



## DOMESTIC VIOLENCE IN JAMMU AND KASHMIR: A STUDY

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### ABSTRACT

Women are becoming the victims due to domestic violence, social practices, armed conflict, and militancy in the state. They are not only suffering from penetrating humiliation and harassment but also suffering from shocking experiences with continued depression that left them mentally ill. The conflicting situation in Jammu and Kashmir has snatched the women's right and hit their hardship. No one knew how many women became widow and also having the responsibility of upbringing their children. The researcher used the secondary sources of data and came to the conclusion that women in many regions of Jammu and Kashmir are still facing the issues and challenges related to education, health, domestic violence, politics, declining sex ratio, state violence, dowry harassment, eve teasing, unequal wage, child labour and female feticide and infanticide etc. To overcome these issues central government, state government and NGOs should work together for the empowerment of women in Jammu and Kashmir.

**Keywords:** *domestic violence, women*

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### INTRODUCTION:

Domestic violence is a problem that affects people of all ages, genders, and walks of life. It is estimated that one in four women will experience domestic violence in her lifetime. While domestic violence can happen to anyone, the vast majority of victims are women. Domestic violence is a pattern of behaviour in which one partner uses fear and intimidation to control the other. It can include physical, emotional, financial, or sexual abuse. Domestic violence is not just a problem between two people; it affects the whole family. As per the protection of the women from the domestic violence act 2005 says that any act, conduct, omission that harms or injures or has the potential to harm will be considered as domestic violence by the law. According to the National Family Health Survey report of 2015-16, 57.5% of women aged 15-19 in Jammu and Kashmir indicates that a husband was justified in hitting his wife for reasons like not respecting his in-laws (44%), arguing with him (38%), if the household and children were left neglected (37%) or if he suspected her of being unfaithful or cheating (25%). The latest report released in November 2021 shows the percentage of women has decreased to 47.6%. The 2021 report showed that 11% of married women in J&K had experienced physical or sexual violence in their lives, with the husband being the typical perpetrator. The 2015-16 report and the 2005-06 report showed the percentage to be 12% and 13% respectively. According to a research study by the BMC Women's Health analysing the prevalence of domestic violence in India between 2001-2018, Jammu and Kashmir was one of five states showing a 160% increase in reported crime rate under 'cruelty by husband and relatives. The report finds a 53% increase in this category over 18 years. The crux of this whole scenario is that whether it is Kashmir or any others part of the world, a woman must be respected and privileged with all the rights she deserves. But the story does not end here, as it is also important for them and their husbands to develop a mutual understanding that will not only help them progress as a couple, but it will surely shape them as good parents. It is on all of us to give women the safest space where she needs to speak up and be heard and teach the next

generation and also learn from them. So, everyone should learn the ways to help them and give them full support, standby them so that every woman can raise the voice against violence.

**Methodology of Research:** This Research paper based on a case study of different papers and tries to find out the actual face of women in Valley.

**Limitations**

This study is based on the case study method of different research paper. Therefore, may be some overlapping of data. In this paper mostly data is use in secondary manner there for authenticity some time on the plane of question.

**RATIONALE:** Domestic violence is a serious issue and is increasing day by day as the man progresses issues of domestic violence also come to limelight. Jammu and Kashmir is the second lowest state with 13 percent of domestic violence after Himachal Pradesh which has just 6 percent of domestic violence, lowest in India (NFHS, 2006). The study tried to look into domestic violence in Jammu and kashmir in a low economic area, and tried to understand various aspects related to domestic violence, social economic administrative etc

**Domestic Violence:** Violence as a way of achieving Racial Both Impartial and immortal Domestic violence is increasing in the Kashmir Valley while the studies carried out revealed that more than 40 percent of women in Kashmir are physically or mentally abused by the husbands or by the in-laws. most of the cases of domestic violence, the reasons are dowry, interference from in-laws, misunderstandings, giving birth to female babies and it results in a steep rise of the number of domestic violence cases in Kashmir A study sponsored by State Women Commission, J&K, and carried out by Valley's well-known Sociologist, Prof. Bashir Ahmad Dabla in 2003revealed that '40 percent women in Kashmir were physically abused by husbands.' State Women Commission J&K receives 1600 - 1700 domestic violence cases every year but majority cases come from the Kashmir Valley. There is rise in domestic violence against women in the Kashmir Valley especially in Pulwama, Badgam and Srinagar, while Jammu region witnesses less domestic violence cases than the Kashmir valley, reveals the State Women Commission's figures. There is also an alarming rate of females, who commits suicide because of the harassment they face by the in-laws. Numbers of suicide cases by women were also increasing in Kashmir and the reasons found were domestic violence. "Dowry is one of the main reasons for domestic violence. If there is no dowry system, there will be no violence. There is also need to make certain amendments in laws for the protection of women." About the half -widows in the state, whose husbands have been disappeared from the past 20 year of armed conflict. Kashmiri woman urged government to give some monetary benefit and compensation to these half-widows.

**Eve Teasing:**Dirty Smoky comments break the beauty of Valley Despite being caught in conflict and subjected numerous physical and mental traumas, women of Jammu and kashmir have shown great character and strength in competing with their counter parts in any other part of the world. At whom, they take care of the house hold chores and outside, they are successful Teachers, Doctors, Engineer and what not. An added feature of the modern-day Kashmiri women in her tendency and capacity to step out in her choice of work in any other country. Since the existence of this world, women are subjected to different kinds of violence. with the change in the life style and with the advent of modernization. The forms of violence and nature of crime against women has also changed. This has put a lot of challenge before women folk. There are certain social challenges which might prove suicidal for any such health trend among the women. Today one among the alarming issues is eve teasing in our public transport which women often come across. This is something which needs to be taken care. Transport has become challenge for women folk who, every now and then, have a complaint of teasing and feel frustrated at the alarming increase in such incidents. It has also become nightmarish for womenfolk as, since local buses are usually over loaded. Some ill-mannered and undignified people take undue advantage of the situation unnecessary pushing and managing closeness with women; needless gazing and staring have become the order of the day and thus creates an extremely embarrassing situation for women folk. Moreover, there are only a few people who would raise their voice against the menace and if such a



situation arises, at times pin-drop silence is maintained by even those who are brewing with fresh and young blood in veins. Men need to show respect towards the females. Rather than a being a part of menace, they should be guardians of the chastity of their mother's, sister's, and daughter's. The Government and Civil Society need to make sure that the already established laws are followed in letter and spirit. (Bashir, 2012). Though some time back, Government did start the ladies Bus service but the fate was very unfortunate? Nothing came out from idea and the service was the closed down. And recent developmental initiative had been taken by the officials who reserve eight seats for female passengers which seems as other joke as over loading is a normal routine now and the seats just not possible. One can't deny the fact the population of people has increased at a fast speed in the Jammu and Kashmir particularly in Srinagar matter from getting bad to worse perhaps, education and educational institutions can play a better role in this regard.

As per the official data, in 2020, 79 complaints from J&K were received by NCW, followed by 157 in 2021. In the year 2022, NCW received 144 complaints and 32 till March 8, 2023. Besides, the NRI Cell of National Commission for Women received 17 complaints related to violence against women from UT from 2020 till March 2023. A total of 90174 complaints of crimes committed against women were received by the NCW across India during the last three years and current year till March 8. Nearly 31,000 complaints of crimes committed against women were received by the National Commission for Women (NCW) in 2022, the highest since 2014. In 2021, the NCW had received 30,864 complaints while in 2022, the number slightly increased to 30,957. According to the 2011 census, there are 64 lakh women in Jammu and Kashmir and the crime rate per lakh population in 2021 stood at 61.6. Earlier, National Crime Records Bureau (NCRB) has said that Crimes against women in Jammu and Kashmir recorded an increase of 15.62 percent in 2021 compared to the preceding year. The National Family Health Survey (NFHS) conducted by the Union Ministry of Health had also revealed that domestic violence against married women and sexual violence against young women have increased in Jammu and Kashmir in the last five years. To prevent cases of violence against women, the government has taken many effective measures. Violence against women and girls (VAWG) is one of the most widespread, persistent and devastating human rights violations in the world today. The Declaration on the Elimination of Violence Against Women issued by the UN General Assembly in 1993, defines violence against women as "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 threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."

Violence against women in Jammu and kashmir.

TABLE NO 1 crime head wise number of cases registered under crime against women I  
Jammu and kashmir (2001-2015)

Crime Head	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Rape	169	192	211	218	201	250	288	219	237	245	277	303	378	331	296
Attempt to commit rape	0	0	0	0	0	0	0	0	0	0	0	0	0	20	21
Kidnaping & abduction	504	596	615	632	658	723	707	656	825	840	1023	1041	949	813	1071
Dowry deaths	13	18	10	9	5	10	9	21	12	9	11	8	7	5	6
Assault on women with intent to outrage her modesty	622	785	875	990	830	960	986	935	972	1038	1194	1322	1389	1421	1343
Insult to the modesty of women	288	368	376	264	371	347	353	296	371	262	350	347	354	237	175
Cruelty by husband or relatives	50	54	71	82	76	135	176	162	196	211	286	301	428	467	400
Importation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Suicide	0	0	0	0	0	0	0	0	0	0	0	0	0	25	50
Dowry prohibition act 1961	3	0	4	2	0	2	1	2	3	2	3	3	3	1	1
Immoral Traffic Act	7	3	2	11	3	5	1	4	6	4	2	3	1	1	0
<b>Total</b>	<b>1656</b>	<b>2016</b>	<b>2164</b>	<b>2208</b>	<b>2144</b>	<b>2432</b>	<b>2521</b>	<b>2295</b>	<b>2624</b>	<b>2611</b>	<b>3146</b>	<b>3328</b>	<b>3509</b>	<b>3321</b>	<b>3363</b>

The Domestic Violence Act, 2005 provides a comprehensive framework to address the issue of domestic violence in India. It defines domestic violence as any act, omission, or conduct that harms or injures the aggrieved person, endangering their health, safety, life, dignity, or well-being. The act encompasses several provisions to protect and empower survivors:

- **Protection Orders:** The act allows the aggrieved person to seek protection orders that provide immediate protection from the abuser. These orders may prohibit the abuser from contacting or approaching the victim and can include measures to ensure the safety and well-being of the survivor.
- **Residence Orders:** The act enables the aggrieved person to seek residence orders that grant them the right to reside in the shared household, irrespective of their ownership or interest in the property. This provision prevents the victim from being forcibly evicted from their home due to violence.





- **Monetary Relief:** The act recognizes the economic impact of domestic violence and provides for monetary relief to the aggrieved person. This relief may include compensation for injuries, losses, medical expenses, and maintenance for the victim and their children.
- **Custody Orders:** In cases involving children, the act empowers the Magistrate to direct the custody of the child to the victim or the person applying on their behalf, considering the best interests and welfare of the child.
- **Counselling and Support Services:** The act emphasizes the importance of counselling and support services for survivors of domestic violence. It mandates the establishment of counselling centers, medical facilities, and shelters to provide necessary assistance, ensuring the physical and emotional well-being of survivors.
- **Legal Aid and Protection Officers:** The act promotes access to legal aid for the aggrieved person, ensuring that those who cannot afford legal representation receive free legal services. It also mandates the appointment of Protection Officers who assist the victim throughout the legal process, offering guidance and support.
- **Confidentiality:** The act ensures the confidentiality of proceedings, safeguarding the identity and privacy of the aggrieved person. It prohibits the disclosure of any information that may lead to the victim's identification.

By recognizing the signs of domestic violence and understanding the provisions offered by the Domestic Violence Act, individuals can take appropriate steps to protect themselves and seek legal intervention. It is essential to raise awareness about domestic violence, provide support to survivors, and work collectively to create a society that rejects violence and promotes equality, respect, and empowerment for all.

#### • Custody orders

Under Section 21 of the Protection of Women from Domestic Violence Act, 2005 when the Magistrate receives an application concerning domestic violence, he has the authority to direct the custody of any child or children to the victim or the person making the application on behalf of the victim.

#### Suggestions:

- 1) Law and order should be more women friendly
- 2) . 2) Law and punishment should be executed properly and neutrally.
- 3) 3) Government should take more initiative to publicity law against any violence against women.
- 4) 4) School and college teachers should be more pro-active to motivate students against eve teasing and sexual harassment. They should also teach male students to honour their classmates.
- 5) 5) To increase more female Police station in Valley.

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