

## Shackled Lives: Unraveling Prostitution and Trafficking of Women in Kashmir

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### Abstract

Women have been subjected to silence, deprivation, and marginalization, despite their increasing importance in society. The practice of prostitution in ancient Kashmir was courtesans and prostitutes were recognized and valued for their skills and entertainment services. Subsequently the practice of prostitution changed under various ruling dynasties, such as the Mughals, Afghans, and Sikhs and the impact on women's lives during those periods. The Dogra rule institutionalized prostitution in Kashmir, making it an officially recognized and taxed activity. Women were subjected to exploitation, and their rights were disregarded as they were bought and sold like commodities. The harsh taxation system imposed on women involved in prostitution, leading them to further poverty and vulnerability. Ultimately, the Abolition of Prostitution Act of 1934 was passed in the State Assembly to suppress immoral trafficking and provide penalties for those involved. This paper presents an in-depth exploration of the historical and sociological perspective of prostitution in Kashmir, offering insights into the lives of marginalized women, the societal acceptance of the practice, and the efforts to combat exploitation. Through this historical analysis, an attempt has been made to understand the roots of social issues to pave the way for a more equitable and just society for women.

**Keywords:** Women, Society Prostitution, Trafficking, Marginalization, Slavery, Taxes

### Introduction

Women have often been associated with marginalization, being considered the weaker or secondary gender, despite the fact that sex is merely a biological characteristic while gender is a social construct. Over time, there has been a shift in recognizing the role of women, moving from women's welfare to women's development and empowerment. Although women are increasingly playing a vital role in the socio-economic development of both developed and developing nations, the occupation of women has been a subject of great interest and significance. In addition to conventional household responsibilities such as food preparation, women are often involved in physically demanding activities such as the husking and crushing of grains. Women have historically faced challenging circumstances when managing household chores and responsibilities.

Exploring the historical and sociological dimensions of any social issue entails looking at the past, present, and future of an entire community. This is a complicated effort, of course. These problems have their origins not only in the present but also in the customs and histories of earlier cultures. Additionally, cultures are dynamic and constantly change as time goes on. The capacity for reform exists within a nation's social structure, and as time goes on and ideals change, this potential is fulfilled, resulting in the destruction of corrupt and degenerate social practices and institutions.

The practice of prostitution and trafficking, regarded as one of the most ancient professions known to humanity, has been observed across numerous nations and societies throughout history. It is widely acknowledged that these activities pose significant obstacles to the progress and advancement of both communities and individuals. Throughout the annals of human civilization, the practice of prostitution has persisted as a commodified malevolence, yet it has regrettably remained unrecognized as a formally sanctioned establishment within the fabric of societal norms. Throughout history, various societies have endeavored to exert their influence over the intricate realm of human sexual relationships by establishing marriage and family as formidable social institutions. Society, in

its current state, has regrettably failed to acknowledge the inherent perils associated with this particular phenomenon. These hazards not only impede the well-being of an individual but also have the capacity to disrupt the intricate fabric of familial and communal life on a grander scale. Throughout the annals of human civilization, a plethora of discernible evidence emerges, indicating that the profession of prostitution has been in existence since the nascent stages of societal development.

During antiquity in the region of Kashmir, the profession of prostitution had been firmly institutionalized, with its practice tracing back to time immemorial. The monarchs of the region upheld the practice of maintaining harems replete with concubines, thereby fostering a culture of polygamy that gained significant traction within the affluent strata of society. The majority of literary works provide compelling evidence of the moral decay and character deficiencies displayed by particular groups of women. The Rajatarangni, a significant historical document, presents a plethora of instances, both explicit and implicit, that substantiate the existence of this particular institution. Throughout the duration of Muslim dominion, spanning from the year 1339 to 1586 AD, a conspicuous dearth of substantiating documentation emerges with regard to the existence of the practice of prostitution within the region of Kashmir. Prostitution is widely regarded as a profoundly stigmatized practice within Islamic society, wherein acts of adultery are met with stringent punitive measures. Notwithstanding the severe repercussions, it was unequivocally proscribed by the Sultans of Kashmir throughout their reign. During the onset of the sixteenth century, there was a discernible decline in the societal status of women.

The unfortunate plight of the Kashmiri populace, encompassing both genders, entailed their forcible displacement to diverse regions within India and Afghanistan, where they were subjected to the degrading status of chattel during the reigns of the Mughal, Afghan, Sikh, and Dogra dynasties. This period was marked by an alarming surge in the perilous practices of endorsing prostitution and facilitating human trafficking within the aforementioned locale. However, it is evident that during the Sikh reign in Kashmir, a notable development occurred wherein prostitution was officially acknowledged and subjected to a system of taxation, marking a significant departure from the historical norms in the region. During 1836–1837, the esteemed governing body successfully amassed a sum of fifteen hundred rupees through the levying of taxes upon the aforementioned institution. During the colonial era in India, it is noteworthy to mention that the region of Jammu and Kashmir stood apart as the sole state where the practice of prostitution was officially sanctioned by law, thereby rendering it exempt from punitive measures. This morally reprehensible practice was unabashedly endorsed during the reign of the Dogra regime. The unabashed proliferation of the trade involving young females, namely the sale, exploitation, and trafficking of women, has become increasingly conspicuous within the region of Kashmir.

### **Historical Phenomenon of Prostitution in Ancient Kashmir Society**

In the annals of Kashmir's early history, one encounters a plethora of allusions that attest to the presence of a distinct cohort of female individuals, commonly referred to as courtesans and prostitutes. The courtesans in question were known to cater to a clientele of elevated social standing, exhibiting exceptional proficiency in a diverse array of refined artistic disciplines. Moreover, they diligently acquired refined etiquette and decorum, thereby becoming the primary purveyors of amusement and diversion for the regal and aristocratic echelons. The courtesans exhibited remarkable ardor and elation in rendering their sexual services and captivating the upper echelons of society, as they were bestowed with a plethora of favors and opulent indulgences by their benefactors. Contemporary literature posits that the aforementioned professional *ganikas* possessed a profound understanding and mastery of the intricate discipline encompassing sixty-four distinct arts. Literature from the illustrious region of Kashmir, most notably the renowned Kuttanimatam, provides a profound explanation of the multifaceted role that courtesans and prostitutes play. These sagacious works endeavor to impart sagacity to unsuspecting gentlemen, admonishing them against the allure of these enchanting sirens, whose beguiling prowess may engender the lamentable erosion of opulence and prosperity.

In the literary works of Kalhana, a discerning observer of historical events, the author astutely elucidates the profound ramifications inflicted upon feeble rulers by the alluring machinations of courtesans, whose persuasive influence proved to be of considerable magnitude. He articulates his disillusionment and censure towards monarchs such as Kalasha, Kshemagupta, Uccala, and Harsha for their endorsement of courtesans. King Harsha, a notable historical figure, was known to possess a harem comprising no fewer than 360 women. Furthermore, it is worth mentioning that certain monarchs of the era even entered into matrimonial alliances with individuals who were engaged in the profession of prostitution. As an illustrative example, it is worth noting that King Kalasa exercised his prerogative in selecting his consort, Kavya, from among the temple attendees. Furthermore, his progeny, Utkarsha, opted to establish a relationship with Sahaja, who held the status of a concubine. The literary work known as Damodargupta's *Kuttanimata-Kavya* was meticulously crafted with the explicit intention of enlightening individuals about the multifarious stratagems employed by courtesans in order to entice and manipulate men, ultimately resulting in their economic downfall. Ksemendra astutely delineated the stratagems employed by courtesans to extract resources from affluent individuals and exert their sway over regal and aristocratic figures.

The courtesans primarily sustained their livelihood by captivating and enticing an affluent clientele. There existed a dichotomy of *ganikas*, or individuals engaged in the profession of prostitution, which can be classified into two distinct categories. There were two distinct groups: those who were readily accessible and those who were exclusively patronized by the affluent or enjoyed by the nobility. Certain esteemed courtesans were graciously extended invitations by regal monarchs to partake in their momentous coronation ceremonies. There exist historical accounts documenting the presence of two renowned courtesans, *Malati* and *Manjari*, who led opulent lifestyles through their provision of services to esteemed monarchs, thereby enjoying unrestricted interactions with the aristocracy.

### **Prostitution during Mughals**

During the Mughal occupation of Kashmir, this immoral practice reached a new extreme. Referring to Kashmir as "*Bagh-i-Khas*" or the special garden, the Mughals treated the valley as a pleasure garden to entertain and please their visitors in the Mughal gardens. Another common tradition during Mughal rule was their preference for marrying beautiful Kashmiri girls to nobles, *subedars*, and *mansabdars*. Francious Bernier, who visited Kashmir during the Mughal period, observed that the beauty of Kashmiri women led to a trend in Mughal harems to have women from Kashmir. Nearly every individual who first admitted to the Mughal court selected wives and concubines from Kashmir, so that their children may be fairer than the Indians and pass for genuine Mongols.

It is stated that during Mughal period *Tashwan* and *Urdu Bazar* emerged as the two main centers of prostitution and brothels. *Tashwan*, as believed was a wan (forest) near the city. It is, however, highly presumed that the area was named after its gambling dens (*Tash* for gambling cards *Wan* for forest) which go hand in hand with centres of immodesty. Akhtar Mohi-ud-Din is of the opinion that *Tashwan* is named after *Tashi Bohur*, a pimp who apparently owned a traditional herbal shop, but actually he was running a brothel and was supplying prostitutes from there. And thus, place had become a hub of prostitution from where they were providing sexual service to tourists, high officials and soldiers.

### **Prostitution and Trafficking during Afghans**

The lamentable state of patronizing prostitution and trafficking experienced a notable exacerbation during the Afghan era, wherein destitute Kashmiris, encompassing individuals of both genders, were coerced into a state of enslavement and transported to Kabul. The ascension of remote rulers hailing from Afghanistan during the period spanning from 1752 to 1819 signified a somber and unfavorable epoch for the valley. While enduring the tyrannical governance of the Afghans, it is evident that both genders experienced hardship. However, it is noteworthy that women, in particular, were subjected to heightened vulnerability due to the promiscuous conduct exhibited by their oppressors. No maiden of tender age or captivating beauty could find solace from the clutches of Afghan governors or their unruly subordinates, should they harbor an insatiable longing for her

physical gratification. The Afghan rulers had dealt a significant blow by not only subjecting women to humiliation, persecution, and physical aggression but also implementing a structured mechanism for their trafficking into Afghanistan, where they were presented as offerings to their associates.

Haji Karem Dad Khan, a cruel Afghan governor, was widely acknowledged for his amorous proclivities, engaging in intimate relations with a multitude of unmarried girls hailing from the region of Kashmir. Abdullah Khan, another Afghan governor, suffered from a kidney ailment and was advised by Hakim Jawad to engage in sexual relations with virgins as a remedy. To carry out this recommendation, Khosheh Bibi was selected to persuade the affluent and aristocratic to give the governor their virgin daughters in marriage for a single night. Abdullah gave a financial present of 500 rupees and a bridal gown to each virgin he married that night, then divorced her the next morning. Amir Khan Jawansher, another governor, utilized funds from the royal treasury to maintain a group of dancers and singers for his entertainment. He frequented places like Shalimar garden and Sona-lank for indulging in wine, women, and dance.

### **Women as the main target during Sikh Rule**

Situation was grim even during the rule of Sikhs. Diwan Kripa Ram, the governor, was referred to as Shroneh and ridiculed for keeping a group of young girls who paddled his boats in Dal Lake. He enjoyed the sound of tinkling jewelry and would direct ladies who rowed boats for dignitaries to wear as much as they could comfortably fit while doing so. Another Sikh Governor, Mihan Singh, enjoyed the company of dancing ladies. He supposedly spent much of his time at Shalimar Garden, where he could see the dancers and listen to the musicians. One of Mihan Singh's concubines, the wife of a lowly tiller, refused to divorce her legal husband and kept living with him. When Mihan Singh found out, he ordered that she be placed into a pot of boiling water. Her husband, powerless to do anything, poisoned her to death out of respect for their marital vows. The imposition of tax on everything during the Sikh era drove people into poverty. All businesses, even those run by corporations that employ dancers who live in the office, must pay a monthly tax of between four and ten rupees. At the age of eight, young girls with promising looks were packaged and sent off to Punjab and other regions of India. Parents often asked anything from twenty rupees to three hundred rupees for their children, with the average being fifty to sixty rupees. During the Sikh period, no census was conducted; hence there are no statistical records available to provide an exact number of women involved in prostitution. However, it is evident that the Sikh rule in Kashmir was the first instance in its history when prostitution was officially recognized and subjected to taxation. In 1836-1837, the government collected fifteen hundred rupees in taxes from this profession.

### **Marginalization of Kashmiri Women in Dogra rule**

The region of Jammu and Kashmir, under the oppressive rule of the Dogras from 1846 to 1947, was comprised of three main social units and topographical divisions: Jammu, Kashmir, and Ladakh. The Dogras, who acquired the entire Kashmir valley, along with its inhabitants, from the British East India Company, considered all movable and immovable assets as their personal property. Gulab Singh, the ruler who occupied Kashmir, aimed to assert his dominance through territorial expansions. However, his insatiable greed for wealth led him to impose excessive taxation on the people of Kashmir, surpassing the actions of his predecessors. His heavy taxation drained the very livelihood of the people, subjecting them to extreme hardship and suffering.

The main victims of the heavy taxation were the Muslims, who had to endure various unjust taxes, including a circumcision tax, *Suthra-Shahi tax*, and *Zar-i-Nikkah*. The latter was imposed on Muslims in the state for registering and celebrating marriages, with a rate of one rupee per marriage.

People were crushed under the heavy burden of unjustified taxation system. Various factors contributed to the impoverishment of the people of Kashmir, compelling them to resort to illegal practices in order to alleviate their hunger. But Dogra ruler's greed was such that they did not hesitate to earn from those people who were involved in immoralities like prostitution. It is both astonishing and deeply tragic that a significant portion of the Maharaja's revenue came from the

trafficking of young girls. The government not only protected but also actively encouraged the sale of these girls to established brothels. A license permitting the purchase of a girl for this purpose cost about 103 *chilkee* rupees. The suffering of women was not only inflicted by the government but also by the supporting structure established by the Dogra rulers, which included officials.

The Dogra rulers bear the responsibility for formalizing and endorsing the practice of prostitution in the region, providing it protection and encouragement. According to Bashir Akhter, only Kashmiri *Pandits* and *Pirzadas* (among Muslims) were exempted from providing girls and men for forced labor (*begaar*). Gulab Singh legalized all the brothels with the primary aim of extracting revenue from the prostitutes and their associates, such as pimps. This revenue was collected in the form of license fees, registration fees, and taxes.

The young girls, once sold into prostitution, faced a bleak future with no hope of escape, destined to be trapped as 'sex slaves' for the rest of their lives. They had little chance of saving enough money to buy their freedom. These unfortunate girls were not allowed to marry or seek alternative means of livelihood. In one heart-wrenching incident, a woman pleaded with the officers to be allowed to marry and lead a settled life, but her request was denied. When she attempted to be with the man she wished to marry, she was prevented from doing so and forced to remain in prostitution.

The sale of girls and the trafficking of women have been poignantly described by Arthur Brinkman, the classes associated with prostitution were owned as slaves and others who were previously in their position. The Dogra Maharaja, to whom all of the prostitutes' money amassed throughout their notorious lives was returned upon their death, undermines the latter's authority. If a bondwoman or dancing girl tries to quit her demeaning job, she is restrained with the lash and the rod into the mistress's control

In the region of Kashmir, there were 18,715 state-regulated prostitutes who paid a portion of their earnings to government inspectors. The report, which was published in a London newspaper, compelled the British government to assign Mr. Henry, a special duty officer in Kashmir, to investigate the matter further. According to his report, these prostitutes, who were officially registered and taxed, mainly belonged to the *wattal* or lower caste. They were often sold by their parents to brothel owners at a young age for sums ranging from Rs 100 to Rs 200 per child. The government acknowledged and recorded these transactions on stamped paper. The estimated number of prostitutes acquired through this process in Srinagar alone was around 250 to 300. The prostitutes in the Kashmir Valley were categorized into three classes based on their "gratifications," which took into account factors like age, income, appearance, and caste. They had been categorized into three classes like first class, second class and third class and were taxed according to their respective categories 40, 20, 10 rupees per year respectively

During this period, almost every writer mentioned the tax imposed on prostitutes. Despite the state generating significant revenue from these vulnerable individuals, no funds were allocated for their healthcare. Mr. Henry, who held a special duty position in Kashmir in 1880, reported that there was no provision for the medical needs of sick prostitutes, leading to the rampant spread of a dreadful disease. This is substantiated by the records of the Srinagar mission hospital, which indicate that between 1877 and 1879, a total of 12,977 patients sought treatment, with 2,516 of them suffering from venereal diseases. These prostitutes faced another distressing situation as they were unable to leave the brothels since they couldn't repay the money to their purchasers, which included both the price paid for them and the government's license tax to the Maharaja. In Srinagar, there were two main centers known for prostitution: *Maisuma* and *Tashwan*. Girls were well decorated themselves near decorated windows to attract customers. Beside these centers there were other disreputable places in Srinagar where prostitution was prevalent, such as the floating houseboats, which were mostly visited by foreign visitors, especially bachelors. It was a known fact that girls from lower social classes were not only sold as maids but also forced into the role of concubines. Even the Maharaja himself had concubines, and his successors followed his example.

The marginalized people of Kashmir were experiencing a dreadful scenario at the time. The socio-religious leaders paid them no attention or offered them any assistance. They were silenced

because these unlucky people never stood out for themselves. The respectable ladies felt obligated to wear unclean clothing in order to avoid being mistakenly thought to be participating in immoral acts. These ladies were constantly worried by the prospect of social judgment and disgrace. Muhammad Subhan *Naid*, a well-known and kind barber in Srinagar, was a prominent and kind person. The street he resided on was known for its high concentration of prostitutes. There were no major social, religious, or political activities, but the nighttime disruptions created by males fighting severely troubled him. The laments of the poor people who had lately been forced into this horrible existence struck him the most, especially since many of them were very young. These people had been duped into being sold by their own family members under the guise of planned weddings. Muhammad Subhan *Naid* was affected by the heartbreaking screams of these defenseless people, which inspired him to take action against this cruel custom. To battle this evil, he requested help from honorable persons.

Muhammad Subhan *Naid* took a stand against the cruelty of human trafficking and the immoral flesh trade imposed on the vulnerable individuals. He wrote pamphlets to expose these practices and distributed them widely in the city, aiming to rally the community against such injustice. He also engaged in street preaching and organized gatherings with his friends to raise awareness. Unfortunately, the owners of these brothels, supported by the police, became active in thwarting his efforts. On one occasion, a police officer, who happened to be the son of a Kashmiri Sikh official, was involved. Muhammad Subhan *Naid* tried to persuade the officer not to enter the brothel, but his pleas went unheard, and eventually, the police officer informed his father about Subhan *Naid's* whereabouts. He recounted the entire incident and told the official, "I didn't ask for money, but if you want me to keep quiet about your son's involvement, you must put an end to all such immoral activities." To his relief, the official agreed to close down all such places within the municipal areas of Srinagar. Although this action didn't completely eradicate the problem, it was a significant achievement for him.

His efforts bore fruit in 1934 when the state assembly passed an act to suppress immoral trafficking of women. This act imposed penalties on those who ran or managed brothels, procured women or girls for prostitution, lived off the earnings of prostitutes, or engaged in trafficking of women and children. It also penalized individuals who solicited or encouraged the seduction or prostitution of minor girls. The abolition of prostitution had a detrimental impact on a large number of women who were previously forced into this trade. Many struggled to make ends meet, but some, inspired by the gallant barber's advice, took up spinning on a charkha as an alternative occupation. Others fled to different parts of India. Notably, some former prostitutes found a decent livelihood by working in the silk factory.

### **Immoral Traffic in Women Regulation XI of 1991, (1934 A. D.)**

The State Assembly passed "The Suppressing Immoral Traffic in Women Regulation XI of 1991 (1934 A. D.)" in 1934. The Act legally shut down all brothels in Kashmir. The Act made illegal the keeping, operation, or authorization of any location for the purpose of prostitution, the acquisition of women or girls for prostitution, the subsistence on the profits of prostitutes, and the trafficking in women and children. However, the Act had catastrophic consequences for a large number of prostitutes, forcing many into destitution. It became harder and harder for them to earn a life. Many prostitutes followed Subhan *Naid's* advice and began working at charkhas (spinning wheels) instead of trying to reach India. The Government Silk Factory in Srinagar provided decent employment for a considerable number of prostitutes. Despite this, at least 14 cases of prostitution and trafficking in women were recorded in the administrative report for the State of Jammu and Kashmir in 1945–1946.

### **Conclusion**

The historical analysis of prostitution in ancient Kashmir society reveals a deeply entrenched and systemic practice that has persisted through various dynasties. From the earliest civilizations to the Mughal, Afghan, Sikh, and Dogra rule, prostitution remained a pervasive issue, impacting the lives of countless women who were often coerced or sold into this degrading profession. During different

periods, the practice of prostitution underwent varied degrees of acknowledgment and regulation. While some rulers attempted to control sex work through taxation and official recognition, it only served to exploit vulnerable women further and create revenue streams for the ruling class. The tax on prostitution, despite providing financial gains to the state, did not lead to any significant improvement in the living conditions or health of the marginalized women. Throughout these historical periods, women were subjected to discrimination, exploitation, and objectification, perpetuating their marginalization within society. The social structure of Kashmir deeply rooted in patriarchal norms and oppressive traditions facilitated the perpetuation of this exploitative institution. The Muslim social reformers such as Subhan *Naid*, Molvi Rasool Shah, Master Mohammad Sidiq and later efforts paved the way to abolish prostitution through the "Abolition of Prostitution Act" in 1934, showed some progress in challenging the status quo. However, the aftermath of its abolition also left many women struggling to find alternative livelihoods. Today, the fight against human trafficking, modern-day slavery and the exploitation of women remains a global concern.

In modern times, the empowerment of women and gender equality are crucial elements in creating a society where sex work and exploitation are no longer prevalent. Empowering women with education, economic opportunities, and legal protections will enable them to break free from the chains of oppression and lead dignified lives. Efforts must also be made to challenge deeply ingrained social norms and beliefs that perpetuate gender-based discrimination. By promoting equality and respect for women, societies can strive towards eradicating the root causes that enable practices like prostitution and trafficking to persist. In the historical journey of prostitution in Kashmir highlights the need for continuous efforts towards gender equality and the protection of women's rights. A society that respects and values its women as equal members can create an environment where practices like prostitution and human trafficking become relics of the past. Only through collective efforts and a commitment to social justice can we build a future where women are truly empowered and free from exploitation and marginalization. In essence, the development of a nation may be gauged by the status of women within its society.

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