



**ORIGINAL RESEARCH PAPER**

**Law**

**JUSTICE AVENUES AVAILABLE TO WOMEN IN KASHMIR**

**KEY WORDS:** women, justice, avenues

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**ABSTRACT**

This paper examines the justice avenues available to women in Kashmir, focusing on the legal protections, services, and support systems designed to address gender-based violence. It explores national and regional legal frameworks, including key legislations such as the Protection of Women from Domestic Violence Act (PWDVA) and the Jammu and Kashmir Protection of Women from Domestic Violence Act, 2010, alongside the role of One Stop Centres (OSCs), police stations, women's cells, and courts in facilitating access to justice. Despite these avenues, women in Kashmir face significant barriers, including social stigma, victim-blaming, fear of retaliation, limited knowledge of rights, weak law enforcement, legal delays, and access issues. The paper highlights the challenges posed by the region's militarized environment and cultural attitudes that hinder women's ability to seek redress. To overcome these barriers, the paper proposes solutions such as awareness and empowerment initiatives, strengthening support systems through NGOs, gender-sensitive training for law enforcement, and improving access to legal services. It also emphasizes the importance of community engagement, involving local leaders and male allies to shift harmful cultural norms. The paper concludes that comprehensive reforms, public education, and community-based solutions are essential to empower women in Kashmir, enabling them to navigate the justice system and secure protection and support from violence.

**1. LEGAL PROTECTIONS AND LAWS:**

**National Legislation:** India's legal framework includes protections like the Protection of Women from Domestic Violence Act (PWDVA) and various provisions in the Indian Penal Code (IPC) to address sexual violence, including rape, molestation, and harassment.

**Regional Laws:** Prior to the revocation of Article 370, Jammu and Kashmir had specific laws like the Jammu and Kashmir Protection of Women from Domestic Violence Act, 2010. However, enforcement and scope of these laws have changed in recent years.

**One Stop Centres (OSCs):**

Sakhi Centres provide integrated services, offering immediate help, including medical attention, legal support, and temporary shelter. These centers are part of a broader national initiative. However, their effectiveness is hampered by insufficient resources, especially in remote areas.

**Police Stations And Women's Cells:**

Women's Help Desks at police stations aim to offer a safer space for women to report violence. Additionally, Special Women's Police Cells handle cases of gender-based violence with specially trained officers.

**Courts And Legal Action:**

Women can file complaints through the court system for various types of violence, including domestic abuse and sexual assault. Fast-Track Courts help expedite cases of sexual violence.

**NGOs And Civil Society Support:**

NGOs and civil society groups provide legal assistance, psychosocial support, and advocacy, helping women navigate the justice system and raising awareness of their rights.

**2. Barriers For Women Seeking Justice:**

**Social Stigma And Victim-blaming**

Women often face social stigma and victim-blaming when they report violence, leading to silence due to fear of shame or family dishonor.

**Fear Of Retaliation And Repercussions**

Fear of retaliation from perpetrators, particularly in domestic or sexual violence cases, makes many women reluctant to

report violence. The militarized environment in Kashmir adds to this fear, as women may distrust law enforcement agencies or fear further harm.

**Limited Knowledge Of Rights And Resources**

Many women, especially in rural areas, lack knowledge about their legal rights and available support services, limiting their ability to seek help.

**Weak Law Enforcement And Legal Delays**

Police insensitivity and lack of gender-sensitive training often result in mishandling of cases. Judicial delays in court cases further discourage women from pursuing justice.

**Access To Legal Services**

Legal services are often financially burdensome, making it difficult for women from disadvantaged backgrounds to pursue legal action. Geographical barriers in conflict zones further complicate access to courts.

**Language And Cultural Barriers**

Language barriers, particularly for women from marginalized communities, hinder effective communication with authorities and legal professionals. Cultural attitudes also discourage women from engaging with the justice system.

**3. Overcoming Barriers And Accessing Justice**

**Awareness And Empowerment Initiatives**

Legal literacy campaigns can help empower women by educating them about their rights and available support services. Public awareness campaigns should also involve men and boys to challenge harmful gender norms and support survivors.

**Strengthening Support Systems**

Strengthening the role of NGOs and civil society organizations in providing legal aid and emotional support can help women navigate the justice system. Community-based support networks, such as peer support groups, can offer additional help.

**Improving Law Enforcement And Judicial Reforms**

Gender-sensitive training for police officers and judicial personnel is essential for proper handling of gender-based violence cases. Expedited legal processes and specialized women's courts can reduce the emotional and financial toll on survivors.

### **Making Legal Services More Accessible**

Expanding affordable legal services, including mobile legal clinics and online platforms, can help bridge the gap for women who are unable to access legal aid in person.

### **Community Engagement And Involvement**

Engaging local leaders, religious figures, and male allies can help shift harmful cultural attitudes and create a supportive environment for women. Collaboration with youth groups can foster gender equality and collective responsibility for protecting women's rights.

### **CONCLUSION:**

By addressing these barriers and improving the justice system, Kashmir can better support women seeking justice and protection from violence. Through legal reforms, awareness campaigns, and community-based solutions, women can be empowered to navigate the justice system with confidence and receive the safety and support they deserve. This framework provides a roadmap for tackling the complex issue of gender-based violence in Kashmir, focusing on access to justice, empowering women, and creating an environment conducive to healing.

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