

Social Evils Among Women In Jammu And Kashmir During Dogra Period And Colonialism And Reforms(1846-1925)

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Abstract: *The antiquities of Jammu and Kashmir reveal that women might have enjoyed a high status as elsewhere in India. But, there was a marked deterioration in the position of women. Female children were not much desired and their sufferings became endless with the beginning of inroads of Turko-Afghan tribes for whom carrying away of women formed the prized item of booty. This situation gave new dimensions to the social customs of Sati and Female Infanticide. With passage of time, other social evils like ban on widow remarriage, traffic in women, prostitution and others too started to culminate among women of Jammu and Kashmir State. Lawrence, a political agent to governor-general, N.W.F.P directed Maharaja Gulab Singh, the first ruler of Jammu and Kashmir State to abolish the inhuman practices of Sati and Female Infanticide from his domain. Since his administration demanded strengthening of other regulatory functions, he was not able to take concrete steps. These evils continued till 1900s till Maharaja Hari Singh made reforms in this sphere. The Dogra rulers displayed unparallel humanitarian zeal in striking at different evils that ultimately improved the quality of woman in the State.*

Keywords: *Female Infanticide, Prostitution and Traffic in women, Sati, Widow Remarriage, Social Reforms*

I. Introduction

It is indeed a difficult endeavour to study the social problems in their historical and sociological perspective. No social problem of any period is a product of the immediate present but has its roots in the past traditions and heritage of the society. Again, no society remains static for ever; it goes on changing with the march of time. In fact, the seed of reform is always buried under the social structure of a country and with the change of time and sense of values that seed germinates and grows demolishing the existing corrupt and degenerated social practices and institutions. This is the dynamics of a living society. The historical and sociological study of any social problem is, therefore, a peep into the past; a search into the present, a view of the future of a particular society, naturally this is a complex problem.

One of the major geo-political developments during the middle of the nineteenth century was the foundation of Jammu and Kashmir State. This State, like the other Native States of India, was politically and socially feudalistic in character. Modern trends as we witness in the British India were almost absent in this northern state. Physically, the State was comprised of four geographical divisions. Even within these divisions, tracts having certain peculiar features were noticeable. And, these physio-graphical conditions deeply influenced socio-religious and politico-economic life of the people. The people of the State were caught in a vicious web created by religious superstitions and social social obscurantism. Amid blind beliefs, certain social evils which appeared as religiously sound had crept up in some sections of the society. The most iniquitous of these social evils were: Female Infanticide, Sati, forced celibacy of women, traffic in women and burning of widows and others.

Female Infanticide : Among queer and evil customs in Indian society one noteworthy and wide spread among people of higher classes and some tribes, was that of female infanticide. The history and original cause of this custom is very difficult to trace.¹ But as there is no mention of such a bloody custom in ancient smritis (legal texts)², it can reasonably be concluded that like several other social bad customs among Hindus, infanticide might have taken roots in India as a result of the usage and peculiar compulsive socio-political factors which emerged during the middle ages. The forms which it took and the motives which led to the crime varied as much with circumstances as with the habits and character of the people amongst whom it was found to exist.³ Female Infanticide, however, seems to have been peculiar to India and with the passage of time, some tribes moved

towards Jammu who brought with them the evil custom of female infanticide in this region also. In the nineteenth century, from the study of the motives which led to the evil custom, it becomes clear that the practice had its root deep in the institution of caste and marriage⁴ which resulted in pride and poverty amongst the infanticide race.⁵ The discovery of this practice was rather a slow and gradual process. In Jammu region, during the early period of our study this practice was commonly supposed to be most rife among the higher class of Rajput, connected with royal houses, called Mians of the hills and of the adjoining plains. The Manhas tribe of Rajputs were those who most practiced it and also those of Salahria, Jamwal and Charak Rajputs.⁶ Some other high class Hindus of Khatri and Brahman families also followed this custom. Since pecuniary considerations and pride seemed to be the root cause of this malady among these classes, large sums were demanded and paid on a girl sought for marriage and daughters were considered as an asset and were properly brought up. Among Hindus an idea prevailed that the bestowal of a female in marriage betokens inferiority, their sons may marry their equals or inferiors, but custom prescribes that their daughters should marry only their equals or their superiors, also that a female could not remain unmarried without bringing disgrace on her family. It was considered, therefore to be imperative on a parent to provide, betimes, a suitable husband for his daughter. Female infanticide, as a result was resorted to for the preservation of honour, dignity and pride.⁷ However, the general rule which was applicable to all the infanticidal races was that whenever and wherever there was no reasonable prospect of obtaining a suitable match for the daughter or difficulty in defraying the marriage expenses, female infanticide was resorted to. This was all due to the fact that a marriage of a daughter was considered an absolutely essential. To remain unmarried was a social disgrace, but to get married involved intricate questions of caste, creed, property, family usage, consanguinity and age. The structure and social institutions of society shaped by rapidly altering political and economic factors resulted in the most complicated incentives to female infanticide.⁸

The methods adopted to destroy the female infants differed from place to place and clan to clan. During Hindu ascendancy when infanticide was considered no crime, the child was destroyed immediately after birth.⁹ This custom was most prevalent among the Rajput clans of Jammu region (Mians). As soon as the girl was born, it was taken from its mother, and either buried alive or more rarely exposed in the forests. Another method was to bury the infant alive. The body was placed in an earthen vessel and the top was covered with a thick paste of dung. Generally a small dose of opium was given to cause immediate death. Another prominent method was by causing injury to the navel.¹⁰ When several female children were born was carried out with following observance- a piece of gur (mollasses) was placed in the mouth of the child, a skin of cotton was laid on her breast and the following incantation recited two or three times

“Gur Khaiyn Pooni Kattin

Apna Baiya Ghalen”

(Eat your sugar, spin your thread, send a brother in your stead)¹¹

Usually the infants were placed in earthen vessels and water pots and buried in the ground in Pachhwarha (backyard) which was attached to the house of almost every Mian. When during the eighteenth and nineteenth century, the rulers and society of Jammu region became alive to the criminal nature of this custom, parents adopted hundreds of ways at their command to kill their female infants and escape detection. They reported sickness and then death, which was sure to follow. They heartlessly treated their daughters, neglected their feeding and exposed them to all the inclemencies of the weather. Sometimes they administered them strong medicines in an effort to bring on sickness and death. A pill of opium was also used to bring death in few hours. In Rajput families such operations and decisions, to cut short the life of the infant were mostly carried out by the elderly women of the family, especially the grandmother or grandaunt. Sometimes the elder lady of the family commanded the dai to put the child to death. The latter had a variety of ways to execute the task assigned to her. The object was also achieved by neglect, by exposing the infant to cold or heat according to the season, as the infant at its birth is so delicate a creature that a puff of wind puts him out.¹²

From the study of motives of infanticide it becomes clear that the practice had its root deep in the institution of caste and marriage¹³ which resulted in pride and poverty amongst the infanticidal races.¹⁴ A necessary outcome of female infanticide which was carried out thoroughly by the Mian Rajputs, was that men of that group had to get wives from other castes, lower in status to them, a convention contrary to that of Rajputs of other parts of India, who married among their equals. This led not only to less purity of Mian blood but also created an atmosphere of disparity in family members who remained conscious of the lower status of their wives and their parents and such a state of relationship created congruous relationship marked by uneasy and uncongenial connections. When the bride was brought home to the house of Mian, evidently was made in order that as little as possible intercourse should be kept with the family with whom they had been obliged, so to say, to become connected.¹⁵ Very little attention was paid to the education of women in her childhood except for teaching her Sanskrit, Dogri and occasionally religious lore. She was married off at a very early stage, as a result of a family arrangement without much regard to either her age or that of her prospective bridegroom.¹⁶

The social reformers of nineteenth century had awakened public opinion in other parts of India against evil custom like female Infanticide, but people of Punjab, Jammu and Kashmir had remained ineffective by this movement till the forties of that century with the occupation of Punjab by the Britishers and their influence over the hill country, the British officers took a serious note of this increasing crime and initiated programmes to suppress it. In the year 1846 much was done by the British representatives in persuading the natives of chief rank to come forward voluntarily and denounce this practice.¹⁷ Maharaja Gulab Singh joined this movement heartily and did much towards putting down the practice in his own country.¹⁸ As heavy expenses on marriages and dowry had been considered the chief factor leading to this practice, so meetings and gatherings were held from time to time to discuss and regulate these expenses to the lowest level. One such meeting under the auspices of the Punjab Board of Administration was held at Amritsar on 29th, 30th and 31st of October 1853.

There was also a delegation from the Rajput tribes of Jammu accompanied by Diwan Hari Chand, the confidential agent of Maharaja Gulab Singh, who rendered active aid on the occasion. It was decided in the meeting to lower the marriage of higher expenses and soften the rigid system of lower and higher classes involved in the marriage alliances among them.¹⁹ A general resolution was adopted, both by the Rajputs and other classes, expressive of their horror of infanticide and of their determination to suppress it by all means in their power.²⁰ According to the census report of 1911, 'all the district officers report that the practice of female infanticide exists no longer in the State.'²¹ But the sex proportions do not wholly justify this optimistic view of the matter.²² Moreover, the steps taken by His Highness the Maharaja Bahadur almost did away with this crime. He created a special trust namely Dhandevi Memorial Fund for the marriage of Rajput girls and also announced that for each female child born to a Rajput, the father will get an acre of land. He also passed a resolution in Samvat 1916 to suppress female infanticide in the State.²³

Nineteenth Century reformers like Raja Ram Mohan Roy and Swami Dayanand Saraswati sought to remove this evil. Encouraged by the rational stance of these Indian reformers the British administrators took several steps to awaken the masses against such practice. The Punjab Board of Administration played a vital role in this field. In 1852 they convened a public meeting for reforms as regards female infanticide and heavy expenses on marriage which in the opinion of majority of people was a potent cause for female infanticide. Representatives of almost all communities of Punjab and the Rajas of Hill States attended the meeting. Representatives of Maharaja Gulab Singh also attended the meeting. In this gathering the represented bradaries took far reaching decisions and resolved against these social evils and agreed not to practice these in future.²⁴ In Jammu and Kashmir State Maharaja Gulab Singh took special measures in order to eradicate this evil which was generally prevalent among Rajputs, more especially the Mian class. Through a Public Proclamation (ishtihaar), the Government of Maharaja prohibited the evil practices of female infanticide for which purpose the following clauses were laid down:-

Clause First – that as a precaution in this matter, it is necessary and foremost that six months after the day of pregnancy the fact of pregnancy be disclosed before the Sarishtadar and should not be kept secret.

Clause Second - after the birth of the child, male or female, the fact should at once be brought to the books of the Kardar/Sarishtadar.

Clause Third – whenever a new born dies of any disease, the name of the malady and causes of fatality be reported by the Attar (Physician).

Clause Fourth – those who do not abide by the above mentioned clauses, commit this heinous act will become liable to severe punishment and there will be no cause of pardon in this affair.

Clause Fifth – the expenses of marriage as fixed after due deliberations in the Amritsar meeting should be acted upon.²⁵

This proclamation was issued on the 21st Katak, Samvat 1910, corresponding to 3rd November 1853.

However, these evil persisted in spite of these prohibitory pronouncements, so that Maharaja Ranbir Singh (1856-85 A.D) has also to take measures to eradicate them, Government and private aid was also given for the marriage of poor girls.²⁶ By these steps Ranbir Singh sought to ameliorate the lot of the most unfortunate portion of the society and thereby discourage incidence of infanticide, the evil which died out only after the second quarter of the twentieth century.

SATI:- The history of Sati goes back to very ancient times. According to V.A. Smith, this rite was brought into India by early immigrants. It continued throughout the Hindu and Rajput period. The custom was especially favoured by the Rajputs. The act of burning or Sati was performed both with the dead body of the husband or without it. Ibn Batuta tells us that Sultans of Delhi had enacted a law where a license has to be procured before burning a widow. The Emperor Humayun was the first mughal sovereign to think of extending an absolute prohibition to all cases.²⁷ Commenting on Sati Dr. R.B.Lali writes that some of the mughal emperors like Akbar and Jahangir showed a keen interest to suppress this cruel practice, but there was no active interference on the part of the State to put an end to it.²⁸ Thevenot writes 'the glory of widowhood consists in being burnt with their dead husbands. The madness of women in being burnt with their husbands is so horrid, that I desire to be excused that I write no more of it'

Bernier says that this abnormal practice was the result of deeply-rooted prejudices. He adds that widows were sometimes forced to burn themselves.²⁹ Manucci also writes about the burning of the widows. In Assam, at the death of the master of the house, they burnt with him all his wives, concubines, and servants, setting them all on fire after binding their feet.³⁰ Contemporary records indicate that Akbar had interfered personally in certain famous cases and stopped widows burning themselves. Manucci also lays that Mughal Emperors had imposed prohibition on Sati in order to remove it from the society.³¹ According to Badauni, Akbar issued an order that a woman should not be forced to Sati.³² Jahangir also prohibited it. Aurangzeb also disallowed a woman to be burnt.³³ Manucci says that after returning from Kashmir, Aurangzeb issued an order that the officials should not allow women to be burnt. Thus, it appeared that the Mughals had ordered the Governors to suppress this abuse, although this social evil continued till 1829 AD when Lord William Bentick suppressed it by legislation.

Sati i.e. the burning of the widow on the funeral pyre of her husband seemed to be rapidly disappearing from Jammu region, during the period under review. Frederic Drew says that 'this practice has absolutely ceased within the country of the Maharaja'³⁴, but we, however, find few instances of Sati in Jammu region. The idea behind the practice of Sati would be clear from the following passage in Colebrooke's "Digest of Hindu Law", an authoritative manual of Hindu law prepared by the Government with the help of learned Brahmins, 'No other effectual duty is known for virtuous women at any time after the deaths of their lords, except casting themselves into the same fire'. According to the Digest, failure of a widow to do this duty might lead to her rebirth as animals, while its faithful observance would not only enable her to enjoy delight with her husband for eternity but also expiate the sins of her husband's maternal and paternal ancestors upto three generations.³⁵ The origin of Sati lies in our ancient society when it was considered as a most respected social institution.

CAUSES:- There were certain social and religious causes which forced a widow to perform Sati, as the unhappy widow had no way of escape from a joyless life of servitude except by the most horrible of sacrifices. The honour of the family depended upon the heroism of the women and the widow was often too condemned to the pain of martyrdom when the heroism was altogether wanting.³⁶ The widow out of a feeling of love and devotion towards her life-long partner, sacrificed her own life with a supreme sense of detachment from the world; to her, life was simply unbearable without her beloved.³⁷ At the same time, Hindu ladies had gradually developed themselves a firm belief that they could be united with their husbands in the world beyond if they reduced themselves to ashes along with the corporeal remains of their husbands.³⁸

Another cause of Sati may have been the hardships of widowed life.³⁹ Widow remarriage was not sanctioned by the Hindu Law (Manu)⁴⁰ and as a consequence widows were treated harshly by the members of her husband's family. The death of her husband was to be punishment for her misdeeds in a previous life.⁴¹ She was to all intents and purposes an ascetic, sleeping on the ground and eating only simple meal a day, without honey, meat, wine or salt; wearing no ornaments or coloured garments and using no perfumes. The widow had to maintain this austere regimen to the end of her days, in the hope of being re-married to her husband in the next life.⁴²

The practice of Sati was performed by the upper three classes, viz Brahmins, Kshatriyas and Vaishyas with exceptions of Sudras.⁴³ But particularly among Kshatriyas this practice remained in vogue. The event of Sati referred to in Jammu annals as early as third century A.D. seems not improbable. Another early reference to Sati in Jammu is that of Neela Rani, wife of Raja Suraj Dev, which happened in about 850 A.D.⁴⁴ The practice seems to have been widely prevalent in Jammu among all classes of Hindus. The custom became popular among Rajputs during the middle ages when Muslim inroads in India commenced and their rule became established in Northern India. Being rulers and defenders of the country, Rajput had to engage in constant battles. Majority of them died heroic death and their equally heroic spouses preferred to accompany the dead hero on their funeral pyre. The custom thereby imbibed in itself an heroic spirit and became a symbol of highest honour for the Sati for her deceased husband and for the families both of her parents and parents-in-law. It became a great symbol of female fidelity and a nodal for others to follow. Soon women of Brahmin and Khatri and other higher castes also followed suit. But with the close of the heroic age, the heroic spirit also vapoured away and most of the Sati performing castes who had made this custom a question of prestige for their families adopted coercive and compulsive ways to lead their widowed women to the burning pyre of their husbands. We find a few instances of Sati in Jammu region during the period of our study.

CASES OF SATI:- Some cases of Sati were reported during the Governorship of Kirpa Ram (1826-30) as a result of which Maharaja Gulab Singh took strong steps to suppress this evil in Jammu and Kashmir.⁴⁵ Lt Reynell G. Taylor, refers to about suttees incidents in his diary dated 2nd July 1847 and writes that "There had been four suttees near Jammu and Mian Ranbir Singh had confined the relations of the parties that had become suttee and had seized their houses and property. These cases of suttee had occurred among the very lowest classes like Chumars, whose widows do not at other places burn".⁴⁶

Frederic Drew cited few cases of Sati among Rajput in Jammu region. He writes "Though not practice in the case of everyone who became a widow, yet it was followed as a general rule by more than one caste and

was probably, the most strictly carried out by the Mians. It applied to all the widows of the deceased.” The following frightful instance occurred on the death of Raja Suchet Singh, brother of Maharaja Gulab Singh.⁴⁷

Suchet Singh was killed at a place a few miles from Lahore, in the time of the Sikh troubles. His house was at Ramnagar, in the hills of Jammoo. He had ten or twelve wives and the number of women in his establishment- attendants and all was 300. Of these, a few who were with him committed Sati at the spot near Lahore where his body was burned. The greater number of them were at Ramnagar and there his head was brought for burning, the wives and women who were there, to the number of 150, gave themselves to the flames with it. The sacrifice of the whole number was completed by those absent from Ramnagar committing Sati at the places where they happened to be when the news of their master’s death reached them; thus at Jummoo, ten or fifteen of the women, who were there at that time, were burned on the pyre.⁴⁸ In another case when Raja Hira Singh, the son of Raja Dhiyan Singh was killed, his widows committed this suicide at a place called Parmandal near Jummoo. There was a large square stage made up of fagots, with a rough roof raised over it; then on the fagots ghi, that is, clarified butter, was placed to increase the violence of the flames, the women, twenty two in number, were seated on the platform, the wood was fired and the burning was finished without a scream or a voice being heard from them.⁴⁹

But not always did the widow gave herself up willingly to the fate prepared for her by that stern master, social custom. At times the love of the life would be too strong and the victim would make an effort to save herself. Such a case happened at a village two or three miles above Akhnur. A quite young widow was brought to her husband’s funeral-pyre and accordingly to the custom, she was seated on it with her husband’s head in her lap; but when the flames reached and began to lick round her, she was unable to endure it and rushed out to escape from there. This was a thing that seldom happened and the disgrace of it was not to be tolerated now; the people around, mostly her husband’s relatives and her own, drew their swords, cut her down and heaping abuse on her; forced the poor girl back on to the fire and completed the ceremony.⁵⁰

Sati prevalent widely in Jammu region from very early days to the close of the nineteenth century, is proved by Dogri legends, ballads and official records. Sati in Jammu region had its peculiarities. Women of almost all Hindu castes performed Sati when circumstances and incidents required and it was not confined only to the royal houses. Moreover, Sati in Jammu was not performed only by widows on the pyre of their husbands, but was resorted to by mothers for their sons and even by unmarried girls for the deceased feancies. One instance of the latter type was that of the Brahmin girl Laddo of a village near Jammu, who had been betrothed to a boy named Bala. While Bala’s marriage procession was approaching Laddo’s village when Bala was murdered. The girl performed Sati on Bala’s funeral pyre. Another strange incident of this nature was that of Seeta Benti who burnt on the funeral pyre of the youth Bharola, who though stranger to the girl, had saved her life from a snake but lost his own in that effort.⁵¹

Several mothers burnt themselves on the funeral pyre of their sons. Probably the pioneer and prominent among such mothers was Bua Alama, a Brahman lady of Birpur in Jammu district who burnt herself on the pyre of her son Ranpat.⁵² Ranpat’s wife was pregnant so she was forbidden by her mother-in-law from becoming Sati till the child was born, brought up and married. It took her twelve years after which she also burnt herself along with Ranpat’s turban. Other instances of mothers burning themselves on the funeral pyres of their deceased sons was those of the mother of Data Lackho, a Brahman of the village Mutthee near Jammu.⁵³ Mother of Data Pohto, Dati Charagu of Hiranagar Parganah, whose son Radhey had died of snake bite,⁵⁴ Bua Ratna of Kathua,⁵⁵ and Bua Bhagan, a lady of independent views who tried to awaken people against enhancement of revenue by the Jagirdar and in that attempt was surrounded in her house by the Jagaridar’s sepoy and in helplessness put her house on fire and burnt herself along with her minor daughter. Bawa Jitto’s minor daughter, Bua Kauran is also said to have burnt herself on her father’s pyre.

REFORMS:- Whatever may have been the sanctity attached to Sati rite by Hindu religion, it was severely denounced by the rulers and social reformers from time to time. Britishers came a step forward and criticized Sati and issued proclamations from time to time to abolish this evil. Lord George Bentick suppressed the practice in British India in 1829.⁵⁶

Jahangir prohibited in Rajouri the immolation of Muslim women in emulation of their Hindu sisters who devoted themselves to flames with the remains of their husbands. A girl of twelve years of age had been buried alive in the grave of her dead husband just before the arrival of Jahangir in 1619 A.D . The strangulation of daughters at birth by men without means was stopped. He also forbade intermarriage between Hindus and Muslim women.

In Jammu region though the practice of sati was not in vogue yet stringent proclamations were issued to suppress and denounce it. In his diary, Lt. H.B. Edwardes writes that ‘Maharaja Gulab Singh Singh was directed to abolish inhuman rite of Sati from his domain. It was written to him that the practice had been declared by the most learned Pundits of Jyepoor and Gwalior to be contrary to the Shastras; and that it would much redound to the Maharaja’s credit to do away with this horrible practice.’ In 1847 Maharaja Gulab Singh issued a proclamation⁵⁷ prohibiting suttee in his territories. Maharaja Ranbir Singh also prohibited Sati

throughout the length and breadth of his state. He issued an injunction on 14th April 1859 and enjoined upon his heirs and successors as also his subjects to ensure that this evil was uprooted. He not only issued prohibitive commands against this evil but also took constructive steps in that sphere. He analyzed causes for Sati and sought to remove them, which according to him were the question of honour and secondly poverty or lack of resources of sustenance for the widows so that a widow was left with no scope for a normal life⁵⁸, consequently she preferred to burn on her husband's pyre. In order to enable issueless widows who lived a wretched life and miserably depended on others⁵⁹ to live and honourable life, Ranbir Singh sanctioned an endowment of one lakh rupees in 1861. From the interest accruing from the fund provision was made for the maintenance of unprovided for widows and children. By these measures Ranbir Singh sought to ameliorate the lot of the most unfortunate portion of society and to discourage sati.

In spite of these efforts both these customs persisted for some decades more. Cases of Sati took place in this region now and then. On death of Maharaja Ranbir Singh himself in September 1885, the Indian press reported that some Ranees of the Maharaja were burnt.⁶⁰ Even after taking stringent action the custom remained in practice in some parts of the region. It was Maharaja Hari Singh (1925-47 A.D.) of Jammu who succeeded in rooting out this evil practice.⁶¹

Prostitution And Traffic In Women:- Prostitution was the worst form of exploitation of women since well known past and as an institution it speaks of man's tolerance of this exploitation on an organized level in society. Under this institution woman was treated as an object and as an outlet for man's baser instinct.⁶² This practice was in vogue in ancient Kashmir and seems to have prevalent throughout the medieval period also. The beautiful girls of Kashmir remained objects of attraction and possession during the Mughal Period(1586-1752 A.D) and Pathan regime(1752-1819 A.D). It was the lure for Kashmiri women that brought into existence a regular traffic in Kashmiri women, particularly from 1586 onwards. With the emergence of this immoral trade Kashmiri women began to be treated as mere chattel.⁶³ This saddest of Kashmiri social life also continued during the Sikh period(1819-1846 A.D). As a matter of fact, the immoral trade acquired alarming proportions during the Sikh rule. Those engaged in the women trade received lucrative sum in lieu of Kashmiri girls being sold to their customers in the Punjab or in British India, particularly in Lahore, Calcutta, Bombay, Delhi and Peshawar.⁶⁴ In Punjab, Lahore and Ludhiana were the two main centres of trade in women, where girls of watal, a low caste, were mainly sold.⁶⁵

The evil flourished openly and avowedly during the period of ascendancy of the Dogra rulers also.⁶⁶ Early Dogra rulers patronized this disreputable trade and acquired a sizeable amount of revenue from it.⁶⁷ This fact comes to light when we read the report of Henvey, Officer on Special Duty in Srinagar, who conducted a survey of prostitutes in Srinagar in 1880. He states in his note that "the prostitutes who were registered and taxed as such, are principally of the Watal caste. These prostitutes were sold at a tender age by their parents to brothel keepers for rupees two hundred or rupees hundred per child. This sale is recognized and recorded on stamped paper, the pretext being that a marriage might be intended, though the truth is well known, and moreover the tax levied for marriages is company's rupees three to eight, whereas the tax for the sale of a child for prostitution is Chilki rupees four hundred which is equal to company's rupees two hundred fifty.⁶⁸ According to F. Henvey, the estimated number of prostitute, acquired was two hundred and fifty or three hundred for Srinagar alone. They were divided into three classes according to their gratification and taxed as such. Those of the first class paid company's rupees forty per annum, those of the second class paid rupees twenty per annum and of third class rupees ten per annum. In this way Government acquired rupees seven thousands per annum from this regular tax and rupees seven thousands more for stamps on (say) thirty sales of children. Thus, rupees fourteen thousands represented the total income from this source of revenue in times of prosperity, while the proceeds from taxation on other trades and professions was at least rupees seventy thousands or rupees eighty thousands. The famines which occurred in Kashmir in 1874 seriously affected the trade in prostitution as well as other trades and in 1880, there were only thirty brothels and seventy to eighty registered prostitutes in Srinagar. On the other hand, the non-registered prostitutes could be counted in thousands. This tax was lowered and remitted in March 1880, when it was rupees two per woman per mensem or rupees twenty four per annum.⁶⁹ These facts indeed were most disgraceful. For, there could be no doubt that prostitution and the traffic in children for immoral purposes had been made to contribute towards the Maharaja's income.⁷⁰

It needs to be emphasized that it was difficult for the girls sold into the prostitution houses to quit that life as they could not repay to their purchasers either the price paid for them or the licence tax to the government. Added to this, if any bond woman or dancing girl made an attempt to leave this profession, she was bought back to her mistress power and was inflicted severe punishments.⁷¹ There was yet another misery to which these prostitutes were subjected to and this was that they could not marry and settle down as respectable woman.⁷² In Kashmir, not only the girls kidnapped for the purpose of prostitution but also sold by their poor parents themselves to the owner of the houses of illfame.⁷³ One such instance was recorded by Pearce Gervis where due

to poverty and the inability to meet the marriage expenses, a poor father, blessed with many daughters, sold them one after the other into prostitution houses.⁷⁴

During the early period of Dogra regime, there were two ill-reputed centres of prostitution in Srinagar, viz., Tashwan and Maisuma.⁷⁵ The women keepers of these houses enticed innocent young girls to adopt the evil profession. Sometimes they even forcibly took young girls away from their parents.⁷⁶ Although government derived a lot of income from the prostitutes, nothing was spent for their betterment. There was “no lock hospital” in Kashmir and no care was taken of the sick prostitutes, as a result of this a syphilitic disease had spread terribly throughout Kashmir. During 1877-1879, the total number of new cases treated at the Srinagar Mission Hospital was twelve thousands nine hundred and seventy seven of which two thousand five hundred and sixteen were entered as pertaining to venereal diseases. Half of the whole number of these patients were syphilitic. The bearing of this on the health of the hundreds of young military officers who came every year to Kashmir was disastrous. According to Henvey, not even two out of ten could escape from this infection. Seeing these evils, he endeavoured to put a stop in 1878 to an open system of pimping which was being carried on by the boatmen and in which young Englishmen were suspected of being engaged. Besides the efforts of F. Henvey, the Medical Officer of Srinagar Hospital, urged the Government in 1889 to establish a lockward in Srinagar as a check on venereal disease and submitted proposals for registration of prostitutes but Government did not consider it expedient to take action in this matter.⁷⁷

The other most notorious places in Srinagar where prostitution was carried on in a big way were the houseboats, which were also termed as, “the floating houses of ill-fame”. These were mostly visited by the foreign visitors, especially the bachelors.⁷⁸ Many a time these customers succumbed to temptation and often contracted a dreadful disease which occasionally proved fatal.⁷⁹ During the early period of Dogra rule, these visitors had become so great a nuisance to those who were opposed to such a way of life that the State Government had to pass a regulation prohibiting all the bachelors from staying on the main river (Jhelum) above the first bridge in Srinagar. A quarter was reserved for them on a side canal in the Chinar Bagh where they could live as they liked.⁸⁰ The traffic in women was more common in Jammu than in Kashmir Province where a number of persons had made this trade as their profession.⁸¹ The persons who carried traffic in women included weavers, carpenters and Gujjars. The women from the upper portion of Reasi, Ramnagar, Rajouri, Mirpur, Nowsher, Poonch, Basohli, Kishtwar and Bhadarwah were carried off into the lower plains not only of the Punjab but as far down as Sindh in the west, Rajputana in the South and various places in the east and sold there for purposes of marriages. A good deal of fraud was practiced in this connection. These women generally belonged to the lower classes- Thakkars, Meghs, Dums, Chamiars etc., but being fair in complexion and attractive were represented as belonging to higher castes and sold at high prices.⁸² Very often, the women of hilly tracts acted as agents and participants in this form of offence and generally ran away with their seducers for the sake of luxury which was denied to them at home.⁸³

A large and powerful organization existed in the Jammu region which supplied women to fill the brothels of India,⁸⁴ and certain secret agencies were involved in this sale. The present Rajinder Bazar in the city of Jammu and southern areas of the Jammu district had some organized brothels before 1947.⁸⁵ So far as trade in the frontier districts was concerned, it was prevalent only in Chitral and Baltistan. The women of Chitral were sought out for their beauty in the slave markets of Kabul, Peshawar and Badakshan.⁸⁶ The poor Balti men had often to be out of their homes in search of work. In their absence, the outside visitors allured the Balti women by a show of wealth and the promise of material comforts with a view to taking them away for immoral purpose. To check this evil, the Government had to intervene and in 1893 a ban was placed on the exit of the Balti women from their territory.⁸⁷ It was laid down in the rules that any person found guilty of removing Balti women from the border in contravention of the rules shall be punished with imprisonment which could be extended to three months or with fine upto rupees hundred or with both.⁸⁸ This state of affairs demanded a concerted action from the Government side. But nothing substantial was done to do away with this evil. With the result the evil went on unabated. Neither the Government nor the leaders of the socio-religious reform movements in the state turned their attention to the sad plight of the innocent young girls who were dragged into this trade. Never did the pioneers of the movement raised any voice against the houses of ill-fame and immoral traffic in women.⁸⁹

Nevertheless, first attempt was made by the government to remove the prostitutes from certain quarters of Srinagar as their living in these places was considered illegal on account of their vicinity to the places and gentleman's quarters. With this end in view, certain bye-laws proposed by the Municipal Committee were endorsed by Pratap Singh on October 7, 1897. These were: the prostitutes shall not be allowed to live in any house within the area bounded on the north by Tankipura and Shahidganj, on the south of Lal Mandi and Huzuribagh, on the east by the river Jhelum, and on the west by Doodhganga; prostitutes shall not be allowed to live in any house on the road from the new Amira Kadal Bridge to Sheikhbagh; No owner of house on the above-mentioned places be allowed to rent his house to any prostitute and if a prostitute would attempt to breach these bye-laws, the Municipal Committee would have the power to prosecute her before the magistrate and she

would be liable to punishment; Police would bring such cases to notice of Municipal Committee. Those who would break these bye-laws would be subjected to a fine of rupees fifty; and courts would have the powers to order removal of prostitutes from the said places.⁹⁰ Although these bye-laws were passed to restrict the prostitutes of Srinagar to a particular locality, this measure was not considered feasible as this whole exclusion of prostitutes from the above-mentioned places would mean great hardships upon them.

Similarly, in order to meet the menace of loitering for the purpose of prostitution, the Military Advisor to the State Council drafted Cantonment Rules. On August 15, 1901, government gave its sanction to these rules which also contained in its clauses a rule relating to suppression of loitering and removal of disorderly persons from cantonment areas. Therein it was laid that "whoever loiters for purpose of prostitution or importunes any person for commission of sexual immorality" was liable to punishment with imprisonment.⁹¹ Thus the government at this period had no well-planned strategy to mitigate this evil, the measure it passed were to localize the prostitutes to a particular locality and no more step was taken till 1912 to prevent prostitution from the State.

These facts were taken cognizance of by some visitors to Kashmir, both Europeans and Indians, who voiced their disgust at this practice which had become more brazenly practiced in public.⁹² Thus complaining about the same, E.J. Sandy, a missionary visitor to Kashmir, wrote to the British Resident in Kashmir on June 18, 1916 that "in returning my pass for travelling in Kashmir, may I be allowed to say that our pleasure in the beauties of Kashmir would have been far greater had we not had so many evidences of the abominable custom of procuration of women, who were freely offered to visitors to Kashmir." He expressed his anguish that it was most undesirable that such an open trade was being carried on. He also expressed the hope that an "enlightened" ruler like Pratap Singh would put an end to it.⁹³

The extent to which this nefarious trade was growing and the interest certain visitor to Kashmir took in the matter awakened the conscience of the authorities.⁹⁴ Although Government had earlier passed rules in 1897 and 1901 to restrict the prostitution but these were different from those which were issued by the Governor of Kashmir in 1912, according to which the prostitutes could approach the visitors only through the lambardars and that too only between sunset and sunrise.⁹⁵ The Home Minister in this memorandum dated April 30, 1917 to Pratap Singh while expressing his concern over the rising activities of prostitutes in the State urged him to initiate certain measures to reduce the evil. He, in addition, proposed to issue a notification which was to regulate the activities both of the prostitutes and their agents.⁹⁶ This notification was the same as that of cantonment rules relating to suppression of loitering for purpose of prostitution. Pratap Singh issued the notifications after bringing in two modifications. First, that the right to lodge a complaint under this notification should be vested in the person importuned, as in his opinion, it was not safe to infest the police with power to lodge a complaint.⁹⁷ And, secondly, the loitering would not amount to an offence unless it was accompanied by solicitation.⁹⁸ While issuing the notification Pratap Singh expressed the hope that this notification would furnish an effective instrument for dealing with cases of public pushing forward of immorality.

With agreeing with the modifications as brought in the notification by the Maharaja, the Governor of Kashmir suggested that instead of applying the notification straightway to all parts of the valley, specification of areas to be brought under operation of the notification was necessary. He further recommended that system of registration of prostitutes and their agents should be introduced in the specified areas. The police should be authorized to institute proceedings at their own initiative against only the registered prostitutes and their agents. Proceedings against unregistered prostitutes and their agents should only be instituted on the complaint of person importuned and not at the instance of a police officer. Lastly, he added that only the first class magistrates, especially empowered in this behalf, should be competent to punish the offences under this notification.⁹⁹

The opinion of the Inspector General of Police was also sought on the subject, and the Home Minister finally submitted a draft proposal to the Maharaja on May 8, 1918, which laid down that the notification was to be applied in specified areas in order to concentrate attention on particular areas and to facilitate the introduction of the measure in other places. If necessity arose, without framing a fresh legislation everytime. The requirement of the registration of prostitutes was also put forth in the draft.¹⁰⁰

From the aforesaid, we can infer that during the period of Pratap Singh's predecessors, no initiative worth the name had been taken by the Government to effect a control on the traffic in women and prostitution. Rather, it encouraged the practice by legalizing it through a system of taxation. But a change was discernible from 1911 onwards. Pratap Singh was very much anxious to discourage this practice which promotes immorality. The nefarious trade awakened the vigilance of the Government authorities and since 1911 they began to take steps to deal with the cases of public immorality. Although the government was slow in this regard, it can not be denied that the one measure of registration of prostitutes under the regulation for the control of prostitutes and brothels was a remarkable one. Government geared up its police force to tackle such cases very cautiously without causing annoyance and vexation to any party. It can be rightly said here that the official policy with regard to the control of activities of prostitutes and traffic in women begun to take shape.

Widow Remarriage:- The Indian society in the beginning of eighteenth century was tradition bound, closed and an introvert society. An important trait was noticed in such a society that it often internalised its dormant energies for outward action. This energy sometimes found expression in cruel aggressiveness towards a section of its members or individuals. In India this found outlet in aggression towards married women, for whom the choice was between burning at the funeral pyre of their husband and living in a state of coerced celibacy on the death of their husbands.¹⁰¹

The hardships of the widowed life had been responsible for the practice of sati in the past. Not all the widows performed this act, most remained alive to face the wrath of the society. In almost every advanced country, a woman had the fullest liberty to marry again once her husband was dead. But in India, it has been a feature of the domestic economy among all the castes, except the very low that widow in most cases could not marry again. Conditions were not different in Jammu and Kashmir region during the period under references in this respect wherever Brahmanism was in force.¹⁰²

Probably during Rigvedic times no aversion was expressed to the remarriage of widowed women. The chief reason behind the abundance of widows in India as well in this region was the prevalence of belief that Hindu shastras had enjoined force widowhood and prohibited remarriage of widows of the first three castes - Brahmans, Kshatriyas and Vaishyas. Neither revocation nor widow remarriage was possible. The wife was enjoined a religious life of the completest chastity and prayer. She was not to think of a fresh union, but to practice fasts and austerities. Such being the religious sanction, it was natural that observance of this institution should be followed with great strictness by the followers of Hinduism.

Other explanation for the custom of enforced widowhood was to be found in the custom of child marriage, coupled with the evil of pre-puberty intercourse which inflicted serious physical injuries upon the immature parents and nipped in the bud the life of many a young husband dooming the poor child wife to perpetual widowhood.¹⁰³ The child widows of ten years were in many cases exposed to special danger to character and often led unhappy life.¹⁰⁴ There were cases when girls of tender age, mere tiny toddlers, became widows. What mental agony and physical privations a maiden endured when on reaching the age of puberty, she learnt that she was married long ago and her husband was already dead.¹⁰⁵ The miseries caused by this unnatural system of child-widowhood could be better imagined than described, and one of the saddest incidents of the cholera of 1892 in Kashmir was the number of girls who were left widows¹⁰⁶.

Beside the child marriage, the practice of marriage of old men (specially the moneyed class) who already stood at the thresh-hold of the next world with young virgins in the bloom of life was another factor responsible for the increased number of widows¹⁰⁷. One of the saddest results of the social ban on widow marriage in Jammu and Kashmir was that many widows had to lead an immoral life. In order to earn their livelihood many widows were forced to take to prostitution. Sometimes the young widows were also abducted for the purpose of carrying immoral traffic¹⁰⁸.

There is no doubt that the life of the widow was at its best one incessant self-sacrifice; at its worst a record of unredeemed sorrows and sufferings, a long table of troubles and tribulations, hopelessness and helplessness. The state of widowhood, specially in young age, was regarded as a curse of her "misdeeds of the previous births"¹⁰⁹.

Now the question which we would attempt to answer here is to what extent this custom prevailed among the main communities in the state during the period under study. This practice was observed with strictness in the areas where the influence of Brahmanism was considerable. Thus the Hindus in the "Dugar" region, Jammu Province, where the Dogra community predominated and Rajput of the state observed the prejudices against widow marriage¹¹⁰. In Kashmir, the Brahman community popularly known as Pandits also discountenanced the system. Although not religiously forbidden, the Muhammadans of the Srinagar city also looked upon remarriage with disfavour. It seems that the Muslims were following their Hindu brethren at that time¹¹¹. Everywhere else in the state and among all other classes of its people, widow marriage was practised the most.¹¹² The Bodhs and the Sikhs of the state admitted its validity although the occasions in the case of the former were few owing to the practice of polyandry (According to this practice, the young brother of the man actually wedded were also treated as married). The Sikhs largely observed the Chadar-andazi system¹¹³.

The lower classes married their widows without any reserve. Even among the Brahmans, the Thakkars and certain other higher castes of undisputed Aryan origin living in the interior of Jammu hills, the widows were allowed greater amount of laxity¹¹⁴, and especially the Gujjar widows were taken over as wives by the brothers of the deceased husband¹¹⁵. It is stated in the census report of 1911 that the widows here not only went about marrying freely by Chadar-andazi, but also carried "sexual relations without undergoing any formalities" of a second marriage at all. The case of the widows having connection with the brothers and cousins had a preferential claim to the widow, there was no bar to her acquiring intimacy with a stranger, only the outsider had to compensate the man entitled to retain her, the amount of cash payment varying from Rs. 50 to Rs. 200¹¹⁶.

It is thus apparent that among the higher caste Hindus, widow marriage took place rarely. The reason advanced for such a thinking seems to be that if a woman is not fated to have one husband alive, she dose not

deserve to marry a second time. Among the Gujjars, the widows were easily married. The lower classes- the Mahasas, Chamias also used to marry the widows and divorced girls. But this process was not as easy as it was with the Gujjars of Jammu district¹¹⁷.

In the frontier district of Gilgit, widow marriage was in vogue to the largest extent. As soon as the term of the iddat (period of mourning) expired, the woman here was married to some eligible member of her deceased husband's family. This proceeded from the keen marital jealousy that prevailed among the Gilgil people who could not brook the idea of any female relative of theirs passing over to another family. In Ladakh, the actual number of widows was small owing to the practice of polyandry.¹¹⁸ The appalling proportions of widowhood prevalent among various communities and classes point to the fact that social restrictions placed on the female population in the state corresponded more or less with those prevailing in other part of India. But with the adoption of the Prevention of Sati Act in 1829, the way of the removal of other social anachronisms, which had caused tremendous distress to Hindu women, was laid open¹¹⁹. Although the act of 1829, saved the married women from a compulsive death, but did not grant them the right of fruitful entrance into life. Thus the question of widow marriage began to assume importance and various attempts were made to legalise such marriages¹²⁰.

Such an attempt was made by Raja Rajballabh of Dacca during the mid eighteenth century to introduce widow marriage in the Bengali society. But his efforts proved futile. Thereafter under the influence of the spirit of reform which prevailed in the 19th century, the question was seriously considered by social reformers and the members of the Hindu Community¹²¹. This movement gathered new strength under the guidance of Pandit Ishwarchandra Vidyasagar (sanskrit scholar, social reformer and Philanthropist of the modern Bengal) who furthered the cause of widows in the teeth of violent opposition from the orthodox party under the leadership of Raja Radhakanta Deb¹²². With this end in view, he ransacked the vast range of Hindu scriptures, commentaries, literary texts and found irrefutable sanction in Parasara Samhita¹²³. Hence it is equally important to note that some Hindu widows also petitioned to government to legalise remarriage of widows as they had to endure life long misery¹²⁴. Vidyasagar soon gained a large number of followers including Pandit Vishnu Shastri¹²⁵, wages a crusade against it and wrote an authoritative book, 'Marriage of Hindu widows'. He sent a petition to the Council signed by more than one thousands individuals for regularising widow marriage and giving property rights to the widows¹²⁶.

His effort proved successful on July 26, 1856, when widows remarriage Act was passed in the face of bitter opposition from the orthodox people. The act legalised the marriages of widows, notwithstanding any custom or interpretation of the Hindu law to the contrary, and declared that the children of such marriages were legitimate¹²⁷. However, the tragedy of this social legislation lay in the fact that except for rare instances it was never widely practiced. Perhaps, the deep conviction about the sacrament of marriage which governed the Indian social life could not be effaced by legislation.¹²⁸ Jammu and Kashmir, like the rest of the country, also witnessed a social reform movement in support of the widow marriage and other changes in the traditional way of life¹²⁹. The architects of this movement were influenced by similar movements in British India and they attempted to do away with the social evils prevailing among the people of the State in general and Kashmiri Pandits in particular.

As elsewhere in India, the christian missionaries made their appearance in this State during the second half of the last century. Besides the educational developments, which resulted from the activities of the missionaries in the Srinagar city, the different administrative methods of the British effected the social structure and social institutions. The social service rendered by the missionaries during famines, floods and cholera influenced the Government which also evinced a great interest in the welfare of its subjects.¹³⁰ It is important to note that some missionaries were men of closed minds. They started with somewhat native assumption that everything in the Kashmiri society and religion was bad, and that Christianity was the only true religion. Thence they launched indiscriminate attacks upon the Kashmiri society through various publications. But one good result of this hostile criticism was the production of a new sense of awareness among many local people regarding the necessity of some social change.¹³¹ The missionaries also cherished the hope that if the people of Kashmir were converted to Christianity, they might become great evangelists in Asia. In order to counter the religious propaganda of the Christian missionaries, a number of organizations such as the Hindu Sabhas and Muslim Anjumans came into being in Jammu and Kashmir¹³².

Among the various organisations, the Arya Samaj was the earliest to start socio-religious reform movement in this State as early as in the last decade of the 19th century¹³³. Its reformist activities extended to the removal of social evils such as dowry system, untouchability, infant marriage and the practice of widowhood¹³⁴. In Kashmir, the movement for widow remarriage was spearheaded by Arya Samaj which had gained a firm foothold here. Thus the desire for a change was perceptible from societies and forums formed by both Hindus and Muslims. These exhorted the people to shun superstitions and pernicious customs, but the progress of total reform was slow¹³⁵.

II. Conclusion

The subject matter of this paper is confined to some specific social evils prevailing among some social segments. These appear to have been rooted in the structure of society and were supported on the basis of custom and traditions. In Infanticide, a female child was sacrificed invariably the moment she opened her eyes in the world under the weight of abhorren social custom. The Mian Rajputs resorted more to this practice than any other section of the people. The intricate questions of castes, family pride, honour, usage and age were some of the factors which prompted the races to indulge in this crime. Besides, the inability to bear the expenses of wedding, combined with the disgrace of keeping daughters unmarried, acted as a powerful incentive to infanticide. Sati could be described as deluded heroism performed in ignorance and under duress; and was at worst, a savage and brutal act forced on a helpless women by the cruel hand of men motivated by selfish interests. This rite as that of female infanticide was followed by the Mian Rajputs and sanctified among the ruling classes and other nobles attached with the administration of the State. Prostitution as a social evil prevailed here from well-known historical past and a regular traffic in women began during the medieval times and assumed alarming proportions in modern times. Widow remarriage was considered a social taboo and here life was adjusted to a formal routine of fasting, devotion, prayer and pious works.

On becoming the ruler of Jammu and Kashmir, Gulab Singh's first and foremost priority was to restore law and order in the State which he successfully performed. Then he engaged himself in the task of consolidation of the three political units of Jammu, Kashmir and Ladakh. With the extension of the British possessions in the north-west, this state, like the other Native States of India, could not remain aloof from their influence. Strong pressures were put on Gulab Singh by Britishers through various officials sent by British Government. Though the State was not ripe for radical social changes, yet Ranbir Singh, the successor of Gulab Singh, was swayed by liberal ideas. In his endeavour to suppress the practice of female infanticide, he sought the support of a British official, who advised him to abolish the marriage tax as an incentive against female infanticide. Moreover, the Government made its earnest efforts to induce people to desist from the practice of Sati, but the roots of orthodoxy were so entrenched that it could not be vanished completely. No concrete steps were taken by him to control the traffic in women and prostitution. The deposition of Pratap Singh in 1889 and the appointment of a political Resident Officer in the State led to several changes in the socio-cultural life of the people. With the British Indian model before him, the Resident sought to influence the State Policy and establish institutions in and enact laws for the people of the State similar to those existed in British India. As a measure of precaution, Pratap Singh adopted an Act in 1916 to suppress Sati in the State. Radical changes began to emerge towards the close of 19th century. In fact, the spread of western education, arrival in the State of Christian missionaries, the emergence of socio-religious reform movement, the progressive views of the rulers, all helped the State to enter the modern era. All these factors paved the way for series of social legislations in almost all fields.

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