INDIA: ‘Rape’ Stands in the Way of Love

By Sana Altaf

SRINAGAR, Dec 18 2011 (IPS) - A few days after his wedding in 2008, Imran* was thrown behind bars in Srinagar’s central jail for the alleged abduction and rape of his wife Shafeen. Shafeen denied the charge against her newlywed husband. It was her parents, furious that the couple married against their wishes, who ensured that the young bridegroom languished in prison for two years, until he was bailed out in 2010.

While love marriages in India give rise to honour killings, Kashmiri families are turning increasingly to the use of false rape allegations to stymie marriages and love affairs. At the session of Jammu and Kashmir State’s legislative assembly in September, the government revealed figures on the number of rape case reported in the last four years. Throughout all of Kashmir’s districts, Srinagar holds the highest number of reported rape, totaling 120 between 2006 and 2010.

But of the hundreds of pending cases in Kashmir’s district courts, legal experts say the majority of them are unsupported by sufficient evidence.

“They are mostly cases registered by parents whose daughters have eloped, opted for love marriage or are involved in love affairs,” legal advocate Sheikh Mohammad Sultan told IPS.

Sadly, real incidents of rape, molestation and abuse go unreported in the Valley because of the negative stigma attached to them.

Imran and Shafeen had been in a relationship for many years and eventually defied the girl’s parents by marrying and moving in together. They have now been married for three years.

“When Shafeen’s parents found out, they filed a complaint against Imran at the local police station alleging him of abducting and raping Shafeen,” said Irfan Mattoo, Imran’s lawyer.
The police accepted these charges and arrested both Shafeen and Imran.

“When the couple presented their Nikah nama (marriage certificate), the police tore it into pieces. Meanwhile, Shafeen’s parents forced her to lodge a formal statement against Imran,” Mattoo said, adding that women and girls’ testimonies play a major role in incriminating the accused in rape cases.

“Later when Shafeen wanted to speak the truth and change her statement, she discovered it was illegal to do so,” Mattoo said.

A three-year-long legal battle has taken a heavy toll on the couple who, despite living together with their eight-month-old son, are forced to appear in court as opponents for every single hearing.

Asma, a 14-year-old girl from the outskirts of Srinagar city, is living a similar nightmare.

“Asma was involved with a boy named Feroz, a relationship her parents were aware of. One day when Asma went missing from her home, her parents filed a complaint against Feroz, accusing him of rape and abduction,” Sultan, a legal advocate fighting Asma’s case, told IPS.

Having come from a rural background, Feroz was working as a conductor for buses owned by Asma’s father at the time of his arrest. Though Asma filed an official statement that clearly denies the charges against Feroz, her status as a minor renders the statement almost useless, Sultan added.

The couple now live together with their son while the case moves forward in court.

Sultan claims that similar cases number in the thousands all across the Valley. “Since these stories are not at the forefront of the media and people are unable or unprepared to discuss the issue, young couples often suffer in silence,” he said.

Given that Sharia law does not define a legal age for women to marry – and actually grants women equal rights as men to marry according to their wishes – experts are perturbed by society’s aversion to the written codes of Islamic law.

Social activists believe that parents and religious clerics have a huge role to play in eradicating the unjust practice of parents falsely crying “rape”.

“When Islam itself gives a girl the right to choose her own husband, why are her parents so resistant to the idea?” asked Nighat Pandit, a social activist in Srinagar.

She strongly believes that religious clerics should educate both parents and youth about the moral and religious values involved in such a choice.

Qurat-ul-Ain, a renowned columnist and independent social activist, thinks that parents should provide proper guidance to their children. She also suggested that victims expose the reality behind these false cases and protect themselves and others against the archaic practice.

*The victims’ names in this story have been changed.