I WOMEN IN KASHMIR;
A HISTORICAL
BACKGROUND
CHAPTER I

WOMEN IN KASHMIR: A HISTORICAL BACKGROUND

Women’s Resistance Against the Dogra Rule in Kashmir.

As is well-known, Kashmir was under the oppressive rule of the Dogras during the colonial period. In the people’s struggle against the Dogra rule, it is often not recognized that women played an extremely important role. This chapter highlights the contribution of women in the struggle against the Dogra rule in Kashmir, focusing, in particular, on the period from 1930 to 1947. Indeed, women fought shoulder to shoulder with men, and even took up arms against the Dogra rulers. Women’s active participation certainly makes the event a glorious chapter in the long history of popular resistance in Kashmir.

The Jammu and Kashmir State is composed of three main cultural units and geographical divisions: Jammu, Kashmir and Ladakh. The state came into existence as a result of the conquest of the Punjab by the British in 1845. The state with its present boundaries was founded by Maharaja Gulab Singh. In 1820, the Maharaja had obtained the principlality of Jammu as a Jagir from Maharaja Ranjit Singh of the Punjab in recognition of his loyal services. Ranjit Singh authorized

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him to rule over Jammu as the Raja of the place\textsuperscript{2}. The Anglo-Sikh war was concluded with the treaty of Lahore on 9 March 1846; the treaty recognized the independent sovereignty of Raja Gulab Singh in hills as “may be made over to him by a separate treaty”\textsuperscript{3}. It created a new and separate territorial entity- Kashmir out of the Sikh territory which was placed under the sovereign authority of Raja Gulab Singh. A separate agreement was concluded by East India Company with Raja Gulab Singh at Amritsar on 16\textsuperscript{th} March 1846. This agreement is popularly known as the ‘treaty of Amritsar’. Under this treaty Kashmir was sold to Gulab Singh in lieu of a cash payment of Rupees seventy five lakhs.\textsuperscript{4} The same treaty recognized Gulab Singh as the Maharaja of the J&K state. Under the treaty the British promised aid and assistance to the maharaja for defending and protecting his territories from external enemies.\textsuperscript{5} The innocent people of Kashmir were subjected to double tyranny. Being a protected state under British crown, they were tyrannized by both the British state and the Dogra rulers.

Under the Dogras, the people of Kashmir suffered untold miseries. The peasants suffered from inexorably high taxation, and the cruel and
harsh methods of tax collection. The ordinary people were faced with a corrupt administration, looking for pretexts to impoverish them. Debt bondage was rampant, and according to one estimate, about 80% of the rural population was under debt. The merchant-moneylenders made fortunes by usury and rack-renting, and lives for ordinary villagers were utterly miserable. True to its oppressive, feudal character, the state claimed to be the proprietor of all land, and while the producing classes were its tenants, land, and all its produce, belonged to the state.

The most pernicious method of oppression was the system of *begar* or forced labor. The officials enforced *begar* not only to meet their personal gains, but also to secure free labor in agricultural fields. In other words, vast masses of Kashmiri people suffered from servitude during the Dogra regime.

The people of Kashmir launched several important movements of resistance against the oppression of the Dogras, and in all these efforts the presence of women was conspicuous. Perhaps, the first armed engagement occurred in Gilgit when Maharaja Gulab Singh invaded

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7 J&K State Archives, Letter from Maharaja Pratab Singh to his Prime Minister, December 14 1918, file no. 191/h-75, Kashmir Government Records.
the place. The glorious struggle by the people of Gilgit repulsed the invading Maharaja’s forces, and inflicted on them a convincing defeat. The people of Gilgit, supported by women, provided stiff resistance when Maharaja Gulab Singh launched a military expedition against Gilgit. The Dogra forces were defeated by the valiant heroes of Gilgit under the command of Gowhar Rehman. Similarly the people of Hazara Rampur and the gun makers of Srinagar offered stiff resistance when Gulab Singh sent troops under Wazir Lakhpat to takeover the charge of the Kashmir valley from the then Governor, sheikh Imam-ud-din who had already declared his independence. In the encounter the sheikh defeated the Dogra forces with the popular support. In the victory, an important role was played by the wife of Sheikh Imam-ud-din. (She was “a Women of determined courage and character, revered by her subjects as Madar-i-Meherban who took up arms and took the vow not to allow the sheikh enter her chambers until he repulsed the invaders. With the help of British Soldiers the people’s resistance was however, crushed as in the case of Gilgit.⁹

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⁹ Ibid p.78
It is often not recognized that Kashmir was politically active during the Khilafat movement\textsuperscript{10}, and the people of Kashmir joined the Khilafat and non-cooperation movement in large numbers. In May 1920, Ghandhiji gave the call for non-cooperation movement, and the impact of his call was felt in Kashmir, as well. The Kashmir people suffering under the oppressive Dogra rule, identified their immediate oppressors- the Dogra rule, identified their immediate oppressors- the Dogras- With the colonial state, and joined the national movement and strongly supported Gandhiji’s cell for non-cooperation against the British rule in India. The movement did not, indeed, last long, but it did, for the first time, enable the Kashmiri people, in particular the Muslims, to identify themselves with the movement for anti-colonial resistance and nationalism\textsuperscript{11}.

An important event in the freedom struggle in the state was the memorandum presented to the Viceroy and Governor General of India, lord Reading in 1924 by freedom fighters of Kashmir.\textsuperscript{12} The Memorandum proved costly and the government took severe action against the authors of the memorandum. Government took severe

\footnotesize{\textsuperscript{10} For details see Hasan Mushirul, Nationalism and Communal Politics in India, 1855-1930, Manohar Publications 1991 and Gail Minault, The Khilafat Movement : Religious Symbolism and Mobilization in India Columbia University Press, 1982

\textsuperscript{11} Khan, G.H., Freedom Movement In Kashmir. p. 82

\textsuperscript{12} Rashid Tasir, Tarikh-e-Hurriyat-i-Kashmir, Srinagar Muhaffiz Publication 1968), p. 71}
action against the authors of the memorandum. The leading memorialist Saad-ud-din shawl was banished from the state and one Khwaja Shah Naqashbandi was deprived of his Jagir.\textsuperscript{13} The impact of the Indian Nationalist movement was strongly felt by the educated youth of the state\textsuperscript{14}. The non-cooperation movement and the Jallianwala Bagh tragedy were closely watched by them. Many students from the state participated in the non-cooperation campaigns. By 1930 the influence of the Indian nationalism was quite visible in the Kashmir province. The arrest of Mahatma Gandhi on May 1930 was protested by the students in Srinagar\textsuperscript{15}. With the advent of the English Resident in Kashmir the Christian missionaries arrived as well.\textsuperscript{16} The Christian missionaries established schools in Kashmir, and while they did not succeed in converting the Kashmiri’s, they did succeed in spreading modern education among them. The spread of modern education made them even more conscious of the oppressive nature of the Dogra Rule, and the support it received from the colonial

\textsuperscript{13} Khan, G.H., \textit{Freedom Movement in Kashmir}, p. 95
\textsuperscript{14} ibid p.99
\textsuperscript{15} Ibid p.100
state. It also enabled them to acquire more modern and sophisticated
methods of organizations, mobilization and resistance.\textsuperscript{17}

The year 1931 saw the beginning of an organized freedom struggle
initiated by the Kashmiris against the autocratic rule of the Dogras in
which they had been suffering untold miseries for more than eight
decades. The Muslims in Kashmir played an active role in the struggle
against the Dogra rule. There were many causes of Muslim unrest.
More than 80\% of the Muslim population lived on agriculture, but
they enjoyed no propriety rights in land. A peasant in Kashmir could
be ejected any time by the state\textsuperscript{18}. The institution of \textit{kare-sarkar} was
introduced as a substitute for the \textit{begar} which had been abolished in
1920. Under \textit{kare-sarkar} the villagers were required to render services
for the state whenever demanded. Further the policy of provincialism
and racial discrimination followed by the Dogra rulers was bound to
create the atmosphere of apathy amongst those against whom such
policy was directed.\textsuperscript{19} The immediate causes which led to the political
disturbances of July 1931 can be attributed to the emergence of a
group of educated Muslims with modern outlook. They were deeply
cconcerned with the pathetic condition of the peasants and workers, and

\textsuperscript{17} Khan, G.H., \textit{Freedom Movement in Kashmir}, p.101
\textsuperscript{18} Ibid
\textsuperscript{19} Ibid, p. 118
the lack of employment opportunities for the educated youths in the state.\textsuperscript{20}

\textbf{Role of women:}

The women of Kashmir played a conspicuous role in the struggle against the Dogra rule\textsuperscript{21}. In a meeting at \textit{Khanqa-he-Maula}, one Abdul Qadeer, a non-Kashmiri Muslim who was in Srinagar came on the stage and said “we do not have guns, but we have plenty of stones and brickbats.”\textsuperscript{22} On June 25, 1931 he was arrested. The trial of Abdul Qadeer started on July 6, 1931 at session’s high court, Srinagar. \textsuperscript{23} On July 13, 1931, the judgment was pronounced at the central jail, Srinagar. According to an estimate a mob of 4 to five thousand people had gone to witness the trial. They shouted the slogans \textit{“Allaho-akbar”} \textit{“Qadeer Zindabaad”} and in a short while the police started firing the protestors, killing a large number among them. Remarkably, the women of the working classes of the Muslim society fought shoulder to shoulder with their counterpart against the injustice and misrule of the Dogra despots. Clearly, then during its first phase of the freedom struggle, the women participants came from the lower

\textsuperscript{20} Ibid, p. 122-123
\textsuperscript{22} Cited from, Khan, G.H., \textit{Freedom Movement in Kashmir}, p.130
\textsuperscript{23} Ibid p.131
sections of society, illiterate and uneducated. These women of the lower orders were not led and organized by educated women but it was their movement that educated women joined later in the period.\textsuperscript{24}

With the imposition of martial law, a reign of terror was let loose in the city of Srinagar. The Kashmiris were forced to kiss the Dogra flag and lick the shoes of the soldiers and salute every soldier with the Dogra salutation, “\textit{Jai Dev Maharaj}”. Hand written revolutionary posters appeared in Srinagar after the arrest of Sheikh Mohammed Abdullah. During this period women processionists, many of them with suckling babies in their arms, passed through the streets raising slogans against the oppressive Dogra regime and demanding the release of their imprisoned leaders and for the establishment of a democracy in Kashmir. The protesting women were surrounded by the armed police and were ordered to disperse. On their refusal, they were abused, molested, and then killed in large numbers by the agents of the state. Their bodies were recovered from the river in the Srinagar, where they have been dumped by the police. Women came out in procession on July 27 again, carrying black flags. In 1931 when the government handed over the military administration to the command on September 6, a crowd of women agitators was \textit{Lathi} charged and

\textsuperscript{24} Mohammed Yasin and Madhvi Yasin (ed.), \textit{Mysteries and Glimpses of Kashmir}, p. 197-198
their modesty outraged; 10 women received injuries. Addressing the procession on 2nd August 1931, a Kashmiri women speaker said;

*Our men should sit in their homes and wear Burqas! We are proud of our Punjabi Muslim brethren but so far they have confined themselves to merely issuing statements. We request the members of British parliament to take our grievances to the League of Nations. We appeal to the army not to oppress women as it was no chivalry. But if they have any such instructions, they will find us ready to meet the challenge.*

In the city the processions of women and children had become a common sight and every minute, news of these processions were coming from different parts of the city. It was a common sight to see a *Ladi shah* performing a ballad against the state, watched, sympathized and encouraged by large groups of women. Most of the ballads had the following refrain line each stanza;

*“kan thaw beh wanai sheri-Kashmir”*

**Translation:**

Listen I am going to unfurl the story of Sheri-Kashmir.

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26 Ibid p.388
27 one who recites popular ballads to street crowds
28 Ibid p.393
In response to an appeal issued by the All India Kashmir Committee, Kashmir Day was observed all over the state on 14\textsuperscript{th} August 1931. Its aim was to bring pressure upon the government of India to help the Kashmiris secure the basic rights denied to them. A complete Hartal was observed and processions were taken out. Meetings were held at Mazar-e-shohada which were attended by about thirty thousand women. It was addressed by Sheikh Mohammed Abdullah, Chaudhri Ghulam Abbas Khan and Mistri Yaqub Ali. It was followed by another mass meeting at Jamia Masjid. At the end of the meeting, the blood-stained clothes of the martyrs were displaced to the audience.\textsuperscript{29}

The Muslims of Delhi celebrated the Kashmir day for two consecutive days\textsuperscript{30}. September 24 1931 saw the first armed resistance of the Kashmiri Muslims against the excesses of the government. On September 24 the city of Srinagar was pasted with notices to the effect that the “Mohammedans have no quarrel with the Hindus but have declared Jihad against his highness government\textsuperscript{31}.” Armed with axes, spades, hoes, scythes, pick-axes, knives, harpoons, swords and sticks, about fifteen thousand people had assembled by 1pm\textsuperscript{32}.

\textsuperscript{29} Saraf Muhammed Yusuf, Kashmiri’s Fight for Freedom, p.397
\textsuperscript{30} Khan, G.H., Freedom Movement in Kashmir, p.139
\textsuperscript{31} Telegram from resident in Kashmir” No. 60-c dated sep 24 931, file no. 423(2) of 1931 home/political secret.
\textsuperscript{32} Khan, G.H., Freedom Movement in Kashmir p.155
One of the heroines of 1931 upheaval Fazli died on September 24, 1931, when the military opened fire on a procession of women which was parading through the Maisuma bazaar Srinagar. In Shopian, Sajida Bano, aged 25 years, who had recently lost her husband, received a bullet wound in military firing, she was pregnant and died along with the child on the spot. Jan Begum, widow of Abel lone, Srinagar, was killed in a police firing. These women, illiterate and socially inferior, anticipated the movement led by the educated women in the later phase of the freedom struggle. Another heroine of the upheaval was Jan Ded. Jan Ded was illiterate and came from the lower sections in society and this is why her sacrifice has been ignored in the discourse of the freedom struggle in Kashmir. Her natural talents were not exploited, even though she fought well against the injustices. She was pragmatist and was poles apart from many of the male political leaders of Kashmir in that she advocated secularism and shunned narrow communal loyalties. She was ebullient, outspoken

34 Ibid
and demanding. She incurred wrath of the top Muslim leaders, and had to retire from the active politics after 1934.\textsuperscript{36}

A memorandum was presented to the maharaja, which said:

\textit{Some constables of the training school who were coming towards the city in a lorry, attacked innocent and peaceful Muslim passersby inflicting death on some and injuries on some others…..with promulgation of martial law, army wrought havoc on the Muslim passers- by were murdered; peaceful citizens were forcibly brought out of their homes and tortured and arrested: nothing was left undone to disgrace, dishonor and destroy Muslim homes : women were assaulted and outraged: ………….wherever it was possible poor men and women were either drowned or strangulated\textsuperscript{37}.}

On 22 September people again collected in the Jamia Masjid and came out in a procession. The army fired several rounds and three protestors were killed on the spot and more than a dozen injured. On the same day the military also opened fire on another procession at Maisuma which included women, killing two men and wounding three, including a woman.\textsuperscript{38} Processions of women were a common feature of the agitation in various localities of Srinagar and the towns of

\textsuperscript{36} ibid
\textsuperscript{37} Saraf Muhammed Yusuf, Kashmiris Fight For Freedom-1, p.399
\textsuperscript{38} Ibid, p. 403
Baramulla, Sopore, Islamabad (Anantnag) and Shopian. It goes to the credit of the daughters of the valley that although illiterate and unaware of their rights and traditionally confined to their homes, they braved hardships smilingly and fought shoulder to shoulder with men folk for the emancipation of their country from Dogra rule.\textsuperscript{39}

On 18\textsuperscript{th} of August, a Muslim women carrying vegetables for sale was way laid by Pandit boys near \textit{Khankah-e-Sokhta}. Her clothes were torn and she was left almost naked. Soon a dead body of a Muslim Women was recovered from a river she was allegedly drowned by soldiers presumably after rape.\textsuperscript{40}

On 28 Jan 1932 a number of women took out a procession. When they reached near the right bank of Jhelum, in the midst of the town, the police blocked their passage and the sub-inspector used abusive language against political leaders. Begum Bohru, a widow from Baramulla was carrying a \textit{Kangri} (fire-pot) filled with burning charcoal. She hurled it at the sub-inspector. It crashed straight into his face which was permanently disfigured - the gallant woman was shot dead on the Spot\textsuperscript{41}. One Noor Gujri, a milkman’s daughter, plagued the military and police though her vituperative utterance and pugnacious

\textsuperscript{39} Ibid, p. 404
\textsuperscript{40} Ibid, p. 414
\textsuperscript{41} Ibid, p.436-437
pranks. She was repeatedly arrested, clamped in prison for a few days and released. The National leaders boosted her and denounced the authorities for imprisoning her\textsuperscript{42}. In 1939 the Muslim conference was transformed into National Conference\textsuperscript{43}. In 1942 Indian National Congress launched quit India movement, many congress leaders were arrested in connection with the movement. In the middle of 1943 congress leaders were released and these leaders visited Srinagar in the summers of 1944 and 1945. They were in close contact with Sheikh Abdullah. That is why despite sheikh Abdullah’s non-participation in the Quit India movement and national conference policy of extending verbal support in war efforts of the allies which ran counter to Congress policy, the far sighted congressman chose to ignore it and made every effort to cement their personal and political bonds with sheikh Abdullah.\textsuperscript{44} The annual session of the party was held in Srinagar on the 25\textsuperscript{th}, 29\textsuperscript{th} and 30\textsuperscript{th} September, 1944 in Pather Masjid. The session is important in that it adopted a political economic and social Programme for Kashmir known as “New Kashmir”. The historic new Kashmir manifesto granted women the right to vote and contest elections. Women were guaranteed equal

\textsuperscript{42} Bazaz P.N., Daughters of Vitasta, p. 262  
\textsuperscript{43} Mohammed Yasin and Madhvi Yasin, Mysteries and Glimpses of Kashmir, p.18  
\textsuperscript{44} Saraf Muhammed Yusuf, Kashmiri’s Fight for Freedom, p.641-642
rights with men in all fields of national life; political, economic, cultural as also in the state services\textsuperscript{45}.

Although the freedom movement did not take any agitational shape, in the sense understood by the term between 1939 to May 1944. The movement for reforms and the demand for a responsible government for the setting up of a responsible government continued unabated\textsuperscript{46}. Soon after the results of elections in the subcontinent were out the British Government sent a cabinet mission for talks with leaders of political parties for evolving an agreed basis for the transfer of power. Sheikh Abdullah sent them a memorandum known as the Quit Kashmir Memorandum, the Memorandum said:-

\textit{Today the national demand of the people of Kashmir is not merely the establishment of a system of responsible government, but the right to absolute freedom from autocratic rule of the Dogra...........}, Kashmir is not merely a geographical expression, in the north west of the vast sub-continent of India, famed for its beauty and natural wealth, but it is a land strategically situated, the meeting point of India, China and Russia, and as such has an international significance. Our home land is the cradle of Kashmiri nation which by virtue of the homogeneity of

\textsuperscript{45} Ibid p.643-644
\textsuperscript{46} Ibid p.663
its language, culture and tradition and its common history of suffering, is today one of the rare places in India where all communities are backing up a united national demand.\textsuperscript{47}

Sheikh Abdullah launched the “Quit Kashmir” movement with a highly anti-government speech at Srinagar on 15\textsuperscript{th} May 1946\textsuperscript{48}. Muslim women not only took out processions in defiance of prohibitory orders but also participated in large numbers in the public meetings held at \textit{Khanqahe-Maula} and Hazratbal. The women of Kashmir from all walks of life came forward with redoubled enthusiasm and energy in support of their beloved leader.\textsuperscript{49} One Zoni gujjri was put behind bars as many as nine times. Several times she was attacked by the armed police. She was at that time in her teens, and her husband was dead against her political activities. Wife of a poor working man, politics was no luxury for her; home was to be looked after. Her magnetic oratory drew large throngs of women agitators. Gujri lost her only son aged 12 years when a bullet struck the boy in an assault made by the military police. Another woman, Fatima a Peasant woman was shot dead at Anantnag by the Dogra forces in May 1946, while leading a procession to Voice against the

\textsuperscript{47} cited from Saraf Muhammed, \textit{Kashmiri’s fight for Freedom}, p.669-670

\textsuperscript{48} Ibid p.672

\textsuperscript{49} Ibid, p. 676
repressive policy of the Maharaja. The Dogra forces had occupied the town and armed soldiers were parading through the streets with pointed bayonets fixed on their guns. Some people took a procession in defiance to the military orders. Fatima, also joined at the head of the women processionists and was attacked by the armed soldiers.\footnote{Madhvi Yasin, ‘Role of Women in Freedom Struggle in Kashmir’ p. 204-206}

It has often been argued that Sheikh Abdullah launched the “Quit Kashmir Movement” on the advice and inspiration of the congress. This does not, however, seem to be entirely correct, because the official congress newspapers attacked the movement in no uncertain terms. \footnote{Ibid, p. 680-81} It needs to be admitted still that Jawaharlal Nehru was personally involved on the side of Sheikh Abdulah in the Quit Kashmir Movement.

Begum zainab discarded purdah led anti govt. demonstrations and delivered speeches to the NC workers. Collecting donations from charitable sympathizers, she arranged relief for victims of Dogra aggression.\footnote{Bazaz, P.N. Daughters of Vitasta, p. 269} Begum Akbar Jahan, wife of Abdullah threw herself in the freedom struggle after sheikh Abdullah and his colleagues were arrested during “Quit Kashmir movement”. She led anti-govt. demonstrations and kept the morals of the freedom fighters alive. She
not only fought against the Dogra oppression but also collected donations from the people for the victims of the Dogra persecution. In February 1947 the cost of living registered an alarming increase in the state. The national conference set up a food committee with begum Abdullah as chairwomen distributing food on subsidized cost. She started a mass campaign against the rising cost of living.\(^{53}\)

In 1947, India and Pakistan had come into existence. Sheikh Abdullah was released on September 1947, but he refuse to accept the two nation theory. The decision to accede to either India or Pakistan placed Maharaja Hari Singh in a dilemma. On the one hand, if the State acceded to Pakistan, the maharaja’s Dogra Hindu community would find itself in a position of subservience. He nourished hopes of an independent state. In August 1947, Maharaja’s regime ratified an agreement with the government of Pakistan. This agreement stipulated that the Pakistan government assume charge of the state’s post and telegraph system and supply the state with essential commodities\(^{54}\), but India refused to sign on it unless the political prisoners were freed. The maharaja refused and the agreement was, thus inconclusive.\(^{55}\)

\(^{53}\) Ibid p.687


National Conference firmly placed its bet on India, and supported the accession of Kashmir to India. The National Conference asked people to collectively donate their weapons and their vehicles. Training session for volunteers were organized. This was the beginning of the people’s militia of Kashmir. Girls also joined the militia. Zoni Gujjar, joined women’s Defence force and received militia training at a place, where now stands the New Secretariat building. During this period she vigorously struggled to topple the Dogra Regime, and to have a democracy in Kashmir. She was awarded with title “Zoni Mujahid” in grateful acknowledgement for her Services. Under the leadership of sheikh Mohammed Abdullah National Militia and women’s Defense corps-volunteer forces of men and women were organized to ward off the onslaught by the tribal raiders. With its multifaceted and radical activities, women’s self Defence corps (WSDC) was harbinger of social change. Attired in traditional Kashmiri clothes and carrying a gun around her shoulders, zoon Gujjar symbolized the WDSC. Begum Abdullah was also foremost in the women’s wing of peace brigade, which fought the Pakistani invaders. Begum Abdullah was a very intelligent woman.

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57 Abdullah *Flames of Chinar*, p. 94
58 Mohummad Yasin and Madhvi Yasin, *Mysteries and Glimpses of Kashmir*, p.201
and devout Muslim. In 1947 when the country was under the grip of communal frenzy, she carried the torch of love and peace to far flung areas of the state. She helped the victims of partition in rehabilitation with a motherly care and love. It was only due to her tireless efforts that the state of Jammu and Kashmir was saved from the communal riots. She was awarded the title of “Mader-e-Meherban’ (kind mother) by the people of Kashmir. Miss Mehmuda Ahamd Shah, a pioneering educationist and champion of women’s empowerment, along with other leader women, was in the forefront of WSDC. During her student days in Lahore she joined the ‘Punjab Students federation’, which was fighting against the British imperialism. In Kashmir she founded ‘Free thinkers society’ which gathered under it the intellectuals of the state. Meanwhile she joined the freedom Movement under the leadership of sheikh Abdullah. She did great service in bringing normalcy to the state, when the sub-continent gripped in communal frenzy. Begum Zainab was a grass root level leader. She fought against the Dogra rule under the auspices of the NC. She took charge of the political dimensions of WSDC and shouldering a gun she was in the forefront, leading women’s

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60 Saraf Muhammed yusuf, Kashmiri’s Fight for Freedom, p.495
61 Mohammed Yasin and Madhvi Yasin(ed.) Mysteries and Glimpses of Kashmir, p. 206
contingents. Sajida Zameer Ahmad was also associated with the Quit Kashmir Movement in its later stage. She joined the WSDC in 1947 and worked actively in various refugee camps.

To conclude, women in Kashmir played a conspicuous role in the freedom struggle. They left the comfort of their homes and joined the movement for liberation in Kashmir, in large numbers. History has ignored their contribution. One important feature that comes out from my study is that women fought Dogras and the colonial state, alongside men, as their equal partners. Secondly, women’s participation was not constrained by class, and women of all classes were seen in the nationalist struggle in Kashmir.

**Marginalised Women and the State, in Kashmir: (19th -20th centuries)**

Scholars working on Kashmir have largely focused on its political processes, and the nature of its relations with the central government. The recurring and ever increasing cycles of violence and political conflicts have actually inhibited scholars from studying the social and cultural developments in the state. There has scarcely been any effort to examine the lives of women, in particular marginalized Women, in the state. This work seeks to study the lives of one such group of

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62 Ibid 117
marginalized women- the prostitutes-in relation to the social and political developments in the state.

In colonial India, Jammu and Kashmir was the only state where prostitution was legalized under law and was not a punishable offense. There could have many reasons for this, and while the role of the culture was certainly important, the pecuniary benefit to state was crucial in its tolerance, even encouragement, under the Dogra rule. The ill-famed trade came to the notice of British Government after the devastated famine in 1877-78. According to the British Official reports, about 15 to 25 percent of the revenues of the state came from taxing the prostitutes, who were for this reason provided licenses by the state. In 1880, there were in Kashmir, according to the Report, 18,715 ‘registered prostitutes’ who gave away a share of their ‘income’ to the state in the form of taxes. The registered prostitutes, it appears, belonged to the lower sections of society, and a significant number of them actually came from the untouchable classes, such as the Bhangis (scavengers) and Hanjis (fishermen).63

We come to know from the official British records that the prostitutes in Kashmir were usually sold at a tender age by their parents to

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63 National Archives of India, (hereinafter NAI), File no. 86, Foreign Department., Secret-E, March 1883, p.10,
brothel-keepers for a price that varied from rupees 100 to 200. Child trafficking was officially recognized by the state and the purchase of the girl-child by pimps and brothel-keepers was registered and sealed on stamped paper. The children sold for prostitution were usually cajoled into believing that they would be married off. For most poor parents marriage was not an option, for the Dogra state taxed marriages as well, and the tax on marriage was usually so high as to be beyond the reach of the poor parents. Our records inform us that the tax on marriage amounted to as much as Rupees 3 to 8\textsuperscript{64}.

The prostitutes were divided into three classes according to, what the records term as ‘gratification’, which, of course, included considerations of the age, income, looks and caste of the prostitutes and were taxed accordingly\textsuperscript{65}:

Class-I Prostitute: Rs 40 per annum

Class- II Prostitute: Rs. 20 per annum

Class- III Prostitute: Rs. 10 per annum

The Dogra rule was characterized by an oppressive tax regime, and subjects were taxed under one pretense upon another. Even the dead couldn’t be buried save by licensed and privileged grave-diggers.

\textsuperscript{64} Ibid p.10

\textsuperscript{65} Ibid p.12
Coolies who were engaged to carry the baggage of travelers surrendered half their earnings to the agents of the state. Under such a coercive regime, the prostitutes could not be spared either. Most parents were driven to selling their daughters under extreme poverty for which, of course, the Dogra regime, and its oppressive tax structure, were crucially responsible.

The young girls, once sold for prostitution, had no hopes of release, and were destined to work as ‘sex slaves’ all their lives. It was of course well-nigh impossible for them to save enough money to buy themselves back, as it were. These unfortunate girls were denied permission to get married and settle down in life. Nor were they allowed to change ‘profession’, and earn their livelihood through other means. In one instance, a woman who entreated the officers to be allowed to marry and lead a settled life was refused permission to do so. She attempted to fly with a man she wished to marry, but was prevented from doing so and was forced to remain in prostitution.

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66 Ibid p.12
68 Ibid, p. 72
69 Ibid
70 Ibid
The sale of girls and the traffic in women has been described by Arthur Brinkman, the author of *Wrongs in Kashmir* in the following words:

‘The classes engaged in it [prostitution] are owned as slaves and others, who were formerly in their position. The authority of the latter is backed by the whole power of the Dogra Maharaja, to whom reverts at their death all the wealth gathered by the prostitutes, during their infamous life. Should one of their bondwomen or dancing girl attempt to leave her degrading profession, she is driven back with the lash and the rod into her mistress’s power. These facts are certain’71.

According to Robert Thorp, there were nauch (dancing) girls in the service of the Maharaja. The state charged 103 ‘chilkee’ Rupees for giving the license to purchase a dancing girl, and once the girl entered the profession, as it were, she had to shell out money to the state, as well72.

According to an official British report, the prostitutes were also used as spies by the Dogra rulers. Citing the testimony of one Malik Qutubuddin, the source, tells us that the Maharaja was even using the prostitutes to spy on the English visiting Kashmir. It is said on the

71 Cited from Ibid, p. 71
72 Ibid, p. 71
authority of Malik kutub-ud-in, that the prostitutes were used as spies on English visitors. The famine of 1877-78 seriously affected the prostitution as well as other trades; and the number of brothels in Kashmir declined to just 30, and the registered prostitutes were reduced to 70 or 80 alone. Accordingly, the tax on the prostitutes was also reduced, as well. In March 1880 it was Rs 2 per woman per Month, or Rs 24 per annum as against Rs 10 to Rs 40 per annum.

The prostitution racket, however, was not just regional, but had by the twentieth century spread to all over India. Kashmiri girls were found in the brothels of other parts of India. According to the census 1921, out of the 2995 prostitutes in the brothels of Bombay, 41 were the natives of Kashmir.

The Rajput landlords, who had been assigned huge Jagirs by the Maharaja, informs Thorp, perpetuated the practice of women trafficking. He claims that the Rajput Dogras kept a large number of concubines, some acquired through purchase, others by capture. Thorp is, interestingly corroborated by F.M Hassnain who recounts

73 NAI, File no.86, Foreign Department., Secret-E, March 1883,p.11
74 Ibid,p.11
75 NAI, File no. 469, Home Department, 16 November 1921, p.3,
76 Ibid p.12
77 Hassnain,F.M.(ed.), Kashmir Misgovernment, p.72
that during recovery of abducted Muslim girls in the Jammu region during 1947-48, it transpired that these Rajput landlords had kept Hindu girls coming from peasant families as concubines in their households.78

The contemporary sources bring to light the sad plight of these prostitutes. Sexually transmitted diseases were rampant among them, and there were scarcely any hospitals where they could receive proper treatment. In 1877-79, a total of 12,977 patients reported for treatment at the Srinagar Mission Hospital. Among them, 2,516 patients were suffering from venereal diseases, most of them prostitutes.79 The Government of India records report that syphilis and other sexually transmitted diseases were quite widespread among the prostitutes in Kashmir.80 According to the Henvey’s Report, the young English residents were involved in helping prostitution to flourish, and the authorities made no efforts to suppress it, since it was a source of revenues for the state.81 In an interesting case of the same period, a procuress approached the local court to prevent one of her victims from leaving Kashmir, on the ostensible ground that the girl was in debt, but, as Henvey points out, in reality the owner was merely

78 ibid
79 File no. 86, Foreign department, Secret-E, March 1883, NAI, p.11
80 ibid
81 ibid
asserting her right to title to the girl. In a rare departure, the court ruled against the plaintiff, but, Henvey believes, this was owing to the pressure of the British rulers\textsuperscript{82}.

To legalize the institution of prostitution, the Dogra rulers, sanctioned ‘The Public Prostitutes rules 1921’, whereby, a prostitute desirous of engaging in prostitution could do so, by registering herself as a ‘public prostitute’. The chief clauses of the rules are as follows:-

1. The Rules were applicable to any part of the Jammu and Kashmir if declared applicable thereto by the minister- in-charge of municipalities\textsuperscript{83}.

2. By “Public Prostitute” was meant any woman who earned her livelihood by offering her person to lewdness for hire\textsuperscript{84}.

3. Every prostitute starting already in ‘business’ was required to have her name entered in the register of the place and obtain a certificate of registration\textsuperscript{85}.

4. Every prostitute was required to make an application in person for registration to the officer charged with preparation of the register.\textsuperscript{86}

\textsuperscript{82} Ibid, p.26
\textsuperscript{84} ibid
\textsuperscript{85} ibid
\textsuperscript{86} ibid
5. Any registered public prostitute might, at any time apply to have her name removed from the register on the ground that she intended to cease the business for which her name was registered and if the officer, in whose register she was entered, was satisfied with her intention, her name would be removed from the register\textsuperscript{87}.

6. A minister-in-charge of municipalities was empowered to prohibit the keeping of a brothel or the residence of a public prostitute in any specified part of the place to which the rules applied\textsuperscript{88}.

7. Prostitutes acting in contravention of these rules or any notice or order issued there under would, on conviction before a (judicial magistrate) be liable to be sentenced to a fine not exceeding Rs 100 or simple imprisonment not exceeding a period of one month\textsuperscript{89}.

Thus, according to public prostitution rules, a prostitute could carry on her trade legally if she registered herself with the district Magistrate. The rules also accepted the role of a brothel keeper and defined him or her as the occupier of any house, room, tent, boat or place resorted to

\textsuperscript{86} Ibid, p.630  
\textsuperscript{87} Ibid  
\textsuperscript{88} Ibid, p.632  
\textsuperscript{89} Ibid
by person of both sexes for the purpose of prostitution. However the brothel keeper had to ensure that he did not keep prostitutes who were not registered with the government\(^9\).

In 1930’s a barber of Srinagar initiated a campaign against prostitution in Maisuma. He was popularly known as Muhammad Subhan (hajam)\(^1\). Subhan, assisted by his friends and several English officials\(^2\) wrote pamphlets highlighting the plight of prostitutes in Kashmir. He would stand up in the streets and preach, and at night, with some of his friends, would stand outside the brothels, preventing the customers from entering them.\(^3\) Through his street shows, Subhan campaigned for returning to prostitutes a normal life\(^4\). In his bid to close down the brothels, Subhan would stand in front of them with his dholak, sing songs and recite self-composed poems, using everyone to refrain from visiting them. In one of his pamphlets, titled *Hajam ki Fariyad*, Subhan says that the state was not co-operating with him and

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\(^2\) One Tyndale Biscoe joined the fray and lent their helping hand to Subhan. He was also able to get the assistance of a police officer whose son had one night been caught by Subhan at the entrance of a brothel. Muhammad Subhan used the good offices of Cannon Biscoe to contact Dr Kathleen Youghan, head of the Kashmir Women Association and apprised her about the tragic sufferings of Kashmiri women. The humane lady contacted the members of the League of Nations and told them about the woeful life of the unfortunate girls. (suhaib matoo, profiling a crusader, *Greater Kashmir*, 18 august 2009)

\(^3\) Cited from Khan Mohammed Ishaq, *History of Srinagar*, p. 113

vested elements were creating problems all around. In another pamphlet he gives some insight into the trade. Due to his persuasion, 700 people, including many Kashmiri Pandits and Sikhs supported him and submitted a memorandum seeking a ban on prostitution to the then district magistrate in Srinagar. After this intense public pressure generated by Subhan, the state Assembly passed the Suppression of Immoral Traffic Act in 1934. It provided penalties for persons who kept, managed or allowed the use of any place or a brothel or procured women or girls for prostitution or lived upon the earnings of prostitutes or traffic in women and children. Those who solicited in public places encouraged or abetted seduction or prostitution of minor girls were also penalized. The suppression of immoral Traffic Act of 1934 had a disastrous effect on the lives of the prostitutes, bringing many of them to destitution. It now became difficult for them to eke out their living while some prostitutes made good their escape to places outside Kashmir, there were many who took to charkha (spinning wheel) on Subhan’s advice. Sources also refer some that some prostitutes earning a decent living by working in a silk factory.

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95 Ibid
96 J&K information (issued by the Bureau of Information, His Highness’s Govt., March 1947), pp. 10-11; Census 1941, p.6, cited from Khan Muhammed Ishaq, History of Srinagar, p. 113
97 Khan, Muhammed Ishaq, History of Srinagar, P.116
After the end of the Dogra rule, the prostitution rules stood in place, but since 1947 no prostitute has actually registered herself. Clearly then, the state no longer derives resources by taxing prostitution. However the marginalized women in particular the prostitutes are still under state’s surveillance. After Independence, in pursuance of international convention the state In India passed the immoral trafficking (prevention) Act 1956. The Act defines the “prostitution” as sexual exploitation or abuse of persons for commercial purposes. 

The section 2-A of the act “ held that any reference in this Act to a law which was not in force in the state of J&K would in relation to that state”, be construed as a reference to the corresponding law, if any, in force in that state. The state tried its sex offenders under the prevention of immoral trafficking Act 1956 but the rules of 1921 were not repealed.

The resurgence of violence in the last couple of decades has led to an increase in prostitution, with more and more female victims of violence, poverty and unemployment, taking recourse to prostitution to eke out their living. In the recent decades, the ‘Maryiam Squad’ of DeM (Dukhtarane-Millat), have launched a campaign against the sex

98 ibid
99 Ibid
workers whose numbers, it claimed, has grown alarmingly in the state\textsuperscript{101}. Certain sociologists working on Kashmir have argued that prostitution in Kashmir has fed on the resurgence of violence and conflict in the recent decades. Prof. Bashir Ahmad Dabla, Kashmiri sociologist, terms prostitution in Kashmir as a ‘digenerative inferno’ and links it to the conflict and violence that has prevailed in Kashmir for more than two decades now\textsuperscript{102}. Faced with recurring violence and frequent deaths in the families, Kashmiri women find no protection from the state, and some of them are indeed drawn to prostitution to sustain their families. A notable example for this come from Dardpora, in Kupwara district, where widowed have either resorted to begging or flesh trade to fulfill their needs\textsuperscript{103}.

In the debates between mainstream political parties and the separatist leaders, trafficking of women has become a non-issue. On 12 May 2006\textsuperscript{104}, the then law Minister, Muzaffar Hussain Beigh, who was also the Deputy Chief Minister, created a furor when he declared that prostitution was legal in Kashmir. He admitted that though the state tries its sex offenders under the prevention of immoral trafficking Act

\textsuperscript{101}Suri Kavita, \textit{Impact of Violence on Women’s Education in Kashmir}, WISCOMP, New Delhi, 2006,p.38
\textsuperscript{102}Ibid
\textsuperscript{103}Ibid, p.38-39
\textsuperscript{104}In 2006, the J&K police unearthed a major sex racket in Srinagar. A ring of 43 girls, two top politicians, 13 police and security force officers were involved in the scam
(PITA) but the sections of its own Ranbir Panel Code have not been repealed\textsuperscript{105}. He said that the Rules of 1921 are still published in J&K law books and were still in force\textsuperscript{106}. The then, Registrar General of JK high court also, admitted that according to these rules an adult woman could of her own free volition register herself as a prostitute, despite PITA\textsuperscript{107}.

In July 2006, A lawyer, named , Maulvi Aijaz, who was defending ‘rapists’ of a Kashmiri girl, claimed that the victim in question was of consenting age and the very law (referring to PITA) on which prosecution was leaning was not applicable to the state. He contended that because of J&K’s special status under article 370, the law under which the accused had been booked- Prevention of immoral trafficking Act (PITA) – did not apply as it had not been notified for Kashmir. Aijaz said the victim Yasmeena was actually above 18 and that her family has been practicing prostitution since 1954\textsuperscript{108}.

These instances of the manipulation of the laws by the defendants reveal an important ambiguity concerning the legal status of prostitution in Kashmir. The origins of this ambiguity clearly go back

\textsuperscript{106} Ibid
\textsuperscript{107} Ibid
\textsuperscript{108} Times of India, July 27,2006
to the Dogra rule, and it is time now that the state in Kashmir removes it to better protect the lives of marginalized women in the state.

To conclude, under the Dogra rule in Kashmir, prostitution was not only legalized but also actively encouraged by the state. Prostitutes were registered, and the state derived considerable revenues from taxing them. The Prostitution Rules of 1921 legalized prostitution, and required the prostitutes to register with the state. This study has argued that the act brought them within the ambit of state surveillance, allowing the state to oppress and exploit them, and stake a claim over their income and resources. The post-independence period did not see any significant initiative on the part of the state to deal with the problems of the prostitutes. However, the practice of registering prostitutes fell into disuse, but the legal acceptance of prostitution continued, as before. The suppression of immoral traffic act, 1956 was adopted by the state in 1959, but in framing the rules for its adoption, the state did not designate prostitution as illegal. The present study has suggested that this has rendered the position of prostitutes in Kashmir an ambiguous one, in legal terms. It is this legal ambiguity that has prevented both the state and the courts in Kashmir in effectively suppressing the practice. The resurgence of violence in Kashmir has led to a substantial expansion in the number of prostitutes, as violence,
poverty and broken homes is driving an increasingly growing number of women to prostitution. But, as a helpless spectator, the state looks on, and is doing nothing!