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## Violence against women

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### Abstract

Violence against women exists in various forms in everyday life in all societies. Women are beaten, mutilated, burned, sexually abused and raped. Such violence is a major obstacle to the achievement of peace and other objectives. Women are raped in all forms of armed conflict, international and internal, whether the conflict is fought primarily on religious, ethnic, political or nationalist grounds or an combination of all these. Despite some legal frameworks the IPC and others, and international laws for the protection of women, this implicit notion-crimes against women-persists'. Women empowerment is still a debatable issue in India. She is still treated as a second class citizen especially in state like Jammu and Kashmir and the reasons are, besides illiteracy, customs, traditions, poverty, ignorance, her own lack of interest and motivation. Her lack of interest in her own empowerment leads to such (governmental) policies, which lack proper insight and direction.

**Keywords:** violence, women

### 1. Introduction

Violence against women is a common occurrence in most societies whether the violence is physical or mental. Women and girls are generally looked down upon, trapped within cultural framework, mounded by rigid perceptions of patriarchy. As a result violence against women is viewed as a normal phenomenon even from the women's perspective. Women suffer multiple forms of violence including domestic violence, rape, dowry deaths, sexual harassment, suicide, forced marriage, trafficking and other psychological and financial oppression. Violence against women has become one of the most visible social phenomenon. The alarming global dimensions of female-targeted violence were not explicitly acknowledged by the international community until December 1993, when the United Nations General Assembly adopted the Declaration on the Elimination of Violence against Women. The Declaration is the first international human rights instrument to exclusively and explicitly address the issue of violence against women. It stated that, "any act of gender based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threat of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life. The World Health Organization (WHO) reports that "violence against women and girls is a major health and human rights issue" (WHO, 2009). The Convention on the Elimination of Discrimination against Women (CEDAW) was an important development in the recognition of women's rights. Numerous incidents of crimes and violence committed against women in conflict can be used to emphasize the point that women are the most victimized creature in conflict or violence, whether armed, civil, or the other. Women are raped in all forms of armed conflict, international and internal, whether the conflict is fought primarily on religious, ethnic, political or nationalist grounds or an combination of all these. They are raped by men from all sides-both enemy and 'friendly' forces. There have been reports of rapes and other forms of sexual abuse committed by members of United Nations Peace Keeping Forces; women are not free from interference even from those who are in the territory with an international mandate to restore international peace and security. According to UNICEF rape was prevalent in conflict zones in Sudan, Chad and the Democratic Republic of Congo. It is estimated that more than 200,000 females living in the Democratic Republic of the Congo today have been raped in recent conflicts. Taliban (2001), regime treated women worse than any other society. They were forced to cover themselves from head to toe, even covering their eyes. Women doctors and teachers were forced to become beggars and even

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prostitutes in order to feed their families. During Iraq invasion of Kuwait in 1990 (August) it is estimated about 5000 Kuwaiti women were raped by Iraqi soldiers, and after the liberation of Kuwait large number of foreign domestic working women in Kuwait were attacked and subjected to sexual violence from subsequently returning Kuwaitis; women in Rwanda who are caught up in the vicious civil war or Rwanda genocide in that country; women in Kashmir who have suffered rape and death under the administration of Indian Army.

## 2. Violence against women in India

India in this case represents an alarming situation with multi-faceted crimes invented for women. From the beginning female gender is facing the brunt of discrimination. A girl is asked to stay at home, while her brother enjoys the fruits at all places. After marriage the wife is tortured for dowry and abused sexually in the market. Violence against women is amongst the most serious threats to overall development and progress of India. Widespread violence and repression in numerous forms puts women's lives at risk in almost all parts of the country. Assaults on women are often visibly associated with their social status, their communal, ethnic and caste identities. Implicit in all this is the treatment of women as private property, to be protected by men of particular family, social, communal and caste groups. The notion that women need protection is linked to the traditional value placed upon their virginity and chastity. This has influenced the legal treatment of women as well, both in the provisions of the Indian Penal Code (IPC) and injustice procedures. The crimes against women identified under the IPC are the following:

1. Rape (Sec 376 IPC).
2. Kidnapping and abduction for different purposes (Sec 363-373 IPC).
3. Homicide for dowry, dowry deaths or attempts to commit such crimes (Sec 302/304B IPC).
4. Torture, both mental and physical (Sec 498-A IPC).
5. Molestation (Sec 354 IPC).
6. Sexual harassment (Sec 509 IPC) (referred to as 'eve-teasing' in the past) 3.
7. Importations of girls (up to 21 years of age, Sec 366-B IPC).

Despite some amendments to the IPC, this implicit notion-crimes against women-persists'. According to statistics published by the National Crime Records Bureau (NCRB) in 2002 a total of 147,678 crimes against women were reported. A recent figures show crime against women is increasing. A total of 1,85,312 incidents of crimes against women were reported in the country during 2007 as compared to 1,64,765 in 2006, recording an increase of 12.5% over 2006. In 2007, 20,737 rape cases were reported as against 19,000 rapes in 2006 which show an increase of 7.2% in 2007 over 2006. In the total victims of rape in the country in 9.5% (1,972) were girls under 15 years of age, while 15.2% (3,152) were teenage girls (15-18 years). Dowry related violence against married women by the families they marry into is a phenomenon that is on the increase in the country. In 2006, 7,618 dowry deaths were reported. These cases have increased by 6.2% with 8,093 cases reported in 2007. Torture, cruelty by husband and relatives is not new in India. A total of 75,930 incidences

were (Rate 6.7) reported in 2007. Torture cases in the country have increased by 20.3% over the previous year (63,128). The highest rate of 15.7 was reported from Tripura as compared to the National rate at 6.7.

Violence against women is partly a result of gender relations that assumes men to be superior to women. Given the subordinate status of women, much of gender violence is considered normal and enjoys social sanction. Cultural and social factors are interlinked with the development and propagation of this violent behaviour. The family socializes its members to accept hierarchical relations expressed in unequal division of labour between the sexes and power over the allocation of resources. The family and its operational unit is where the child is exposed to gender differences since birth, and in recent times even before birth, in the form of sex-determination tests leading to feticide and female infanticide. The home, which is supposed to be the most secure place, is where women are most exposed to violence. There are many potential perpetrators, including spouses and partners, parents, other family members, neighbors, and men in positions of power or influence. Most forms of violence are not unique incidents but are ongoing, and can even continue for decades. Because of the sensitivity of the subject, violence is almost universally under-reported. Nevertheless, the prevalence of such violence suggests that globally, millions of women are experiencing violence or living with its consequences. Kashmir in this case represents a unique scenario. Kashmir has been in Conflict more than two decades and the continuance of violence have repercussions on the general population, most importantly women.

## 3. Kashmir

It is generally believed that the traditional society of Kashmir about 60 years back was absolutely crime-free. The dominant majority of population had neither witnessed nor heard of any major crimes committed by its members. But, today, the same society stands at its opposite extreme. Broadly speaking, this alarming situation has emerged in the valley in the background of two distinctive processes of modernization and militancy-militarization. The first sets of factors are directly related to the process of modernization, particularly urbanization, cultural-media exposure, migration, materialistic orientation, value-free environment, moral degradation and so on. Urbanization has created a 'dual role' for women, one in the home and other in the office. In this process of adopting new role and status, they exposed themselves to new problem of 'domestic violence'. While 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. This violence against women is not only of intra-sex nature but of inter-sex too. It means that violence was committed against women not only by men only but by women too. On the other hand, militancy and militarization has unleashed a wave of violence against societal groups, classes and communities, especially their women. While the misuse/partial-use of gun by pro-government and pro-freedom militants led to 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. Moreover, the fact stands with strong evidence that molestation and rape against women in Kashmir was started in an organized way by these forces.

### 3.1 Rape

Ahmad, B. Ajay Sharma R, Sapna Dua (2012) <sup>[1]</sup>. Argued that unlimited rape has taken place in Kashmir valley. The gruesome rape and subsequent murder of two women, [Assiya and Neelofer] in Shopian in 2009 represent the climax in this wave of violence against women. In 1991, more than 800 soldiers of the Fourth Rajput Regiment raped 23-60 women in the course of one night, in Kunan Poshpora, under the guise of interrogating local men. An enquiry was conducted by The Indian government and the Press Council of India, the team, concluded that the women had lied about the rapes. Women raped in Kunan Poshpora, most of the women remain unmarried ten years after the atrocities took place. The village has become known as the "village of the raped women". Ramachandran notes, "Raped women are thus victimized by more than one aggressor-the rapist and then their own society". In another rape case in May 1990 a young bride Mubina Gani, was detained and raped by BSF soldiers in Kashmir, while the (bride's) marriage party was taking the bride to bridegroom's home. After the incident was publicized in local and international press, an inquiry was ordered. Although the inquiry concluded that women had been raped, the security were never prosecuted. In another incident October, 10, 1992, an army unit of 22nd Grenadiers in Chak Saidpora, Shopian, raped six to nine women, including an 11 year girl and 60 year old woman, (p. 95-108).

### 3.2 Militancy

In Kashmir, the militants have imposed traditional dress on women. Since the late 90's they have insisted that women cover themselves up with the *Burqa* as it is viewed as a "part of Islam". If women are seen outside without proper attire, they are attacked. Women who chose not to cover their hair or wear trousers have experienced acid and paint thrown on their faces. Militants have also shot women in their legs to teach them a lesson. Women are required to

dress simply so as to not attract attention of men. The draconian methods employed to enforce the *purdah* in another way through which the militants extend their control over Kashmir.

### 3.3 Domestic violence

Domestic violence against women is on the rise in Jammu and Kashmir. Even the educated and the economically independent women are at the receiving end, "My higher qualification above that of my spouse became the biggest drawback as my in-laws suspected me of dominating their son and turned me out of their house," lamented Vandana, 25, a PhD holder working as a lecturer. There are several instances like this across the state. Police figures show an increase in domestic violence cases, mostly relating to matrimonial disputes and family squabbles. Official statistics reveals that the police have registered 8260 cases of crime against women in last four years which include 6 dowry related deaths, 520 rape cases, 2536 kidnapping, 1103 eve teasing and 151 cases of cruelty by husband besides there have been 3944 cases of molestation in Kashmir in that period.

### 3.4 Psychological violence

Hundreds of women have to bear the brunt of psychiatric problem, due to the absence of their husbands from home for materialistic pursuits. Zarina, (Posh Colony Srinagar. Age: 35 yrs.) Lives with 7 year old son and mother-in-law. Her husband-Salman working in Bangalore spends 15 days a year with family. Shaista, her husband-M. Ashraf (Eng.) working in Middle East since 15 years visits family one month in two years.

### 3.5 Harassment for dowry

Harassment for dowry too is one of the most common complaints lodged with the police. In 2008, 772 complaints were received while as the number of cases in 2009 doubled to 1272 and in 2010 in just three months 191 complaints were reported. (Hindustan Times, Jammu, April 12, 2010, Violence against women on the rise in Jammu and Kashmir, Pallavi Sharma).

The official figures of these atrocities are far too less than the reported ones. But in all likelihood, even if the figures are cumulated it will turn out to be a more typical story: a brutal killing of a woman that goes unprosecuted, unpunished and forgotten.

Harassment for dowry

Year	Rape	Kidnapping of women	Molestation	Eve Teasing	Cruelty by Husband	Dowry Deaths	Total
2006	119	526	815	233	18	0	1711
2007	142	514	824	253	48	1	1782
2008	91	471	759	196	26	2	1545
2009	102	579	823	259	35	3	1801
2010 Upto Oct.	66	446	723	162	24	0	1421
	Total cases of rape in last 4 years = 520	Total cases of kidnapping in last 4 years=2536	Total cases of Molestation in last 4 years=3944	Total Eve Teasing cases in last 4 years=1103	Total cases of cruelty by husband in last 4 years =151	Total cases of dowry deaths in last 4 years=6	Total cases of crime against women in last 4 years=8260

Sources: [http://www.peacewomen.org/news\\_article.php?id=2855&type=news](http://www.peacewomen.org/news_article.php?id=2855&type=news)

**Census 2011:** Jammu & Kashmir, which was once hailed by UNICEF in its 1994-96 study as a place where no female foeticide took place, has suddenly become averse to the fairer sex. The child sex ratio of J&K in the age group of

zero to six years has nosedived from 941 females per 1,000 males in 2001 to 859:1,000 in 2010. In the nationwide hall of shame, J&K is at second spot, just behind Haryana, which has a ratio of 834:1,000.

The 2010 Census figures raised concerns and drew statements from across the political spectrum and civil society who were outraged at the revelation. An attendant Hameeda, at the Lalla Ded Hospital for more than 25 years, has been watching the growing reluctance of parents to have a girl child. "I always see pregnant women praying for sons in the labour rooms, anxious husbands waiting for the delivery and enquiring first about the sex of the child, and the falling shoulders and disappointed faces when a girl is born. The population of girls will keep going down," warns Hameeda.

In 2001, six districts showed a positive sex ratio in the 0-6 age group, including Kulgam (1,046:1,000), Kupwara (1,021), Shopian (1,011) and Ganderbal (1,014). In the latest census, the number of girl children in these districts has slipped into the 800s.

University of Kashmir law faculty Gul Afroz Jan, who did a survey on female feticide in 2007, found that 13 percent of the diagnostic centers in the Valley carried out gender determination tests despite it being illegal. Of the 100 respondents, about 10 percent said they have gone for such tests. Of those, 30 percent had done the test for the second time and had already aborted a girl child. The reasons for aborting the girl child, Jan says, were pressure from the husband (in 30 percent of the cases), pressure from in-laws (40 percent), joint decision of the couple (20 percent) and the wife's choice (10 percent).

#### 4. Conclusion

The list of crimes that are committed against women is endless extending from simple harassment to even denying them the very right to existence. There is an increase in heinous crimes which were earlier unheard of in is part of the world. The crime rate is quite alarming in the vicinities like slums but according to their understanding and social set up, they do not take them seriously. The back to back gruesome incidents of kidnapping, rape and killing of innocent girls is eating our moral foundations of the society. The constitution and law, no doubt, have respect for the dignity of womanhood and the debates in media are coming out for the violence committed against women. But there is a need to prevent and control atrocities against women at all levels.

#### 5. Suggestions/Remedies

The suffering of violence, being deep rooted in our custom is considered a duty by the women, even highly educated who take it as their fate to be alive along with all violence. The violent acts can occur in many circumstances where people will not acknowledge them normally. A change in the attitude of women themselves the parents and other people is the need of the hour. The women have to have courage to rise against the atrocities and report them. There is a need for creating a new social and cultural order based on values eliminating the social stigma attached to different crimes against women. The ban on liquor is necessary, as recent research has shown the crimes are usually, committed under the influence of liquor. The latest increase in crime has led the conscious citizens of the land to think about the elimination of crimes against women by making women to keep knives and even ground pepper to be thrown in the face of criminal and shouting for not help but fire as reported in Greater Kashmir (25th of July 2007) by, Leader of a women's self-defense course in Cologne-Koln,

Germany 2. But the need is for rebuilding the social fabrication and cultural values above gender biases, hatred, prejudice and giving way to lament against animal instincts. The theoretical equality to be replaced by true equality by mobilizing a favorable public opinion towards women.

- **Awareness generation:** In many cases the women are not aware of their rights and protection provided by the law. The young girls are to be educated about their self-image rather than self-effacing. The legal education at school level curriculum can aware our girls with the enlisted crimes and their procedures, the stories of the plight of women due to dowry system and other social evils can help them in rethinking about the women. The single woman cannot work but is to be strengthened along with parents, teachers and organization and create an environment of hostility against specific offenders. The girls are to be trained in defense mechanism to defend themselves against sexual violence at school in the form of curriculum activities. The media has to play the role of awareness rather exploitation of woman in indecent exhibition for marketing their items. The need for developing a humanistic approach to the victims of crimes is necessary for their rehabilitation.
- **Economic empowerment:** Besides social awareness, the social change can be brought about by economic empowerment. The girls are to be made capable of an independent source of earning. The absence of earning often compels women to live with all types of torture against them. Though economic empowerment may not eliminate dowry torture and sexual violence but definitely minimizes the occurrence of such incidents.
- **Improvement in legal redressal mechanism:** There should be a change in attitude and values of police and judicial officers, the shattered image of a policeman as an irresponsible and corrupt person is to be changed. The fear of going to a police station is to be eliminated at the time of training to a new recruit in police and judiciary they are to be trained and made aware about the cases dealing with women in view of their change of attitude and behavior.

People are losing confidence on police and other institutional agencies because of their callousness in taking action against the suspect /accused. The redressal mechanism should be strengthened and made accountable for non-follow up of the reported cases. A better co-ordination between the different redressed agencies should be ensured to provide optimal benefits of victims in availing justice. A case is supposed to be investigated at the earliest and not later than three months, but due to delay in investigation beyond three months and non-submission of challans in time, the court either bails out the culprit or release them after three months because they cannot be kept in jail for more than 90 days. Once the culprit comes out of the jail, it becomes very difficult for the harassed women or their relatives. No police protection is provided to her. Thus, we find that out of 10 cases reregistered by the police, perhaps only one culprit is punished. It is suggested that a delinquent police officer should be prosecuted and punished.

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