

Preventing women from illiberal atrocities and heinous crimes - Tasks to be done

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Abstract: *Jammu and Kashmir was hailed in many quarters as an alternative model of accountability for atrocity. Much of the attention focused on how states tradition was providing justice and reconciliation for the worst crimes imaginable. But that missed the real story. What actually made Jammu and Kashmir so radical was not its reinvented “traditionalism” but rather its challenge to the Nuremberg paradigm of liberal-legalism, individual criminal responsibility, and cosmopolitan values. This paper presents a comparative, theoretical framework for understanding and assessing Jammu and Kashmir State’s pursuit of maximal accountability. It surveys the norm of accountability for atrocity, looking at its forms, contexts, goals, and effects. As a whole women are suffering to the null and wide so far as the various laws and judicial mechanism is concerned there are some steps taken by the world wide authorities to provide justice to women but still so far as the data and investigation of National crime record bureau, state commission for women and police records and NGOs are concerned, the crime rate is increasing day by day and it becomes comprehensive throughout the world wide. Diverse types of crimes have made the lives of women folk harsh in this post modern civilization where it is being said that “A women is the initiator and designer of the mankind after God” but still there is the culmination of inhuman activities in the society. The research article focuses upon only the atrocious crimes against women in Jammu and Kashmir with reference to domestic violence.*

Keywords: *Traditionalism, paradigm, authorities, heinous crimes, initiator and designer.*

Introduction

Women in India especially in Jammu and Kashmir have been facing violence in all spheres of life from hundreds of years. They face domestic, political and social violence as well which lead to subordinate position of women. There are different ways in which women suffer and are made to suffer. In behavioural terms, violence against women ranges from simple suppression to abuse, exploitation, suppression and severe oppression. We know it as male infanticide, the abortion of female fetus, the neglect and under nourishment of the girl child, denial of education to girls, rape, pre-puberty marriage, wife beating and the harassment of a bride leading to her suicide or murder. Each of these is more awesome than comparable or even greater pain or fear experienced in the other contexts like child birth can be extremely painful, but one never refers to the pain of childbirth as violence, no matter how sever it is. The fear of death, in a situation of terminal illness, can be extremely terrifying, but one does not refer to as violence.

Domestic violence is a problem which affects many people in many countries nowadays. The victims are mostly women and the abusers are mostly their husband, fathers and In-laws. But the problem is not only the quantity but the quality of violence: it usually happens at home, women of all cultures, races, occupations, income levels and ages are battered by husbands, lovers, boyfriends and partners. In addition, the violence does not occur in separate cases of loss of temper, but it is used in form of battering, intimidation, thrust, psychological abuse, isolation etc. The worst part of the violence is that most of the victims are afraid of looking for legal help because they fear have some reprisal like more abuse or even death.

Jammu and Kashmir as a disputed state between India and Pakistan have seen continuous violations from last 29 years which give birth to the heinous crimes against women in the state. The violence inflicted by the Indian army and militancy in the state is increasing day by day and women are not supposed to get legal help in their matters. The overall cases of violence against women (VAW) has seen a significant increase in 2017 when compared to the previous years, increase in number of heinous crimes against women such as domestic violence, rape, and abductions is a major cause of concern in Jammu and Kashmir State. A total number of (3,363) cases against women were reported in 2015, as against (2,915) cases in 2016 and (3,168) till December 2017, (State crime branch). On the other hand, heinous crimes such as gang rapes, kidnapping, molestations, outraging modesty, eve-teasing dowry deaths and women abatement of suicides cases are very high in the year 2017, when compared to the figures of 2015 and 2016. A total number of (87) rape cases were reported in the state in year 2017, so far as against (63) in 2016 and (57) in 2015. Similarly, cases of abduction under Section (363 & 366) of the IPC have seen a jump from (182, 216 & 270). The figure also includes abduction of minor girls. The number of cases of dowry reports/deaths under Section (304B) of the IPC has also increased from (667, 722 & 790) this year, suicide committed/attempts, (972, 788 & 993), molestation (422, 480 & 546) and eve-teasing (367, 217 & 432), (Crime branch & Greater Kashmir, 2018).

However state-based women rights activist Dukhtaran-e-Milat (DeM) Asiya Andrabi feels the decline in crimes against women fails to capture the reality of women everyday problems in the state with the police force. “The supposed decline of crimes in the state may be for certain reasons and it is certainly not due to the timely action by police on women complaints. This is evident when we consider that the last one year data shows again an increase in repeat crimes, which means offenders who assault women are embolden by belated police action to repeat crimes such as sexual harassment and rape.” She further said there are large sections of women such as agriculture workers, domestic workers, etc, whose complaints are hardly registered by the police. Asiya further added women safety has a long way to go in Jammu and Kashmir. Sexual intercourse with a woman against her will or without her consent is the most heinous crime committed against women by men. The raise in the

number of cases is also a result of women feeling emboldened to come forward and register their complaints against the offenders. As far as cases of dowry deaths are concerned, they take place in closed doors and, hence, police have limitations in curbing such cases. "In the case of women abductions too, police have to see how many cases are charge sheeted and how many cases have been quashed after investigation.

Objectives

1. To study the heinous crimes and highlight the issues of violence against women in Jammu and Kashmir.
2. To study the different aspects of crimes against women In Jammu and Kashmir.
3. To suggest various alternative measures that would mitigate the ill-effects of violence against the women in Jammu and Kashmir.

Methodology

The present paper studies the various issues of women in Jammu and Kashmir more particularly the heinous crimes and violence related issues. The study is based on the secondary data. The Secondary sources of the data used in the study were taken from various research papers, published Journals, reports of Newspapers, Reports of NCRB, NFHS, Police Sources, Crime Gazette, NGOs and the Government of Jammu and Kashmir.

Important Women's Issues Covered in this study

It was experienced that only few major crimes against women get a chance to be reported. The most widely covered subjects by study is Domestic Violence, suicide attempted/committed by women in Jammu and Kashmir. Then we have rape and molestation cases. Third being the physical assaults in public including murder and acid attacks. However it is obvious that most of the reports, the newspapers bring to the readers are that of a woman who is being maltreated. The kinds of situation Jammu and Kashmiri women live in; the regional newspaper (Greater Kashmir) holds a paramount importance in preserving the data on the status of women. The news clippings have exposed that there were more than (2500) women who either committed suicide or made serious attempts to end their lives. There were (1655) cases of sexual crimes against women including rapes and molestations. There was (7) case of acid attack, and there were (21) cases of women being murdered from last three years.

Domestic Violence

Domestic violence is any act of physical, sexual, or psychological abuse, or the threat of such abuse, inflicted against a woman by a person intimately connected to her through marriage, family relation, or acquaintanceship, is universal and has its root in the socio-cultural setup of the society. The perpetrators of domestic violence have often been found to be the males and the victims, their sexual partner. Internationally, one in three women has been beaten, coerced, into sex or abused in their lifetime by her own family member (Heise et al.1999).

Surge in domestic violence cases appear in Jammu and Kashmir at its peak, Kashmir Valley's only women police station, Sub-inspector "Nusrat Afroz" in an interview with Kashmir Uzma reported that, they come across more than 50 such complaints every day. She further added complaints related to domestic violence "seem to be unstoppable." "People have lost tolerance and trust in relationships," officials say they go for registration of formal cases depending upon the "severity of a case" and "willingness" of a complainant to register a formal FIR. Being the only women's police station in Kashmir division, women from far-off places come there to narrate their ordeal to the officials and seek "justice". Reports from the police stations of the Jammu and Ladakh divisions have also figured the same reports about the upsurge of domestic violence in the state. More than 50 complaints a day are enough to make you educated about the reasons of unsuccessful marriages in Jammu and Kashmir. People don't want to compromise; this is what the study tries to understand. Mere accusations end marriages. We have lost trust and respect in each other. The cases of domestic violence, according to officials, are more common among couples who are young or have eloped.

Domestic violence in Jammu and Kashmir is on rise and women who mostly complain about it are the ones who are young. There are young couples who think that marriage is all about living together when it's beyond that. It's managing to live with the in-laws and being less stubborn which at the age of 20 is a least possibility," SHO women police station Rambagh Srinagar added "This is what I have observed during my conversation with women complainants." In another report published by the Greater Kashmir in June 2018 more than 35000 women from only Srinagar district have crossed 42 years of age and are yet to be married, the reasons behind this fact are clear in front of us: demand of dowry, rise in domestic violence cases, divorce, and many more.

Domestic violence is generally carried out by spouse husband or his other family members. It includes physical, sexual violence, calling by names, Usually Accompanied by Physiological abuse. It is expected that (30-56) per cent of women in the state are suffering by this kind of violence. As almost, (65) per cent of all crimes reported to the police involve women beaten by their husbands. This is most relating to nuptial disputes and family argues and harassment for dowry (Gul and khan, 2014)

Domestic violence as a whole includes, maltreatment, harassment, viciousness or brutality and even the threat of battering - intimidation. It consists of bodily injury, as well as "deliberately placing or attempting to place spouse in fear of injury and forcing the spouse by threat to engage by cruelty or act, sexual or else, as of which the spouse has a right to abstain". Confine or detaining the spouse against one's will or damaging property is also measured as acts of violence (Bedik, 1999).

Suicides

Suicides in Jammu & Kashmir are generally committed due to argues with spouse, argues with parents-in-law, divorce, dowry, love affairs, cancellation or the inability to get settle down, extra-marital affairs and conflicts relating to the issue of nuptials, all these factors play a vital role, mostly in the suicide of women. Poverty, debts and educational problems are also allied with suicides in Jammu & Kashmir. Unemployment and financial stress has now become a major cause of suicides among the youth in Jammu and Kashmir. The sound effects of modernization have led to extensive changes in the socioeconomic, cultural and socio philosophical arenas of people's lives, which have greatly added the trauma in life, leading to significantly higher rates of suicide.

Suicide is a serious public health problem of the society that can have lasting harmful effects on individuals, families, and communities. Most of the women who commit suicides belong to above 25 years of age group; an age when an individual is considered to be mature and

responsible. Most of them are married having children 66% of women above 25 years of age have resorted to this serious offense against their own selves. 22% belonged to 18-25 years age and 6% were of below 18 years of age which is a cause of great concern (NCRB). From the frequent reporting of suicides in a local state newspaper (Rising Kashmir), it is clear that suicides are happening rampantly in Jammu and Kashmir, causes of which are yet to be traced. Based on the total number of news reports on suicides, it was reported by police records that Kupwara district of Jammu and Kashmir has the highest number of suicide cases in the state, followed by Jammu and Baramulla district. Srinagar, Udhampur, Poonch, Pulwama and Anantnag are some other districts where suicides have become more widespread, from last three years (State police crime Branch). However, as per reports given by different crime officials, there is an anxiety that these suicides were inflicted on women by their husbands and in-laws.

Most of the suicides attempts/committed by women are generally due to the result of expanded domestic violence abuses in the state. The news reports also recorded the claims of their families who believed the suicide were actually murders planned by the husband/in-laws, mostly the husbands on account of domestic conflicts. Identifying large number of cases, it has been clearly reported that victims were harassed by their own family members which includes husband, in-laws, father, for not been able to give sufficient dowry. There are about (25) cases of women burning themselves in presence of their in-laws. Women also resort to end their lives to avoid their disposition assassinations. In Kupwara District of Jammu and Kashmir, a local youth was blackmailing an adolescent girl and was uploading her pictures on social media (Facebook). Unable to bear the distress, she committed suicide. Since girls now tend to find more meaning to their lives through educating themselves, some aspiring girl students are committing suicide due to their failure in examinations. The incidence of suicide appears more in rural areas in contrast to urban areas. It depicts that (73) per cent of such cases take place in rural settings which should be taken into consideration while building strategy measures to intervene in the rising tendencies of suicides in Jammu and Kashmir State. As we know there is a stigma attached to such incidents happening in a family, there is every possibility that due to availability of more private health services in urban areas, many cases are hushed off, before getting media attention and hence are not recorded.

Rapes and Molestations

Rape and molestation are sexual intercourse with a woman against her will or consent are most heinous crimes committed against women by man. Virtually an alive death for a woman, yet the victim of forcible sexual intercourse is treated as an accomplice in a society which values chastity as the most important attribute of womanhood and does not hesitate to test it by subjecting the women to the ordeal by fire without causing a ripple amongst the onlookers. This is probably because of our patriarchal culture, we have adhered to double standards in premarital cultural relationship. Transgression of these norms is condoned for men but not for women. It was perhaps due to the callous attitude towards rape and a general contempt for women that this crime attained alarming proportions.

From the news reports, reported by Greater Kashmir, between (2015) till end (2017), it has been noticed that Jammu and Kashmir is witnessing an increase in the sexual assaults against women in public places. A dentist in his clinic in Maisuma Srinagar, a Lab Technician at his private lab in Pulwama and NDTV, reports a minor girl allegedly molested by teacher at Dargah in Jammu, Thousands of such incidents happens with minor girls but all of them (victims) revealed the incident to their families only after some days for the fear of not being trusted. There is a possibility that a higher number of such assaults are taking place but are not reported by the girls and their families. It also seems that girls are prone to the sexual assaults everywhere. An imam was also reported for molesting a girl from Nagrota, Jammu, while she had gone to learn Quran from him (Reported by Jammu police). There are more than (1250) cases pertaining to molestation, kidnapping, and rapes of girls from rural areas and on the other hand there are more than (785) such cases from urban areas in the last three years. Rapes and molestations are manifestation of power. A person from Territorial Army wing was caught red-handed while he was raped a woman, by the neighbours from Kupwara district. In yet another case, in Udhampur district, an Army man was seen thrashing and stripping a woman in full public view, (Greater Kashmir 2018)

Murders and Other Crimes

Very often woman becomes victims of the mannish authority to an extent that their lives as human beings are least valued. Masculinity which is based on the notion of superiority over females, tend to subdue women by different means. Occasionally this phenomenon takes the form of grave offenses like murder and acid attacks. A 15 year old girl was strangulated by her own cousin Bijbehara, after she rejected the advances of her cousin, who had also wanted that she quits her coaching classes. The hapless parents got the news from social media. In a similar incident in Budgam, a girl was strangulated by her ex-lover on getting engaged with some other person. In similar grave incident, where a boy took an extreme step owing to his vengeful tiff, a 21 year old law student was injured in an acid attack on the pretext that she dared to spur the advances of the accused in Shopian a woman was rescued by neighbours while she was ablaze by the in-laws. After filing a complaint against in-laws a woman from Doda was murdered in a day. It also appears that women remain the victims of domestic violence all through their lives. An elderly (60 year old) woman was beaten to death by her husband following a domestic strife in Tangdhar Kupwara, recently in 2018 brutal gang rape and murder of an eight-year-old girl in Kathua. On January 10, afternoon, her mother recalls, her daughter went to the forest to bring the horses back to home. The horses returned but she did not. She was kidnapped, raped and then murdered and thrown in the nearby forest of Kathua, the dead body of minor girl was found by the locals living in the area after eight days (17 January 2018).



Women Underrepresented

There is a pronounced tendency across the whole of the media for women to disproportionately appear in passive roles - as victims of crime, instead of actually doing something. This scenario also, however, reflects a wider culture. In the Greater Kashmir women are more likely to be featured in stories about murder, sexual abuses or domestic violence than in stories about their professional abilities or expertise. It is also a matter of concern that women are not even interviewed on critical issues regarding women or other social issues. Women largely remain excluded in their representations in terms of their active participations in several government, non-government programmes, researches, art, literature and sports. Women's perspectives on issues of political, economic and social importance have been fully ignored. While reporting the issues of crimes against women, the news reports lack in-depth research and follow ups. Owing to the lack of sensitivity, the age, and residential particulars are often not complete in cases of women being raped, burnt or murdered. Also the newspaper gives such items the marginalized and little spaces. Even the murders and gang rape stories do not qualify to get published in the front pages. It is matter of great concern that female journalists do not file such stories very often. It is mainly male journalists who cover and file stories on crimes against women.

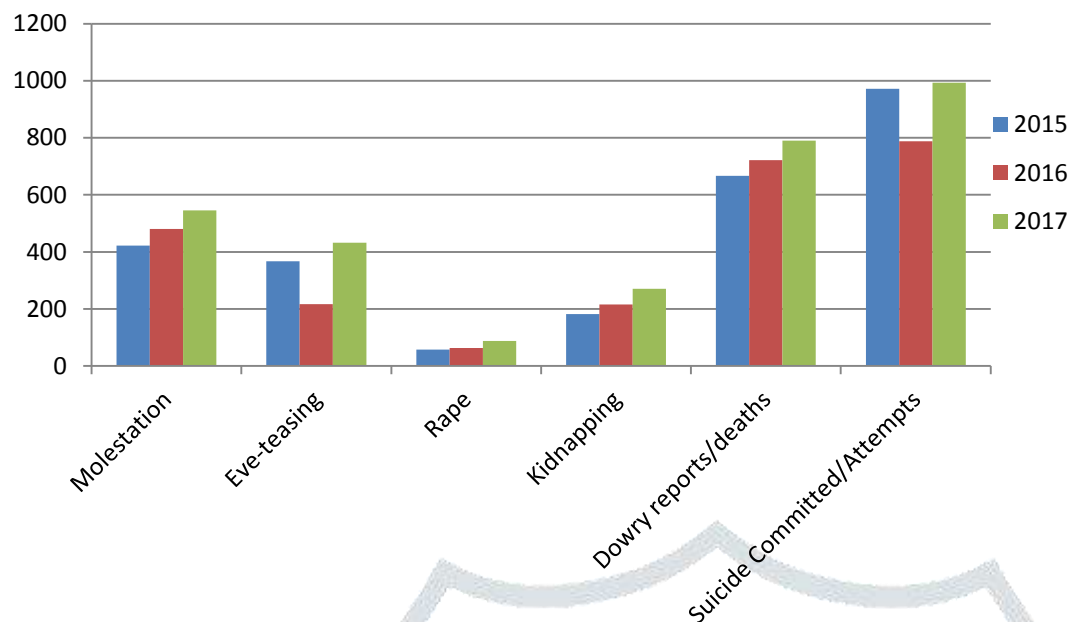
Table, 1

Statistical figures of Crime against Women in Jammu and Kashmir State for the year 2015, 2016 and 2017 up to December. The figures represent the number of cases registered in different Police Stations of Jammu and Kashmir State.

Victims of violence from 2015-2017

S. No.		Years		
		2015	2016	2017
1.	Molestation	422	480	546
2.	Eve-teasing	367	217	432
3.	Rape	57	63	87
4.	Kidnapping	182	216	270
5.	Dowry Deaths	667	722	790
6.	Suicide Committed/Attempts	972	788	993

Disposal of heinous crimes against women in J&K



Policy recommendations

To prevent the atrocities on women some preventive measures are necessary. These may be-

- i) We have to redefine the concept of violence against women. It means seeing the crime like rape, abduction, dowry death, wife beating and murder as acts of violence motivated by power and authority. Violent acts can occur in many circumstances where people will not acknowledge them normally. Women have to say things publicly which they dared not say before.
- ii) Voice of a single woman does not carry weight. If a group of women of like-minded views join together, from an organization and raise their voice against the suffering of women, they can make an impact. The social norms can be attacked by the organisations only. The organization should create awareness among women to struggle against their oppression and to fight against those who exploit humanity and torture the women.
- iii) To develop the humanistic approach among victims of crimes. These may include rethinking of roles, rehabilitation of victims and evaluation of organizational procedures of police courts, rescue homes etc.
- iv) There should be a change in attitudes and values of judicial officials, the establishment of family courts and a change in police attitude. Re-orientation of magistrates is necessary.
- v) Scientific institutes e.g. Independents, Anti-discrimination board to look into the dowry complaints, equal opportunity commission, will have to set up to implement the laws one enacted with power.
- vi) Sensitive layer can play an important role in achieving equal legal status to women in India. It is their duty to challenge the discriminations. The lawyer works for the disadvantaged section of the society and aims to obtain relief.
- vii) Last but not least the crimes against women deserve a scientific study and the victims of crimes require an objective approach in our reactions and a more humanistic response in our dealings.

Concluding remarks

The women sacrificed everything including their lives. The higher the sacrifice the higher the salvation became a motto for women, in reality women hardly had an identity apart from that given to them as wives, mothers and daughters. Although they were worshipped as deities at home, they were treated as first class members of the family. While as now in the postmodern period, there are many factors known to influence public perceptions about issues on women. The present paper has examined the role of news papers. There remain gaps in our knowledge with more research needed as to the impact of news coverage on public understandings, attitudes and behaviours and how to best craft mediated messages to more effectively promote positive social change. More and more female journalists should be encouraged to cover the news reports on crimes against women. By doing this, it is expected that the coverage will be sensitive and compassionate, without making it sensational. Women's say needs to be documented properly on the backgrounds of crimes done within the premises of workplaces or family/community. The Greater Kashmir in particular and the other dailies in general need to encourage coverage of wide range of issues concerning women. They also need to increase printing spaces for women's issues and their successful stories.

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