



Unending Oppressions: Illustrations of Women Victimization in Kashmir, India

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Abstract

Ever since the issue of crime against women came to fore there has been a myriad literature discussing this problem. The issue of crime against women is prevalent in almost every society regardless of the religion, nationality, culture and tradition. Similarly, women in Kashmir have suffered a great deal ever since the separatist struggle became violent in 1989-90. Since past two decades, the cases registered as crime against women have shown an upward trend in the Kashmir valley. The paper will therefore attempt to give a picture of the genesis of this grave issue in the valley. Moreover, it will also depict the changing social structure and consequent impact on Kashmiri women.

Keywords: Insurgency, Kashmir, crime, discrimination.

Introduction

Emile Durkheim, a French Sociologist had said that some 'crime is inevitable'¹, however at certain times the rate of crimes increases unprecedentedly which points towards a degrading social order, thus designating the failure on part of the society to adjust to the social changes. Similarly, our society has failed to adapt to the changes brought about by the various social processes. Every other day we come across news reports of various kinds of atrocities and brutalities committed against women. Both men and women experienced oppression, discrimination and seclusion because of their class; but no man was secluded because of his sex, yet all women were². There is no doubt to the fact that men are more prone to be sufferers of violence and now a days it is being acknowledged that men too can be victims of domestic violence and sexual assaults and such types of crimes are increasing; but despite that, women are even more vulnerable to sexual assaults, domestic violence, pornography and rapes. Men suffer violence not because they are men as such but due to antagonism, annoyance and many other varied reasons; conversely women suffer sexual assaults, rapes, domestic violence merely because they are women. These acts are an expression of the gender disparity that women face in almost all the areas of life. Oppression of women is a widespread occurrence, but several such incidents gets rarely reported and in case any victim may muster the courage to report it, the culprits are hardly indicted, and if indicted, still then rarely convicted. A women as a victim finds the harassment on her self as devastating, humiliating and degrading her self-esteem. All these misdeeds are strongly connected with the traditions of patriarchy and despotic attitude that prevail across the masses.

Hypotheses: i. Kashmir valley is witnessing an upward trend in crime against women since last two decades. ii. As more and

more women are becoming visible in public life, patriarchy faces a crisis, which is manifested in increasing crime against women in Kashmir.

Methodology

The research study is based on the secondary sources of data, which includes reports of National Crime Records Bureau, journals, newspapers, magazines, and research papers.

Genesis of the subjugation: Ever since the human life began women have been victimized in almost every arena of life, be it social, economic, educational, political or health related issues and the like. Recent times have been a witness to large-scale feminist movements across the micro and macro levels and though such movements have been endorsed by the fact, that so far various social legislations and constitutional measures aimed at the welfare and empowerment of this oppressed and marginalized community have been formulated, but given the ground reality, the gender equality still seems to be a myth. Most of the literature available on the gender, have posited women as a subordinate sex in the society. Though, the origins of men's dominance possibly can hardly be easily understood, given that, the existing proofs are contradictory and frequently filled by the chauvinism and bias of those interpreting them; yet, this subordination of women has been attributed mostly to their biological makeup.

Steven Goldberg³, a sociologist, proposes that a man is physically aggressive than a woman, due to the presence of higher level of testosterone in men. Therefore, they inexorably capture the high position in a society, while as women hold the inferior positions. Accordingly, the subjugation of women aroused chiefly from men's craving for authority and control. The yearning which, right through the history, have motivated

men to tyrannize other groups of people in their own society and their striving to overpower and conquer other nations or communities, prompted them to dictate and subjugate women. Men disallowed their womenfolk the right to make choices with the intention that they can take these decisions for them, thus leaving women incapable to make decisions for their own lives in order that they can direct their life for them. Moreover, it has been observed that biological weakness of a women makes her an easy prey particularly to the physical domination. It is every now and then supposed that men have at all times subjugated women, and the hostility towards women has its foundation in human psychology or biology.

Furthermore, J. S. Mill⁴ argued that history is full of examples of the contrary systems, where one person possessing undue power, subjugates the rest of the masses. However, in case of women subjugation, the possessors of the power have some specific facilities than in any other, to prevent any uprising against it. Women differ from all other subject classes, as their masters i.e., men do not solely want their obedience, but their sentiments as well, and for this purpose the tool of education was used. Women were taught from the early childhood to be more obedient and selfless and sacrifice their own selves for others. He supposed that, because of male dominance women institutionalized a particular type of behavior not inherent in their nature. Thus, without making any complaints, women voluntarily accepted the rule of men over them.

Results and Discussion

Once known for its extraordinary beauty, the valley of Kashmir now hosts the biggest, bloodiest and most obscure military occupations in the world⁵. Since the militancy erupted in the late 80's, the Kashmir region became the point of fierce clashes among the Indian defense forces and the armed militants⁶. The conflict⁷ in Kashmir introduced elements of antagonism and conflict in all fields and at all levels. This gave rise to a new type of material relations and proved disorganizing in implications. In this situation, the whole existing social order got disturbed⁸. Thus in the past few decades, Kashmir valley witnessed increasing rates of crime against women, as is reflected in table-1. However, these statistics are an inaccurate reflection of the reality, as a significant proportion of crime

against women goes unreported, owing to the social stigma attached to it.

In 1989, the year in which militancy erupted, the number of crimes reported against women in Kashmir was only 81 and in 1990, it abruptly rose to 135. However, before 1990, the number of crimes against women was showing an increasing trend, for instance in 1984, it was 76, in 1985 it increased to 91, in 1986, 1987 and 1988 it was 94, 86 and 94 respectively; but after 1990, the crime rate itself was too high. Though, in the year 1991, 1992 and 1993 the number of reported cases showed a slight decrease, but this could be attributed to the fact that the militancy during these years was at its peak, so lodging of such reports was extremely difficult, as these years were marked by frequent curfews. Again, from the year 1994, the number of cases reported as crime against women showed an upward trend, as in 1994 it was 108, in 1995 it rose to 288, then to 655 in 1996, then 832 in 1997 and 1105 in 1998. From the time of militant onslaught by the Indian forces in Kashmir commenced, news of sexual assaults by these Indian forces against the women became more rampant. Not only the security forces, but also the armed militants have raped women in Kashmir. Later, in 1999, the number of crime against women cases was 995, slightly less than what it was in 1998. Year 1999 was marked by the Kargil war and that could be the possible reason for both under-reporting and less incidence of crimes. From the year 2000 onwards the the incidence of crime against women has been only increasing. In 2000 it was 1040, in 2001 it increased to 1112, then 1482 in 2002, 1621 in 2003, 1617 in 2004, 1653 in 2005, 1698 in 2006 and 1766 in 2007. However, in 2008⁹ and 2010¹⁰ it showed a slight decrease from its previous years to 1517 in 2008; 1791 in 2009 and 1659 in 2010, which again could be because of under-reporting as well as less incidences of crime against women as these years were marked by unrest in the valley. From 2011 to 2013, again the number of crimes committed against women has increased; with 2115 cases in 2011, 2235 in 2012 and 2186 in 2013. Crime is an intricate phenomenon and even more intricate is to point out any single explanation to explicate it. Factors entrenched in the social structure and in the individual, coalesce, to form a powerful blend leading to criminal behaviour. This phenomenon of increasing crime against women could not be only attributed to the insurgency.

Table-1*
Crime rate against women in Kashmir valley

Year	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
No. of Cases Reported	76	91	94	86	94	81	135	101	94	98	108
Year	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	
No. of Cases Reported	288	655	832	1105	995	1040	1112	1482	1621	1617	
Year	2005	2006	2007	2008	2009	2010	2011		2012	2013	
No. of Cases Reported	1653	1698	1766	1517	1791	1659	2115		2235	2186	

*Data presented is as per NCRB reports from 1984 to 2013.

There are various other prevalent factors responsible for this ever-increasing nuisance. It cannot be argued that before the eruption of insurgency, women in Kashmir enjoyed any high status in the family structure. Rather, women in the traditional Kashmiri society were considered unequal, inferior, and weak - mentally and physically. These notions were supported by myths, dogmas, and traditional belief system. Many women too believed strongly in these men created notions and ideas, which had a strong impact on the behavior of women in their entire life. The women, especially wives, were beaten in some families and there was no collective protest against this brutal practice. However, some individual protests were observed, but these were insignificant and ineffective. Consequently, the practice of wife beating was considered 'undesirable normal practice' in the family context. Women were being reared in an atmosphere, which slowly lead to the development of a feeling of inferiority among them and hence they became used to the institutional legitimating of their low status and found nothing wrong in some of the crimes that were specifically committed against them. Nevertheless, ever since the majority of nations explicitly bestowed women a status in the social order in equivalence to that of men, by means of giving them equal rights in every sphere of life, considerable number of women took part in the productive work outside home. Similarly, in Kashmir, after 1947 the local political leadership made several attempts to improve the conditions of women by providing them free education from primary to university level and providing jobs in government offices¹¹. Consequently, women came out of the four walls of their houses and entered into higher education, pursued careers and started contending with the men. With this, Kashmiri women became capable enough to earn their own living and achieve a sense of instantaneous autonomy, which ultimately impinged on their whole attitude, and conferred her with more power to decide and make choices. However, their subjugation is far from over; they continue to be exploited, though only the form of this exploitation has changed. Some of the recent instances of women victimization in Kashmir are as under:

Acid Attack Case¹²: A young Kashmiri girl, who was preparing for her engagement ceremony that was to take place a few weeks later, fell prey to a horrifying acid attack on January 2, 2013, thus leaving her with a distressed life and an everlasting struggle to convalesce. On the fateful day, two men threw acid on the victim, a teacher at a preparatory school while she was on her way to school. They committed this monstrous attack because she had declined a marriage proposal from the main accused, named Riyaz Ahmad Nath. In the attack, her face was seriously burned and she lost sight in one of her eyes. The accused along with another boy followed her on bike, held her arm, threw acid on her and ran away from the spot. The accused had been harassing her since some time but fearing social stigma she kept it to herself and did not lodge any formal complaint against him, which she later rued. Her tragedy was highly publicized in the media, as she became the Valley's first

victim of acid attack. The accused was convicted within a year and on February 14, 2014, he was awarded with a 10-year rigorous imprisonment and the woman was given a government job; but no monetary benefits are sufficient to mitigate her sufferings.

Eve-Teasing Case¹³: In 2009, two car-borne boys outside a coaching center in Srinagar trampled teenager, to death. That episode stunned people across the valley, which had never heard of such incidents earlier and evoked extensive public condemnation. Although the two boys had managed to escape from the spot but it was a chit they had thrown towards Romana that led to their detention later. The teenage girl had declined to accept the chit and had torn it to pieces, which infuriated the duo eve-teasers and hit her with their car. Even though the accused were nabbed and are in jail, but no punishment has been given to them by the court till now and the trial has been going on without any outcome.

Murder Case¹⁴: On January 31, 2014, an 11th standard student was found strangulated by her own scarf in the Anantnag district of the valley. She had gone to attend her coaching classes, but in the evening, her dead body was found in the orchids. Later it was found out by the police that her own cousin killed her, because she had rejected his love proposal. On that fateful day the girl had entered into an intense argument with the accused and out of envy, the accused strangulated her to death.

Divorce Case¹⁵: In September, 2013, a woman was divorced by her husband for resisting sex determination test during her second pregnancy and giving birth to two daughters. The woman had revealed that her in-laws were unhappy with her since the birth of their first child, who was a girl. Later on, during her second pregnancy her in-laws had tried to force her to undergo sex determination test of the fetus (an offence under the Indian Penal Law) and directed to undergo abortion in case of a female fetus. However, the woman resisted the test and finally gave birth to another girl after which the husband divorced her.

Murder Case¹⁶: On 1 June 2014, a girl had left her home in the evening hours but she did not return. Her family searched for her for the next two days and on June 3 her strangulated body was found in the nearby area. Later on, during the police investigation, it came to fore that the girl was engaged by her parents some time back, but before her engagement the girl was having an affair with a boy of the same area. On the fateful day, the boy had called her to meet her and had urged her to call off her engagement and marry him. However, the girl had refused to marry him, which enraged the boy and he strangulated her to take revenge.

These attacks manifest not only the frustration of the accused but also the conservative attitude of the masses towards the women's

issues. Progressive modifications in private living, life standard and wide-ranging improvements, originated from modernization and social transformations lead to aggressive inclinations towards women that eventually results in greater than before crime against women¹⁷. Women's liberty and the subsequent empowerment is, no doubt, an achievement; nevertheless, for a large number of Kashmiri women, it is not. It has given rise to manifold problems for them. For example, in spite of the greater part of Kashmiri women currently employed, they are still anticipated to carry out the huge bulk of household chores. Furthermore, whilst vast fractions of people in a society assess women in a predominantly domineering manner, the probability for cruelty augments as women achieve empowerment. Kashmiri women who are in possession of their own capital and assets are better capable of standing up for their rights within as well as outside their homes. These empowered women are more apt to fight back against any kind of stalking than those women, who are completely reliant on their families for their sustenance. Liberated women are more likely to walk away from those social settings where they face mistreatment and harassment; they no longer feel obligated to maintain unsatisfactory personal relationships and are asking for more – from their families, husbands, employers, and other relations. This way the patriarchy is facing a crisis as more and more Kashmiri women have come out of the four walls to contend their subordination, which is leading to even more increasing crimes against them. Moreover, increasing female education and work participation rates have led to greater than before mobility of Kashmiri women outside their homes and presence in the public and political space. Thus as more and more Kashmiri women have joined the work force, they have become more susceptible, as there is more opportunity available to men to take out their aggravation. As Cohen and Felson¹⁸, had proposed that, crime was supposed to be the outcome of the convergence of three factors i.e. an aggravated criminal, an appropriate victim along with lack of protection. Besides, they recommended that persons whose regular doings happen mostly inside home would face a lesser amount of harassment, and persons who expend the greater part of their time outside households would face further ill-treatment. Brutality against women occurs in all those societies where cultural approaches towards women are particularly conventional. As Jewkes declared that no doubt a little education provides sufficient authorization to women in order to confront some characteristic of conventional gender functions, however such improvements carry an amplified threat of hostility, unless a phase is achieved, for defensive effects to predominate¹⁹. Therefore, during this changeover phase when Kashmiri women received education, specialized expertise, various rights, and economic liberty, several Kashmiri men who apprehend losing their long-established dominance in society retorted, to reiterate their gendered privileges. Furthermore, Kashmir being a conservative and Muslim majority state many norms practiced is as per the Islamic tradition. However, this also played a negative role regarding the status and rights of women. As Asghar Ali Engineer²⁰ argues that, there are some provisions in the holy Quran that are being exploited by men in un-Quranic manner. He

argues that there is no Quranic verse or any hadith (sayings and doings of Prophet PBHU), which confines women to household work only. In fact, during the Holy Prophet's (PBHU) time, women took part in all activities including the battlefields. He argues that the Quranic verses are unanimously being accepted as divine but, so far as the hadith is concerned, there are several ahadiths which are *considered of doubtful origin or weak or outright forgery*. Therefore, he says that if, one goes by the verses of Quran, both men and women have been given equal rights and responsibilities and the prevailing subjugation of women is *'more cultural and patriarchal than Islamic or Quranic. The veil is a cultural expression of modesty rather than any oppressive measure.'* There is no command in the Quran that women should veil her face. Both men and women have been commanded to lower their gaze and to contain their sexual passions. Both should avoid wearing sexually motivating clothes. He argues that it is appalling to note that women are being deprived of even their distinct Islamic rights. Besides, women victims continue to be subjected to the subsequent persecution by the judicial system, community and even at times by their own relatives, who say that women themselves contributed to their own oppression or actually deserved it. *Women appear to be treated differently as victims of these crimes – after all 'she asked for it', no woman would be attacked if she did not want to be*²¹.

Conclusion

From domestic violence to female feticide, from eve teasing to molestation to rape, Kashmiri women have entered into an era of insecurity and helplessness. She is teased on the streets, harassed in buses and molested in public places and if she speaks up, she is retaliated or blackmailed into silence. She is being burnt for refusing to bring dowry from her parents' house; tortured or harassed for saying 'NO' to their husbands/in-laws; and raped to gratify the desire of men and assaulted to teach her a lesson for being bold or outspoken. In the contemporary Kashmiri society, crime against women both inside and outside their homes has emerged as a crucial issue. A sense of despair and frustration is inevitable in any woman, who unfortunately becomes a victim of crime. Crime against women has far-reaching consequences, not just for the women, but for their families and communities as well. Women are unfortunately paying the price for demanding fairness and justice. The patriarchal setup of our society deters women from coming out freely to report any crime against them; also, the legal machinery has not been effective in deterring criminal activities. Strong legal machinery and a liberal attitude by the larger society towards women and their issues could prove fruitful in containing crimes against women.

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