



Gender Inequities And Social Challenges For Women In Jammu And Kashmir During The Dogra Period (1846-1947)

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Abstract: The historical records of Jammu and Kashmir suggest that women may have once held a respected position, similar to other regions of India. However, their status declined significantly over time. Female children were not particularly valued, and their hardships worsened with the arrival of Turko-Afghan tribes, who often abducted women as prized booty. This situation intensified harmful customs already prevalent in society like sati, female infanticide, no widow remarriage, trafficking, and prostitution, which severely affected women in the state. Lawrence, the political agent to the governor-general of the North-West Frontier Province, urged Maharaja Gulab Singh, the first ruler of Jammu and Kashmir, to eliminate these practices. However, the Maharaja did not pay much attention, and social reforms especially related to the emancipation of women were delayed. These injustices continued into the 1900s until Maharaja Hari Singh introduced reforms aimed at eradicating these practices.

Index Terms: Female Infanticide, Prostitution and Traffic in women, Sati, Widow Remarriage, Social Reforms.

Introduction

Studying social issues within their historical and sociological contexts is indeed challenging. No social issue arises solely from the present moment; instead, each is deeply rooted in a society's past traditions and heritage. Additionally, no society remains unchanging, it evolves continually over time. Within any social structure, the potential for reform lies dormant, and as time passes and values shift, this potential can emerge, gradually dismantling outdated and harmful practices. This dynamic process is fundamental to any thriving society. Thus, a historical and sociological exploration of social issues involves examining the past, understanding the present, and envisioning the future of a society, a naturally complex undertaking.

A significant geopolitical event in the mid-nineteenth century was the establishment of the Jammu and Kashmir State. Like other princely states in India, it was politically and socially rooted in feudalism. Modern influences, as seen in British India, were largely absent in this northern state. Geographically, Jammu and Kashmir was divided into four main regions, each with distinct characteristics. These physical conditions greatly impacted the social, religious, political, and economic life of its people. The population was entangled in a cycle of religious superstitions and social conservatism, where some customs, though harmful, were viewed as religiously justified. Among the most oppressive practices were female infanticide, *sati*, forced celibacy for women, trafficking, and others.

Female Infanticide: Among the harmful and unusual practices in Indian society, one particularly notable and widespread among the upper classes and some tribes was female infanticide.¹ However, there is no record of this brutal custom in the early Vedic period. It is reasonable to conclude that, like many other harmful social customs among Hindus, infanticide may have originated in India due to specific socio-political pressures that emerged in the later Vedic period. The ways in which it manifested and the reasons behind it varied depending on the circumstances, habits, and character of the communities in which it was practiced.² Female infanticide appears to have been unique to India, and over time, certain tribes migrating to Jammu introduced this harmful practice to the region. By the nineteenth century, an analysis of the motivations behind this custom reveals that its origins were deeply intertwined with the caste system and marriage traditions, which fostered both pride and poverty among the groups practicing infanticide.³ The uncovering of this practice was a slow and gradual process. In the early stages of research in the Jammu region, female infanticide was widely believed to be prevalent among the upper-class Rajputs associated with royal families, known as the Mians of the hills and nearby plains. The Rajput tribes most involved in this practice included the Manhas, as well as the Salahria, Jamwal, and Charak Rajputs.⁴ Some other high-ranking Hindus from Khatri and Brahmin families also practiced this custom. Financial concerns and social pride appeared to be the main reasons for this issue among these groups, leading to large sums being required and paid when arranging a marriage for a girl. Female infanticide, as a result, was resorted to for the preservation of honour, dignity, and pride.⁵

In the nineteenth century, social reformers in other parts of India raised public awareness against harmful practices like female infanticide. However, this movement had little impact on the people of Punjab, Jammu, and Kashmir until the 1840s, when British occupation of Punjab extended their influence over the hill regions. British officers took serious notice of the rising crime and launched efforts to curb it. In 1846, British representatives made significant progress by encouraging influential local leaders to voluntarily condemn the practice.⁶

Maharaja Gulab Singh enthusiastically supported this movement and took significant steps to eliminate the practice within his own territory. Since high marriage and dowry expenses were seen as primary causes of this custom, regular meetings were organized to discuss and reduce these costs to a minimum. One such gathering, led by the Punjab Board of Administration, took place in Amritsar on October 29th, 30th, and 31st, 1853.⁷ The Punjab Board of Administration was instrumental in addressing these issues. In 1852, they organized a public meeting to discuss reforms related to female infanticide and the high marriage expenses, which most people viewed as a major factor driving this practice. Representatives from nearly all communities in Punjab, along with Rajas from the hill states and delegates of Maharaja Gulab Singh, attended. During this gathering, the represented baradaris made impactful decisions, resolving to reject these harmful social practices and commit to not following them in the future.⁸ In the state of Jammu and Kashmir, Maharaja Gulab Singh implemented specific actions to eliminate this widespread practice, particularly common among the Rajputs, especially the Mian class. The Maharaja's government issued a public proclamation (ishtihar) that outlawed the practice of female infanticide, establishing several key clauses for this purpose:

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 abovementioned 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.⁹

This proclamation was issued on the 21st *Katak*, Samvat 1910, corresponding to 3rd November 1853. However, this 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.¹⁰ However the historical accounts did not support the presence of this practice in kashmir region.

Widow Remarriage: The Indian society in the beginning of the eighteenth century was tradition-bound, closed, and an introverted society. An important trait was noticed in such a society that it often internalized 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 an 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.¹¹ 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, women had the fullest liberty to marry again once their husband was dead. But in India, it has been a feature of the domestic economy among all the castes, except the very low that widows in most cases could not marry again. Conditions were not different in the Jammu and Kashmir region during the period under reference in this respect wherever Brahmanism was in force.¹²

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 as in this region was the prevalence of belief that Hindu shastras had enjoined forced 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 complete 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. Another 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.¹³ The child widows of ten years were in many cases exposed to special danger to the character and often led an unhappy life. 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. 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 windows.¹⁴

Besides child marriage, the practice of marriage of old men (especially the money class) who already stood at the threshold of the next world with young virgins in the bloom of life was another factor responsible for the increased number of widows. 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 windows were also abducted for the purpose of carrying immoral traffic.¹⁵

Now the question that 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 the Rajput of the state observed the prejudices against widow marriage.¹⁶ In Kashmir, the Brahman community popularly known as Pandits also discountenanced the system. Although not religiously forbidden, the Muhammadans of Srinagar city also looked upon remarriage with disfavour. It seems that the Muslims were following their Hindu brethren at that time. Everywhere else in the state and among all other classes of its people, widow marriage was practised the most. 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 was also treated as married). The Sikhs largely observed the Chadar-andazi system. The lower classes married their widows without any reserve.¹⁷

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 Gilgit 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. 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 another 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 open. Although the act of 1829, saved the married women from a compulsive death, but did not grant them the right to fruitful entrance into life. Thus, the question of widow marriage began to assume importance, and various attempts were made to legalize such marriages.¹⁸

In Jammu and Kashmir before 1925, public opinion as well as the conservative forces strongly opposed widow remarriage. The state, like the rest of the country, experienced a social reform movement advocating for widow remarriage and other changes to the traditional way of life. Influenced by similar movements in British India, the leaders of this movement sought to eliminate the social problems prevalent among the people of the State, especially among the Pandits. Just like in other parts of India, Christian missionaries arrived in the State in the latter half of the 19th century. In addition to advancements in education, different administrative methods of the British also affected the social structure and social institutions.

In these circumstances, when the public opinion had changed for the better Maharaja Hari Singh without any delay passed the **Hindu Widow's Remarriage and Property Act of 1932**, which gave liberty to the widows to remarry and removed the age-old pernicious evil prevailing in the society.¹⁹

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 the 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.²⁰ 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. Thevenot writes „the glory of widowhood consists in being burnt with their dead husbands.²¹

Bernier says that this abnormal practice was the result of deeply-rooted prejudices. He adds that widows were sometimes forced to burn themselves.²² 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* to remove it from society.²³ According to Badauni, Akbar issued an order that women should not be forced to Sati. Jahangir also prohibited it. Aurangzeb also disallowed a woman to be burnt.²⁴ Manucci says that after returning from Kashmir, Aurangzeb issued an order that the officials should not be allowed 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 prevalent widely in the Jammu region from very early days to the close of the nineteenth century, is proved by Dogri legends, ballads, and official records. Sati in the 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 fiancé. 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 to Laddo's village 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.²⁵

REFORMS: Whatever may have been the sanctity attached to the *Sati* rite by the 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 1829.²⁶

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 the Jammu region though the practice of *sati* was not in vogue 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 proclamation 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.²⁷ 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 the death of Maharaja Ranbir Singh himself in September 1885, the Indian press reported that some *Ranees* of the Maharaja were burnt. 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.²⁸

Prostitution And Traffic in Women:

Prostitution as an institution has existed in Kashmir since the ancient past. Kalhana had censured some of the kings like Kalasha, Kshemagupta, Uccala, and Marsha for patronizing prostitutes, paramours, and courtesans. It was Sultan Sikander who is reported to have banned prostitution in his sultanate. The Afghan period in Kashmir which started in 1753 was the worst period in this regard, when the Kashmiri slaves, both women and men were exported to Kabul. Amir Khan Jawan Sher the Afghan Governor institutionalized this trade and all those involved in the trade were registered.²⁹

In 1846 the then British Government in India, basically a trading company sold the Valley of Kashmir lock stock and barrel for Rs.75 lakh to the Dogra Maharajas. As such, their first concern was to recover that money from the naked, hungry, and suffering Kashmiris. During the rule of the Maharajas (1846-1947) everything, save air and water was taxed. Robert Thrope and Walter Lawrence have provided us with information on taxes which include *Khutna* or circumcision fee and prostitution tax. The sale of young Muslim girls in Kashmir to established houses of ill-fame was both protected and encouraged by the Maharaja, as it was highly beneficial to the exchequer in the form of taxes. These girls were basically dancers but with the passage of time and heavy taxes of the authorities, they leaned towards prostitution also.³⁰ They were given the decent title of *Hafiza*, All *Hafiza*'s had to pay a hefty registration fee of 200 *Chikle* Rupees per year including half of their total earnings which amounted to almost 15% to 25% of the total yearly revenue of the state. The Dogra Maharajas not only supported but encouraged the institution of prostitution at the Governmental level, as it brought them much sought-after money in the form of a *Kanjur* tax. The sale of Kashmiri girls was a profitable business venture for low-caste people known as *Kanjur* among the Muslims. This class of people worked as agents for the supply of girls for the red-light areas of cities outside Kashmir, such as Quetta, Peshawar, Lahore, Delhi, Lucknow, and Calcutta.³¹

In Srinagar city, the red-light areas of Maisuma, Gawakadal, and Tashwan, were most prominent. In 1867, Arthur Brinkman, in his work - the Wrongs of Kashmir, indicted the government of the Maharaja, for patronizing prostitution in Kashmir. In 1868, Robert Thrope wrote that the Kashmiri girls were being forced into prostitution by the authorities with the idea of earning more and more revenue from licensing the flesh trade.³²

The fourth Dogra ruler of Kashmir, Maharaja Hari Singh ascended the throne in 1925 and was highly emancipated and modern. He encouraged compulsory education among the masses. He also introduced some reforms in taxation but did not abolish the prostitution tax and as such flesh trade thrived as usual in the early years of his reign. The political awakening ushered in after the 1931 upheaval resulted in the resurgence of the Kashmiri Muslims in every sphere of its society. This awakening resulted in the emergence of several political leaders in the State, but none worked towards the moral upliftment of the Muslim society.³³

Mohammad Subhan Hajam is a Kashmiri icon, a reformer, a social activist, and a visionary who succeeded in mobilizing public opinion for the eradication of prostitution in Kashmir and succeeded in his mission during his lifetime. He owned Prince Hair Cutting Saloon near present-day Lal Chowk, Srinagar. Despite his meager income and frail physique, he was equipped with great moral courage to face all challenges. In the first place, he composed poems in Kashmiri and Urdu, against prostitution, which was eating the vitals of the society. In his verses, he hurled insults and taunts at the pimps and prostitution. In his poetic compositions, termed *Hidayat-Nama* or guidelines, he exhorted the people to remain away from the brothels. He wrote that these prostitutes are the main source of disturbing marital relations as well waste of money.³⁴ Mohammad Subhan Hajam also compiled pamphlets, drawing the attention of the Maharaja's government towards this menace which had engulfed people in venereal diseases. He appealed to the Maharaja to take serious notice of this malady and impose a ban on it. These Hidayat-Namas were published in the local press. Secondly, Mohammad Subhan Hajam would meet religious leaders, influential people in the civil society, and officials and seek their support in his mission. He would impress upon them to put pressure on the Maharaja in one way or the other. Thirdly, he himself comes forward picketing in the red-light areas. He would lead a group of people, mostly young men, singing his poems and raising insulting and derogatory slogans against the Kanjars and Kanjaris. Mohammad Subhan Hajam was terrorized and attacked several times by the pimps and goons employed by keepers of the prostitution dens. In order to suppress his voice, several false cases were instituted against him in the courts of Srinagar.³⁵ All these attacks on him were spearheaded by a rich and influential red light area chief known contemptuously as *Khazir Gaan*, his name being Khazir but Gaan or prostitution den holder. He would corrupt police officers to seek vengeance on Mohammad Subhan Hajam. But all these intimidating attacks could not succeed in bowing down the crusader, who had now succeeded in winning the hearts of all sections of the society - Muslims, Pandits, and Sikhs. He even received support from the Church Mission Society and Rev Tyndale Biscoe, the doyen of education in Kashmir. Mohd Subhan Hajam pleaded not guilty in all cases filed by the police against him. The learned Pandit Bishember Nath, City Judge exonerated him honourably in all the cases. It was Molvi Mohammad Abdullah Vakil, who raised the issue in the Praja Sabha in 1934 and proposed exacting a law for the closure of prostitution houses in the State and ban on the flesh trade. Finally, the State Assembly passed "The Suppression of Immoral Trafficking Act in 1934".³⁶

Conclusion

This paper focuses on specific social evils affecting certain segments of society, which appear deeply rooted in the societal structure and upheld by customs and traditions. Female infanticide involved sacrificing a newborn girl as soon as she was born, viewed as a necessary act under oppressive social norms. The Mian Rajputs practiced this more than any other group, driven by issues related to caste, family pride, honour, customs, and age. Additionally, the inability to cover wedding expenses and the stigma of leaving daughters unmarried encouraged this practice. Sati was an act of misguided heroism, often performed under duress, and at its worst, it was a brutal ritual imposed on helpless women by men with selfish motives. Like female infanticide, the Mian Rajputs and ruling elites practiced and sanctified Sati. Prostitution, another long-standing social evil, dates back to ancient history and became increasingly widespread in the medieval and modern eras. Widow remarriage was considered taboo, relegating widows to a life of fasting, devotion, prayer, and other acts of piety.

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⁶ Punjab Government Records, Lahore Political Diaries, 1846-1849, Vol.IV, 384-385.

⁷ Selections from Public Correspondence of the Board of Administration for the Affairs of the Punjab, 1853, 394-397, 406-407

⁸ Ibid.

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