

# Violence and Legal Process<sup>1</sup>: Exploring and Narratives of Kashmiri Women

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## Abstract

*The paper explores the debate of agency and victimhood of women in Kashmir Valley. Withstanding the decline in their socio-economic conditions, women express their resistance and protest, mobilize their agency to demonstrate that they are not passive victims of violence. The debate is being explored by focusing on narratives of Kashmiri women to analyze the dynamics of gendered sexual violence. The paper then investigates the role played by the legal process while understanding the agency victimhood debate. The domain of social sciences entangled with law and its functioning vis-à-vis gendered sexual violence has been focused and analyzed in this section. Although the rationale dynamics between what is spoken, what is heard, what is witnessed, what is unspeakable or unspoken is complex, but the truth of violence can be understood between the lines of women's narratives. The paper attempts to understand the female body not only through the prism of moral and cultural rules (symbols of tradition and family honour) but also from a legal aspect. The paper therefore argues how patriarchal violence operating against the women does not remain confined to the private domestic space rather moves beyond its confines into the public space. In this way patriarchy inadvertently becomes an ally of the legal processes.*

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<sup>1</sup>Legal Process is defined as the process of securing justice from the court through the means of issuing a writ, warrant, mandate or other process. The paper however focuses on the legal process and what happens in the legal process in a defined setting wherein police interviews and investigations, the medical examinations conducted, court room proceedings, cross examination of the victim by the lawyers, the language and vocabulary used by the lawyers while questioning, becomes important. The other aspect of bringing in legal process is to analyze the exceptions in law and legal process vis-à-vis sexual violence of women in Kashmir. Unlike rest of the country, Kashmir stands out as a crucial exception as far as the implementation of counter-insurgency laws such as the Armed Forces Special Powers Act, Disturbed Areas Act, and the Public Safety Act are concerned. Such laws by dint of their operative provisions provide impunity to the security forces and hence obstruct the process of securing accountability against the institutional abuse of power against the civil and political rights of the citizens (here women). The legitimacy of the legal process involved in such cases therefore raises serious concerns as far as the question of providing justice to the victim is concerned.

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