

# Traditional Rehabilitation and Care of Children without Parental Support in Kashmir

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We are all born as human beings on this earth. But it's the society in which later on we grow and develop that become social beings. This transformation of human beings into social beings takes place due to many processes like family set up of the child, socialization and most importantly the culture. What will be our social behavior and how we are meeting our needs depends to a larger extent to which culture, we belong to. All over globe we find different cultures which have evolved over a period of time and which help people in meeting their basic needs, they follow it, however the ways people are meeting those needs differ from one place to other. Like child-rearing is done by communal nurseries in the Israel in *kibbutz*, natural mother and father in India and mothers brother as is done in Trobiand Island (David1991). People do express such behaviors because it's being prescribed by their culture. They have strong faith, and give more value to it, that's why when sociologist define culture, they say culture is the sum total of values, traditions, beliefs, norms, customs etc. Lundberg while describing culture says "Culture is socially shared mechanism of behavior and to the physical and symbolic products of these behavior".

Every society is a whole and all its parts work for proper functioning and survival like the parts of a machine. Social system is an existing reality that has both continuity and consistency. It is because of the fact that there are certain traits in every culture that result in the overall functioning of the society. These traits are termed by some anthropologists as necessary conditions of survival while some call them as the basic needs of the society. But when

these basic and necessary conditions are not met in the society it results in the disturbance and instability of all the institutions.

The society of Kashmir like most other societies of the globe is conventional and traditional one. There exists a very rich cultural cohesion, synthesis and solidarity between different sections of the people. The cultural traits have helped people to live a life of highly integrative and synthetic one. Kashmir has a rich social heritage, it is valley of Suffis, Peers, fakirs and has been a place of practicing different Religions, Islam, Buddhism, Hinduism, Sikhism and Christianity. The most important aspect of the preachers of all the religions was that they have spread the message of peace, equality and love. ShahiHamdan, Lalla ded to mention a few, their teaching had an impact on the lives of Kashmiri people. To a larger extent, it helped in activating humanism among Kashmiri people.

The centuries old social fabric of Kashmiri society that had been interwoven by very pious saints and peers has been deteriorating, as normlessness became the tone of the society. In the last few decades Kashmiri society has faced the acute and critical problems of children without parental support and widows. Though this problem wasn't completely nonexistent earlier, however it wasn't as serious and was managed and solved within the natural environment of child. There were different ways and means by which this problem was met. As there was no concept of institutional system of upbringing of children without parental support in the state of Jammu and Kashmir till seventies of the 20 th century, children without parental support and the needy were usually brought up and taken care by the joint family system, neighborhood support ,community based support and institutional support like Auqaf etc.

### **Joint Family system in Kashmir**

Family is considered the basic unit of society, to meet the needs of the individuals and those of other societal institutions. It

determines the development of individuals, in that it is a major source of nurturance, emotional bonding and socialization. In Jammu and Kashmir, the joint family system was largely practiced in the state by Hindus, Buddhists and Muslims. There were certain socio political and religious factors responsible for the joint family system in Kashmir. As has been noted by Kapur who has covered social and economic history of Kashmir from a period of (1885 to 1925) points that the provision of polyandry and primogeniture among the Buddhists obliged the younger brothers to be dependent upon and live jointly with the eldest. It was also found that Hindu families had on occasions only one bread earner for the whole family. Among the Muslim families the joint family system was also prevalent. The Administration needed labour for the transportation of goods and such practice largely fell on the Muslim peasants of the Kashmir. Since family was taken as a unit for the levy, people naturally tried to live in large families. The author also points that there was no provision of transfer or alienation of land, no one could acquire the land for oneself. The traditional sentimental attachment of the Kashmiri towards their ancestral property made them to stay together and prevented division.

Kashmir has a unique way of sharing grief and pain when death of someone takes place. Majority of Kashmir's in the past and even today would at least condole and support the bereaved families for four days, locally called chahurum. So that family comes out of trauma and does not feel isolated.

Whenever any child lost his either one or both the parents, he/she was supported by his relatives or neighbors and even the community in accordance with religious and social practice. The extended family support was the real support to children without parents. Normally the grandparents would take the responsibility.

Some of the interviews collected from elderly men in Kashmir have revealed that grand parents would gift some kanals of land to the child who has lost parental support. Such practice acted as a means of social security for the child. They were provided a good care within the family. It was really difficult for the external person to know whether the child has lost parents or not as he or she was brought in that manner. In Hindu families, the karta, or head of the family, was usually responsible for all members of the joint family and on his death another member assumed his role, creating a situation of family relationships that were continuous. Madan who conducted a study on family and kinship of the pandits of rural Kashmir found that majority of boys were instructed in their own households by their elders. He points that it was a common practice for childless widows to adopt children in Kashmir.

The work done by Dost (2006) on the family system in Kashmir has described the pattern, functions and behavior of the families in Kashmir. The data used in describing the family system has been taken from a survey conducted to evaluate the family welfare programmes in rural and urban areas of Srinagar. The author points that the extended family system has been operating as a close knit single social and economic unit under which adults submit their earnings to the head of the family who is responsible for the fulfillment of the basic requirements such as food, clothing, shelter, education of the children and health care for all in the family. The disabled and the aged, who do not work, are also taken care of by the working members in the family. Four Fifth of the dependent elders in the families surveyed were contended whereas one fifth felt dissatisfied with the quantum of attention they received from members in the family .By and large it is felt that the extended family provides insurance for the dependents and security for old age when one is unable to work and contribute anything material to the family. This probably explains why there are no homes for

the care of the aged and the incapacitated in Kashmir the study reveals

Hindu law also recognized the important concept of family support or familial assistance, and this was often linked with the right to maintenance from the property of family members. Islamic law recognized a principle that was unique for early legal systems when it conferred a preferential right of custody on the mother of a child of tender years.

### **Neighborhood Support:**

The support was also offered by the Neighbours not only by non material way but also by the material way. Like they would ensure that out of their total agricultural produce some amount of it goes to the widow family. The relationships were more informal and participatory in nature. Neighbours were active members of any social or religious functions.

### **Community Based Support:**

The community based support system also existed in different parts of valley that did a commendable job despite lack of resources and manpower, for the welfare of poor, needy and children without parental support. In this context a comparative study of Mohalla system of Uzbekistan and Kashmir by Rather (2009) has highlighted the significant contribution made by Mohalla system in the social religious and economic spheres of the people of both the regions. The author has pointed that Mohallas in Kashmir is neighborhood community. Structurally these Mohallas include the community of people living in a particular geographical zone representing the community feelings as a whole. Normally every Mohalla has its own mosque and a Mohalla committee. The Mohalla committee comprised of the elected members from the entire Mohalla who has an important role in the maintenance of mosque

and other social and religious activities. From solving the local disputes to arranging funerals of the deceased. Also the poor families or widows get the certificate from the Mohalla committee when they apply for any assistance. Thus Mohalla committee has knowledge about who is poor in the community and requires support.

### **Institutional Support**

The role of Muslim Auqaf trust was very crucial in children without parental care before nineties, though it still has a good number of beneficiaries but it has become less effective now perhaps due to huge number of ever increasing institutions and also due to a system of favoritism that defamed Auqaf. People donated a lot of wealth towards the Auqaf Board both in cash and in kind. The primary duty of the board was to build and take care of shrines. The people of Kashmir being strong believer of Sufism thus donated heartedly to the Auqaf board. The Auqaf Board didn't confine itself to shrines only. It later established a separate a wing, the Bait ul Maal to help those in need. People donated for Baitul maal in the form of Zakat, Sadka etc. The Board identified the needy, including the children without parental support and they were helped by providing them some financial support from Bait ul Maal. It wasn't a very big amount and thus didn't help in the long. Another demerit of such help was that it wasn't sustainable and thus made people dependent. As mentioned earlier this system lost its credibility due to favoritism. It may also be mentioned here that Bait ul Maal is found in many Kashmiri communities today. People establish a Baitul maal in their own community; donate towards it and then benefit those in need; there are no permanent beneficiaries in such Bait ul Maals.

Rabbani(1986) notes that the valley of Kashmir from centuries past has been considered to be the holiest of the holy

lands. The land came to be known as Reshi-bhumi or the land of the sages or in Kashmiri, "Pir Wari". The sacred shrines are associated with the name of sacred gods or saints which are the source of attraction and inspiration to millions of our land, common social and cultural ties bind together the Kashmiri Pandit and the Kashmiri Muslims. Majority of Kashmiris come to these shrines and pray to almighty for the redressal of their problems. They have a strong faith that these places are spiritual in nature. People also give "Niyaz". Niyaz is basically the term used wherein people give anything either in cash or in kind once their needs get fulfilled or problems get solved. Many people come to these shrines with prayer food which is of many types but the most common among them, which, in Kashmiri language is called as "*tahre*". This prayer food besides being taken by the general people and by poor, needy, disabled and widows, who intentionally wait inside these shrines and which to a larger extent meets their food needs. Also "Takiyas" in Kashmir like the Takiya e Mirak Sahib, Ahad Sahib's, Lal Sahib's Takiyas etc were important institutions in rendering social services. Normally in such places whatever people bring with them, would be distributed among all. Since there were no N.G.O's in Kashmir in the past, these shrines and Takiyas in the past and even today have played a significant role for the welfare of poor, needy and children without parental support.

### **Changes in the Traditional Support System**

Majority of such traditional structures for the welfare of children without parental care have witnessed changes. Family as an institution has undergone tremendous changes. There has been a shift from the traditional joint family system to the nuclear family system in Kashmir. Such transformation in the family structure has increased the vulnerability of children without parental support and even elderly to land in institutions for their sustenance, which,

otherwise used to be the responsibility of the elder members in the joint family system. An important function of socialization of children which was properly and carefully carried by the parents and grandparents in the past, have been replaced by "crèches" in Kashmir. Sociologists believe that industrialization, modernization and globalization as the factors responsible for the change in family structure and subsequent change in the family functions and roles. However, Dost points that preference for greater independence, privacy and opportunity to devote more time and resources to the care and development for their own children as factors responsible for disintegration of traditional family system in Kashmir. Thus these points reflect more materialist approach to life is being pursued. Migration, High cost of living has deteriorated, the neighborhood relationship. It has changed from informal to the formal relationship. Individualism, Competition has developed fissures in the neighborhood relationships. Community or Mohalla committees which were characterized by we feeling and community sentiments is losing its importance, the establishment of new colonies is making the Mohalla concept irrelevant and the institutional support like that of Auqaf has been totally ineffective. It has become more a victim of politics and corruption. The criteria for selection of beneficiaries is not based on rationality, but on the type of relationship one has with the existing system. All such factors has lead to the dwindling of such traditional support system to children without parental care has lead to the growth of institutional care in Kashmir..

### **Response from State for the Rehabilitation of Children without parental support:**

#### **Relief package**

The response of the state government to the children without parents is a relief package under which the family of each



killed in a cross firing is expected to receive an ex-gratia relief of Rs. 1.00 lakh or employment to one member.

### **Homes**

The response of government towards the children who have lost the parental support has been in the form of establishment of Narre Niktean and Bal ashrams which are run through social welfare department in different districts of the state. The state governments have been establishing the institutions in the valley and are running 14 institutions in Kashmir both for girls and boys. It has been observed that these homes lack the necessary infrastructure and does not have any policy for children once they move out of home.

### **Schemes for Children without Parental Support**

Social welfare department of Jammu and Kashmir has adopted a pre-matric and post-matric scholarship for children without parental support and other children belonging to the below poverty line. An amount of rupees six hundred is paid under national foundation for communal harmony for those children who lost their parents during conflict.

### **Jammu and Kashmir Juvenile Justice Act, 1997**

The Juvenile Justice Care and Protection Act 2000 is one of the major legislation meant for the welfare of the children in India. The Act prescribes different provisions for the children in need of care and protection and children in conflict with law. Within the ambit of children in need of care and protection, children without parental support also fall. The State of Jammu and Kashmir has not implemented the Jammu and Kashmir Juvenile Justice Act, 1997. On the one hand Jammu and Kashmir still awaits the implementation of the country's earlier legislation on children, the country has moved far ahead by bringing in a more progressive enactment in

the form of Juvenile Justice (Care and Protection of Children) Act, 2000. The children of J& K have been excluded from the purview of this legislation.

### **United Nations Convention on the Rights of Children**

By ratifying the UNCRC in 1992, the Indian government has accepted its specific responsibility with respect to children in situations of armed conflict. Inferentially it also becomes the responsibility of the government to protect the rights of the children in Kashmir. The fourth Geneva Convention makes it incumbent on the State that they provide security to the schools and other buildings and also provide opportunities for the education of the child as per the wishes of the parents. Numerous conventions, declarations and constitutional provisions govern the rights of children. Thus important and pressing challenge is, how to translate the standards and commitments of international instruments into action that can make a tangible difference to the fate of children exposed to danger on the ground.

### **Response from the Voluntary Sector**

With the escalation in the number of children without parental support, there has been a mushroom growth of institutions in the valley. Prior to 1990, children without parental support were mostly adopted by their relatives or neighbors in accordance with religious and social practice. Consequently, the need for institution was never felt. With the result, only one institution existed in Srinagar city before 1986, (JK Practioner 2007). It was not until 1996-97 that a number of NGOs started functioning in the state, especially in the domain of orphan care. Later many institutions, within and outside the government, started contributing in managing the massive burden carved out of the situation. As Kashmir has the rich culture and also because of religious teachings money for the well

being of children without parental support was easily available. The direct outcome of all these factors resulted in the increasing number of institutions in the valley. In fact this is one of the major initiatives for the rehabilitation of children without parental support of the valley. The child, who is already in trauma, is taken away from his natural set up, his own family, his community, his friends and is put in an institution. Studies conducted all over globe in the past on growth and development of children in institutional care have revealed that institutional care has detrimental effects on the psychological, social and linguistic characteristics of the child. A study conducted by Margoob (2006) on Psychiatric disorders among children living in orphanages – Experience from Kashmir. This study was taken up to examine the problems of children in orphanages. An orphanage for girls in Srinagar was surveyed by Psychiatrists, and using DSM IV guidelines screened children were evaluated for psychopathology. Children were in the age group of 5-12 years. Post stress traumatic disorder PTSD was the commonest psychiatric disorders (40.62%), easily attributable to the prevailing mass trauma state of almost two decades. Next commonest diagnoses were Major depressive disorder MDD (25%) and conversion disorder (12.5%). The report mentions that there is a general agreement among researchers that children placed in special home settings at a young age and for long periods of time are at greatly increased risks for development of serious psychopathology later in life.

Child rights experts strongly believe that institutionalisation of children should be the last resort. The family's role in a child's development is also emphasized in the Convention of child rights. The Preamble says, *"..the family, as the fundamental group of society and the natural environment for the growth and well being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities..."* and also that *"the child, for the full and harmonious*

*development of his or her personality, should grow up in a family environment, an atmosphere of happiness, love and understanding."*

The culture of Kashmir ensures all the rights of children, rather takes into consideration the best interests of child.

### References

- Madan T.N 1989 *Family and Kinship: A study of the Pandits of rural Kashmir*, Publisher S.K Mukerjee Oxford University press New Delhi
- M Dost and Bhat A.S 2006 .The family System in Kashmir in *Look n Kashmir* Edited Gulshan Majeed, Jay Kay Publications Kashmir
- Kapur M.L 1992: *Social and Economic History of Jammu and Kashmir* Published by Jay Kay book house Jammu
- Rather Ali Mohammad. 2009: Mohalla System of Uzbekistan and Kashmir a Comparative Study 2009 *Journal of Central Asian Studies*,Vol XVIII
- Prof Rabbani.1986: *Kashmir Social and Cultural history in Sacred Historic Shrines* the Valley Kashmir Publication Anmol Delhi
- Margoob M.2006: The children living in orphanages in Kashmir: An exploration of their nurture, nature and needs JK Practioners ,*International Journal of Current Medical Science and Practice* S49-S52
- Ruhela.S . 2006: *Indian Society Structure and Change*, Shubhi Publications Haryana
- B. David (1991): *Sociology* West publishing company U.S.A  
The Jammu and Kashmir Juvenile Justice Act, 1997  
The Juvenile Justice Care and Protection of Children Act, 2000
- Mudaser (2009): *A Sociological Study of Continuity and Change of Kashmiri culture* Unpublished PhD thesis available in the

department of sociology and social work, University of  
Kashmir

K.L Kalla,(1996) *Cultural heritage of Kashmir*, Anmol Publications  
NewDelhi

C.E Tyndale Biscoe: *Kashmir in Sunlight and Shade*, Mittal  
Publications New Delhi

Walter Lawrence,(1967):*Valley of Kashmir*, Kaiser Press Srinagar

Suri Anirudh: NGOs in Kashmir Agents of Peace and Development?  
IPCS Research Paper 02

Dabla (2009) *Sociological study Widows and Orphans in kashmir* Jay  
Kay Publishers Srinagar

Farhad Saima (2009) *Takiyas in Kashmir* Paper Presented in the Two  
Day National Seminar Organized by the Institute of Kashmir  
Studies University of Kashmir

*Convention on the Rights of Child* UNICEF, 2004