



From Sovereignty to Surveillance: Gendered Transformations in Kashmir from 1947 to Post-Article 370

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ABSTRACT

The research investigates the evolution of women's rights in Kashmir, tracing their socio-legal transformation from India's independence in 1947 through the insurgency era and culminating in the post-abrogation landscape following the revocation of Article 370 in 2019. Employing a qualitative, historical-comparative method, the study draws on secondary data from academic literature, legal frameworks, policy documents, and feminist theories—specifically Feminist Legal Theory, Conflict Theory, Postcolonial Feminism, and Islamic Feminism. It critically analyzes how gender dynamics in Kashmir have been shaped by colonial legacies, political upheavals, militarization, and legislative reforms. The article highlights key legal developments such as the implications of Article 35A, the 2002 High Court ruling on residency rights, and post-2019 changes granting Kashmiri women equal property rights. While legal frameworks have evolved, the study reveals a persistent gap between formal rights and lived realities due to entrenched patriarchal norms, conflict-related violence, and socio-economic vulnerabilities. It emphasizes that women in Kashmir have played dual roles—as victims of conflict and as active agents of resistance and reform.





INTRODUCTION

Kashmir's socio-political history has significantly influenced women's rights. From the post-independence period to the insurgency and the recent abrogation of Article 370, women's legal and social status has evolved through various transitions (Mehrotra, 2020). While reforms have granted new rights, challenges persist due to cultural norms, conflict, and socio-economic barriers (Ahmad, 2017). The trajectory of women's rights in Kashmir has been deeply intertwined with the region's political, social, and legal developments (Kazi, 2022). From India's independence in 1947 to the revocation of Article 370 in 2019, the status and rights of Kashmiri women have undergone significant transitions, shaped by political instability, conflict, and changing legal frameworks (Mehrotra, 2020; Zeeshan & Aliefendioğlu, 2024). Women in Kashmir have historically been subjected to a dual burden—facing both gender-based discrimination and the broader challenges of an ongoing conflict (Zeeshan & Aliefendioğlu, 2024). The study explores the evolution of women's rights in Kashmir across distinct political periods, critically analyzing the impact of legislative and socio-political changes from independence to the post-abrogation era. At the time of India's independence, Jammu and Kashmir (J&K) enjoyed special status under Article 370 of the Indian Constitution, which granted the region autonomy in governance, except in matters of defence, foreign affairs, and communications. This provision, coupled with Article 35A, restricted non-residents from acquiring land or government jobs, a policy that also affected Kashmiri women who married outside the state (Bhat & Rajeshwari, 2022). Although the 2002 ruling by the J&K High Court granted women the right to retain their residency despite marrying non-state subjects, systemic inequalities persisted due to patriarchal norms and socio-political turmoil (Shafi, 2002). The ongoing insurgency since 1989 has further complicated women's rights in Kashmir. The conflict has led to heightened gendered violence, including sexual violence, forced displacement, and state-sponsored repression (Zeeshan & Aliefendioğlu, 2024). Kashmiri women have not only been victims but also active agents of resistance, forming advocacy groups and seeking justice for human rights violations

(McLoughlin, 2023). However, their voices have often been marginalized in the larger political discourse, as issues of sovereignty and security have overshadowed gender rights (Khan, 2007). The abrogation of Article 370 in August 2019 marked a significant turning point in the legal and political landscape of Kashmir (Mehrotra, 2020). Women's rights activists were divided on the implications—while some believed it would lead to enhanced legal protections and economic opportunities, others feared increased militarization and erosion of local autonomy would exacerbate vulnerabilities (McLoughlin, 2023). The extension of central laws such as the Indian Penal Code, domestic violence protections, and property rights to Kashmir theoretically strengthened women's legal standing, but their implementation remains contested amid the region's ongoing unrest (Kazi, 2022). The study critically examines the transformation of women's rights in Kashmir by assessing key legal, political, and social transitions from independence to the post-abrogation period. The research draws on historical records, legal texts, and sociological perspectives to offer a nuanced understanding of gender dynamics in the region, contributing to broader discourses on women's rights in conflict zones.

The evolution of women's rights in Kashmir is a subject embedded within the complex interstices of law, politics, culture, conflict, and identity. From the early post-independence years through decades of insurgency, militarization, and ultimately the abrogation of Article 370 in 2019, Kashmiri women's legal, social, and political realities have been shaped and reshaped by competing forces of tradition and modernity, autonomy and centralization, and repression and resistance. These transformations are not only illustrative of shifting governance paradigms but also symptomatic of broader gendered power relations entrenched in both state and societal structures. This study attempts to navigate the multidimensional landscape of women's rights in Kashmir by analyzing pivotal political transitions, examining legislative interventions, and interpreting the lived experiences of women across different historical epochs. In doing so, it acknowledges the limitations of a singular theoretical lens and instead integrates Feminist Legal Theory, Conflict Theory, Postcolonial

Feminism, and Islamic Feminism to provide a layered and nuanced analysis.

The unique constitutional status of Jammu and Kashmir under Article 370 of the Indian Constitution, along with Article 35A, played a central role in shaping the region's legal landscape. Article 370 accorded Jammu and Kashmir a degree of internal autonomy, limiting the applicability of Indian laws without the state legislature's consent. Article 35A, on the other hand, empowered the state legislature to define permanent residency and grant exclusive rights over land, education, and employment. While intended to protect the local population's interests, these provisions also entrenched legal discrimination against women. A Kashmiri woman who married a non-resident, for instance, stood to lose her right to property and state subject status — a condition not applicable to men. Though partially rectified by the Jammu and Kashmir High Court in 2002, the legacy of this discrimination reveals the patriarchal biases embedded within the legal framework, highlighting how autonomy, if unchecked by principles of equality, can perpetuate exclusion.

Beyond legal structures, the socio-political instability that gripped the region, particularly from 1989 onwards, catalyzed a distinct set of challenges for women. The onset of armed insurgency, state militarization, and mass human rights violations plunged Kashmir into an era of chronic insecurity. For women, this meant not only heightened exposure to gender-based violence — including rape, enforced disappearances, and custodial abuse — but also an intensification of structural subordination, economic displacement, and psychological trauma. As highlighted by Ahmad (2024) and Wani et al. (2022), the experiences of Kashmiri women during this period diverged significantly across spatial and class lines. Urban women often leveraged educational opportunities to assert public agency, whereas rural women bore the brunt of military raids, displacement, and economic precarity. The spatial geography of violence, thus, had direct implications for women's rights and capacities for resistance.

The political imaginary surrounding Kashmir has often prioritized questions of sovereignty, security, and territorial integrity over those of social justice, especially gender

justice. Consequently, women's voices have remained peripheral in formal political dialogues and peace negotiations. Yet, this exclusion belies the rich tradition of women's resistance in Kashmir — from the women-led processions in the 1931 agitation against Dogra rule to the post-1989 formation of survivor-led advocacy groups such as the Association of Parents of Disappeared Persons (APDP). These movements, while often informal and locally grounded, articulate a feminist politics that resists both state repression and insurgent patriarchy. Scholars like McLoughlin (2023) and Iqbal and Magill (2022) have emphasized the significance of such activism, noting how memory, mourning, and maternal identity have been transformed into political tools for asserting justice and accountability in a deeply militarized context.

The abrogation of Article 370 in August 2019 by the Indian government marked a watershed moment in the constitutional history of Jammu and Kashmir. It signaled the end of the region's special status and ushered in a new era characterized by the application of Indian laws — including those related to gender rights — across the erstwhile state. Proponents of the move argued that the extension of national statutes such as the Domestic Violence Act, 2005, and equal inheritance rights would redress long-standing legal inequalities faced by women. However, critics warned of increased centralization, demographic reengineering, and further militarization, all of which could compound the vulnerabilities of Kashmiri women. The duality of this legal transformation — as both a potential site of empowerment and repression — underscores the necessity of situating legal reforms within socio-political realities rather than assessing them in abstraction.

At the core of this study is the understanding that women's rights in Kashmir cannot be reduced to legislative metrics or policy statements. Rather, they must be evaluated through the lens of lived experiences, historical trajectories, and the interplay of structural and cultural factors. For instance, while the post-abrogation legal regime may promise formal equality, its effectiveness is contingent upon implementation, public awareness, cultural acceptance, and the dismantling of patriarchal institutions. In



regions like Kashmir, where law and order are mediated by conflict dynamics and community structures, the mere presence of progressive legislation is often insufficient to engender substantive change.

The methodological framework of this research adopts a qualitative approach, relying primarily on secondary data including academic literature, government reports, legal texts, and non-governmental publications. The rationale for this approach lies in the depth and interpretive richness that qualitative methods offer, especially when examining complex socio-legal phenomena. By tracing historical shifts from the Dogra regime to the post-2019 landscape, the study aims to construct a diachronic narrative that links past injustices with contemporary realities. Additionally, it incorporates comparative analysis — drawing parallels with other conflict regions such as Palestine and Afghanistan — to underscore the global resonance of local struggles for gender justice in militarized contexts.

The theoretical integration of Feminist Legal Theory, Conflict Theory, Postcolonial Feminism, and Islamic Feminism offers a multifaceted analytical lens. Feminist Legal Theory enables a critique of how patriarchal biases operate within formal legal institutions, manifesting in discriminatory provisions and inconsistent enforcement. Conflict Theory provides insights into how systemic violence and political unrest exacerbate gender inequalities by diverting state attention away from social welfare and justice. Postcolonial Feminism reminds us that women in formerly colonized regions like Kashmir face layered oppressions — from traditional patriarchy, colonial legacies, and now centralized nationalism — necessitating a nuanced, context-sensitive feminist praxis. Finally, Islamic Feminism offers a culturally resonant framework that reclaims religious discourse from patriarchal interpretation, emphasizing the potential of faith-based narratives to promote women's rights in Muslim-majority societies. This interdisciplinary approach is crucial because any singular theoretical or legalistic analysis risks oversimplifying the complex realities of Kashmiri women. For example, a purely legal analysis may celebrate the removal of Article 35A without accounting for the socio-political fallout of abrogation. Conversely, a

conflict-centered approach might highlight women's victimization while overlooking their agency in shaping civil society. Thus, by bridging these analytical domains, this research hopes to capture both the constraints and possibilities inherent in Kashmir's gender landscape.

The significance of this study extends beyond academic inquiry. It holds practical implications for policy-making, legal reform, and advocacy. As India continues to grapple with the challenge of integrating Jammu and Kashmir into its national framework, the rights and dignity of its women must be at the forefront of this process. This necessitates not only robust legal protections but also mechanisms to ensure their effective implementation — including gender-sensitive policing, access to legal aid, and inclusion of women in governance. Additionally, community-level interventions that engage religious leaders, educators, and youth can help shift cultural attitudes and challenge entrenched norms. The evolution of women's rights in Kashmir is emblematic of broader questions about justice, identity, and sovereignty in conflict zones. It is a story of resilience amid repression, of legal battles shadowed by political uncertainties, and of feminist hope emerging from amidst the ruins of violence. By chronicling this journey, the present study not only contributes to the academic literature on gender and conflict but also honors the voices of Kashmiri women who continue to resist, survive, and reclaim their agency in the face of formidable odds.

Review of Literature

The scholarly exploration of women's rights in Kashmir has steadily evolved into a rich interdisciplinary field that blends sociology, law, feminist studies, and conflict theory to trace the entangled trajectories of gender, politics, and resistance in the region. The literature reveals that the discourse on Kashmiri women's rights cannot be understood in isolation from the region's political tumult, colonial legacies, religious traditions, and armed conflict. Historically marginalized and often voiceless in mainstream political narratives, Kashmiri women have navigated systemic patriarchy compounded by the



brutalities of conflict, socio-political displacement, and regressive legal frameworks.

Iqbal (2023) provides a grounded account of grassroots activism by Kashmiri women, documenting their mobilization in response to widespread human rights violations and their emergence as powerful voices of protest and advocacy. His analysis of women's collectives, such as the Association of Parents of Disappeared Persons (APDP), affirms that women in Kashmir are not merely passive victims but active political agents who challenge state violence and seek justice through organized resistance. This activism is framed by both feminist legal theory and conflict theory, emphasizing the dual burden of gender discrimination and militarized oppression borne by these women.

Bhat (2023) contributes a socio-historical dimension by analyzing the gradual transition of Kashmiri women from domestic spheres into political arenas during the Dogra regime. Her research underscores how historical patterns of gender exclusion persisted through feudalism, were formalized under colonial influence, and continued to shape the post-colonial gender landscape. This historical marginalization laid the groundwork for later challenges in integrating women into post-independence state policies. Complementing this perspective, Ganaie (2021) highlights how broader social movements in Kashmir—though not always gender-centric—nevertheless impacted women's rights by challenging entrenched hierarchies and indirectly reshaping social norms.

A significant dimension of literature focuses on the militarized environment of Kashmir, which exacerbates gender-based violence. Ahmad (2024), in a comparative study of Afghanistan and Kashmir, shows that militarism—regardless of geopolitical context—systematically marginalizes women by institutionalizing violence and restricting mobility. Ahmad's work is

supported by empirical studies such as those by Wani et al. (2022), who offer a geographical mapping of violence against women in Jammu and Kashmir, revealing how rural and border areas suffer the brunt of war-related atrocities. These studies reflect the gendered nature of violence in conflict zones, wherein women's bodies become battlegrounds for asserting state or insurgent control, echoing the feminist scholarship of Cockburn (2010, 2013) and Giles & Hyndman (2004) on gender and war.

Mohiuddin's (1997) early work remains foundational in understanding human rights violations in Kashmir. Although not exclusively gendered, his documentation of the State's repressive apparatuses set a precedent for later analyses of how institutional violence disproportionately affects women. Vaid and Sharma (2005) further trace the evolution of women's political rights in Jammu and Kashmir, indicating that while legal reforms have been implemented sporadically, these are often insufficient or poorly enforced due to overarching patriarchal and militaristic structures.

Contemporary feminist analyses, especially by Iqbal and Magill (2022), explore how women's resistance in Kashmir is historically embedded and culturally transmitted. They compile oral histories of female activists, drawing attention to the intergenerational transmission of trauma, courage, and political consciousness. These narratives align with the work of McLoughlin (2023), who employs a feminist human security approach to examine the plight of half-widows—women whose husbands have disappeared in custody but are not officially declared dead. Their precarious legal and social status represents the convergence of legal invisibility and psychological torment, an area grossly underrepresented in formal policy responses.



Scholars such as Shah et al. (2024) emphasize the transformative power of education as a tool for women's emancipation in Kashmir. Their research links the expansion of higher education with shifts in gender norms, labor force participation, and increased political engagement among women. However, the benefits of education are not evenly distributed, as rural women continue to face structural barriers, including lack of infrastructure and social resistance to female literacy (Hussain, 2023).

Legal reform has received substantial attention in the literature, particularly in relation to Article 35A and its controversial gender-discriminatory provisions. Prior to its abrogation, Kashmiri women who married non-residents lost their residency and associated rights. Bhat and Rajeshwari (2022) outline how this discriminatory clause effectively denied women equal citizenship within their own state. Although the 2002 High Court ruling reversed this rule, its uneven implementation continued to restrict women's property and civil rights. Chauhan (2022) offers a comprehensive legal critique of Article 370 and the broader legal landscape governing permanent residency, emphasizing the contradiction between constitutional guarantees and regional laws.

The revocation of Article 370 in 2019 has triggered a new wave of scholarship exploring its legal, political, and gendered ramifications. Scholars like Mehrotra (2020) and Swadimath et al. (2024) assess the implications of extending central laws to Jammu and Kashmir. While the formal inclusion of national statutes like the Indian Penal Code and property rights laws theoretically strengthen women's legal standing, the practical realities remain contested. Kazi (2022) cautions that increased militarization following the abrogation has aggravated women's vulnerability, thereby negating some of the potential benefits of legal harmonization.

Kuszewska (2022) echoes these concerns, noting that the rise in surveillance and restrictions on movement disproportionately affect women, especially those engaged in grassroots activism and civil society.

From a theoretical standpoint, Postcolonial Feminism critiques the imposition of top-down legal reforms without accommodating the local cultural, political, and religious context. Mohanty's (1988) foundational critique of Western feminist narratives is extended by scholars who argue that Kashmiri women's experiences are shaped by unique intersections of ethnicity, religion, class, and political identity. Islamic Feminism further adds to this by showing how reinterpretation of religious texts can empower women within their own cultural and religious frameworks (Mernissi, 1991; Kynsilehto, 2008). In Kashmir, where Islam plays a central role in shaping community norms, Islamic feminist interpretations are increasingly relevant in challenging patriarchal readings of Sharia-based personal laws, particularly concerning marriage, inheritance, and divorce.

The literature on women's rights in Kashmir reveals a complex interplay of law, conflict, gender, and resistance. While significant scholarly progress has been made in documenting legal reforms, gender-based violence, and political participation, gaps remain in understanding the long-term efficacy of policy interventions and grassroots mobilizations. The evolving post-abrogation legal environment offers both opportunities and risks, necessitating continued research into how Kashmiri women navigate this new terrain. Ultimately, the literature underscores the imperative of grounding gender justice efforts in locally informed, intersectional, and conflict-sensitive frameworks to ensure that legal reforms translate into tangible, sustainable improvements in women's lives.

Significance of the Study



The present study is significant in understanding the evolution of women's rights in Kashmir by examining the intersection of law, conflict, and feminist thought. Given the region's unique socio-political landscape and history of armed conflict, it provides valuable insights into how legal and political transformations have shaped gender dynamics over time. By integrating Feminist Legal Theory, Conflict Theory, Postcolonial Feminism, and Islamic Feminism, the research offers a multidimensional perspective on women's agency and marginalization. It contributes to feminist legal scholarship by analyzing the implications of legislative changes, including the abrogation of Article 370, on Kashmiri women's legal and socio-economic status. Additionally, the study provides empirical and theoretical insights for policymakers, legal practitioners, and human rights organizations, informing gender-sensitive legal frameworks and effective policy interventions. Shedding light on the lived experiences of Kashmiri women, it highlights how armed conflict, socio-political unrest, and legal uncertainty contribute to gender inequalities, reinforcing the need for community-driven advocacy and empowerment initiatives. Furthermore, the study enriches academic discourse on women's rights in South Asia by offering comparative insights into how regional conflicts shape gendered realities. Ultimately, it underscores the necessity of a holistic approach to gender justice in Kashmir, emphasizing legal reforms, socio-economic empowerment, and grassroots activism as essential components of sustainable change.

Research Methodology

The present study adopted a qualitative research approach, relying exclusively on secondary data to analyze existing literature, reports, and scholarly discussions on women's rights in Kashmir.

- Data Sources:** The research utilizes academic books, peer-reviewed journal articles, government reports, policy documents, and publications from non-governmental organizations (NGOs) that focus on gender issues in Kashmir. These sources provide a comprehensive foundation for understanding the historical, legal, and socio-political

dimensions of women's rights in the region.

- Analytical Framework:** A thematic analysis is employed to identify key trends shaping women's rights in Kashmir. This includes an examination of legal frameworks such as the Jammu and Kashmir Constitution, legislative amendments following the abrogation of Article 370, and reports on gender-based violence. The study critically evaluates these factors to understand their implications for women's socio-economic and political status.
- Comparative Approach:** The research adopted a historical-comparative perspective, assessing shifts in women's rights across different time periods—from pre-independence to post-2019. This approach helps contextualize contemporary challenges and progress within broader historical and political transformations.
- Reliability and Validity:** To ensure academic rigor, the study prioritizes credible and authoritative sources. Data is drawn from well-established academic literature and policy-oriented research. Additionally, conflicting perspectives are acknowledged to provide a balanced and nuanced analysis of women's rights in Kashmir.
- Limitations:** Since the study does not include primary data, its findings are contingent upon existing interpretations and analyses. However, this methodological choice enables a broader synthesis of multiple perspectives, offering a comprehensive understanding of the evolving landscape of women's rights in Kashmir.

Theoretical Framework

The study employs an interdisciplinary theoretical framework that integrates Feminist Legal Theory, Conflict Theory, and Postcolonial Feminism to analyze the transformation of women's rights in Kashmir.

Feminist Legal Theory

Feminist Legal Theory provides a lens to examine the legal transformations affecting



women's rights in Kashmir, particularly in the context of constitutional changes. This theory critiques patriarchal legal structures and highlights how laws shape gender relations and social justice (MacKinnon, 1989). The study applies this theory to analyze the pre- and post-abrogation legal landscape, focusing on how the removal of Article 370 impacts women's autonomy and rights.

Conflict Theory

Rooted in the works of Karl Marx and later expanded by sociologists like C. Wright Mills, Conflict Theory explains the socio-political struggles that shape power dynamics. In the context of Kashmir, this theory helps to understand how political instability, armed conflict, and legal changes intersect with women's rights (Galtung, 1990). It provides insights into how state policies, insurgency, and military presence have influenced women's access to resources, security, and social mobility.

Postcolonial Feminism

Postcolonial Feminism critiques mainstream feminist theories for overlooking the unique experiences of women in formerly colonized regions (Mohanty, 1988). In Kashmir, where historical and political tensions have played a crucial role in shaping gender experiences, Postcolonial Feminism provides a framework to analyze women's agency in a region marked by contested sovereignty and socio-political upheaval. This theory underscores the importance of intersectionality, recognizing that Kashmiri women's struggles are shaped by ethnicity, class, religion, and political identity.

Islamic Feminism

Islamic Feminism offers a perspective that reconciles women's rights with Islamic principles, challenging patriarchal interpretations of religious laws. In the Kashmiri context, where Islam plays a significant role in shaping social norms, Islamic Feminism provides insights into how religious discourse can be used both to oppress and empower women. This theory highlights the role of women as active agents in interpreting religious texts to advocate for gender justice (Mernissi, 1991). The study applies Islamic Feminism to examine how Islamic jurisprudence has influenced women's legal and social status in

Kashmir, particularly in relation to marriage, inheritance, and personal laws.

Integration of Theories

By integrating these theoretical perspectives, this study provides a comprehensive understanding of women's rights in Kashmir. Feminist Legal Theory offers insights into legal constraints and advancements, Conflict Theory contextualizes socio-political struggles, Postcolonial Feminism situates these within the broader discourse of colonial legacies and resistance, and Islamic Feminism explores the role of religion in shaping gender norms. This interdisciplinary approach ensures a nuanced examination of gendered transitions in Kashmir, contributing to broader discussions on women's rights in conflict zones.

Historical Overview of Women in Kashmir: A Theoretical Analysis

Pre-Colonial Period: Gender Roles in Early Kashmir

The socio-political landscape of early Kashmir reflected diverse gender dynamics, shaped by religious, cultural, and political transformations. Feminist Legal Theory helps contextualize the legal status of women in early Kashmir, while Postcolonial Feminism provides insights into the region's indigenous traditions before external influences reshaped gender norms. During the reign of rulers like Lalitaditya (724–760 CE) and Avantivarman (855–883 CE), women had access to education, religious participation, and, in certain cases, governance. Kalhana's *Rajatarangini*, a 12th-century chronicle, records instances of royal women, such as Queen Didda (958–1003 CE), exercising sovereign power, challenging later patriarchal restrictions. Postcolonial Feminism critiques mainstream feminist discourses for failing to recognize such historical female agency in non-Western societies (Mohanty, 1988). However, the shift toward Islamic rule in the 14th century introduced new gender norms. The arrival of Sufi saints, such as Mir Sayyid Ali Hamadani (1314–1384), integrated Islamic legal traditions, offering both protective measures—such as inheritance rights for women—and reinforcing patriarchal constraints that limited their autonomy. Islamic Feminism highlights this dual role of religious jurisprudence,



emphasizing women's agency in interpreting religious texts for gender justice (Mernissi, 1991).

Dogra Rule (1846–1947): The Institutionalization of Gender Inequality

Gender inequalities became increasingly evident after Dogra government was established by means of the Treaty of Amritsar (1846). Conflict Theory contends that the junction of feudalism and colonial government strengthened patriarchal systems. Under a government that gave male power first priority, women's legal rights in spheres of property ownership, education, and political involvement were drastically limited (Khan, 2011). Though confined to privileged women, the arrival of modern education in the early 20th century signalled the start of structural changes (Hussain, 2023.). Still excluded, nevertheless, women from underprivileged families highlighted class-based gender inequalities (Zutshi, 2014). Feminist Legal Theory questions these laws that institutionalised gender inequality and hence limited women's access to social and economic possibilities. By the 1930s, political movements—especially the Kashmir Freedom Struggle headed by Sheikh Abdullah—had included women's rights into more general sociopolitical changes. Women's groups supporting legislative changes and education arose but encountered opposition because of ingrained patriarchal standards (Rai, 2004). The era prepared the ground for later post-colonial Kashmir gender-oriented reforms. Furthermore, historical studies show how pre-colonial social mobility and gender roles were further limited under colonial policy, hence deepening these inequities (Kazi, 2023; Hasan, 2002).

Post-Independence Developments

Reforms under Sheikh Abdullah (1947–1975): Expanding Women's Rights

Under Sheikh Abdullah's direction, post-independence saw notable social and legal improvements. Conflict Theory helps one to understand how these changes aimed to solve socioeconomic disparities that had worsened under feudal control. By increasing economic stability for lower-class households, the land reforms of the 1950s—which transferred land from feudal landowners to peasants—indirectly helped women (Ganie, & Deivam, 2016). The Aligarh Movement helped Sheikh Abdullah's attempts to advance education—especially for Muslim women—by guiding her into mainstream public life (Ahmed & Ahmad, 2005). Formally acknowledging women's legal rights including access to property, education, and work, the Jammu and Kashmir Constitution (1957) Notwithstanding these legislative developments, society views kept restricting women's involvement in public life; political changes often slowed the pace of gender transformations (Hassan, 2009). The sluggish progress mirrors the criticisms of Feminist Legal Theory, which holds that without changes in society norms and enforcement systems, legal improvements by themselves are inadequate (MacKinnon, 1989). Parallel to this worldwide change in women's roles as seen in early 20th-century Malay society, highlights the interaction of legislative changes and cultural shift in forming women's agency (Noor, 2020). Though systemic patriarchal impediments still exist, Sheikh Abdullah's reformist vision set the foundation for further attempts at gender justice.

Insurgency and Conflict (1989–2000s): The Gendered Impact of War

The armed insurgency starting in Kashmir in 1989 fundamentally changed women's lived experiences and gender roles. Conflict Theory offers a critical prism through which one may see how political unrest heightened gender vulnerabilities. Women experienced



more relocation, financial difficulties, and gender-based violence—including well-documented instances of sexual abuse by both governmental and non-governmental entities (Cockburn, 2010). Emphasising the gendered aspects of war, reports by groups like Human Rights Watch (1999) revealed incidences of rape, prison assault, and stigmatising of survivors. Feminist research underlines that conflict accentuates already existing gender inequality as women's bodies frequently become targets of violence (Cockburn, 2010; Giles & Hyndman, 2004). Notwithstanding these hardships, women's advocacy became more potent. Seeking justice and conflict settlement, groups like women-led peace projects and the Association of Parents of Disappeared Persons (APDP) Arguing that female views are typically silenced in male-dominated political systems, Postcolonial Feminism challenges the marginalising of women in official peace discussions (Cockburn, 2013; Sjoberg, 2014). Moreover, studies show that resolving both current violence and long-term security issues requires an awareness of conflict seen from a gendered perspective.

Legal and Social Shifts in the 21st Century

Strengthening Legal Protections

Early in the twenty-first century, major legislative changes meant to combat violence and gender inequality were undertaken. Providing legal remedies including protection orders and financial help, the Jammu and Kashmir Protection of Women from Domestic abuse Act (2010) matched national regulations to acknowledge domestic abuse as a criminal offence. Reflecting more general attempts to increase legal protections for vulnerable groups, the Protection of Children from Sexual Offences Act (POCSO) (2012) reinforced defences against child

exploitation. Feminist law Theory emphasises, nevertheless, the ongoing discrepancy between law clauses and their execution. Weak law enforcement systems, ignorance, and social shame still impede women's access to justice (Ahmad, 2017). Legal assistance and advocacy of gender-sensitive policies have been much aided by women's rights organisations such Kashmir Women's Collective and Jammu and Kashmir Women's Development Corporation (Zargar, 2021). Government programs include the Beti Bachao Beti Padhao program have helped women have more career possibilities and literacy rates rise. Promoting gender equality and social justice has also depended critically on legal changes meant to empower women (Mukund, 2025). Still, patriarchal conventions still provide a major obstacle to complete gender equality. Simultaneously, continuous debates on data protection and privacy legislation in India draw attention to the changing character of legal systems and their possible influence on social development and individual liberties (Burman, 2022).

The Abrogation of Article 370 and 35A (2019): Legal Changes for Women

The revocation of Article 370 and 35A in August 2019 introduced major legal transformations, particularly in property rights, residency laws, and access to government benefits. Feminist Legal Theory views these changes as removing gender-based legal discrimination, as Kashmiri women now have equal inheritance rights (Swadimath et al., 2024). However, Postcolonial Feminism warns of the socio-political consequences, particularly the risk of demographic shifts and increased militarization affecting women's security (Kazi, 2022). Concerns persist regarding the practical benefits of these legal changes. While women legally gained greater access to property ownership, customary barriers and familial opposition continue to limit their rights (Zargar, 2021; Chauhan, 2022). Additionally, increased military surveillance and mobility restrictions post-2019 have disproportionately affected Kashmiri women, raising concerns about



heightened gender-based violence (Kuszewska, 2022). Conflict Theory underscores that these legal changes must be examined within the broader context of state policies, insurgency, and militarization, which continue to shape women's experiences in the region (Kawale & Agrawal, 2024).

Women's Status in Contemporary Kashmir

Modernization, education, and legal reforms have significantly influenced the lives of women in Kashmir. However, challenges persist due to political instability, cultural traditions, and economic dependencies.

Education and Employment

Over the past few decades, there has been a marked improvement in women's access to education. Female literacy rates have improved, leading to greater participation in professional fields such as medicine, education, and administration. Government initiatives like Beti Bachao Beti Padhao have contributed to this progress. However, gender disparities persist, particularly in rural areas where conservative attitudes limit educational opportunities for girls (Zutshi, 2014). Historical accounts show that women in ancient Kashmir, despite occasional leadership roles, often faced structural inequalities that still echo today (Ayub & Raina, 2018; Bhat & Rajeshwari, 2022).

Political Participation

Women in Kashmir have increasingly engaged in political movements, activism, and policy-making. However, political conflict has subjected them to unique vulnerabilities, including displacement and human rights violations. While women have played key roles in advocacy, such as in APDP and grassroots peace initiatives, their representation in formal political structures remains limited. Feminist scholars have highlighted how Kashmiri women navigate political resistance while facing intersectional oppression in conflict zones (Zeehan & Aliefendioğlu, 2024).

Legal Reforms and Rights

Legislative measures, such as laws against domestic violence and increased advocacy for gender equality, have helped improve women's rights. The Jammu and Kashmir Protection of Women from Domestic Violence Act (2010) aligns with national laws, but enforcement

remains weak due to social stigma and inadequate law enforcement mechanisms (Ahmad, 2017). The abrogation of Article 370 has brought legal changes, but studies show the practical benefits for women remain limited, with customary practices still curtailing rights (Chauhan, 2022).

Economic Empowerment

Women in Kashmir have made significant contributions to entrepreneurship and self-employment. Handicrafts, tourism, and small-scale businesses have provided economic opportunities, although gender-based wage disparities continue to exist. Organizations such as the Jammu and Kashmir Women's Development Corporation have played a crucial role in skill development and financial aid. Yet, research shows that working women still face systemic obstacles, including gender biases and limited upward mobility (Shafi, 2002; Tabasum, 2014).

Challenges and Future Prospects

Despite progress, Kashmiri women face several socio-economic and political challenges:

- 1. Conflict and Violence:** The ongoing political unrest has disproportionately affected women, leading to displacement, loss of livelihoods, and psychological trauma.
- 2. Patriarchal Norms:** Traditional gender roles continue to restrict women's agency, particularly in rural areas.
- 3. Health and Well-being:** Limited access to healthcare services, particularly in conflict-prone areas, remains a major concern.
- 4. Globalization and Cultural Shifts:** While globalization has facilitated awareness and opportunities for women, it has also led to tensions between traditional values and modern aspirations. While legal reforms and modernization have improved women's socio-economic status, addressing deeply rooted patriarchal structures and conflict-related vulnerabilities remains critical for ensuring gender equality in Kashmir.

CONCLUSION

Women's rights in Kashmir have evolved in response to a complicated interaction of historical legacies, sociopolitical upheavals, and legislative



changes. From the pre-colonial era to the post-abrogation age, changing governance systems, armed conflict, and patriarchal traditions have moulded women's socio-economic and legal position. Legal changes—especially the extension of central laws to Jammu and Kashmir—have brought fresh safeguards and possibilities; but, their application is still hampered by strong gender stereotypes and continuous political unrest. The research emphasises that while legal developments might improve women's rights, their efficacy relies on more general structural improvements like political stability, socioeconomic empowerment, and cultural changes. The results highlight the

necessity of gender-sensitive policy that transcends legislative clauses to handle the actual reality of Kashmiri women. Realising true gender equality requires a comprehensive strategy combining legislative changes with grassroots activity, community involvement, and dispute resolution. In the end, the research adds to the conversation on women's rights in conflict areas by stressing that transformational social change is as important for sustainable development as legislative actions. Building a more inclusive and fair society depends on realising and magnificating women's agency in Kashmir.

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