

Conflict and Orphans: An exploration of challenges faced in educational sector by Orphans in Kashmir.

Sarafraz Ahmad.

Assistant Professor. Department of Social Work,
University of Kashmir

Sumaya Rashid

Research Scholar Department of Social Work,
University of Kashmir

ABSTRACT

The emergence of armed conflict in Kashmir from 1989 has created a new challenge in society in the form of vulnerability among children. Among the vulnerable children the number of orphans has considerably increased. The orphans face problems of multifarious nature to which society has not been able to respond effectively. The response of society towards the problems has not uphold the philosophy of rights based approach as a result of which orphans confronted the challenges among which their education came into the radar of vulnerability. Their academic growth and psychological stability are totally compromised at the cost of their basic needs. The orphanages being the last resort to orphans are still lacking the basic facilities that should be provided to them. The Orphanages in Kashmir have poor infrastructure particularly related to education. There is no mainstream curriculum followed by different educational institutions for these orphanages. The states of affairs demand comprehensive policy and response from state and society. There seems a hope through Juvenile Justice Care and Protection System which is yet to respond the issues in full scale.

The present study is review based wherein the explicit research question reviewed was challenges faced in educational sector by Orphans living in Orphanages of Kashmir. In the process of reviewing the secondary sources in the form of subject related books, journals, newspapers and working reports of NGOs working in the field were thoroughly reviewed. The conclusions are drawn on the basis of analysis of all the relevant secondary sources.

Keywords: Orphan, Conflict, Kashmir, Education

INTRODUCTION

Conflict is the serious disagreement or argument about something important. The unsettled conflicts continue for long period of time resulting in Armed Conflict. Armed Conflict consists of the use of armed force between two or more organized armed groups, governmental or nongovernmental alike (ICRC, 2008). Armed Conflicts can be international, concerning conflict between two or more different states or non international, involving conflict between two parties within single state (Geneva Conventions, 1950). A large number of Armed Conflicts are taking place around the world, which causes enormous damage resulting in both human and material loss (Machel, 1996). In between 1946 and 2001 almost 225 Armed Conflicts have occurred (Gleditsch, et.al, 2002). These Armed Conflicts result in social, economic and political volatility which then becomes a major impediment towards development, be it individual or collective or for that matter at societal level. The incidence of loss can be adjudged by enumerating it. The

aggregate cost of economic and financial cost in 2014 was estimated to be \$14.3 billion or 13.4% of global economy (Marshall and Cole 2009).

In India a number of conflicts and wars have taken place in past and some conflicts are still going on between India and its neighboring countries like China and Pakistan. The longest and deadliest armed conflict is the territorial conflict between India and Pakistan which started just after the partition of India in 1947. Four wars and interstate crisis had took place between these two countries in past. The factors like political incompatibility, unresolved territorial issues, irreconcilable positions on national identity and insignificant trade and economic relations between India and Pakistan cause rivalry to persist for longer time (Paul, 2006). Since 1947 the disputed status of Kashmir has become the base of conflict between India and Pakistan. In Indian Administered Kashmir the protracted armed conflict broke out in 1989 and is still going on since past two decades. It has extremely affected the state causing large scale human as well as material loss. These conflicts result in large number of deaths leaving behind orphans, widows, raped and abused women survivors and other victims of violence (Dabla, 2010).

Impact of Armed Conflict on Kashmir:

Armed Conflict in Kashmir initiated between the Indian Armed forces and militants in 1989. At the beginning of Armed Conflict their presence was not felt serious enough because of their less number but as the intensity of the conflict increased their number also increased which had a devastating effect on normal life of people (Dabla, 2010). Officially the insurgency started after kidnapping of Rubiya Sayeed, the daughter of the then newly appointed Indian Home Minister (Mufti Mohammad Syed) from Kashmir in December 1989. After her release a large number of security personnel were deployed in Indian Administered Kashmir by India and brutal crackdowns were executed by these security forces where mostly civilians suffered (Schofield, 2001). About 30,000 security forces were deployed in major cities alone across the valley in 1992 (Joshi, 1999). Human rights violations committed especially by Indian security forces against civilians were normalized (Asia Watch, 1993). The Kashmir insurgency took place in three phases. The first phase from 1990-1996 is the phase where militancy focused on urban areas. In second phase i.e. from late 90's to 2002 militancy moved to rural areas and districts of Jammu. The third phase started in 2002 and is still going on. The insurgency was a movement for independence (Meyerle, 2008). In the struggle for independence men, women, children and elderly became victims of violence. Besides 70,000 killings from 1990, about 8000 recorded cases of enforced disappearances, several thousand arrested and detained under repressive laws, torture, inhuman and other degrading treatment against protesters and detainees used routinely by Indian Armed Forces have been recorded from Indian Administered Kashmir. These disappearances led to large number of half orphans and half widows. The total number of killings from 2008-18 were recorded as 4059, out of which 1081 were civilians, 1890 were militants and 1088 were associated with armed forces and police (Mehraj, Rather, Adil and Kazmi, 2018). A large number of people lost their lives resulting in thousands of orphans and widows (Dabla, 2008). In 2018 alone, 160 civilians were killed including 18 women and 31 children. Due to incorporation of Armed Force Special Powers Act (AFSPA) and Public Safety Act (PSA) the basic human rights gets violated in Indian Administered Kashmir. Hundreds of residential houses are damaged every year. In 2018, 120 cases of damage to residential houses were reported. Health problems including physical injuries, psychological, emotional and sexual problems are on rise. Diseases like PTSD, Depression, Anxiety, Stress, etc are increasing among Kashmiri population.

Women have been used as weapon of war by raping and being subjected to physical, sexual and psychological abuses (Mehraj, Rather, Adil and Kazmi, 2018). About 143 cases of sexual violence have been listed in petition filed by Jammu and Kashmir Coalition of Civil Societies (JKCCS) to State Human Rights Commission (SHRC).

Impact of Armed Conflict on Children:

Children in Kashmir are living in the most militarized zone of the world, thus suffer a lot of problems which become obstacle to their social, psychological and emotional wellbeing, hence hampering their overall development. Due to limited resources they face various challenges and socio-economic problems which are increasing rapidly on daily basis. Children who are considered as the most vulnerable group and the future of a society get extremely affected by Armed conflict. Their education, social and psychological wellbeing gets disturbed which leads to the psychological and emotional problems (Mehraj, Rather, Adil and Kazmi, 2018).

Armed conflict has lead to many hazards and transformations at the micro and macro levels, with major implications on survival, health, development and well being of children. Bashir Ahmad Dabla in his book “A sociological study of Orphans And Widows in Kashmir” has mentioned the various challenges faced by children in Kashmir like social disruption, loss of service access, impoverishment, civil and political violations, transformation of roles and responsibilities and child vulnerabilities. Children are dependent on family for care, socialization and emotional support. Family, as a unit suffers if there is any injury or death to any family member. Due to ongoing Armed Conflict, the families in Kashmir society got scattered leaving behind children either orphaned or as household heads (Dabla, 2010). Accessibility of services like civic amenities, health, education, etc had been badly impacted by conflict. The armed conflict has lead to direct impoverishment of Kashmir society due to reduction in capital, income, employment which is associated with many factors like physical destruction of agricultural resources, reduced investment and mass displacement (Boyden, Berry and Hart, 2002). The impoverishment of families has directly impacted the children by increasing the pressures of work on young at the expense of their schooling leading to under nourishment and malnutrition, child’s withdrawal from social, cultural and religious events for which some offering is necessary. Armed conflict has badly impacted the revenue from tourism which resulted in impoverishment of family structures. The militarized society of Kashmir life is characterized by strain of life under constant vigilance, restrictions in movement, frequent intimidation and harassment, restrictions on press, surveillance operations, interrogations and other activities have affected interactions and community life which leads to violation of civil and political rights (Bhat, 2016). The armed conflict has badly impacted the family structures which lead to change in roles and responsibilities like children were employed in hazardous occupations (Save the children, 2000). Due to deprivation and material loss among families, their children needed to turn as economic resource which has imposed threat to their recreation and play, thus violating Article 31 of Convention on the Rights of Child (CRC). The armed conflict has increased the number of already existing orphans in Kashmir. The children who are considered as future of society are struggling for their livelihood which poses threat to their basic human rights (Dabla, 2010).

Challenges Faced by Orphans in Kashmir:

UN Convention on the Rights of Child defines the child as every human being below the age of 18 years unless under law applicable to the child, majority is attained earlier. Orphan is defined as a child aged zero to 17 years whose mother, father or both have died (world bank OVC Toolkit). As defined by UNICEF, orphan is defined as child under 18 years of age who has lost one or both parents to any cause of death As reported by UNICEF, the estimated population of orphaned or special children in Kashmir is 100,000. The less support from friends, relatives and community members compel the orphans to live in orphanages.. A large number of orphans are beyond the four walls of orphanages and are struggling for feeding themselves and their dependents. Despite the obvious need government has maintained silence and has not developed any better plan for their rehabilitation. The potential of vulnerability of child especially orphan increased due to absence of guardians (Bhat, 2016). Some of the challenges faced by orphans in Kashmir are as under:

Accommodation Problems: The most serious problem faced by orphans in Kashmir is the problem of shelter. After the death of parents the orphans are supported by patri kins, matri kins and friends for some time but that support gets stopped afterwards. They have to work outside for earning their livelihood resulting in engagement of these orphans in child labor, handicrafts and other menial jobs (Dabla, 2010).

Education Loss: The most important field in which orphans of Kashmir are suffering is Education. Due to stoppage of regular income, orphans are not able to pay their meager amount of school fee resulting in high rate of drop-outs. Among these drop-outs most of them were girls who left their schools due to regular harassment by Indian Armed forces (Dabla, 2010).

Psychological Problems: The armed conflict is the main reason behind the orphan hood in Kashmir. The death of parents exposes the orphans to various challenges of real life resulting in various psychological problems. It has direct impact on the psyche of children which is depicted by the presence of anxiety, stress, depression and PTSD among orphans in Kashmir (Dabla, 2010).

Social Disorganization: Due to the parental loss, orphans suffered in the field of family, marriage and kinship. With the disorganization of families their socialization got disorganized (Bhat, 2016). There was significant degree of erosion in valuation ethos and social control mechanism within and outside families because in social environment neither the traditional patriarchal authority could be established nor could be the traditional norms legitimized. At one stage marriage with orphans was considered as “taboo” as it was believed to invite the wrath of security forces and their sponsored militants. The marriage of orphan girls is further complicated by the demand of dowry. Regarding kinship the close network of relationships gets disturbed and eroded partly because of absence of senior male member in family. The kinship ties with these families, therefore, are avoided. This creates the feeling of helplessness and insecurity among members of family (Dabla, 2010).

Feeling of Insecurity: The crucial problem among orphans of Kashmir is feeling of both physical and mental insecurity in absence of male member in family. This feeling of insecurity can be seen more in women and girls because the situation may invite undesirable things by security forces, thereby posing threat to them (Dabla, 2010).

Health Deterioration: The dangerous problem faced by the orphans in Kashmir is the abnormal health scenario because they are not in a position to get proper treatment or service access in health sector resulting in high mortality rate among them (Bhat, 2010).

Total Dependence: The most undesirable aspect of the life of orphans is their total dependence on others like friends, neighbors, relatives and community members. This dependence can be social, psychological or material in nature. The absence of senior male member creates vacuum inside and outside family. Besides psychological implications, the orphans face difficulty in taking initiatives in personal and social matters which affect them for their entire life (Dabla, 2010).

Deviance: The deviance and delinquency is common among orphans due to lack of authority, socialization and social control in family. These undesirable trends are unavoidable and such behaviours are expected from the environment in which their growth and development take place (Bhat, 2016).

Education among Orphans

The protracted conflict of Kashmir has a serious impact on education of children in general and orphans in particular. The persistent closure of schools affects their education badly. Due to the shutdown of schools the education got affected resulting in violation of universal right to education. About 891 schools have been deliberately attacked and destroyed in military confrontations since 1989 (Bose, 2000). Since 2003, 318 children in the age group of 1-17 have been killed resulting in the violation of all rights given to them by United Nations Convention on Rights of Child. According to the annual report of JKCCS, a number of juveniles have been booked under PSA which led to violation of Jammu & Kashmir Juvenile Justice (Care and Protection) Act, 2013. Children have been physically harmed by using the pellet guns and thus curbing their rights and development. The student community has unquestionably suffered in the conflict. There were 38 incidents of violence against students recorded from 31st June, 2017 to 1st March 2018. The state violence against students comprises of extra judicial killings, targeted killings custodial killings and use of lethal and excessive force during protest demonstrations leading to killings, beatings and death due to torture (Mehraj, Rather, Adil and Kazmi, 2018). Due to lack of infrastructure, inadequate or absent teachers there is lack in literacy rates (Boyden et al., 2002). According to JKCCS report 2018 the schools, colleges and other educational institutes of state have been used as military bases, interrogation centers and military posts and this continued use of schools as military bases not only violates the right to education but also forces them to be in risk of sexual violence, surveillance and harassment at the hands of Indian armed forces. (Mehraj, Rather, Adil and Kazmi, 2018). The Jammu and Kashmir is lagging behind in literacy rates particularly because of infrastructural damage to educational institutions (Govt of India, 2003).

The need of orphanages was not felt prior to 1989. Since last two decades Kashmir has witnessed violence at its peak which lead to the increase in number of orphans. Due to the socio-economic and other problems these orphans are left with only one option that is orphanages. More than 3000 registered NGO's under Societies Registration Act and Trusts Act are operating in Kashmir but only few NGOs are working for orphan care (Bhat, 2016). The more saturation of orphanages from last two decades led to deterioration and distortion in their functioning. The main motive behind establishment of many of such organizations is grabbing, earning and looting money in the name of orphans. Although there are some reputed organizations who work for orphans and have

established schools and hostels for boys and girls where they provide them various facilities like scholarships, health care, clothes, recreation facility, pocket money, outings and family meetings. Such organizations have developed trust and credibility to serve the cause of orphans. Despite all the positives these orphanages face certain limitations.

Schools within Orphanages: Schools are present within orphanages which make them stigmatized and separate them from society. Children feel bored because of strictness in orphanages and are not allowed to go outside.

Poor Infrastructure: The infrastructure present within orphanages is very poor. They are not provided with more facilities due to limited funds. Poor lighting, cramped accommodation, regular violence as a means of discipline instead of proper child behaviour methods are common in orphanages (Save the Children, 2017).

Curriculum of education: The education in orphanages is mostly focusing on religious orientation. There is disparity and deprivation in terms of education provided in orphanages of Kashmir. The absence of modern education and more focus towards religious education results in less employment opportunities outside the orphanages (Bhat, 2016).

Psycho social problems: The orphans in orphanages develop problems related to personality development. Due to different type of socialization and social control, orphans develop various psycho social problems like estrangement, deviation, depression and asocial attitude. In orphanages the child rights are violated resulting in further estrangement. The abuse is carried out by wardens, watchmen, cooks and other staff appointed in the institution, which also have psychological impact on learning among orphans (Save the Children, 2017).

Poor Academic Growth: The children in orphanages are entirely dependent on orphanage resources. There is no linkage between the teachers and guardians of orphans, which could have helped in educational growth among orphans. Further, the less expectations from the primary caregivers also affect their academic growth (Bhat, 2016).

Not Aspiring to Higher Education: There is no significant record of orphans pursuing for higher education. The reason could be either no orphanage in Kashmir is providing higher education to these orphans or they want to get settled very soon. Among most of the orphanages, the orphans leave by the age of 16 years.

Poor Recreational Activities: Recreational activities play an important role in the overall development of children. In orphanages the recreational activities are not taken into consideration which makes the students (Orphans) dull thus affecting their physical and mental health (Bhat, 2016).

CONCLUSION:

In view of manifold challenges faced by orphans in terms of their education, there is also violation of some basic constitutional rights like right to education and rights proclaimed by UNCRC. Although, the onset of various problems is inferred to armed conflict, the response to increasing number of orphans and lack of societal support has forced to develop the concept of orphanages. These orphanages over the years continued their work without any detailed regulation and financial support by the state thus; there was lack of comprehensive policy.

In recent years the plight of orphans has been addressed through the enactment of Juvenile Justice Care and Protection Act. There are many provisions for child in need of care and protection in Juvenile Justice Care and Protection System. However, most of the institutions are not following the provisions of the act. The orphanages operating in the valley are not assertive and orphans are

continuously in fear as a result their progression gets hampered. There is need for reformation in the way, how to treat orphans in orphanages. The caregivers of every institution should have prior knowledge of how to treat them and take good care of them with respect to their overall development. There must be mechanism of developing their social and mental wellbeing through linking them with available resources. Most of the orphanages operating in the valley prefer religious education over modern education to orphans which acts as deterrent in their academic development. There is need to focus equally on both. There should be a provision for their inclusion in mainstream education. In order to provide them proper education, the staff of orphanages must have adequate qualification to deal with vulnerable lot. The overall transformation is much needed so that the orphans should excel in their personal as well as professional endeavors

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