Half Orphans of Kashmir waiting for the fuller life

Comparative study
By
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Ensuring lasting change for children
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Kashmir

The state of Jammu and Kashmir is nestled in the Himalayan region bordered along India, Pakistan and China. The state is known for its pristine beauty and has been often referred as the heaven on earth.

Ever since the independence of Indian sub-continent from the British empire and subsequent formation of India and Pakistan, the state found itself engulfed in the political turmoil. The state is claimed in full by both India as well as Pakistan. The duo has fought two full fledged wars on this issue, besides a confrontation in Kargil in 1999.

A large part of the state is also under occupation of the People’s Republic of China. Indian part of Kashmir is divided from Pakistan administered Kashmir by Line of Control (LoC), and by Line of Actual Control (LaC) from Chinese part of Kashmir. Both LoC and LaC are viewed as de-facto borders.

The population of Jammu and Kashmir state (within Indian dominion) according to 2001 census is 10 million. An armed insurgency has been going on in the state from the last 18 years. The armed insurgency that broke out in 1989 has had a devastating affect on every aspect of life. The insurgents demand secession from Indian Union and have been indulging in violent attacks on Indian army to attain their goal. After 1989, government of India increased the number of troops in Kashmir to suppress the insurgency.

This has led to a bloody war between the two sides. Collateral damage is also very high.

So far 40,000 to 100,000 people are believed to have got killed in the ongoing violence in Jammu and Kashmir. Separatist organizations and human rights activists put the figures of deaths (mostly of civilians) due to violence close to 100,000, while as state government says the figure is 40,000.

Daily news bulletins and newspapers regularly feature the situation item detailing about the number of killings across state on daily basis. During the insurgency period many people have been reported disappeared. Families of such persons allege that these people were subjected to disappearances and police and paramilitary forces are not disclosing their whereabouts.
These persons are presumed to have been killed or imprisoned without trial or record. According to an estimate put forth by human rights organizations the number of disappeared persons in state is 10000.

Families of such persons say that these people were arrested by government agencies and subsequently subjected to enforced disappearance. Till date there is no clue of such persons and their families are still waiting for them to return. In the year 1994, the parents of these disappeared persons constituted an organization to collectively fight for ascertaining whereabouts of their wards.

Of these people, around 2500 were married and were bread earners for their families. A disappearance of the key member in the family has brought miseries to his wife and children. The wives of such persons are called as half widows and children as half orphans.
Methodology

Case studies in this report have been made on random sampling. First an effort was made to identify the cases, with respect to promoting them as representatives of the affected population (children) at large.

In the second phase, separate interviews (based on open ended questionnaire) of independent cases were conducted to check the hypothesis and authenticity of the proposed miseries.

Comparative studies in the report are based on interviews of the children, separate interviews with their families and psychologists. In the comparative studies thrust has been laid on descriptive part rather than explanation.
Half-Widows

The term 'Half widow' was coined by the local press in Kashmir in early 90s for the women, whose husbands disappeared in the haze of violence. These women are living uncertain lives fraught by stigma and poverty.

Despite the cause pursued by an Association of Parents of Disappeared Persons (APDP), an organization of the relatives of the disappeared in Kashmir, the state government has not come up with any information about whereabouts of the disappeared.

State as well security agencies have been denying their hand in the enforced disappearances. The government often maintains that most of disappeared have gone to the Pakistan-administered Kashmir for arms training.

Unending violence resulted in increasing number of half-widows. Disappearance of married men rendered their women and children destitute. However, a court judgement in December 31, 1997, in one such case became a lifeline for thousands of such helpless women in the state.

The court judgement came after a petition was filed by Hamida Bano, a half-widow hailing from Kupwara, whose husband disappeared in August 1993 and did not return for four years. Hamida sought her marriage to be annulled.

The court while granting judgement in Hamida’s favour said: “Hamida has become a destitute and is not able to take care of her children. She is herself insecure and vulnerable to oppression.”

The court further directed that Muslim community be informed through public notifications in newspapers that under the Dissolution of Muslim Marriages Act, a women is entitled to obtain a dissolution decree, if the whereabouts of her husband have not been known for four years.

The phenomenon of half-widows remarrying began after the Hamida judgement and is gathering momentum. There are conflicting views on the interpretation of the Hamida judgement and remarriage of half-widows.

"The waiting period has been fixed for seven years and if the first husband arrives after second marriage, the first marriage will be dissolved," says
Prof. Sheikh Showkat, department of Law, University of Kashmir, Srinagar.

But Mufti Nazir Ahmad, a well-known preacher at a seminary in Bandipore argues that the waiting period in such case is four years and if after the second marriage the first husband arrives, the second marriage will be dissolved.

There have been instances where in half-widows have been often denied any share of their husbands' property by their in-laws. Some in-laws may recognize their property rights, but still restrict or infringe upon them in various ways.

To keep alive their demands, members of APDP assemble at a central public park in Srinagar on the 10th of every month for a sit-in protest seeking information about the disappeared persons. Carrying placards and holding photographs of their husbands, these women put on white headgears having names of their husbands printed on them in black. The group often embarrasses authorities, who in the past have been succeeded in breaking up their peaceful marches on roads. The gatherings attract people as well journalists and often make it to the front pages of newspapers across globe.
Half-orphans

Half-orphans are the children, whereabouts of whose fathers are unknown. Like their mothers, they live the life in the twilight zone. Since there is no information about the status of their fathers, they can not be pronounced as orphans. Hence the term half-orphans seem somewhat appropriate.

Many of the half-orphans even today share their memorable moments with their fathers. They recount the circumstances that lead to the missing of their fathers. Quite many were infants and did not know anything, while others were born after disappearance of their fathers.

Lack of paternal care has shattered the lives of these children. Their life swings in between the two extremes. Sometimes they feel that their father will arrive and their miseries will end. But given the condition akin to that of an orphan, automatically they are clubbed into their category.

It would have been easier for them to accept the status of orphans in such a tender age. Like orphan children they could have adjusted their lives, but at many occasions their status as half-orphans comes to haunt them. Their fate remains attached much with the status of their mothers.

The effects of these enforced disappearances have been widespread on children of half-widows. Their education has been affected, but the deterioration of the economic condition has been the primary one. In most of the cases it was found that as the father was only bread earner, therefore after his disappearance the child had to shoulder the responsibility of earning the livelihood for family. They had to drop out from the schools and give up schooling.

Such children have experienced a disruption in their social lives as well. Due to poverty descending their families, they witnessed their relatives maintaining distance with them. Disappearances of a family member became a contention in property disputes, mostly among the joint families.
5a) The deteriorating health of Sahil Tariq

Sahil Tariq is a 12 year old boy living in Srinagar. He originally hails from border district of Baramulla. His father a civilian contractor Tariq Ahmad Rather was subjected to enforced disappearance by the unidentified security agency in the year 2001.

Since then he and his family has been looking for him everywhere. Till date the success has eluded them. The absence of his father has severely hampered their otherwise normal lives.

Sahil's health has also been affected a lot due to the personal tragedy. He was just six when his father was arrested. When his father went missing Sahil was at that stage of life when he had started to love his father the most. He was extremely attached to Tariq. At the incident he was so much confused over the incident that he couldn't understand as to what happened in a day's time.

He gave vent to his emotions by weeping. Every time he used to weep and even now the tears are always at the brink. He has been weeping so much that his eyes were gravely affected. There was a time that when his eye sight was highly diminished.

He had to be hospitalised and Dr. Nasti, a reputed eye surgeon of Kashmir had to be called in for his treatment. Although he had a successful operation, but he doesn't let go his sad behavior and often weeps for his father, doctors are pessimistic of his full recovery.

His health might have improved but the condition of his home is making it worse. His mother and two other siblings share a two room house in Srinagar, which they have taken on rent. They have been almost abandoned by their relatives and government too has not provided any financial support. So their sole source of livelihood is the knitting and stitching work done by his mother.

But their family is far from financial security. The income of his mother is less than enough. At times they don't have enough food to eat. Though their mother stitches clothes for others but she can arrange enough clothes for her family.
Sahil’s one more brother was also sick recently and had to be operated upon. His mother is the patient of acute depression. She can tolerate neither happiness nor any sad news. She has to take drugs at regular intervals every day. In the absence of drugs, her blood pressure increases, shivering starts and she usually faints.

This situation has led Sahil towards, what psychiatrists called Childhood Depression. He seems to be always depressed and doesn’t enjoy playing or other activities. Most often when his brothers are playing he sits at the farthest corner and usually weeps. Psychiatrists say that can become normal if their financial condition improves or if his father comes back.
b) Zubair Khan’s healthy life

Zubair Khan is a lovely child of 12. His father is a teacher in a private firm and his mother is a housewife. He lives in Srinagar along with his father, mother and two sisters.

Till date Zubair’s life has been a normal life and he or his parents have been quite a happy family. Zubair studies in Class six at a nearby school. As far as Zubair and his parents remember Zubair has never been seriously ill. Although during his infancy he had some trouble, but doctors treated that thing normal.

Usually his parents take care regarding health. They give him the list of does and do nots. Like Zubair is not allowed to eat unpacked items or low grade sweets at the market. His father brings in the snacks and other chocolates for him.

Zubair eats well and is a sportsperson in school. He enjoys Television, gaming and participates in other modes of entertainment. His two sisters too are in good health and all of them have never been visiting doctors for serious problems on continuous basis. On some occasions he had got some stomach problems but that due to his bad eating habit. He usually loves to eat junk food and when the food is substandard, he falls ill.

Zubair’s dark brown eyes are fine and his eye sight is at its best. In his family it is only his father who uses eyeglasses. Zubair also weeps but at a time when he is not provided his favourite toy and occasionally when he is scolded by his mother or father for breaking something. His parents can’t remember he has ever wept over any other issue.

In Zubair’s entire family nobody except his grandparents have hyper tension problem. Zubair is not subjected to any thorough medical checkup at home or at school as they haven’t felt the need at any time. It is like a normal thing in Kashmir, not to visit doctor other than in case of some ailment.
6a) Abrar wants to take revenge for his father

Abrar Shafi was just three when his father was arrested by security agencies from his house in the year 1999. His age was such that the missing at that time didn’t affect him too much. But as the age progressed he came to know what has happened with their life. Then the situation altogether changed.

Abrar now 11 is a changed child. He is one of those unfortunate children who has come to know about his father from outsiders rather than experiencing himself.

Every now and then he hears what neighbours say about his father. He sometimes becomes curious while as sometimes he just runs away. At home he has seen his father just on the photographs other than his own faint memory. Usually he doesn’t ask about father in front of his mother because he knows she will weep and he doesn’t like it.

The family of Abrar has been making rounds of security camps and police station all round the valley to trace the missing Shafi. But till date they have not been successful.

On most of the occasions Abrar has been accompanying her mother and other relatives to all these camps. These visits have made a deep impact on his life. The hope of meeting his father and then the despair at the security camps made his life fluctuate.

Although nowadays the family doesn’t visit any such camp or police station, but the scar has been left on his mind. Most of the time, the behavior of troopers used to be rude towards them. At some time they had to just wait for hours altogether outside the gates and then were ordered to go back. They were subjected to abuses on many occasions.

At home, Shafi was the lone bread earner and his death means end to income. They are financially strained. Abrar is attending a school run by a charity organization but seeing the situation there is strong possibility he will not be able to continue his studies.

He envies those children who have fathers. Whenever there is a fight with other children, he shouts to them “if only he had father then I would beat you.”
The most important thing is his mindset is that he is full of revenge. He says that I will not spare whoever has subjected his father to enforced disappearance. He sees army troopers as their enemies. Sometimes during evenings he along with his brother, sister and mother discuss the revenge. It is usually Abrar who initiates the discussion.

He says that those who have made their life miserable ought to be punished. "I will kill those army men and then their children will come to know what it is like having no father," Abrar usually says. He says that they ought to suffer like his own family. His relatives fear his mindset and usually try to wean away his feelings but to no avail.
b) Khalid Sofi grows normally in abnormal situation

Khalid Sofi is a ten year old child of Naseer Sofi. Khalid is a normal child and lives in the vicinity of where Abrar lives. Khalid father is a shopkeeper and mother a housewife.

Khalid’s family is not well off but still they manage to carry it well. Whatever Khalid’s father earns is enough to feed the family of four which also includes Khalid’s sister. At school Khalid is a hard working and usually come out flying colours during examinations. His parents are very happy with his behavior.

Living in a conflict zone means that one has to face the violent incidents. But when a family is strong and there is no direct impact on them the affects are usually minimal. Same is the case with Khalid who too has witnessed grenade blasts and other violent incidents happening in Kashmir, though not at close encounters.

The incidents happening in the nearby places, makes his parents to instruct Khalid and his sister, to remain indoors. One of their distant relatives was also killed in one such violent incident. On one occasion there was a grenade blast in the market quite close to where Khalid’s father has a shop. All of them worried but in the evening Naseer came safe and sound.

These incidents had not been able to make any deep impact on Khalid’s mind. Like most of the children of Kashmir he treats these things as normal. His parents can recall his revengeful attitude only when he had a fight with his friends over some trivial issue. Otherwise Khalid is a sweet boy.

His parents don’t discuss violent incidents at home with children except instructions of what to do during such occasions.

Khalid usually discusses the incidents of violence with his friends and class fellows. Most of the time it has been found that they somehow relate the incidents with violence shown on TV and films. But as the age grows the reality dawns on them and the crisis understanding emerges as they come near to it.
7a) The incomplete education of Faisal Ahmad

Faisal Ahmad Khan is an average child who studies in eight grade at private school in Srinagar. Faisal is a half orphan as his father Mushtaq Ahmad Khan was subjected to enforced disappearance by Army personnel in the year 1997.

Faisal has a brother and a sister, who are younger to him. Both of them are also studying at other schools. Right from the time their father was subjected to enforced disappearance their lives have been swinging from one end to another end. Their education has been worst affected.

Normally Faisal 13, would have been studying in Class seven, but as of now he is struggling in Class two. In the class also he is a below average boy. He usually doesn't do his homework. Besides he is also very weak in other extra curricular activities. His attendance is such that during many months the absent days overtake present ones. He usually is punished by the teachers for all causes.

Actually it is not due to his fault that his studies are suffering, rather it is due to his personal tragedy. After his father was subjected to enforced disappearance, Faisal’s life has been moving from security camps to his relatives' houses and other places except his own home.

Faisal has been accompanying his mother and other relatives to these security installations in search of his missing father. These futile hunt expeditions have impacted education of Faisal along with his brother and sister.

They were living along with their mother at their paternal house in outskirts of Srinagar. As the children were small and no male member was there to look after them in conflict situations, so her mother thought it safe to mover to her parent’s home six kilometers away. They usually would return back after a week or a fortnight.

So Faisal along with his brother, sister and mother, kept on fluctuating from their fathers house to maternal grandparents. Thus the absentness in classes increased as the school in which they were studying was far away. The absent days soon became absent weeks and months. So gradually he kept on stagnating at one class for more than one year. In the same way he lost four year of his education. Same happened to his brother and sister who lost two to three years.
The teachers and other relatives apprehend that Faisal will not be able to continue his studies. He is also not interested in studies and there is every possibility that his future lays in becoming another laborer, bus conductor or any other such employee doing some menial jobs.

In the absence of any career guidance and counseling (which is mainly done by father in Kashmir) his life is a rudderless one, though financially they don’t have much of a problem.
b) Naeem Bhatt is a doctor in the making

Naeem Bhatt is an intelligent boy of 13. His father is a businessman and his mother a government employee. Naeem studies in class Seven at one of the prestigious schools of Kashmir. His parents gave a hefty donation for his admission to that school in order to get him admitted there. Most of his class fellows are from rich or super rich families, whose ambitions are clear before them.

Naeem’s goals too are clear and he wants to become a doctor, which is one of the most sought after jobs in Kashmir. Naeem is good in studies and he had been in first ten positions always. His attendance has been about 95 per cent. He misses classes only if he is ill or if he has to attend a marriage or any other function in his extended family.

All of Naeems expenses are met by his parents and he doesn’t have to hanker over such issues. His educational requirements, be it fancy school bag, branded uniforms, attractive notebooks and a brand new computer make him more interested in studies.

The strict discipline from his parents ensures that he doesn’t go wayward or lose sight of his career. His father occasionally oversees his homework and also takes out time to visit his school.

Naeem also goes for tuition to enhance his studying capability, as his parents want to be the best. They are taking every pain to ensure that Naeem becomes a doctor. His parents say that even if doesn’t qualify the MBBS entrance examination in government sector, they will send him to some private medical college in lieu of a hefty donation.

Naeem knows that some children are not able to get to the schools due to the poverty. But he doesn’t know really more about the poor children as his parents have strictly advised him to not to play with children other than matching his social status.
8a) The identity crisis of Aamir Mehraj

Aamir Mehraj is a 14 year old eldest son of Mehrajudin Khan, who lives along with his brother and sister in Baramulla district of North Kashmir. He was just four when his father was arrested from his house by the army troopers in the year 1997. After that there has been no trace of Khan. As usual their families have searched everywhere for Khan, but still they couldn’t trace him.

Loss of father has deeply affected Aamir. He has vivid memory of his father and almost everything which he knows about his father has been due to his neighbours, who off and on talk about pious Khan.

Although he doesn’t have father but still not everyone calls him orphan. His description before people ranges from son of a missing Khan, son of an unconfirmed dead Khan, son of dead Khan and so on. With all these descriptions he himself cannot decide as to what he is.

Aamir studies in a school meant for poor and orphans. In his class almost all students are full orphans and they have become used to live with the identity, but Aamir is still engulfed in the identity crisis. He can’t decide that whether he is an orphan or a half orphan. Aamir often shies away from other orphans as he can’t describe to them his status about being orphan or not.

On many occasions they had received information that a person killed in some other area might be Khan, but every time it was false. Aamir has been living in this condition where he feels that his father might be alive.

Aamir’s mother and other relatives confirm that he was very much close to his father and is still waiting for him. Though Aamir’s brother and sister have somewhat reconciled with the situation but Aamir is come to that point. Many a time at home he tells his mother how father will say if he returns now and sees me such a grown up child. “What will be his reaction when he sees me, how much happy all of us would be” Aamir tells his mother. He also expresses the happy days that will return if his father comes back.

Usually government provides financial relief to anybody killed in the insurgency related incident, but the same is not applicable to relatives of missing persons. This point too has added the Aamir mental status remain
in a state in between a normal and orphan. The news about some person coming back to home after many years also alerts Aamir of his hope.

b) Ansar; an apple of his parent’s eyes

Ansar is a boy of 14, who lives in a joint family in Srinagar. His family deals with handicraft business and they are well settled. Ansar studies in class six at a nearby private school. He is an average in his studies. Ansar loves his father very much and always finds excuses to be with him either at his showroom or at house.

Ansar has three more sisters, but it is usually Ansar who steals importance as he is the youngest and very naughty. He is an apple of his parents. In Kashmir boys are always preferred just like in the rest of the south Asia. His father reveals that before Ansar’s birth they had visited many shrines so that they are blessed a male child.

Ansar too is closely attached with them. Whatever he wishes is fulfilled by his parents. He has brand new clothes, toys, cycles and everything else. His sisters too provided all the objects of lavish lifestyle.

In winters Ansar usually accompanies his father to outside Kashmir in other Indian state for business purposes. He loves to visit those places and always waits for those cherish able moments.

Like any other parent they love to watch their son grow. At every stage of Ansar’s life they are there to greet him with new pleasannts of life. They ignore if he is dull in studies and say that even if he doesn’t complete his study the family business will accommodate him.

Ansar has lots of friends both in school and outside school. He loves to tell them about his great parents. The only thing which Ansar hates is that his parents are more protective to him. His parents like other in Kashmir fear Ansar getting trapped in any untoward or violent incident. So whenever they hear any blast or firing happening in the vicinity of where Ansar is, they go for his look out. Ansar is not allowed to move far from house and there is no outing in the evening. Ansar doesn’t get concerned about such incidents but his family gets. He has the best video games, computer, DVD player and other modes of entertainment at his house.
To keep the memories of his childhood, he has hundreds of photographs taken right from his infant days to this day. His father cherishes all of these moments be it his first hair cut or his first cycling.

9a) Shabnam Gulzar still in shock

Shabnum Gulzar is an eleven year old daughter of Gulzar Ahmad of Kupwara district in Kashmir. According to his relatives Gulzar Ahmad a shopkeeper by profession was picked up by Indian army troopers and later subjected to the enforced disappearance in the year 2001. Shabnam was five when the tragedy struck them. Till date she has not been able to come out of the shock.

She often remembers her father and asks about him. She usually doesn’t play or go out. Infact doesn’t have any friends of her age. After her father got disappeared, she has been more close to her mother Fatima Bano. Her mother has become the object of her primary and secondary attachment. Shabnum has enclosed herself in a shell which is often hard to crack.

Health wise too she has not been doing well. Her mother has been taking Shabnum to a psychiatrist in Kashmir’s lone Psychiatric hospital. Two years ago she was diagnosed with Post Traumatic Stress Disorder (PTSD) a most common psychiatric problem in Kashmir. After a thorough medication she has improved a lot.

But even now her silent behavior worries her relatives. They try to lure her out, try to make her happy but most often it is a short term strategy. Her condition becomes worse often during the Muslim festival of Eid, when she sees all children going out with their fathers. Shabnum remembers that she too had visited markets and done shopping with her father before he was subjected to enforced disappearance.

In her study too she is not doing well. She is currently studying in Class four but her grades are always poor. She has also been more absent from class then present. In the school also she is a sort of reclusive and she doesn’t mix up well with other girls. Her relatives fear that she will not be able to continue her studies if the situation remains as such.
b) Nafisa loves shopping with daddy

Nafisa is an eleven year old normal girl. She lives with her father, mother, a brother and grandparents. She studies at one of the best educational institutes in her area.

Nafisa is a bubbly girl with charming attitude. She has lots of friends both at school and in her colony. She is equally attached with her parents and loves her grandparents and extended family too. Once a week she accompanies her grandfather to various places usually to her relatives. Her father often takes Nafisa and her brother to sightseeing and for shopping. But Nafisa loves shopping with her mother as she is more inclined towards buying bangles, earrings and other such feminine products. She loves to flaunt her precious things before her friends.

Nafisa’s mind is free and she wants to become a journalist. She loves watching television, but often has to shut it off on parental advice. Her father is a governmental employee and has been able to meet all of his children’s expenses. Nafisa loves festivals like Eid, as on these occasions she gets new clothes, toys and other things. She visits gardens and markets along with his father and most often with her friends in fancy clothes.

She doesn’t have an inkling as to what is it like being without a father, as her life has been full of joy and parental affection. In her school also all of her class fellows are from elite families. She has her own group of friends who usually visit her in the home and she also reciprocates the visits. They discuss gossip, films, actresses, new fashion and everything a growing teenager is addicted to.

She has interaction with poor people only when beggars visit her house for alms. She hardly knows what it is like being a poor orphan or half orphan girls.

Physically also Nafisa is fine. She actively participates in games and loves Badminton.
Note: The names and places of the case studies have been changed to protect their identities.

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