II WOMEN IN FAMILY AND COMMUNITY LIFE
CHAPTER II

WOMEN IN FAMILY AND COMMUNITY LIFE

Methodology

Even as I have also used secondary data, my study is primarily based on oral interviews and responses to questionnaires¹, circulated to women in Kashmir valley. In the process of the collection of data, informal communication went hand in hand with data collection through formal means. There were a total of 200 respondents equally distributed between towns and villages. There were 100 respondents from the urban centers and another 100 from the villages. They were again sub-divided by class/income with 30% of respondents coming from the upper classes, another 30% from the lower classes and the remaining 40% belonging to the middle classes. All along my effort was to assure them that opinions and responses were both confidential and valuable for me both as a researcher and as a woman.

Family, Kin and Women

The family is, usually seen as a social institution that has come into existence to meet the universal human needs of social and physical reproduction. It is seen in conventional social sciences as a social unit,

¹ See Appendix-A
strengthened by bonds of blood, kin marriage. Influenced by processual thought, several sociologists, such as David Morgan have argued that the family is not an institution, but a set of practices. It is something that we ‘do’ and not something we are ‘in’. The processual approach to family incorporates human agency and subjectivity, but refuse to incorporate socially entrenched beliefs and practices in their understanding of the family. Feminists have challenged the view that under the forces of modernity the family is becoming more egalitarian for women, and argue in contrast, that the family is a site of inequality in which women are subordinated due their position as wives and mothers. Feminists argue that women’s position as wives/mothers results in a position of subordination to men/fathers, at least in part because of economic dependency, but also because of widely shared ideologies of the family.

In the exchange theory of Claude Levi-Strauss, the human transition from ‘nature’ to ‘culture’ was marked by the exchange of women

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4 Abbott Pamella, et.al, An Introduction to Sociology, p.145
5 Ibid., p. 147
among men. Kinship Systems are characterized by the permanent circulation of women among men. Levi-Strauss describes women as the ‘supreme gift’ that is exchanged among men for the maintenance and vitality of kin solidarities. Given the huge influence that kin and community networks still play in India, most marriages are still exchanges between community/kin groups. With the development of the closed, domesticated nuclear families in India, one would have expected a diminishing role of kin and community forces in transactions of marriage. This is, however not the case, and while a relatively small percentage of marriages are made by the choice/preferences of the couples, the bulk of marriages are still conducted by community/kin groups. The revolution in information technology has only made their job easier, and efficient. They use the internet, the newspapers and the magazine to choose the ‘right spouse’ for their sons and daughters- one who would reinforce their kin/community connections.

The level of subjugation that is exercised over women varies with household composition. Even so, in all family forms, the ideology of

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7 Ibid., P. 65
8 Ibid., P. 77
The patrilineal, patri-virilocal joint family is far more prevalent among communities engaged in business and the landed groups than among the other social groups. Arguably property helps in maintaining co-residence, although small-scale joint families can indeed function without any property, as well.

A nuclear family may become a ‘supplemented nuclear family’ or a joint family with the addition of a widowed parent or orphaned siblings or with the marriage of a son, at least for a short period. A stress on conjugality has become an accepted feature of today’s family households.

The extended family is of two types. The classic extended family is made up of several nuclear families joined by kinship relations. The term is mainly used to describe a situation where many related nuclear families or family members live in the same house, street or area, and the members of these related nuclear families see one another regularly. The modified extended family is one where related nuclear families

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8 Dube Leela, Women and Kinship, Comparative Perspectives on Gender in South and South East Asia. Rawat publications, India 2009 pp.93
10 Dube Leela, Women and Kinship, p.11
11 Ibid., P. 12
12 Ibid., P. 13
families, although they may be living far apart geographically, nevertheless maintain regular contact and mutual support through regular visits, and communications etc.\textsuperscript{14}

In the Kashmir valley, ‘the extended family’ is the norm in both rural and urban Kashmir\textsuperscript{15}. According to Dabla, the joint families in Kashmir are patrilineal in nature and patrilocal in character\textsuperscript{16}. In my survey I came across instances of both ‘classic extended families’ and ‘modified extended families’. The former type is common in rural areas while the latter is common in urban areas even as the growing trend in both villages and towns is towards ‘modified extended families’\textsuperscript{17}. In Kashmir, the extended family culturally still functions as a close knit single social and economic unit under which adults submit their earnings to the head of the family who is responsible for the fulfillment of the basic requirements for the family. However the extended family system is fast losing its importance in urban areas of Kashmir. According to Scholars based in Kashmir, this is not owing to urbanization and industrialization but is a result of greater preference for autonomy among the urban residents. The desire to move away

\textsuperscript{17}Based on the observation in Field Survey by the Researcher in between 2009-2010
from extended family and establish a separate closed family unit is more intense among the educated and employed couples. It is clear that there is a considerable diversity in family systems, and all family-types display considerable variations. The extension / Jointness of the families in Kashmir may not be displayed so much by the outward symbols like co-residence, but it continues to survive through emotional bondage, privilege inheritance and obligations within kinship and/or community network of relations. Sociologists call this ‘functional solidarity’ of the joint family which does not disappear with occupational diversification and geographical dispersion of its members.

Studies in Kashmir so far, have shown that members of the nuclear families also depend heavily on their parents in times of stress, particularly at the time of child birth and a crisis in the family. There is a division of household chores and both men and women share the burden of household chores. Presumably, women in rural areas shoulder greater burden of responsibilities than women living in urban centers. They look after children, take care of domestic animals, collect cow dung and fuel wood from nearby woodlands and forest.

\[18\] Dost Muhammad and Bhat A.S., ‘Family in Kashmir’, p.64
\[17\] Ibid, p. 62
fetch drinking water, wash clothes, cook food and help men in the fields. In contrast women in urban areas have less household chores-washing, cooking and looking after the children\textsuperscript{20}. The early lessons of gender-dictated roles are taught in families when domestic chores are divided amongst children on this basis. Boys and girls are encouraged to grow in separate environments with different roles and expectations. As mentioned above, women in rural areas perform multiple roles which call for less confinement.

The average size of the family in the 19\textsuperscript{th} century, as it appears from Lawrence's report\textsuperscript{21}, was seven. It appears to have remained the same when the census reports were published in 1981\textsuperscript{22}. According to my field survey the average family size is approx. 6.15. Normally in rural areas the average size of the joint families was 9 and that of nuclear families was 5. The size of joint families in urban areas was 7 for joint families and for nuclear families 5. (See Tables II (a) and II (b)

\textsuperscript{20} ibid
\textsuperscript{21} Lawrence was writing in 1887
\textsuperscript{22} Cited from, Dost Muhammad & Bhat A.S ‘Family in Kashmir’ p.62
Table II (a) Family Size in Rural Kashmir

Source: Field Work by the Researcher

Table II (b) Family Size in Urban Kashmir

Source: Field Work by the Researcher.

Interestingly a study has suggested that the size of family varies not with economic status but with the level of education in the family. The more educated families have fewer children and are thus smaller in size whereas the less educated and illiterate families usually much
larger in size\textsuperscript{23}. The number of children and the size of family is usually smaller among working families, in particular among families where both parents are working compared to families which are engaged in business or farming\textsuperscript{24}. During my interactions with the women in Kashmir, I found that though the number of nuclear families is on the increase, the affinal ties, and regular exchange of gifts and invitations for feasts are still particularly strong in Kashmir.\textsuperscript{25} The subordinate position of women in the family and the violence-physical, verbal and symbolic, that women suffer in their families is reflected in Kashmiri folk literature. Conjugal incompatibility and the role of extended family members in women’s subjugation in family is also evident in Kashmiri folk songs as well.\textsuperscript{26} The relations between Hash(mother-in-law) and Nosh(daughter-in-law) are portrayed as discordant in the bulk of folk songs, and in a few songs where their relations is described as cordial, it is still portrayed as one of doubt and distrust.

\textsuperscript{23} Ibid

\textsuperscript{24} Ibid p.61,62


\textsuperscript{26} Farooq Fayaz Folklore and History of Kashmir Nunaposh Publications Srinagar 2002. p. 122
'Hash ti thez nosh ti thez

Deg dez vali kus'

(Since both mother-in-law and daughter-in-law equally claim high pedigree, none is ready to remove a boiling pot from the burning stove which is ready to be spoilt)

'Nosh bemie phoher

Hashi demi budith'

(Remember, daughter-in-law I have given you a spoilt food I know, o my mother-in-law, I will pay you in the same coin when you grew old and grey)27

The relationship between Zaam and baikakiny (sister-in-law and bride) as depicted in Kashmiri folk literature is no less strained and conflict laden. At times the relation between the two is presented in a manner as predating disintegration of the Kashmiri family life. There is a Kashmiri proverb that says:-

"Zam hei asi gam teti peth sozes pam"

(How does it matter, if zam is married distant away, she will seldom miss an opportunity to tease her sister-in-law?)28

28 Ibid., p. 130
Domestic Labour:

In India, a woman is identified with the household, and is supposed to have no existence outside her family. She is expected to look after the household affairs, and has no existence at least for most men other than as a wife or/and a mother. In the perception of people, household affairs like bearing and rearing of children are associated with womanhood. In the financially well-off household, women get some help from domestic servants (to whom they conveniently pass off their burden) but they are expected to run the household and rear the children properly. In my field study, in Kashmir province, 62 out of 200 (31%) respondents admitted taking the help of a maid either occasionally, or on regular basis. Among these only 34 (17%) respondents were regularly enjoying the assistance of a maid servant for carrying out the daily household chores. Figure 2.1, illustrates the extent of the use of domestic labour among Kashmiri families. It is evident from the data, based on fieldwork, and that urban women are assisted by domestic labourers, in carrying out their daily household chores more often than is the case with the women in the villages.

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Feminists have argued that the domestic labour is physically and emotionally demanding work, but is rarely recognized as such. They often point out that it is women who are generally responsible for the choices of daily life, repetitive and monotonous, whereas men engage in activities that are both economically productive, and for the higher class men at least, also emotionally satisfying. The division of labour is based on what men and women are thought to be naturally good at. Women are thought to be naturally good at cleaning, sewing, washing up, shopping, caring for children, cooking and so on. Ann Oakley has pointed out that even when conjugal roles are shared, men are generally said to be ‘helping’ their wives. Even when wives have paid employment and jobs of their own, they still continue domestic work-, performing, what feminists term as ‘the dual role’. In recent years, feminists have recognized that many women actually undertake a ‘triple shift’ not only working outside of the home, as well as taking responsibility for the performance of domestic labour, but also providing care and assistance to elderly or dependent family members as well.

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31 See for example; Oakley. A. Subject Women London, Fontana, 1982
32 Abbot Pamella et.al, An Introduction to Sociology., p. 164
Fig 2.1; Domestic Servants in Kashmiri Households

A: Total No. of households hiring servants
B: No. of families hiring domestic servants on a permanent basis
C: No. of families hiring domestic servants on an intermittent basis.

Source: Field Work by the Researcher (The findings are based on the oral interviews of 200 respondents conducted by the researcher)
In my field survey in Kashmir, about 44% of my total respondents admitted that their spouses assisted them in the domestic chores. This help was in most of the cases occasional and was restricted to the period of illness or pregnancy. It is interesting to note here that men in urban areas helped their wives more often than those living in villages. 24% men in urban areas helped their wives in household activities as against 20% men in the rural areas. There is of course a class dimension here, as well. The upper class men- in both the towns and the villages- are less likely to help their spouses, than men lower in class and rank.

**Discrimination against women in the family:**

The Kashmiri society is a tradition-bound society. As is the case with many traditional societies in Asia, there prevails widespread and deep rooted discrimination against the female sex in the Kashmiri society. In a survey Dabla revealed that about 63% women respondents felt that there was widespread discrimination against women.

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32 Such families are mostly nuclear families or a single woman household.
33 ( Family income; Upper Class: 5.00000 -10.00000, and above; Middle class: 1,50000 to 5.00000; Lower class: below 1.50000)
34 Dabla Bashir Ahmad, Sandeep K. Nayak, Khurshid-ul-Islam, *Gender Discrimination In the Kashmir Valley: A Survey of Budgam and Baramulla Districts*, Gyan Publications, Delhi, 2000 pp.91
35 Dabla Bashir Ahmad, *Domestic Violence Against Women In Kashmir Valley*, JAYKAY publications, Srinagar, 2009 p 18
Education

Women and girls receive far less education than men, due to social norms but also increasingly owing to fears of violence.

As is evident from the census data (Table II c) the women's literacy in Kashmir as everywhere else in India is lagging behind men's literacy. However the situation seems to have changed since 1961. Women's literacy rate rose from 20% in 1981 to 48% in 2011, an increase of 28%. With women's literacy standing at 58.1% in 2011, the percentage increase in the two decades following 1981 comes to 10.1% lowered down.37

37 Census of India, J & K, 2011 (Provisional) http://censusindia.gov.in/ accessed on 15 November 2011
Table II(c) Literacy Rate 1961-2011

<table>
<thead>
<tr>
<th>Year</th>
<th>Persons</th>
<th>Males</th>
<th>Females</th>
</tr>
</thead>
<tbody>
<tr>
<td>1961</td>
<td>12.95</td>
<td>19.75</td>
<td>5.05</td>
</tr>
<tr>
<td>1971</td>
<td>12.71</td>
<td>31.01</td>
<td>10.94</td>
</tr>
<tr>
<td>1981</td>
<td>33.02</td>
<td>44.55</td>
<td>19.86</td>
</tr>
<tr>
<td>1991</td>
<td>N.A</td>
<td>N.A</td>
<td>N.A</td>
</tr>
<tr>
<td>2001</td>
<td>55.52</td>
<td>66.60</td>
<td>43.00</td>
</tr>
<tr>
<td>2011</td>
<td>68.74</td>
<td>78.26</td>
<td>58.01</td>
</tr>
</tbody>
</table>

Source: Census of India, J&K, 2011 (Provisional)

The state has admittedly, taken some initiatives in the direction of women’s education. In the state of Jammu and Kashmir the central Govt. in conjunction with the State Govt. initiated a number of Programmes to fulfill the constitutional obligation and national aspiration. The various schemes launched in J&K state are;
1. **Operation Blackboard**: This programme was started in 1987-88 and aimed at improving the classroom environment by providing infrastructural facilities, additional teachers and teaching-learning material to primary schools.\(^{38}\)

2. **Mid-Day Meal Scheme**: This was launched on 15\(^{th}\) August 1995 and aims to give boost to universalization of primary education by increasing enrollment retention and attendance and simultaneously improving the nutritional status of students in primary classes.\(^{39}\)

3. **Sarva-Shiksha Abhiyan** launched towards the end of the 9\(^{th}\) plan to achieve the goal of universal education through a time bound integrated approach in partnership with states. It aimed bridging all gender and social disparities at the primary stage by 2007 and at the upper primary level by 2010. Besides focusing on delivering quality education to all children by 2010, the programme is an effort to improve the school system with special focus on educational needs of girls, SC’s and ST’s.\(^{40}\)

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\(^{39}\)ibid

4. National Programmes for Education of Girls at Elementary Level (NPEGEL): is a focused intervention of Government of India, to reach the ‘Hardest to Reach’ girls, especially those not in school through the development of a ‘model school’ in every cluster with more intense community mobilization and supervision of girls enrolment in schools. The National Programme for Education of Girls at Elementary Level (NPEGEL) was sanctioned for the State of Jammu and Kashmir in 2003-04. National Programme for Education of Girls at Elementary Level had been initiated in 104 blocks in the 12 districts of Jammu and Kashmir. Table 10 depicts the numbers of model schools taken up in each district during the years 2004-05 and 2005-06 (Annual Works Plan and Budget 2007-08, SSA for Jammu and Kashmir). The State has about 302 Model Cluster Schools (MCS) in operation. Further 261 Model Cluster Schools have also been sanctioned during 2007-08 which are yet to be operationalised.

5. Kasturba Gandhi Balika Vidyalaya (KGBV): The Kasturba Gandhi Balika Vidyalaya scheme was launched in July 2004 for
setting up residential schools at upper primary level for girls belonging predominantly to the Schedule castes, Schedule Tribes, Other Backward Classes and minority communities. It was designed to encourage greater participation of girls in education at the upper primary level. The Project Approval Board of Sarva Shiksha Abhiyan Mission in its 64th meeting in 2005 approved the Kasturba Gandhi Balika Vidyalaya plan for 14 blocks of the state of Jammu and Kashmir. All the blocks where the establishment of 13 KGBVs has been proposed have been genuinely declared as educationally backward blocks\textsuperscript{42}.

In his study, Dabla, revealed that for a vast majority of women, education did not go beyond the three R's, and very few among them took to education for professional reasons\textsuperscript{43}. The school dropout rate is higher among female students, as compared to the male students. Further, the rate of female dropout is higher at the primary level than the middle/secondary levels of education. There seems according to Dabla least discrimination against the female children in sending them to primary school\textsuperscript{44}.

\textsuperscript{42} Ibid.
\textsuperscript{43} Dabla, \textit{Multidimensional Problems}, p.123
\textsuperscript{44} Ibid., p. 129,130
In my study, a little more than half the respondents- 101 out of 200 respondents- confirmed that their families did not want to see them educated, and favored their brothers over them when it came to education. Several women in general responded that their families would have been interested in our education if only they exhibited the willingness or the ability to learn. They held themselves responsible for their illiteracy and not their families. On the other hand 43% of urban respondents felt that their families discriminated with them in giving them the necessary education. The discrimination was felt greater in the case of the middle and the lower classes of the population. 42 out of 60 lower class respondents noted that they were discriminated against while 41 out of 80 respondents from the middle class were discriminated against at the time when they were seeking education. Only 10 out of 60 respondents from the upper classes had similar feelings. (See fig 2.2)
Fig 2.2 Class Based Patterns of Discrimination against Women in Education.\textsuperscript{45}

\textbf{Source:} Field Work by the researcher.

\textsuperscript{45} Note: The respondents in the above sample belonged to the middle age group (above 25), therefore the data depicts the situation more than 20 years now in Kashmir.
Food, Nutrition and Basic Health Facilities

Nutrition is one of the significant axes of gender differentiation in South Asia. A number of empirical studies have presented this bitter truth about Bangladesh, India and Pakistan.\textsuperscript{46} When resources are scarce this discrimination can be acute, and girls may remain underfed and undernourished.\textsuperscript{47}

\textsuperscript{46} Dube Leela, Op.cit., p-137

\textsuperscript{47} Ibid
In a survey carried out by Dabla in 2007, 24% women in Kashmir felt that they were discriminated against in matters of food and nutrition\textsuperscript{46}. As against this my study revealed that 5 out of 200 respondents experienced discrimination at the hands of their families in food and nutrition (Table 3.4). No such case was recorded among the upper and the middle classes. All 5 belonged to the lower class.

\begin{table}[h]
\centering
\begin{tabular}{|l|c|c|c|}
\hline
Discrimination in food and nutrition & Upper classes & Lower classes & Middle classes \\
(60) & (60) & (80) \\
\hline
Yes & - & 5 & - \\
\hline
No & 60 & 55 & 78 \\
\hline
Can't say & - & -- & 2 \\
\hline
\end{tabular}
\caption{Table 3.4}
\end{table}

Source: Field Work by the Researcher

Besides, the lack of concern for women’s health is reflected in the large number of fatalities during women’s pregnancy and childbirth. Every year, about 6,000 mothers die in childbirth and allied

\textsuperscript{46} Dabla, Domestic Violence Against Women in Kashmir Valley, JAY KAY publications, Srinagar, p- 19
complications of pregnancy. India’s maternal mortality rate (MMR) stands at 450 per 100,000 live births, against 540 in 1998-1999. As per the study conducted by the team led by Dr. Meenakshi Jha from the Centre for Disease Control and Prevention, in the four districts of J&K, 357 women of reproductive age (15-49) died, and 154 died of complications during pregnancy childbirth or the puerperal period. The report revealed that MMR in those 4 districts was 418 in Kupwara, 774 in Islamabad, 2182 in Baramulla, and 6507 in Bandipora. Baramulla district showed the highest mortality risk ever recorded human history, with 54% more than half of the women of reproductive age during 1998 and 2003. The causes of death were analyzed mainly in two parts: direct and indirect. The causes included hemorrhage, obstructed labour, cardiomyopathy, sepsis, obstetric embolism and pregnancy-induced hypertension, whereas indirect causes were tuberculosis, malaria, and obstetric tetanus. 60% Kashmiri do not have access to basic health services. Most of the professional cares are used by only 20% of all pregnant women.

**Choice of Career:**
In South Asia women are mostly denied the freedom to choose their profession. Their choice is mainly constrained by the society. Kashmir is no exception there. In my study I found that about 35%
(69/200) of women believed that their choice of career was constrained by their families. Even though their choice is constrained but it seems women have not stopped participating in economic activities in Kashmir. Apart from maintaining their traditional roles, and their participation in traditional economic sectors, women in Kashmir, have joined new and upcoming professions, as well. Aneesa Shafi has in her study found that the choice of profession for women in Kashmir was severely restricted to teaching in schools to colleges. My enquiry, in contrast to the Aneesa Shafi’s work, revealed that only 10% of families prefer teaching professions for their women. Table II(d) reveals, the bulk of the remaining families actually did not have a career choice for their women.

**Table II (d): Professions favoured for women in Kashmir**

<table>
<thead>
<tr>
<th>Profession favoured</th>
<th>Urban(100)</th>
<th>Rural(100)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teacher</td>
<td>8</td>
<td>12</td>
</tr>
<tr>
<td>Med.doc</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Any</td>
<td>87</td>
<td>84</td>
</tr>
<tr>
<td>None.</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

**Source:** Field Work by the Researcher

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54 Field Survey by the Researcher between 2009-2010
Sports and Outdoor Activities

In my study, 27% women said that they were not allowed to participate in the sports and outdoor activities in their families. 18% rural women and 36% of urban women shared this feeling. Thus it is evident (see fig 2.3) here that women in urban areas were more confined and secluded than those living in villages. The reasons for this are multiple but a major factor could be the requirement of rural women in agricultural labour which possibly provides them relatively more public mobilisation. Another reason is that village society is relatively more closed than urban societies and they live as one community. All the families mostly know each other well and have a trust in-between. Therefore their women-folk can easily move in and out of their homes.

Besides among the urbanites, it appears from the data that seclusion of women is practiced far more among middle and upper class families, than the lower class families. This could be as suggested by Dabla elsewhere, mainly due to the social and economic superiority of upper and middle class families. As is evident from his study, mixing of sexes in Kashmir was very common in recent past except among sayyids (the upper class Muslims) and Hojjas (Merchants). In the context of Kashmir, scholars such as Dabla, believe that purdah is valued socially rather than religiously and that seclusion is often adopted to achieve upward social mobility. Thus it is a symbol of superiority among upper and middle classes.

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58 Dabla, Sociological Papers on Kashmir Vol-1, p-182
59 Ibid
Discrimination in Inheritance:

According to Dabla customary laws in Kashmir, especially those related to inheritance rights of women before or after their marriage, represent a clear case of discrimination against women here\(^\text{57}\). Like in other areas of life, Muslim women, in practice, get discriminated in getting their inheritance rights granted to them in the Islamic Shari\(^\text{at}\)\(^\text{58}\). According to Dabla's findings, about 55% of women in Kashmir have been denied their inheritance rights in property\(^\text{59}\).

In my survey I observed that 45(22.5%) women out of 200 respondents received some property from their natal families. While in urban areas 19 out of 100 respondents received property by

\(^{57}\) Dabla, *Sociological Papers, Vol. 1*, p. 206

\(^{58}\) Dabla, *Multidimensional Problems of Women*, 2007, p. 89

\(^{59}\) Ibid
inheritance, their number in the villages, with the number of respondents remaining the same, was 26. Among the upper classes 20 out of 60 women (33.3%), and among the middle classes, 18 out of 80 women (22.5%) received inheritable rights in property, (See fig.2.4).
Discrimination in Sports and out-door activities.

Source: Field Work by the Researcher.
Fig 2.4: Discrimination in Inheritance Rights.

Source: Field Work by the Researcher
Son Preference

Sociological studies have shown that in our society, bound by traditions and patriarchy, sons are usually considered an ‘asset’ and daughters as ‘liability’ to the family. The preference for a male child is an age old practice in Indian families.

The sex ratio data available in the census reports reveals two distinctive trends. Firstly, the Post-independence period was marked by a stable growth in the sex ratio in favor of women, indicating an improvement in women’s position in the society. Secondly, the disturbed conditions in the recent decades reflect in the decline in sex-ratio, suggesting a correlation between the secessionist violence and the position of women in Kashmir. See fig 2.5 and table II (e).

Table II (e); Sex-ratio in the J&K state since 1901

<table>
<thead>
<tr>
<th>Year</th>
<th>Sex ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>1901</td>
<td>882</td>
</tr>
<tr>
<td>1911</td>
<td>876</td>
</tr>
<tr>
<td>1921</td>
<td>870</td>
</tr>
<tr>
<td>1931</td>
<td>865</td>
</tr>
<tr>
<td>1941</td>
<td>869</td>
</tr>
<tr>
<td>1951</td>
<td>873</td>
</tr>
<tr>
<td>1961</td>
<td>878</td>
</tr>
<tr>
<td>1971</td>
<td>878</td>
</tr>
<tr>
<td>1981</td>
<td>892</td>
</tr>
<tr>
<td>1991</td>
<td>892</td>
</tr>
<tr>
<td>2001</td>
<td>892</td>
</tr>
<tr>
<td>2011</td>
<td>883</td>
</tr>
</tbody>
</table>

Source: Census of India, J&K, 2011(Provisional)
Fig 2.5: Sex Ratio in J&K from 1901 to 2011

Source: Census of India, J&K, 2011(Provisional)

http://censusindia.gov.in/
Seclusion After marriage

_Purdah_ or the seclusion of women is closely related to the concern over management of female sexuality characteristic of south Asia. All over south-Asia _Purdah_ among Muslims is justified by the reference to Islam. Although interpretations of Quranic verses vary and several Muslim feminists have argued that Islam does not prescribe seclusion for women, the common understanding is that _Purdah_ has religious sanction.

Until the 19th century the dress of people in Kashmir, both male and female, commonly consisted of long loose wrapper (_Pheran_) and trousers. Reflecting the changing concerns with the correlations between apparel and masculinity, the 1930s saw in Kashmir, a movement led, among others, by one Pandit Kashyap Bandhu, against men donning _pheran_, which, it was thought, was an effeminate dress. The usual headdress for little girls was skull caps. After marriage, a Muslim girl would have, as her headgear a thicker turban like red cap (_gasaba_) 'studded with innumerable pins and over it a spare of country cloth (_pooch_) to act, in the case of necessity, as a veil.

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which also usually covered the whole back. The Pundit women’s headgear was known as Taranga. Contacts with the Women in the plains, however brought about many changes in the mode of dress of the Kashmiri women. The qasaba and tarnaga have largely disappeared, and have largely been replaced with north-Indian dresses, in particular, shalwar and chudidar pyjama, and frock. The saree had also become quite a fad among upper class Pundit women. The ordinary veil worn by the Kashmiri women was called burqa. It consisted of a long piece of cotton cloth thrown over the head and allowed to hang down the back. Its use was confined to the Muslims alone. However, the working class Muslim women like Hanjis (Fisher community) and Watals (scheduled castes) did not wear the burqa. In my field survey, I found that most of the women observed purdah though in variety of forms. According to my data, about 73% of women observe purdah. And the trend was more or less same in rural as well as urban areas. 71 out of 100 (71%) urban respondents observed purdah, whereas among the rural women, their number was 75 out of 100 (75%).

62 Ibid p.199  
63 ibid p. 252-253, also see Khan, Muhammed Ishaq, History of Srinagar, p.97  
64 Census 1931, I, p.102 cited from Khan Muhammed Ishaq, History of Srinagar, p.97  
65 Tyndale Bisoe, C.E., Kashmir in Sunlight and Shade, Lippincott, 1922, p.150;  
Table II(f) Women Observing *Purdah*

<table>
<thead>
<tr>
<th>Class</th>
<th>Number</th>
<th>Total</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upper class</td>
<td>36</td>
<td>60</td>
<td>60</td>
</tr>
<tr>
<td>Middle Class</td>
<td>57</td>
<td>80</td>
<td>71</td>
</tr>
<tr>
<td>Lower class</td>
<td>52</td>
<td>60</td>
<td>86.6</td>
</tr>
</tbody>
</table>

*Source:* Field Work by the Researcher

The family, and the husband as its head, played a crucial role in enforcing dress restrictions on women. In my survey I found that 43% of married women in villages, and 54% in the urban centers, were observing *purdah* owing to the instructions of their spouses. While *purdah* is indeed observed by the bulk of Kashmiri women, it is only 49% among them, who actually don the *burqa*. In all other cases, a chador to cover the body, as even a *duppata* to cover the head would suffice as fulfilling the requirements of *purdah*. 
Table II (g) Types of Veiling In Kashmir

<table>
<thead>
<tr>
<th>Type of veiling</th>
<th>Burqa</th>
<th>Covering head with dupatta</th>
<th>Chador</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>No.</td>
<td>No.</td>
<td>No.</td>
<td>No.</td>
<td></td>
</tr>
<tr>
<td>Percentage</td>
<td>Percentage</td>
<td>Percentage</td>
<td>Percentage</td>
<td></td>
</tr>
<tr>
<td>Number of women</td>
<td>77</td>
<td>71</td>
<td>8</td>
<td>156</td>
</tr>
<tr>
<td>49.3</td>
<td>45.5</td>
<td>5.1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Field Work by the Researcher

Restriction on women’s movement:

Out of the total 200 women respondents that I interviewed 72 women admitted to strict restrictions on their movement. The surveillance of the husband over his wife was a common element in both the urban and rural societies. 67

Marriage, household and Women:

Leela Dube firmly asserts that marriage is a desired aspiration for nearly all women in Bangladesh, India, Nepal, and Pakistan. Among Hindus marriage sacralizes and sanctifies female sexuality, while Islam wholly disapproves of sex outside marriage. Since sex is viewed as a natural craving of human beings, marriage is visualized as an event that is necessary part of life, particularly for women. 68

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67 Data collected by the Researcher from 2009 to 2010.
68 Dube Leela, Women and Kinship, pp.109
In Kashmir, most marriages are arranged by the respective families. Usually once the parents decide to marry of their children, a go-between, called *manzim yor* in local parlance, is approached to find a suitable match from a family of identical social status and background. The middlemen, who maintain lists of prospective brides and bridegrooms, play crucial roles in arranging marriages in the society. Only a small number of marriages, particularly between cousins, are arranged without the involvement of middle men. In such marriages the proposal usually comes from the side of the groom. It is not customary for the parents of a girl to make a marriage proposal even when the boy is a near relation.

Marriages are usually treated as sacred occasions, and are, therefore, followed with a number of sacred rituals. The marriage involves the signing of marriage contract, *Nikahnama* between the principals. The *Nikahnama* is prepared after the principals' consent to the marriage, unambiguously, in presence of a representative (vakil) and two witnesses (shahids) who represents them before the moulvi and sign the *nikahnama* on their behalf. The *vakil* and the *shahid* are always the...
near relations of contracting marriage partners. Marriage being a contract, either of the parties should be able to set conditions for the same, but, as scholars like N.J.Caulson and A.A.Fyze, point out, it is perceived that the Islamic law does not accept an unrestricted liberty of contract, for that would be incompatible with ethical control of conjugal relations. The persons engaging to tie the conjugal knot are, however, permitted to enter stipulations in the marriage contract, provided they are in accordance with the rights and duties of spouses, as arranged for in shari'a. The Nikahnama also mentions the sum of Mahr or dower that the bridegroom pledges to pay to the bride before consummation of marriage. The amount is invariably fixed in accordance with the socio-economic status of the families concerned. However there are some unique rituals and celebrations before and on the day of ceremony of a Kashmiri marriage. They are not religiously significant but direct the conjugal rights and relation more explicitly.

After a marriage proposal is agreed upon by the families, celebration begins with the betrothal of the principals. On the day of betrothal, the parents of the bride-to-be arrange a lavish feast for the family.

73 ibid
74 ibid
75 See for example; Caulson N.J. Succession in the Muslim Family, Cambridge University Press, UK. 1971, also see; Fyze A.A, Outlines of Muhammadan Law, Fourth Edition, New Delhi, 1999
members and guests invited by the parents of the prospective bridegroom. The girl is shown to female guests and near relatives of the boy who present her with gifts and cash. Crystalline loaf sugar (Nabad) is exchanged by the mothers of the boy and the girl and is called Nabad Nishain (lit; ‘engagement’). Another form of betrothal, called Nikah Nishain, is more ceremonious and on the occasion of the betrothal, a number of gold ornaments and gold coins are presented to the bride by the parents, relatives and friends of the bridegroom. After a couple of weeks the parents of the bride send gifts to the bridegroom, his parents and other close relatives. The betrothal including Nikah does not confer any conjugal rights on the couple unless their marriage is solemnized. The formalities for solemnizing the marriage begin with the exchange of documents (saainama), specifying the marriage details between the families. The process is initiated by the family of the bridegroom but the day is fixed by the parents of the bride. If the Nikah is not completed earlier, it is performed on the occasion of the solemnization of the marriage. The husband retains residence in his residence in his parental home and the wife settles there with his parents. In some cases, the husband lives

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76 Dosi Muhammed and Bhat A.S., ‘Family in Kashmir’ p.67
77 Ibid., p. 68-69
with his wife in her parental home (*Garepeth zamtur*) along with her parents and sisters, if any. However the later practice, which was quite common in olden days, is not preferred these days by either of the spouses.\(^{78}\)

**Age at Marriage**

Despite the legal prohibition, as is well-known, child marriages are frequent occurrences in India. The rate of child marriages is quite substantial in several states of India, in Particular, Bihar (17.6%), Madhya Pradesh (15.4%) Rajasthan (14.8%) and Dadra and Nagar Haveli (14.3%), west Bengal (14.8%). The record of Kashmir in this matter is much better.\(^{79}\) In Jammu and Kashmir 0.2% of total marriages are child marriages and 35.2% of total marriages are conducted before the girl completed 18 years of age. 11 districts in Jammu and Kashmir had no record of child marriages. These included Anantnag, Budgam, Baramulla, Kupwara, Pulwama, of Kashmir Province. There was no marriage below 18 years recorded in Kupwara and Pulwama. It was also observed that in Jammu and Kashmir 50% of the total marriages reported were 20 plus age group marriages.\(^{80}\)

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78 Ibid 70  
80 Ibid
Scholars now suspect that delayed marriages are becoming a norm in Kashmir. The average age of late marriage in present milieu, as observed by Dabla, is 31.53 for men and 27.83 for women. The late marriages in Kashmir reflect the socio-economic crisis in Kashmir, and the growing unemployment, which prevents them from setting up their independent households.

**Authority of Choice in marriages:**

William J. Goode, while discussing the Freedom of choice in Indian marriages has pointed out that the freedom of choice presupposes a relatively adult age at marriage and a system of courtship where individual has the time and opportunity to know the variety of potential spouses before making a choice.

In my survey I found that the marriages are mostly arranged by the families. Very few women marry according to their choice. 33 among 200 women (16%) respondents said they had married by choice. The occurrence of love marriages was less common in lower classes (7%), when compared to middle and upper urban classes where the number of love marriages was 19% and 24% respectively. See figures (3.6 and 3.7).

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Fig 2.6; Choice in Marriage

choice in marriage

- love 16%
- arranged 84%

Source: Field Work by the Researcher

Fig 2.7; Love Marriages in Kashmir

Love Marriages

- lower class 7%
- middle class 19%
- upper class 24%

Source; Field Work by the Researcher
Dowry:

Various anthropological studies, particularly of north Indian Marriage and kinship patterns, emphasis that, hyper-gamous unions lead to more or less permanent asymmetry in gift-giving and receiving. This further gives rise to a Continuous flow of gifts or items from bride’s family. In a way the in-marrying girl is also viewed as a property of husband if not of the conjugal family. Dowry is nothing less than a form of property in which members of the family, both men and women, have different interests and control.  

The Dowry prohibition Act, 1961 (amendment till date from time to time) defines dowry as “any property or valuable security given or agreed to be given either directly or indirectly —(a) by one party to a marriage to other party to the marriage; or (b) by the parents of either party to a marriage or by any other person or after the marriage or to any other person; at or before or after marriage in connection with the marriage of the said parties, but does not include dower or mahar in the case of persons to whom the Muslim Personal Law (shariat) applies. In Jammu and Kashmir, the Dowry Restraint Act, 1960 has

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83 Sharma urulu, Dowry in North India: Its Consequences For Women [IN R.Hirschon(ed.)]
been passed which can be described as a cogent Act of the above piece of legislation.

In Kashmir dowry was practically non-existent among the Muslims. Khan, points out, that the system of dowry among the Musalmans of Srinagar dates back to the days of Bakshi Ghulam Muhaammed, former Prime Minister of the J&K state, when families received untold money and favours from the ruling party and gave dowry in order to move up in the social hierarchy. Among pundits the system of dowry had almost attained the force of law. And this was despite the rapid progress of western education among the pundits; for a young man who had done well at college was a most desirable bridegroom, and the price tended to rise as steadily as the demand.

According to Dабla the practice of dowry is certainly in vogue in the Kashmir valley. According to an estimate, dowry was prevalent in 62.08% of the marriages taking place in Kashmir.

In my survey, I found that 43 women among a total of 200 held that their in-laws have derided them for not bringing a handsome dowry either emotionally or physically or both. The dowry demands were

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84 Afzal Wani, Kashmir University Law Review, 1996 p.72-82
85 Cf. Khan Muhammed Ishaq, History of Srinagar, p. 114
86 ibid
87 Dабla, B.A. Multi-dimensional Problems of Women, p. 70-73
more in urban (22%) families than in rural families (16%). Further in urban areas there was a total absence of dowry in upper class families, and even in rural areas only 2 women had experienced it. More women (23/60), 38% from the lower classes have been tortured for dowry than the women coming from better-off sections of society. (fig 2.8)
Fig 2.8; Class based Pattern of Dowry Demand

Source: Field Work
**Divorce and Remarrriages:**

Divorces in Kashmir are rare, and there is a lot of social stigma attached to the practice. Despite the moral repugnance, divorces do take place in Kashmir. After getting divorce, the Muslim women in Kashmir can easily marry again, provided she is of a marriageable age. Remarriage is not a taboo in Kashmir. Usually both men and women divorcees remarry or at least intend to marry again. The remarriage of men and women among other factors also depends on the number and age of children at the time of divorce, economic situation of the persons involved, educational and social status of the persons involved and family background. Generally the widow remarriage is acceptable and favorable in the Kashmiri society.

**Domestic Violence**

Gender violence occurs throughout the world, but it take different forms in different social contexts. It is located in particular set of social relationship, structures of power, and meanings of gender. Although enhanced gender equality is commonly thought to diminish gender violence, more egalitarian societies are still plagued by

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88 Dabra et.al., *Gender Discrimination in the Kashmir Valley*, p. 427-429
89 Ibid
widespread gender violence. Traditional or rural societies are not symmetrically more violent than modern or urban ones. Studies all over the world report gender violence, but it is very difficult to develop any numerical measure of its frequency. Between 1967 and 1973, battering men killed over 1750 American women and children. Nearly 60% of the women killed in the US die in the hands of their husbands or boyfriends. Domestic violence is systematic and structural. It is a reflection of unequal relationships sustained by patriarchy built on male superiority and female inferiority, sex stereotyped roles, expectations and economic social and political predominance of men and dependency of women. According to chairperson of the State Women's Commission Shamceema Firdous Domestic violence against them has shown a spurt over the past 20 years. A total of 2000 cases were registered with the commission, out of which 500 were disposed off. As many as 800 cases of marital

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91 Ibid 20-21
92 Ibid 20-21
94 Ibid, p. 151

104
discords were received from Kashmir while 700 such cases were received from Jammu.95

The prevalence of any domestic violence (physical or sexual) is least in Himachal Pradesh, at 6 percent, followed by Jammu and Kashmir (13 percent) and Goa (15 percent). Any violence is most common in Bihar (56 percent), followed by Rajasthan, Madhya Pradesh, and Tripura (45-47 percent).96

Wife battering is institutionalized and has familial sanctions. It ranges from beating, kicking, slapping, accusing, verbal abuse, finding faults in domestic work, long unending working hours within and outside home, denial of good health care, etc. There are a growing number of cases being registered under section 498A of the Penal Code (IPC, 1983) which indicts a husband or relative of the husband for cruelty against a wife. It has also been argued that it is not a woman’s dependence which makes her vulnerable97. A wife having a high position job may be beaten more often than her unemployed counterpart. Wife battering is a reflection of power relationship between husband and wife. It has been observed that women not only

97 Ahlawat Neerja, Violence Against Women p.149-151
accept the violence of their spouse as routine, but also often blame themselves for it. It was also observed that there was wide tolerance for wife abuse and it was considered legitimate under certain conditions like neglect of household duties, dowry demands not fulfilled, not obeying the dictates of husband etc.\textsuperscript{98}

In Kashmir my field survey in the revealed about 29\% of women suffered domestic violence. Out of 200 women 58 accepted that they were beaten by their husbands. Among rural women, my survey revealed, about 30\%(30/100) suffered domestic violence; the percentage of women suffering domestic violence in urban centers stood at 28\%(28/100). It would seem from the small margin of the difference that the abuse of women in households was largely unaffected by the urban: rural divide, see figure 2.9 and table II(h).
Table II (h) Wife Battering in Kashmir

<table>
<thead>
<tr>
<th>Responses</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sometimes/</td>
<td>33</td>
</tr>
<tr>
<td>frequently</td>
<td>8</td>
</tr>
<tr>
<td>In the past</td>
<td>17</td>
</tr>
<tr>
<td>Can’t say</td>
<td>2</td>
</tr>
</tbody>
</table>

Source: Field Work
Fig 2.9; Wife Battering in Kashmir

![Pie Chart showing wife beating]

Source: Field Work by the Researcher

Fig 2.10: Class based pattern of Wife beating in Kashmir

![Bar Chart showing pattern of wife beating]

Source: Field Work by the Researcher
In the (fig 2.10) it is clear that upper class women are also victims of spouse beating but their number is higher in case of middle and lower class women. The practice seems to be more common in rural uneducated women. Most field studies of domestic violence reveal that women, having internalized patriarchal norms, often do not perceive themselves as abused unless they have suffered severe physical assault⁹⁹. Further women themselves have perception of an their social roles in society, and more importantly, of their inadequacies in fulfilling them. In a conversation with my respondents a significant number of women admitted that they were beaten by their spouses sometimes but was often followed by attempts to justify it. One of the women who accepted the fact that her husband sometimes beats her added that the beating is not severe but mild and includes mainly slapping. She further added that whenever she was beaten by her spouse it was owing to her own fault. In her words meani chi galti asan tawai chi layan( he beats be only when I am wrong) and Khandaras chu haqh galti paeth layenuk (Husband has a right to beat his wife when she does something wrong). In the NFHS -3 findings it has been revealed that the proportion of women who have experienced

only physical violence, as well as those who have experienced both physical and sexual violence, or have experienced physical or sexual violence, increases with age till the age group 30-39, but then declines somewhat for the older age group. Sexual violence only does not increase linearly with age and is highest for women in the age-groups 15-19 and 20-24\textsuperscript{100}. An old aged women from a rural uneducated background admitted that when they were young her husband would beat her sometimes but then she quickly added that it was all out of love. She added that in a married life it is a blessing and said taeth layenus ti aus panun maza (beating by a husband is sweet in its own ways).

A bill to protect women in Jammu and Kashmir from domestic violence was introduced in the legislative Assembly on 26 March 2010\textsuperscript{101}. The bill defines 'domestic violence' to include actual abuse or threats by husbands that is physical, sexual, verbal, emotional or economic. Harassment by way of dowry demands would also be covered under the definition. According to the objectives of the bill, the measure seeks to 'protect the women from being victims of

\textsuperscript{100} ‘Domestic Violence’ \url{http://www.measuredhs.com/pubs/pdf/FRIND3/15Chapter15.pdf}

\textsuperscript{101} \url{http://sify.com/news/anti-domestic-violence-bill-introduced-in-Kashmir-assembly-news-national-kd0u4ceihga.html} accessed on 4 may 2010
domestic violence in society and cover those women who are in a relationship with the abuser where both parties have lived together in a shared household and are related by consanguinity, marriage, adoption in addition to relationship with family members living together as a joint family.\textsuperscript{102}

However, whereas the bill enables the wife to file a complaint under the proposed enactment against any relative of the husband or the male partner, it does not enable female relatives of the husband or the male partner to file a complaint against the wife or the female partner.\textsuperscript{103}

The bill also provides for the right of women to secure housing and to reside in her matrimonial home or shared household, whether or not she has any title or rights there.\textsuperscript{104}

\textsuperscript{102} ibid
\textsuperscript{103} ibid
\textsuperscript{104} ibid