Normlessness and Seeds of Criminality in Kashmir: A Social Analysis

Aijaz Ahmad Mir[1]

Abstract

Both crime and criminal have become the focus of attention in the present day Kashmiri society. It is a regrettable fact that we have not so far undertaken comprehensive macro and micro level studies of crimes in Kashmir which could have facilitated a better understanding of its causes and effects and help to devise proper remedial measures. It is evident from the facts that normlessness is the main cause of criminality in any state. So is true with the Kashmiri society. This research paper has the special focus on normlessness as the causative agent of criminality in Kashmir which is also validated by the empirical findings. The crimes in the state had been divided into three major sections with special attention on militant violence.

Crime is a disease like any other malady and is the product of the prevalent social system.

Mahatma Gandhi (1869-1948)

Introduction

Kashmir's rich ethnic and religious diversity is a microcosm of India. Jammu and Kashmir is a very ethno-linguistically complex and culturally unique State, the origins of which can be traced back to its dense history. The beautiful landscape of this disputed State bestows an ironic backdrop on one of the longest running, unresolved, interstate armed conflicts in the world. The situation which prevailed in the Kashmir Valley after 1947 was near-crime free. Not many major crimes where heard or reported. But, in the following decades the situation started changing with the ongoing processes of urbanization; finally, the military situation intensified the minor and major trends of crime in Kashmir. As per Transparency International's Corruption Perceptions Index Kashmir ranks 2nd in the most corrupt states overall with Bihar the most corrupt state.[2] Reports of Union Ministry of Home Affairs and State Home Department when compared reveal that incidences of normal crimes reported and registered in the year 2006 is 13 times more than the military related crimes. Recent News papers, editorials in Kashmir are focusing attention on crime as a matter of serious concern. Both crime and criminal have become the focus of

---

[1] Research Scholar, Department of Sociology, University of Kashmir, India, aijazaijazmir@gmail.com

[2] *Mail Today*, 2008(Wednesday, September, 24), p. 4

attention in the present day Kashmiri society. It is increasingly realized that as crime is a phenomenon that is to be reckoned.

It is generally believed that the traditional Kashmiri society of 100 years back was nearly a crime free society. It follows that crimes were neither committed in an organized way in that society nor were reported by people at large. The dominant majority of people in that situation lived a peaceful non violent life in which they witnessed or heard about any major crime. In actuality, their existed a non violent social ethos in the extreme form and any kind of violent or criminal act was considered undesirable and condemnable.[3] But today's Kashmir is a different Kashmir with both traditional and modern crimes comprising of murders, rapes, dacoity, arson, eve-teasing, dowry deaths, economic crimes like corruption, drug trafficking, smuggling, wild life trafficking, crime against women and children etc . Ministry of Home Affairs in its annual report mentioned that 1667 military related incidents were reported in year 2006. Simultaneously, state department says that 23492 cases of crimes were registered, during the same year out of these cases 21825 cases were related to normal policing as claimed by a senior police officer. J&K has the 26.6% share of violent crimes of the 11.1% of average national level of the total IPC crimes.[4]

A Sociological View

Sociologically the emergence of crime in Kashmir can be explained in terms of factors which include the environment of inequality, competition and conflict created through the process of modernization, urbanization, industrialization, material development and so on. In this particular social dynamics, sociological-pathological factors of social disorder, disorganization, improper socialization, nuclear family, School control could not be avoided and were considered as co-relates of this grand transformation. The features of deviance and delinquency could not be avoided. The added factors to the emergence of criminal trends are media exposure and IT revolution. This situation has led to the emergence of crime as a social trend and has attracted the younger elements in society.

Normlessness

Robert Merton's theory of "anomie" first appeared in 1938 in an article titled "Social structure and anomie".[5]   According to Merton, anti-social behavior (crime) is produced by the values of the society itself in encouraging high material aspirations as a sign of individual successes without adequately providing approved means for all to reach these goals. Merton states

> It is only when a system of cultural values extols, virtually above all else, certain common symbols of successes for the population at large while its social structure rigorously restricts or completely eliminates access to approved modes of acquiring these symbols for a considerable part of same population, that anti-social behavior ensues on a considerable scale.

Thus this theory is based on the assumption that persons who are denied the means to reach their goals get frustrated and resort to deviant behavior. It is low socio-economic groups which are discriminated against; they have a greater incidence of deviant behavior.

> One of the essential premises of this approach is that organization and disorganization in society are not mutually exclusive, but rather that many of the cultural values that have desirable consequences often contain with them or produce undesirable consequences.[6]

---

[3] Dabla Bashir Ahmad, (2011): *Social Impact of Militancy in Kashmir*, Gyan Publications.

[4] *Ministry of Home Affairs*, Govt. of India report, 2006.

[5] Hagan E. Frank: *Introduction to Criminology, Theories, Methods and Criminal Behavior*, (6th Edition), Sage Publications, Los Angeles, London, New Delhi pp. 147-148

[6] Phulia S.S, Chanda N.K, Nath Surender. (1992): *Criminology, A psychological and Anthropological Analysis* Friends Publications New Delhi, pp. 14-15

We live in a world of instant communication and technology where we have the accessibility of goods both beneficial and harmful to the mankind. In spite of having free access and advantage to the freedom of mind, there has been the growth of transnational organized crimes and terrorism. The result is social devastation and human loss. Criminal organizations are becoming stronger and more diverse, engaging more frequently in systematic forms of corporation designed to further their criminal activities. They use their enhanced mobility and capacity to exploit legal and social resources. Criminals are ever more resourceful in their methods and they take full advantage of the range of criminal opportunities presented. These include the trafficking of drugs, property crimes, cyber frauds, human trafficking, gang crimes, terrorism etc.

The Kashmiri society has shown a large alarming change in its socio-cultural pattern. This went possible because of the accessibility of modern means of science and technology i.e., transport and communication, education, economic development etc. It is also the fact that Kashmiri society has suffered a lot due to long pending dispute between India and Pakistan. This conflict has resulted into loss of many lives and property. It is an admissible fact that the societies which are in conflict are always in transition. Same is true with Kashmiri society as it has not only turned unstable but has given rise to many crimes which were absent few decades before. This paper had the main focus on the emergence of criminality in Kashmir due to normlessness which is the result of this conflict. The methodology which was adopted is briefed below.

A sample comprising of 135 respondents were selected which included Police officers (25), Judiciary (civil and criminal lawyers) 10 and Youth comprising of 100 respondents. After completing the above processes absolute field investigation and data collection process was carried out by visiting the various Police Stations of Srinagar City. This included the IG Headquarter Srinagar, Crime branch, Vigilance department and other main Police Stations. Field investigation was also carried out from Judiciary where by data was collected from the respondents, by visiting Jammu and Kashmir High Court and Lower Court respectively. The data which was collected from youth were from various sections of society. These included respondents from different sexes, religion and age groups.

From the available data we find that Kashmir was almost crime free at the time of independence. Very low level crimes were committed by a small number of people who were not professionals. After independence crime rate started to increase in accordance with other states of India but there was an abrupt change in the nature of crimes in 1989 when militancy began here. Keeping in view the pre and post militancy period we can divide the crime situation in the valley into three separate stages, namely crimes after independence to 1989, crimes from 1989 to 2003, and crimes after 2003. Let us discuss these stages separately here with special reference to Srinagar city.

1. Crimes after independence to 1989

Kashmir being a princely state before independence was almost crime free. A small number of crimes were committed which ranged from small thefts to mild decoities. Murders on small issues like land rows, property crimes were done, but there number was quit negligible. The popular reaction from the ordinary people to the criminals was that crimes are very bad social acts and are prohibited by every religion. With the advent of knowledge explosion people started to commit crimes in an organized manner. Theft became organized, drug addiction became a phenomena and situation worsened till the outbreak of militant violence in 1989 which brought complete normlessness in the State.[7]

---

[7] Phulia S.S, Chanda N.K, Nath Surender. (1992): *Criminology, A psychological and Anthropological Analysis* Friends Publications New Delhi, pp. 14-15

2. Crimes from 1989 to 2003

Militant violence began in Kashmir in 1989, therefore there was a shift in the nature of crimes as social setup in Kashmir valley was all together altered. The available data for district Srinagar from IG Headquarter Srinagar reveals that the normal crimes committed in 1989 were 3479 in number while as militancy related crimes registered were 264. 1990 shows an abrupt reversal of cases registered as normal crimes declined from 3479 to 1327 and militancy related crimes showed an increase from 264 to 1425.in 1991 there was again a drift in the number of crimes for each case as normal crimes showed an increase from 1327 to 1467 cases registered while as militancy related crimes declined from 1425 to 1331.in 1992, 1507 normal cases were registered while as 1882 militancy related crimes were registered. In 1993, 1616 normal while as 1381 militancy related cases were registered. As per the available data for the year 1996, 3127 normal crimes were registered while as 1460 militancy related crimes were registered. Again 1996 was the year of change as the crime rate for both the cases stated to reverse and the trend continued till the year 2003.[8]

3. Crimes after 2003

As the militancy started to decline after 2002 there was an abrupt shift in the nature of crimes. The available data for district Srinagar reveals that a maximum of 3861 normal crimes were committed in 2003 which is the highest number in last 22 years. The militancy related crimes registered in 2003 were 264 in number. The militancy related crimes are gradually decreasing. A minimum of 63 militancy related crimes were registered in 2010 which is the lowest of last 22 years. The normal crimes from 2003 shows a gradual decrease from 3861 number of crimes admitted in 2003 to 2817 cases registered in 2010. Exceptionally 3321 number of crimes was committed in 2009 which is highest in last five years. This was the year of assembly election in the state.[9]

Major Findings of the Study with Sociological Analysis

1. From the field study of Srinagar city we found that almost 86% people agree that crime rate has increased in Srinagar city. Most people believe that rise of conflict situation is the primary cause of increased crime rate in Srinagar city. A maximum of 38.28% people follow this opinion. The other main reasons are excessive freedom to youth (22.91%), socioeconomic insatiability (10.30%), immorality (10.30%) and poverty (4.18%).

2. The most prevalent crimes in Srinagar city are crimes related to women, crimes related to alcohol and drugs, property crimes, motorized traffic crimes, cheating, and most recent the cyber crimes. Their relative distribution along the Srinagar city is given in Table 01

---

[8] Source: Reports of Jammu and Kashmir Police (IGP Headquarter Srinagar)

[9] Ibid

Table No. 01

Overall Breakup of Crimes in Srinagar City

Crimes	Percentage
Crimes related to women	12.14%
Crimes related to alcohol and drugs	24.28%
Property crimes	27.14%
Motorized traffic crimes	17.14%
Cheating	7.14%
Cyber crimes	05%
Others	7.16%

As is evident from the table (01) the most prevalent crimes in Srinagar city are the property crimes with 27.14% of the respondents favoring it. These crimes include thefts, shoplifting, burglary, etc. Crimes related to alcohol and drugs have also increased as it got 24.28% out of total crimes in Srinagar. The other crimes like Motorized traffic crimes with 17.14%, crimes against women with 12.14%, cheating with 05% and emerging cyber crimes got 7.16% of the total crime rates in Srinagar.

While analyzing the whole data it can be said that crimes are on increase in Srinagar. The reasons are the lack of control of the crime controlling agencies like police and judiciary. It is also evident that conflict situation has played an intencifacatory factor in increasing crimes in Srinagar. There is dire need of police and judiciary reformation and stressing of quality and moral education to children. Figure 1 shows proportion of different crimes in Srinagar.
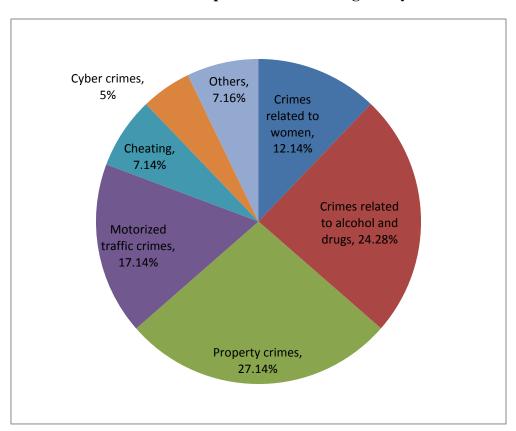
Fig. No. 1

Overall Breakup of Crimes in Srinagar City

3. Women are the primary victims of crime; the main crimes against women in Srinagar are domestic violence, abuse (physical/mental), dowry, eve teasing, and torture in marital relations. Their relative distribution is given in Table 02
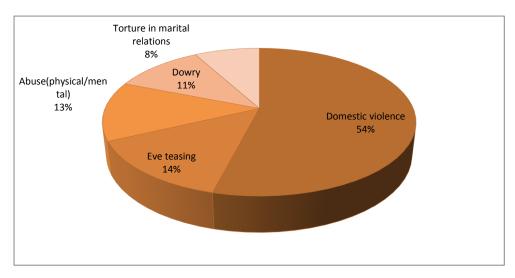
Table No. 02

Most Prevalent Crimes against Women in Srinagar

Crimes	Percentage
Domestic violence	54%
Eve teasing	14%
Abuse(physical/mental)	13%
Dowry	11%
Torture in marital relations	08%

Sociologically analyzing the above table which shows that women in contemporary Kashmiri society is facing number of crimes particularly domestic violence with 54% of the respondents agreeing. The other crimes which the women folk is facing are eve teasing with 14%, abuse (physical/mental) with 13% dowry with 11% and torture in marital relations with a percentage of 08% out of all women crime percentage. Figure 2 shows the most prevalent crimes against women in Srinagar.

Fig. No. 2

Most Prevalent Crimes against Women in Srinagar

There are some other heinous crimes done against women who includes kidnapping of women, rape, prostitution, sexual harassment etc, but there percentage is negligible. In Srinagar city domestic abuse often escalates from threats and verbal abuse to violence. And while physical injury may be the most obvious danger, the emotional and psychological consequences of domestic abuse are also severe. Women are becoming more victims of crime because they are the weak sex and fall easy prey of the criminals.

4. As per our study crime at large is not a business in Srinagar. Mainly individual crimes are committed (96%). A small percentage of organized crimes (04%) are committed whose primary goal is to acquire illegal profits and power by engaging in racketeering activities like engaging in intricate financial manipulation.

5. The JKP is the primary agency dealing with crime and criminal related activities. As per the study police is not capable in dealing with most of the criminal related activities as there is lack of infrastructure, modern technical tools to deal with the criminals. Conflict situation has worsened the scenario as police is utilizing maximum of its resources in dealing with the insurgent activities. Therefore police does not fully utilize its resources in dealing with criminals. Many people say, police is corrupt and politicians do not cooperate with police in dealing with the criminals.

6. New types of crimes are emerging in the city which include Cyber crimes like ATM frauds, Bank robberies, password fishing. As far as these crimes are concerned the extent is not alarming, there nature ranges from intermediation to exploitation and pre sex offences. Their increasing trend is a worrying factor to the common people and the police of the state.

7. There is not a specific location for the crimes. They are being committed at streets, colonies, isolated places, shops, big markets etc. Mostly they are committed in isolated places.

8. For the crime rate to decrease most of the people (88%) favor psychosocial education to the criminals. The other suggestions include economic sufficiency, proper policing, police reforms, sources of employment, and education to the women.

9. The other districts of the valley have the same crime situation. These districts are mostly rural, therefore have less excess to the modern technical advancements, hence the rate of cyber crimes are negligible in rural areas.

10. Due to less number of courts in the valley, particularly in Srinagar people don't get justice at the right time. In this regard many criminals don't face action while as many criminals are forced to remain in custody for more than the prescribed time. Almost 100% people in judiciary vote for reformation of the judicial system in dealing with the criminals particularly the cyber criminals.

11. Turmoil/conflict situation has acted as an intencifacatory factor for the increasing crime rate in Kashmir. As police remained busy in dealing with counter insurgency activities, criminals had the free hand.

Conclusion

According to Merton, anti-social behavior (crime) is produced by the values of society itself in encouraging high material aspirations as a sign of individual success without adequately providing approved means for all to reach these goals. This theory is based on the assumption that persons who are denied the means to reach their goals get frustrated and resort to deviant behavior.

Sometimes various social problems stem from 'uncoordinated and unsystematic' social changes, particularly among those who are unable to adapt to ever-changing new environments. Rapid social change always tends to produce social disorganization, which includes crime. Although every society experiences various degrees of social change and consequent increases in crime and crime rates, rates of change differ from one society to another. If this is indeed the case, then it is possible to understand a society by examining changes in crime and crime rates where they are used as an index for measuring societal changes and their characteristics.

Sociologically putting in every society multiple factors are responsible for crime causation. Same is true with Kashmiri Society which is in turmoil and conflict from last five decades. The world's oldest unresolved conflict, between India and Pakistan that have resulted into social disorganization and

instability in the State. This instability and transition has given rise to many social problems. One of them is the increasing crime rate in the State which factually is the cause of normlessness in the State.

It was noticed that Kashmiri society is heading towards the more scandalous and terrible modern crimes like that of organized crimes, Computer related crimes, gangs, economic frauds Cyber crimes and other identity theft crimes etc which involve modern sophisticated technology. It is also suggested that if such increasing pace of crimes can't be controlled by the controlling agencies like Police and Judiciary; it will have hazardous consequences like social instability and disorganization of the Kashmiri Society. It is the need of the hour to think of the better and peaceful future of the Kashmiris, for that every section of the society whether social, political or religious have to work for crime free Kashmir.