

## **Institutionalization of Crime and Violence against Women: A Sociological Overview**

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### **Abstract**

Since times immemorial, women have been a subject to sustainable violence in one form or the other. Although there has been a considerable improvement in the position of women in the recent times owing to different social legislations, but the fact remains that this segment of population is still facing the brunt of heinous crime and violence intensifying with every passing day. Crime and violence against women cuts across boundaries of culture, class, education, income, ethnicity and age. Though there are stark proscriptions against the same, but the reality is that violations against women's human rights are often sanctioned under the garb of cultural practices and norms, or through misinterpretation of religious tenets. From sexual harassment through sexual violence in situations of early marriage, forced marriage, forced pregnancy, forced sterilization, female infanticide, marital rape up to domestic violence, dowry related violence, acid throwing, dating abuses, trafficking etc., women today face a multitude of violence. The overall impact of such violence is incalculable, as it not only directly affects individual victims but also their children, their families and friends, workplaces and communities. This paper, therefore, represents an attempt to sociologically conceptualize the dynamics of crime and violence against the women in contemporary India with a special emphasis on Kashmir valley besides intending to delineate the various socio-cultural factors which foster the propagation of violent behavior against women.

**Keywords:** India, sexual violence, violence, women.

### **Introduction**

"Sexual, racial, gender violence and other forms of discrimination and violence in a culture cannot be eliminated without changing culture." – Charlotte Bunch

Crime and violence against women is not any recent phenomenon. All throughout the ages, women have been the victims of violence irrespective of social, cultural, regional and religious settings. The World Health Organization defines violence as "the intentional use of physical force or power, threatened or actual, against a person, or against a group or community that either results in or has a high likelihood of resulting in injury, death, psychological harm, mal-development or deprivation". This definition associates intentionality with the committing of the act itself, irrespective of the outcome it produces. Historians of gender relations portray women as representing a lowest extreme in the socio-economic and political ladder of the social hierarchy. This inequality seems to stem directly from the biological/sexual differences between men and women, which assumes the form of gender relationship. It is often under the garb of this gender relationship,

that many unscientific, irrational and artificial differences are institutionalized in the society. Today, multiple forms of violence are directed specifically against women be it rape, sexual harassment, sexual exploitation like prostitution, sexual debasement as in pornography, domestic violence ranging from battering to torture and even death. The status of women is determined by the politically and economically dominant power which is quite often wielded by the male both as an individual and as a group. This structure/organization of power has been defined as 'patriarchy' (Millet, 1974). Though the degree and forms of expression of patriarchy vary from society to society. The process of subordination is generally achieved by devaluing women's contribution, and at the same time extracting a significant contribution from them. In many societies around the world, women in no way belong entirely to themselves; they are the possessions of others throughout their lives. They are powerless to make their own choices, voice their opinions or defend themselves due to apprehensions of further ramifications.

In a statement to the Fourth World Conference on Women in Beijing in September 1995, the United Nations Secretary-General, Boutros Boutros-Ghali, said that violence against women is a universal problem that must be universally condemned. But he said that the problem continues to grow with each passing day. Violence against women takes a dismaying variety of forms, from domestic abuse and rape to child marriage and female circumcision. It has emerged as one of the most pervasive form of human rights violations. It devastates lives, fractures communities, and stalls development. At least one out of every three women around the world has been beaten, coerced into sex, or otherwise abused in her lifetime with the abuser usually someone known to her, according to the *In-Depth Study on All Forms of Violence against Women: Report of the Secretary General* (2006). It affects the lives of millions of women worldwide in all socio-economic and educational classes. It transcends every social and economic class as well as religion, race and ethnicity besides threatening women's health and their social and economic well-being. Domestic gender-based violence is still, in some parts of the world, an issue that is confined to the private domain, and a symptom of how women are generally considered as objects. Men often use domestic violence to diminish women's autonomy and self-worth.

### **Gender Roles and Violence against Women: Theoretical Perspectives**

The terms gender and sex are often used interchangeably despite the fact that these terms refer to two different content areas. Sex refers to the biological characterization of male and female—a conceptualization which emphasizes male and female differences at chromosomal, hormonal, anatomical, reproductive and physiological levels. Gender, on the other hand refers to those social, cultural and psychological traits that are linked to males and females through particular social contexts. The underlying connotation of sex is male/female, whereas underlying connotation of gender is masculinity/femininity.

Though, there is no denying the fact that both biological and cultural variables hold utmost necessity in shaping and explaining human social behavior, however, biological differences between sexes continue to be used to justify gender inequality.

Sexism, the belief that females are inferior to males is one such justification posed by the biological characterization of male and female. Prevalent in patriarchal societies often hand in glove with androcentrism where male-centered norms operate throughout the social institutions and, hence, become a standard to which all adhere to. Though sociologists don't strictly reject the biological conceptualization of male and female, however, the strength of its perspective on gender is tilted towards social side. Generally three main perspectives in the form of functional perspective, conflict perspective and symbolic interaction perspective can be used to deliberate on gender roles. In addition to these perspectives, a fourth perspective in the form of feminist perspective can also be cited to explain the gender roles.

**a. Functional perspective**

With its emphasis on the interdependency of various parts of society for its smooth functioning, this perspective advocates separate gender roles for men and women. Based on the notion of division of labor, this perspective may be more applicable to women who are more limited in mobility by pregnancy and nursing and assigned tasks related to child rearing and household maintenance. However, functionalist view of gender and family have not kept pace with the rapid social change and the move towards the more egalitarian social attitudes. It is based on a traditional white middle-class family structure in which women are at home or, if outside the home, only as a part of a reserve labor force. This perspective though reflecting the position/functioning of women in the preindustrial societies, can't exemplify women in contemporary times as they don't fit this pattern.

**b. Conflict perspective**

This perspective points out the imposed subordination of women at the hands of men with domestic work taking an insignificant amount of their time. Considering men's economic advantage to be the basis for gender inequality both inside and outside the home, this perspective argues that the household responsibilities influence the occupational location, work experience and number of working hours per week, all of which are linked to the gender gap in earnings.

**c. Symbolic Interactionist perspective**

Based on the individual interactions, this perspective sees the gender roles and the resulting inequality of the women as an emanation of perceived meanings between the men and women. Since gender roles are highly structured by one set of scripts designated for males and another designed for females, the usual result is that these gender roles promote a pattern of between-sex competition, rejection and emotional segregation. Men and women label each other as opposite to who they are, and then behave according to that label. Therefore, this behavior serves to separate rather than connect the sexes.

#### **d. Feminist perspective**

This perspective sees the women subordination as an outcome of sexism and androcentrism of the so called patriarchal societies. Consistent with the conflict theory, this perspective argues that privileges given to certain groups in society are institutionalized i.e., accepted as legitimate by both the privileged and the oppressed and persist over time. This perspective further argues that these privileges and the resulting power relations can be challenged only when women are properly empowered at educational, economic, political and other domestic fronts.

### **Violence against Women in India: Major Forms**

#### **Rape**

Rape is one of the most common and gruesome crimes committed against women all over the world. It is not just an act of man against woman, but also a manifestation of psychological aberration. It is increasingly becoming an instrument, a weapon to prevent women from raising their voice against atrocities. Unfortunately in conservative countries like India, this type of crime is grossly under reported because of the stigma attached to the victim. Even when reported, the culprit is rarely apprehended; and if he is ever brought to trial, attempts are made to exonerate him by casting aspersions on the woman's moral character. Generally, the victims of rape are young and minor girls living in slums/squatter settlements. Other victims include tribal and low caste women who are molested whenever their community launches a struggle for its legitimate rights. Rape in such cases is used as an instrument, a form of retaliation and backlash against the community in question. Further, women belonging to religious and other minority communities also become victims during communal riots. Moreover, in politically sensitive pockets, the military forces have been main offenders. The violence continues unabated because no social action has been forthcoming. Legislation exists, but is seldom implemented with care or readiness. Indeed, those very persons in charge of protecting a woman assault and humiliate her.

#### **Dowry Death**

From time immemorial, the respectable type of marriage in India has been giving away one's daughter, together with cash or ornaments or anything else the father could give her later. However, in recent times, such endowments by choice have become a mandatory compulsion for the parents of the bride who are forced to pay exorbitantly by in-laws of the bride, failing which may cast severe repercussions in the form of immediate termination of marriage. This at times may also result in accidental death/suicide of the bride. Basically, dowry death is a new term in criminology in India, and implies death (by murder or suicide) of a young bride who is harassed by her husband and in-laws by making exorbitant and ever-increasing demands for money and for household articles to be brought from her parents' house. Unfortunately, the phenomenon of demanding dowry has percolated down to the poorer sections of society. Some

see this as a result of the devaluation of women. As women become housewives instead of earners or producers, they are considered to be economic parasites. Lack of property rights to women is a contributory factor. Rising consumerism on part of the bridegroom and his parents is also a reason. But the basic flaw lies in the structure of Indian family and the pattern of marriage. Marriages are universal and early, and an unmarried girl is a blot on her parents' reputation. Marriages are arranged by the parents and are more of a family alliance than a relationship between two individuals. The pressure to arrange a match within the same caste is therefore great. The relationship between the bride-giver and the bride-taker is unequal, with the latter having a higher status and more privileges. Given these conditions, a man's increasing need for improving his social and economic status leads to extraction from bride's parents. Though, various social legislations like 'The Hindu Succession Act 1956', 'The Dowry Prohibition Act 1961' aimed at security and empowerment of women have been enacted, but due to lack of any conviction such legislations have been notoriously ineffective.

### **Widow Immolation**

The bizarre and brutal act of widow immolation also known as *Sati* in Hindu mythology has been an ancient practice in specific caste communities in some parts of India and refers to the burning alive of a widow on the funeral pyre of her dead husband. Despite being legally abolished by the erstwhile British Government during the colonial rule, such inhuman acts have not yet totally vanished from the Indian society. Even after more than six decades of Indian Independence, there are clear-cut evidences of widow immolation being still practiced in the country. One of the examples of this heinous act is the immolation of young widow Roop Kanwar of Rajasthan in 1987 which was performed openly and ceremoniously in front of the public under the so called religious tenets of Hindu mythology. The worst part of the whole act was cowardice on part of the bureaucracy and police which remained mute spectators without even attempting to intervene. Following public rage, the Indian Government under pressure finally enacted the Rajasthan Sati Prevention Ordinance, 1987 on October 1, 1987 (Communalism Combat, Special Report, February–March 2004) and later passed the Commission of Sati (Prevention) Act, 1987 making glorification of sati an offence. However, since the act hold's both the woman attempting to perform *Sati* as well as the abettors/promoters as guilty and punishable, the law once again seeks to punish the victim which in this case is again a woman.

### **Child Marriage**

The practice of child marriage is highly prevalent in India which is believed to possess more than one-third of the total child brides of the world. According to the estimates as put forth by UNICEF, the percentage of girls in the country who marry by the age of 18 years is 47% while the percentage of those who marry by the age of 15 years is 18%. The repercussions of the child marriage are often faced

by females who are at the receiving end. Early consummation of marriage followed by early pregnancy inflicts physical injuries to the girls which in most of the cases result in severe fatalities and early maternal deaths. Besides the maternal deaths, the other consequences of the child marriage are poor infant health, high fertility outcomes and increasing violence faced by the girls who are married earlier. Though, there are certain legislations in place against early child marriage in the form of 'The Child Restraint Act of 1929' also called as 'Sarda Act' and 'The Prohibition of Child Marriage Act 2006', but in most of the cases, given the customary and traditional set up of the people, they are often flouted.

#### **Female Infanticides and Female Foeticides**

The Medical Termination of the Pregnancy Act, 1971 had laid down some special provisions under which pregnancy can be terminated, the primary purpose of which is to save valuable maternal and infant lives. But, unfortunately, the malice towards the girl child has polluted the sanctity of the very act which otherwise is intended at saving the precious human souls. As the society attaches a high premium to a male child, female infanticides and female foeticides have become the catch phrases of abortion and hence, the termination of pregnancy. Often such inhuman acts are done clandestinely and are rarely brought to light, except in small pockets where the scale of female infanticide is found to be high. Unfortunately, one of the virtuous advancement in medical technology in the form of amniocentesis to detect the sex of the foetus has also been misused against the girl child. This practice is gaining momentum and is spreading like a plague.

#### **Prostitution**

Despite of the constitutional provisions in the form of fundamental rights which prohibits immoral trafficking among women, prostitution a form of highly organized crime has registered an alarming increase and, has hence, almost achieved the level of institutionalization. Often, poverty in rural areas makes women and girls easy victims of the prostitution racket, and their condition is pitiable. However, prostitution has been a regular feature of slums in urban areas as well. What follows is the social stigma which poses a main hurdle in the rehabilitation process of such victims. Often, the women rescued from brothels and sent to their families face rejection, while their fate in rescue homes is also quite bad. One variant of prostitution is the dedication of girls as '*Devadasis*' to specific deities in temples - ostensibly to serve God, but in reality to be sexually exploited by men.

#### **Eve-teasing**

Eve teasing has become a regular feature of modern day societies. Though overlooked, it is another sexual harassment sustainably being perpetrated against women in crowded public places both in large cities as well as villages alike.

Treated as a minor offence and usually punishable by imposing a small fine and one day's imprisonment, it has emerged as a menace severely encroaching upon the dignity of women.

### **Pornography**

Electronic and print media are the two major forms of communication which have revolutionized the lives of people in contemporary times. But, it has its dark side too, as it has brought into its purview all the vulgarism and obscenity. Pornography basically involves the use of drawings, cartoons, videos, dialogues or writings that stimulates sexual desire. Women have been the basic subject matter of pornography-an essential commodity used for the commercial purposes. Such a commercialization of women is derogatory to the dignity of women. The 'Anti-Obscenity Act' is problematic for women because liberty of expression is advanced as a defense. Though there are censor boards in the country which are supposed to censor anything regarded as indecent or dangerous, however, in the absence of any fool proof mechanism in place, nothing is going to work.

Violence against women requires a multi-pronged effort. It requires raising the awareness of women regarding their rights, and more importantly, providing a strong support system for women in distress. At present, there are several women organizations in large cities like Bombay, which provide temporary shelter, moral support, legal aid, assistance in getting jobs, etc. There are also traditional organizations which provide *rescue homes* for women, but which usually do not emphasize economic self-reliance for women. A trend has, however, started for running training programs, legal literacy classes, etc. Such support centers are too few to handle the large number of victimized women. Education through the mass media, schools, and informal groups must emphasize the rights of women, and simultaneously reorient boys as well as men to their responsibilities and their obligation to treat women as equals. These will not change society overnight. Providing independent means of livelihood for women, playing down the notion of marriage as the only destiny of women, and equalizing power relations in the hierarchical family structure have to accompany other efforts. Sensitization of the police, government officials and the judiciary also needs to be done. The recently set up National Commission on Women, if given enough powers and autonomy can go a long way in restoring confidence in the State.

### **Domestic Violence**

It refers to physical abuse committed by a spouse or partner, and also physical abuse of children by parents or step-parents. The phrase also covers sexual, emotional and psychological abuse. It includes intimate partner violence, marital rape, assault, battering, and sexual abuse of children in the household. The irony is that domestic violence remains one of the most under-reported crimes, though worldwide, 40-70 percent of all female murder victims are killed by an intimate partner. Until recently, domestic violence was not regarded as a crime, and women victims had no legal redressal except through divorce proceedings. It is only

recently that amendments to the Indian Penal Code (IPC) and Criminal Procedure Code (CrPC) made the requisite provisions in this regard. Unfortunately, the scope of such codes narrows down sharply, given the fact that these codes have so far been mainly applied in cases treated as dowry deaths only. Today, many towns have women rescue homes where the victims of domestic violence and their children can stay in safety.

### **Incidence of Crime and Violence against Women in India**

The gender bias in India is so entrenched in the country's cultural heritage that right from conception and birth to womanhood and death, the female suffers discrimination at all levels. The irony is that in a country like India, which has produced apostles of peace and non-violence, women have to bear the brunt of violence domestic vs. public and physical vs. emotional and mental. A girl child is often considered a burden and hence given less of the family's affection and resources. Society also reinforces the male dominance by socialising the girl child in a way wherein, she is forced to accept powerful male authority (Simone De Beauvoir, 1969). In spite of the fact that independent India has passed several constitutional and legal safeguards to protect the interests of women, they continue to be victims of violence in the family. Women who theoretically enjoy an equal status with men have not been able to exercise that equality in letter and spirit. In many spheres of life, such as marriage customs, occupations, norms of everyday social behavior, there is a cultural lag and even a backlash when the hitherto powerless groups seek to demand their newly available rights. Violence thus becomes both a symptom and a cause of social tension. There is an ongoing debate as to whether violence against women is really increasing, or a false impression of greater incidence is created because it is being reported to a greater degree than before. There is reason to believe that there is an increase in both incidence and reporting. The increase in incidence can be inferred from the fact that some types of violent crimes are relatively new, for example the burning of brides for not fulfilling exorbitant dowry demands, and the use of the new clinical sex selection tests for female feticide. At the same time, it must be emphasized that in spite of increased reporting and awareness, the proportion of reported crimes to total crimes remains very low. This is true of crimes such as rape or forced prostitution which stigmatize the victim, as also of domestic violence which is considered to be an internal family affair and a matter of family honor. The general tendency of women, thus, is to avoid reporting incidents of violence against them; in addition, pressure is often brought upon them to remain quiet.

Often, it is the subordinate position of the daughter-in-law and the wife in affinal home which induces violence against women. In addition, the unwillingness of the parents to receive the daughter back in their home lends strength to the husband and in-laws to perpetrate violence. According to the social mores, a broken marriage is a matter of shame. Also, when a bride's parents have spent a lot of money on the marriage, they have a vested interest in seeing that a break up does not occur. The children of a broken marriage pose another problem — a young mother is unwilling to leave her husband's home

without her children, and the husband's family refuses to part with children, especially if they are male. Again, a separated or divorced woman bears a stigma and becomes a liability, especially if she lacks the qualifications and ability to earn a living (which is often the case, given the low priority for girls' education).

Basically, violence against women in India has a broad spectrum. Today, violence against women has assumed alarming proportions with almost more than thirty specific forms of violence being committed against women from their prenatal stage up to their death. Such forms of violence include deprivation of educational opportunities, forced prostitution including temple prostitution, sexual harassment in public places by lewd remarks, pinching, pawning, pornography, child marriage, forced marriage, sexual abuse of the girl child, eve teasing, wife battering, bride burning/dowry deaths, widow immolation (*sati*), female foeticide and infanticide, deliberate check on the supply of sufficient and nutritious food, medical neglect, neglect of old women, cursing the widows, witch hunting etc. However three types of violence are culture specific to India i.e., *sati*, deaths related to dowry demands, and the use of sex determination tests for female foeticide. Pertinently, most of the above forms of violence fall within the purview of domestic violence. Also the frequency of the above forms of violence varies from one social setting to another. While some forms of violence are specific to a particular socio-cultural setting, others are more or less committed in a somewhat sustained manner irrespective of boundaries.

The increasing incidence of crime against women in India is evidenced in the statistics of reported crimes in the country over last few years in the following tables:

**Table 1 : Reported Incidents of Crime (IPC & SSL) in India over Last Few Years**

Year	No. of Reported Cases	% increase
2007	185312	-
2008	195856	5.7%
2009	203804	4.1%
2010	213585	4.8%
2011	228650	7.05%
2012	244270	6.83%

**Source:** National Crime Record Bureau

On the basis of above data, the percentage increase in reported incidents of crime against women over years has registered an increasing trend from the preceding year except for the year 2009 when it went down from 5.7% to 4.1% and also for the year 2012 when it slightly declined from 7.03% to 6.83%.

The graphic representation of the above statistics gives a fair good idea of how the long term trend of crime and violence is catching up in the country.

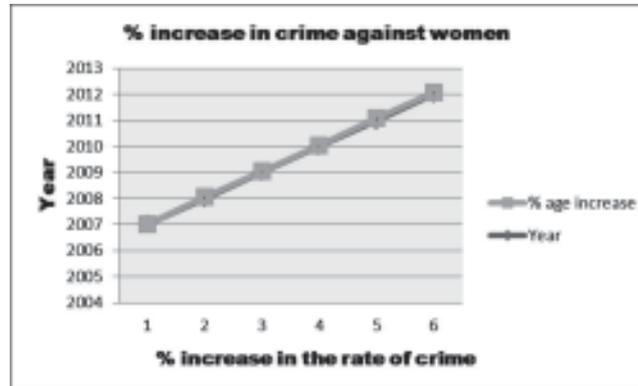


Figure 1

### Women in Governance and Attendant Cultural Barriers

There is no denying the fact that the Government of India especially after achieving the independence in 1947 has enacted various Constitutional measures and passed various constitutional amendments in order to mainstream the marginalised sections of the society especially the women. The government through its constitutional machinery achieved a mile stone in this direction by providing specific reservation to women in rural (panchayats) and urban local bodies (municipalities) respectively. This is, no doubt, a step in the right direction which will force them to contemplate a situation and this could gradually inculcate in women the ability to judge and decide wisely. Experience brings self-confidence and at some point in time, these very women tend to show the ability to judge for themselves. Indeed, research studies of panchayati raj with women on panels confirm this view. However, reserving seats for women in panchayats and legislative bodies, without each woman being liberated individually, falls short of actual emancipation. Women have been excluded from centers of power as a result of systematic "conspiracy" by patriarchal thought which has relegated women to an allotted and confined space. The abysmally small number of women in the upper echelons of power confirms this fact. Moreover, despite the reservation at PRI levels, women's political power has not been fully harnessed as their presence has not always translated into meaningful political participation and involvement. They continue to face social, economic and other forms of institutional barriers in entering PRIs and similar limitations while performing as elected representatives. Institutional barriers to political participation of women include the inadequate devolution of functions, lack of financial and planning autonomy, bureaucratic influence, the policy of rotation of seats etc. Amongst the social barriers to their full and effective participation are lack of education, oppressive patriarchal and caste structures, lack of respect of women in PRIs, physical violence in public and domestic spheres, local politics spawned by caste/class/religious dynamics etc (Jayal, 2006). Women also face a number of invisible barriers when they enter

the public institutions of democratic governance in rural and urban local bodies. Amongst these are the introduction of new conditions for entry and performance of elected women, like the condition of two-child norm which makes persons ineligible to contest Panchayat election or to continue as representatives if they have more than two children after a stipulated date. The effect of this new condition was seen in disqualifying sitting elected representatives, neglect of girl child as well as other practices adverse to women (Buch, 2006). Harnessing the political and organizational power of women by supporting and promoting gender responsive grassroots democratic structures is, therefore, critical to women empowerment.

To sustain any level of empowerment, women have to be educated to be aware of their rights and privileges in a modern society. It is only when they become aware of their status in society that they will be able to take full advantage of the concessions offered to them as a corrective measure. Empowerment of women has to begin with not mere participation but with their active participation. Michael Foucault, one of the foremost French thinkers of twentieth century, writes that woman has always been man's dependant and the two sexes have never shared the world in equality. Man-the-sovereign would provide woman -the-liege with material protection but she must accept the moral constraints of confinement. According to Michael Foucault, women empowerment lies in refusing these constraints of male confinement.

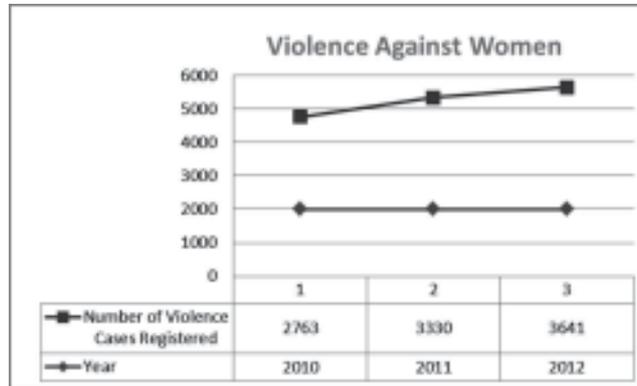
### **Crime and Violence against Women in Kashmir**

Kashmir, which otherwise celebrates its epithet of being the land of saints, could also not save its women community from the spurt of violence despite its strong ethic culture. Although, the valley having undergone huge enculturation over the last few decades has encountered sea changes in its different socio-economic and cultural institutions, the traditional notions grounded in myths, dogmas and superstitions still ride high. All this has resulted into pushing the women to subordinate positions while reinforcing the patriarchal foundations of the Kashmiri society. Ironically, the patriarchal notions of male dominance have institutionalised to such an extent that many women believe strongly in these male created notions and ideas. This had a strong impact on the behavior of women in their entire life (Dabla, 2007: pp- 43-44). This transforming grim and alarming situation can be said to have emerged in valley as a result of distinctive processes of modernization, militancy and militarization. While the factors like urbanization, industrialization, migration, cultural-media exposure, education, secularization, materialistic orientation, value-free environment, moral degradation etc. are the outcomes of process of modernization and is as such the story of almost all the developing societies. The situation of inequality, competition, conflict and anomy has led to what is characterized as 'domestic violence against women'. Urbanization has created a 'dual role' for women, one in home and other in office. In this process of adopting new role and status, they exposed themselves to new problem of 'domestic violence'. At home, they face problems like competition, conflict,

jealousy, discrimination, harassment, dowry-demand, post-marital discard and disharmony, mental and physical torture, dowry-deaths, psychological problems and so on.

More so, ever since the insurgency and eruption of turbulence in early nineties in the state, the violence against the women has attained alarming proportions besides assuming new and ferocious dimensions. The twin processes of militancy and militarization has unleashed a new wave of terror and violence against the people of valley especially women. Like women in other conflict zones, they have been raped, tortured, maimed, and killed. Both security forces and armed militants systematically used rape and sexual assault as a weapon to punish, intimidate, coerce, humiliate, or degrade women (Global report on women's human rights 1993). The incidents of domestic violence have gone up due to the impact of conflict, as men folk are being daily humiliated by the army and police bruising their self esteem and crushing their self confidence. This in turn severely affects the psychology of the men who in order to regain and assert their authority, stature, status and manliness, coerce women into submission (Kumar, 2006). While the misuse/partial-use of gun by pro-government and pro-freedom militants led to a series of violent acts against women, the state-sponsored gun in the hands of military and para-military forces led to all sorts of excesses against women, including abusing their chastity. The former kind of violence has no social, legal and political legitimacy, while the latter seems legitimized by draconian laws like 'Disturbed Areas Act' and 'Armed Forces Special Powers Act'. It has now been established that violence against Kashmiri women, especially rape, has been used by Indian security forces as a weapon to impose collective punishment. The rape incidents in Kunan Poshpora, Kupwara, Trehgam and at other places in the valley are heart throbbing examples. The gruesome rape and subsequent murder of two women, Assiya and Neelofer, in Shopian represent the climax in this wave of violence against women. The mysterious case of "honour killing" of a young girl named Zubaida aged 18 years at the hands of her brother and two sisters at shoollipora in Budgam district of Kashmir valley has opened another chapter of women violence in valley (Indian express, August 28, 2012). From dowry disputes to domestic violence and female feticide to honor killings, from eve teasing to molestation to rape, Kashmiri women have entered into an era of insecurity and helplessness.

The staggering crime and violence against women community has invited the concern across the various quarters in the state on the behalf of civil society, bureaucracy, NGO's, Feminist movements etc. In this regard, the figures presented of last three years by the State Government in the Legislative Council on March 2013 shows a total of 9634 cases involving rape, molestation, kidnapping and abduction of women and girls in Jammu and Kashmir with a yearly break up as shown in the graph as:



**Figure 2 : Graphical Representation of violence against women in Kashmir from year 2010-2012**

**Source:** National Crime Records Bureau

As per the figures submitted by the State Government in the Legislative Council on 23rd March, 2013, the graph has shown steep increase during the last three years with 2763 cases registered in 2010, 3330 in 2011 and 3541 in 2012. These cases include rape, gang rape, kidnapping, molestation, eve teasing, dowry death, abetment to suicide, cruelty by husband and suppression of immoral trafficking. Pertinently, the data as presented in the legislative council revealed a shocking trend – capital cities of Jammu and Srinagar witnessed the highest number of such cases. Srinagar district tops the list with 1189 cases followed by 880 in Jammu and 835 in Anantnag.

Violence against women is increasing day by day in the State. Domestic violence by in-laws has the highest number of registered cases under RPC that are being filed by victims and demand for dowry is one of the main reasons behind domestic violence by in-laws. Violence against women particularly intimate partner violence and sexual violence against women are major public health problems and violations of women's human rights. According to State Women's Commission Chairperson, Shamima Firdous, risk factors for being a victim of intimate partner and sexual violence include low education, witnessing violence between parents, exposure to abuse during childhood and attitudes accepting violence and gender inequality. Not only the intensity of crime has increased manifold in the valley, but the nature of crime has also undergone a sea change. This is evidenced by the recent inhuman happenings where the so called faith healers have indulged in illegal sexual practices by deceiving innocent women and young girls in the name of religion. Though, we have various legislations in country and the state for safeguarding and empowerment of this marginalised community, the problem is that either such legislations are awaiting their proper execution or the said legislations have become outdated and need immediate modifications in the light of changing nature of crime and violence against women in the state. Further, the gap between various legislations aimed at empowerment of women in the state and their execution needs to be bridged.

### Tail Piece

In spite of numerous social legislations and constitutional guarantees aimed at equality of sexes and empowerment of women, gender equality is still a myth. The issues of gender equality have been reverberating publicly in society for decades all together now. Rampant discrimination and exploitation of women still continues. The incidence of bride burning, women battering, molestation and rape, and brazen ill-treatment of women are on the increase throughout the globe. Women constitute almost half of the population of world. Woman is the complement of man, and not inferior. Though in India, they are referred to better half of men, still they are facing all the ordeals at the hands of society and are exploited in all possible manners. Their discrimination and exploitation in father's house, in-law's abode and at work place are still the orders of the day. Both man and woman play a vital role in the creation and development of their families in particular and the society in general. Indeed, the struggle for legal equality has been one of the major concerns of women movement all over the world. To this end, there has been a number of Commissions and Committees on women's problem. The end result to this long-drawn battle for real equality of women so as to prevent them from further exploitation and discrimination in India has been 'National Commission for Women' established under the National Commission for Women Act, 1990. "National Policy for the Empowerment of Women 2001" on the behalf of the Department of Women and Child Development in the Ministry of Human Resource Development represents a way forward in this direction. The goal of this policy is to bring about the advancement, development and empowerment of women. To consolidate the preliminary gains, "Women Reservation Bill" was introduced in Parliament on 6<sup>th</sup> May, 2008 as the Constitution (108 Amendment) Bill 2008. This Bill seeks to ensure 33% reservation for women in Parliament as well as in the respective State Assemblies. This step would go a long way in empowerment of women. However, the ground realities still negate all state and national level provisions that have been formulated so far, for the sake of empowerment of women. Even after more than six decades of independence, women are still one of the most powerless and marginalized sections of Indian society. The country's 10<sup>th</sup> rank in "gender biasness" out of 128 countries all over the world is a testimony towards this fact. One concurrent example of gender discrimination is "glass-ceiling" effect, which represents invisible barriers where women are deprived of opportunities at all levels of employment and are discriminated only because they are women. No doubt women have the potential to achieve an equal footing with men, but, it is the social practices and male attitudes that are making an effective and invisible barrier thus preventing women from rising above a certain point. One consequence of sex stereotypes is that women achievements tend to be devalued or attributed to luck or effort rather than ability or skill, and therefore this stereotype has the potential to reduce organizational awards that they deserve to receive. Men are taught to apologize for their weaknesses but women for their strengths. Fight for justice by females or cry for gender equality is not fight against men. It is fight against those traditions which have chained women by laying down different norms for men

and women. It is men who must realize and accept the fact that women are equal partners in life having an equal identity.

Conclusively, it can be said that woman who is equally contributing to the development of any social set up, but still treated as a second citizen in all respect. The emancipation of women is not a simple matter. Women are the only oppressed group in our society who live in intimate association with their oppressors. Empowering women thus aims to inspire them with the courage to break free from the chains of limiting belief patterns and societal or religious conditioning that has traditionally kept them suppressed and unable to see their true beauty and power. It requires an attitudinal change of husband, other family members and society as a whole towards the women. Empowerment of women can be achieved only if their economic and social status is improved. This can be possible by adopting definite social and economic policies with a view of total development of women and also by making them realize that they have the potential to be strong human beings. The first and foremost priority should be given to the education of women, which is the grassroot problem. According to Mahatma Gandhi, "If you educate a man you educate an individual, but if you educate a woman you educate an entire family." Our predominant patriarchal system doesn't provide enough chances for women to have higher education even if they wish. Girls should be motivated to take up higher education. Universal education for all below 14 years should be strictly implemented. Gender sensitive curricula should be framed at all stages of primary education to address sex-stereotyping menace. It is also necessary to sensitize the other sex towards women. It is important to usher changes in the societal attitudes and perceptions with regard to the role of women in different spheres of life. The education and empowerment of women throughout the world cannot fail to result in a more caring, tolerant, just and peaceful life for all. Women should be allowed to work and should be provided enough safety and support to work. Legislations such as Equal Remuneration Act, Factories Act, etc, constitutional safeguards such as maternity relief, and other provisions should be strictly followed. Macroeconomic policies would help in this drive. Through economic empowerment women's emancipation could be realized. They should be provided with proper wages and work at par with men so that their status can be elevated in society. Political empowerment of women is necessary for their emancipation. In recent years many steps have been taken so as to increase the participation of women in the political system. The Women reservation policy bill is however, a very sad story as it is repeatedly being scuttled in parliament. Further, there is the Panchayati Raj System, where women have been given 50% representation as a sign of political empowerment. Apart from these, strict implementation of programs and acts should be there to curb the malpractices prevalent in the society. Strict measures should be taken for the implementation of Prenatal Diagnostic Techniques Act 1994, which prohibits any prenatal diagnostic tests and sex selective abortions. Dowry prohibition acts and other legislations pertaining to women emancipation must be implemented strictly.

The struggle for gender justice will be slow, strenuous and protracted, as the change cannot be brought about easily. There is a dual need for social change and

also an utmost need to address the root causes of violence against women. Educating and organizing community awareness programmes is prudent besides public policy advocacy on the issue. Massive campaigns, media coverage, huge public deliberations etc. ought to be organized so that honor killing and other forms of crime are checked and also to infuse an attitudinal change in public towards women. Women must come to their rescue themselves besides helping each other in their fight against violence. But, being a social issue, it affects many others and the system as a whole. In a democratic polity and society, violence against any section can't be condoned. Right thinking men, too have to be drawn into the movement against violence. Attitudinal change in society is required if women are to live in the world as free human beings without fear. Women violence has to be fought at emotional, cognitive and action levels involving a three-tier system of individual, society and the state. Active participation of grassroots functionaries and non-governmental organizations in a big way would help in shaping the community approach in tackling the issue of women crime and violence.

A wider social campaign/movement ought to be launched in order to make women aware of her legal rights and position in the society. Only then can we imagine a society which can safeguard the dignity of a woman and hence, the development of a nation.

### References

- Beauvoir, S.D. (1969). *The Woman Destroyed*, translated by P. O'Brian, New York: Putnam.
- Buch, N. (2010). *From Oppression to Assertion: Women Panchayats in India*. India: Routledge Commission of Sati (Prevention) Act. (1987). Retrieved from <http://nrcw.nic.in/>
- Dabla, B. A. (2007). *Multi-Dimensional Problems of Women in Kashmir*. New Delhi: Gyan Publications.
- Girls Not Brides*.(n.d). Retrieved from <http://www.theelders.org/docs/child-marriage-factsheet.pdf>
- Global Report on Women's Human Rights. (1993). Retrieved from <http://www.wwda.org.au/hrwgolbalrept1.pdf>
- Jayal, N.G. (2006). Engendering Local Democracy: The Impact of Quotas for Women in India's Panchayats. *Democratization*, 13(1), 15-35.
- Kumar, A. (2006). *Women and Crime*. New Delhi: Anmol Publications.
- Millett, K. (1974). *The sexual politics*. New York: Vintage.
- Trial by fire. (2004). *Communalism Combat*, 10 (96). Retrieved from <http://sabrang.com/cc/archive/2004/mar04/sreport3.html>
- Unicef. (2010). *Statistics*. Retrieved from [http://www.unicef.org/infobycountry/india\\_statistics.html](http://www.unicef.org/infobycountry/india_statistics.html)