

# Violence against Women in Punjab during Sikh Era (1799-1849)

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## ABSTRACT

**Aim of the Study:** Aim of the study was to explore the Violence against women in Punjab during Sikh Era (1799-1849)

**Methodology:** This is qualitative research and comparative-historical has been adapted to conduct it. The document analysis is also applied to verify the contents of documents. The internal and external criticism of artifacts, documents and contents available in books is made. The information contained in data of one nature is compared and analyzed with the information available in data of other nature. In the same way, the visual art monographs are utilized for this purpose.

**Findings:** Findings shows that there were no customary laws were applicable, the women were given full protection. They were saved from forced marriages, illegal detention and domestic violence etc. Maharaja was himself interested to provide justice to the people. But he could not go beyond customary laws, except in few cases. So, the rebelled women of society gave preference to get shelter in British administered areas of Punjab where they were given more rights than in Punjab.

**Conclusion:** To conclude, the application of various customs of Punjab as supreme laws during Sikh era impacted the society, especially women. It gave legal protection to some social values which were harmful for women and considered as crimes in today's scenario.

**Keywords:** Violence, Women, Punjab, Sikh Era.

## 1. INTRODUCTION

Violence against women had been an integral part of the society and legal system of Punjab during Sikhs rule for about 50 years. In this matter, Sikhs were following mainstream of Indian society with slight difference of laws applied there. During this period Sikhs, preferred various customary laws of different areas of Punjab and its surroundings to become supreme law. Religious laws, which were more powerful and applicable during Mughal dynasty, were made subordinate to customs and values. The customary laws created a new scene in Punjab and the first victims were women who highly suffered from this system. Many customs and issues like *sati*, *saalhog*, *vani* and *badal*, which were barred by *Shariah* law under Mughals and Durrani, were given protection under Sikh rule and such social crimes were valued with legal affects. Courts admitted them and enforced them. In British administered areas, the condition of women was much better and they had more liberties than Sikh empire. So, many aggrieved women of

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Lahore Sarkar sought shelter there and enjoyed much freedom. Though Sikh rule reached its end in 1849 but British also followed their way of honoring customary laws. This system prevailed, thus, for further 98 years in Punjab which strengthened some social taboos like honor killing, *badal* or *vani* marriage and so on. In this research paper, the violence against women during Sikh era is discussed from social and legal point of view.

Sikhism was founded in Punjab by Guru Nanak during first half of 16<sup>th</sup> century. For next two hundred years, Sikhs were peaceful groups like other mystic communities of India like Sufis and the followers of Bhakti movement. During the first half of 18<sup>th</sup> century, they were oppressed by Mughal government and due to such unavoidable circumstances; they became mobilized under the banner of their leader, Banda Sahib *Bairagi*. They had the good chance to capture Lahore and then the whole Punjab, by the inflictions imposed by Durrani and Abdali attacks on India, which weakened the central government. Sikhs easily initiated steps to gain power and captured Lahore in 1865. Within next 35 years, they became sole rulers of Punjab under the banner of Maharaja Ranjeet Singh. Maharaja's rule started at Lahore but soon he extended his empire on all sides. His eastward advancement was stopped by British through Treaty of Amritsar, 1806. After that he captured Multan in 1818 and Kashmir in 1819. Next was Peshawar which was captured finally in 1834 and annexed to Lahore Sarkar. This was the last major victory of Sikh as after that, their downfall started and Punjab was annexed to British territories in 1849.

The criminal justice, along with civil justice, was not a separate and independent department under Sikh rule but just a part of revenue administration. The *punchayat* was the basic unit of the society, so it was also first stage of judicial system of Sikh era. Matters were decided by *panchayat* first and then appeals were made their orders to *kardars/tesildars*. Next appellate courts were of *sardars* or *jagirdars*, then *subedars* or governors and lastly Maharaja himself (Mufti, 1872, p. 112). Judicial system was administered in this way.

## **2. RESEARCH METHODOLOGY**

This is qualitative research and comparative-historical has been adapted to conduct it. The document analysis is also applied to verify the contents of documents. The internal and external criticism of artifacts, documents and contents available in books is made. The information contained in data of one nature is compared and analyzed with the information available in data of other nature. In the same way, the visual art monographs are utilized for this purpose.

## **3. FINDINGS AND DISCUSSION**

### ***3.1 Data of Research***

The contemporary data on Sikh rule is very huge in quantity but unfortunately untouched by researchers yet now due to the uneasy access to it. The case files of Sikh era are preserved in Punjab Archives, Lahore but all the data is in Persian language and in *diwani* script. Researchers hardly like to consult the artifacts of an alien language and depend upon translations. This data is the foundation of this research paper. The data can be classified as under:

- A. Contemporary documents of Sikh rule (1799-1849). These contain the reports, diaries and letters of local and foreign personalities, rulers, officials and spies and so on. It also contains the court case files. Among these files, about 64 files are related to gender relations and issues. Many contain data related to the violence against women and some of their proceedings are very lengthy. These case files are arranged by the researcher date wise and numbered such as F 1, F 2, F 3 and so on. It means File no. 1 and so on.
- B. There are also contemporary works of court officials, foreign travelers, histories and so on those contain valuable information on the violence against women during period under research. Most of them have been published and utilized, followed by remaining in shape of manuscripts.

### 3.2 Crime as Art During Sikh Era

During Sikh era, some criminal activities were considered as art by society and appreciated by people. Among those, robbery was most popular, regarded as national crime and characteristic of a dominant race (Administration Report of Punjab, 1849-50, p. 63, hereinafter referred as AR). The seizure of property, village or territory was private and political aim of the Sikh chiefs since their rise (ibid, p. 64). When Maharaja Ranjeet Singh established his power, law and order was maintained (Ganesh Das, CBP, 1965, p.140-143 ) but it took a long time, about 20 years, to conquest most parts of the Punjab and Kashmir. But despite Ranjeet Singh's efforts, many Sikhs were involved in it (AR, 1849, p. 64). Sometime, such acts were dignified with respect for criminals (AR, 1849, p. 64). When, the Punjab was annexed, it had the highest number of crimes in compare to other parts of British administered North India:

**Table 1: Crime rates in Punjab during Sikh Era**

Area	Persons Apprehended	Persons Convicted
Lahore Division 1849	9009	5144
Lahore Division 1850	9998	5423
Delhi district 1849	2179	1653
Agra Division 1849	4079	2313
Allahabad Division 1849	3476	1424
Banaras Division 1849	3620	1776

The reason behind such increase in crime was the suspension of 50,000 armed persons of Sikh army in 1849. As alternate, the 14000 police officials were employed to keep peace and tranquility in the province. Army was consisted upon people recruited from North West Province (UP of today). In short, crime in Punjab was highest in rate than other parts of India at that time due to traditional customary art attached with specific tribes. During Ranjeet Singh's era, the robbers of yesterday were officers of army, today. However, it was not compulsory for Sikh groups. The Muslims were more violent in committing murder, homicide and wounding (AR, 1849, p. 65). The offences related to conjugal infidelity and women were common during Ranjeet Singh's era and sometime, such offences were concealed from police and authorities (AR, 1849, p. 65)

### 3.3 Violence Against Women

Violence against women means any type of violence, physical or mental or sexual, which suffers a women and it includes domestic violence too. Some forms of such violence were given protection by customary laws of Punjab due to some interests of any influential person, caste or community. The adultery, seduction and breach of marriage engagements were main cause of violence against women which resulted in murder of women, during that period (AR, 1852, p. 60). Such crime was committed by husband or in his absence, any of his male relative. The child marriage and the absence of husband for pilgrimage or job was main cause of adultery. Some high class Hindu widows were not allowed by caste to remarry and thus they were also found involved in relationship with servants (AR, 1852, p. 60). Such acts could lead the circumstances towards horrible ending, causing murder of number of people and destruction of properties (AR, 1852, p. 61). In these cases, both woman and her paramour were put to death. A person was captured due to torturing an old lady (F 33, 20/10/1832). Peon Nihaal Singh who also tortured an old lady, was detained (F 43, 20/04/1833) and later on dismissed from job (F 43, 29/04/1833). Bakhtawar *tawaif* was beaten up by Mehtab Singh (F 38).

Sometimes, the women were treated as inferior gender and they were cheated by males. This was the case of Mangla *tawaif* of Lahore whose handsome jewelry and cash was misappropriated by Dhomon *kahar* in 1832 (F 27). Such people had the mindset that it is hard for women to approach the court of law due to the inferiority of their gender in society. The women were forced to opt being Sati at the death of her husband (Bhajan, 2010) and they were also maltreated by committers of Sati ceremony (Griffin, 1890, vol. I, p. 432)

### **3.4 Infanticide**

The infanticide was common in Punjab and other parts of North India. During Ranjeet Singh era, no preventive action was initiated against this crime as it was considered as social custom of some castes. In Punjab, the origin of infanticide was attached with remorseless pride of birth, station and fancied sanctity (AR, 1849, p. 65). Sikhs of *Bedee* and high esteemed priestly class were committers of this crime (ibid, p. 65). They had deemed it matter of honor to give their daughters to others in marriage, even the others are of high caste (ibid.). *Khutrees* among Hindus and some of the Muslim sects of that time also followed infanticide custom (ibid.). As this crime was, and is, committed secretly, its number was not available throughout legal history.

### **3.5 Domestic Violence**

Domestic violence was common in Lahore Sarkar like all other societies and empires. The males of Punjab were dominated sex in the society and had upper hand on women. Women were dependent on their *maika* males (father or brothers or uncles and so on) or on their husbands and even on their sons. Such was the mainstream of the society. Different cases show that women faced brutal torture from their male partners. In the case of Baji Shah (1828), the wife stated that her husband has beaten brutally (F 1). Aimna (1833) was also severely beaten up by her husband Ghulam Hussain (F 37). Bhanga Singh was used to torture his wife Ramdevi being dead drunk (F 49). Drinking wine, *afeem* and *bhang* (two kinds of drugs) was common habit of all Sikhs (Debi Parshad, 1850, P. 168-169). Such kind of torture was to bear not only by wife but also by other female members of house. Shah Zaman's concubines were also tortured in an inhuman manner (F 6, F 65; *Muraslat-e-Shah Shuja*, 1833, letter no 125).

There were also other forms of domestic violence in the society by which women were subdued. For example, Baji Shah paid no maintenance allowances to his wife and also kicked her out from home (F 1). Another form of domestic violence was to harass women of the house. Sahibo (1830) was harassed by her *dewar* who forced her to live with him unlawfully. He threatened to sell her daughter to *tawaiifs* for prostitution (F 10). In another case a daughter-in-law was murdered in result of a quarrel with her mother-in-law (F 43, 09/01/1833). It means that mounting the domestic violence to an extreme was a common matter.

The custom of *Saalhag* (the exchange or replacement of women/girls in matrimonial matters) was also a form of domestic violence. It was used by male authorities of families. The consent of aggrieved women was not necessary (F 14, F 36, and F 54). It was also declared illegal by British and some of the state authorities; however, socially it was carried on by different communities of Hindus and Sikhs long after. Similarly, the custom of *Vani* was also protected by local courts of *punchayat* and the written deed was prepared for this purpose (F 10).

### **3.6 Abduction and Kidnapping**

Abduction and kidnapping were common phenomenon of Ranjeet Singh's era. It was prevailing throughout the world and it were only British who prohibited it within the territories administered by them. However, in Khalsa Punjab, the markets were set up for sale and purchase of slaves and concubines/female slaves. Such a great Market was Heera Mandi of Lahore (Lal, 1887, p. 46). Gopal Das gives the details of such market in the neighborhood of Peshawar where the girls from Ladakh and Kashmir were sold out (Gopal Das, 1874, p.704). Similarly the court of Raja of Patiala was also a good place for selling the abducted persons (F 42). Abduction and kidnapping were main causes of slavery.

The boys and girls of tender age were abducted and kidnapped. The cases of Ranjeet Singh's era show that the abductees were aged between 8-12 years (F 42 and so on). However, the adult women were also abducted and sold (F 43, 10/04/1833 & F 55). The *tawaiifs* were also abducted for some reasons (F 43, 10/04/1833). Mothers were also abducted with child (F 43, 31/01/1833).

Some influential persons were involved in abduction. For example, Lala Bhim Sen Khatri, the Kotwal of Kashmir in 1828, was active in it. It proves the state patronage of abduction (F 2). He abducted the daughter of Nairtu Kashmiran *tawaif*. Jodha Singh, a *zamindar* of Punjab abducted his *saali*/sister-in-law of his late brother and married her forcibly (F 18). Muslim wife of Heera Singh of Bulaqi Chak was abducted by another Sikh, Gurmukh Singh (F28). Another official of Lahore Sarkar, Bhan Singh, abducted the wife of Kanha Singh (F 13). To take the minor girls for their sensual lust, Raja of Patiala and others had to encourage abduction. Children of both sexes were sold there (F 42). Same was the case with Lahore Sarkar where *Heera Mandi* was running in state patronage (Sarwar, 1877, p. 562, Lal, 1887, p. 46).

Most of the abductees were beautiful mountainous girls but from poor and remote areas. The *vakils* or representatives of Gul Badshah of Qashqar were deputed to purchase young and beautiful girls from Swat, Buner, Kashmir, Ladakh etc., to present them in the Sikh court of Lahore (*Akhbar-e-Afghanistan*, dated 24 Zilhij, 1259; Lal, 1887, p. 46). The girls of lower castes like *chamar* or *khakrob* were also abducted (F 8). In rare cases, the women of elite class were also abducted as was the matter of Mirza's sister (F19). She was from the house of Zaman Shah.

Both father and mother could claim abduction of their offspring. Chiragh Bibi made the petition of recovery of her abducted girl (F 60). Hazoori Shah Faqir claimed that his daughter Jaja was kidnapped and sold in the territory of Malirkotla state (F 62). Same was the case of Chanan Shah's daughter (F 61). Case laws and other documents show that kidnapping had become profession and there was no regular rule or law for its prohibition. The abduction of children of 8 or 10 years of age was a routine matter of that time (F 42). A file show that some father sold his young daughter to an official due to famine of 1838 in Punjab but later he regained her by some source and hide her at some save point (F 64).

There were numerous groups who were involved in abduction. The involvement of state functionaries has been stated above. Some documents prove that there was a new community born the society at that time which was called *burdah faroosh*/abductors who made this crime their profession (Kanhaiya Lal, 1884, p. 46). In *Yaadgar-e-Chishti*, writer states that the newly established goonda groups were responsible for it (Chishti, 1859, p 159-160). Another contemporary document of 1832 proves that *matrabs*/musicians were also abductors of girls (F 29). Girls were also abducted by *thugs* and *uchakkas* as happened with Bhagan Bibi (F 13). There sum was paid by *sahokars*/bankers and they were transported to other parts of Khalsa Sarkar, from Lahore (F 64).

Abduction was also caused due to personal grudges. A Brahman abducted his widow *bahu*/daughter-in-law, probably, for honor issue (F 36). Umrao Jan Ada, a famous *tawaif* of Lukhnow, was abducted due to enmity with her father (Ruswa, 1899, *Umrao Jan Ada*, p. 5-7). Some documents of Ranjeet Singh's era show that a group of abductors based in Lukhnow had migrated to Lahore and settled down here. This migration was scrutinized by authorities but the group assured that it had waived up the profession of abduction (*Misl* no. 301, Basta no. 1, Dr. Login). There was also a customary law in some areas of Punjab that women were abducted and married afterward with abductors or some other persons (Parshad, 1850, P 167). A contemporary document shows that even zamindars had the custom of abduction of women of the regions of each other (F 14; Parshad, 1850, p. 167).

There are found some false allegations of abduction too in which the abducted girl made her statement that she is on her free will and consent (F 4). Most of such cases were related to elite class, like that of Zaman Shah, where the women ran away with someone on their own free will but their families made the false reports of their abduction to the authorities (F 6 & F 22). Peer Ibrahim Khan's concubine, Mardana, her case seems also of the same nature (F 24). The abduction of Peero, the first female poet of Punjabi language, is also disapproved by her own statement (F 56).

Releasing the abductee was deemed as his/her legal right when some complaint was made to authorities. Daughter of Niaztu tawaif (F 2), children abducted from Delhi (F 42), and daughter of Hazoori Shah (F 62) were released.

### 3.7 Detention

Detention was also inflicted on women without reason, most possibly due to jealousy. The son of Lala Padam Singh detained Bibo *tawaif* (1833) due to his jealousy with Dhanpat *khatri* who was beloved of *tawaif* (F 39).

### 3.8 Forced Marriage

Though forced marriage was common among eastern societies but thrice consent was obligatory to be taken from females among Muslims. Throughout Muslim period of Indian history, marriage was deemed void without the free will of girls. The famous fiction ‘Heer-Ranjha’ also contains such regulation according to which the marriage of Heer was declared null and void.

In vernacular Indian communities, this credit goes to Maharaja Ranjeet Singh who counted forced marriage as crime. It reveals from the case of Mehatb Singh versus Mastan Singh (1830) that the wife of Mehtab Singh was engaged with daughter of Mahkam Jatt, aged 8 years, but the girl was forcibly married to Mastan Singh who kept the girl in his house for five days but then from the fear of Maharaja Ranjeet Singh shifted the girl and Mastan Singh out of the territory of Maharaja (F-14, 28/06/1830). The case was shifted to different courts of jurisdiction due to the moving on of the parties and finally decided in favor of the girl. However, Maharaja himself was involved in some forced marriage cases (Hugel, 1986, p. 463).

### 3.9 Women Trafficking

Women’s trafficking is part of human trafficking but this research is limited to women’s rights so the main focus will be on the trafficking of girls and women. During first half of 19th century, it was completely prohibited in Ludhiana agency and Malirkotla state (F 62). However, it was allowed in all other parts of India including Punjab and central Asia.

The main purpose of women trafficking seems prostitution and *tawaifiat* as reveals from the documents of Ranjeet Singh’s era. The cases of Nairtu *tawaif* (F 2), Banni Khalasi (F 42), Noor Shah and others prove it. In 1833, a new *burdah faroosh* group came forward. Many Kashmiri persons, both male and female were very active in it, of which Imam Bakhsh Kashmiri was very notorious (Muraslat Ameer Ali, letter no. 178, 179 & 184). Contemporary historians also state that large number of women were abducted from various areas and sold in *Heera Mandi* in Lahore (Sarwar, 1877: Lal,1887, P. 46). Second purpose was to supply women in the court of Maharaja Ranjeet Singh (ibid). Approximately, all Rajas and Nawabs were responsible for this act along with Maharaja. The officials of different states were also involved there, of course, by encouragement of rulers (F 2). Both sexes were involved and active in women’s trafficking. The daughter of Banni Begum and other children were abducted and kept secretly for days by women of the *burda faroosh* group (F 42).

It reveals from the case of Nairtu *tawaif* that what expenses had to bear on the purchase of a girl in 1828. In this case, the respondent Jangli *tawaif* gives following estimate which she bore for the disputed girl (see table 2):

**Table 2: Price of girls in 1828 in Punjab during Sikh Era**

Sr.	Price of girls (term and condition)	Rate
1	Price of the girl paid in Kashmir	40 rupees
2	Commission to broker/kotwal	10 rupees
3	Expenses of suiting and dresses	50 rupees
4	Expenses of 14 months stay in Kashmir including 8 months’ expenses of mother of girl	Not counted
5	Tax paid during travel	100 rupees
6	Total	200 rupees (excluding no.4)

At this time the rate of the gold was between 4.5 to 7 rupees per tola in India (Smyth, 1847, Appendix, p. xl). In 1832, two concubines were purchased in lieu of Rs. 180 by a Punjabi (F 26). In another case, the price of a concubine is stated as 3 *toman* of Afghani currency, in 1830 (F 19).

The legal requirements of business transaction of other commodities were also abide by for the purpose of human trafficking. There was proper documentation for it (F 218). It was kept safe forever. The signatures of parties and witnesses were impressed upon the document. If some transaction of human trafficking was cancelled by authorities, the purchaser (often *tawaifs*) had the right to recovery of paid amount (F 2; *Muraslat-e-Amir Ali*, 1827, letter no. 263 & 265).

The women trafficking for the purpose of selling them to the *tawaifs* was prohibited legally, ethically and socially throughout India (*Muraslaat-e-Amir Ali*, 1827, letter no 237 & 265). However, it was allowed to sale and purchases a girl for the purpose of marriage, education & training and domestic services (*Muraslat-e-Ameer Ali*, 1827, letter no 237). If a *tawaif* was caught by selling or purchasing a girl, she might be punished (*Muraslat-e-Ameer Ali*, 1827, letter no. 214). However, practice was contrary to it. Girls were abducted and sold to *tawaifs* as happened in case of daughter of Jahangir Begum (*Khatut-e-Niswan*. Letter no 392), daughter of Naiztu *tawaif* (F 2), daughter of a *chamar* (F 8), daughter of Noor Shah (F 29), Mst. Ropa (F 44) and daughter of Sahibo who was intended to be sold (F 10).

Sale and purchase was for different reasons. Jeema sold out his wife to Gama the architect in lieu of some benefit. The father of the wife filed a petition against this act before Resident of Ludhiana (F 55). Sister of Mirza (F 19), daughter of Chirag Bibi (F 60), was sold for unknown reason. Females were purchased for haram of Shah Zaman (F 26 & F 37) and were kept forcefully (F 65). Noor Shah sold his daughter for poverty (F 29) and so did Rasul (F 64). Sometime, the marriage contract or ceremony was misused to sell the girl to some *tawaif* or other person (F 55; *Muraslat-e-Ameer Ali*, 1827, letters no. 181, 184, 263 & 265)

### **3.10 Murder**

Among the documents of Ranjeet Singh's era, some belong to the murder of women. It is interesting that the women, being considered as luxurious commodity, were preferred to make slave upon to kill them.

The documents belonging to women's murder are of individual nature. In 1822, a *tawaif* was murdered by a soldier of Khatri caste who later committed suicide (*Khatoot-e-Niswan* 1822, letter no. 358). In the same year, a lady Mst. Jeendor wife of Noor Bakhsh was also murdered due to unknown reason (*Khatoot-e-Niswan* 1822, letter no. 437). In another letter, the murder of Mst. Marna is mentioned (*Khatoot-e-Niswan*, 1822, letter no. 438). A *tawaif* was killed by her protocol officer in greed of wealth possessed by her, during the journey. The murderer was caught red handed (*Khootot-e-Niswan*, letters no. 339-340).

### **3.11 Ghairat or Honour**

At that time, the middle, lower and upper or elite as well as ruling classes had different views about honor. For the high class, it was not bearable if any of their concubines marries some person with her free will and consent. There are some examples for this. The exiled family of Durrani rulers in Punjab was very conscious in this matter. Some women of this household escaped to other parts of Punjab and Delhi. Shah Zaman and Shah Shuja made applications to the resident of Delhi and agent of Ludhiana for their recovery (F 4, F 6, F 22, F 65). The prominent woman among them was Mst. Rahimi. They called such acts as the matter of their *nang-o-namoos/modesty* (F 6-07/01/1830). Though such applications bore no fruit but decision was made against owners of concubines on the basis of racial discrimination as the shelter to such women was given by some British officers. It was hard for British to pass some orders against their nation fellows. British, however, were also surrounded by such stereotypes. They always attached their own honor with their women. When British women were abducted and raped during the war of 1857, they set up a formal commission of inquiry which reported that no European woman was raped or dishonored by Indians. The childish argument forwarded by the commission was that Indians

were not fond of white skin of European women and they had no interest in sexual relationship with them (Muir, 1890, vol. II, p. 212).

The women of Punjab also faced issues of honor under Ranjeet Singh's society. There are many cases of honor in Punjab belonging to that period. Sahibo, a woman of Ranjeet Singh's area was also victim of *ghairat*. After the death of her husband she came to Ludhiana for livelihood and married a stranger there, but her real brother Gama took her away back to her native village by cheating and handed her over to her *dewar*/brother-in-law Jana, in the name of *Ghairat*. Jana, even the murderer of her husband, kept her forcibly with him for *ghairat* (F 10). There is also a case of two *zamindars* who were quarrelling on the custody of women, both claiming her like entitlement of some commodity. This woman was widow *bhawaj* (sister-in-law) of Jodha Singh, a Sikh. The widow who was at the home of her father now and Jodha Singh claimed for her probably to perform *Chaddardalna* ceremony, as there was no other way for him to keep her within her in-laws. The case of Babu Nilmani is also of *ghairat*. He was in loneliness with Mst. Raji Brahmani, the woman of Charta Brahman. When caught red handed, Babu tortured Brahman bitterly and consequently confined in *thana*/police station. The matter was resolved by compromise and Babu gave the surety that he will never come to this woman again (F 16). In another case of 1831, Mardana, a concubine of Pir Ibrahim Khan, was involved and her case was treated at high level due to the *ghairat* of Pir sahib. She was also accused of theft of jewelry and ornaments (F 24). The case of escape of concubine of Agha Basant, elite of Delhi was also treated as a matter of honor (F 44). Sometimes, jealousy regarding a woman was converted into *ghairat*. Such was the case of a *tawaif* Bibo, who was in relationship with Dhanpat Khatri but son of Lala Padam Singh, a *mutamid*/agent of Jind state, detained both of them due to grudge and jealousy (F 39). Once Ranjeet Singh detained his favorite wife Mai Mooran, a *tawaif* of Amritsar, was detained in Pathankot due to some unknown reason. The oral tradition says that one *faqir* named Jhuley Shah had demanded Mooran to marry him and have swinging with him in his swing (Chishty, 1867). If it was so, that confinement also falls within the ambit of *ghairat*.

But in many other cases in which a fugitive or a forcefully abducted woman was captured and returned back to home was not considered as 'loser of *izzat/modesty*'. She after such accident was entitled to live a normal life. The people of middle and lower classes were used to such events, as discussed above.

### **3.12 Honor Killing**

Honor Killing was a social custom of Punjab during that period, and is even today. The adultery, seduction and love affair were main causes of honor killing during Ranjeet Singh's era (AR, 1853, p. 60-61). Widows of some high caste Hindus were not allowed to re-marry who came into relationship with servants and became the aim of this crime. Child marriage also result in desertion of wife when the husband was on pilgrimage or long journey or on job in far lying areas, such girls were also trapped in adultery and the leakage of such secrets resulted in honor killing (AR, 1853, p. 60). The matter of honor had to reach extreme limits in some cases of elite class. Hugel, a European adventurer of Ranjeet Singh's era, states that it was customary in Punjab that a woman who had illicit relations with a person, other than her husband, was put to death in the name of honor (Hugel. p. 461). He gives many examples of honor killing in his book. One case was of Rani of Himalaya who was killed by Raja due to bad character (Hugel. P. 15). The second case was of mother of Ranjeet Singh's grandmother, Mai Desaan, who was killed by her son Mahan Singh, in the name of honor. Similarly, Ranjeet Singh himself killed her mother, Raj Kaur, in the name of honor through poisoning. She was in illicit relationship with his Diwan Dhanpat Rai, after the death of his father. It is stated that Ranjeet Singh followed the way of one of his fugitive guest Fateh Muhammad Chatta who, after killing his own mother for his honor, took shelter with former (Smyth, 1847, p. 10-13). A modern researcher Sita Ram Kohli tries to deny this accusation of illicit relationship but the contemporary sources confirm this accident. The neutral European writers who visited Ranjeet Singh, like Hugel, Marry, Smyth and others, mention this story by authentic persons, not just gossips. These writers are supported by local historians of Ranjeet Singh's era such as Ganesh Das (Das, 1965), Debi Parshad (1850), Sarwar (1877) and S.M. Latif (1892). But such actions were initiated at the verification of illicit relationship, not on suspicion. The character of Ranjeet Singh's wife Mehtab Kaur

was only suspected, so she was not put to death (Hugel, 1836). May be there some events related to rural classes but those are not reported anywhere.

### **3.13 Right of Legal Protection**

The rulers had obliged women to provide them legal protection. The women had the right to approach the court for redress of their grievances. If a woman had not feel herself protective from the clutches of a cruel person, the authorities were bound to give them protection at some suitable place, house, and palace or provide them security. It was done in case of Rasso Hajjaman (Rasso the female barbar) in 1822 (*Khatoot-e-Niswan*, 1822, letter no. 260). Debi Parshad also states that absconder women were given protection in alien states and areas being declared *mehman*/guest. It was hard to get them back from there (Parshad, 1850, p. 167).

### **3.14 Habeas Corpus**

Habeas Corpus means keeping someone in illegal confinement. Women of that era, like their ancestors, also faced this problem in many cases. Faizi Kashmiran (1833) was detained by Kaljo Kashmiri in claim of theft of Pashmina handkerchief. She prayed that if the accusation is proved, she may be fined but not detain illegally. The action was taken and the authorities of Ludhiana summoned both the parties but the last orders are unknown (F 58). Nawab Amir Ali Khan of Malirkotla was also active in the recovery of detenues, especially women, confined illegally by private persons or authorities (*Muraslat-e-Amir Ali*, 1827, letter no. 10).

### **3.15 Customs as Crimes**

The custom of forced marriage was declared crime in Ranjeet Singh's administered areas (F 14). Similarly, the custom of *Saalhag* was declared illegal by British authorities (F 14) but in continued for a long time. Sati was also prohibited by British but Lahore Sarkar admitted it as 'religious right of women' (Singh, 2010). Four ranis and seven concubines were made sati with Maharaja Ranjeet Singh under the shadow of *dharam arth*. The women of Raja Dhayan Singh, Raja Kharak Singh and many other prominent persons also faced the same fate. It is stated that official diarist of Sikh era, Sohan Lal Suri quotes about 300 incidents of sati during that era. But it was not crime at that time (*Muraslat-e-Amir Ali*, 1827, letter no. 10.).

### **3.16 Right of Criminal Proceedings**

Women had the right to initiate criminal proceedings before competent forums of law. A woman, wife of a *qasab*/butcher, complained against a *mahajan*/banker who tortured her son and the banker was arrested (F 43, 27/04/1833). Sahibo initiated criminal proceeding of murder of her husband, against her *dewar*/brother of her husband, at Ludhiana (F 10).

### **3.17 Proceedings Against Women**

Though women were passive in society, but they were not above the law of either kind. The wrong doers among women were also treated justly under laws. If they were entitled to sue, they were also liable to be sued. Documents reveal that two women of weaver caste quarreled with each other and brought to police station (F 43, 30/04/1833). Two *tawaifs* also approached police station for some dispute (F 43, 02/05/1833). The sale and purchase of girls to *tawaifs* was strictly prohibited, in India including Punjab, ethically as well as British law, and they could be tried under relevant laws (*Muraslat-e-Ameer Ali*, 1827, letter no. 265). Nairtu *tawaif* filed her petition against a group of female *tawaifs* along with Bhem Sen Kotwal of Kashmir (F 2).

### **3.18 Women as Criminals**

In the society of first half of 19<sup>th</sup> century, the women were counterpart of men in criminality. Many were involved in theft, kidnapping, human trafficking and other matters of criminal nature (F 2 & F 42; Sarwar,

1877, p. 562; Lal, 1887, p. 46). Niko *tawaif* was accused of theft in house of another *tawaif* (F 33, 17/10/32). Another *kanchani* was caught for suspicion of theft in a house (F 43).

### **3.19 Rape**

In rape case, sex is committed with a woman without her free will, free consent, by cheating and fraud and by force. If a woman is told by a person that he is her husband, though he is not, and she gives her consent to do sex. This is considered as rape case (Hudood Ordinance, 1979).

The references of rape, individually or gang, are found in works of histories. Histories openly narrate that at such and such times of war or aggression or attack, the women were maltreated and raped. But no such especial reference is given with some specific woman. However, it is stated that the women of Syed caste were raped by Sikhs in Lahore in 1765 (Lal, 1887, p. 81). In 1765, the women of Lahore committed suicide by throwing themselves into the water wells of the cities to save their *izzat*/honour from the clutches of Sikh invaders (Lal, 1887, p. 32 & 76). British women raped by Indians in war of 1857 are not named and vice versa.

The Roznamcha of Ludhiana 1833, states a reference of few cases of adultery, probably rape, as in such cases only man is caught and no woman is stated liable to commit sex, as mentioned in cases of adultery. In two cases, the wives of Gazar castes were raped and the committer were fined with rupees 4 (F 43, 28/01/1833 & 07/01/1833). In another case, the daughter of a *kashafdoz*/shoemaker was raped and the convict was fined with rupees 3 (F 43, 20/04/1833). If a *tawaif* was not paid for sex working, the man was deemed to commit rape and he was detained till the payment of required amount (F 43, 08/01/1833).

### **3.20 Fornication**

The illicit relationship starts when a man or woman has bodily or sexual relationship with other without marriage. In such case the adultery or fornication is committed and condemned by the society. Action is taken by legal authorities on illicit or extra marital relationship. Such cases were also reported in the police station or *kotwali* by aggrieved parties.

Most of the cases, reported in the cities, were treated leniently. Its punishment was just fine of few rupees under Ranjeet Singh's judiciary (Mufti, p. 112-114). It was common law prevailing in cities and villages. In one case of adultery, both male and female were fined rupees 1 and released (F 33, 08/10/1833). In another case a Kashmiri man was caught by sex working with a *faqeer*/female beggar. The female beggar was released soon but man was detained till further orders (F 43, 08/10/1832). A married *Ghaghri* woman collecting wastage, was caught red handed with a man. Both were detained till further orders. However, the husband of female divorced her (F 43, 15/04/1833).

Socially, the illicit relationship was deemed shameful and matter of honor for individual, family, *biradri*/caste and community. *Tawaifs* were completely rejected and disowned by their ancestral families and communities. The other women who were involved in adultery or fornication were killed or humiliated severely. So was done with their paramours who were involved with them (AR, 1849, p. 16). Sikh history also shows that various castes and tribes of Punjab were very sensitive in this matter. Sardar Nodha Singh, great-grandfather of Maharaja Ranjeet Singh, was put to death by his in-laws due to having illicit relations with his *saali*/wife's sister (Lal, 1861, p. 120). His wife, grandmother of Maharaja was killed by her son, his father, in the name of honor. So did Maharaja himself with his mother who was in illicit relationship with her *diwan* after the death of his father, already mentioned above. Maharaja himself had suspicious views about his wife Mehtab Kaur but he initiated no extreme action against them.

### **3.21 Unnatural Offences**

There is no example of commission of unnatural offences with women during this era. But it may be presumed. Yaadgar-e-Chishti states that the goondas of Lahore were involved in unnatural offences (Chishti, 1859, p. 159-160). He also states that they were also expert in abduction and kidnapping of children, both boys and girls. So, it may have happen that they would have committed unnatural offences

with the female girls too whom they abducted. He writes that some *moulvis* of Lahore were also involved in this offence (Chishti, 1849, p. 162). In Ludhiana, a man was just fined rupees 4 for this offence (F 33). In Peshawar region, during Ranjeet Singh's rule, an official Daim *ziladar*, committed this offence and he was put to death by local Jirga. The governor Teja Singh imposed blood money upon them (*Akhbar Peshawar*, 20<sup>th</sup> Safar, 1260).

### **3.22 Gender Equality**

In British administered areas of Punjab, the disputes between parties were settled without affecting gender equality. There was no 'hypocrisy' of 'Honor/Respect for women' in that administration of justice. The disputes were decided on merit, not on gender biasness. In a case where two persons, one male and the other female, quarreled on the public areas, both were captured and detained in *kotwali* (F 43, 09/01/1833). Such gender equality lacked in Maharaja's regime.

## **4. CONCLUSION**

To conclude, the application of various customs of Punjab as supreme laws during Sikh era impacted the society, especially women. It gave legal protection to some social values which were harmful for women and considered as crimes in today's scenario. Sometimes, these customs were enforced by Sikh rulers or influential persons for political benefits such as the sati ceremonies of Ranjeet Singh and Kharak Singh. It raised the number of crimes during Sikh era. On the other hand, where no customary laws were applicable, the women were given full protection. They were saved from forced marriages, illegal detention and domestic violence etc. Maharaja was himself interested to provide justice to the people. But he could not go beyond customary laws, except in few cases. So, the rebelled women of society gave preference to get shelter in British administered areas of Punjab where they were given more rights than in Punjab. However, after the termination of Sikh government in 1849, the British also obliged the customary laws with their geographical variations and ethnic identifications. This made the customary laws stronger and courts, even Chief Court (later High Court) of Punjab also decided cases in accordance with such customs. It gave more 98 years to customary laws to become more powerful. Its natural result is the continuity of violence against women till today, in the name of customs and values.

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## **Punjab Archive, Lahore:**

The original contemporary documents of Sikh era (1799-1849) preserved in Punjab Archive are consulted. Following are worthy mentioned:

1. *Akhbarat or Akhbar Peshawar wa Kabul, and Roznamcha* etc.
2. Files of the Courts. There are many court files preserved in Punjab Archives, Lahore which deal with the abduction, slavery and related matters. These file are referred like F 34 and so on.
3. *Muraslat-e-Ameer Ali*, 1827
4. *Khatoot-e-Niswan*, 1822
5. *Muraslat-e-Shah Shuja*, 1823

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