and who thus had some power to change things -- had entered it through a dynastic process and had failed to raise the issues that beset women at the grassroots.

The reasons delineated for women’s exclusion at the peace table in J&K were that traditionally the political and social spheres had been men’s bastion in J&K; while the women’s movement had swept through India, it had bypassed J&K. Hence, Kashmir had no organized women’s movement and neither did women mobilize themselves as citizens or women, but rather as members of particular communities.

The common concerns of women on both sides of the LoC that emerged from the session were thus linked primarily to structural gender discrimination. This was further exacerbated by the conflict, which gave both India and Pakistan reasons to divert precious resources from development to defense and security. The fallout was less resource allocation for women’s issues and needs. But what also emerged from the session was the bonding between the women from either side of the divide. Nayyar Malik spoke for many of the participants from AJK when she said: ‘We feel

almost guilty to know that women on the other side have suffered so much. But what comes out is how incredibly brave you are ...thank you for sharing your stories.' And these words also reinforced the power of dialogue, the ability to listen and empathise.

The women readily agreed that as they were integral to the peace building process, their participation in public life and in the peace process had to be increased, even as the disconnect between women political leaders and women activists and grassroots women needed to be plugged.

**Women and Socio-legal Empowerment** was the second theme of the session. This theme was particularly relevant because while armed conflict brought its own forms of violence against women, the concept of peace had to be a 'positive peace', which would include socio-economic justice, gender equity and ecological balance and would eliminate all forms of violence against women.

#### **Session 1 deliberated on Issues of the Disadvantaged.**

Even though the earlier sessions had highlighted the narrative of pain and trauma that coloured any discussion on Kashmir, this session revealed a particularly painful scenario that many Kashmiri women – especially those from the lower socio-economic background – found themselves in.

Discussions on peace and conflict invariably focused on politics and women's political participation. But what often went unexplored or under-explored was the health angle. While poor women almost always suffered from lack of nutrition, lack of access to health-care, early marriage and childbirth, there were additional geographical and cultural intricacies. Thus, if a region was a conflict zone, then all such problems were magnified.

This point was poignantly made by Srinagar-based gynaecologist Zaheeda Shah,

who engages daily with women's health in J&K. While institutionalized gender violence manifested itself in low nutrition, disproportionate work load and low health indicators for women, it also left women physically and emotionally vulnerable to abuse.

Kashmiri women were beset with a peculiar kind of problem – of increasing rates of infertility, which was leading to a different kind of victimhood; female sex ratio decline which reflected another kinds of pressure on women; and widespread post-traumatic stress disorders which went unidentified and hence untreated. As if such suffering was not enough, what was worse was that such 'transgressions' by a woman further invited a penalty from the husband in the form of divorce or polygamy, thereby victimizing the woman twice over.

In AJK, concerns for women were also structural – in particular lack of education and awareness. Women suffered from domestic violence, honour killings, acid-throwing, and high maternal mortality.

The session took special note of rural and non-privileged women's debilitating socio-economic structures, including governance deficit, structural violence, lack of economic options for employment or self-employment and women's lack of access to health care and services in both AJK and J&K.

Some relief to the otherwise grim testimonials was provided by a presentation on the socio-economic status of women in Ladakh, which reflected a more positive overall status of women there, with greater levels of education and greater socio-cultural participation. However, in Ladakh too women's political participation in local government remained low, while their share in domestic and agricultural labour remained disproportionately greater.

The session ended with the understanding that in both J&K and in AJK female literacy, health and economic empowerment

were urgent issues which needed to be addressed by both the state and civil society. Changes were needed at the micro-level in order to effect similar changes at the macro-level.

Since many of the issues and concerns that beset women from both AJK and J&K were similar, the participants recognized the need for networking with each other across the LoC for both knowledge and experience sharing and also for learning from each other on how to address these issues. This required that both India and Pakistan facilitate easier communication and travel across the LoC. Participants also recognized the need to partner with the state and with community-based organizations to flesh out concrete time-bound strategies to deal with the issues raised and to make state agencies on both sides of the LoC accountable.

But what or who exactly is responsible for structural discrimination, of which women in traditional societies were the worst sufferers? Is it the patriarchal nature of South Asian society? Is it the state, which reflects the patriarchal values inherent in society? Can the traditional setup be done away with and more gender-just laws enacted? To thrash out the issues and find answers to these queries, participants discussed **Patriarchy and Female Destitution**.

A key insight was offered by Najma Shakoor, who has been doing incredible work at the very grassroots in Rawlakote in AJK, through 'Women Welfare Organisation' – an organisation that she founded and is currently the president of. 'The traditional structure of Kashmiri society has always located women in society as only housewives, who are responsible for taking care of the household, husband, and raising children. For centuries women have been subordinated to men and have not been allowed to develop their full potential to play an active role as equal members of society. Women as agents of change in society can be just as powerful as men. Apart from the traditional structure, the traditional

thinking of the Kashmiri society further intensifies restriction over women empowerment.' This is then reflected in different aspects of life in the region.

For instance, a research study conducted in Block Trehgam of rural district Kupwara through simple random sampling, demonstrated that micro-credits were still not easily accessible to women in J&K and that self-help groups (SHGs) and women's participation in Panchayati Raj in the state needed to be strengthened. While the recent panchayats elections in J&K had opened up a window of opportunity for thousands of women in the villages, reservations had been applicable only to panches and not sarpanches. The research study also demonstrated that there was a widespread need for credit schemes to be more inclusive, to include unmarried women, widows, and in particular poor women, who were often eliminated from them even though they should have been the main beneficiaries.

This session included a presentation by Arifa Jan, a small-scale entrepreneur from J&K who was reviving the dying art of making *namdahs* and today heads 'Incredible Kashmiri Crafts'. Arifa spoke about the many socio-cultural biases that she faced at different levels – of family, community, official levels – and the enormous challenges that she had to surmount in order for her, a woman, to begin her own business by accessing credit facilities, loans and markets for her goods. Arifa's presentation was an eye-opener not just for women from AJK but also for those from J&K, who had no idea of the kind of travails that a young woman had to undergo simply in order to be a small time entrepreneur.

The view from the other side of the divide was slightly better. In AJK women comprised more than 49% of the population and had a

Women as agents of change in society can be just as powerful as men. Apart from the traditional structure, the traditional thinking of the Kashmiri society further intensifies restriction over women empowerment.

Following from the previous discussions, women suffered discrimination at a number of levels – family, community, societal, state and national levels. Those who worked or lived in a conflict zone often struggled with apathetic or dysfunctional institutions and policies that are not sensitive to various social categories, including and especially gender.

relatively higher level of education than in the rest of Pakistan. However, they felt the curriculum needed to be more target oriented to enable women to find jobs and understand their rights under the law. AJK also had good schemes for economic empowerment of women but unfortunately, as on this side of the LoC, not many women were aware of such schemes. Moreover, as Shaheen Akhter, Senior Research Fellow, Institute of Regional Studies, Islamabad, pointed out, 'Traditional patriarchal values and attitudes determine the role and status of women in the socio-economic and political affairs of AJK.' These translated into poor development, meagre health facilities and lack of attention to the social sector.

While AJK did not witness any armed insurgency, the conflict in J&K did not leave the women there untouched. Shaheen pointed out that there were three categories of women in AJK who had suffered the impact of the conflict which broke out in J&K. Women who belonged to divided families faced various difficulties in travelling across LoC to meet their relatives or speak to them due to continued restrictions on telephonic communications. Women living along the LoC, especially women of the Neelum Valley, have been directly affected by shelling across the LoC, which threatened their lives, disturbed their everyday activities, displaced their families, caused socio-economic hardships and psychological stress.

Further, the conflict had generated another community of women in AJK – Kashmiri refugee women who streamed into AJK from J&K post 1990. They are living in camps or with close relatives. Many of them had faced direct violence in J&K and were forced to cross into AJK for safety and survival. A large number of them belong to very poor families. Most of

them have suffered psychological or emotional traumas and are suffering post-traumatic stress disorders for which there are no proper health care facilities in the refugee camps.

There was, however, one silver lining - these women have responded positively to Kashmir specific confidence building measures between India and Pakistan such as the ceasefire on the LoC, opening of Srinagar-Muzaffarabad and Poonch-Rawalakot bus services and resumption of cross-LoC trade on these routes. This is testimony to the fact that such measures go a long way in alleviating the suffering of the numerous unknown individuals, and they should not only be sustained but also increased so as to benefit as many people as possible.

Considering that policies impact women in this or that way, what have **women's roles been in policy making?** This was the third theme.

In many regions of J&K, prevailing assumptions about women's appropriate roles in a society have been commonly used to exclude women from informal and formal policy-making processes. Key areas that needed attention in J&K were institutional functioning and accountability and the gender-blind allocation of resources in rehabilitation. Hence, this theme included a session which combined **Women's Representation and State Institutions and Strengthening the Legal Framework.**

Following from the previous discussions, women suffered discrimination at a number of levels – family, community, societal, state and national levels. Those who worked or lived in a conflict zone often struggled with apathetic or dysfunctional institutions and policies that are not sensitive to various social categories, including and especially gender. Often the inadequacy of existing laws or their indifferent implementation left the women in the gap between legal and practical equality. A prime concern was that women were all too often not aware of the laws that existed for them. Even fewer come forward for redressal of their grievances, for fear of social ridicule and stigma.

When do women voice their concerns and claims their rights as citizens of a state rather than as members of particular communities? This was a critical concern raised by legal activists in J&K. Narjees Nawab, State Director, Women's Justice Initiative, Human Rights Law Network, Srinagar, made an impassioned plea on behalf of Muslim women for amendments to laws of particular concern to them – those relating to triple talaq, polygamy, half-widows (a phenomenon unique to J&K) and their right of inheritance. She pointed out the Indian judiciary's reluctance to enact legislation on issues of particular concern to Muslim women, even though many Muslim countries had already enacted such legislation. Triple talaq and polygamy continued to victimize Muslim women in India, asserted Nawab.

Another agonizing problem for women in J&K was the issue of half-widows. A woman whose husband had disappeared had to wait for four years before the marriage could be dissolved. While this gave the woman the right to remarry, it denied her the right to inherit any property from the first husband. She had to wait for seven years and provide proof of her husband's death for the inheritance to open up to her. Providing such proof was usually next to impossible and not only did the woman lose her right to her husband's property, she was also often discriminated or oppressed by the husband's family.

For women in similar situations in AJK, the scenario was slightly better. AJK had adopted Pakistan family law which was liberal. Hence, there the marriage of a woman whose husband had disappeared would automatically stand dissolved if the husband did not show up for four years or did not provide maintenance for two years. Although the high literacy rate in AJK provided a good starting point to build women's capacities, few women were aware of their rights. Another difference in the status of women on the two sides of the LoC emerged during discussions. While a woman state sub-

ject in J&K loses the right to buy property if she marries a non-state subject, the same does not apply to women in AJK, who continue to remain state subjects even if they marry non-state Pakistani subjects. Their children however are not recognized as state subjects.

Gilgit-Baltistan (GB), which forms the third component in the Kashmir issue, was also represented at the dialogue. Amina Ansari, member of GB parliament who attended the dialogue, reminded all that in 2004 reservations for women in the GB legislative council was increased by 33% as a parallel move to the 33% reservations effected for women in the national and provincial assemblies of Pakistan. Further, women in GB had been given the power to actively participate in the administration of the region at the district council, union council and municipal committee level. This in effect opened up different avenues for the development of women and women's participation at grassroots level and from remote areas of GB, which now needs to be made use of. Despite these gains, Dr. Zahida Qasim, Pathologist and Sonologist, AJK Health Department, Mirpur, pointed out that female mortality was still high in AJK, linked to various reasons like son preference and domestic violence. Though domestic violence was prevalent, there were no organizations doing credible work there to deal with these issues. Even though the family laws and courts were more gender-friendly than those in J&K, women rarely initiated divorce when in an abusive marriage, for fear of social stigma and ostracism.

There was consensus that women's substantive representation in state institutions on both sides of the LoC was mandatory to reduce gender-inequitable policies. Thus, affirmative action in both J&K and AJK was required to make women not just visible but equal participants in decision making. Women's participation in the judiciary was also extremely important in order to strengthen the legal institutions that already existed. Further, gen-

der sensitive training programmes needed to be conducted everywhere, including in rural and far-flung areas, and for all the law enforcing agencies. Women had to engage with both state institutions and the religious clergy for the enactment of gender-just laws and their time-bound, effective and transparent implementation.

**The following day, 29th September, the participants organized themselves into three working groups to thrash out issues of concern to them and strategize on ways and means to address them. The post lunch session saw the working groups report back to the participants with their recommendations and an action plan for them to engage in.**



## Dilemma

by Naseem Shafaie



What am I to do,  
 For I hate boundaries.  
 What am I to do,  
 For I do not like limits.  
 I am a dot  
 That may escape your sight  
 There is no beginning  
 Nor end to me,  
 Wider than the sky  
 Deeper than the ocean am I  
 But my hands are empty,  
 My garment shrunk.  
 I change perpetually, like the day and night,  
 Like the seasons, I come and go.  
 I am the sunlight and the shadow,  
 Strange my changeable ways,  
 I am mother to you here,  
 And a mother to them there.  
 When I am a sister  
 All the pain is centred in me,  
 When a daughter, always  
 Moist with tears.  
 Like a delicious commodity  
 I was sold and bought.  
 Traded as a companion,  
 I was robbed and plundered.  
 I was one entity,  
 But they broke me into bits.  
 I was a grain of sand in the desert,  
 A drop of water! 24

What am I to do,  
 For I hate boundaries

What am I to do,  
 For I do not like any limits.  
 Voiceless I am not,  
 But who asked me even once to tell  
 What my longings are,  
 What it is that I want?  
 I want that I should  
 Fly like a bird  
 In the boundless air.  
 Go and meet with the clouds,  
 See the stars up close,  
 Converse with the moon,  
 This blue vastness  
 Be under my feet,  
 Take the burning sun  
 Into my womb,  
 And deliver to the world  
 The news of a new morning.  
 No limit to my being,  
 No boundary,  
 Free to flow like the river,  
 Free to blow like the wind  
 That everywhere I find welcome,  
 And the word of my being  
 Bring joy to every one!  
 What am I to do,  
 For I hate boundaries  
 What am I to do,  
 For I do not like any limits.

**Translated by  
 Neerja Mattoo.**





# Working Group Reports

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The three working groups were:

- Women's Roles in Peace Building
- Women and socio-economic empowerment
- Women's Role in Policy Making

Each group came up with a set of recommendations for their respective governments and civil societies and a plan of action for themselves to achieve short and medium term objectives.

## **GROUP 1: Women's Roles In Peace Building**

The group deliberated and came to the unanimous decision that women were inalienable to the peace process and must be included in all peace process/negotiations/dialogue regarding Kashmir.

They must participate in all decision making and policy making processes at all levels.

Women's inclusion in the resolution of the peace process should represent the aspirations of all communities on both sides of the LoC.

The government on both sides should immediately take up the good will initiatives it had started to translate them from mere tokenism into substantial and meaningful action.

The major issues of concerns were:

### **1. The LoC and travel, trade and communication across it.**

Cross-LoC communication needed to be more accommodative.

The government must facilitate travel for those living at a distance from the LoC

There must be a simplification of procedures in trade, communication and travel across the LoC. Other trade and travel routes like the Kargil-Skardu, Chamb-Bhimbar, and Leh-Khaplu routes must be opened up.

The list of commodities for cross-border trade should be increased and government must take up issue of monetization.

The ceasefire must be respected and all violations should come to an immediate halt.

Landmine issues should be immediately addressed.

There must be cooperation between armed forces of both India and Pakistan.

Facilitate easier movement for people across the LoC.

Stray crossers across the LoC must be immediately released and returned.

## **2. Militarization, AFSPA and other draconian laws in J&K.**

1. All draconian laws like Armed Forces Special Powers Act and Public Safety Act must be repealed with immediate effect.
2. The process of phased withdrawal of armed forces, especially from civilian areas, should begin with immediate effect. But withdrawal should not result in the installation of other para-military forces to replace the armed forces.
3. Begin an immediate process of police reforms and conduct gender sensitization workshops for police and other law enforcing agencies
4. In the light of Supreme Court decision regarding Salwa Judum, the state government should review its policy towards the Special Police Officers, Special Operations Groups and Village Defense Councils.

## **3. An end to human rights abuses and violations of all kinds by all sides**

1. There should be an immediate end to all forms of violence from all sides.

2. All fake encounters, arbitrary and illegal detentions and arrests, enforced disappearances and torture, crackdowns and searches must stop.

3. Juvenile homes should be created for girls.

4. There must be an immediate end to all kinds of sexual violence. In case of a rape incident, a doctor and a legal person to be included in enquiry committee.

5. Fast track courts must be created to deal with all women and girl child issues.

6. There should be an end to displacement of all kinds. Rehabilitation of displaced communities should take place without any segregation

7. Existing public institutions including the State Human Rights Commission, the State Women's Commission, should be revived, depoliticized and empowered to make them transparent, effective and accountable

8. The State Human Rights Commission and all departments dealing with gender issues should have a substantial representation of women.

4. There was a need to bridge the gap in communication and dialogue between women of different communities and regions and to engage in sustained and uninterrupted inter-regional, inter-community and across-LoC dialogue between women at all levels and networking with other similar groups working

### **Action Plan:**

As immediate strategy:

- i. to have an internet group of Women-Network of Women across the LoC;
- ii. greater networking among inter-regional, inter-community and across the LoC women's organizations working for building peace in the region.

As mid-term strategy:

- i. to have a joint forum of women from both sides of LoC, including from GB, which will be included in all peace negotiations and discussions;
- ii. these organizations will work together for greater women's inclusion and representation at the negotiating table;
- iii. to reach out to grassroots women's organizations and policy makers.

## **GROUP 2: Women and Socio-Economic Empowerment**

After deliberations we find that the following areas were of immediate concern and require to be addressed:

The sub-areas identified were:

### **1. Social issues**

- a. Education
- b. Health
- c. Gender Sensitization

### **2. Economic issues**

The government must implement gender budgeting and allocate resources across all sectors. To ensure adequate access to resources it is imperative that gender budgeting is done in each sector of planning and grant allocation. Such an approach would ensure better resource availability to women in diverse fields.

**The following suggestions and recommendations were made for each sub-area:**

#### **Education**

1. Gender-bias free education should be promoted and multi-cultural ethos strengthened from the primary level itself;
2. There should be greater access for education for women and girl children.
3. Implementation of the adult education policy;

4. The curriculum should be revisited, all religiously radical thoughts should be eliminated. Revisiting of curriculum should be done with special emphasis on issues such as health, environment, sustainable development, gender and social responsibility;
5. Values of tolerance and co-existence should be nurtured and radical thoughts should be discouraged; families and parents must have orientation with peace building curriculum;
6. Mass media campaigns and awareness about rights of girls and women;
7. Collaborative ventures should be taken up across the LoC in comparative research;
8. There should be exchange of faculty and students from educational institution across the LoC;
9. Scholarships and fellowships should be institutionalized to promote girls' education and there should be close scrutiny of girls' dropout rates. Scholarships and special incentives should be institutionalized to encourage female education and training with special focus on vocational and technical education;
10. Special education for differently-abled women;
11. To deal with orthodoxy issues cultural initiatives should be taken such as folklore street theatre, kala jathas and film production.

#### **Health**

1. Upgrade skills of health workers, lady health workers as paramedical counselors;
2. There is an urgent need to support PTSD so that counseling centers for stress and trauma management can be started;

3. Transparent implementation of all government health schemes;
4. Nutritional needs of women to be addressed with special emphasis on the girl child;
5. The importance of adolescent health must be emphasized upon in schools and colleges;
6. Maternal and infant mortality and mental health issues to be immediately addressed;
7. There should be universal Public Distribution System;
8. Adequate sanitation facilities should be provided to girl students in schools and colleges to avoid their drop out;
9. Women should have choice to determine the number of and space the birth of children;
10. Cross LoC health venture collaboration will be explored.

#### **Gender sensitization**

1. Training programmes for women and girls regarding their right to education, health, nutrition, employment, inheritance, and all rights under the constitution of the country and under religion;
  2. Advocacy programmes for women and girls regarding their rights and opportunities for them;
  3. Lobbying with government for gender sensitive legislation and proper, transparent and efficient implementation of such legislation.
2. There should be effective implementation of wage policy for women as it has been observed that though a wage board policy does exist women are not getting equal wages for the same amount of work as their male counter-parts.;
  3. Often women do not use their ownership rights hence measures should be taken in order for women to enjoy the full rights of inherited property;
  4. Increased vocational and skills training for women;
  5. Women's access to micro-financing schemes had to be increased through the creation of SHGs, cooperatives, and by easy access to micro-credits in both the organised and unorganised sector;
  6. Processes should be simplified to facilitate small and medium enterprises and marketing facilities be increased for small entrepreneurs; existing process is very cumbersome. A simplified process will motivate more women towards self-employment schemes under micro credit facilities to be self-reliant;
  7. Facilitation in the registration of NGO's/ CBO's established specifically for women;
  8. Establishment of one window bank facility in micro finance, agriculture and enterprise. A soft loan scheme with differential interest rates should be launched to help those women who want to start their small enterprises and generate self-employment;
  9. Special marketing facilities should be created so that the finished products of small entrepreneurs get sold at genuine prices to increase their recurring income;

#### **Economic**

1. There must be employment generation schemes for women in both government and non-government sectors;
10. There should be training programmes on arts and crafts for women on both sides of the LoC. A revival of art and crafts

should be encouraged which will also lead to women's entrepreneurship and economic empowerment;

11. Craft melas and meena bazaars should be organised on both sides of the LoC;
12. There should be exchange programmes of women entrepreneurs across the LoC for networking and experience sharing;
13. Women traders should take part in the cross LoC trade;
14. Awareness campaigns should be launched through different media channels, women's organisations, civil society actors, NGO's etc to make women aware in remote rural areas about the government as well as the non-government initiatives towards their economic empowerment;
15. Women entrepreneurs as mentors and role models should be facilitated and awarded at a state level;
16. Women should be encouraged to enter into unconventional areas of occupation.

### **GROUP 3: Women's Role in Policy Making**

Discussions centred around the kind of role women played in policy making and the different kinds of institutions that existed across the state. In J&K, for instance, there is federalism but it was an asymmetrical one since it was subject to Article 370. In AJK and GB again the situation was different as GB just got its nomenclature and its first Parliament.

Through discussions the group came to the following conclusion:

#### **1. Greater representation of women in legislative assemblies and the judiciary was needed:**

- 33% Women Representation in Legislative Assemblies, councils and local body elections on either side of the LoC was needed;

- The panchayat elections needed to be in line with 73rd and 74th amendments;
- Adequate representation of women is needed in departments dealing with gender issues;
- There should be statutory representation of women in and the strengthening of autonomous and independent State Institutions to monitor and report gender-based issues, like the Accountability Commission, Women's Commission, Human Rights Commission, Information Commission here in Jammu & Kashmir and formation of similar Commissions in AJK and GB and regions where they do not exist;
- Gender budgeting is required in all departments and regular gender sensitization programs needed to be conducted for all departments.

#### **2. A research project on comparative study of laws on both sides of the LoC on women-related issues like domestic violence, divorce etc should be conducted.**

#### **3. Need to develop gender friendly laws:**

- Immediate issues to be taken up through a state Legal aid committee and village helpline which will be established:
  - Issues related to half widows
  - Allegations of sexual assault/rape
- Compensation and redressal:
  - States compensation should be under civil laws
  - State Women's Commission should be strengthened to increase its mandate. It should take *suo moto* action in cases where needed so as to be able to make effective interventions.

#### 4. Outreach Programs

- There must be Public Awareness campaigns by both state and civil society organizations for promoting awareness about the rights of women and the girl child;
- Laws for girls and women should be included in the curriculum—from fifth grade onwards;
- Creation of women cells (MADAD) with helpline comprising one lawyer, one doctor, one counselor and one social worker at the panchayat level;
- Creation of gender sensitization units for all departments;
- Creation of women polling stations;
- Creation of fast-track courts to deal with the issues of women judges;
- Helpline publication for women to be created and distributed across the region, including in far flung villages.

#### 5. Health

- Some portion of the health budget has to be reserved for Public Awareness programmes;
- The government should bear or share the expenses of health, nutrition and education of 2nd and 3rd girl child till the age of six.

#### 6. Prison reforms

- The number of prisons and shelters for women across regions needs to be increased. The infrastructure of the prisons needs to be improved and human resources increased and trained to be gender-sensitive.
- Number of women police force should be increased.
- There must be women police stations across the region.
- Gender sensitization programs for all police and other law enforcement agencies should be conducted.



Annexure - II

# Papers

## Explaining the Absence of Women in the Peace Process in Jammu and Kashmir

– Rekha Chowdhary

Before addressing the question as to why women are absent in the peace process, it may be pertinent to ask why should there be women in the peace process and how are women located in the conflict situation. Though both men and women are affected by conflict, women are additionally affected in a gender specific manner. They are impacted by the conflict due to their powerlessness and their vulnerability.

It is in the context of the massive implications of conflict on the women that increased emphasis is being placed on involvement of women in the peace building processes. It is argued that unless women are seriously involved, there is not much possibility of sustaining the peace process. Bringing gender concerns at the centre of the peace building processes and redefining peace from the perspective of women are considered as the basic factors necessitating the participation of women in these processes as well as from the fact that they are equal citizens along with men and have equal stake in the peace process.

In the particular context of conflict situation of Jammu and Kashmir, it may be pertinent first to ask how women are located in the context of conflict here. Except as victims of conflict, there is not much presence of women in the discourse related to conflict. In the core area of conflict, that is in the Kashmir valley and the militancy infested parts of Jammu, women attain visibility mainly as victims of violence. Most of what has been documented about the women therefore, is in relation to the various ways women have borne the impact of violence – women caught in the militarised context of conflict; their bodies having become the site of war with both security forces and militants being guilty of sexually abusing women; women facing the burden of destitution in the absence of their men who are either killed or disappeared; women facing the psychological trauma and manifold health-related problems.

Their victimisation remains a reality; however, the emphasis on victimisation portrays





*Women across the divide in Kashmir dialogue with each other*

women in a very limited manner. In Kashmir women have reflected various dimensions of their agency. Their sense of identification with the political movement has been quite strong. The movement that took the separatist form in 1989-1990 period was of such intensity that it swayed all sections of society and women were very much part of it. Women also played a very crucial role in legitimising the armed militancy. They considered the militants as their heroes and were ready to provide whatever support they could.

Women were also instrumental in delegitimising it in the later period. By the mid-nineties, violence had so deeply impacted Kashmiri society that the earlier romanticisation of militancy had given way to a sense of fatigue. Their attitude towards violence as a means of political resistance changed substantially.

Women have been using their agency in many more ways. They have been negotiating for their husbands and sons. When the men are picked up by the security forces, women had to visit the police station or the army camp and plead for the release of their men. In asserting their agency women have not necessarily been vocal. There are many examples of women silently but forcefully taking a position, both individually as well as collectively, especially in the face of pressures placed by the extremist and fundamentalist forces to impose moral codes on them. Despite all kinds of pres-

ures, women continued the cultural traditions of Kashmir.

Besides the silent resistance offered at the individual level, the agency of women had been reflected in collective actions as well. One very often quoted instance of women using the conflict situation to rise above their situation of victimization and using it for the collective resistance, is through the example of Association of Parents of Disappeared Persons (APDP).

However, women are not central to the peace processes. There is almost no visibility of women in the dialogues, negotiations and other formal processes of peace building. One of the major reasons for this is the absence of women in the leadership position when it comes to anything political. Whether it is the mainstream politics or the separatist politics, women are not able to attain positions of significance.

This reflects the lack of equality between men and women in Kashmiri society and the social, financial, emotional and psychological dependence of women over men.

Though women have been active supporters of separatist politics, there are not many women visible in the leadership position. The separatist leadership seems to be all male-dominated.

It is the traditional patriarchal culture with a demarcation of roles for men and women which keep women away from politics. Despite being educated and pursuing careers, women are essentially seen as homemakers. That is why it is the 'motherhood' which gets celebrated. Alternatively women are visible as 'widows' or 'half-widows' – again a reflection of their status not as individuals but in relation to men in the family.

Women's role in the leadership positions entails a lot of problems for women. Apart from being marginalized and seen as insignificant, women leaders may feel that they are not given

an equal place with male leaders or that they receive a treatment reflecting their instrumental role and status within the movement.

What remains problematic for women in the gender context is that women and their issues do not form the central core of the discourse of conflict although cases related to sexual abuse of women by the security forces are the major issues raised by the separatists. One can see that issue of sexual abuse of women is raised more from a political perspective rather than from a gender perspective.

Gender concerns are generally missing from the political discourse in Kashmir. With the politics of conflict overtaking everything else, no other discourse has evolved here. One of the reasons is that women themselves have failed to assert their own gender-related politics. The phenomenon of the women's movements that caught the imagination of women at the global and the national level during and after the decades of the seventies bypassed J&K. It is ironical that despite multiple issues related to women, not only in the context of conflict but even outside conflict politics, one cannot name a woman's organisation which is seen to be playing an effective role in this state. Of greater concern is the fact that the women within the state are fragmented on the basis of community, religion, region and other fault-

lines. They are compartmentalised on the basis of these identities.

With women having asserted their agency in a very effective manner, their potential to act as a pressure group is immense. It is important that the voice of women be given a pivotal space and learning the lessons from their silent resistance, they be involved in the more formal and organised processes of peace building.

Women have the potential of breaking the barriers not only of borders but also of regions, religions and communities. Gender provides a common identity to women and through this common identity they can become the bridge-builders between the communities and the regions and also give a new direction to the political discourse which till now remains militarised and masculinised.

One may conclude by referring to UN Resolution 1325 which emphasises increasing 'the number of women at all decision making levels in conflict management and resolution', increasing 'the support for women's peace building activities', supporting 'equal participation for women in peace negotiations at all levels', addressing 'the specific protection needs of women in conflict situations' and prosecuting 'war crimes against women'. ■



## Women of Kashmir - Ocean of Sacrifice

– Anjum Zamruda Habib

“Sirf e nazuk hai kamzoor nahi nai tareekh rakam karlay Har zulm ka hisab hoga than le gi jo hawa”

– Anjum

I am a woman of Kashmir. I don't have dreams, I don't have illusions either. There is nothing to look forward to, my soul is bruised and my voice is silenced even before it comes out. Fear makes me stay awake the whole night. The air around me has changed. The cries of mothers echo everywhere, beating their chests pulling out their hair, singing wedding songs on the funerals of unwed sons.

Kashmir is an issue that troubles the peace process. Peace building is not a specific event. The process occurs before, during and after violent conflict and a mechanism of networking is needed. Peace building is shaped by the nature of the conflict. The prospect of the resolution of the six decade old Kashmir conflict has increased the level of militarization, human rights violation and virtual abandonment of the process of political dialogue within India on Kashmir and between India and Pakistan. It is important that in these troubled times the voices of pro-peace people, -the women of Kashmir, continue to be raised and heard. Women of Kashmir have paid the price like other women in other conflict areas of the world. We all know the humiliation that Kashmiri women and girls have to undergo at the ruthless hands of thousands of Indian military and paramilitary forces. She has been disgraced by different agencies and unknown gunmen.

The Kashmir conflict has generated a vast amount of literature on Indian national secu-

rity and very little of it relates to women's lives and concerns. The Kashmir conflict has created a large number of widows and half-widows. There are others who have lost their sons, mothers whose sons are languishing in different jails without committing any serious crime, mothers whose daughters have been subjected to rape. The conflict has created fear and uncertainty in the lives of women and girls in Kashmir. But although ignored, women are playing.



Women are not only victims of conflict but powerful agents of any peace building and reconciliation process. Their empowerment to fulfill this potential is of utmost importance. For me empowerment does not mean economic independence only. It also means justice. The victim should be given space and her voice heard. Peace building and reconciliation in the Kashmir context cannot take place under the shadow of humiliation, repression, guns, enforced disappearances and mass graves. It cannot make headway under draconian laws like AFSPA and PSA. The Government of India has to come forward with a clear policy on Kashmir. It should not be seen simply as a law and order problem, which prescribes more bullets, more forces, more guns and more barbed wire. Kashmir is the most militarized zone in the world and just imagine the life of a woman in this war zone where the rules of normal life are totally disturbed for decades together. Demilitarize the zone so that women can breathe in a free atmosphere and think about “peace in peace”. ■



### A perspective of AJ&K women and way-forward to resolve the Kashmir conflict

– Nayyar Malik

There is a marked contrast in women's perceptions of conflict in AJK and Gilgit-Baltistan (GB). The only women directly affected by the conflict in AJK and GB are the migrants along the LoC or refugees from J&K who live in state-operated refugee camps in Muzaffarabad. Nonetheless the overall Kashmir conflict has left a psychological impact across the region, where the popular conception of peace is for an end to the conflict through mutual agreement and aspiration of the people of Kashmir; where justice, equality and fulfilment of fundamental rights prevail; where there is freedom of action and no discrimination between members of society. One immediate effect of the conflict on

our side is in contestation over identity. Our new generation is unsure whether to identify ourselves as Kashmiris or Pakistanis. A further complication is how our identity relates to Kashmiris on the other side of the LoC and whether a common Kashmiri identity is possible. Yet at the same time we are unsure of whether to fully consider ourselves as Pakistanis. Besides imposing restrictions on travel and communication, the conflict has erected an invisible barrier between Kashmiris. The cross-LoC movement is a good step towards better communication, but due to cumbersome procedures it is too limited and under-utilized to be meaningful.



Nayyar Malik (left) presenting a memento to Nusrat Andrabi (R)

There are similar issues arising from the conflict for women of AJK and GB, such as lack of development, access and quality education, employment opportunities and women's representation in formal governance and decision-making institutions. Economic and social resources are diverted to meet defence expenditures, which could have been spent on the welfare and socio-economic development of the region. ■



### The Right that Ought to Be

– Narjees Nawab

Marriage in Islam is essentially a contract. It means that stipulations and terms that are not against the public policy can be inserted into marriage contract (Nikahnama). If applied these could have, over the years, saved millions of women from arbitrary use of the power of talaq. Many attempts have been made in India by women's organizations to have a model Nikahnama for safeguarding the rights of women and ensuring fair treatment for a larger population

of underprivileged women. All these attempts have mostly invited the ire of the so called Ulemas and religious preachers who consider it a threat to religion.



The All India Muslim Personal Law Board (AIMPLB) released a model Nikahnama in 2005 giving Muslim couples in India the option to sign a document which has the option of in-



*From Left to right Middat Shehzad, Narjees Nawab and Amina Bi*

volving arbitration in case they want to file for divorce. “A local aalim can be made the arbitrator who can give a decision according to the shariat and the Quran. Once the couple signs this declaration, it becomes a legal document, which is binding,” said Abdur Rahim Qureshi, Secretary, AIMPLB.

The Shariat Law and Dissolution of Muslim Marriage Act of 1939 explicitly lays down that if the husband has disappeared for more than four years, the wife of the said person can file a suit for dissolution of marriage, the presumption being that the husband is dead. Although there is a very clear provision for women seeking divorce, but for women not seeking dissolution of marriages the present legal system provides no solace. Such women, often called half-widows in Kashmir, can claim no right over the property of her husband till the death is proved as the inheritance in Muslim law opens on death only, leaving countless women in a state of despair and despondency.

Again, the principle of Muslim law that “a nearer in degree excludes the more remote” has been centre stage of debate as the children of a predeceased son or daughter cannot inherit the property of their grandfather or grandmother who is survived by a son or sons. Some Middle Eastern countries have adopted the device of ‘obligatory bequests’. According to section 4 of Pakistan’s Muslim Family Law Ordinance 1961,

a grandson or granddaughter represents his or her father or mother at the time of death of grandfather or grandmother and inherits what their parent would have inherited if alive. A similar provision is found in many other Muslim legal systems. But India has not even initiated a debate on it and many fatherless children are rendered homeless. In Jammu and Kashmir it has come as a blow to social security of families of young men who died in the conflict leaving their children in misery.

The mental framework of insecurities a Kashmiri woman lives with can be defined as being born a woman, placed in a conflict region and with a religion mostly misinterpreted to entrench gender inequality. The insecurities are further goaded by legislators who have been passing various populist but mostly ineffective laws. Courts in India have been proactively pronouncing socio-beneficial judgments on softer issues of environment or labour jurisprudence but in matters related to personal laws the policy, which now seems a well intended strategy, has been to remain discreet and overtly cautious to enter the domain of religion. The legal processes sometimes leave the destitute women even more miserable than before. There are many inexplicable gaps between de jure and de facto law. For instance, customary law has been abrogated by the Shariat Act of 1937 in Kashmir. Yet many customs prevail such as “on widow’s remarriage the child is to be adopted by the brother (preferred over the mother) of the deceased” as by Islamic fiqh, she is not a de jure guardian of the child. The premise of equality for women in the Kashmir province under Muslim Personal Law in combination with the secular legal system is challengeable and it is valid to analyze how women’s lives, struggles and achievements are moulded from within the parametres of law. The only conclusion that can be drawn is that the laws for women need to be strengthened as this arena craves for far more knowledge and research than my paper has presented. ■



# Dialogue Participants

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1. Ms. Amina Ansari, Member of Parliament, Gilgit Baltistan.
2. Dr. Aneesa Hassan, Diagnostic Radiologist, DHQ, Skardu.
3. Ms. Ayesha Saleem,, Entrepreneur & Social Worker, Srinagar.
4. Dr. Aneesa Shafi, Head, Dept. of Sociology & Social Work, University of Kashmir.
5. Ms. Anjum Habib, Author, '*Prisoner No. 100*'; Founder, Muslim Khawateen Markaz, Hurriyat (G) Chairperson, Association for Families of Kashmiri Prisoners, Srinagar.
6. Ms. Anuradha Bhasin, Executive Editor, Kashmir Times & peace activist, Jammu.
7. Ms. Arifa Jan, Entrepreneur, 'Incredible Kashmiri Crafts', Srinagar.
8. Dr. Effat Yasmin, Associate Professor, Dept. of Economics, University of Kashmir, Srinagar.
9. Ms. Ellora Puri, Assistant Professor, Dept. of Political Science, University of Jammu.
10. Ms. Ezabir Ali, J&K Voluntary Health and Development Association, Srinagar.
11. Ms. Fahmida Shah, Principal (retd.), Government Polytechnic for Women, Srinagar.
12. Ms. Ghous-un-Nisa Jeelani, Chair, District Legal Services Authority Srinagar, PD& Sessions Judge, Srinagar.
13. Ms. Iffat Altaf, Librarian (retd.) Dept. of Arts and Design, University of AJK, Muzaffarabad.
14. Ms. Indu Kilam, Founder Sabzaar; Teacher (retd) Camp College; Advocate, Jammu.
15. Ms. Jigmet Yangchang, Subject Matter Specialist, Krishi Vigyan Kendra, SKUAST, Leh.
16. Dr. Lena Ganesh, Centre for Dialogue and Reconciliation, New Delhi.
17. Ms. Midhat Shahzad, Secretary, Presidential Affairs, Government of AJK, Islamabad.
18. Ms.Najma Bano, Principal, Government Higher Secondary School, Leh.
19. Ms.Najma Shakur, Founder-President, Women's Welfare Organisation, Poonch.
20. Ms.Narjees Nawab, State Director, Women's Justice Initiative, HRLN, Srinagar.

21. Ms.Naseem Shafaie, Poet; “Sharaf-e-Kamraz” 2011, Srinagar.
22. Dr. Naseema Jomezai, Chair, Dukhteran-a-Kashmir; Board, Centre for Peace, Development and Reforms, Islamabad.
23. Ms.Nayyar Malik, Sr. Education Consultant, Kestral Resources, Rawalpindi.
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26. Ms.Nergis Khan, Areas of work and interest: Integrated Rural Development, Islamabad.
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30. Dr. Rabia Naseem, Teachers’ Training Centre, Jammu.
31. Dr. Ravindrajit Kaur, Associate Prof, Dept Political Science, University of Kashmir.
32. Dr. Rekha Chowdhury, Professor, Dept of Political Science, University of Jammu.
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34. Dr. Shaheen Akhtar, Sr. Research Fellow, Institute of Regional Studies, Islamabad.
35. Dr. Shobhna Sonpar, Clinical psychologist; Researcher, New Delhi.
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42. Dr. Zahida Shah, Gynecologist, Srinagar.
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