Power, Perversion and Panic:
Eunuchs, Colonialism and Modernity
in North India

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Declaration

This thesis is my own work. It contains no material previously published or written by another person, except where due acknowledgement is made. Nor does it contain material that has been accepted for the award of any degree or diploma of a university or institute of higher learning.

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Academics, post grads and undergrads working on South Asia at ANU have broadened my knowledge with the insights of their own research and their comments on my work. In particular, Annie McCarthy, Jessie Meaney-Davis, Elen Turner, Zazie

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Abstract

In north India in the 1870s, the 'eunuch' became a criminal type under British colonial law. Colonial officials in this region sought to cause eunuchs to 'die out' by preventing emasculation and aimed to transform the occupations, gendered practices and domestic arrangements of several diverse groups who were classed as 'eunuchs.' This study explains the criminalisation of the 'eunuch' through a history of the multiple indigenous groups that this English-language term described in the eighteenth and nineteenth centuries. The English-language colonial category of the 'eunuch'—its various inclusions and exclusions, its historical shifts, and its contradictions and tensions—is the focus of this thesis. The term 'eunuch' was used to label diverse indigenous groups, and was not internally coherent or unified. Some eunuchs, such as *khwajasarais*, were slaves but were nevertheless socio-economic elites and powerful state officials. In contrast, the *hijras* were socially marginalised and were variously denoted as 'eunuchs from birth' or as biological males who were subsequently emasculated, and who identified as feminine or 'neither men nor women.' In addition, several groups that were not emasculated were also classified as 'eunuchs' due to their gendered and sexual practices. This dissertation examines the colonial regulation of eunuchs in two contexts: first, in the Indian-ruled state of Awadh from the late eighteenth century to the mid-nineteenth century, when the British sought to regulate the employment of *khwajasarais* in the Awadh administration; and second, under Part II of the Criminal Tribes Act (CTA) in the British-ruled territory of the North-Western Provinces (NWP) from the 1850s until the end of the nineteenth century. The CTA, which primarily targeted the *hijra* community, aimed to facilitate the surveillance and counting of *hijras*, discipline their gender and sexuality and prevent emasculation in order to ultimately bring about the passive extermination of this group.

Due to the diversity of groups that the colonial category of the 'eunuch' labelled, this thesis adopts multiple analytical frameworks to understand the various colonial projects targeting 'eunuchs' and their effects. This study foregrounds three questions. First: how did the everyday lives of *khwajasarais* and *hijras* change over the eighteenth and nineteenth centuries; how did they resist, subvert and evade colonial projects; and how did colonial modernity impact upon the intimate, domestic domain of these communities? Second: what do projects to govern the disparate groups that were

labelled as 'eunuchs' tell us about the modes of colonial power deployed against marginalised groups at the local level? Third: what does the criminalisation of the internally diverse category of the eunuch tell us about the multiple impacts of colonialism on gender and sexuality in India? This study concludes that colonial regulation, and colonial modernity more broadly, had significant long-term impacts upon all the various groups labelled as 'eunuchs.' However, colonial projects were uneven between different geographic and temporal contexts and were internally fissured.

Note on referencing system for archival sources

The primary source research for this study was conducted at four archives: first, the India Office Records at the British Library for two months in mid-2010; second, the National Archives of India in Delhi for periods from November 2011 to the end of May 2012; third, the Lucknow branch of the Uttar Pradesh State Archives in March 2012; and finally, the Allahabad branch of the Uttar Pradesh State Archives in April 2012. In referencing archival sources, I have adopted the specific referencing system and abbreviations used in each archive. The general principle I have followed is to reference in abbreviated form the archive, followed by the particular department or class by which the document can be identified in the archive, followed by the box, file number and/or date. Below, I outline the abbreviations I use for the referencing of documents from each archive.

British Library

All materials I accessed from the British Library were part of the India Office Records collection and are thus referenced through the abbreviation 'BL/IOR' followed by the specific class of records and the file number. I accessed four main classes of records:

1. 'BL/IOR/P/volume no.' refers to the 'Proceedings and Consultations' records, or the monthly proceedings of each of the provincial governments and the Government of India. Each proceedings volume (which usually covers a year or half-year) is assigned a number. Unfortunately, these are not systematically allocated for the years this dissertation covers. I have used: the North-Western Provinces Judicial Proceedings (1860-77); the North-Western Provinces Police Proceedings (1860-77); the North-Western Provinces and Oudh Judicial Proceedings (1877-); the North-Western Provinces and Oudh Police Proceedings (1877-); the Government of India Judicial Proceedings; the Government of India Legislative Department Proceedings; the Bengal Judicial Proceedings; the Punjab Home Proceedings; the Madras Judicial Proceedings; and the Bombay Judicial Proceedings.

- *Example*: The following reference refers to the NWP Judicial Proceedings. BL/IOR/P/235/33: G. Couper, Secretary, NWP, to Member of the Legislative Council of India for the NWP, 12 February 1861.

2. 'BL/IOR/L/PJ/volume no.' refers to the Public and Judicial Department Records.
   - *Example*: BL/IOR/L/PJ/5/82: J.L. Jenkins, 'Statement of Objects and Reasons to the Bill to Amend the Law Relating to the Registration, Surveillance and Control of Criminal Tribes,' 21 May 1910.

3. 'BL/IOR/V/file no.' refers to the India Office Official Publications Series.

4. 'BL/IOR/Photo/file no.' refers to the Photography collection of the India Office Records.

National Archives of India

Materials from the National Archives of India referenced in this thesis are from either the Home Department ('HD') or the Foreign Department ('FD'), and are followed by the particular branch or section of the department, the date of the file and the number of the file.

1. 'NAI/HD/JB date file no.:' refers to the Home Department, Judicial Branch.
   - *Example*: NAI/HD/JB 09/04/1870 9-14: J.F. Stephen, Memorandum, 2 February 1870.

2. 'NAI/HD/PB date file no.:' refers to the Home Department, Public Branch.

3. 'NAI/FD/PC date file no.:' refers to the Foreign Department, Political Consultations.
   - *Example*: NAI/FD/PC 07/1862 138-9: R.J. Meade, Agent, Central India, to Secretary, Government of India, 2 July 1862.

4. 'NAI/FD/JB date file no.:' refers to the Foreign Department, Judicial Branch.

5. 'NAI/FD/SC date file no.:' refers to the Foreign Department, Secret Consultations.
   - *Example*: NAI/FD/SC 08/12/1777 4: N. Middleton, Resident at Lucknow, to Governor-General and Council, India, 7 November 1777.

6. 'NAI/FD/SP date file no.:' refers to the Foreign Department, Secret Proceedings.

7. 'NAI/FD/SPC date file no.:' refers to the Foreign Department, Secret and Political Consultations.

8. 'NAI/FD/PP <u>date</u> <u>file no.</u>:' refers to the Foreign Department, Political Proceedings.

Uttar Pradesh State Archives, Allahabad Branch

The records of the UPSA in Allahabad are prefaced with the abbreviation 'UPSA/A.' The Allahabad archives are organised according to the office of the Commissioner of individual Divisions of the North-Western Provinces, followed by box and file number.

1. 'UPSA/A/COM/<u>box</u>/<u>file no.</u>:' refers to the office of the Commissioner of Meerut.
   - *Example*: UPSA/A/COM/9/2: W.A. Forbes, Magistrate of Meerut, 'Register of Eunuchs in the District of Meerut,' 5 December 1865.
2. 'UPSA/A/COV/<u>box</u>/<u>file no.</u>:' refers to the office of the Commissioner of Benares.
   - *Example*: UPSA/A/COV/119/12: R. Annesley, Officiating Superintendent of Police, Benares, to Magistrate of Benares, 12 April 1873.
3. 'UPSA/A/COA/<u>box</u>/<u>file no.</u>:' refers to the office of the Commissioner of Allahabad.
   - *Example*: UPSA/A/COA/18/5: T.W. Holderness, Secretary, NWP&O, to Inspector-General of Police, NWP&O, 7 August 1896.

Uttar Pradesh State Archives, Lucknow Branch

At the Lucknow Branch of the UPSA (which is abbreviated as 'UPSA/L'), I used the records of various branches of the North-Western Provinces and Oudh government (including both printed proceedings and inter-departmental memorandums), as well as the Lucknow Board of Revenue records. The Lucknow archives are organised according to box and file numbers.

1. 'UPSA/L/BR/LD/<u>file no.</u>:' refers to the Board of Revenue, Lucknow District files.
   - *Example*: UPSA/L/BR/LD/779: Nazir ud-Daula, Petition to Officiating Chief Commissioner of Oudh, 3 September 1861.

2. 'UPSA/L/J/C/<u>box</u>/<u>file no.</u>:' refers to the NWP&O Judicial Department, Criminal Proceedings.

- *Example*: UPSA/L/J/C/61/456: C.J. Connell, Secretary, NWP&O, Judicial Department Memorandum, 27 August 1884.

3. 'UPSA/L/Police/<u>box</u>/<u>file no.</u>:' refers to the NWP&O Police Department Proceedings.

4. 'UPSA/L/FD/P/<u>box</u>/<u>file no.</u>:' refers to the NWP&O Financial Department Proceedings.

5. 'UPSA/L/PD/P/<u>box</u>/<u>file no.</u>:' refers to the NWP&O Political Department Proceedings.

Note on transcription of Hindi/Urdu terms

I have transcribed Hindi/Urdu terms according to the standard modern transcription and the system used in R.S. McGregor's *Oxford Hindi-English Dictionary*. However, I have omitted diacritic marks for the ease of the general reader.

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Introduction

His Honour [the Lieutenant-Governor of the North-Western Provinces] has become aware of the prevalence in certain districts in these Provinces of an atrocious system of kidnapping and emasculating youths for the purposes of professional sodomy. The Inspector-General of Police has been directed to … organize measures for putting an end to this disgusting crime. … [O]ne of the first and most essential measures towards the attainment of that object is the limiting and thus finally extinguishing the number of Eunuchs …[1]

R. Simson, Secretary to the North-Western Provinces government, 1865

In the 1860s, a series of moral panics about eunuchs occurred amongst British colonial administrators in north India. From the perspective of the British colonial government in north India, eunuchs were 'habitual sodomites,' kidnappers and emasculators, the abusers of children, and an 'obscene' presence in public space. The British also viewed eunuchs as a moral and political 'affront' to colonial authority that needed to be suppressed. This thesis examines the history and post-colonial consequences of British colonial attempts to criminalise and control eunuchs in north India. The colonial government aimed to prevent emasculation and thus cause eunuchs to 'die out' over time. This agenda of passive extermination was targeted primarily at a category of people called *hijras*, variously denoted as 'eunuchs from birth' or biological males who were subsequently emasculated, who identified as feminine or 'neither men nor women.'[2] Part II of the Criminal Tribes Act (CTA) of 1871 provided for the registration of those the British labelled as 'eunuchs' and the punishment of particular

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[1] BL/IOR/P/438/61: R. Simson, Secretary, NWP, to all Commissioners, NWP, circular no. 32A-434A, 9 June 1865.

[2] I use the feminine pronoun to describe *hijras* (except in quotations), since *hijras* in the NWP adopted feminine names in the nineteenth century. William Crooke, *The Tribes and Castes of the North-Western Provinces and Oudh*, vol. 1 (Calcutta: Office of the Superintendent of Government Printing, India, 1896), 495. Most anthropologists use the feminine pronoun to describe *hijras*. See for instance, Serena Nanda, *Neither Man nor Woman: The Hijras of India* (Belmont, California: Wadsworth Publishing Co., 1989); Gayatri Reddy, *With Respect to Sex: Negotiating Hijra Identity in South Asia* (Chicago: Chicago University Press, 2005). Hall and O'Donovan write that although *hijras* occasionally use the masculine pronoun when speaking in the third person—for instance, as an insult or to demonstrate relative status—*hijras* 'primarily employ feminine-marked verbs when speaking in the first person or when addressing other *hijras* in the second person.' Kira Hall and Veronica O'Donovan, 'Shifting Gender Positions among Hindi-Speaking *Hijras*,' in *Rethinking Language and Gender Research: Theory and Practice*, ed. Victoria Lee Bergvall, Janet Muelle Bing, Alice F. Freed, 247 (London: Longman, 1996).

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'deviant' acts. The 'eunuch' was henceforth enshrined as a criminal type in colonial law. *Hijras* are a socially marginalised community in India, Bangladesh and Pakistan today,[3] yet fortunately, the socio-cultural category of the *hijra* community survived the colonial project of extermination, notwithstanding the profound impacts of colonial law.

This thesis is a history of eunuchs, colonialism and modernity which analyses the emergence of the 'eunuch' as a criminalised category of personhood, in particular, under Part II of the Criminal Tribes Act of 1871. I explain the criminalisation of the 'eunuch' through a history of the multiple indigenous groups that this English-language term described in the eighteenth and nineteenth centuries. This thesis asks: what historical conditions in colonial India produced the criminal type of the 'eunuch' in 1871 and what is the preceding history of this criminalising moment? How did eunuchs' relationships to both Indian-ruled states and expanding British colonial power change over the eighteenth and nineteenth centuries? How did the British understand the different groups that they labelled as 'eunuchs' from the early period of British dominance? What impact did criminalisation have on those social categories classified as 'eunuchs'?

Colonial projects targeting 'eunuchs' tell us much about the nature of British colonialism, as well as historical changes in the ways marginalised indigenous groups experienced colonial modernity. The colonial concern with eunuchs has struck some historians as an odd preoccupation. Christopher Bayly has described the concern of the North-Western Provinces and Oudh government with eunuchs as a 'strange' example of colonial anxiety, or 'information panic.'[4] British apprehensions about eunuchs in northern India escalated markedly in the 1850s, in the lead up to, and aftermath of, the 1857 revolt, which was known to the British as the 'Mutiny' and to Indian nationalists as the 'First War of Independence,' and resulted in the temporary loss of colonial control over much of north India.[5] Particularly in the aftermath of 1857, the eunuch

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[3] This thesis is primarily concerned with north India. On *hijras* in Pakistan and Bangladesh see Claire Pamment, 'Hijraism: Jostling for a Third Space in Pakistani Politics,' *TDR: The Drama Review* 54, no. 2 (Summer 2010): 29-50; Adnan Hossain, 'Beyond Emasculation: Being Muslim and Becoming *Hijra* in South Asia,' *Asian Studies Review* 36, no. 4 (December 2012): 495-513.

[4] C.A. Bayly, 'Knowing the Country: Empire and Information in India,' *Modern Asian Studies* 27, no. 1 (1993): 39.

[5] The earliest known official colonial discussion of *hijras* occurred in the 1830s in Bombay Presidency. The Bombay government disqualified *hijra chelas* from inheriting their *guru*'s land grants (awarded by the pre-colonial Maratha state). However, no legislation to criminalise or control the *hijra* community resulted. Laurence Preston, 'A Right to Exist: Eunuchs and the State in Nineteenth-Century India,' *Modern Asian Studies* 21, no. 2 (1987): 371-87.

population, estimated at a mere 2500[6] by the NWP&O government, might appear an odd colonial preoccupation. Yet this is precisely why colonial projects to regulate eunuchs are interesting. The 'eunuch problem' is a prism to examine larger questions about the nature of the colonial state and its impacts upon marginalised communities. The aim of this study is three-fold: first, to examine *hijras* and other eunuchs' experiences of, and responses to, colonial modernity; second, to analyse the regulation of eunuchs for what it tells us about the fissures of colonial power; and finally, to examine the colonial disciplining of gender and sexuality.

The colonial category of the 'eunuch'

The English-language colonial category of the eunuch—its various inclusions and exclusions, its historical shifts, and its contradictions and tensions—is the central focus of this thesis. This singular category encompassed a multiplicity of social roles, socio-economic status positions and gendered practices. The term 'eunuch' could encompass male-identified and feminine-identified, emasculated and non-emasculated, socially elite and subaltern, politically powerful and relatively politically insignificant groups. Moreover, numerous historical processes and broader colonial concerns intersected in colonial projects to classify and regulate eunuchs. Below, I outline the various social roles classified under the term 'eunuch' and the colonial preoccupations on which the 'eunuch problem' was contingent.

Diverse indigenous social roles

The English-language term 'eunuch' was used to describe a range of indigenous groups across the eighteenth and nineteenth centuries and was internally diverse, rather than unified or consistent. As such, this thesis analyses not only *hijras*, but also other groups in north India that were classified as 'eunuchs,' in particular: the *khwajasarais*, or eunuch slaves of the courts of Indian-ruled states and the feminine quarters of elite Indian homes; and *zananas*, 'effeminate men' who often wore feminine clothes and

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[6] BL/IOR/P/438/62: J. Simson, Register to Nizamut Adalwut, NWP, 'Replies to the Court's Circular letter, No. 4, dated the 2nd September, 1865,' 20 April 1866.

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performed in public.[7] Whereas some *khwajasarais* were socially and politically prominent, *hijras* and *zananas* were relatively impoverished and mostly illiterate subalterns.

In north India,[8] *khwajasarais* were employed in diverse roles in elite households and the administrations of Indian-ruled states, not only as guards of the female quarters of elite homes, but also as administrators, military commanders, negotiators, sources of intelligence, managers of land revenue, and so on. Although they were slaves, *khwajasarais* were sometimes described as nobles by north Indians. *Khwajasarais* were internally stratified by *guru-chela* (or teacher-disciple) relationships, in which senior *khwajasarais* oversaw the training and discipline of young *khwajasarais*. Although they could not reproduce biological offspring, *khwajasarais* formed families of adopted kin, as well as networks of dependents who were sometimes described as 'family.' Slavery was not 'social death' for *khwajasarais*, yet they remained vulnerable due to their slave status (see Chapter 1).

In contrast to these grandees, *hijras* were at the other end of the social scale. *Hijra* is an Urdu term derived from Persian.[9] *Hijras* lived together in households that were also structured by *guru-chela* relationships and adoptive kinship between *hijras*. Each *hijra* house had a defined territory within which they would seek a livelihood by asking for alms and performing at households following births and in public. Although *hijras* had a permanent place of residence, they periodically travelled the countryside for alms-collection. As infertile persons, *hijras* could nonetheless bless or curse the fertility of others in the name of Hindu deities. However, the community was religiously syncretic and many nineteenth century *hijras* described themselves as Muslims. *Hijras* identified as feminine or 'neither male nor female,' adopted feminine names on initiation and wore feminine clothes (see Chapter 3). The gender identity of *hijras* is a matter of debate amongst anthropologists: whereas Serena Nanda has termed the *hijra* the Indian third sex/gender,[10] Laurence Cohen and Gayatri Reddy have argued this is an inadequate concept since it reifies *hijra* identity as based upon sexuality 'rather than emphasizing its articulation with other axes of identity and modes of

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[7] Due to the classification of diverse indigenous groups under the British colonial legal category 'eunuch,' I use quotation marks to indicate when I am referring to 'eunuchs' *as a category*, including groups who were not emasculated or did not necessarily have atypical genitals, such as *zananas*.

[8] On *khwajasarais* in Murshidabad in Bengal, see Indrani Chatterjee, *Gender, Slavery and Law in Colonial India* (New Delhi: Oxford University Press, 1999), 45-57.

[9] The term *hijra* is derived from either *hiz*, the Persian root word meaning 'effeminate,' or *hich*, a person who is *hichgah* or nowhere. Reddy, *With Respect to Sex*, 237.

[10] Nanda, *Neither Man nor Woman*.

practice'[11] and locating the *hijra* 'body within a *multiplicity* of differences.'[12] Although the limitations of the historical sources make it difficult to unpack the intricacies of historical articulations of *hijra*-ness,[13] I am persuaded by Cohen and Reddy's argument that the *hijra* social role cannot be reduced to the 'third gender' concept.

Like *hijras, zananas* performed and wore feminine clothing in public or when with other *zananas*. '*Zanana*' means 'feminine' in Hindi/Urdu and refers to either the female quarters of households or to 'effeminate' men known as *zananas*.[14] While *zananas* were not emasculated, they often described themselves as 'impotent,' yet nonetheless often lived in natal and affinal family contexts and had biological offspring. It appears that *zananas* had an ambiguous relationship to *hijras*: while some former *zananas* were initiated into the *hijra* community, *hijras* sometimes disparaged *zananas* as 'prostitutes.'[15] A number of additional non-emasculated groups were occasionally labelled as 'eunuchs,' including performers who were female impersonators and religious sects that cross-dressed as a form of devotion (see Chapter 6). However, the primary focus of this thesis is upon *khwajasarais* and *hijras*. In the mid-nineteenth century, the British classed *khwajasarais, hijras* and *zananas* as 'eunuchs,' but distinguished between sub-categories of eunuchs on the basis of their differing gender presentation and social positions. *Khwajasarais* were described by the British, somewhat contradictorily, as both politically 'corrupt' and as 'respectable eunuchs,' while *hijras* and *zananas* were described in mid-nineteenth century colonial policy as 'suspicious eunuchs' who were gender and sexual 'deviants' and 'habitual criminals.'[16]

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[11] Reddy, *With Respect to Sex*, 32.

[12] Italics in original. Laurence Cohen, 'The Pleasures of Castration: The Postoperative Status of Hijras, Jankhas, and Academics,' in *Sexual Nature, Sexual Culture*, ed. Paul R. Abramson, 295 (Chicago: Chicago University Press, 1995).

[13] The historical sources I use in this thesis are discussed further below in this Introduction.

[14] Somewhat confusingly, whereas *khwajasarais* were employed in the *zanana* (female quarters of households), *zananas* (or 'effeminate' men) were not employed in the female quarters.

[15] Rose, *A Glossary of the Tribes and Castes of the Punjab and North-West Frontier Province* (Lahore: The Civil and Military Gazette Press, 1911), 332. See also BL/IOR/P/92: C.A. Elliot, Officiating Secretary, NWP, to Secretary, Government of India, 21 April 1871; UPSA/A/COV/119/12: R.T. Hobart, Deputy Inspector-General of Police, NWP, to Inspector-General of Police, NWP, 21 June 1876.

[16] BL/IOR/P/438/62: Simson, 'Replies,' 20 Apr 1866; BL/IOR/P/438/62: W. Roberts, Judge, and R. Spankie, Officiating Judge, Nizamut Adawlut, NWP, 'Draft Act,' 24 March 1866; NAI/HD/JB 9/04/1870 9-14: F.O. Mayne, Inspector-General of Police, NWP, 'An Act to provide for the registration and surveillance of the wandering and predatory tribes of India, and other professional criminals, and of certain classes of eunuchs,' 28 May 1867; BL/IOR/V/9/11: W. Stokes, Secretary, Government of India, Abstract of the proceedings of the Council of the Governor-General of India, 3 October 1870.

Baltazar Solvyns, 'Hidjera' (detail), c1810. In Balthazar Solvyns, *Les Hindoos*, vol. 2 (Paris: Chez l'auteur; Chez H. Nicolle, 1808-1812), plate IV.
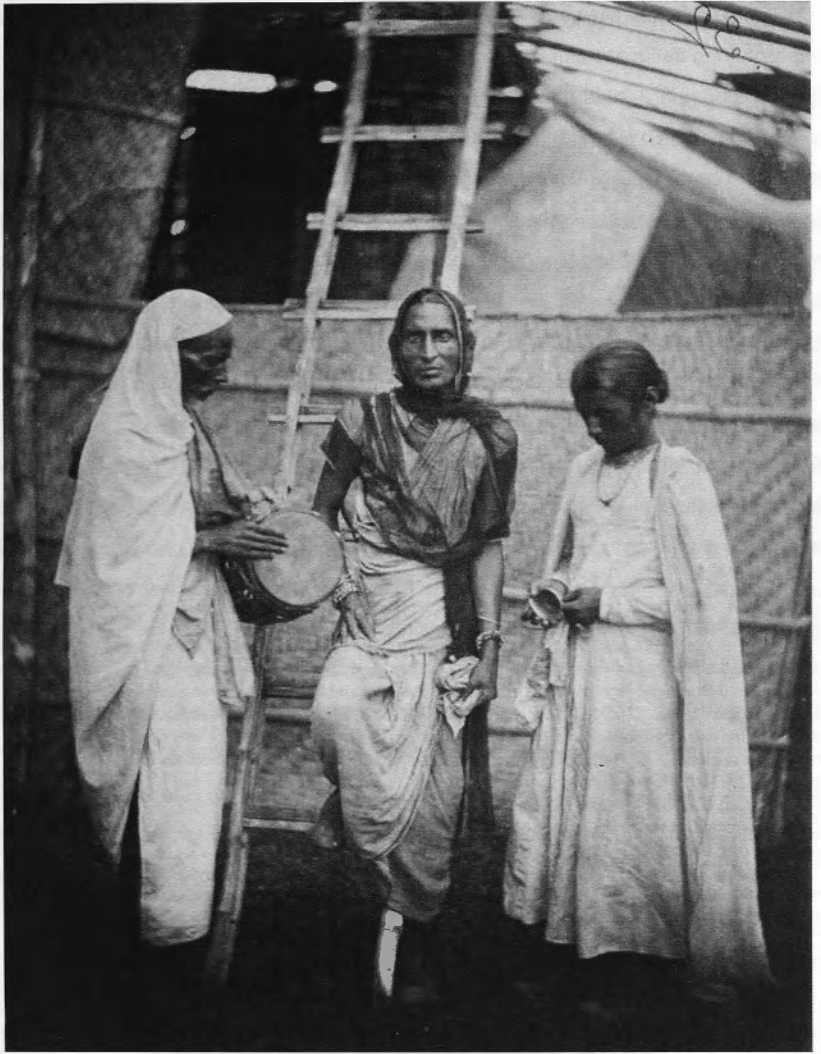
Photographer unknown, 'Gurmah, Khunsa, or Hijra, reputed hermaphrodite, Eastern Bengal,' circa 1860. In BL/IOR/Photo/124/(38).

Some scholars have assumed that *hijras* had a historical connection to the social role of harem and court eunuchs, or *khwajasarais*.[17] However, the historical evidence for this is limited, notwithstanding reports that early twentieth century *hijras* viewed the role of eunuch slaves in Indian-ruled states as a part of their history.[18] Although nineteenth century *hijras* were sometimes employed in Indian-ruled states as performers and dancers,[19] it is unclear whether they performed other functions in the households of rulers.[20] Eighteenth and early nineteenth century sources generally suggest that *khwajasarais* and *hijras* were distinct social categories. *Khwajasarais* were described by some eighteenth century north Indians as embodying noble masculinity,[21] suggesting they were not viewed as 'neither men nor women' in the manner of *hijras*, whom we know wore feminine clothing in the late eighteenth and early nineteenth century.[22] *Khwajasarais* were also evidently of a higher socio-economic status than *hijras*. The colonial category of the 'eunuch' arguably led to the conflation of historically diverse roles in the post-colonial view.[23]

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[17] A recent article by Swadha Taparia argues for *hijras'* 'distinct and definite existence as "eunuch slaves" in medieval courtly traditions' and sees 'eunuch-slaves' as a historical variety of *hijras*. Swadha Taparia, 'Emasculated Bodies of *Hijras*: Sites of Imposed, Resisted and Negotiated Identities,' *Indian Journal of Gender Studies* 18, no. 2 (2011): 169. Kira Hall has discussed the history of eunuch slaves as part of the history of the *hijra* community, though she acknowledges that the historical connections between the groups are unclear. Kira Hall, '"Go Suck Your Husband's Sugarcane!": Hijras and the Use of Sexual Insult,' in *Queerly Phrased: Language, Gender, and Sexuality*, ed. Anna Livia and Kira Hall, 432-6 (New York: Oxford University Press, 1997).

[18] Early twentieth century *hijras* in the Punjab stated their community 'formerly ... guarded the harems of kings.' Rose, *Glossary*, 332.

[19] We know that *hijras* performed in Indian courts, such as Awadh, in the early nineteenth century. NAI/FD/PC 06/03/1837 92: J. Low, Resident at Lucknow, to Political Secretary, Government of India, Secret Department, 23 September 1836.

[20] Although the colonial archive contains a few references to late nineteenth-century *hijras* who had connections to Indian-ruled states, the capacity in which they were employed is not stated. UPSA/A/COV/119/12: R.F. Saunders, Magistrate of Ghazipur, to Commissioner of Benares, 30 October 1872; UPSA/A/COV/119/12: B. Alone, Officiating Superintendent of Police, Azamgarh, to Magistrate of Azamgarh, 9 October 1872; UPSA/A/COV/119/12: R.L.F. McMullin, Officiating Superintendent of Police, Ghazipur, to Magistrate of Ghazipur, 5 May 1873.

[21] Faiz Bakhsh provides a detailed account of *khwajasarais* in the last quarter of the eighteenth century that does not suggest any connection to *hijras*. Muhammad Faiz Bakhsh, *Memoirs of Delhi and Faizábád, Being a Translation of the Tárikh Farahbakhsh of Muhammad Faiz-Bakhsh*, trans. William Hoey, vol. 2 (Allahabad: Government Press, 1889). In her study of *khwajasarais* in Murshidabad in Bengal, Indrani Chatterjee does not suggest any association between *khwajasarais* and *hijras*. Chatterjee, *Gender, Slavery and Law*, 45-57.

[22] For early European accounts of *hijras* see James Forbes, *Oriental Memoirs: A Narrative of Seventeen Years Residence in India*, vol. 1 (London: Richard Bentley, 1834), 359; Balthazar Solvyns, *Les Hindoos*, vol. 2 (Paris: Chez l'auteur; Chez H. Nicolle, 1808-1812), plate IV.

[23] More research needs to be conducted on the relationship between the *hijra* and *khwajasarai* social roles in the early twentieth century to unpack the historical relationship between these categories. However, this is outside the scope of this study, which does not examine the twentieth century in detail. Nonetheless, my research on the eighteenth and nineteenth centuries suggests that the *hijra* and *khwajasarai* categories should not be conflated.

Around the middle of the nineteenth century, the British in north India became concerned with the *khwajasarai, hijra* and *zanana* populations and advocated for colonial intervention to regulate these communities. The British were concerned with the various groups classed as 'eunuchs' because they were figures around whom several broader colonial concerns coalesced in the mid-nineteenth century.   This study examines colonial anxieities about various groups labelled as 'eunuchs,' colonial projects to regulate these groups and their impacts upon 'eunuchs' through two case studies.

First, I examine *khwajasarais* in Awadh, a regional power in north India that was formerly part of the Mughal Empire, in the context of expanding British power.[24]   In Awadh in the late eighteenth century, powerful *khwajasarais* were counted amongst the state's nobility, despite their enslaved status.[25]   The most powerful figure in Awadh, aside from the Awadh ruler himself, was the *khwajasarai* Almas Ali Khan.   In the eighteenth century, the British were unconcerned with the power of *khwajasarais*, unless individual *khwajasarais* accumulated sufficient political, economic or military resources to challenge British interests.   Yet by the mid-nineteenth century, the British were determined to annex Awadh and identified *khwajasarais* as a primary cause of political 'corruption' in the state.   The East India Company sought to regulate *khwajasarais'* labour and in 1848 pressured the Awadh ruler to prohibit the employment of *khwajasarais* in 'official' positions in the Awadh government.

British attempts from 1848 to regulate *khwajasarais* occurred in a period of escalating British territorial expansion in the 1840s and 1850s, when the East India Company used the 'Doctrine of Lapse' to annex Indian-ruled states in which the ruler did not have a biological heir.   *Khwajasarais* were prominent figures in the case for the asserted 'maladministration' of Awadh 'affairs' the Company built to justify its

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[24] Between the 1730s and 1760s, a number of regional powers became autonomous from the Mughal Empire, but continued to recognise the sovereignty of the Mughal Emperor, resulting in the political fragmentation of north India. C.A. Bayly, *Rulers, Townsmen and Bazaars: North Indian Society in the Age of British Expansion, 1770-1870* (Cambridge: Cambridge University Press, 1988), 9-34. On the history of eighteenth and nineteenth century Awadh see: Michael H. Fisher, *A Clash of Cultures: Awadh, the British and the Mughals* (New Delhi: Manohar, 1987); Richard B. Barnett, *North India Between Empires: Awadh, the Mughals and the British, 1720-1801* (New Delhi: Manohar, 1987); P.D. Reeves, 'Introduction,' in *Sleeman in Oudh: An Abridgement of W.H. Sleeman's A Journey Through the Kingdom of Oude in 1849-50*, ed. P.D. Reeves, 4 (Cambridge: Cambridge University Press, 1971).
[25] For an account of the lives of prominent *khwajasarais* in the city of Faizabad see Faiz Bakhsh, *Memoirs*, vol. 2. Faiz Bakhsh's account forms an important source for Chapter 1.

annexation of the state.[26] Thus, the imperative of territorial expansion and revenue extraction partially motivated British attempts to prohibit *khwajasarais*' 'official' employment. However, the Company's efforts to regulate *khwajasarais* from the late 1840s intersected with a number of additional concerns. First, the British objected to the intertwining of the domestic and the political in Awadh, of which *khwajasarais*, with their diverse duties in the ruler's household and administration, were seen as symptomatic.[27] The modern ideal of the separation of the 'public' and 'private' spheres was thus at stake. Second, 'modern' bureaucratic norms of governance and ideologies of 'native' political 'corruption' were also constructed through British criticism of *khwajasarais*' official employment, thereby justifying colonial rule.[28] Third, the Company's concern with *khwajasarai* slaves intersected with nineteenth century British criticism of the political power of slaves in other Indian-ruled states.[29] Finally, ideologies of masculinity that justified colonial rule through the disparagement of Indian men were also central to the characterisation of *khwajasarais* as violent, tyrannical and politically 'corrupt' officials.[30] Colonial territorial expansion, extractive economic policies, and numerous facets of colonial modernity were thus manifest in British attempts to regulate *khwajasarais* in Awadh. *Khwajasarais* were largely successful in resisting the ban on their 'official' employment and maintained their influence in the ruler's inner circle until British annexation in 1856, which resulted in the transformation of Awadh into the colonial province of Oudh. However, annexation resulted in the loss of *khwajasarais*' political patronage and their widespread impoverishment. The *khwajasarais* eventually disappeared as a social category in twentieth century India.

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[26] Fisher, *A Clash of Cultures*, 234; Reeves, 'Introduction,' 9.

[27] On the intersections of politics with the domestic in early modern South Asia see Indrani Chatterjee, 'Introduction,' in *Unfamiliar Relations: Family & History in South Asia*, ed. Indrani Chatterjee, 10 (Delhi: Permanent Black, 2004); Sumit Guha, 'The Family Feud as Political Resource in Eighteenth-Century India,' in *Unfamiliar Relations: Family & History in South Asia*, ed. Indrani Chatterjee, 73-94 (Delhi: Permanent Black, 2004).

[28] On the trial of Warren Hastings and modern understandings of corruption, see Nicholas B. Dirks, *The Scandal of Empire: India and the Creation of Imperial Britain* (Cambridge, Massachusetts: Harvard University Press, 2006), particularly 87-132.

[29] Chatterjee, *Gender, Slavery and Law*, 34-44, 65-77; Ramya Sreenivasan, 'Drudges, Dancing Girls, Concubines: Female Slaves in Rajput Polity, 1500-1850,' in *Slavery & South Asian History*, ed. Indrani Chatterjee and Richard M. Eaton, 136-61 (Bloomington, Indiana: Indiana University Press, 2006); Andrea Major, 'Enslaving Spaces: Domestic Slavery and the Spatial, Ideological and Practical Limits of Colonial Control in the Nineteenth-Century Rajput and Maratha States,' *Indian Economic and Social History Review* 46, no. 3 (2009): 315-42.

[30] Colonial discourses of masculinity were also manifest in the criticism of the Awadh ruler as effeminate for allowing himself to be controlled by eunuchs. On masculinity and colonialism in the late nineteenth century, see Mrinalini Sinha, *Colonial Masculinity: The 'Manly Englishman' and the 'Effeminate Bengali' in the Late Nineteenth Century* (Manchester: Manchester University Press, 1995).

The second case study this thesis considers is the criminalisation of *hijras* and other so-called 'suspicious eunuchs,' such as *zananas*, in north India under direct colonial rule. Around the same time that the British intervened to limit the power of *khwajasarais* in Awadh, colonial officials in the bordering British-ruled territory of the North-Western Provinces (NWP) sought to suppress transgender 'eunuchs.' The 1850s and 1860s saw several moral panics about *hijras* in British official circles. The colonial concern with *hijras* was geographically localised in the NWP at this time. In 1871, Part II of the Criminal Tribes Act (CTA) provided for the registration, surveillance and control of eunuchs in the North-Western Provinces.[31] (Part I of the CTA applied to another colonial category, the 'criminal tribes,' or groups whose hereditary caste occupation was thought to be criminal.)[32] Under the CTA, the 'eunuch' became a criminalised category of personhood. A 'eunuch' was defined as an 'impotent man' so that non-emasculated groups, such as *zananas*, could be brought under the law. The CTA required that local authorities distinguish eunuchs who were 'reasonably suspected' of sodomy, the kidnapping of children and emasculation, from those who were not. Therefore, government policy delineated two categories—'respectable eunuchs' and 'suspicious eunuchs'—the latter of which was defined by gender and sexual 'deviance' and 'habitual' criminality. The law was applied in the NWP from 1871 and in Oudh (formerly Awadh) from 1877, when these provinces joined to form the North-Western Provinces and Oudh (NWP&O).[33] The ultimate aim of the colonial government's legal intervention over eunuchs was to prevent emasculation and cause *hijras* to 'die out.'[34] Under the CTA, eunuchs were required to be registered by local police and these registered eunuchs were prohibited from performing and wearing feminine clothing in

[31] BL/IOR/V/8/42: 'An Act for the Registration of Criminal Tribes and Eunuchs,' Act No. XXVII of 1871 Passed by the Governor-General of India in Council.

[32] The British did not usually view *hijras* as a 'criminal tribe,' though the NWP&O proposed to use similar methods to control both categories. On the 'criminal tribes' see Sanjay Nigam, 'Disciplining and Policing the 'Criminals by Birth,' Part 1: The Making of a Colonial Stereotype—The Criminal Tribes and Castes of North India,' *Indian Economic and Society History Review* 27, no. 2 (1990): 131-64; Sanjay Nigam, 'Disciplining and Policing the "Criminals by Birth", Part 2: The Development of a Disciplinary System, 1871-1900,' *Indian Economic and Social History Review* 27, no. 3 (1990): 257-87; Anand A. Yang, 'Dangerous Castes and Tribes: The Criminal Tribes Act and the Magahiya Doms of Northeast India,' in *Crime and Criminality in British India*, ed. Anand A. Yang (Tuscon, Arizona: The University of Arizona Press, 1985), 108-27; Rachel J. Tolen, 'Colonizing and Transforming the Criminal Tribesman: The Salvation Army in British India,' *American Ethnologist* 18, no. 1 (February 1991): 106-25; Stewart N. Gordon, 'Bhils and the Idea of a Criminal Tribe in Nineteenth-Century India,' in *Crime and Criminality in British India*, ed. Anand A. Yang (Tuscon, Arizona: The University of Arizona Press, 1985), 128-139; Meena Radhakrishna, *Dishonoured by History: 'Criminal Tribes' and British Colonial Policy* (Hyderabad: Orient Longman, 2001).

[33] To avoid confusion, I use North-Western Provinces and Oudh throughout, except when specifically referring to the period prior to 1877, when these provinces were separate.

[34] See for instance, BL/IOR/P/438/61: Simson to NWP Comm, 9 Jun 1865.

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public; they could be prosecuted for residing with a child; district magistrates were to remove all children from eunuch households; police registered eunuchs' property; and the government intervened in *hijra* inheritance patterns.[35]

Although several historians, most notably T.R. Metcalf, have argued that the post-1857 period was characterised by British reluctance to intervene with Indian 'customs' and 'traditions,'[36] other historians, such as Veena Oldenburg and Radhika Singha, have noted more invasive regulation of Indian society at the social margins and the local level after 1857.[37] The figure of the *hijra* intersected with a number of broader issues that preoccupied colonial officials, particularly following 1857. First, in the 1850s and 1860s, British officials sought to control 'habitual criminals' and viewed collectives, rather than individuals, as the primary threats to public order.[38] *Hijras*—along with the 'criminal tribes,' 'infanticidal' castes (groups the British claimed were guilty of female infanticide), and female prostitutes—were criminalised and controlled under colonial law in the late 1860s and 1870s.[39] The 'wandering' habits of communities such as *hijras* also provoked colonial concerns with uncontrolled movement across political borders, which was perceived as undermining British control of the subcontinent.[40] Second, the regulation of *hijras* occurred in the context of changing colonial and elite Indian concepts of domesticity,[41] which cast the *hijra* household as a 'deviant' form of domesticity that was sexually 'corrupt' and 'criminal.' Third, the concern with *hijras* also intersected with colonial anxieties surrounding 'criminal' and 'corrupted' childhoods that were particularly evident in the 1860s, when the first government-

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[35] BL/IOR/V/8/42: Act XXVII of 1871.

[36] T.R. Metcalf, *The Aftermath of the Revolt: India, 1857-1870* (Princeton: Princeton University Press, 1964).

[37] Veena Talwar Oldenburg, *The Making of Colonial Lucknow: 1856-1877* (Princeton: Princeton University Press, 1984), xxvi-xxviii; Radhika Singha, 'Colonial Law and Infrastructural Power: Reconstructing Community, Locating the Female Subject,' *Studies in History* 19, no. 1 (2003): 87-126.

[38] Sandria B. Freitag, 'Crime in the Social Order of Colonial North India,' *Modern Asian Studies* 25, no. 2 (1991): 229-31; Mark Brown, 'Crime, Governance and the Company Raj: The Discovery of Thuggee,' *British Journal of Criminology* 42, no. 1 (2002): 77-95.

[39] Singha, 'Colonial Law,' 92-4; Satadru Sen, 'The Savage Family: Colonialism and Female Infanticide in Nineteenth Century India,' *Journal of Women's History* 14, no. 3 (Autumn 2002): 53-79.

[40] Nigam, 'Part 2,' 260-6, 272-4; Nitin Sinha, 'Mobility, Control and Criminality in Early Colonial India, 1760s-1850s,' *Indian Economic and Social History Review* 45, no. 1 (2008): 2-6.

[41] Durba Ghosh, *Sex and the Family in Colonial India: The Making of Empire* (Cambridge: Cambridge University Press, 2006); Mytheli Sreenivas, 'Conjugality and Capital: Gender, Families, and Property under Colonial Law in India,' *The Journal of Asian Studies* 63, no. 4 (Nov 2004): 937-60; Mytheli Sreenivas, *Wives, Widows, and Concubines: The Conjugal Family Ideal in Colonial India* (Bloomington: Indiana University Press, 2008); Charu Gupta, *Sexuality, Obscenity, Community: Women, Muslims, and the Hindu Public in Colonial India* (New York: Palgrave, 2002), 123-95.

administrated orphanages and reformatories for Indian children were established.[42] Fourth, colonial efforts to 'clean' public space of the *hijra* community through the prohibition of performance and cross-dressing intersected with nineteenth century notions of hygiene and sanitation and colonial attempts to purify and order public space, particularly in the aftermath of the 1857 revolt.[43] Finally, attempts to regulate *hijras* were related to the pathologisation of sex between men and male sexual 'dysfunction' in both Europe and colonial contexts in the second half of the nineteenth century.[44] By the beginning of the twentieth century, the NWP&O government was no longer concerned with eunuchs. The CTA was only enforced until 1911, by which time the interest of the provincial government in the 'eunuch problem' had waned.[45] In the context of the burgeoning nationalist movement, the colonial government had greater priorities than managing a small subaltern community.

This thesis represents the only in-depth comparative history conducted to date of the diverse and disparate local categories that were brought together under the colonial rubric of the 'eunuch.' While Indrani Chatterjee provides a brief analysis of twelve pages of the *khwajasarais* of Murshidabad in her study of slavery in the state,[46] there has been no detailed analysis of *khwajasarais* in Awadh, nor any other regional power that emerged from the Mughal Empire.[47] Moreover, despite the expanding

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[42] Satadru Sen, *Colonial Childhoods: The Juvenile Periphery of India, 1850-1945* (London: Anthem Press, 2005).

[43] Oldenburg, *Colonial Lucknow*, 96-144; Prashant Kidambi, *The Making of an Indian Metropolis: Colonial Governance and Public Culture in Bombay, 1890-1920* (Aldershot, Hampshire: Ashgate Publishing, 2007), 49-70; Stephen Legg, *Spaces of Colonialism: Delhi's Urban Governmentalities* (Oxford: Blackwell Publishing, 2007), 149-209. On imperialism and notions of hygiene more generally, see Alison Bashford, *Imperial Hygiene: A Critical History of Colonialism, Nationalism and Public Health* (New York: Palgrave Macmillan, 2004). On intersections between notions of hygiene, contagion and obscenity see Deana Heath, *Purifying Empire: Obscenity and the Politics of Moral Regulation in Britain, India and Australia* (Cambridge: Cambridge University Press, 2010).

[44] On nineteenth century British attitudes towards male-male sex, impotence and effeminacy see: Angus McLaren, *Impotence: A Cultural History* (Chicago: University of Chicago Press, 2007); H.G. Cocks, *Nameless Offences: Homosexual Desire in the 19th Century* (London: I.B. Tauris Publishers, 2003); Charles Upchurch, *Before Wilde: Sex Between Men in Britain's Age of Reform* (Berkeley: University of California Press, 2009); Alan Sinfield, *The Wilde Century: Effeminacy, Oscar Wilde and the Queer Movement* (London: Cassell, 1994); Jeffrey Weeks, *Coming Out: Homosexual Politics in Britain, From the Nineteenth Century to the Present* (London: Quartet Books, 1977), 9-44. On Indian medical traditions and notions of male sexual deviance in the nineteenth century, see Guy N.A. Attewell, *Refiguring Unani Tibb: Plural Healing in Late Colonial India* (New Delhi: Orient Longman, 2007), Chapter 6; Gupta, *Sexuality, Obscenity, Community*, 66-85.

[45] By this time, the NWP&O was known as the United Provinces.

[46] Chatterjee, *Gender, Slavery and Law*, 45-57.

[47] Several studies of the Mughal Empire and Indian regional powers include brief or passing references to *khwajasarais*, including: Ruby Lal, *Domesticity and Power in the Early Mughal World* (New Delhi: Cambridge University Press, 2005), 195-6; William Dalrymple, *The Last Mughal: The Fall of a Dynasty, Delhi, 1857* (New Delhi: Penguin Books, 2007), 31, 45, 48, 82, 100, 259; Fisher, *Clash of Cultures*, 53, 63-4, 68, 210, 213; Barnett, *North India*, 151-2, 173-9, 205-212; Saleem Kidwai, 'Sultans, Eunuchs and

anthropological literature on modern *hijra* communities, [48] there have been few historical studies of *hijras*. First, Laurence Preston has examined *hijras* in Western India from the 1830s to the 1850s. [49] Second, a recent unpublished dissertation by Shane Patrick Gannon looks at colonial representations of *hijras* and discusses the CTA in part of one chapter. [50] While Gannon is concerned with representations of *hijras* in colonial texts, this thesis adopts what Mrinalini Sinha has called a 'historical-materialist approach' that goes beyond the analysis of cultural representations of gender. Like Sinha, I analyse the constitution of colonial gender regimes 'in the historical contingencies of specific *practices* of colonial rule' and 'mediations of various contradictions both between coloniser and colonised and within each group.' [51]

Frameworks of analysis

As we have seen, the colonial category of the 'eunuch' encompassed a diverse range of indigenous groups, and colonial projects to manage eunuch populations intersected with numerous broader colonial concerns. Due to the internally capacious nature of this category, multiple analytical tools are necessary to understand the various colonial projects targeting 'eunuchs' and their effects. This thesis focuses on three primary issues: eunuchs' everyday lives in the late eighteenth and nineteenth centuries; the

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Domestics: New Forms of Bondage in Medieval India,' in *Chains of Servitude: Bondage and Slavery in India*, ed. Utsa Patnaik and Manjari Dingwaney, 76-96 (Madras: Sangam Books, 1985). On eunuchs in Cairo and Medina, see Shaun Marmon, *Eunuchs and Sacred Boundaries in Islamic Society* (New York: Oxford University Press, 1995).

[48] Nanda, *Neither Man nor Woman*; Reddy, *With Respect to Sex*; Cohen, 'The Pleasures of Castration'; Vinay Lal, 'Not This, Not That: The Hijras of India and the Cultural Politics of Sexuality,' *Social Text* 17, no. 4 (Winter 1999): 119-40; Serena Nanda, 'Hijras: An Alternative Sex and Gender Role in India,' in *Third Sex, Third Gender: Beyond Sexual Dimorphism in Culture and History*, ed. Gilbert Herdt, 373-417 (New York: Zone Books, 1994); Gayatri Reddy, 'Crossing "Lines" of Subjectivity: The Negotiation of Sexual Identity in Hyderabad, India,' in *Sexual Sites, Seminal Attitudes: Sexualities, Masculinities, and Culture in South Asia*, ed. Sanjay Srivastava, 147-64 (New Delhi: Sage, 2004); Hossain, 'Beyond Emasculation.' Linguists have also analysed the *hijra* community: Hall and O'Donovan, 'Shifting Gender Positions'; Hall, '"Go Suck Your Husband's Sugarcane!",' 430-60.

[49] Preston, 'A Right to Exist,' 371-87.

[50] Shane Patrick Gannon, 'Translating the *Hijra*: The Symbolic Reconstruction of the British Empire in India' (PhD diss., University of Alberta, 2009), Chapter 8. There is also a brief discussion of the CTA, Part II and *hijras* in Arvind Narrain, *Queer: 'Despised Sexuality,' Law and Social Change* (Bangalore, India: Books for Change, 2004), 59-60. However, Narrain incorrectly writes that eunuchs were only registered under the 1897 ammendment to the CTA. In fact, the 1871 CTA included a second part for the registration of eunuchs. Anjali Arondekar also discusses a sodomy case involving a *hijra*, 'Queen Empress *v.* Khairati' (1884), in her study of sexuality and the colonial archive, but does not consider the context of the criminalisation of *hijras* under the CTA. Anjali Arondekar, *For the Record: On Sexuality and the Colonial Archive in India* (New Delhi: Orient Blackswan, 2009), Chapter 2.

[51] Mrinalini Sinha, 'Giving Masculinity a History: Some Contributions from the Historiography of Colonial India,' *Gender & History* 11, no. 3 (1999): 453-4.

nature of colonial power as it was deployed against marginalised groups; and the colonial regulation of gender and sexuality. Below, I briefly outline each of the analytical frameworks I use to analyse the internally diverse colonial category of the 'eunuch' (the latter half of this introduction contains a fuller explanation).

1. How did the everyday lives of *khwajasarais* and *hijras* change over the eighteenth and nineteenth centuries, how did they resist, subvert and evade colonial projects, and how did colonial modernity impact upon the intimate, domestic domain of these communities?

    a. *Power, agency and resistance*: In order to understand power relations amongst *khwajasarais*, *hijras*, *zananas*, and other groups labelled as 'eunuchs,' their changing relationships to north Indian society and the state, and the extent to which eunuchs could frustrate colonial agendas, I analyse the webs of power relations in which eunuchs were situated and various ways in which they negotiated and resisted the power of dominant groups. Building upon the work of the Subaltern Studies collective, James Scott and several scholars who have critiqued and extended these approaches, I analyse how the agency of marginalised groups was contingent upon broader power structures.

    b. *Kinship, domesticity and family*: This study also focuses on the ways power was manifest in the 'intimate sphere' of eunuchs' lives. Eunuchs' domestic arrangements and non-biological kinship relationships were a key target of colonial interventions, while the domestic was a focal context in which eunuchs negotiated colonial power on an everyday basis. To unpack historical changes in eunuchs' kinship-making practices and domestic arrangements, I build upon recent studies of family formations in early modern South Asia.

2. What do projects to govern the disparate groups that were labelled as eunuchs tell us about the modalities of colonial power deployed against marginalised groups at the local level?

    a. *Colonial governmentality*: A central concern of this study is the changing agendas and aims of the British colonisers towards groups of eunuchs, as well as the different forms of power and modes of regulation that the colonial government deployed. By the mid-nineteenth century, the British sought to manage both the *khwajasarai* and *hijra* populations

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through surveillance, enumeration, classification, the regulation of their labour and the disciplining of their gender. To trace changes in colonial agendas towards eunuchs, I have drawn upon recent studies of 'colonial governmentality.' These histories have analysed the ways in which colonial powers sought to manage indigenous populations and the limits of such projects.

b. *Anthropology of the state*: In order to unpack the localised impacts of the colonial government upon *khwajasarais*, *hijras* and others labelled 'eunuchs,' I draw upon anthropology of the state literature, which conceives of the state as experienced in localised, everyday inter-personal interactions with state agents, rather than as an abstract entity or a coherent institution.

3. What does the criminalisation of the internally diverse category of the eunuch—characterised as a 'deviant' in colonial discourse—tell us about the multiple impacts of colonialism on gender and sexuality in India?

a. This study draws upon feminist historiography to analyse historical changes in norms of gender and sexuality in India. In this thesis, I am particularly concerned with tracing the historical transformations of modernity, gender and sexuality through an examination of the relationship between the metropole and the colony. Moreover, I analyse the impacts of government projects targeting gendered and sexual behaviours and the extent to which the colonial government was able to classify gender and sexuality and discipline eunuch bodies.

Argument and structure of the thesis

This thesis concludes that nineteenth century colonial projects to regulate eunuchs had significant impacts upon all the communities that they marginalised, but were highly uneven in their effects. The colonial government aimed to police morality but was only partially successful in doing so. Colonial power was distributed across sites of greater and lesser intensity, while the management of populations and the disciplining of bodies were uneven. Colonial intelligence, enumeration and enforcement were all characterised by gaps that provoked colonial anxieties and facilitated the evasion and

resistance of eunuchs. Groups labelled as 'eunuchs' were able to negotiate colonial regulation, and colonial modernity more broadly. Fissures in colonial power were in part constituted by, and provided opportunities for, the struggles of marginalised communities like eunuchs to mitigate the impacts of colonial regulation. *Khwajasarais*, *hijras* and others labelled as 'eunuchs' deployed a variety of strategies to negotiate, contest, resist and simply cope with colonial modernity. In some cases, 'eunuchs' were able to frustrate colonial agendas and limit colonial power, although often, they were only able to do so partially or temporarily. Nevertheless, the overall long-term impacts of colonial modernity were significant. Colonial projects had important consequences for the livelihoods of groups classed as 'eunuchs' and their relationships to north Indian society and political power. In particular, the criminalisation of the 'eunuch' in 1871 has had significant post-colonial repercussions for the *hijra* community in India today.

Domestic space and intimate relationships were a context in which eunuchs negotiated the webs of power relations in which they were situated and the historical transformations of colonial modernity. From the perspective of the colonial government, the 'corrupt' and 'deviant' domestic arrangements of *khwajasarais* and *hijras* made them 'problem' populations that required management, highlighting the centrality of intimate practices and relationships to colonial rule. However, the domestic sphere was also a space where eunuchs negotiated and contested colonial power on an everyday basis, and is central to their history in the eighteenth and nineteenth centuries. An analysis of *khwajasarais'* and *hijras'* domestic arrangements, kinship-making practices and everyday negotiations of power in inter-personal relationships requires a reconceptualisation of kinship and familiality. A focus on contexts outside, or on the periphery of, conjugality and procreation contributes to the history of the family in South Asia by highlighting the historical complexities of South Asian family formations, amongst both the relatively elite and the socially marginalised.

This study suggests that it is necessary to bring the metropolitan and the colonial into the same framework of analysis in order to understand how knowledge and pathologies of gender and sexuality were produced in British India. The colonial disciplining of gender and sexuality was related to, but nevertheless somewhat distinct from, metropolitan discourses and projects. The pathology of the 'eunuch' articulated in mid-to-late nineteenth century British India suggests that the nineteenth century European pathologisation of gender and sexuality needs to be traced to colonial, as well as metropolitan, modernity. The British attempted to use pathologies of gender and

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sexuality to police 'deviant' eunuchs, yet in practice, multiple slippages and tensions emerged in the project of classification, as indigenous social roles and practices were unevenly assimilated to English-language umbrella terms for gender and sexuality. The regulation of eunuchs exposed fractures within the colonial administration—between high-ranking officials, and British administrators in the districts, as well as between legal and medical officials—since British officials articulated somewhat differing concepts of deviance and held divergent opinions on whether 'suspicious eunuchs' needed to be policed.

This study is divided into three parts. In the first, titled '*Khwajasarai*: The "Respectable Eunuch",' I examine the *khwajasarais* of Awadh. Chapter 1 focuses on *khwajasarais* in the late eighteenth century. I examine *khwajasarais*' location in webs of power relations in north Indian society to analyse their everyday lives, early modern kinship and domestic formations, Awadhi politics, and forms of slavery. Chapter 1 also considers the limits of eighteenth century colonial interventions. Chapter 2 shifts to the middle of the nineteenth century, when the British sought to regulate *khwajasarai* labour in Awadh. This chapter examines *khwajasarai* attempts to negotiate colonial power and the impacts of colonial rule on the group prior to and after British annexation of Awadh in 1856. The second part of this study, '*Hijra*: Policing the "Suspicious Eunuch",' focuses on the regulation of eunuchs, in particular *hijras*, under the Criminal Tribes Act of 1871 in the North-Western Provinces and Oudh. In Chapter 3, I analyse the modes through which the colonial government sought to know and discipline *hijras*, including intelligence collection, classification, enumeration and surveillance, and show that the impacts of colonial regulation were uneven between local contexts. Chapter 4 examines the fissures in colonial projects from the perspective of the criminalised 'eunuchs' and looks at the strategies registered eunuchs used to negotiate colonial regulation in their everyday lives.

The third section of the thesis, titled 'Gender, Sexuality and Colonial Power,' analyses three themes in the disciplining of gender and sexuality under the CTA: childhood and domesticity; obscenity and public space; and medical concepts of the body. Chapter 5 focuses on colonial interventions into *hijra* domestic space, in particular, the removal of children deemed to be sexually 'corrupted' from *hijra* households, in the context of broader colonial interventions into the lives of Indian children and concerns about kidnapping. In Chapter 6, I analyse the prohibition of *hijra* performance and feminine dress in public space, in light of colonial attempts to order

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and purify public space and explore the fractures within the colonial legal establishment. Chapter 7 analyses the contested role of colonial physicians in the regulation of so-called 'suspicious eunuchs.' While colonial physicians claimed to have expertise in eunuch 'deviance,' their role in the enforcement of the CTA was circumscribed, highlighting the fractures between legal and medical colonial projects.

Timeliness of this study

In the contemporary context of early twenty-first century India, this study is timely for three reasons. First, the impact of colonialism on gender and sexuality has become a matter of debate in the last two decades in India. The 1990s saw the emergence of queer rights activism,[52] focused particularly on seeking the repeal of section 377 of the Indian Penal Code of 1860. This colonial-era law criminalises 'carnal intercourse against the order of nature with any man, woman or animal,' but has historically been interpreted as a law against sodomy or homosexuality.[53] Although there have not been a significant number of convictions in recent decades, section 377 has been used as a pretext to legitimise police violence against transgender and queer people,[54] facilitate the arrest of HIV/AIDS prevention workers,[55] and provide a legal cover for homophobic discourse. In 2009, the Delhi High Court 'read down' section 377 so that it would not apply to adult consensual sex within the Delhi High Court's jurisdiction, and the case is currently before the Supreme Court of India, the nation's highest court, with respect to section 377's operation in the rest of India.[56] In the context of the 2009 judgement,

[52] Alok Gupta, 'Englishpur ki Kothi: Class Dynamics in the Queer Movement in India,' in *Because I Have a Voice: Queer Politics in India*, ed. Arvind Narrain and Gautam Bhan, 125-6 (New Delhi: Yoda Press, 2005).

[53] Section 377 has been applied to both consensual, adult sex and non-consensual and underage sex, thus conflating homosexuality, rape and paedophilia. Arvind Narrain, '"That Despicable Specimen of Humanity": Policing of Homosexuality in India,' in *Challenging the Rule(s) of Law: Colonialism, Criminology and Human Rights in India*, ed. Kalpana Kannabiran and Ranbir Singh, 48-77 (New Delhi: Sage India, 2008); Suparna Bhaskaran, 'The Politics of Penetration: Section 377 of the Indian Penal Code,' in *Queering India: Same-Sex Love and Eroticism in Indian Culture & Society*, ed. Ruth Vanita, 15-29 (Routledge: New York, 2002); Alok Gupta, 'Section 377 and the Dignity of Indian Homosexuals,' *Economic and Political Weekly* (November 18 2006): 4815-23.

[54] 'Human Rights Violations Against the Transgender Community: A Study of *Kothi* and *Hijra* Sex Workers in Bangalore, India—September 2003),' People's Union for Civil Liberties, Karnataka, accessed 24 August 2012, http://ai.eecs.umich.edu/people/conway/TS/PUCL/PUCL%20Report.html; 'Ongoing police violence against *hijras* in India,' International Lesbian, Gay, Bisexual, Trans and Intersex Association, accessed 24 August 2012, http://ilga.org/ilga/en/article/233.

[55] Gupta, 'Section 377,' 4820-1.

[56] As Gautam Bhan has argued, this does not challenge the notion that certain sexualities are 'unnatural,' merely the application of this label to same-sex sexual practices between consenting adults. Gautam

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media attention to gay, lesbian and transgender issues increased significantly.[57] Meanwhile, since the 1990s, Hindu nationalists have attacked the representation of overt and queer sexuality in film and television, notably in Deepa Mehta's 1996 film *Fire*, which represented a romantic relationship between two sisters-in-law.[58] This contemporary milieu in post-Independence India raises the question of the impact of colonialism on gender and sexual norms. While Hindu nationalists have argued that homosexuality is a Western (or alternatively, Islamic) 'import,' contrary to Indian (Hindu) culture,[59] some activists, scholars and media commentators have highlighted the colonial origin of laws criminalising non-normative sexuality, such as section 377, and argued that Indian society was historically 'tolerant' of same-sex behaviours.[60] Although section 377 has been the focus of attention, the contemporary moment calls for a broader history of colonial policies that disciplined non-normative gender and sexuality and their post-colonial effects.

Second, the HIV/AIDS epidemic in India has seen possibly the widest deployment of techniques of classification, mapping and enumeration to non-normative sexualities since the colonial government in north India sought to classify various types of 'eunuchs' and 'deviants' in the late nineteenth century.[61] The HIV/AIDS epidemic

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Bhan, 'Challenging the Limits of Law: Queer Politics and Legal Reform in India,' in *Because I Have a Voice: Queer Politics in India*, ed. Arvind Narrain and Gautam Bhan, 40-8 (New Delhi: Yoda Press, 2005).

[57] See for instance, Nikita Doval, 'The kiss of legality: Decriminalisation of homosexuality entails new freedoms,' *India Today*, 12 July 2009.

[58] Screenings of the film were targeted by various Hindu nationalist organisations, which destroyed cinemas and attacked viewers. Ratna Kapur, 'Too Hot to Handle: The Cultural Politics of *Fire*,' *Feminist Review* 64 (Spring 2000): 53-7; Brinda Bose, 'The Desiring Subject: Female Pleasures and Feminist Resistance in Deepa Mehta's *Fire*,' *Indian Journal of Gender Studies* 7, no. 2 (2000): 249-60; Shohini Ghosh, 'The Troubled Existence of Sex and Sexuality: Feminists Engage with Censorship,' in *Image Journeys: Audio-Visual Media and Cultural Change in India*, ed. Christiane Brosius and Melissa Butcher, 233-59 (New Delhi: Sage, 1999); Alexandra Lynn Barron, '*Fire*'s Queer Anti-Communalism,' *Meridians* 8, no. 2 (2008): 64-93. Following the 'first male gay kiss' in a Bollywood film, *Dunno Y* (Sanjay Sharma, 2010), the lead male actors received death threats and religious groups denounced the representation of 'unnatural' sexuality. 'Row over Bollywood's first male gay kiss,' *BBC News*, 12 November 2010, accessed 3 September 2012, http://www.bbc.co.uk/news/world-south-asia-11735888.

[59] Paola Bacchetta, 'When the (Hindu) Nation Exiles Its Queers,' *Social Text* 61, no. 4 (Winter 1999): 141-66; Arvind Narrain, 'The Articulation of Rights Around Sexuality and Health: Subaltern Queer Cultures in India in the Era of Hindutva,' *Health and Human Rights* 7, no. 2 (2004): 154-9; Kapur, 'Too Hot,' 56.

[60] 'Naz Foundation *v.* Government of NCT of Delhi and Others,' Decision of High Court of Delhi, 2 July 2009, accessed 10 September 2012, http://www.nazindia.org/judgement_377.pdf; Ruth Vanita and Saleem Kidwai, 'Introduction: Modern Indian Materials,' in *Same-Sex Love in India: A Literary History*, ed. Ruth Vanita and Saleem Kidwai, 222-5, 227-9 (New Delhi: Penguin Books, 2008).

[61] Another significant colonial project to enumerate and classify indigenous sexuality was undertaken in the regulation of female prostitution, particularly from the 1860s. However, as Ashwini Tambe has shown in her study of prostitution in Bombay, women were not individualised in statistics and were instead counted in approximate numbers, with the exception of European prostitutes. Ashwini Tambe, *Codes of Misconduct: Regulating Prostitution in Late Colonial Bombay* (New Delhi: Zubaan, 2009), 65-4.

engendered 'communities' of 'expertise' that produced knowledge through the categorisation, surveillance and recording of sexual practices and identities, bringing multiple 'local' identity categories into dialogue with English-language, ostensibly 'global' identities. [62] The resulting typology of South Asian sexualities generally mentions: first, self-identifying gay men and lesbians; second, *hijras*; third, *kothis*, described as 'effeminate men' who are 'passive' partners in male-male sex, sometimes wear feminine clothing and perform '*hijra*-acting'[63] (behaving in a parody of *hijras*), though they live with biological and affinal kin; fourth, *pantis*, normatively masculine men who have sex with *hijras* and *kothis*; and finally, MSM, or 'men who have sex with men but do not identify as gay.'[64] In India, MSM was initially used to describe the sexual behaviours of non-gay identified men, but is increasingly used as an identity category.[65]

Attempts by HIV/AIDS NGOs and activist organisations to map English-language, 'global' identity categories—such as 'gay' and 'MSM'—onto multiple and varied 'local' identity positions parallel in many ways the slippages and tensions of the colonial attempt to delineate a coherent and clearly defined category of 'eunuch' as a means to classify diverse indigenous groups.[66] For instance, in twenty-first century India, *hijras*, *kothis* and their *panti* partners are sometimes classified as MSM, yet *hijras* do not see themselves as men and *kothis* adopt shifting and contextual gender positions (variously as man, girl or *hijra*), while their male partners do not perceive themselves as having sex with a 'man.'[67] This thesis provides a 'history of the present'

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[62] Akshay Khanna, 'Taming the Shrewd *Meyeli Chhele*: A Political Economy of Development's Sexual Subject,' *Development* 52, no. 1 (2009): 43-51; Paul Boyce and Akshay Khanna, 'Rights and Representations: Querying the Male-to-Male Sexual Subject in India,' *Culture, Health & Sexuality* 13, no. 1 (2011): 89-100; Paul Boyce, '"Conceiving Kothis": Men Who Have Sex with Men in India and the Cultural Subject of HIV Prevention,' *Medical Anthropology: Cross-Cultural Studies in Health and Illness* 26, no. 2 (2007): 175-203.

[63] Kira Hall, 'Intertextual Sexuality: Parodies of Class, Identity, and Desire in Liminal Delhi,' *Journal of Linguistic Anthroplogy* 15, no. 1 (2005): 125-44.

[64] Self-indentifying gay men and lesbians are predominantly middle-class and English-speaking. Feminine dress is not a necessary characteristic of *kothis*. *Panti* is the *hijra* and *kothi* term for normatively masculine men. Khanna, 'Taming the Shrewd,' 43-51; Boyce and Khanna, 'Rights and Representations,' 89-100; Boyce, '"Conceiving Kothis",' 175-203; Gupta, 'Englishpur ki Kothi,' 125; Reddy, *With Respect to Sex*, 44-77, 168-73.

[65] MSM are primarily from non-English speaking and working-class backgrounds. For a history of the MSM term, which originated in the US, and its evolution into an identity category in India and Indonesia see, Tom Boellstorff, 'But Do Not Identify as Gay: A Proleptic Genealogy of the MSM Category,' *Cultural Anthropology* 26, no. 2 (2011): 287-312.

[66] The repeated boundary-drawing of the colonial classificatory project is examined below in this Introduction.

[67] Boellstorff, 'MSM Category,' 287-312; Khanna, 'Taming the Shrewd,' 43-51; Boyce and Khanna, 'Rights and Representations,' 89-100; Boyce, '"Conceiving Kothis",' 175-203.

by examining the means by which the state in India historically sought to know, count and categorise the sexuality of marginalised communities during the colonial period.

This study also historicises the contemporary categorisation and mapping of gender and sexual identities. Although the *kothi* category is now seen as a 'traditional' sexuality, it is in fact a more recent term that emerged in the context of HIV/AIDS prevention and queer organising.[68] In some cases, the term '*kothi*' may have been mapped (with various slippages and tensions) onto earlier *zanana* identities in north India.[69] This may explain why '*kothi*' was adopted as an identity category by significant numbers in a short period, since the late 1990s.

Third, and most importantly, *hijras*' social marginalisation and stigmatisation in post-colonial India demands a history of their everyday lives and relationship to both the state and north Indian society in the nineteenth century. The criminalisation of *hijras* during the colonial period is an important backdrop to their exclusion from civil rights and documented cases of police abuse of *hijras* in post-Independence India. A 2003 report compiled by a human rights organisation in Bangalore contained the testimonies of several *hijras* and *kothis* who had been repeatedly raped and tortured by the police.[70] Part of the history of the police abuse of *hijras* in contemporary India is the nineteenth century criminalisation of eunuchs, which often resulted in a pattern of coercive relationships between police and local *hijra* communities. More broadly, colonial discourses that constructed *hijras* as criminals and sexual deviants have also had enduring impacts. Gayatri Reddy notes that '*hijras* are often constructed in the popular imaginary as "dirty", socially marginal outcasts who "do not have any *sharam*",'[71] a discourse stemming from both Indian notions of shame and colonial discourses of *hijras* as a source of moral contagion. Although the CTA was only implemented in a single province, the North-Western Provinces and Oudh, the

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[68] On the history of the *kothi* category see Boyce, '"Conceiving Kothis",' 175-203; Khanna, 'Taming the Shrewd,' 49-50; Boellstorff, 'MSM Category.'

[69] Laurence Cohen has examined '*zenanas*' and '*jankhas*' in Benares 'who sometimes dress like women and dance like *hijras* but who do not elect castration.' Cohen, 'The Pleasures of Castration,' 276. In contemporary Hyderabad, '*zenana kothis*' are understood as a sub-category of *kothis*, and are performers who act in a masculine manner with non-*kothis*, but when with fellow *kothis*, perform exaggerated feminine gestures and sometimes dress in feminine clothes. Reddy, *With Respect to Sex*, 46, 59-63. Kira Hall suggests that even if the term '*kothi*' is of recent origin, self-identifying *kothis* in Delhi view their community as having a long history in groups of effeminate men. However, unlike Cohen and Reddy, Hall does not mention the term '*zanana*' in the Delhi context. Hall, 'Intertextual Sexuality,' 126-9.

[70] In 2002, one *hijra* named Smita was sexually abused, beaten with *lathis* (long batons), and verbally harassed for several hours by fifteen to twenty policemen, who also stripped and beat her husband named Tejasvi. 'Human Rights Violations.'

[71] Gayatri Reddy, 'Geographies of Contagion: *Hijras, Kothis*, and the Politics of Sexual Marginality in Hyderabad,' *Anthropology & Medicine* 12, no. 3 (2005): 256-7.

criminalisation of *hijras* had long lasting impacts across India in terms of the social understanding of *hijras*. Examining the everyday interactions between *hijras*, the state and society in the nineteenth century adds to our understanding of their present marginalisation.

Sources and methodology

When I began research for this thesis, I hoped to find Urdu or other vernacular records of the colonial regulation of eunuchs. The English-language colonial records that I accessed for two months at the British Library in mid-2010 suggested that district level vernacular records would provide a rich source on north Indian attitudes towards *khwajasarais*, *hijras* and other groups labelled as eunuchs. On the one hand, the English-language records demonstrated that the colonial classification of eunuchs involved considerable slippage in the translation of indigenous social roles and gendered practices into English-language terms. On the other hand, upper level government correspondence evidenced the important, if contested, role of various groups of Indian informants in the formation of the official colonial knowledge of eunuchs. Yet the various archives I accessed in India from November 2010 to May 2011—the National Archives of India in Delhi and the Lucknow and Allahabad branches of the Uttar Pradesh State Archives (UPSA)[72]—contained limited surviving vernacular records. Although I found several Urdu petitions from *khwajasarais* in mid-nineteenth century Awadh, all of the surviving records of the implementation of the CTA were in English. Consequently, I have been unable to disentangle the evident, but nevertheless obscured, slippages between the English-language terms used in the colonial records to describe *hijras*—such as 'impotent' and 'born eunuch'—and the terms that *hijras*, their neighbours and the Indian police used in the nineteenth century. Moreover, I have been unable to analyse the original, vernacular records of intelligence collection at the local level. In order to rectify some of the limitations of the official colonial archive, I have also drawn upon a range of published materials including: nineteenth century English-language ethnologies (composed by both British and Indian authors); eighteenth and nineteenth century scholarly journals; eighteenth and

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[72] In addition, I accessed various libraries in India, including the library of the Allahabad High Court, the National Medical Library in Delhi and Teen Murti, also in Delhi.

nineteenth century medical texts and periodicals; published memoirs and travel narratives, written by both Indians and Britons; and newspaper articles.[73]

The necessity of using elite and colonial sources represents another limitation of the available sources. The vast majority of *hijras* and *zananas* were illiterate, and whereas some *khwajasarais* were highly educated, the majority were described as 'uneducated.'[74] The extent to which elite sources can be read 'against the grain' to reconstruct the history of marginalised groups has been a matter of debate in South Asian historiography. Whereas the early Subaltern Studies collective sought to recover the 'hidden' voices of subaltern peoples, Gayatri Spivak's challenge in 'Can the Subaltern Speak?' has highlighted the need to attend to the politics of knowledge production, in both the elite archive and the historian's account.[75] In this thesis I first analyse the presences and silences of the official records in light of broader relationships of power and second, I examine the ways that marginalised groups could partially appropriate or subvert colonial record-keeping practices. Similarly, Durba Ghosh, Clare Anderson and Ashwini Tambe have written histories of marginalised women that reconstruct fragments of women's lives, analyse their limited agency, and foreground the politics of knowledge production.[76]

The 'voices' of eunuchs are recorded in colonial records in two groups of documents, each of which present significant analytical issues for the contemporary historian. First, we have several petitions from *khwajasarais* and *hijras*.[77] However, these documents are mediated by the legalistic language of the colonial government and

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[73] Published sources and government correspondence refer to the local, vernacular terms of the social roles that were classified as 'eunuchs,' such as *zanana* and *hijra*. However, these sources rarely referred to the specific Urdu/Hindi terms Indian informants used to describe such groups, for instance, 'impotent' and 'born eunuch.'

[74] Muhammad Faiz Bakhsh, *Memoirs of Delhi and Faizábád, Being a Translation of the Táríkh Farahbakhsh of Muhammad Faiz-Bakhsh*, trans. William Hoey, vol. 1 (Allahabad: Government Press, 1888), iii.

[75] Ranajit Guha, 'On Some Aspects of the Historiography of Colonial India,' in *Subaltern Studies I: Writings on South Asian History and Society*, ed. Ranajit Guha, 1-8 (Delhi: Oxford University Press, 1982); Gayatri Chakravorty Spivak, 'Can the Subaltern Speak?,' in *Colonial Discourse and Postcolonial Theory: A Reader*, eds. Patrick Williams and Laura Chrisman, 66-111 (New York: Columbia University Press, 1994).

[76] Ghosh, *Sex and the Family*, 15-23; Tambe, *Codes of Misconduct*, 79-99; Clare Anderson, 'Gender, Subalternity, and Silence: Recovering Convict Women's Experiences from Histories of Transportation, *c.* 1780-1857,' in *Behind the Veil: Resistance, Women and the Everyday in Colonial South Asia*, ed. Anindita Ghosh, 139-160 (Ranikhet, India: Permanent Black, 2007); Clare Anderson, 'Writing Indigenous Women's Lives in the Bay of Bengal: Cultures of Empire in the Andaman Islands, 1789-1906,' *Journal of Social History* 45, no. 2 (2011): 480-96.

[77] Unfortunately, the surviving colonial archive contains only short, English-language summaries of *hijras*' petitions, and not the original petitions. Moreover, I have found only a handful of original petitions from Awadhi *khwajasarais* in both Urdu and translations in English.

by the scribe who composed the petition and cannot, therefore, be treated as the 'voice' of the petitioner.[78] Nevertheless, petitions were contexts of interface between eunuchs and the colonial state and reveal those aspects of colonial intervention which had the most significant impact on eunuchs. Second, colonial records and publications include quoted statements from eunuchs in court cases, ethnologies, medical jurisprudence publications, and government reports. However, eunuchs' statements were recontextualised and appropriated to serve colonial agendas,[79] while these English-language documents pose problems of translation. Although these sources are important, there is a need to analyse the means by which eunuchs' self-representations were transformed into recorded official knowledge.

In light of the paucity of written sources or statements from *khwajasarais*, *hijras* and *zananas*, I have consciously prioritised certain types of historical records. In the first two chapters, which analyse the *khwajasarais* of Awadh, I have drawn heavily from the early-nineteenth century Persian memoir of Faiz Bakhsh, a historian and employee of Awadh's most powerful matriarch, Bahu Begam.[80] Although this memoir represents an 'outsider' and elite source in some ways, since Faiz Bakhsh was neither a slave nor a *khwajasarai*, he was nonetheless the employee and close dependent of two *khwajasarais*. In later chapters on the CTA, I have privileged district correspondence and reports, particularly materials from the Allahabad branch of the UPSA, over higher level government records and published texts. These district level sources show a more complex, if fragmented, picture of *hijras*' and *zananas*' lives than provincial or central government records.[81] District level government correspondence contains records of local intelligence collection and therefore a multiplicity of views, from eunuchs, their neighbours, 'respectable' Indians and subordinate Indian police. The district records include dozens of life histories of eunuchs compiled from an interweaving of the statements of eunuchs, their neighbours and Indian police. Registers of eunuchs and their property also provide invaluable information about their domestic environments

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[78] Anderson similarly argues that petitions from South Asian convict women are 'mediated documents,' the 'content, language, and tone' of which reveal the 'art of petition writing,' rather that the personal history or voice of the petitioner. Anderson, 'Gender, Subalternity, and Silence,' 151.

[79] For an analysis of these processes in the context of the 'entextualization' of caste proverbs in colonial ethnology see Gloria Goodwin Raheja, 'Caste, Colonialism, and the Speech of the Colonized: Entextualization and Disciplinary Control in India,' *American Ethnologist* 23, no. 3 (1996): 494-513.

[80] Faiz Bakhsh, *Memoirs*, vol. 1; Faiz Bakhsh, *Memoirs*, vol. 2.

[81] Like Ann Stoler, I have found the 'surplus production [of official state archives], what defines their interior ridges and porous seams,' sites where 'out of place' opinions surface. Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton: Princeton University Press, 2009), 2, 14.

and communal organisation, from how many silver utensils they owned and whether their houses were *kacca* (makeshift) or *pakka* (well-built), to how many registered eunuchs lived in communal households and which towns and regions they regularly visited.

The rest of this introduction examines in greater depth each of the three broad issues which motivate this thesis: first, the history of those groups labelled 'eunuchs' and their experiences of colonial modernity; second, the modes of colonial power deployed against these groups; and third, the colonial disciplining of gender and sexuality. I outline in greater detail the analytical frameworks I use to answer these questions and the bodies of literature with which this thesis engages.

The history of the *khwajasarai* and *hijra* communities

The first question this thesis explores is the ways *khwajasarais*, *hijras* and other 'eunuchs' experienced the historical transformations of the eighteenth and nineteenth centuries and the everyday ways they responded to colonial modernity through strategies of resistance, subversion and negotiation. What were the long-term impacts of colonial projects on the relationships of *khwajasarais* and *hijras* to north Indian society and to political power; their socio-economic status; and the domestic domain of the *khwajasarai* and *hijra* communities? Why did some groups of 'eunuchs' survive yet others disappear in the context of the colonial project to cause 'suspicious eunuchs,' such as *hijras*, to 'die out'? In analysing the everyday lives of eunuchs in the context of colonial modernity, issues arise of power relations, the agency of subordinated groups and their ability to challenge dominant groups. To what extent could eunuchs—from the relatively elite *khwajasarais* to *hijras* of lower socio-economic status—contest, subvert and cope with broad political transformations, colonial projects to regulate their lives, and the impacts of modernity?

Conceptualising power and agency

The question of how to understand the resistance and agency of subordinated groups in relation to structures of power has been a prominent theme in South Asian historiography. Since the 1980s, two approaches have been influential, and in turn

debated, criticised and revised: the Subaltern Studies collective; and James Scott's work on 'everyday resistance.' The early Subaltern Studies approach[82] to resistance was characterised by: the 'recovery' of otherwise 'hidden' subaltern histories and voices; the use of an elite-subaltern duality to analyse both power relations and social groups; and an emphasis on direct forms of resistance, such as revolts, riots and protests. For the editor of the early Subaltern Studies publications, Ranajit Guha, the failure of the 'people' to assume leadership of the nationalist movement was the '*central problematic*' of Indian historiography.[83] The term 'subaltern' was defined as 'a name for the general attribute of subordination in South Asian society.' Guha conceptualised subaltern politics as 'an *autonomous* domain'[84] and subaltern and elite politics as a '*structural dichotomy*'[85] that could be used as a tool to analyse power relations.[86]

The Subaltern Studies project represents a significant contribution to the history of marginalised groups in South Asia. Yet there are a number of problems with the broad approach of the collective. First, the Subaltern Studies conception of power was often under-theorised. In many contributors' work, the 'subaltern' and 'elite' categories were used to describe social blocks, simplifying South Asian socio-economic structures. [87] Even when the elite-subaltern paradigm was used to analyse power relations, instead of social classes, the emphasis on 'underclass autonomy' simplified the relationship between hegemonic structures and the politics of subordinated classes[88] and obscured power dynamics—such as gender, kinship, occupation, and age—*within*

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[82] Since the Subaltern Studies project involved dozens of historians, my outline of their approach is restricted to the project in its early stages, particularly to Ranajit Guha's manifesto in the first volume of Subaltern Studies. The collective was intended as a new scholarly orientation, rather than an analytical model as such, but there were several shared characteristics of its approach to resistance. Rosalind O'Hanlon, 'Recovering the Subject: *Subaltern Studies* and Histories of Resistance in Colonial South Asia,' *Modern Asian Studies* 22, no. 1 (1988): 191-2.

[83] Italics in original. Guha, 'On Some Aspects,' 7.

[84] Italics in original. Ibid., 4-5.

[85] While the two domains were not 'hermetically sealed off from each other,' this was because elites attempted to recruit subalterns to their politics. Subaltern politics was viewed as an autonomous space. Italics in original. Ibid., 5-6

[86] At the 'all-India' level, 'elites' included dominant foreign groups, Indian 'feudal magnates,' bourgeoisie and high-ranking Indian bureaucrats, and at the '*regional and local levels*,' included groups of lower socio-economic status aligned with 'all-India' elites, such as 'rural gentry' and 'rich peasants.' The 'subaltern classes' or 'the people' constituted '*the demographic difference between the total Indian population and all those whom we have described as the "elite"*.' Italics in original. Ibid., 8.

[87] O'Hanlon, 'Recovering the Subject,' 200.

[88] The emphasis on direct forms of resistance also implies that outside times of rebellion, subalterns accept elite domination. Douglas Haynes and Gyan Prakash, 'Introduction: The Entanglement of Power and Resistance,' in *Contesting Power: Resistance and Everyday Social Relations in South Asia*, ed. Douglas Haynes and Gyan Prakash, 8-9 (Berkeley: University of California Press, 1991).

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subaltern groups.[89] Second, as Rosalind O'Hanlon has argued, the collective attempted to restore the subaltern 'in the classic manner of liberal humanism, as a subject "in his own right", by reclaiming for him a history, a mode of consciousness and practice, which are *his own*,' without recognition of the historical and cultural specificity of the humanist subject.[90] Finally, in emphasising direct, violent forms of protest and resistance, gender as an analytical category was de-emphasised until the fifth volume of the Subaltern Studies series.[91] While the collective did not account for the complexity of power relations, Subaltern Studies' sustained focus on the history of the subordinated in Indian society is nevertheless significant and has influenced the primary questions of this dissertation.

James Scott's analysis of resistance has also been highly influential amongst historians of South Asia. Scott drew attention to various means of 'everyday resistance' in Malaysian peasant societies—including grumbling, foot-dragging, sabotage and slander—that limited the effectiveness of dominant groups' power.[92] Scott later argued in *Domination and the Arts of Resistance* that the rage of the subordinated when their dignity is undermined fuels the subversion of dominant discourse (the 'public transcript') through the formation of the 'hidden transcript' of the subordinated. The hidden transcript is an autonomous domain[93] and is articulated in 'offstage social spaces' in which 'raw' emotional reactions of individuals are transformed into '"cooked" indignation.'[94] While particular forms of domination and their weak points provide possibilities for the creation of offstage spaces, this depends on the 'constant agency' of the subordinated.[95] Subordinated groups continually test the 'limits of the possible,' and power relations thus take the form of '"micro" pushing and shoving.'[96] Scott also draws attention to power dynamics within subordinated groups, which 'discipline as

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[89] Anindita Ghosh, 'Introduction,' in *Behind the Veil: Resistance, Women and the Everyday in Colonial South Asia*, ed. Anindita Ghosh, 4 (Ranikhet, India: Permanent Black, 2007).
[90] O'Hanlon, 'Recovering the Subject,' 195-7.
[91] Gayatri Chakravorty Spivak, 'A Literary Representation of the Subaltern: Mahasweta Devi's 'Stanadayini',' in *Subaltern Studies V: Writings on South Asian History and Society*, ed. Ranajit Guha, 91-134 (Delhi: Oxford University Press, 1987).
[92] James C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven: Yale University Press, 1985).
[93] Thus, domination effectively exists prior to the hidden transcript crafted in response. Although Scott views the hidden transcript as autonomous, hidden and public transcripts will always be 'mutually intelligible.' James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven: Yale University Press, 1990), 111. There is an obvious parallel here to the 'autonomy' of subaltern politics.
[94] Ibid., 118-9.
[95] Ibid., 132.
[96] Ibid., 193, 196-7.

well as ... formulate patterns of resistance.'[97] Hidden transcripts can be insinuated into public transcripts through the 'arts of political disguise,' such as rumour, folk cultures and carnival,[98] and can erupt 'on stage' due to the 'excitement and energy' subordinated persons experience when they first enact the 'hidden.'[99]

Although I find Scott's model useful in many ways, there are some aspects of his approach that are problematic. First, in a similar manner to the Subaltern Studies collective, Scott searches for an autonomous subordinated 'voice' and inadequately analyses power relations between dominant and subordinated groups.[100] Second, Scott has been criticised for conceptualising the subject in historically and culturally specific ways derived from Enlightenment humanism, like the Subalternists.[101] Third, Scott attributes significant explanatory power to emotions, without analysis of how emotions are socially constituted and mediated by language.[102] Nonetheless, my analysis has been informed by Scott's emphasis on everyday forms of resistance that obliquely or ambiguously challenge power and his argument that particular forms of domination and their weak points create possibilities for resistance that the subordinated seize and widen. Scott also productively draws attention to power dynamics *amongst* the subordinated. However, as we have seen above, neither Scott nor the Subaltern Studies collective provide a wholly satisfactory explanation of power.

In critiquing these approaches, several scholars provide a more sophisticated formulation of power and do not conceptualise dominance and resistance as polar opposites, but rather as mutually constituted. Haynes and Prakash argue that power is constantly 'tested and eroded' by subalterns and reconstituted and secured in response to power struggles. Conversely, subaltern groups are not autonomous; their struggles are 'constituted in the field of power relations' and rarely (if ever) represent 'pure forms of escape from domination.'[103] Thus, power and struggle are not 'polar opposites,' but

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[97] Ibid., 118-9, 129-31.

[98] Ibid., 137-8.

[99] Ibid., 203-24.

[100] Although Scott states that the hidden transcript is not a 'language apart,' he conceives of it as a manifestation of subordinated consciousness freed from the idioms and culture of the dominant. Haynes and Prakash, 'Introduction,' 10-11.

[101] Ibid; Susan Gal, 'Language and the "Arts of Resistance",' *Cultural Anthropology* 10, no. 3 (August 1995): 409-12.

[102] Susan Gal has argued that Scott's emphasis on frustration and rage to explain resistance suggests a 'naturalized ... view of ... emotions,' meaning that 'the nature of personhood or the self must be assumed to be known and unproblematic across vast cultural and historical differences.' Gal, 'Language,' 412.

[103] Haynes and Prakash, 'Introduction,' 4.

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instead 'phenomena which often coexist and shape each other.'[104]   Like Haynes, Prakash and other historians, including Rosalind O'Hanlon and Anindita Ghosh, I emphasise the constant testing and reconstitution of power relations in interaction with subordinated groups' everyday power struggles.[105]   I argue that the discourses and actions of the subordinated cannot be divorced from hegemonic structures, thus bringing both domination and the varied responses of subordinates within the same framework of analysis.

In conceptualising the relationship between power and various forms of challenge, I have found it useful to think about the fissures within structures of domination that subordinated groups exploit, expand and generate.   Several scholars have formulated the relationship between power and resistance through the metaphor of 'cracks' in structures of hegemony.[106]   In her study of nineteenth century Indian widows, Prasad argues that their resistance was expressed through 'the tiny cracks within the overarching structures of patriarchy and colonialism,' highlighting that 'systems of dominance contain within them, as an integral part of them, spaces that allow for resistance.'[107]   However, 'cracks' in dominant groups' power do not pre-exist challenges from the subordinated and are constituted in part by resistance.   Eunuchs exploited and expanded fissures in colonial power, but they also effectively created others through evasion, resistance and everyday negotiations.[108]

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[104] Ibid., 13. Thus, Haynes and Prakash define resistance as 'those behaviours and cultural practices … that contest hegemonic social formations, that threaten to unravel the strategies of domination.' Consciousness is not essential to resistance, and '[s]eemingly innocuous behaviours can have unintended yet profound consequences.' Ibid., 3.

[105] O'Hanlon argues that hegemony 'comes into existence around diversities of interest and potential sites for resistance which fracture and constrain' power. Anindita Ghosh argues that since power structures are 'constantly fractured and rearranged by struggle,' the 'spectrum of protest' is part of the same 'structure of power that creates dominant discourse.' O'Hanlon, 'Recovering the Subject,' 222; Ghosh, 'Introduction,' 15.

[106] Contributors to *Contesting Power* highlighted the 'cracks in the seemingly formidable walls of patriarchy' and argued that 'male domination … [is not] a solid, stable structure of society,' although they took quite different positions on the autonomy of women's resistance. Haynes and Prakash, 'Introduction,' 15. See Veena Talwar Oldenburg, 'Lifestyle as Resistance: The Case of the Courtesans of Lucknow,' in *Contesting Power: Resistance and Everyday Social Relations in South Asia*, ed. Douglas Haynes and Gyan Prakash, 23-61 (Berkeley: University of California Press, 1991); Rosalind O'Hanlon, 'Issues of Widowhood: Gender and Resistance in Colonial Western India,' in *Contesting Power: Resistance and Everyday Social Relations in South Asia*, ed. Douglas Haynes and Gyan Prakash, 62-108 (Berkeley: University of California Press, 1991).

[107] Nita Verma Prasad, 'The Litigious Widow: Inheritance Disputes in Colonial North India, 1875-1911,' in *Behind the Veil: Resistance, Women and the Everyday in Colonial South Asia*, ed. Anindita Ghosh, 190 (Ranikhet, India: Permanent Black, 2007).

[108] This point can be illustrated through the example of *hijra* mobility. In the early period of British dominance, fissures in colonial governance emerged out of interactions with peripatetic indigenous groups who did not conform to the colonial state's expectations of a governable population. The disjuncture between the idea of the colonial state as a centralised apparatus for governing sedentary

In positioning subaltern resistance within hegemony, rather than outside it, we can also analyse multiple relationships of power within subordinated groups. In this thesis, I demonstrate the complex relationship between marginalised groups and structures of hegemony. Some feminist historians, such as Veena Talwar Oldenburg, have arguably de-emphasised the extent to which hegemonic structures impact upon women's agency in favour of a model of autonomy.[109] Yet the imbrications of subalterns in hegemonic or patriarchal discourses are important and should not be downplayed. [110] Anthropologists, such as Goodwin Raheja and Ann Grodzins Gold, have shown that women's agency and resistance is contextual: women articulate critiques of patriarchy in some contexts, while reinforcing hegemonic ideas in much of their daily lives.[111] Similarly, I highlight the contextual and contingent nature of *khwajasarai* and *hijra* agency and the ways in which they simultaneously subverted and reinforced aspects of hegemony. On the one hand, eunuchs' negotiation of power was dependent upon internal hierarchies and politics within the *hijra* and *khwajasarai* communities—in particular, kinship and *guru-chela* (teacher-disciple) structures—which impacted on their ability to resist or evade.[112] On the other hand, *khwajasarais* and *hijras* were not divorced from broader hegemonic structures and discourses. For instance, *hijra* oral traditions and ritual practices reinforced particular hegemonic structures within Indian society, at the same time as they were subversive (see Chapter 4). Eunuchs sought to improve their lot through outright resistance, subversion, evasion, strategies of coping and collaboration with the powerful. To term all these responses forms of 'resistance' obscures the different power relations involved. The 'ambiguities and contradictions' of actions and discourses which at once challenge and reproduce hegemony 'necessitate an examination of the dynamic process involved in the production, circulation,

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subjects and the peripatetic lifestyles of many indigenous groups, such as *hijras*, created weak points in colonial control and sites of possible resistance. In the context of non-sedentary groups, the 'criminal tribes' and the slave trade, historians have observed how mobility challenged British concepts of political authority. Sinha, 'Mobility,' 2-6; Nigam, 'Part 2,' 260-6, 272-4; Major, 'Enslaving Spaces,' 323-9; Freitag, 'Crime,' 232-5.

[109] Veena Oldenburg's study of Lucknow courtesans argues that they carve out a 'realm of freedom' within the seemingly patriarchal structures of sex work, constituting 'lifestyle as resistance.' Oldenburg, 'Lifestyle as Resistance,' 51-5.

[110] For a critique of Oldenburg's approach, see O'Hanlon, 'Issues of Widowhood,' 62-108.

[111] Gloria Goodwin Raheja and Ann Grodzins Gold, *Reimagining Gender and Kinship in North India* (Berkeley: University of California Press, 1994), 11-17.

[112] On hegemonic structures within subordinated groups and resistance see Sherry B. Ortner, 'Resistance and the Problem of Ethnographic Refusal,' *Comparative Studies in Society and History* 37, no. 1 (January 1995): 176-80.

negotiation and contestation of meaning in everyday life.'[113] The ways that eunuchs sought to get by in changing historical and social circumstances are as important as outright resistance.

Negotiating colonialism and modernity

What impact did colonial criminalisation, and modernity more broadly, have on the relationship between 'eunuchs,' north Indian society and the state? How did eunuchs respond to colonial projects and to what extent could they mitigate their impacts? Whereas colonialism had devastating impacts upon groups of eunuchs in some contexts, colonial projects were uneven, meaning that eunuchs could act to mitigate the impacts of colonial regulation to varying degrees. Notwithstanding the strategies eunuchs used to cope with and challenge colonial modernity, colonialism had significant long-term impacts.

Both *khwajasarais* and *hijras* were able to negotiate colonial regulation, sometimes frustrating colonial agendas. Chapter 2 demonstrates that when the Awadh ruler agreed to prohibit the 'official' employment of *khwajasarais* under British pressure in 1848, Awadhi *khwajasarais* resisted colonial projects through the structures of power—particularly the networks of dependents, *chelas* (disciples) and adopted kin—in which they were embedded. As such, the Company failed to dislodge *khwajasarais* from powerful positions until British annexation of Awadh in 1856. *Hijras* also undermined colonial agendas in several ways. Eunuchs registered under the Criminal Tribes Act used various strategies of mobility in order to escape or reduce the impacts of regulation; evaded the police in order to perform and cross-dress; and used various everyday practices—such as alms-collection, the retelling of oral traditions and ritual—to legitimise their existence in the face of criminalisation (see Chapter 4). In some cases, these various forms of resistance, evasion and negotiation seriously undermined colonial agendas. However, several factors meant that *hijras* were often able to evade colonial projects only partially, or for short periods. Strict or excessive enforcement in some districts meant that local *hijras* felt the full brunt of the law, and were unable to lessen its impacts (see Chapters 3 and 6). Moreover, the ability of *hijras*

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[113] Assa Doron, *Caste, Occupation and Politics on the Ganges: Passages of Resistance* (Farnham, Surrey: Ashgate Publishing, 2008), 15.

to mitigate the impacts of the CTA was partially dependent upon the internal hierarchies of the *hijra* community, in particular *guru-chela* relationships.

Despite fissures in colonial power and the limited capacity of eunuchs to evade, subvert and resist colonial regulation, colonial modernity had profound impacts upon those groups classified as 'eunuchs.' In the case of the *khwajasarais*, British annexation of Awadh in 1856 resulted in the loss of their political patronage and their source of livelihood, resulting in the impoverishment of many (see Chapter 2). *Hijras*, who were generally economically marginal prior to the introduction of the CTA, experienced a significant contraction of their livelihoods due to the prohibition of performance. By the 1890s, over 90% of registered eunuchs were unable to perform or find other employment and relied solely on 'begging' or alms-collection.[114] The criminalisation of *hijras* also had important repercussions for their relationship to north Indian society and to the state. Whereas elite Indians increasingly viewed *hijras* through criminalising discourses, with significant post-colonial impacts,[115] the CTA also brought *hijras* into more regular contact with the police, in interactions which could involve actual or threatened violence.[116]

However, colonial projects had unintended impacts on the survival of the communities of *khwajasarais* and *hijras*. Whereas the colonial government did not attempt to cause *khwajasarais* to 'die out,' eventually the institution of the *khwajasarai* disappeared. This was due not only to a loss of political patronage resulting from the fall of Awadh and other Indian-ruled states, but also to changes in elite Indian family forms which resulted in a decreased demand for eunuch slaves (see Chapter 2). In contrast, while the colonial government sought to cause *hijras* to 'die out' by preventing the physical and social reproduction of the community—particularly though controlling the bodies of children in the *hijra* community to prevent emasculation (see Chapter 5)— the category of the *hijra* has nonetheless survived to this day. This was due to both the uneven impacts of colonial power and *hijras*' strategies of negotiating, evading, resisting and adjusting to colonial regulation. The disappearance of *khwajasarais*— which was not a stated goal of the colonial government—and the survival of the *hijra*

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[114] The British used the term 'begging' to describe both alms-collection and simple begging. UPSA/A/COA/18/5: T.W. Holderness, Secretary, NWP&O, to Inspector-General of Police, NWP&O, 7 August 1896.

[115] The community is viewed today by many in Indian society as criminal, deviant and a source of moral contagion—discourses that have a colonial history. Reddy, 'Geographies of Contagion,' 255-70.

[116] As mentioned above, this colonial history forms an important backdrop to recent documented cases of police abuse and torture of *hijras*. 'Human Rights Violations'; 'Ongoing police violence.'

community—which the colonisers tried to passively exterminate—highlights that colonial policies did not always produce the desired social transformations and could have unintended effects. Moreover, changes in social norms often occurred when colonial discourses and projects dovetailed with changes within the Indian middle-class, rather than being solely traceable to colonialism.[117]

Histories of relatedness, kinship and domesticity in South Asia

In addition to analysing historical transformations in the relationships of *khwajasarais* and *hijras* to north Indian society and political power, this thesis also traces the ways that power, subordination, agency and resistance were manifest in everyday and intimate ways through a history of the domestic arrangements and relationships of *khwajasarais* and *hijras*, and thus illuminates our understanding of their lives in the eighteenth and nineteenth centuries. Colonial attempts to regulate eunuchs intersect with the nineteenth century marginalisation, by both the British and Indian elites, of particular forms of familiality and domesticity. These historical processes in South Asia parallel the centrality of what Stoler has described as the 'domains of the intimate,' particularly the 'micro-management of sexual arrangements and affective attachments,' to colonial modernity elsewhere.[118] A focus on the everyday social and domestic relationships of *khwajasarais* and *hijras* opens up new directions in the historical study of kinship, domesticities and forms of relatedness in South Asia. Partha Chatterjee and others have examined the modern, nationalist conjugal family—ideally characterised by companionate marriage, procreative sexualities and affection—as a site of nationalist

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[117] Several historians of South Asia have argued that historical transformations in Indian family formations and gendered norms and practices are in some cases, 'not easily attributed to British colonialism.' Durba Ghosh notes this as a trend in the historiography. Durba Ghosh, 'Gender and Colonialism: Expansion or Marginalization?,' *The Historical Journal* 47, no. 3 (September 2004): 752-3.

[118] In the case of the Dutch East Indies, Ann Stoler has argued that 'the micro-management of sexual arrangements and affective attachments was ... critical to the making of colonial categories ... [and] to the distinctions between ruler and ruled.' Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule* (Berkeley: University of California Press, 2002), 8. See also, Ann Laura Stoler, *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things* (Durham: Duke University Press, 1995); Kathleen Wilson, 'Rethinking the Colonial State: Family, Gender, and Governmentality in Eighteenth-Century British Frontiers,' *American Historical Review* 116, no. 5 (December 2011): 1294-322; Tony Ballantyne and Antoinette Burton, 'Introduction: The Politics of Intimacy in an Age of Empire,' in *Moving Subjects: Gender, Mobility, and Intimacy in an Age of Global Empire*, ed. Tony Ballantyne and Antoinette Burton, 1-28 (Chicago: University of Illinois Press, 2009).

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politics.[119] However, a broader history of the family in South Asia has only been attempted in the last decade. Indrani Chatterjee has argued that the 'dead weight of the present,' with its emphasis on the nationalist/modern family ideal, is so heavy that the historical 'complexities of household and family relationships are erased,' even in studies of the modern period.[120]

This thesis contributes to the historical study of the family in South Asia in three ways. First, historians have largely studied domestic arrangements and ideologies through the roles of women and ideals of femininity, requiring a wider examination of men, children and people who did not fit models of dichotomous gender.[121] Second, through the analysis of groups that were peripheral to affinal and biological kinship forms, this thesis decenters the history of kinship from conjugality and procreation. Both *khwajasarais* and *hijras* formed non-biological kinship relationships that could overlap with other types of social and domestic relationships. *Khwajasarais'* and *hijras'* kinship-making practices might appear marginal from the 'modern' perspective, yet this is a function of Indian modernity itself. Historically, non-biological kinship-making could be invested with significant social and political capital in South Asia. Third, I seek to move studies of 'kin-like' relationships beyond the concept of 'fictive' kinship, which is the dominant idiom in the literature.[122] This concept sets up a dichotomy

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[119] Partha Chatterjee, *The Nation and Its Fragments: Colonial and Postcolonial Histories* (Princeton: Princeton University Press, 1993).

[120] Chatterjee, 'Introduction,' 10; Indrani Chatterjee, 'Renewed and Connected Histories: Slavery and Historiography of South Asia,' in *Slavery & South Asian History*, eds. Indrani Chatterjee and Richard M. Eaton, 19 (Bloomington: Indiana University Press, 2006). Historians have shown that historical domestic and familial forms were complex and characterised by the co-presence of biological kin, adopted kin, servants and slaves in households, and the malleability of distinctions between these groups. A narrow focus on reproduction and marriage obscures diverse kinship-making practices in early modern and modern India. Guha, 'The Family Feud,' 76-8; Indrani Chatterjee and Sumit Guha, 'Slave-Queen, Waif-Prince: Slavery and Social Capital in Eighteenth-Century India,' *Indian Economic and Social History Review* 36, no. 2 (1999): 165-82.

[121] Swapna Banerjee draws attention to the need to expand the field of domesticity studies 'to include men and children.' Swapna M. Banerjee, 'Debates on Domesticity and the Position of Women in Late Colonial India,' *History Compass* 8, no. 6 (2010): 455.

[122] There have been several anthropological studies of non-biological kinship relationships in contemporary India. These studies use the term 'fictive kinship,' although some anthropologists, such as Helen Lambert, have acknowledged there are problems with this term. Helen Lambert, 'Sentiment and Substance in North Indian Forms of Relatedness,' in *Cultures of Relatedness: New Approaches to the Study of Kinship*, ed. Janet Carsten, 73-89 (Cambridge: Cambridge University Press, 2000); Helen Lambert, 'Village Bodies? Reflections on Locality, Constitution, and Affect in Rajasthani Kinship,' in *Culture, Creation, and Procreation: Concepts of Kinship in South Asian Practice*, ed. Monika Böck and Aparna Rao, 81-100 (New York: Berghahn Books, 2000); Geert de Neve, '"We Are All *Sondukarar* (Relatives)!": Kinship and its Morality in an Urban Industry of Tamilnadu, South India,' *Modern Asian Studies* 42, no. 1 (2008): 211-46. Also see Douglas Haynes' oral history of textile workers. Douglas E. Haynes, 'Just Like a Family? Recalling the Relations of Production in the Textile Industries of Surat and Bhiwandi, 1940-1960,' in *The Worlds of Indian Industrial Labour*, ed. Jonathan P. Parry, Jan Breman, and Karin Kapadia, 141-70 (New Delhi: Sage Publications India, 1999). One notable attempt to theorise

between 'real' and 'fictive' kinship that does not account for the importance of kinship-making practices in *khwajasarais*' and *hijras*' lives. Instead, I use the term 'constructed kinship'[123] to describe kinship-making practices including formal adoption, de facto kinship (treating a person as a relative without adoption) and the discursive deployment of kinship terms to describe relationships. Constructed kinship relationships are ways of thinking about and describing relationships that are embedded in structures of social meaning. I also use the term 'constructed' to highlight that these forms of kinship are *made* through *practices*.

Various intimate and domestic relationships described through kinship terms were a significant aspect of the social and political lives of *khwajasarais* in the eighteenth and nineteenth centuries. Understanding these relationships and their social meanings is crucial to analysing the history of *khwajasarai* slaves and the ways they experienced modernity. Chapter 1 shows that the boundaries between *khwajasarais*' kinship relationships, *guru-chela* (teacher-disciple) relationships and networks of dependents were often overlapping. *Khwajasarai* kinship-making was a process enacted through practices including formal ceremonies, speech and naming practices and the management of permitted physical proximity. In the late eighteenth century, *khwajasarais*' families were acknowledged in the context of politics and diplomacy by the Awadh ruler and the British.[124] By 1848, when *khwajasarais* were prohibited from 'official' appointments, the British criticised *khwajasarais* partially on the basis that their webs of relatedness were conduits for political 'corruption' and 'nepotism' (see Chapter 2).

Relationships within *hijra* households were also multifaceted. The *hijra* community was similarly structured by *guru-chela* relationships, while *hijras* also formed more affective relationships with fellow *hijras* described through kinship terms. Occasionally, children who were not initiated into the community lived in *hijra*

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kinship-making is Amrita Pande's study of surrogate mothers. Pande uses the term 'everyday forms of kinship' to describe various non-biological and non-affinal kinship relationships, emphasising the 'multivocality of kinship' and its openness to 'manipulations and transformations,' and conceptualising of kinship as a 'process.' I take a similar approach to Pande by emphasising the practices through which kinship relationships are made and maintained. Amrita Pande, '"It May Be Her Eggs But It's My Blood": Surrogates and Everyday Forms of Kinship in India,' *Qualitative Sociology* 32, no. 4 (2009): 387, 393.

[123] Akitoshi Shimizu has used also used the term 'constructed kinship,' although he uses this term to describe '[a]ll states of kinship ... transformed out of kinship-by-procreation,' that is, the cultural construction of forms of kinship more broadly (which includes both biological and non-biological kin). Akitoshi Shimizu, 'On the Notion of Kinship,' *Man* 26, no. 3 (September 1991): 395-9.

[124] However, neither the Awadh ruler nor the Company permitted *khwajasarais*' families and dependents to inherit their property upon their deaths.

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households, including *hijras*' adopted children and the offspring of servants, musicians and widows who resided with *hijras*. In the nineteenth century, the British viewed the *hijra* household as a deviant domesticity (see Chapter 5). The colonisers described *guru-chela* relationships and constructed kinship ties as coercive and criminal relationships, formed through kidnapping and emasculation, while the presence of children within the apparently sexually 'corrupting' environment of the *hijra* household elicited moral outrage. By the 1870s, some Indian elites expressed similar views of *hijra* domesticity.[125] The CTA intervened in *hijra* households in several ways, for instance through the removal of children from *hijras* and intervention into inheritance patterns. Yet *hijra* households were also sites of various forms of resistance to and evasion of the CTA (see Chapter 4).

In sum, around the middle of the nineteenth century, kinship-making practices, webs of relatedness and domestic arrangements amongst *khwajasarais* and *hijras* were cast by British colonisers, respectively, as politically and sexually 'corrupt.' However, kinship-making practices were evident in the early modern period in both elite and subaltern contexts, and between both slaves and non-slaves. Indeed, the case of *khwajasarais* demonstrates that constructed kinship was important in the lives of those who had biological and affinal kin, such as the non-slaves with whom *khwajasarais* formed kinship relations. This study suggests that it is important to decentre the history of the family in South Asia from the nationalist elite ideal of the conjugal family. Without broadening our conceptualisation of kinship, we cannot understand the intimate and everyday domain of *khwajasarais*' and *hijras*' lives, the impacts of colonial modernity, or the ways they negotiated these historical transformations.

Through an analysis of the '"micro" pushing and shoving'[126] of power relations, this thesis demonstrates that *khwajasarais*, *hijras* and other 'eunuchs' were able to evade, challenge and simply cope with colonial projects of regulation in multiple ways. The intimate domain of domestic relationships and kinship-making practices is particularly important to understand the everyday lives of eunuchs and their responses to colonial modernity. However, the efforts of eunuchs to evade or contest colonial regulation were often only partially or temporarily successful. In some cases, this was due to structures of hegemony within the *khwajasarai* and *hijra* communities. However,

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[125] NAI/HD/JB 30/07/1870 53-4: Saiyid Ahmad Khan to John Strachey, 14 April 1870; NAI/HD/JB 02/1890 110-112: Mahtab Rai, Pleader, Delhi, to Private Secretary to Governor-General, India, 1 November 1889.
[126] Scott, *Domination*, 196-7.

the fissures and points of concentration of colonial power also meant that resistance and negotiation was possible to a greater degree in some local contexts than in others. Below, we further examine the uneven character of the colonial regulation of eunuchs for what it tells us about the nature of colonial power.

Eunuchs and colonial power

The second broad issue with which this thesis is concerned is the modalities of colonial power deployed against marginalised groups at the local level. How did colonial agendas in relation to various groups of 'eunuchs' change over the eighteenth and nineteenth century? How did the British seek to control eunuchs under indirect colonial rule in Indian-ruled states and in British-ruled territories, what 'techniques' of governance did they deploy and how effective were colonial projects? An analysis of colonial power in different contexts demonstrates that the impact of colonial governance on eunuchs was uneven and yet potentially significant.

Colonial power

In this thesis, I draw upon recent literature on 'colonial governmentality' as a framework to analyse the types of power that the British deployed in their attempts to regulate the eunuch population. This literature builds on Michel Foucault's concept of 'governmentality.' Foucault argued that between the sixteenth and eighteenth centuries there was a gradual transition from 'sovereign' power to 'governmental' power in Europe. Under sovereignty, the object of power is to protect the principality, understood as a possession of the prince. [127] The 'common good' is defined as 'obedience to the law' so that sovereignty has a circular logic: 'the end of sovereignty is the exercise of sovereignty.' [128] In contrast, the end of governmentality is the management of population, specifically, the 'welfare of the population, the

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[127] Michel Foucault, 'Governmentality,' in *The Foucault Effect: Studies in Governmentality, with Two Lectures and an Interview by Michel Foucault*, ed. Graham Burchell, Colin Gordon and Peter Miller, 91, 93 (Hertfordshire: Harvester Wheatsheaf, 1991). See also Michel Foucault, *Security, Territory, Population: Lectures at the College de France, 1977-78*, ed. Michel Senellart, trans. Graham Burchell (New York: Palgrave, 2007).
[128] Foucault, 'Governmentality,' 95.

improvement of its condition, the increase of its wealth, longevity, health, etc.'[129] Governmentality works through 'disposing things ... employing tactics rather than laws, and even ... using laws themselves as tactics,' so that people are self-disciplined to live their lives in certain ways.[130] While knowledge of population, or statistics, and forms of discipline, or the micro-management of bodies and behaviours, were evident from the sixteenth century, these 'techniques' of population remained tied to sovereign power.[131] It was only with the 'demographic expansion' of the eighteenth century that 'the problem of population' became the primary object of power.[132] However, sovereignty and discipline did not disappear as forms of power: 'in reality one has a triangle, sovereignty-discipline-government, which has as its primary target the population.'[133]

In a 1995 article, David Scott applied Foucault's model of governmentality to colonial Sri Lanka. According to Scott, sovereign power organised colonial rule until the 1830s, yet in the first half of the nineteenth century a new form of power emerged, with new 'targets' and 'points of application,' 'which was concerned ... with disabling old forms of life ... and with constructing ... new conditions so as to ... *oblige ... the systematic redefinition and transformation of the terrain on which the life of the colonized was lived.*'[134] Historians writing after Scott, such as Gyan Prakash, Stephen Legg and Deana Heath, have pointed to two broad issues with applying Foucault's model to the colonial context. First, the imperative to impose and maintain colonial power meant that the forms of power Foucault described as 'sovereign' were central to colonial rule. Thus, sovereign power intersected with, and often predominated over, projects to manage populations, discipline bodies and regulate the conduct of the colonised,[135] which were often ambiguous and limited.[136] Prakash has argued that colonial governmentality represented the 'fundamental dislocation' of Western

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[129] Ibid., 100.

[130] Ibid., 95.

[131] Ibid., 96-8.

[132] Foucault argues that the family was 'a fundamental instrument' of 'governmental power' as the primary site at which information regarding populations was gathered. Ibid., 99.

[133] Ibid., 102.

[134] Italics in original. David Scott, 'Colonial Governmentality,' *Social Text*, no. 43 (Autumn 1995): 193, 205.

[135] As noted above, Foucault also argued that sovereign power and governmental power were both evident from the eighteenth century.

[136] Janaki Nair notes that several historians of urban India have found that 'colonialism as a mode of power could never fulfil the promise of transferring the techniques of modern governance, whether these were systems of sanitation, sewage, public health or town planning, in their entirety, because, despite their declared objectives of 'improvement', the primary goal was extraction, as opposed to economic transformation of any fundamental kind.' Janaki Nair, 'Beyond Nationalism: Modernity, Governance and a New Urban History for India,' *Urban History* 36, no. 2 (August 2009): 331.

governmentality because colonial administrators viewed 'despotic rule' as necessary for good colonial government.[137] As such, it was 'unable to position its knowledge and regulations as disciplines of self-knowledge and self-regulation of its Indian subjects.'[138] Legg argues that different modes of power coexisted in a contradictory and ambiguous manner in colonial India. Whereas the colonial government 'experimented' with 'modern' techniques of managing populations, pragmatic concerns with economic extraction and the maintenance of British sovereign power often limited these experiments.[139] Second, the 'rule of colonial difference' and the claim that colonised 'races' were unable to govern themselves, meant that colonial powers rarely attempted to produce self-disciplining colonial subjects.[140]

Nineteenth century efforts to regulate eunuchs were limited experiments in managing 'problem' populations, disciplining bodies and policing morality through enumeration, surveillance and categorisation. However, both the regulation of *khwajasarai* employment in Awadh and the criminalisation of eunuchs under the Criminal Tribes Act were experiments that were uneven and internally fissured in their implementation. By attending to the types of power, forms of knowledge and modes of governance the colonial government deployed in different temporal and local contexts, and the extent to which the colonial government could carry out experiments in governing populations of eunuchs, this thesis contributes to literature on colonial governmentality.

The British did not attempt to manage 'eunuch' populations until the mid-nineteenth century. In eighteenth century Awadh, the East India Company was only concerned with *khwajasarais* when individuals were sufficiently powerful to challenge British dominance (see Chapter 1). Yet when the British pressured the Awadh ruler to prohibit their 'official' employment in 1848, the colonisers aimed to manage the *khwajasarai* population through regulating their employment in the state administration, reinforcing boundaries between the 'public' and 'private' spheres, and effecting transformations in Awadhi royal domesticity (see Chapter 2). However, the Company

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[137] As such, 'British India could not fashion the elegant sovereignty-discipline-government triangle that Foucault identifies in Europe.' Gyan Prakash, 'The Colonial Genealogy of Society: Community and Political Modernity in India,' in *The Social in Question: New Bearings in History and the Social Sciences*, ed. Patrick Joyce, 88 (London: Routledge, 2002).
[138] Ibid.
[139] Legg, *Spaces of Colonialism*, 21-4.
[140] Chatterjee, *The Nation*, 10; Heath, *Purifying Empire*, 17.

could not effect these transformations under indirect rule and it was only with British annexation in 1856 that the political power of *khwajasarais* was circumscribed.

The Criminal Tribes Act of 1871 represents a more ambitious project to manage the 'eunuch' population than the attempted regulation of *khwajasarai* employment in Awadh. The CTA was part of a broader effort to police morality—for instance, through supervising 'habitual criminals,' prostitutes and drunkards—in the metropole from the 1870s.[141] Some colonial officials[142] argued that indigenous morality should be policed through colonial law (see Chapter 3). In particular, these officials argued the moral threat of 'deviant' eunuchs necessitated the management of the *hijra* population through the precise enumeration and classification of each and every eunuch, and the disciplining of their gender presentation, sexual embodiment and location in public space.[143] The CTA was thus an experiment in using 'modern' techniques of governance to regulate morality in a colonial setting.

The registration of eunuchs could have potentially profound impacts, and yet there were fissures in the regulation, classification, enumeration, and surveillance of eunuchs. At the district level, several factors prevented the colonial government from fully imposing regulation upon *hijras*, including: the pragmatic prioritisation of other colonial projects; a lack of policing and bureaucratic resources; differing opinions amongst British officials as to whether eunuchs required regulation; and the evasion and resistance of *hijras*. British administrators' views as to which types of persons were 'deviant' and should be registered under the CTA varied significantly between districts, while the provincial government was frustrated by gaps in enumeration and surveillance (see Chapter 3). Law enforcement varied from the excessive application of the CTA,

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[141] Stefan Petrow, *Policing Morals: The Metropolitan Police and the Home Office, 1870-1914* (Oxford: Clarendon Press, 1994). The synchronicity of similar colonial and metropolitan projects highlights that 'the modernity of non-European colonies is as indisputable as the colonial core of European modernity.' Tani Barlow, quoted in Antoinette Burton, 'Introduction: The Unfinished Business of Colonial Modernities,' in *Gender, Sexuality and Colonial Modernities*, ed. Antoinette Burton, 3 (London: Routledge, 1999).

[142] This was particularly the argument of those influenced, on the one hand, by evangelicalism, or on the other hand, by the ideology of the prominent legislator and critic of liberalism John Fitzjames Stephen. On these different ideological perspectives see Chapter 3, as well as Avril A. Powell, *Scottish Orientalists and India: The Muir Brothers, Religion, Education and Empire* (Woodbridge: Boydell, 2010); Petrow, *Policing Morals*, 10-12; Gary Peatling, 'Race and Empire in Nineteenth-Century British Intellectual Life: James Fitzjames Stephen, James Anthony Froude, Ireland, and India,' *Eire-Ireland* 42, no. 1&2 (Spring/Summer 2007): 157-79.

[143] The CTA provided for the disciplining of eunuch bodies through: the enforcement of masculine dress; the prevention of emasculation; and the erasure of *hijra* bodies as a visible presence in public space by the prohibition of performance. Emasculation was already illegal under the Penal Code of 1860. However, a primary aim of the CTA was to prevent emasculation through greater surveillance and the removal of boys from *hijra* households.

beyond the bounds of the actual letter of the law, to the strict implementation of the CTA, to lax enforcement that allowed eunuchs to continue practices that were prohibited (see Chapter 6).

My argument that the colonial classification, surveillance and enumeration of eunuchs was uneven suggests that a view of the state as a coherent and unified institution is inappropriate.[144] An analysis of the particular methods of colonial rule deployed in different contexts and localised, everyday encounters between *hijras* and various colonial agents is thus necessary to tease out the uneven regulation of the *hijra* population. I have found literature on the 'anthropology of the state' in contemporary India useful to theorise eunuchs' everyday contact with the colonial government. This literature has shown that the state is 'not a discrete, unitary "actor",'[145] but rather is a 'disaggregated and multilayered institution'[146] that is 'experienced close to the skin, embodied in well-known local officials, through practices of everyday life.'[147] Anthropologists including Akhil Gupta, Begona Aretxaga, C.J. Fuller and John Harris therefore call into question the presumed division of state and civil society. Fuller and Harris argue that state-society boundaries are 'fluid and negotiable,' but 'are nonetheless perceived as boundaries.' The state is not separate to society, but represents an 'internal boundary' of society.[148]

In this thesis, I take a similar approach to these anthropologists, focusing on marginalised groups' everyday inter-personal interactions with the state at the local level. Colonial power was distributed across greater and lesser sites of intensity, was 'disaggregated'[149] and was often 'something less than it claimed to be.'[150] Although the distinction between the colonial state and society was a 'firmly entrenched' idea,[151] it was nevertheless a somewhat malleable boundary enacted in daily encounters with

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[144] The literature on 'governmentality' outlined above is informed by a similar perspective on the state. Foucault, 'Governmentality,' 103.

[145] C.J. Fuller and John Harris, 'For an Anthropology of the Modern Indian State,' in *The Everyday State & Society in Modern India*, ed. C.J. Fuller & Véronique Bénéï, 22 (London: Hurst & Company, 2001).

[146] Akhil Gupta, 'Blurred Boundaries: The Discourse of Corruption, the Culture of Politics, and the Imagined State,' *American Ethnologist* 22, no. 2 (May 1995): 391.

[147] Begona Aretxaga, 'Maddening States,' *Annual Review of Anthropology* 32 (2003): 396.

[148] Fuller and Harris, 'For an Anthropology,' 15, 24. Akhil Gupta argues that the boundary between state and society is 'blurred' in north India, though Fuller and Harris argue that it is nevertheless perceived as a real boundary. Gupta, 'Blurred Boundaries,' 384.

[149] Gupta describes the state at the local level in north India as 'disaggregated.' Gupta, 'Blurred Boundaries,' 391.

[150] Haynes and Prakash, 'Introduction,' 18-9.

[151] Kidambi argues that while the colonial state 'cannot be regarded as a discrete organization that was external to society … no matter how indistinct the dividing lines between the state and society might have been,' there was nonetheless a 'firmly entrenched' idea of the state as distinct from society. Kidambi, *Indian Metropolis*, 12.

colonial officials, both Indian and British. A focus on the local agents who carried out the regulation of eunuchs demonstrates that the agendas and attitudes of British colonial officers often varied considerably, resulting in differing policies at the district level (see Chapters 3, 6 and 7). Moreover, the power dynamics of *hijras'* everyday encounters with Indian subordinate police, and the embedding of these inter-personal interactions in local social structures, formed a crucial aspect of their experience of the colonial state (see Chapters 3 and 4). Not only does this focus on the localised impacts of colonial rule illuminate our understanding of the nature of colonial power, it also adds to our understanding of the processes through which the colonisers produced knowledge about eunuchs.

Colonial knowledge

One of the central questions explored in this study is, how did the British come to know *khwajasarais, hijras* and other 'eunuchs' such as *zananas*? The late eighteenth and early nineteenth centuries saw the increasing penetration of formal colonial intelligence structures—the 'new knowledgeable institutions' of the army, revenue establishments and British political representatives—into Indian society, and the relative decline of indigenous groups that transmitted intelligence, such as astrologers, midwifes, and Indian physicians. [152] Our study of *khwajasarais* traces these changes. While *khwajasarais* were carriers of intelligence in the eighteenth century, their networks declined in importance in the nineteenth century. [153] Yet even under direct colonial governance in the second half of the nineteenth century, colonial intelligence structures had gaps and tensions, as demonstrated in the criminalisation of *hijras* and other 'eunuchs' in the North-Western Provinces and Oudh under the Criminal Tribes Act.

I argue that colonial knowledge of eunuchs was *formed in* the colonial context in asymmetrical processes of dialogue between British officials and various groups of Indian informants, from local elites, to Indian police officers, to *hijras'* neighbours and *hijras* themselves. Colonial knowledge was neither pre-determined by metropolitan paradigms, nor did it pre-exist interaction with Indian society. Rather, colonial knowledge was formed in interactions between colonial agents and different segments

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[152] C.A. Bayly, *Empire & Information: Intelligence Gathering and Social Communication in India, 1780-1870* (New Delhi: Cambridge University Press, 1999), 143.
[153] Ibid., 94-6; Chapters 1 and 2.

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of local communities. Indian police officers questioned local Indian informants who personally knew eunuchs (such as their neighbours) or were considered knowledgeable people (such as local elites) and compiled reports which were translated into English and interpreted by district British officials (see Chapter 3). The attitudes of north Indians of various walks of life therefore influenced the colonisers' knowledge of eunuchs. However, British officials at the local level held differing opinions on the usefulness of local vernacular knowledge, producing fissures and contradictions in colonial knowledge that contributed to late nineteenth century moral panics about eunuchs. I draw upon Christopher Bayly's work, which shows that 'information panics' about particular Indian communities or practices emerged in the spaces where colonial information systems uneasily met 'the older system of decentralised intelligence communities' and produced 'imbalanced, uncoordinated and incomplete information.'[154]

My argument that local, vernacular knowledge was an important, if contested, component of the official knowledge of eunuchs resonates with the work of several historians, such as Norbert Peabody and Phillip Wagoner, who have demonstrated the significance of Indian informants to the construction of colonial knowledge. [155] Histories which foreground the role of Indian informants have critiqued histories informed by Saidian frameworks—such as Ronald Inden and Bernard Cohn's work[156]— which 'mak[e] the colonial project a largely textual one'[157] and assign agency to 'monolithic fields of discursive power.'[158] Although Peabody, Wagoner and others have examined elite (primarily Brahmin) informants, I also analyse the knowledge of subalterns, such as subordinate Indian police, eunuchs' neighbours and eunuchs

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[154] Bayly, *Empire & Information*, 165.

[155] Carol A. Breckenridge and Peter van der Veer, 'Orientalism and the Postcolonial Predicament,' in *Orientalism and the Postcolonial Predicament: Perspectives on South Asia*, ed. Carol A. Breckenridge and Peter van der Veer, 1-19 (Philadelphia: University of Pennsylvania Press, 1993); Phillip B. Wagoner, 'Precolonial Intellectuals and the Production of Colonial Knowledge,' *Comparative Study of Society and History* 45, no. 4 (2003): 783-814; Richard Eaton, '(Re)imag(in)ing Other2ness: A Postmortem for the Postmodern in India,' *Journal of World History* 11, no. 1 (Spring 2000): 57-78; Norbert Peabody, 'Cents, Sense, Census: Human Inventories in Late Precolonial and Early Colonial India,' *Comparative Study of Society and History* 43, no. 4 (2001): 819-50.

[156] Edward W. Said, *Orientalism* (London: Penguin Books, 2003); Roland Inden, *Imagining India* (Bloomington, Indiana: Indiana University Press, 2000). Before Said's work was published, Bernard Cohn analysed the connections between colonial power and knowledge. Bernard S. Cohn, *Colonialism and its Forms of Knowledge* (Princeton, New Jersey: Princeton University Press, 1996).

[157] Breckenridge and van der Veer, 'Orientalism,' 5.

[158] Eaton, '(Re)imag(in)ing Other2ness,' 66.

themselves. Moreover, I foreground the power imbalances between British officials and Indian informants, and between different groups of Indian informants.[159]

Colonial knowledge emerged in an ongoing process of construction and reconstruction, spurred by the uneasy interface and gaps between plural local, vernacular forms of knowledge and colonial intelligence structures. My account of colonial knowledge differs in some key respects from the only existing in-depth historical account of *hijras*, a recent thesis on colonial representations of *hijras* by Shane Patrick Gannon, which addressed the CTA in a section of one chapter. Gannon's study privileged a discursive framework of analysis and examined published and upper-level government sources. In contrast, in this thesis, I use reports of intelligence collection at the local level to tell a more nuanced story. Whereas Gannon argued that 1871, the year the CTA was enacted, was a moment of 'consensus' which fixed previously unstable representations of *hijras*,[160] I have found considerable ambiguity and debate in official circles after 1871 about the characteristics of *hijras* and other 'eunuchs.' This highlights the importance of analysing the multiple sources of colonial knowledge and the *processes* through which it was constructed, rather than merely examining upper level government correspondence and published tomes of colonial knowledge. In sum, the impact of colonial governance on *khwajasarais* and *hijras* in north India was uneven and yet had significant long-term repercussions. By focusing on local and everyday interactions between eunuchs and various agents of the colonial state, this thesis demonstrates that even under direct colonial rule, the British could not evenly implement modes of disciplining, counting and categorising populations.

Gender, sexuality and colonialism

The third question this study considers is the colonial regulation, classification and enumeration of genders and sexualities. Issues of gender and sexuality were central to the colonial concern with both *khwajasarais* and *hijras*. Discourses and practices of masculinity were evident in the criticism of *khwajasarais* as violent, tyrannical and politically 'corrupt' administrators, as well as the disparagement of *hijras* as 'habitual sodomites' and gender 'deviants.' Colonial officials particularly sought to discipline the gender and sexuality of *hijras* by enforcing codes of masculine dress, preventing

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[159] O'Hanlon, 'Recovering the Subject,' 189-224.
[160] Gannon, 'Translating the *Hijra*,' 247.

emasculation, halting the percieved sexual 'corruption' of children in the *hijra* community, and suppressing *hijras'* bawdy and sexually explicit performances. I argue that colonialism had significant impacts upon gender and sexuality in India, but attempt to clarify our understanding of this process. In particular, I question the assumption that discourses and projects emanating from the metropole were the determining factor in colonial discourses and disciplinary regimes. Colonial pathologies were formed in the colonial context, at the intersection of metropolitan discourses, colonial imperatives and preoccupations, and Indian attitudes—particularly those of the elite—which were also changing significantly in the second half of the nineteenth century. I also analyse the classification and regulation of gender and sexuality in practice, under Part II of the Criminal Tribes Act, which represents perhaps the greatest concentration of policing resources in colonial India to enforce codes of masculinity and suppress sodomy amongst the Indian population, notwithstanding the localisation of the law in a single province. Greater policing and bureaucratic resources were devoted to the enforcement of the CTA than section 377 of the Penal Code, the anti-sodomy law.[161] Yet the classification of gender and sexuality and the regulation of eunuch bodies and behaviours were fractured and contested, from within and outside the colonial administration. This thesis adopts a feminist frame of analysis which holds that gender, sexuality and biological sex are socially constructed and understood.

Rethinking 'centre' and 'periphery'

The impact of colonialism on gendered and sexual norms and practices in India has been attributed by some scholars to European sexual and gendered norms that were transferred from the metropole to India and henceforth inscribed in colonial law and invested with hegemony. This has particularly been the case in studies of the criminalisation of male-male sex, such as studies by Suparna Bhaskaran, Arvind Narrain and Alok Gupta, as well as Ruth Vanita and Saleem Kidwai's *Same-Sex Love in*

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[161] On section 377 in the colonial and post-Independence periods see, Narrain, 'Policing of Homosexuality'; Bhaskaran, 'The Politics of Penetration'; Gupta, 'Section 377'; Douglas E. Sanders, '377 and the Unnatural Afterlife of British Colonialism in Asia,' *Asian Journal of Comparative Law* 4, no. 1 (2009): 1-49. The regulation of prostitution—which was partly aimed at providing female sexual partners to British soldiers and sailors so that they would not engage in 'deviant' sexual practices with men—was also a significant preoccupation of the Indian government. However, the regulation of prostitution was aimed at British male sexual behaviours, rather than the Indian male population. Tambe, *Codes of Misconduct*; Philippa Levine, *Prostitution, Race, and Politics: Policing Venereal Disease in the British Empire* (New York: Routledge, 2003); Kenneth Ballhatchet, *Race, Sex and Class Under the Raj: Imperial Attitudes and Policies and Their Critics, 1793-1905* (London: Wiedenfield and Nicolson, 1980).

India, which primarily trace the emergence of modern 'homophobic discourses' in India to Victorian sexual mores 'imported' in the colonial period.[162] Several studies of the regulation of female prostitution have also traced laws in colonial India to Victorian discourses and projects.[163]

While I do not challenge the importance of changing metropolitan attitudes towards sexuality in the nineteenth century, I question centrifugal models of interpretation that assume that colonial ideas about sexuality and gender were simply pre-determined by European discourses. In Britain, sodomy was subject to criminalisation and significant public discourse throughout the nineteenth century.[164] Around the 1870s, the precise period of the regulation of eunuchs under the CTA, the figure of the 'homosexual' as a distinct *type* of person (as opposed to the criminalised *act* of sodomy) was 'invented' in Western Europe.[165] Yet pathologies of gender and sexuality elaborated by British colonisers were not merely derived from metropolitan pathologies. Through an analysis of concepts of eunuch 'deviance' that were articulated in various sections of the imperial project—from scientific publications to British officials' mundane observations; from the colonial legal establishment, to colonial medical officials—this thesis shows that discourses and classifications of indigenous gender and sexuality were formed in the colonial context at the intersection of metropolitan discourses, colonial governmental imperatives, the attitudes of British colonial officials, and Indian informants' knowledge. This confluence of different discourses and practices sometimes produced pathologies and regulatory projects that were related to, but partly distinct from, the metropolitan context. As Ann Stoler argues, metropolitan and colonial 'technologies of sex ... made up parts of one another and were tightly bound.'[166]

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[162] Gupta, 'Section 377,' 4815-7; Bhaskaran, 'The Politics of Penetration,' 16-20. In their collection *Same-Sex Love in India*, Ruth Vanita and Saleem Kidwai argue that 'a homophobia of virulent proportions came into being in India in the late nineteenth and early twentieth century.' Although Vanita and Kidwai acknowledge the existence of a 'minor homophobic voice' in pre-colonial India which became 'a dominant voice' in the nineteenth century, they view the criminalisation and pathologisation of homosexuality in India as originating in Europe. Vanita and Kidwai, 'Modern Indian Materials,' 217, 221, 227-8.

[163] Judy Whitehead, 'Bodies Clean and Unclean: Prostitution, Sanitary Legislation, and Respectable Femininity in Colonial North India,' *Gender & History* 7, no. 1 (April 1995): 41-63; Janaki Nair, *Women and Law in Colonial India: A Social History* (New Delhi: Kali for Women, 1996).

[164] Upchurch, *Before Wilde*.

[165] Michel Foucault, *The History of Sexuality: Volume I: An Introduction*, trans. Robert Hurley (New York: Vintage Books, 1990), 43-4.

[166] Stoler, *Carnal Knowledge*, 145. Historians of gender and sexuality in nineteenth century British India have also critically examined the intersections and divergences of metropole and colony. Ashwini Tambe

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On the one hand, plural indigenous attitudes were selectively interpreted by British administrators and informed colonial discourses on eunuch gender and sexuality. The attitudes of Indian elites, and the ways that they classified eunuchs, were particularly important to the constitution of colonial knowledge.[167] For instance, Chapter 7 demonstrates that Indian medical discourses and folk traditions influenced colonial understandings and classifications of the sexual character of *hijras* and *zananas*. On the other hand, metropolitan classifications and pathologies were not simply applied to the colonised population. In the 1860s and 1870s, colonial administrators constructed a pathology of the 'suspicious eunuch' that linked 'sodomy,' effeminate or transgender embodiment, and 'impotence.' British sexologists pathologised the homosexual as incurably impotent in the 1880s, and by the 1890s, effeminacy was perceived as closely linked to homosexuality in Britain.[168] However, these associations between male-male sex, effeminacy and impotence were still in formation in Britain in the 1860s, when the figure of the 'eunuch'/'impotent man'/'habitual sodomite' was constructed in British India. This suggests that colonial pathologies were not merely a consequence of metropolitan pathologies, so much as an important part of the process of their construction. Nor were techniques of knowing gender and sexuality in colonial India simply derived from the metropole. Chapter 7 demonstrates that a body of literature on the 'physical signs' of sodomy—that is, the techniques of medical examination that physicians claimed could detect recent or 'habitual' sexual behaviour from the appearance of the genitals—emerged in India more than twenty years prior to the publication of similar literature in Britain. Medical knowledge of 'deviant' sexuality did not, therefore, flow merely from the metropole to the colony. This suggests that bringing Europe and the colonised world into the same frame may uncover multiple histories of late nineteenth century pathologies of sexuality, in which knowledge flowed from the colonies to the metropole, as well as from the centres of imperial power to the colonies.

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argues that the colonial regulation of prostitution in Bombay was not a 'straightforward consequence of imported sexual mores.' Tambe, *Codes of Misconduct*, xxiii.

[167] For instance, in 1871, the Muslim reformer and intellectual Saiyid Ahmad Khan divided 'eunuchs' into three categories—*khwajasarai*, *hijra* and *zanana*—and attributed particular gendered and sexual traits to each group, including relative respectability to *khwajasarais* and 'impotence' to *hijras* and *zananas*. Khan's knowledge—which was influenced by older north Indian conceptualisations of these groups, as well as changing elite Indian attitudes—formed an important basis for the colonial categorisation of eunuchs. NAI/HD/JB 30/07/1870 53-4: Saiyid Ahmad to Strachey, 14 Apr 1870.

[168] MacLaren, *Impotence*, Chapter 5; Sinfield, *The Wilde Century*, 3-4, 26-7, 30-3.

Colonial pathologies of gender and sexuality were often internally fractured, contested or inconsistent, while attempts to classify indigenous groups and practices under English-language categories repeatedly failed. The regulation of eunuchs confirms the findings of Antoinette Burton that the gendered and sexual regimes of colonial modernity were never 'self-evidently hegemonic,' but were always 'precarious,' 'unfinished' and in need of reinforcement.[169] The colonial government in north India found that it was repeatedly frustrated in its attempts to suppress indigenous 'deviance,' due to the instabilities and uneven implementation of colonial projects and eunuch evasion and resistance. However, Ashwini Tambe alerts us to the productivity of failures in the colonial disciplining of gender and sexuality: even when colonisers did not suppress behaviours deemed deviant, they produced criminalising discourses with lasting post-colonial impacts.[170] Similarly, the colonial pathologisation of eunuchs had significant effects upon the lives of groups classified as 'eunuchs' in the nineteenth century, as well as upon how the *hijra* community is viewed in Indian society today.

Mrinalini Sinha, Sikata Banerjee, and Charu Gupta have shown how colonial discourses of masculinity that ordered various Indian regional, religious and caste groups in a hierarchy of masculinity—of which the British colonisers were positioned as the apex—were intimately bound up with colonial policies, debates about social reform, and Indian nationalism in the late nineteenth and early twentieth centuries.[171] In fact, Sinha has argued that masculinity was central to the entire 'imperial social formation.'[172] This study builds on these histories and shifts attention to what happened when the colonisers attempted to implement codes of masculinity as a means of policing indigenous society. An analysis of attempts to use discourses of masculinity—about

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[169] Burton, 'Introduction,' 1.

[170] Tambe, *Codes of Misconduct*, 18-20.

[171] Whereas Bengalis were described as 'effeminate,' Sikhs, Pathans and Gurkhas were characterised as 'martial races.' On colonialism, nationalism and masculinity see: Charu Gupta, 'Feminine, Criminal or Manly?: Imagining Dalit Masculinities in Colonial North India,' *Indian Economic and Social History Review* 47, no. 3 (2010): 309-42; Charu Gupta, 'Anxious Hindu Masculinities in Colonial North India: *Shuddi* and *Sangathan* Movements,' *CrossCurrents* 61, no. 4 (December 2011): 441-54; Sikata Banerjee, *Make Me a Man! Masculinity, Hinduism, and Nationalism in India* (Albany: State University of New York, 2005); Sinha, *Colonial Masculinity*; Joseph S. Alter, *Moral Materialism: Sex and Masculinity in Modern India* (New Delhi: Penguin Books, 2011); Joseph S. Alter, 'Indian Clubs and Colonialism: Hindu Masculinity and Muscular Christianity,' *Comparative Studies in Society and History* 46, no. 3 (July 2004): 497-534; Joseph S. Alter, 'Gandhi's Body, Gandhi's Truth: Nonviolence and the Biomoral Imperative of Public Health,' *The Journal of Asian Studies* 55, no. 2 (May 1996): 301-22.

[172] Sinha, *Colonial Masculinity*, 2.

'normal' and 'abnormal' sexual behaviours, 'impotence' and 'virility,' manly physical appearance and character—as ways to order, classify and regulate Indian society, shows discourses of colonial masculinity to be tenuous and in need of constant reiteration and reinforcement.

The classification of eunuchs' sexuality and gender was somewhat ambiguous for two reasons. First, the boundaries of the 'eunuch' category were repeatedly redrawn, as the colonisers attempted to bring this colonial category into line with various indigenous social roles and gendered practices that appeared to exceed its limits. For instance, when colonial officers 'discovered' *zananas* in the mid-1860s, they initially confused them with *hijras*. The 'eunuch' category was subsequently expanded to incorporate *zananas* and the eunuch was defined under law as an 'impotent man.'[173] Yet colonial officials subsequently discovered that many *zananas* had fathered children, once again destabilising colonial classifications (see Chapters 3 and 7). The problems that colonial administrators encountered in classifying eunuchs highlight the instabilities of colonial ideologies of 'deviant' masculinity when used as a means of classifying indigenous populations.[174]

Second, although colonial officials overwhelmingly described *hijras* as gender and sexual deviants, colonial understandings of deviance were somewhat contested amongst the colonisers. As noted above, the Criminal Tribes Act required eunuchs to be separated into 'suspicious' and 'respectable' categories and the latter registered. However, British officials at the district level adopted varied definitions of eunuch 'deviance' and different policies to identify 'suspicious' eunuchs, while some administrators did not view local *hijras* as 'deviant' (see Chapters 3, 5 and 6). Legal and medical concepts of sexual deviance were also fractured. For instance, judicial and police officials often disputed the usefulness and accuracy of medical knowledge in classifying eunuchs, while medical and legal officials adopted different definitions of deviance (see Chapter 7).

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[173] BL/IOR/P/92: Elliot to Sec, GoI, 21 Apr 1871. As such, the CTA defined a 'eunuch' as an 'impotent' man, rather than a person who lacked genitals due to emasculation. BL/IOR/V/8/42: Act XXVII of 1871.
[174] Stoler similarly argues that racialised and sexualised categories in other colonial contexts 'were binding but unbound by those within them, were excessively rigid and exceeded their limits, had nuanced criteria for inclusion that were reworked by people who made them and by those they could not contain.' Stoler, *Carnal Knowledge*, 8-9. Moreover, as noted above, the slippages of the colonial classificatory project parallel in some ways the contemporary classification of sexuality in the context of the HIV/AIDS epidemic, highlighting the tensions that have historically occurred when vernacular terms and identities are assimilated to English-language, ostensibly 'global' categories. Khanna, 'Taming the Shrewd'; Boyce and Khanna, 'Rights and Representations'; Boyce, '"Conceiving Kothis".'

The colonial disciplining of the gender and sexuality of eunuchs had significant effects on *hijras* and other groups defined as 'suspicious' eunuchs, criminalising their gender identity and their public presence. Yet the disciplinary project was not, from the perspective of the NWP&O government, a wholesale success. The cross-dressing and performances of *hijras* were not entirely erased from public space, while *hijras* continued to perform their gender identity within *hijra* households, therefore undermining attempts to remould their bodies to conform to expectations of masculinity (see Chapter 6). Nor did the government succeed in suppressing emasculation, despite the risk of prosecution (see Chapter 4). Yet, as noted above, colonial projects to regulate eunuchs were uneven and had a range of impacts upon *hijra* communities. Therefore, some *hijra* bodies were disciplined to a greater degree than others, highlighting both the gaps and significant potential repercussions of colonial projects to regulate gender and sexuality.

Part 1
Khwajasarai: The 'Respectable Eunuch'

Chapter 1

Slavery, Political Power and Domesticity:

Khwajasarais in Eighteenth Century Awadh

In the late eighteenth century, the most powerful figure in the north Indian state of Awadh, with the exception of the Nawab (ruler) himself, was a eunuch slave, or *khwajasarai*, named Almas Ali Khan. Almas Ali was the revenue farmer, or Amil, of over a third of Awadh, the commander of a significant military force, which was in fact larger than the Nawab's, and the director of extensive commercial operations; in short, he was one of the most powerful 'warrior entrepreneurs' in north India.[1] Despite his inability to produce biological heirs, Almas Ali had a family of adopted kin, as well as an extensive network of *chelas* (disciples) and dependents, which included non-slaves, as well as slaves and *khwajasarais*. While one British traveller commented upon Almas, '[w]ith all his affluence, he is but a slave,'[2] Almas Ali's political and economic power, network of dependents and efforts to create a family through adoption suggest the complexities of slavery and eunuch-hood in Awadh.

The *khwajasarais* are the elite eunuchs—or in colonial parlance, the 'respectable eunuchs'[3]—of this history of the various indigenous groups classified under the singular colonial category of 'eunuch' in northern India. Our history of the lives of eunuchs in the context of colonial modernity begins in the eighteenth century, when *khwajasarais* were counted amongst the Awadh nobility. In this period, the attitudes of the expanding East India Company towards *khwajasarais* were very different from the mid-nineteenth century, when the British identified *khwajasarais* as a 'problem' population (see Chapter 2). This chapter analyses *khwajasarais*' relationships to north Indian society, the Awadh government and the East India Company, focusing on the late eighteenth

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[1] Bayly describes eighteenth century revenue farmers as 'warrior entrepreneurs [who] worked portfolios of revenue-farms, trading ventures, and military supplies.' Almas Ali, along with a Hindu Raja named Bhawani Singh, controlled up to 60% of the total Awadh revenue. C.A. Bayly, *Rulers, Townsmen and Bazaars: North Indian Society in the Age of British Expansion, 1770-1870* (Cambridge: Cambridge University Press, 1988), 165.

[2] George Viscount Valentia, *Voyages and Travels to India, Ceylon, the Red Sea, Abyssinia, and Egypt, in the Years 1802, 1803, 1804, 1805, and 1806*, vol. 1 (London: F., C., and J. Rivington, 1811), 103.

[3] In the North-Western Provinces, under the Criminal Tribes Act, the government classified *khwajasarais* as 'respectable' (see Chapter 3). This was despite the criticism of their political 'corruption' in Awadh less than twenty years earlier (see Chapter 2), highlighting the tenuousness of sub-categories of eunuchs.

and early nineteenth centuries, particularly the reign of the Nawab Asaf ud-Daula from 1775-97.

In order to analyse the ordinary ways that eunuchs experienced the historical transformations of colonialism and modernity, one of the central concerns of this thesis, this chapter analyses *khwajasarais'* location in north Indian social structures, their relationship to political power, their forms of labour, their domestic arrangements and the internal hierarchies of the *khwajasarai* community. In particular, this chapter foregrounds two issues: first, the agency of eunuch slaves in Awadh and *khwajasarais'* negotiation of the structures of power in which they were embedded; and second, the intimate aspects of their everyday lives, in particular their domestic formations and kinship-making practices. This focus on power, slavery and kinship contributes to our understanding of the everyday lives of *khwajasarais* in the early modern period and forms an important backdrop to *khwajasarais'* contestation of colonial interventions in the nineteenth century (see the following chapter).

Several aspects of *khwajasarai* slavery may appear paradoxical from a modern viewpoint, but were not viewed as contradictory by Awadhi contemporaries. First, there was considerable tension between the unfree status of *khwajasarais* and the possibility that they could rise to positions of economic, social and political power. Although master-slave relationships could change over time and entailed a spectrum of degrees of dependency, *khwajasarais* remained vulnerable due to their slave status. Second, whereas historians have often emphasised the androgynous or ambiguous gender of harem and court eunuchs,[4] Awadh writers often viewed *khwajasarais* as manly, even though they traversed differently gendered spaces. Third, since in Awadh political authority was located in the 'inner' sphere of the household rather than the 'outer' sphere, effectively inverting the modern European ideal of clearly separated public and private spheres, *khwajasarais'* movement between 'inner' and 'outer' spaces and prominence in domestic matters was an important aspect of their political power. Fourth, although *khwajasarais*, as slaves, were subordinated to their master, they established their own networks of subordinated dependents and *chelas* (disciples), which could include non-slaves. Thus, *khwajasarai* slaves could subordinate non-slave dependents. Finally, though alienated as children from biological kinship networks, adult *khwajasarais* established families of adopted kin as a strategy of resistance to

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[4] See for instance, Shaun Marmon, *Eunuchs and Sacred Boundaries in Islamic Society* (New York: Oxford University Press, 1995), 5-8; Indrani Chatterjee, *Gender, Slavery and Law in Colonial India* (New Delhi: Oxford University Press, 1999), 44-5.

estrangement from origin and family,[5] suggesting *khwajasarai* slavery was not an absolute 'social death.' Yet the social recognition of *khwajasarais'* families did not extend to *khwajasarais'* death, when their families and heirs were dispossessed of their property, which according to Islamic law, belonged to their master.

This analysis of *khwajasarais'* lives in the eighteenth century adds to our knowledge of the history of eunuch slaves, but also illuminates two broader issues in the history of early modern South Asia. First, this chapter expands our understanding of early modern forms of enslavement by turning attention to a previously under-studied group.[6] This case study of *khwajasarais* resonates with the argument of Richard Eaton and other historians that slavery in South Asia was a 'historical process,' rather than a static institution. Slavery was not understood as 'a fixed status, but as a particular origin, a particular career, and a particular relationship to a ruler or politically important master.'[7] Second, by focusing on the intimate relationships and domestic arrangements of *khwajasarais*, this chapter contributes to the history of the family in South Asia. As discussed in the introduction to this thesis, historians have recently suggested that the modern, nationalist family ideal obscures the complexities of domestic forms in the early modern period, when family and politics were closely intertwined and categories of kin, slaves and servants in households could be malleable.[8] This study shows that a definition of the family that privileges conjugality and biological kinship cannot account for the wide range of domestic and kinship relationships in the eighteenth and nineteenth centuries.[9] Kinship-making with non-biological kin was important not only to slave eunuchs, but also to the social and political lives of non-slaves, while kinship

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[5] Indrani Chatterjee has observed similar processes amongst non-eunuch slaves. Indrani Chatterjee, 'A Slave's Quest for Selfhood in Eighteenth-Century Hindustan,' *Indian Economic and Social History Review* 37, no. 1 (2000): 53-86.

[6] Indrani Chatterjee's study of *khwajasarais* in Murshidabad in Bengal, which is outlined below, represents the most in-depth study thus far, though *khwajasarais* are primarily discussed in a section of one chapter. Chatterjee, *Gender, Slavery and Law*, 44-57.

[7] Other contributors to the volume *Slavery & South Asian History* put forward a similar argument. Richard M. Eaton, 'Introduction,' in *Slavery & South Asian History*, ed. Indrani Chatterjee and Richard M. Eaton, 6 (Bloomington: Indiana University Press, 2006).

[8] Indrani Chatterjee, 'Introduction,' in *Unfamiliar Relations: Family & History in South Asia*, ed. Indrani Chatterjee, 13-4 (Delhi: Permanent Black, 2004); Indrani Chatterjee, 'Renewed and Connected Histories: Slavery and Historiography of South Asia,' in *Slavery & South Asian History*, ed. Indrani Chatterjee and Richard M. Eaton, 19 (Bloomington: Indiana University Press, 2006); Chatterjee, 'Slave's Quest,' 53-86; Indrani Chatterjee and Sumit Guha, 'Slave-Queen, Waif-Prince: Slavery and Social Capital in Eighteenth-Century India,' *Indian Economic and Social History Review* 36, no. 2 (1999): 165-182; Sumit Guha, 'The Family Feud as Political Resource in Eighteenth-Century India,' in *Unfamiliar Relations: Family & History in South Asia*, ed. Indrani Chatterjee, 76-8 (Delhi: Permanent Black, 2004); Michael H. Fisher, 'Becoming and Making "Family" in Hindustan,' in *Unfamiliar Relations: Family & History in South Asia*, ed. Indrani Chatterjee, 95-121 (Delhi: Permanent Black, 2004).

[9] Indrani Chatterjee's study of slavery in Murshidabad also demonstrates that conjugality and biological kinship did not, in many cases, structure elite households. Chatterjee, *Gender, Slavery and Law*, 36-44.

could overlap with other social and domestic relationships, such as patron-client networks. I use the term 'constructed kinship' as an umbrella term for kinship-making practices of formal adoption, de facto kinship (assuming familial obligations without adoption) and the symbolic deployment of kinship to describe social relationships. 'Constructed kinship' is an alternative framework to the notion of 'fictive kinship,'[10] which mistakenly sets up a duality between 'real' and 'fictive' kinship.[11]

In the second part of this chapter, I analyse *khwajasarais* in the context of colonial expansion in north India. On the one hand, I analyse the scope and targets of colonial interventions directed at *khwajasarais* in the late eighteenth century. The British generally regarded *khwajasarais* as an obvious and unproblematic feature of Awadh society and only intervened when the power of individual *khwajasarais* challenged British interests. Colonial projects which sought to transform *khwajasarai* slavery were not attempted in Awadh until the mid-nineteenth century. Company officials were concerned with protecting and maintaining the power of the East India Company, rather than with altering Indian social structures and practices in what was perceived as an 'improving' direction. In the 1780s and 1790s, when the British attempted to limit the power of Awadh's most powerful *khwajasarai*, Almas Ali Khan, whom they suspected was plotting to secede from Awadh, they were unable to do so without risk to the Company, revealing the limits of colonial power in Awadh during this period. On the other hand, I analyse the British understanding of *khwajasarais* in the eighteenth century. During this period, the British acknowledged *khwajasarais*' kinship-making practices as efforts to form 'families' and recognised the political significance of their networks of kin and dependents. British recognition of the non-biological kin of Almas Ali and other *khwajasarais* reveals a relatively high degree of familiarity with *khwajasarais* (sometimes based on inter-personal interactions with *khwajasarais* themselves), as well as a more open definition of 'family' than the British would espouse in the nineteenth century. Whereas the British explicitly accorded *khwajasarais*' kin the status of 'family' in the eighteenth century, by the 1840s they

[10] Ashwini Tambe, 'Brothels as Families: Reflections on the History of Bombay's *Kothas,' International Feminist Journal of Politics* 8, no. 2 (2006): 228; Helen Lambert, 'Sentiment and Substance in North Indian Forms of Relatedness,' in *Cultures of Relatedness: New Approaches to the Study of Kinship,* ed. Janet Carsten, 73-89 (Cambridge: Cambridge University Press, 2000); Helen Lambert, 'Village Bodies? Reflections on Locality, Constitution, and Affect in Rajasthani Kinship,' in *Culture, Creation, and Procreation: Concepts of Kinship in South Asian Practice,* ed. Monika Böck and Aparna Rao, 81-100 (New York: Berghahn Books, 2000).
[11] The term 'constructed kinship' recognises the salience of kinship-making practices in historical actors' social, political and domestic lives. The term 'constructed kinship' also highlights the process of *making* kinship through rituals, ceremonies and informal naming practices and the embedding of these kinship relationships in social structures.

argued *khwajasarais'* networks and kinship-making practices were avenues for political 'corruption' (see Chapter 2).

The historical context

Eunuchs in Islamic and Mughal polities

Eunuchs performed important social, symbolic and political functions in several Indian states, as well as Islamic polities elsewhere. Although the presence of eunuchs in Hindu states, for instance in Rajasthan,[12] negates a simple equation of Islamic political forms with the employment of eunuchs, some background to the position of eunuchs in Islamic polities is nonetheless relevant to the case of Awadh, which combined Mughal and Shi'a political traditions. As Shaun Marmon explains in his history of eunuchs in Cairo and Medina, in Islamic political cultures, eunuchs were the keepers of social and sexual boundaries, the protectors of *harim* (sacred or inviolable) spaces and 'neutral emissaries' in a world fraught with *fitna*, that is, the threat of social and political conflict and sexual transgression. Yet 'eunuchs were in their very persons the embodiment of social and sexual ambiguity,'[13] and the gender of eunuchs was thought to shift depending on their location in gendered space.[14] In the Cairo citadel, the residence of the Sultan, two functions of eunuchs were important: as the supervisor of the Sultan's immediate family and as the commander of the Sultan's *mamluks*.[15] Eunuchs were also the physical and symbolic boundary between the Sultan and the people.[16] Due to their 'role as intercessors,'[17] eunuchs were significant in cults of the dead as guardians of tombs,[18] including the tomb of the Prophet in Medina.[19] The eunuchs of the Prophet

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[12] H. Ebden, 'A Few Notes, with Reference to "the Eunuchs," to be Found in the Large Households of the State of Rajpootana,' *Indian Annals of Medical Science* 3, no. 6 (April 1856): 520-5.

[13] Marmon, *Eunuchs*, 5-8.

[14] Ibid., 40, 63.

[15] The *mamluks* were the powerful slave military class. The functions of eunuchs in the Sultan's household were also mirrored in the households of the elite. Eunuchs also performed a variety of roles, as personal attendants, cupbearers, keepers of the royal wardrobe, superintendents of the barracks and royal treasurers. Ibid., 11-2.

[16] Ibid.

[17] Ibid., 85.

[18] This was the case in both Sunni and Shi'a cults. Ibid., 15-26.

[19] The tomb of the Prophet was not only a sacred space, but was also so highly charged with *baraka*, or charisma, that it was dangerous, even lethal, for ordinary humans to enter. Eunuchs, however, could mediate the boundary between the ordinary world and the Prophet's presence and even cross over into this sacred space. Ibid., 43, 47.

were freedmen and maintained large households of slaves, dependents and clients. Amongst eunuchs in Cairo and Medina there was a high degree of solidarity.[20]

Eunuchs were employed in a number of medieval Indian regimes. According to European and Mughal sources, the supply of eunuchs in the Mughal Empire was largely from Bengal. In the fifteenth century, eunuch slaves were generally of South Asian origin, or were slaves from East Africa, particularly Ethiopia, known as the *habshi*.[21] Evidence from the Nizamat of Murshidabad in Bengal in the eighteenth and nineteenth centuries suggests that there continued to be a mix of South Asian and African eunuchs.[22] Eunuchs of South Asian origin were probably enslaved after being kidnapped or sold by their parents in times of distress. Eunuchs were an important commodity in the transmission of tribute to overlords by subordinates, and despite the Mughal Emperor Jahangir's prohibition of 'eunuch tribute' in 1608, the demand for *khwajasarais* amongst nobles persisted.[23] Eunuchs were trained in military and diplomatic skills, were associated with literacy and learning, and were occasionally appointed as tutors to Mughal elites.[24]

The Mughal conceptualisation of political power illuminates the employment of *khwajasarais* in the Mughal Empire and its various successor states. In Mughal polities, power was hierarchically organised in concentric circles—with power radiating outwards from the body of the ruler, to the household, and on to the kingdom[25]— meaning power was located in the 'inner'/'domestic,' rather than the 'outer' sphere.[26] This represents an inversion of the modern European concept of 'public' and 'private' spheres, which envisaged political power as being located within a masculine public sphere that was clearly demarcated from domesticity.[27] Instead, the body and household of the ruler or noble were the locus of political power in the Mughal Empire. Yet the

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[20] They also commanded networks that extended beyond Medina and included royal women, *mamluks* they had trained, and most importantly, other eunuchs. Ibid., 44, 58-9.

[21] Gavin Hambly, 'A Note on the Trade in Eunuchs in Mughal Bengal,' *Journal of the American Oriental Society* 94, no. 1 (January-March 1974): 125-7. Abu'l al-Fazl's *A 'in-I Akbari* states that there were three categories of eunuchs: the *sandali*, whose entire genitals were removed; the *badami*, whose testicles were removed, with the penis left functioning; and the *kajuri*, whose testicles only were crushed or cut off. Abu'l Fazl 'Allami, *A 'in-I Akbari*, trans. H. Blochmann, vol. 1 (Calcutta: Asiatic Society Bengal, 1873), 389-90.

[22] Chatterjee, *Gender, Slavery and Law*, 53.

[23] Hambly, 'Trade in Eunuchs,' 127-9.

[24] Chatterjee, 'Slave's Quest,' 64-5.

[25] Ruby Lal, *Domesticity and Power in the Early Mughal World* (New Delhi: Cambridge University Press, 2005), 142, 152.

[26] Chatterjee, *Gender, Slavery and Law*, 36-7. This conceptualisation of political power applied also to imperial servants and nobles. Rosalind O'Hanlon, 'Kingdom, Household and Body: History, Gender and Imperial Service under Akbar,' *Modern Asian Studies* 41, no. 5 (2007): 889-923; Rosalind O'Hanlon, 'Manliness and Imperial Service in Mughal North India,' *Journal of the Economic and Social History of the Orient* 42, no. 1 (1999): 54-6.

[27] Chatterjee, *Gender, Slavery and Law*, 37.

'inner' sphere of the household had somewhat porous boundaries.[28] Servants of the Padshah (Emperor) performed multiple functions that traversed the boundary between 'inner' and 'outer' spheres.[29] These two aspects of Mughal political formation—the location of political power in the body and household of the ruler/noble and servants' performance of functions that traversed the inner and outer spheres—are important to understand the employment of *khwajasarais*.

Although *khwajasarais* have been generally neglected in literature on slavery in South Asia, Indrani Chatterjee briefly examines *khwajasarais* in her study of slavery in Murshidabad in Bengal. Chatterjee argues that since the ruler's household was considered *haram* (sacred and inviolable), only those who were not considered fully adult males—including slave-women, children, eunuchs, dwarfs and mutes—could be permitted in the ruler's presence. As such, these persons could aspire to the highest offices. Rather than confer favours on biological kin, the Nazims of Murshidabad consistently prioritised persons reared in the household who were not biologically related and thus depended upon the ruler completely.[30] Although *khwajasarais*' duties were restricted to household administration and private armies due to tight British control of the state administration, eunuchs were the primary counterweight to the Diwan (the official in charge of finance and revenue) in court politics.[31] However, *khwajasarais*' 'individualised belonging' made them vulnerable to being pawns and scapegoats in court politics.[32] Even though they could not produce biological heirs, *khwajasarais* 'did reproduce subordination by acquiring younger cadet slaves and eunuchs themselves.'[33] In fact, slaves' establishment of their own slave corps was 'paradigmatic of slave-reproduction as a whole.'[34] The Murshidabad and Awadh contexts are similar in several respects, yet the *khwajasarais* of Awadh retained a wider scope of administrative duties into the nineteenth century. Awadhi *khwajasarais* also formed networks of *chelas* and dependents that included not only slaves and eunuchs, but also freemen and women. Finally, while Chatterjee does not explicitly mention

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[28] Ruby Lal has demonstrated that during the reign of the first two Mughal Emperors, Babur and Humayun, the female quarters were not clearly demarcated. Even during Akbar's reign, when the space of the female quarters was bounded to a greater degree, 'there was much movement [between inner and outer spheres], spatially, and in the carrying out of different public and private activities.' Lal, *Domesticity and Power*, 166.

[29] Ibid., 194-6.

[30] Chatterjee, *Gender, Slavery and Law*, 36-45.

[31] Ibid., 48-9.

[32] Ibid., 52.

[33] Chatterjee speculates that other *khwajasarais* may have also had establishments of slaves. Ibid., 53-4.

[34] Ibid., 57.

kinship-making amongst *khwajasarais* in Murshidabad, in Awadh various forms of kinship were central to *khwajasarais*' social and political lives.[35]
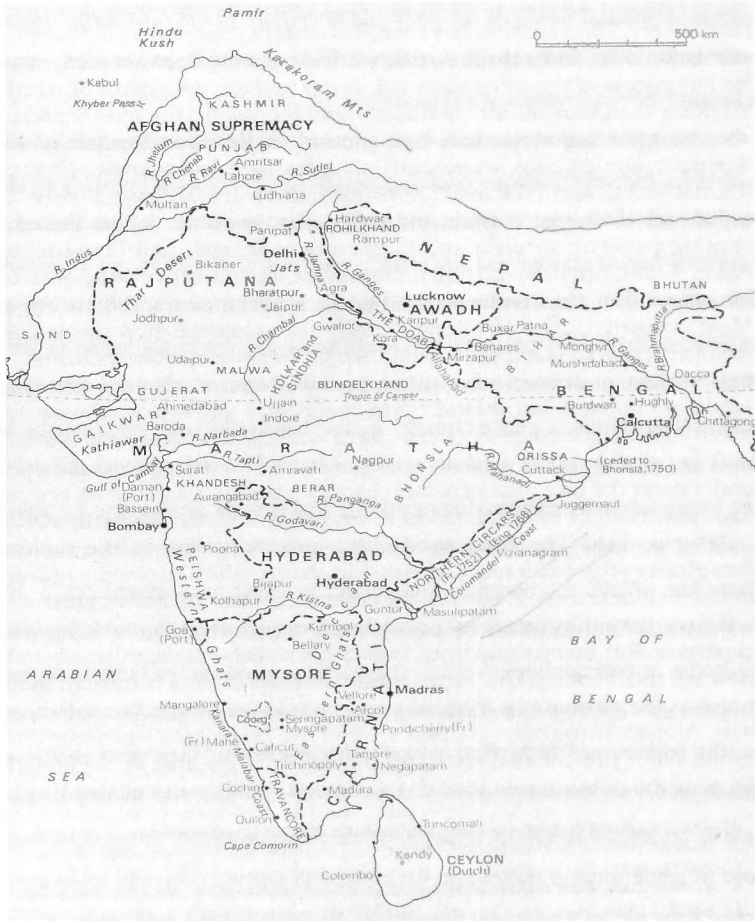
India circa 1785[36]

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[35] Chatterjee tantalisingly mentions that some *khwajasarais* married women, but does not elaborate on this point. Nor does she mention the establishment of families through kinship-making more broadly. Ibid.

[36] Bayly, *Rulers, Townsmen and Bazaars*, 3.
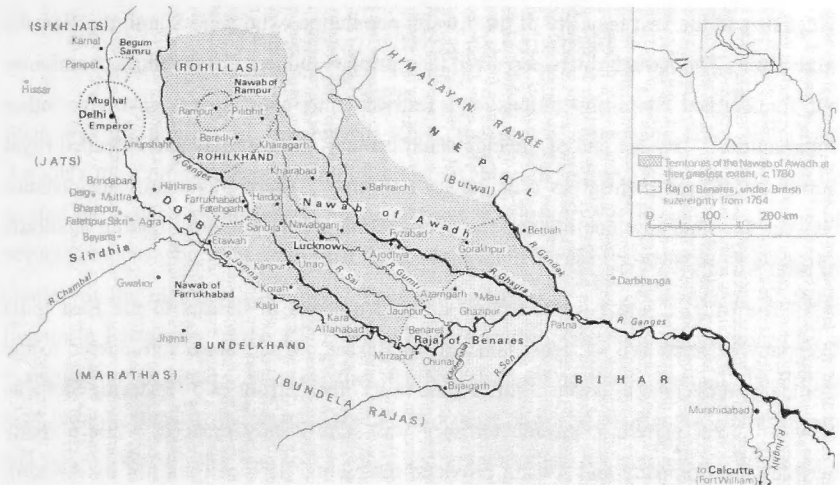
North India circa 1785, towns and kingdoms[37]

The Nawabs and the Company

The *khwajasarais* of Awadh also need to be situated in the context of the Awadh state, the expansion of the East India Company, and historical changes in Awadh-Company relations. Sadat Khan, the founder of the Awadh dynasty, was a Mughal administrator who was appointed Subadar (Governor) of Awadh in 1722, and used this post to expand into neighbouring territories.[38] By the time of Sadat Khan's death, Awadh was 'a regional political system with considerable autonomy,' but nonetheless part of the Mughal imperial structure.[39] Sadat's nephew and chosen heir, Safdar Jang, attained the sanction of the Emperor to govern Awadh, and the rule of the province was henceforth hereditary. Safdar Jang was followed by his son, Shuja ud-Daula, and his grandson, Asaf ud-Daula.[40] The Awadh rulers were known as 'Nawab-Wazir,' the deputy or first minister to a sovereign.[41] Reflecting the origins of the Awadh state in the Mughal

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[37] Ibid., 16.

[38] By the early nineteenth century, Awadh was an independent state, ruled by a Padshah (King) who did not recognise Mughal authority. These later developments are discussed in the next chapter. Michael H. Fisher, *A Clash of Cultures: Awadh, the British and the Mughals* (New Delhi: Manohar, 1987), 27; Richard B. Barnett, *North India Between Empires: Awadh, the Mughals and the British, 1720-1801* (New Delhi: Manohar, 1987), 28.

[39] Barnett, *North India*, 33.

[40] Fisher, *Clash of Cultures*, 5, 32.

[41] Ibid., 17, 33-5. The central administration of Awadh was divided between the executive and financial branches. While the financial branch was dominated by a few Hindu scribe families and was relatively

Empire, Mughal cultural symbols predominated in court rituals. Yet unlike the Mughals and the vast majority of the Awadh population, who were Sunni, the Nawabs were Shi'a. The Awadh rulers perceived their primary audience as the Shi'a community but transformed Shi'a institutions and festivals into civic spaces involving other communities.[42] By the end of the eighteenth century, the courtiers and extended royal family considered themselves a hereditary nobility.[43] There was significant distance between the Lucknow nobility and the overwhelmingly Rajput and Brahmin landlords of rural Awadh.[44]

The Mughal and Awadh armies suffered a series of defeats to the East India Company between 1763-4, most famously at Baksar. When Shuja surrendered to the Company, it decided to create a buffer zone to its other territories by restoring Shuja as Nawab.[45] Yet in return, Awadh territory was significantly reduced, while a treaty between the Company and Awadh provided for mutual defence (paid for by Awadh), duty-free Company trade in Awadh, and the payment of an additional Rs. 5 000 000 to the Company.[46] The Company posted a representative, or Resident, to the Awadh court,[47] and in the following decades, British influence over Awadh steadily increased, though the Nawabs recognised the authority of the Mughal Padshah (Emperor). The British sought to control the foreign policy of Awadh, prohibiting all correspondence between the Nawab and 'any foreign power of State.'[48] As the power of the Awadh Nawabs over their territory and administration declined, the pomp of the Awadh court paradoxically increased. In 1775, Asaf moved the Nawabi capital from Faizabad to Lucknow, which became a cultural centre that rivalled the Mughal capital, Delhi.[49] This chapter analyses *khwajasarais* during Asaf's reign, when the hold of the Company on the Awadh administration increased and *khwajasarais* were at the centre of court politics.

stable, the predominantly Shi'a executive branch was characterised by short and insecure terms of office, particularly in the office of the Minister. The Awadh administration was a modification of Mughal forms, in which the provincial administration was presided over by both a Subadar, in charge of the executive, and a Diwan, or chief financial officer. In Awadh, the Diwan was subordinated to the Subadar (or rather, Nawab), who appointed a Wazir (Minister) to oversee the executive branch. Ibid., 14, 50-1, 187-99.
[42] This was at least the case in Lucknow, the second capital. Ibid., 76-7.
[43] Ibid., 216-8.
[44] Ibid., 42-6.
[45] Barnett, *North India*, 49-64; P.D. Reeves, 'Introduction,' in *Sleeman in Oudh: An Abridgement of W.H. Sleeman's A Journey Through the Kingdom of Oude in 1849-50*, ed. P.D. Reeves, 4 (Cambridge: Cambridge University Press, 1971).
[46] Fisher, *Clash of Cultures*, 38; Barnett, *North India*, 72.
[47] Reeves, 'Introduction,' 5.
[48] Fisher, *Clash of Cultures*, 92-3.
[49] Ibid., 71-9.

Power, slavery and kinship:
The *khwajasarais* of Faizabad

Such was the nobility of Jawahir Ali Khan, the general agent and chief eunuch of Awadh's most prominent matriarch of the late eighteenth century, Bahu Begam, that he treated the Nawab's courtiers as his equals and inferiors.[50] Yet Jawahir Ali is one of several eunuchs who were prominent figures in Awadh *darbar* (court) politics in the last quarter of the eighteenth century. This section analyses the *khwajasarais* of Bahu Begam in Faizabad. In the 1770s and 1780s, Awadh politics was characterised by a triangular power contest between: first, the Nawab, Asaf ud-Daula; second, the British East India Company; and third, Awadh's two most powerful matriarchs, Bahu Begam and Nawab Begam, the Nawab's mother and grandmother, respectively.[51] When Asaf moved the capital of Awadh to Lucknow in 1775, Bahu Begam and Nawab Begam remained in Faizabad in possession of the treasure of Shuja ud-Daula, the deceased Nawab, and extensive *jagirs*, or rent-free land grants. Although the deceased Nawab's property belonged under law to his son Asaf, the Begams refused to hand over the treasure. This created an ongoing political crisis between Lucknow and Faizabad to which *khwajasarais* were central. [52] The primary source for Bahu Begam's *khwajasarais* is Muhammad Faiz Bakhsh's *Tarikh Farahbakhsh*.[53] Faiz Bakhsh was an employee of the Begam and a dependent of the most influential *khwajasarais* in Faizabad. Three *khwajasarais* are at the centre of Faiz Bakhsh's account, and my analysis below: Jawahir Ali, Bahu Begam's general agent from 1775 until his death in 1799; Bahar Ali Khan, her treasurer from 1775 until his death in the mid-1880s; and Darab Ali Khan, the Begam's second general agent, from 1799 until her death in 1815.[54]

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[50] Muhammad Faiz Bakhsh, *Memoirs of Delhi and Faizábád, Being a Translation of the Táríkh Farahbakhsh of Muhammad Faiz-Bakhsh*, trans. William Hoey, vol. 2 (Allahabad: Government Press, 1889), 50.

[51] Barnett, *North India*, 192-3.

[52] See below.

[53] William Hoey published Faiz Bakhsh's work as *Memoirs of Delhi and Faizabad* in 1888-9. Below, I draw links between Faiz Bakhsh's account and other, fragmentary sources on the lives of *khwajasarais* in Lucknow and Faizabad during Shuja's and Asaf's reigns.

[54] Jawahir Ali and Bahar Ali originally 'held appointments from Shujá'u'ddaulah on the Begam's establishment,' and when Asaf moved the capital to Lucknow, they remained with their *chelas* in Faizabad. Faiz Bakhsh, *Memoirs*, vol. 2, 195. Faiz Bakhsh was the personal treasurer of Jawahir Ali Khan, Bahu Begam's general agent, and became the letter-writer of the Begam in the 1780s. He also had a close personal relationship with one of Jawahir Ali's *chelas*, Darab Ali Khan. In the late 1770s, Jawahir Ali appointed Faiz Bakhsh in charge of Darab Ali's education and upbringing and Faiz Bakhsh was later one of Darab Ali's closest advisors and subordinates. Muhammad Faiz Bakhsh, *Memoirs of Delhi and*

In this section, I examine the ways *khwajasarais* negotiated power relations of enslavement, north Indian social structures, political power, and kinship and domestic formations. This sheds light on the everyday lives of eunuch slaves and more broadly, adds to our understanding of slavery and familiality in north Indian polities. *Khwajasarai* slaves present several apparent paradoxes: *khwajasarais* were regarded as nobles, and yet were slaves; they traversed differently gendered spaces, but Awadh commentators depicted *khwajasarais* as masculine, rather than androgynous; political power permeated and was intertwined with domesticity, inverting European expectations about the 'public' and 'private' spheres; and while *khwajasarais* were kinless slaves, they subordinated others (including both slaves and non-slaves) and formed families of adopted kin. Yet these aspects of *khwajasarai* slavery were not viewed as incongruous by contemporaries.

Cultivating khwajasarais*: Origins, upbringing and education*

The paradox of nobility and enslavement is evident in the childhoods of *khwajasarais*. Childhood was not only the life stage in which *khwajasarais* were usually enslaved and emasculated, but also the period in which they were educated and trained and, in some cases, cultivated to become *khwajasarai* nobles. Faiz Bakhsh left short biographies of Jawahir Ali (Bahu Begam's first general agent), Bahar Ali (her treasurer) and Darab Ali (her second general agent), from which several patterns emerge. First, although the precise circumstances in which the *khwajasarais* were enslaved and emasculated differed, rural poverty and conflict between provincial administrators, landlords and cultivators formed the backdrop to their enslavement. Most *khwajasarais* were emasculated, though some stated they were 'born eunuchs.'[55] Although there were examples of eunuchs of African origin in Awadh,[56] all of Bahu Begam's high-ranking eunuchs were of South Asian origin.[57] Jawahir Ali, Bahu Begam's general agent, came from a Hindu cultivator family and was captured by Nawab Muhammad Ali Khan, the administrator of Khairabad (in modern Sitapur district), who enslaved the children of

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Faizábád, Being a Translation of the Táríkh Farahbakhsh of Muhammad Faiz-Bakhsh, trans. William Hoey, vol. 1 (Allahabad: Government Press, 1888), iii; Faiz Bakhsh, *Memoirs*, vol. 2, 192-3, 195-6.

[55] Popular legends sometimes attributed *khwajasarais*' emasculation to animals (who bit off their genitals), rather than implicating rulers or their agents. See for instance, Faiz Bakhsh, *Memoirs*, vol. 2, 193-4.

[56] For example, NAI/FD/PC 24/11/1849 165: W.H. Sleeman, Resident at Lucknow, to Secretary, Government of India, 30 October 1849.

[57] So too was Almas Ali, the son of a Jat cultivator. B.H. Baden-Powell, *The Land Systems of British India*, vol. 2 (New Delhi: Low Price Publications, 1990 [1892]), 12; C.A. Elliott, *The Chronicles of Oonao, a District in Oudh* (Allahabad: Allahabad Mission Press, 1862), 124.

'hundreds of unbelievers,' whose families had resisted his rule, emasculating the captured boys.[58] Bahar Ali, Bahu Begam's treasurer, was a Brahmin boy whose parents sold him in 'a year of famine' to a childless Saiyad woman who intended to bring him up as her son.[59] Yet when he was fourteen, '[t]he castrators lifted him, carried him off, castrated him and sold him to the Nawáb.'[60] In contrast, Darab Ali, the Begam's second general agent, was apparently 'born a eunuch.'[61] His family was unable to pay their rent and thus sold him to the Nawab.[62]

A second feature of these three *khwajasarais*' stories is the status of boy eunuchs as sought after and desirable commodities. This is reflected not only in the high prices offered for eunuchs—Darab Ali's uncle, for instance, was offered 500 rupees for the boy[63]—but also the direct involvement of rulers and nobles in the recruitment of their *khwajasarai* corps. When the Nawab of Awadh heard rumours of Jawahir Ali's promise and intelligence, the Nawab sent one of his eunuchs to capture Jawahir Ali from his master, the administrator of Khairabad, and bring him to Lucknow.[64] *Khwajasarai* youths thus had both monetary and socio-political value, and the possession of an intelligent *khwajasarai* youth was a mark of prestige.

Finally, masters and mistresses were directly involved in overseeing the education and training of their *khwajasarai* youths, particularly those considered possible candidates for their elite corps of eunuchs. Jawahir Ali, Bahar Ali and Darab Ali were all highly educated, though the majority of *khwajasarais* probably did not reach their level of education.[65] Jawahir Ali, for instance, became proficient in Arabic etymology, syntax, and logic, widely read in Persian literature, an 'able expositor of the ambiguities

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[58] Faiz Bakhsh, *Memoirs*, vol. 2, 46-9.

[59] Bahar Ali had a somewhat ambiguous status as a slave, but nonetheless a de facto member of his mistress' family. Bahar Ali's life story is evidence of the malleability of distinctions between kin, slaves and servants. Chatterjee argues that 'a shifting range of *practices*' were used to 'either blur or distinguish' between these groups. Chatterjee, 'Introduction,' 14.

[60] This reportedly occurred when the army of the second Nawab of Awadh marched through Bahar Ali's village. Faiz Bakhsh, *Memoirs*, vol. 2, 218-19.

[61] It unclear whether this was a popular perception or whether Darab Ali was born without genitals (or with unusual genitals). At least one of his contemporaries, Almas Ali, was similarly described as a eunuch from birth. Elliott, *Chronicles of Oonao*, 124.

[62] Darab Ali's parents were unable to pay the rent on their small farm. Darab Ali's uncle presented the boy to the Nawab and requested freehold of the family's land in return. However, following a dispute over payment, guards 'snatched' Darab Ali from his uncle. Faiz Bakhsh, *Memoirs*, vol. 2, 193-6.

[63] Ibid. In contrast, unemascualted children sold to *hijras* in the 1850s were sold for around Rs. 10 and emasculated child *hijras* could be sold for Rs. 20. BL/IOR/P/438/61: P.C. Dalmahoy, Superintendent of Police, Etawah, 'Statement of Choonee Eunuch, aged about 12 years,' circa 1865.

[64] Nawab Muhammad Ali Khan was forced to hand over his eunuchs after he fell out of favour with the Awadh Nawab, but kept his most promising *khwajasarai*, Jawahir Ali. The Awadh Nawab was incensed that he was denied the most intelligent of this district administrator's *khwajasarais* and sent one of his *khwajasarais* to kidnap him. Faiz Bakhsh, *Memoirs*, vol. 2, 46-9.

[65] Faiz Bakhsh, *Memoirs*, vol. 1, iii.

of Persian poetry,' and a renowned letter-writer.[66] Each *khwajasarai* was assigned a *guru* from amongst their master's or mistress's senior eunuchs, as well as a tutor, with the former overseeing their discipline and professional training, and the latter their academic education. Masters often changed the tutors and *gurus* of their *khwajasarai* youths when their training or upbringing was considered inadequate,[67] highlighting the significance attributed to the education of *khwajasarais*.

Khwajasarais *as nobles and slaves*

The *khwajasarais* of Bahu and Nawab Begam were classed as members of the nobility by contemporaries,[68] and yet were slaves and consequently vulnerable to non-slaves' political machinations and claims of obedience. Faiz Bakhsh wrote that Jawahir Ali 'was so dignified that, when any of [Nawab] Shujá'u'ddaulah's or [Nawab] Ásafu'ddaulah's courtiers came to see him, he did not rise to receive them.'[69] For Faiz Bakhsh, Jawahir Ali was the personification of the ideal of the noble *khwajasarai*, an 'ambitious, dignified, courteous, and pure' man.[70] Faiz Bakhsh's account evidences that Jawahir Ali lived in a style of 'pomp and magnificence':

> He had a spacious house of great length and breadth, furnished with carpets, curtains, blinds, screens … in superb style, cushions of kamkhwáb [silk brocade], flowered silks, velvet; and his dining table was very large, and covered with a variety of dishes and choice delicacies …[71]

Jawahir Ali was also a cultural and scholarly patron, and a learned man in his own right. According to Faiz Bakhsh, 'there were gathered round Jawáhir 'Ali Khán men of learning and art, such as were not to be found near Nawáb Ásafu'ddaulah.'[72]

Although prominent *khwajasarais* were regarded as part of the Awadh elite, they were nonetheless slaves. The prominence of *khwajasarais* in Awadh politics and their simultaneous vulnerability as slaves was dramatically manifest in the tensions between the Nawab and the Faizabad matriarchs, Bahu Begam and Nawab Begam, in the 1770s and 1780s.[73] Even the most powerful *khwajasarais* could become pawns in the political machinations of their masters and other non-slaves. In the 1770s, the Company and the

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[66] Ibid., iv; Faiz Bakhsh, *Memoirs*, vol. 2, 48.
[67] Faiz Bakhsh, *Memoirs*, vol. 2, 46-9.
[68] Ibid., 21, 248, 266.
[69] Ibid., 50.
[70] Ibid.
[71] Ibid., 96-7.
[72] Ibid., 229-31.
[73] This account is based upon accounts in Ibid., 113-58, 179-212; Barnett, *North India*, 205-12.

Nawab, Asaf, exerted intense pressure on the Begams to surrender the deceased Nawab's treasure, which by law belonged to Asaf. In 1781, the Begams took advantage of a revolt in Benares and ordered their *khwajasarais* to recruit a rebel force to rout the Company from Benares, although the rebellion was eventually suppressed in October of that year. In 1872, Bahu Begam's *khwajasarais* became the Nawab's and the Company's primary bargaining chip in their dispute with the Begam. The Nawab and the Company considered Jawahir Ali and Bahar Ali crucial to securing Shuja's treasure, since they controlled Bahu Begam's wealth. In 1782, the Nawab and the Company arrived in Faizabad with a significant military force. After several days of tense stalemate, Bahu Begam concluded her *khwajasarais* had exacerbated tensions with the Nawab and agreed to the Nawab's demand to hand over Jawahir Ali and Bahar Ali. The two *khwajasarais* spent over a year under arrest until the Begams' and *khwajasarais'* payment of substantial sums secured their release. While the *khwajasarais* were in control of Bahu Begam's significant financial resources and had amassed considerable fortunes of their own, they were vulnerable as slaves to the political schemes of non-slaves.

In this incident, we also see how both non-slaves and *khwajasarais* themselves could deploy the symbolism of slavery for various political purposes. In Faiz Bakhsh's account, the Nawab's Minister, Hyder Beg Khan, repeatedly reminded the Nawab of the unfree status of Jawahir Ali and Bahar Ali to legitimise his attempts to obtain money from Bahu Begam and her eunuchs.[74] When Bahu Begam became dissatisfied with her *khwajasarais* and ordered them to surrender to the Nawab in 1872, she told her *khwajasarais*, 'If you can, go [surrender] to him [the Nawab]. You are his father's slaves. If he will punish you, submit to it, for it is no disgrace to you.'[75] Faiz Bakhsh recounts, 'As it was an affair between mother and son, *and they had no other status but that of slaves and servants* ... the moment they got this clear expression of her will, they were astounded, but dared not make any reply.'[76] A mistress' allusion to slave status literally silenced her *khwajasarais*, though they were both wealthy and politically powerful. When Jawahir Ali and Bahar Ali decided to surrender to the Nawab, Bahar Ali evoked his slave status: 'I will go first and present myself. He is my lord and master. Whatever is his will, I submit to it.'[77]

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[74] Faiz Bakhsh, *Memoirs*, vol. 2, 123.
[75] Ibid., 144-5.
[76] Italics added. Ibid., 145.
[77] Ibid., 148.

In early modern and modern South Asia, while non-slaves often used metaphors of slavery and master-hood to symbolise and express subordination, slaves were usually referred to through euphemisms. Thus, actual bonds of slavery were cloaked in silence, whereas slavery was rhetorically used to describe other types of dependency.[78] In some cases—such as Bahar Ali's surrender—*khwajasarais* may have evoked their slave status as a symbolic demonstration of subordination. However, non-slaves' explicit references to *khwajasarais*' slave status harshly stated what was usually indirectly described. There was real threat behind allusions to slave status by masters and other non-slaves, highlighting the vulnerability of *khwajasarais*, despite their considerable social and economic capital and political influence. Thus, there was a tension between the nobility of elite *khwajasarais* and their unfree status; while this may appear a paradox or contradiction, Faiz Bakhsh's account does not position it as such.

Masculinity and gendered space

While *khwajasarais* traversed male and female spaces in Faizabad, androgyny is conspicuously absent from Faiz Baksh's description of *khwajasarais*. According to Faiz Bakhsh, Jawahir Ali had a manly appearance and was 'a shapely, well-made, and well-proportioned man, erect, but of middle height, who wore his clothes to advantage.' Jawahir Ali possessed a strong constitution and appeared to rarely feel the cold. He was an expert archer and a talented horseman. According to Faiz Bakhsh, 'He galloped violently. Not one of his escort could keep up with him.'[79] Faiz Bakhsh writes that Jawahir Ali eschewed bodily exhibitionism, elaborate grooming routines and ornate clothing and 'never wore coloured clothes, such as the [fashionable] coloured turban ... or even a coloured shawl round his waist.'[80] Jawahir Ali was also fastidious about the cleanliness of his body and environment.[81]

Faiz Bakhsh's emphasis on the manliness of *khwajasarais*—their masculine and robust physicality, skill in manly sports and eschewal of effete dress—is somewhat surprising, since historians who have studied eunuchs in India and elsewhere, usually emphasise the quality of ambiguous or androgynous gender to explain eunuchs'

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[78] Indrani Chatterjee, 'Slavery, Semantics, and the Sound of Silence,' in *Slavery & South Asian History*, ed. Indrani Chatterjee and Richard M. Eaton, 287-315 (Bloomington: Indiana University Press, 2006).
[79] Faiz Bakhsh, *Memoirs*, vol. 2, 59.
[80] Ibid., 50.
[81] Ibid., 58-9.

power.[82] We need to nuance this picture of eunuchs, which may not explain local views in all contexts. Although the gender of Faizabad's *khwajasarais* was ambiguous to the extent that they moved between masculine and feminine gendered spaces, Faiz Bakhsh's description of *khwajasarais* as manly in physique and habits does not fit seem to fit with the often assumed androgyny of eunuchs. Nevertheless, *khwajasarais*' movement between the domestic and the political—between 'inner' and 'outer' spaces—was an important source of their social and political prominence.

Khwajasarais' *duties in the 'inner' and 'outer' spheres*

In Awadh, *khwajasarais* derived power from their prominence within the 'inner' spaces of the household, and yet traversed boundaries between the state and household in their diverse duties, effectively inverting the European concept of public and private spheres, while blurring the distinctions between the domestic and the political. The *khwajasarais* of the Nawab, nobles and officials amassed multiple appointments within the household of their master or mistress, in the government administration, and in the extraction of revenue from *jagirs* (rent-free land grants) and revenue farms. *Khwajasarais* were not restricted to positions of either household or 'public' duties, performing multiple functions in the inner and outer spheres.

Khwajasarais' assumption of multiple responsibilities is evident from Jawahir Ali's career. During Shuja's reign, prior to the relocation of the Awadh capital to Lucknow, Jawahir Ali acquired diverse appointments within the Nawab's household and Awadh administration. In 1767, Jawahir Ali was appointed the Nazir (supervisor) of the *zanana* (female quarters) and was soon thereafter put in charge of the Begam's gate and carriage-houses, new appointments and palace procurements.[83] This was followed by the management of 'eight maháls[84] in the south' of Awadh and numerous 'petty offices,' such as management of the stables, cattle-breeding, various tolls and the palaces of the female *zanana* attendants and slaves. Jawahir Ali was in charge of the payment of pensions to the aristocracy and favorites of the Nawab, and gained command of a regiment of foot soldiers and cavalry. Although Jawahir Ali lost the

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[82] Chatterjee, *Gender, Slavery and Law*, 45; Marmon, *Eunuchs*, 5-8.

[83] Faiz Bakhsh explains, 'In this way Jawáhir 'Ali Khán acquired authority over all the collectors of the maháls [districts] of the subáh [province] and over the cavalry officers drawing pay of troops.' Faiz Bakhsh, *Memoirs*, vol. 2, 49-50.

[84] This could refer to either a district or a palace, and it is not clear from the text which is intended.

majority of these offices when Shuja died,[85] he continued to have wide-ranging responsibilities as Bahu Begam's general agent and the manager of several of her *jagirs*, as did her other high-ranking *khwajasarais*.[86]

Khwajasarais could thus acquire multiple and varied offices, both in the management of noble households and the state administration. Yet *khwajasarais* were thought particularly suited to several specific employments. First, *khwajasarais* were prominent amongst the commanders of the military forces of the Nawab, *zamindars* (landlords) and nobles. In Nawab Shuja's army, 'eunuchs and their novices, private slaves' were prominent amongst the commanders.[87] While Basant Ali Khan, was the 'commander of two divisions comprising 14,000 regulars,' Faiz Bakhsh mentions seven other *khwajasarais* who commanded smaller forces and at least two non-*khwajasarai* commanders who were the 'novices' or 'slaves' of *khwajasarais*.[88] Bahu Begam's *khwajasarais* were also amongst the commanders of her armed forces, including during the Benares revolt in 1781.[89] Jawahir Ali, Bahar Ali and Darab Ali also maintained significant private military forces—around 10, 000 men strong—that they directly employed and paid[90]

Second, the Begams, the Nawab and his Ministers employed *khwajasarais* as negotiators and envoys.[91] *Khwajasarais* were employed not only in situations where the rules of *pardah* prevented women from meeting men, but in circumstances where *pardah* did not apply.[92] Bahu Begam entrusted her *khwajasarais* with important diplomatic responsibilities. Yet there was a growing disconnect between the political and diplomatic norms the Awadh *khwajasarais* espoused, and those of the Company. On one occasion, Bahu Begam sent Bahar Ali to Calcutta as an envoy to the Governor-General, Warren Hastings, and merely instructed him to 'act as circumstances required,'

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[85] Ibid.

[86] Following Jawahir Ali's death, Darab Ali also assumed a wide range of duties. The Begam made the administration of the city of Faizabad, which was previously invested in several different officials, the sole responsibility of Darab Ali. Thus, the police, the collection of land-revue, taxation of houses, and civic administration of Faizabad were consolidated under Darab Ali, who also continued to act as the Begam's general agent, to manage several of her *jagirs*, and to spend a period each night on watch in the *zanana*. Ibid., 61, 189, 220, 292, 300.

[87] However, the three chief officers were not *khwajasarais*. Faiz Bakhsh reported that 'The chief officers of the Nawáb's cavalry were Nawáb Murtazá Khán Baríj and ... two Gosháins ... who each had under him more men than all the others put together.' Ibid., 7.

[88] Ibid.

[89] Bahar Ali commanded three hundred sepoys; Shikoh Ali Khan commanded a company of regulars; Aqalmand, a *chela* (disciple) of Jawahir Ali, also commanded a regiment. Bahar Ali and Jawahir Ali also raised the rebel force referred to as 'Gongwallas,' or *gaon walas* (villagers), in Benares in 1781. Ibid., 61-2, 130; Barnett, *North India*, 130, 200-1.

[90] Faiz Bakhsh, *Memoirs*, vol. 2, 58. In all, Jawahir Ali personally employed and commanded 'more than 10,000 horse and foot.' Faiz Bakhsh, *Memoirs*, vol. 1, iv.

[91] Faiz Bakhsh, *Memoirs*, vol. 2, 25-6.

[92] Ibid., 129-30, 138-9.

demonstrating her confidence in his skills as a negotiator. However, Bahar Ali's relationship with Hastings soured due to their different expectations of appropriate court ceremony and, according to Faiz Bakhsh, Bahar Ali's 'old notions.'[93] The disjuncture between the 'old' political culture and norms of the Awadh *khwajasarais* and those of the Company would only grow in the nineteenth century, as we will see in the following chapter. However, in the late eighteenth century, Awadh nobles still considered *khwajasarais* effective envoys and negotiators.

Third, *khwajasarais* were important sources of and transmitters of intelligence. Christopher Bayly highlights that *khwajasarais* had important roles in intelligence systems in pre-colonial India since their 'liminal sexual status' allowed them to 'move between men's and women's worlds, coordinating information from both.'[94] This was the case even though many *khwajasarais* had limited or no literacy and were 'absolutely uneducated.'[95] *Khwajasarais* were crucial sources of intelligence on occurrences in the Nawab's various palaces. Prior to Asaf's ascension to the throne, *khwajasarais* kept his father, the Nawab Shuja, informed about Asaf's sexual relations (or lack thereof) with his new wife, a matter that was vital to the continuation of the Nawabi dynasty.[96] In some cases, *khwajasarais* fed intelligence to political rivals of their master or mistress, or opponents of their *khwajasarai* superiors, in order to increase their political influence and material wealth.[97] Although the Company initially utilised *khwajasarai* networks of communication, towards the end of the eighteenth century, the British looked upon eunuch intelligence with apprehension due to the power which *khwajasarais* thus derived.[98] Eunuch networks of intelligence in Awadh frustrated Company intelligence on several occasions in the late eighteenth century. In 1781, during the Benares Revolt, Jawahir Ali and Bahar Ali successfully stopped the Company *dak* (postal service) and

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[93] In 1780, Bahu Begam sent Bahar Ali to Calcutta for a series of interviews with the Governor-General, Warren Hastings, in a bid to reverse the Nawab's reduction of her *jagirs* and income. The negotiations broke down when a political rival, the Nawab's Minister Hyder Beg Khan, offered the Company a sizeable sum to reject Bahar Ali's proposals. On his departure, Bahar Ali objected to the ritual exchange of robes on the basis that it would only be appropriate if he had succeeded in his mission and Hastings was much offended by the audacity of 'this eunuch, who is only a slave.' Faiz Bakhsh wrote that Bahar Ali 'had been accustomed to lord it over the chief citizens of Faizábad ... and [he] had no knowledge of the ceremonies ... of the courts of other kings and foreign powers, [and] his head was filled with old notions.' At this stage, the attitude of the Company was ambiguous—the Governor-General initially regarded a *khwajasarai* an appropriate envoy, but evoked Bahar Ali's slave status when offended by the way he conducted negotiations. Ibid., 86-7, 90-4.

[94] C.A. Bayly, *Empire & Information: Intelligence Gathering and Social Communication in India, 1780-1870* (New Delhi: Cambridge University Press, 1999), 94.

[95] Faiz Bakhsh, *Memoirs*, vol. 1, iii; Faiz Bakhsh, *Memoirs*, vol. 2, 48-9, 192-3.

[96] Faiz Bakhsh, *Memoirs*, vol. 2, 18.

[97] Some of Bahu Begam's *khwajasarais* who were disaffected with the power of Jawahir Ali and Bahar Ali fed information to the Nawab's ministers in the 1770s and 1780s. Ibid., 123-4.

[98] Bayly, *Empire & Information*, 94.

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intercepted Company communications.[99] The revenue farmer Almas Ali, who is discussed later in this chapter, had a wide command of intelligence networks. The Nawab and the Company were unable to acquire accurate intelligence from Almas Ali's revenue farms,[100] yet Almas Ali had infiltrated the Company's military forces and the British found it impossible to identify and expel his spies.[101] Whereas *khwajasarai* intelligence networks declined in importance in the nineteenth century, in the late eighteenth century, Awadh's most powerful *khwajasarais* were still a 'knowledge-rich communit[y]'[102] that were sometimes able to undermine colonial intelligence systems. In sum, though *khwajasarais* were employed in diverse positions within elite households and the central and provincial Awadh administration, they were particularly evident as military commanders, envoys and negotiators, and communicators of intelligence. The domestic and the political intersected, and were closely bound, in Awadh.

Khwajasarais' *networks of dependence, patronage and belonging*

One of the most remarkable paradoxes of *khwajasarai* slavery is that although *khwajasarais* were dependent upon and subordinate to their master or mistress and could not reproduce biological heirs—were both unfree and kinless—they presided over networks of dependents that included non-slaves and formed families of adopted kin. The formation of relationships of subordination and familiality were crucial to *khwajasarais*' construction of community and identity and important in the politics of the Faizabad and Lucknow *darbar*s. Below, I analyse the varied power dynamics of these relationships and *khwajasarais*' position in complex webs of hegemony and subordination. *Khwajasarais*' efforts to negotiate their slave status and create communities of belonging deepen our understanding of their everyday lives during the eighteenth century. The importance of kinship-making in the lives of both slaves and non-slaves also contributes more broadly to the history of slavery, domestic arrangements and kinship structures in north India. Below, I analyse five forms of relationships involving *khwajasarais*: first, master-slave relationships; second,

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[99] Barnett, *North India*, 200-1.
[100] NAI/FD/SP 17/02/1784 Appendix: Hyder Beg Khan, Minister to Nawab, to Resident at Lucknow, circa April 1783; NAI/FD/SP 17/02/1784 Appendix: J. Bristow, Resident at Lucknow, to Minister to Nawab, 20 April 1783.
[101] The Company could not identify and expel Almas Ali's intelligence agents from its regiments. NAI/FD/SC 19/02/1785 1-4: J. Ironside to Commander in Chief, 25 February 1785.
[102] Bayly, *Empire & Information*, 5.

relationships between *khwajasarais* of approximate status and age; third, relationships between junior and senior *khwajasarais*; fourth, relationships of subordination formed between *khwajasarai* patrons and their dependents; and fifth, *khwajasarais'* kinship-making practices.

1. Khwajasarais *and their masters*

Turning first to master-slave relationships, this was often an intimate relationship, with the slave eunuch in propinquity to their master on a daily basis. In the concentric gradation of permitted physical proximity in Bahu Begam's *zanana* (female quarters), *khwajasarais* were positioned in the innermost spaces:

> The walls of the Motí Mahal [her palace] were very high ... and ... against the walls on all four sides, were ... the Mewáti infantry. ... Then at the door of the Begam's harem there were at the first entrance a guard of regulars, at the second Baheliya infantry, and at the third ... there was a staff of messengers ... and with them chelás and beadles who carried silver maces. Beyond and inside them all were Kashmiri women, big fat women, who were even better than men for watch and ward. Then came a door which used to be locked both inside and outside. Inside the seraglio near the door were all the eunuchs, about twenty-five ... present on guard. In the Bahu Begam's private bedroom ... four smart Mughal women kept watch by turns.[103]

The position of *khwajasarais* in the geography of the *zanana* implied a high degree of trust and intimacy and when eunuchs betrayed this trust they were removed to a greater distance from the Begam.[104] Even the grandee Jawahir Ali spent a period of each night sleeping in the Begam's residence, as well as periods attending on her during the day.[105] The close personal relationship between Bahu Begam and her *khwajasarai* agents is also suggested by Darab Ali's performance of the Begam's funeral rites. Since her biological son, Asaf, was deceased, Bahu Begam's chief eunuch was entrusted with the duties of son upon her death.[106] Indeed, on several occasions, Bahu Begam described her *khwajasarais* as her 'children'—simultaneously suggesting subordination, infantilisation, intimacy and affection.[107] Trusted and intelligent *khwajasarais* were often their master's closest advisors, perhaps particularly in the case of female slave-

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[103] Faiz Bakhsh, *Memoirs*, vol. 2, 176.
[104] On one occasion when some of the *zanana* women were offended by the conversation of the *khwajasarais*, the Begam prohibited her *khwajasarais* from entering the inner spaces of the *zanana*. Ibid., 196.
[105] Ibid., 38, 51-2.
[106] Ibid., 294-6.
[107] Ibid., 283.

owners.[108] Elite *khwajasarais* were sometimes able to exercise autonomy from their master in their official duties on a de facto basis.[109] Darab Ali, the Begam's second general agent, later stated 'he had really been master' of the *jagirs* he managed.[110] Bahu Begam also tolerated a certain degree of insubordination and 'winked' at the 'misbehaviour' of favoured *khwajasarais*.[111]

Although the master-slave relationship could change into a patron-client relationship,[112] these bonds of dependency were hierarchical and restrictive. In the case of rank-and-file *khwajasarais*, of whom we have considerably less information, bonds of dependency to their master or mistress were probably intense. *Khwajasarais* who left their master's residence were forcibly brought back and their mobility thus restricted.[113] Yet even the agency of those *khwajasarais* with significant property, political influence and administrative responsibilities was circumscribed by master-slave ties. On several occasions, Bahu Begam reprimanded her *khwajasarais* for actions taken without her knowledge,[114] and Jawahir Ali was forced to comply when his mistress opposed his political machinations.[115] The death of a master did not result in emancipation, and *khwajasarais*' master's heirs could claim both their person and the wealth they had amassed.[116] Therefore, there was a spectrum of dependency in master-*khwajasarai* relations: whereas low-ranking *khwajasarais* were highly dependent upon and constrained by their master or mistress, some *khwajasarais* had scope for autonomy in their daily duties, although they could not operate independently of their master.

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[108] For instance, when Bahu Begam decided to make her will, 'leaving all her wealth to the Company,' and made the legal arrangements with a Company official, Mr. Baillie, '[t]here was no one admitted to the place where they sat but Dáráb 'Ali Khán.' Ibid., 290-1.

[109] Ibid., 163.

[110] Ibid., 113-4, 304.

[111] Ibid., 306.

[112] Eaton, 'Introduction,' 6.

[113] Faiz Bakhsh, *Memoirs*, vol. 2, 306.

[114] Ibid., 133, 144-5.

[115] Ibid., 63-71.

[116] This was the case in 1796, when the chief eunuch of Nawab Begam was arrested and interrogated on his mistress' death and lost his substantial property. Ibid., 250-1.

Bahu Begam

mistress of the khwajasarai

Jawahir Ali Khan d. 1799

formed adoptive kinship relationship with

patron of non-slave dependent

Ambar Ali Khan
(Nawab Asaf ud-Daula's eunuch, raised with JAK and considered his brother)

Yusuf Ali Khan
(Nawab Asaf ud-Daula's eunuch, raised with JAK and considered his brother)

Akhwand Ahmad Ali
(tutor in childhood of JAK and later his general agent)

Mamrez Khan
(high-ranking military commander who was subsequently demoted)

Faiz Bakhsh
(JAK's personal treasurer; DAK's tutor and later a close adviser and subordinate)

guru of the chela

Yar Ali
(military commander who was disgraced when he attempted to assassinate Akhwand Ahmad Ali)

Husen Ali
(unsuccessful contender as JAK's successor)

Hasan Ali Chela
(in charge of JAK's private treasury)

Darab Ali Khan
d. 1815:
successor of JAK

Aqalmand
(military commander in 1782-3 who left Faizabad when JAK and BAK arrested)

Nishat Ali
(left Faizabad when JAK and BAK arrested)

Hasan Ali Ghulam
(chief of police of Haveli Awadh district)

Jawahir Ali Khan's (known) network of adoptive kin, *chelas* and dependents compiled by the author from Faiz Bakhsh's account.

close friends with fellow khwajasarai

Mahbub Ali d. 1818

Sultan Ali Khan d. 1818 (Habshi slave whom DAK adopted as his second son)

Bahu Begam

mistress of the khwajasarai

Jawahir Ali Khan

guru of the chela

Darab Ali Khan d. 1815:
successor of JAK as general agent

formed adoptive kinship with

Agha Muhammad Taqi Khan
(a political rival who later became DAK's adoptive brother, and subsequently fell out with DAK)

His 'younger brother's son,' whose name is not known and who died of fever.

patron of non-slave dependent

Faiz Bakhsh (DAK's tutor and later a close adviser and subordinate)

Darab Ali's (known) network of adoptive kin, *chelas* and dependents compiled by the author from Faiz Bakhsh's account.

2. *Friendship and factionalism amongst* khwajasarais

Khwajasarais of approximate status often formed close, life-long friendships, particularly in the case of *khwajasarais* who were raised and educated together, highlighting *khwajasarais'* efforts to build communities of belonging.[117] Yet neither Faiz Bakhsh's account nor other contemporary sources provide evidence for collective *khwajasarai* solidarity, similar to that which Marmon found between eunuchs in medieval Cairo and Medina.[118] *Khwajasarais* often formed or joined opposing factions in the *darbars* of Lucknow and Faizabad,[119] while nobles and officials attempted to exploit inter-*khwajasarai* factionalism, highlighting the potentially fractious nature of relationships between *khwajasarais*.[120] Even *khwajasarais* of the same master or mistress could have tense or openly hostile relationships, as evidenced by the long-standing 'ill-feeling' between Bahar Ali and Jawahir Ali.[121] In sum, the Awadh case does not provide evidence for broad solidarity within the collective of *khwajasarais*. Whereas *khwajasarais* could also form life-long affective relationships with fellow *khwajasarais*, potential fault lines existed amongst *khwajasarais* of different houses, as well as within the one household.

3. Guru-chela *relationships amongst* khwajasarais

Turning to the bonds between senior and junior *khwajasarais*, one of the most important relationships in the lives of *khwajasarais* was that between *guru* and *chela*.[122] *Chelas* were closely bound to their *khwajasarai guru*, particularly in their youth,[123] and senior *khwajasarais* were responsible for the disciplining and upbringing of their *chelas*.[124] *Khwajasarai gurus* often trained their *chelas* in their own administrative functions and

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[117] Ibid., 306.
[118] Marmon, *Eunuchs*, 44, 58-9.
[119] Faiz Bakhsh, *Memoirs*, vol. 2, 123-4.
[120] For instance, in 1781 and 1782, the Nawab's Ministers, Hyder Beg and Hasan Raza, attempted to create discord between Bahu Begam's and Nawab Begam's *khwajasarais*, by exploiting already existing jealousies amongst the latter as a result of the greater wealth and influence of Bahu Begam's *khwajasarais*. Ibid., 110-11.
[121] Faiz Bakhsh does not mention the cause of their dispute, which they had resolved by the time of Bahar Ali's death. Ibid., 76, 161, 215-16.
[122] Hoey also mentioned the term *bachgana* and translated this term as 'novice,' but stated that he had difficulty finding an appropriate English-language term. Hoey wrote that *bachgana* implied a relationship between 'one who has been in his boyhood castrated and the older man who performed the operation or caused it to be performed,' although Faiz Bakhsh's short biographies of prominent *khwajasarais* do not provide evidence that their *gurus* were involved in their emasculation. Ibid., 186.
[123] For instance, when Lucknow became the Nawabi capital, the corps of *khwajasarais* was split between Lucknow and Faizabad according to *guru-chela* relationships. Ibid., 195.
[124] Ibid., 193-6.

appointed them as deputies.[125] Although the relationship between *guru* and *chela* was status-differentiated and one of dependency, adult *chelas* were sometimes disloyal to their *gurus* when the latter experienced a decline in political influence.[126] In many cases, the offices of *khwajasarai gurus* passed to their *chelas* upon their death, [127] demonstrating that masters and mistresses recognised the generational ties between *khwajasarais*. In other contexts, anthropologists have argued *guru-chela* relationships could be termed a form of kinship since '[o]ne basic defining criterion of a master-disciple relationship ... is that of unbroken "genealogy".'[128] Similarly, Faiz Bakhsh places great emphasis throughout his account on *guru-chela* lineages. The broader social recognition of *guru-chela* genealogies highlights the somewhat blurred boundaries of kin and 'kin-like' relationships with other social relationships.

4. *'My fancy is the care of men'*: Khwajasarais *and their dependents*

Khwajasarais were also the superior partners in temporary and long-term bonds of subordination with dependents, servants and employees. That freepersons were often the dependents of *khwajasarai* slaves highlights another seeming contradiction in *khwajasarais'* unfree status: not only were they the subordinate partner in bonds of dependency with masters, they were also the dominant partner in relationships of dependency with non-slaves. The maintenance of a large establishment of dependents and servants demonstrated the prestige of *khwajasarais*.[129] Conversely, men who wished to increase their political influence sought relationships of dependency upon *khwajasarais*.[130] Although *khwajasarais'* bonds with subordinates and employees were sometimes life-long and had affective aspects,[131] patron-client bonds were hierarchical (if potentially mutually beneficial) relationships.[132] Dependents were required to

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[125] Ibid., 268.

[126] Aqalmand, 'who was the greatest favourite among all Jawáhir 'Ali Khán's underlings ... left the very first day [after Jawahir Ali Khan's arrest in 1782] and went to Hasan Razá Khán,' one of the Nawab's ministers. In the following days, Nishat Ali and several other *chelas* also left. Ibid., 181.

[127] Ibid., 49-50. However, this created significant competition amongst *chelas*. This was the case when Jawahir Ali died in 1799. Bahu Begam appointed Darab Ali his successor, but a rival named Husen Ali plotted (unsuccessfully) to kill Darab Ali. For a detailed account, see Ibid., 268-84.

[128] Monika Böck and Aparna Rao, 'Introduction: Indigenous Models and Kinship Theories: An Introduction to a South Asian Perspective,' in *Culture, Creation, and Procreation: Concepts of Kinship in South Asian Practice*, ed. Monika Böck and Aparna Rao, 18-20 (New York: Berghahn Books, 2000).

[129] Faiz Bakhsh, *Memoirs*, vol. 2, 50-2.

[130] Ibid., 225-6.

[131] This can be seen in Jawahir Ali's life-long relationship with his childhood tutor Akhwand Ahmad Ali, who later became his closest personal advisor. Ibid., 241-2.

[132] A recent anthropological study of patron-client relationships, often described through kinship terms, in a Bengali village suggests that clients are often irreverent and critical of patrons in private and view these

demonstrate their subordination and *khwajasarais* were careful to restrict their power within acceptable limits.[133]

While the *khwajasarai* patron was in a position of authority over these dependents, they also had perceived obligations towards subordinates. According to Faiz Bakhsh, Jawahir Ali conceptualised his establishment of agents, employees and servants as his 'family.'[134] For example, when one of his watchmen stole money, Jawahir Ali did not punish the watchman because he had merely taken from 'his father.'[135] Jawahir Ali contributed to his servants' children's wedding expenses, provided for the families of deceased servants and annually distributed clothes to his dependants.[136] When asked why he was constantly increasing his household establishment, Jawahir Ali replied his 'fancy' was 'the care of men,' rather than noble pastimes such as animal fighting.[137] On the one hand, this represented the demonstration of political power through what Bayly has called the 'conspicuous consumption of followers.'[138] On the other hand, the articulation of *khwajasarais*' relationships to dependent servants through metaphors of familiality and paternalism suggests that master-servant and patron-client relationships cannot be neatly divorced from kinship-making. While constructed kinship was used to reinforce hierarchies and ensure loyalty, kinship-making and political strategies were very much intertwined.

Rank amongst the dependents of powerful *khwajasarais* was established and symbolised through their spatial position in relation to their patron, with greater degrees of physical proximity indicating higher rank, demonstrating *khwajasarais*' duplication of master-slave and patron-dependent relationships with others, despite their status as slaves. Only the *khwajasarais*' closest respected subordinates were allowed in his presence, and the demotion of a dependent was symbolised through increased physical

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relationships as entirely strategic (rather than affective) in character and a slightly polluting necessity. Arild Engelsen Ruud, 'Talking Dirty About Politics: A View from a Bengali Village,' in *The Everyday State & Society in Modern India*, ed. C.J. Fuller and Véronique Bénéï, 119-22 (London: Hurst & Company, 2001).

[133] One social climber of obscure origins named Yar Ali chose Jawahir Ali as his patron and 'by close attendance night and day ... he occupied a nearer place to his master's heart than all other servants[,] ... became a commandant of four hundred and ... had a finger in everything.' Yar Ali was subsequently disgraced and expelled from Jawahir Ali's *darbar* when he attempted to assassinate a rival dependent, Akhwand Ahmad Ali. Ibid., 225-6, 229.

[134] The *khwajasarai* revenue farmer Almas Ali Khan, who is examined below, similarly referred to his cultivators as his 'children.' W.H. Sleeman, *A Journey Through the Kingdom of Oude, in 1849-1850*, vol. 1 (London: Richard Bentley, 1858), 321-3; Bayly, *Rulers, Townsmen and Bazaars*, 49.

[135] Faiz Bakhsh, *Memoirs*, vol. 2, 55.

[136] Ibid., 58.

[137] Ibid., 57.

[138] Bayly, *Rulers, Townsmen and Bazaars*, 60.

distance.[139] Low-ranking dependants, for instance, were made to stand behind a screen when Jawahir Ali held court. [140] The establishment of rank amongst prominent *khwajasarais'* dependents through degrees of propinquity mirrored the concentric gradation of permitted physical proximity to Bahu Begam that defined the rank of her attendants. In sum, one strategy through which *khwajasarais* negotiated their slave status and extended their power was to subordinate others in patron-client networks. Another strategy to *khwajasarais* used to mitigate enslavement was to form families of adopted kin.

5. Khwajasarai *kinship-making*

Although they were ostensibly kinless, *khwajasarais* established formal adoptive kinship ties with *khwajasarai* contemporaries, *khwajasarai chelas*, slaves, non-slaves and the biological kin of their master or mistress. Masters and mistresses acknowledged *khwajasarais'* families of adopted kin, which were formed through socially recognised rituals and spatially defined through the greater intimacy of kin and the relaxing of rules of permitted physical proximity. The adoption ceremony in Faizabad involved the *khwajasarai*, their soon-to-be kin and the *khwajasarai*'s master. Faiz Bakhsh provides an account of one such kinship ceremony, between Darab Ali and the noble Agha Muhammad Taqi Khan, in which several occasions of feasting, entertainment, and the presentation of gifts—involving the two men and Bahu Begam—culminated in a 'ceremony of adoption' which laid the 'foundations of friendship' and 'a footing of unceremonial visiting.'[141]

Khwajasarais' formation of families was related to their search for community, identity and belonging. It is significant that *khwajasarais* often regarded the *khwajasarais* with whom they were trained and educated in childhood as their 'brothers.' It could be expected that amongst children only recently enslaved, the formation of kinship ties would be particularly important. Yet kinship-making strategies continued into adulthood. Bahar Ali, for instance, adopted as his brother the nephew of the woman who was his mistress prior to his kidnapping and emasculation, adopted the

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[139] Faiz Bakhsh, *Memoirs*, vol. 2, 171.
[140] Ibid., 227.
[141] Ibid., 289.

Saiyad identity of the family, and according to Faiz Bakhsh, obtained a deed of emancipation from his original mistress' descendants.[142]

The kinship relationships that *khwajasarais* produced could be both affective and involve asymmetrical power dynamics. The implication of sentiment in family formation is evident from Faiz Bakhsh's account of Darab Ali's adoption of two sons, for whom he arranged marriages and appointed tutors. Both boys died and Darab Ali's 'sorrow for [this] loss ... was too deeply seated to pass away.'[143] Darab Ali was already ill, and his grief on the death of his second son made him 'despondent' and according to Faiz Bakhsh, eventually led to his own death.[144] Yet kinship relationships also involved differences in status and discrepancies in kin's perception of rank were the cause of tension and disagreements.[145] Jawahir Ali fell out with one of his adopted brothers, the eunuch Yusuf Ali, after a visit in which Jawahir Ali, 'considering himself an elder brother, remained sitting when he embraced' Yusuf Ali and consequently 'greatly offended' him.[146] In some cases, kinship-making could be a political strategy. Expedient but fragile kinship relationships symbolised the reconciliation of rivals, but were susceptible to fissures and eventual dissolution. Darab Ali's brother, Agha Muhammad Taqi Khan, was a former political enemy and their adoptive brotherhood was intended to cement their reconciliation. However, there was 'no heart' in the relationship, which subsequently fell apart.[147]

The tension between the 'social death' of slavery and *khwajasarais*' socially-recognised formation of families and networks of dependents particularly played out upon the death of *khwajasarais*. *Khwajasarais*' efforts to provide for their kin and *chelas* and to establish a familial lineage were resisted by masters and mistresses. According to Islamic law, the property of a slave was inherited by their master or mistress upon their death. Bahu Begam's recognition of the adoptive kin of her *khwajasarais* did not continue following their deaths and she rejected the right of *khwajasarais*' heirs and adopted kin to inherit their property.[148] As Faiz Bakhsh baldly

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[142] Bahar Ali was the slave of a Saiyad woman who treated him as her son, but we was subsequently kidnapped and emasculated. Ibid., 215-9.
[143] It is unclear whether Darab Ali's adopted son was his biological nephew, in light of his possible contact with his biological family, or was the offspring of an adoptive brother. Ibid., 306.
[144] Ibid., 312-4.
[145] In the context of Western India and Sardhana, respectively, Guha and Fisher have also noted that adoptive kinship did not preclude tensions between kin, which often played out in court politics. Guha, 'Family Feud,' 76-8; Fisher, 'Becoming and Making "Family",' 108.
[146] Faiz Bakhsh, *Memoirs*, vol. 2, 139.
[147] Ibid., 289, 297-8.
[148] Ibid., 215-17.

stated, 'eunuchs have no heirs.'[149] *Khwajasarais* often went to great lengths to secure livelihood and property for their heirs. The heirs of Afrin Ali Khan, one of the Nawab's *khwajasarais*, barred the gates to his estate and barricaded themselves inside, prohibiting the Nawab's servants from taking possession.[150] Although Afrin Ali's heirs appear to have succeeded in obtaining their inheritance, most were not so lucky. In sum, although masters and mistresses may have recognised the kinship-making of their *khwajasarais* during their lifetime, they did not generally tolerate attempts to pass property onto heirs.

Khwajasarais' formation of adoptive families obviously modified the rationale behind their employment in the Mughal, Ottoman and Safavid empires. Since the rule of Sadat Khan, the rulers of Awadh had made eunuchs their *chelas*, with the expectation that since eunuchs could not produce heirs, they would be loyal to the ruler. Yet the formation of adoptive families diverted *khwajasarais*' loyalties from their masters and mistresses.[151] In order to determine whether Awadh was unusual in this respect, more research is necessary on eunuch slaves in Indian-ruled polities.[152] In any case, *khwajasarai* kinship in Awadh demands us to rethink our definition of the family in historical contexts, and to acknowledge the importance of non-conjugal and non-biological familial relationships to both non-slaves and slaves. The discursive deployment of kinship was, to some extent, a feature of north Indian slavery in general and represented a search for identity and belonging.[153] However, *khwajasarais*' kinship-making practices with non-slaves and non-eunuchs highlights that 'constructed kinship' was also important to those who had not experienced slavery and a lack of social or communal belonging.

This case study of Bahu Begam's eunuchs has explored several seeming paradoxes of *khwajasarai* slavery, which were largely unremarkable to contemporaries in Awadh. Whereas powerful *khwajasarais* were considered members of the nobility, they were nonetheless vulnerable to non-slaves' claims of obedience. *Khwajasarais* traversed the boundaries between household administration, *darbar* politics and state administration, performing a variety of duties. In a context where political power was

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[149] Although Darab Ali wrote a will prior to his death that provided for his dependents, the disputes over his will were ongoing several years later, highlighting the controversial nature of *khwajasarais*' attempts to pass property onto appointed heirs. Ibid., 316-19.

[150] Mrs. Meer Hassan Ali, *Observations on the Mussulmauns of India*, vol. 1 (London: Parbury, Allen and Co., 1832), 72.

[151] Fisher, *Clash of Cultures*, 53.

[152] As noted above, Chatterjee's account of Murshidabad suggests that the Awadh case may have been unusual in some respects. Chatterjee, *Gender, Slavery and Law*, 57.

[153] Chatterjee, 'Slave's Quest,' 75-6.

located in the person of the ruler/noble, the liminality of *khwajasarais* between the 'inner' space of the household and the 'outer' sphere was an important factor in their social and political role, inverting the European concept of 'public' and 'private' spheres. Although the relationship of *khwajasarais* to their master or mistress could modify over the course of their life, transforming into a patron-client relationship, the vast majority of *khwajasarais* were dependent upon their master or mistress, to whom their economic and political fortunes were closely tied. *Khwajasarais*, themselves slaves and *chelas* to their masters, formed families of adopted kin and extensive networks of *chelas* and dependents. The various strategies *khwajasarais* used to negotiate their slave status demonstrate the ways in which marginalised groups such as slaves can take advantage of 'cracks' in the edifice of power to variously contest dominant groups, improve their circumstances and make sense of their lives. Yet the vulnerability of *khwajasarais* to the claims of their masters and other non-slaves highlights the tenuousness of such everyday negotiations and power tussles. Below, we turn to interactions between powerful *khwajasarais* and the East India Company to illuminate British attitudes towards *khwajasarais*, in particular their families, and the scope of colonial interventions in the late eighteenth century.

'The greatest and best man that Oude has produced':[154]
Almas Ali Khan and north Indian politics

The last quarter of the eighteenth century saw the rapid rise of Almas Ali Khan, who was the revenue collector and effective ruler of the western districts of Awadh by the 1780s.[155] Almas Ali had sufficient financial and military resources to make the withdrawal of his allegiance to the Nawab a real threat. While Almas Ali never rebelled, largely due to Company support for the Nawab, he remained a major player in north Indian politics until his death in 1808. Although much could be said about Almas Ali and the efforts of regional political powers to resist and negotiate the expansion of the Company, below I focus on aspects of Almas Ali's story that illuminate the broader history of interactions between *khwajasarais*, Indian-ruled states and British colonisers in the eighteenth century, in order to situate subsequent colonial interventions. Almas Ali was the foremost *khwajasarai*—and perhaps, generally speaking, the most

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[154] This phrase is taken from Sleeman's description of Almas Ali. 'Oude' or 'Oudh' was the colonial spelling of Awadh. Sleeman, *Journey*, vol. 1, 321-2.
[155] Bayly, *Empire & Information*, 95.

influential revenue farmer—in the history of Awadh. While he was no doubt exceptional, Almas Ali's story highlights the possible extent of *khwajasarai* political, military and economic power in the late eighteenth century.

In the 1780s, the Company became concerned with the extent of Almas Ali's power and sought to intervene to reduce his extensive revenue farms and military resources. The first question this section addresses is why the Company considered intervention necessary and how successful it was in circumscribing Almas Ali's power. The British sought to reduce Almas Ali's military and economic power because his position threatened to destabilise the Nawab's sovereignty and, therefore, the interests of the East India Company. The Company did not attempt to manage the *khwajasarai* population, its social and domestic relations or its labour, as it would in the mid-nineteenth century. Second, I draw out the importance of Almas Ali's family in his relationship to both the Nawab and the Company. Building on the insights the *khwajasarais* of Faizabad provide into kinship-making practices, this section demonstrates the importance of constructed kinship in political machinations involving *khwajasarais*, and the intertwining of the familial and political in eighteenth century Awadh. Almas Ali's story demonstrates that both the Nawab and the Company accorded *khwajasarais'* kin the status of familiality, quite remarkably, considering nineteenth century British attitudes (examined in Chapter 2).

This chapter shows that the British were not concerned with intervening in the *khwajasarai* population until the mid-nineteenth century. The British did not generally attempt wide-reaching interventions into the conditions of life of the colonised until the first half of the nineteenth century.[156] In some parts of the eighteenth century Empire, the British sought to manage populations—primarily Europeans and groups of mixed European-indigenous descent—and discipline their domestic arrangements and sexual behaviours.[157] In late eighteenth century India, the British also compiled official codes of Hindu and Muslim personal law. This was the beginning of a process of enshrining elite Indian definitions of family and sexual norms in colonial law and the marginalisation of diverse domestic arrangements.[158] Yet it was not until the nineteenth century that the British sought to broadly transform the intimate domain of indigenous society.

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[156] David Scott, 'Colonial Governmentality,' *Social Text* 43 (Autumn 1995): 206.
[157] Kathleen Wilson, 'Rethinking the Colonial State: Family, Gender, and Governmentality in Eighteenth-Century British Frontiers,' *American Historical Review* 116, no. 5 (December 2011): 1294-322.
[158] Radhika Singha, *A Despotism of Law: Crime and Justice in Early Colonial India* (Delhi: Oxford University Press, 1998), 121-67.

Eighteenth century British definitions of 'family' in Awadh were considerably wider than nineteenth century colonial attitudes would allow. British men in eighteenth century India commonly spoke several Indian languages and cohabited with Indian women. Although there were growing anxieties about British 'familiarity with local customs' and inter-racial sexual relationships in the colonial capital of Calcutta, in the late eighteenth century in Indian-ruled states like Awadh, British men 'continued to participate in local practices, often to productive [political] ends,' while their families with Indian women provided opportunities for 'cultural negotiation.'[159] Many British Residents in Awadh—including John Bristow, Nathaniel Middleton and William Palmer—had families with Indian women.[160] British men in eighteenth century Awadh were therefore embedded in the diverse domestic arrangements of early modern north India through their own 'hybrid' families. This also meant that the British in Awadh had more intimate knowledge of *khwajasarais*, which was formed through their inter-personal interactions with *khwajasarais* in the context of diplomacy, social engagements, or even in their own households.[161] Company officials 'symbolically incorporat[ed] into local politics'[162] through their hybrid domestic arrangements had a greater understanding of diverse indigenous familial forms and the role of *khwajasarais* than their nineteenth century counterparts.

Power 'too great for a subject': Almas Ali Khan, the Nawab and the Company

While we know that Almas Ali was the son of a Jat cultivator,[163] the circumstances in which he was sold into slavery are obscure.[164] Almas Ali was part of the dowry of

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[159] Durba Ghosh, *Sex and the Family in Colonial India: The Making of Empire* (Cambridge: Cambridge University Press, 2006), 74-5.
[160] Ibid., 76.
[161] While prominent *khwajasarais* like Almas Ali dined and socialised with the British, we have at least one account of eunuch slaves in the household of a European man. George Valentia, who visited Lucknow in 1802-3, wrote in his journal, 'Almas the eunuch paid me a visit; he is held here in much consideration from the prominent part he has borne in politics.' Valentia, *Voyages and Travels*, vol. 1, 104, 107. As late as the 1860s, at least one European man lived temporarily with *khwajasarais*. Frenchman Louis Rousselet, who wrote about his travels in *India and its Native Princes*, had an Indian noblewoman stay in his household, in separate apartments. He writes that during her stay 'eunuchs passed hither and thither' and 'followed our slightest movements with unfailing curiosity.' Louis Rousselet, *India and its Native Princes: Travels in Central India and in the Presidencies of Bombay and Bengal* (New Delhi: Asian Educational Services, 2005 [1876]), 118.
[162] Ghosh, *Sex and the Family*, 70.
[163] Baden-Powell, *Land Systems*, vol. 2, 12.
[164] In the 1860s, a British official, C.A. Elliott, reported, 'Ilmas Ali was the son of a Jat cultivator near Hoshyarpoor [Hoshiarpur], a Eunuch from his birth.' Elliott, *Chronicles of Oonao*, 124.

Bahu Begam and was initially employed as a cup-bearer and attendant.[165] Shuja's and Bahu Begam's son Asaf, the future Nawab, called Almas Ali *mamu*, or maternal uncle. Almas Ali was thus discursively incorporated into his mistress' family, highlighting the malleability of categories of slavery and kinship. When the Begam was granted a *jagir* in Gonda and Faizabad districts, she appointed Almas Ali as the manager of her estates.[166] Unlike Bahu Begam's other powerful eunuchs, Almas Ali was able to operate independently of his mistress and avoided any involvement in the Nawab's long-running dispute with Bahu Begam throughout the 1770s and 1780s.[167] Almas Ali was a commercial magnate, the head of a military force that was larger than the Nawab's and the effective ruler of large tracts of Awadh territory. By 1771, Almas Ali had already accrued sufficient wealth to establish his own town named Mianganj in Unao district.[168] One British traveller reported that the town was strongly fortified, its streets were 'wide, and lined with trees,' and it 'seem[ed] populous, and in a thriving condition.'[169] Mianganj was also a major market centre, the headquarters of Almas Ali's commercial operations and the location for his indigo factories.[170] Towards the end of Shuja's reign, in 1773, Almas Ali was appointed the Governor of territories in the south of Farrukhabad which were recently acquired from the Marathas.[171] When Asaf assumed the throne in 1775, Almas Ali became the Amil (revenue farmer) of Kora and thus the single largest revenue farmer in Awadh, in control of almost a quarter of the total revenue collected in Awadh.[172] By 1783, Almas Ali was also the Amil of Sharah, Jagdishpur, and Etawa.[173]

In the 1780s, the Company became anxious that Almas Ali could secede from Awadh and establish his own state, upsetting the balance of power in north India and alienating a huge proportion of the Awadh land revenue. The Nawab and the Resident

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[165] Barnett, *North India*, 182; Hamid Afaq Qureshi, *The Mughals, the English and the Rulers of Awadh From 1722 A.D. to 1856 A.D.* (Lucknow: New Royal Book Co., 2003), 157.

[166] Elliott, *Chronicles of Oonao*,124-5.

[167] Ibid., 125.

[168] Mian was Almas Ali's popular title and a common address for *khwajasarais*. Chatterjee, *Gender, Slavery and Law*, 48.

[169] Valentia, *Voyages and Travels*, vol. 1, 142-3.

[170] Bayly, *Rulers, Townsmen and Bazaars*, 98-9.

[171] Qureshi, *The Mughals*, 158.

[172] Barnett, *North India*, 182. The vast majority of land revenues in Awadh were assigned to revenue farmers, under the *ijarahdari* system. Persons would bid for the right to a revenue farm for a specific period, during which they paid a fixed annual sum to the Awadh treasury, pocketing any revenue extracted above this amount. The revenue farmers were somewhat confusingly known as Amils, though this usually referred to a salaried administrator in the Mughal Empire. Barnett, *North India*, 168-9; Fisher, *Clash of Cultures*, 204-7.

[173] NAI/FD/SC 27/04/1781 18: C.R. Crommeling to J. Morgan, 27 April 1781; NAI/FD/SC 22/11/1782 2: J. Bristow, Resident at Lucknow, to Governor-General and Council, India, 4 November 1782; NAI/FD/SC 17/02/1784 Appendix: J. Bristow, Resident at Lucknow, to Hyder Beg Khan, Minister of Nawab, 5 August 1783.

at Lucknow sought to limit Almas Ali's power while preventing any 'rebellion.' However, the British did not seek a general transformation in *khwajasarais*' labour, social and domestic relationships, and political power—as they would in the nineteenth century—but rather aimed to circumscribe the ability of powerful individuals to challenge British dominance in Awadh. The East India Company attempted to protect and maintain its 'sovereign power' in eighteenth century Awadh, rather than attempting to manage the *khwajasarai* population in a broad sense through 'governmental' techniques of regulation, enumeration, surveillance and classification, as the British would in the mid-nineteenth century.[174] However, the British did not succeed in even the limited intervention of circumscribing Almas Ali's power.

On several occasions in the 1780s, the Nawab and the Company were concerned that Almas Ali would rebel. In 1782, Almas Ali left Awadh with his family and considerable wealth, which was construed by the Company as an act of 'rebellion.'[175] He also became involved in Mughal court politics and was in communication with other regional powers, including the Maratha Mahadaji Shinde and Raja Chait Singh, the Raja of Benares, with both of whom he drew up treaties pledging support.[176] The Company construed this correspondence with 'foreign' powers as 'illegal.' On several occasions in the early 1780s, Almas Ali also evaded the Nawab's orders.[177] Much to the frustration of the Governor-General, Warren Hastings, these acts of disobedience only increased Almas Ali's power relative to the Nawab. After leaving Awadh in 1782, the Nawab and Almas Ali entered into a series of written agreements outlining the

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[174] As outlined in the Introduction, in the work of Michel Foucault and historians who have studied 'colonial governmentality,' a distinction is made between sovereign power, which is aimed primarily at the maintenance of sovereignty, and governmental power, which is aimed at the management of populations and their conditions of life. See Michel Foucault, 'Governmentality,' in *The Foucault Effect: Studies in Governmentality, with Two Lectures and an Interview by Michel Foucault*, ed. Graham Burchell, Colin Gordon and Peter Miller, 87-104 (Hertfordshire: Harvester Wheatsheaf, 1991); Scott, 'Colonial Governmentality'; Stephen Legg, *Spaces of Colonialism: Delhi's Urban Governmentalities* (Oxford: Blackwell Publishing, 2007); Janaki Nair, 'Beyond Nationalism: Modernity, Governance and a New Urban History for India,' *Urban History* 36, no. 2 (August 2009): 327-41; Deana Heath, *Purifying Empire: Obscenity and the Politics of Moral Regulation in Britain, India and Australia* (Cambridge: Cambridge University Press, 2010), Chapter 1; Gyan Prakash, 'The Colonial Genealogy of Society: Community and Political Modernity in India,' in *The Social in Question: New Bearings in History and the Social Sciences*, ed. Patrick Joyce, 87-90 (London: Routledge, 2002).
[175] NAI/FD/SC 15/08/1782 6: W. Hastings, Governor-General, India, to Resident at Lucknow, 10 August 1782. See also, NAI/FD/SC 15/08/1782 9: W. Hastings, Governor-General, India, to Minister of Nawab, circa August 1782.
[176] NAI/FD/SC 15/01/1783 2: H. Lloyd, Acting Persian Interpreter, Intelligence Reports, 17 November 1782; NAI/FD/SP 17/02/1784 Appendix: J. Bristow, Resident at Lucknow, to Governor-General, India, 5 November 1782; NAI/FD/SP 27/12/1783 21: J. Bristow, Resident at Lucknow, to Governor-General and Council, India, 13 December 1783; NAI/FD/SP 17/02/1784 Appendix: Almas Ali Khan to Mahadaji Shinde, circa 1872-3.
[177] NAI/FD/SP 23/06/1783 34A: J. Bristow, Resident at Lucknow, to Governor-General and Council, India, 14 April 1783.

conditions of Almas Ali's return to Awadh.[178] These treaties appeared to be an acknowledgement from the Nawab that Almas Ali was an equal. According to Hastings, the agreement between Almas Ali and the Nawab 'resemble[d] more a Treaty between equal States, than a Transaction between a Sovereign, and his Vakal,' or *vakil* (official or agent).[179] Hastings was outraged that successive Residents had allowed Almas Ali to further extend his revenue farms and 'acquire independency' from the Nawab.[180]

The Company henceforth took an interventionist policy that sought to circumscribe Almas Ali's revenue districts and the size of his enormous military. Hastings instructed the new British Resident, John Bristow, that Almas Ali's revenue farms should be reduced and the agreement between the Nawab and Almas Ali should be honoured. However, if Almas Ali had been guilty of 'criminal offences' in corresponding with other regional powers—which the British would soon discover he had—Bristow should pressure the Nawab to convict Almas Ali and 'punish him with death.'[181] On his arrival in Lucknow, Bristow immediately began discussions with the Nawab's Minister on the 'reduction of Almass Allee Cawn's power' and on 'deposing him entirely.'[182]

The Company attempted to limit Almas Ali's power because his economic and military resources threatened to upset the balance of power in north India, which the Company sought to mould in its favour. To the British in eighteenth century Awadh, the power of *khwajasarais* was generally unremarkable and legitimate. British intervention was based on the premise that Almas Ali's power was 'too great for a subject,'[183] and not on the premise that he could not legitimately hold such a position as a eunuch. British commentators variously assessed Almas Ali as 'a man of the best ... character[,] ... a good Governor and a man in the strictest punctuality in all his engagements,'[184] and as an oppressive and harsh revenue farmer[185] who was disloyal

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[178] NAI/FD/SC 17/02/1784 Appendix: 'Engagement entered into with Ilmass Ally Khan to which were Affixed the Seals of the Nabob and his Ministers Hussin Zexa Cawn and Hyder Beg Khawn and the Signature of Mr. Johnson,' circa 1872. See also, NAI/FD/SC 17/02/1784 Appendix: 'Translation of Hyder Beg Cawn's Narrative on Almass Ally Cawn's Succession,' circa 1782-3.

[179] The Acting Resident who negotiated the treaties with Almas Ali and the Nawab was not acting on orders from Hastings and did not inform him of the treaties. NAI/FD/SC 21/04/1783 14: W. Hastings, Governor-General, India, to Resident at Lucknow, 23 October 1782.

[180] Ibid.

[181] Hastings added a caveat that no 'fraudulent artifice, or treachery' should be used to achieve this end, though these instructions later featured in Edmund Burke's impeachment charges against Hastings. Ibid.

[182] NAI/FD/SP 17/02/1784 Appendix: Bristow to GG, 5 Nov 1782.

[183] NAI/FD/SC 08/11/1787 7: C. Cornwallis, Governor-General, India, to Resident at Lucknow, 1 October 1787.

[184] NAI/FD/SC 08/12/1777 8: N. Middleton, Resident at Lucknow, to Governor-General and Council, India, 16 November 1777.

and duplicitous.[186] Yet significantly, British officials rarely mentioned the fact of Almas Ali's eunuch-hood. He was assessed as the most powerful revenue farmer in the state, rather than as a *khwajasarai* per se.

When the Company did seek to circumscribe the power of Almas Ali by immediately reducing his existing revenue farms, they were unable to do so for two reasons. First, there was a risk that the revenue collection in his territories would stop while new Amils were appointed, which would reduce both the Awadh government's and the Company's revenue, since Almas Ali's territories were assigned to the repayment of the Nawab's debt to the Company.[187] Second, both the Resident and the Minister believed there was a high likelihood that Almas Ali would resist militarily. If Almas Ali did wage war against the Nawab and the Company, the odds were in Almas Ali's favour.[188] As Bristow later explained:

> Almass had an army of above twelve thousand horse & foot as allowed to him by the Vizier [Nawab], … [and] … irregulars entertained by his own authority, of at least an equal number. … He had treasure, stores, and ammunition, with the fort of Codar Cote. … On the other hand, I received charge of my office with an empty treasury, and the burden of a heavy debt. … Under these circumstances it would have been impossible to borrow money [to supply Company troops], and the principal resource in my hands was from Almass Ally Cawn[,] the assignment[189] on [whom] is for twenty seven Lacs of rupees, the very man against whom I was to engage.[190]

The Company's capacity to defeat Almas Ali in battle thus relied on funds from Almas Ali himself![191]

Bristow failed to limit Almas Ali's power during his Residency, although he attempted to control the administration of Awadh single-handedly, gaining possession of the Nawab's seal and issuing orders in his name.[192] By the end of 1783, Bristow had

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[185] NAI/FD/SC 08/01/1778 2: M. Leslie, Temporary Brigade, to Governor-General and Council, India, 30 November 1777; NAI/FD/SC 08/01/1778 4: Abstract from the resolutions of Council, 17 December 1777.
[186] See for instance, NAI/FD/SC 19/02/1785 1: Hibbert, Commander in Chief, to Governor-General and Council, India, 16 February 1785.
[187] NAI/FD/SP 17/02/1784 Appendix: Bristow to GG, 5 Nov 1782.
[188] NAI/FD/SP 17/02/1784 40: J. Bristow, Resident at Lucknow, to Governor-General and Council, India, 4 October 1783; NAI/FD/SP 17/02/1784 Appendix: J. Bristow, Statement of the Etawa and Kora provinces during Almas Ali Khan's administration, circa 1782; NAI/FD/SP 29/09/1783 7 Enclosure: J. Bristow, Resident at Lucknow, Statement of Almas Ali Khan's troops, 27 August 1783.
[189] In the 1780s, the Nawab assigned the annual payments from tax farmers that were owed to the Awadh government directly to the Company in repayment of his debts. Almas Ali was one of the revenue farmers who paid a fixed annual amount to the Company, instead of the Nawab.
[190] NAI/FD/SP 12/05/1783 17: J. Bristow, Resident at Lucknow, to Governor-General, India, 20 December 1783.
[191] The only way the Resident could achieve Almas Ali's dismissal was to seize his person, which would be considered an act of treachery, and therefore contrary to the caveat in Hastings' instructions mentioned above. NAI/FD/SP 17/02/1784 Appendix: J. Cumming to Resident at Lucknow, 29 August 1783; NAI/FD/SP 12/05/1783 17: Bristow to GG, 20 Dec 1783.
[192] Fisher, *Clash of Cultures*, 84.

failed to administer Awadh effectively and the Company was forced to retreat from heavy-handed interference in Awadh. When Hastings visited Lucknow to renegotiate the terms of the Company-Awadh relationship, Almas Ali entered into an agreement with the Company that ensured the Company would not interfere in his revenue farms. Under the agreement, the Amils would withdraw from management of their revenue farms 'whenever they should be interrupted in their functions by the interference of an English agent.'[193] As such, the Company could not intervene in the revenue collection without risking the unplanned withdrawal of the Amils and chaos in the countryside. Almas Ali's territories were only reduced in his old age, when he desired to go into semi-retirement,[194] though he held significant territories 'either in his own name, or that of some of his followers, till his death in 1808.'[195]

In sum, the Company did not identify Awadh's *khwajasarais* as a 'problem' population that required regulation in the late eighteenth century, but sought to limit the power of Awadh's most powerful *khwajasarais* when they threatened British attempts to manipulate the balance of power in north India in their favour. Although Almas Ali did not secede from Awadh due to Company support for the Nawab, the Company were unable to remove Almas Ali from his powerful position. When attempted, colonial interventions aimed at *khwajasarais* were unsuccessful in the late eighteenth century.

'Nothing but a large quantity of old shoes': The political significance of Almas Ali's family

Almas Ali's family was politically important to both the Nawab and the Company during his lifetime, when the geographical location of his family could indicate either loyalty or rebellion, and following his death, when his efforts to provide for his family left the Nawab with nothing but treasure chests full of old shoes.[196] Remarkably, both the Nawab and the Company recognised Almas Ali's kin and dependents as his 'family.' British commentators thus acknowledged the complexities of South Asian family forms

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[193] NAI/FD/SC 08/10/1784 5: Almas Ali Khan and the other Amils to the Government of the Nawab, circa August 1784. See also, NAI/FD/SC 08/10/1784 1: W. Hastings, Governor-General, India, to Edward Wheler and Council, 20 September 1784; NAI/FD/SC 08/10/1784 4: Asaf ud-Daula, Nawab of Awadh, to Governor-General, India, 25 August 1784.
[194] Extract of Political Letter to Bengal, 15 March 1799, in Lawrence D. Campbell and E. Samuel, *Asiatic Annual Register, or View of the History of Hindustan, and of the Politics, Commerce and Literature of Asia, For the Year 1799* (London: J. Debrett, 1801), 40; Letter from W. Scott, Resident at Lucknow, Memorial to the Nawab, 16 March 1801, in East India Company, *A Collection of Facts and Documents Relative to Batta* (Calcutta: S. Smith & Co., 1829), 117-18.
[195] Elliott, *Chronicles of Oonao*, 131.
[196] Ibid.

in the late eighteenth century, though by the nineteenth century they would construe both *khwajasarais'* and *hijras'* kinship-making practices as 'corrupt'—politically in the former case and sexually in the latter. The individual identities of only a few of Almas Ali's family members are known, yet it is evident that his kin encompassed persons who were neither slaves, nor *khwajasarais.* Sleeman reported that Almas Ali 'had a brother, named Rahmut, after whom the town of Rahmutgunge [near Mianganj] ... took its name.'[197] Almas Ali's 'brother-in-law' and deputy was Raja Bhagmul, who had several sons and grandsons and was a petty rural ruler.[198] Almas Ali also had at least one adopted son who had a family of his own, making Almas Ali a grandfather by adoption.[199]

Throughout the 1780s and 1790s, the Company and the Nawab considered the presence in Lucknow of Almas Ali and his large household establishment of adopted family members and dependants essential to ensuring his loyalty to the Nawab,[200] particularly since Almas Ali's territories were on the borders of Awadh and were considered a crucial buffer zone to the Marathas.[201] The constructed kinship of *khwajasarais* was thus an important factor in the Company's and the Nawab's political strategy, highlighting the ways in which domesticity and politics were closely bound in eighteenth century Awadh. What is particularly remarkable about these episodes of anxiety on the part of the Nawab and the Company, is that Almas Ali's household establishment and adopted kin were officially recognised as his 'family.' After Almas Ali left Awadh in 1782, he would not return to the Nawab's territories without assurances of personal security for his family. As a result, the Nawab officially proclaimed his duty to protect Almas Ali's kin, dependents and *chelas.* In one treaty, the Nawab and his Ministers 'engage[d] ... to consider ourselves as guardians of his [Almas Ali's] honour and that of his family, friends, and dependants.'[202] The Awadh ruler thus acknowledged the constructed kinship of *khwajasarais* as a form of 'family,'

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[197] Sleeman, *Journey,* vol. 1, 130. Another brother was named Nadir-uz Zaman. Bayly, *Rulers, Townsmen and Bazaars,* 167.

[198] We do not know the nature of the relationship between Bhagmul and Almas Ali, though it seems probable that the former married an adopted sister of the latter. Elliott, *Chronicles of Oonao,* 125.

[199] NAI/FD/SPC 08/04/1789 22: Edward Otto Ives, Resident at Lucknow, to Governor-General, India, 29 March 1789.

[200] See for example NAI/FD/SC 15/08/1782 6: Hastings to Res Lucknow, 10 Aug 1782; NAI/FD/SC 15/08/1782 9: Hastings to Hyder Beg, circa Aug 1782; NAI/FD/SC 14/10/1782 10: J. Morgan, Commander of 2nd Brigade, to Commander in Chief, 1 October 1782; NAI/FD/SC 22/11/1782 2: Bristow to GG and Council, 4 Nov 1782.

[201] NAI/FD/SC 09/02/1778 2: R. Middleton, Resident at Lucknow, to Governor-General and Council, India, 3 January 1778; NAI/FD/SC 08/01/1778 2: Leslie to GG and Council, 30 Nov 1777.

[202] NAI/FD/SC 17/02/1784 Appendix: 'Engagement entered into with Ilmass Ally Khan,' circa 1872.

highlighting the diversity of South Asian family formations in the late eighteenth century.

What was more, the British also acknowledged varied family forms in Awadh. Not only did the Company recognise the political significance of the domestic within Awadh politics, it also accorded *khwajasarais*' kin and dependents the status of 'family.' In Company correspondence throughout the 1780s and 1790s, the whereabouts of Almas Ali's 'family' was monitored and repeatedly discussed. '[A]pprehensions of the fidelity of Almas Ally Khan' arose in 1785 when the Company learned he had 'withdrawn his family from [the] Capital [Lucknow].'[203] Almas Ali subsequently assured the Governor-General that reports 'that I had taken some Alarm & was sending my Family away from Lucknow' had no basis.[204] In 1789, when the Nawab's Minister again became concerned that Almas Ali was secretly leaving Awadh, the Resident reported that 'as Almauss's family as well as that of an adopted son, remains at Lucknow the minister is in hopes that there is no great apprehension of his withdrawing himself for the present from his Excellency's Dominions.'[205] Nor was the Company's acknowledgement of Almas Ali's kin as his 'family' unique. In other circumstances, the British also referred to *khwajasarais*' kin as their 'families' and on one occasion even encouraged the Nawab to protect and provide for a eunuch's kin.[206] In the late eighteenth century, the British acknowledged *khwajasarais*' kinship-making practices, while Almas Ali's familial relations were a critical site upon which the Company negotiated and manipulated the balance of power in north India.

As Almas Ali's death appeared imminent, his domestic relations only increased in significance. Yet whereas both the Company and the Nawab recognised Almas Ali's adopted kin and dependents as a 'family' during his life, neither acknowledged his heirs

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[203] NAI/FD/SC 19/02/1785 2: J. Ironside to Commander in Chief, 25 January 1785.

[204] NAI/FD/SC 26/04/1785 24: Almas Ali Khan to Governor-General, India, 19 April 1785.

[205] NAI/FD/SPC 08/04/1789 22: Ives to GG, 29 Mar 1789.

[206] In the early nineteenth century, the Company persuaded the Nawab to provide pensions for the heirs of a deceased *khwajasarai*, though this was an unusual practice. A *khwajasarai* named Tashin Ali Khan, who died during the reign of Sa'dat Ali Khan (1798-1814), made the Company the executor of his estate. Although the precise stipulations of his will were not carried out, his family—'Kedar Nath and Lalji, the grandchildren of Chatra Mal, my brother deceased,' presumably a brother by adoption, and their heirs— were awarded a pension of Rs. 200 per month, since Tashin Ali had been a loyal supporter of both the Nawab and the Company. Although the Company's acknowledgement of a *khwajasarai* family was not unusual, the recognition of their heirs was. Yet in the 1890s, the Government of India rejected a petition from Kedar Nath's children, claiming the pension of their deceased (and childless) uncle, Lalji, on the basis that the will was written by a slave and therefore invalid. UPSA/L/FD/P/121/1: Pandit Bishun Narayan Das, Petition of Janki Parshad, Birj Nath and Murli Dhar to Governor-General, India, 29 April 1896; UPSA/L/FD/P/121/2: J.O. Miller, Secretary, NWP&O, to Secretary, Government of India, 19 June 1897; UPSA/L/FD/P/121/3: H. Daly, Deputy Secretary, Government of India, to Secretary, NWP&O, 21 July 1897; UPSA/L/PD/P/11/332A: S.F. Bayley, Assistant Secretary, Government of India, to Secretary, NWP&O, 11 January 1898.

upon his death. When George Valentia visited Lucknow in 1802-3, he heard that Almas Ali was 'worth half a million [pounds?] of money' and that the 'Nawaub watches with care for his succession, which by the eastern custom belongs to him.'[207] In fact, there were multiple claims upon Almas Ali's wealth when he died in 1808. While Bahu Begam argued that Almas Ali had been her slave, the Nawab argued that since Almas Ali's wealth was accumulated in the service of the Awadh government, 'the reigning prince was the legitimate heir of a person who could have no natural ones.' The Company supported the Nawab's claims.[208] However, Almas Ali had taken measures to ensure that his adopted family and *chelas* would inherit his wealth:

> When he [Almas Ali] died at Meeangunge, Saadut Ali at once confiscated all his property at Lucknow, and sent officers to Meeangunge to seize the mass of his treasure. ... But Ilmas Ali ... had distribut[ed] all his wealth to his brother-in-law and followers across the Ganges [in British territory], ... and the Commissioners, when they opened the treasure chests, found nothing in them but a large quantity of old shoes.[209]

Although Almas Ali succeeded in providing for his adopted family and network of dependents, as a slave his ability to do so was highly contested.

Almas Ali's family and network of dependents retained an identity as his kin and *chelas* following his death and remained communities of social and political significance at the local level in Awadh. In the 1860s, Raja Bhagmul's grandsons still held villages near Nagina in Bijnor district and Bithoor, near Kanpur, while the descendants of other dependents were still 'influential men' in the mid-nineteenth century.[210] During Almas Ali's life, his family members and *chelas* were known for their largesse and civic building projects[211] and they continued to donate public buildings and gardens following his death. A traveller to Fathepur in the mid-1820s reported that the city 'contains ... a very elegant little mosque, built within these few years by the nephews and heirs of the celebrated eunuch Almass Ali Khân.'[212] Thus, many of Almas Ali's heirs maintained political influence and economic power following his death. Several families and communities remembered Almas Ali as their ancestors or patrons well into the nineteenth century. In the early 1850s, William Sleeman, the Resident at Lucknow, reported in his journal that Almas Ali's 'reign over

[207] Valentia, *Voyages and Travels*, vol. 1, 103.
[208] Walter Hamilton, *The East-India Gazetteer*, vol. 2 (London: W.M.H. Allen and Co., 1828), 350.
[209] Elliott, *Chronicles of Oonao*, 131.
[210] Ibid., 125. For other examples of dependents and clients of Almas Ali who 'perpetuated their influence as local gentry and service people around their small towns' following Almas Ali's death see Bayly, *Rulers, Townsmen and Bazaars*, 166.
[211] Sleeman, *Journey*, vol. 1, 247, 273.
[212] Reginald Heber, *Narrative of a Journey Through the Upper Provinces of India, From Calcutta to Bombay, 1824-1825*, vol. 1 (Philadelphia: Carey, Lea and Carey), 302.

the … country' was 'considered to have been its golden age' due to his 'useful works, liberal hospitality, and charity,' while the region's cultivators remembered that 'he called and considered [them] his children.'[213] It is difficult to see Almas Ali's status as a *khwajasarai* slave as one of 'social death,' either during his lifetime or after, when not only his family, but also the popular social memory of this eunuch grandee lived on.

During Almas Ali's life, the Nawab, Awadhi society and—perhaps most surprisingly—the Company recognised Almas Ali's adopted kin as his 'family.' This highlights: first, the diversity of north Indian family formations in the early modern period and the social and political significance of non-biological kinship-making; and second, that the British recognised a wide range of domestic formations as 'families' in the late eighteenth century and adopted a more open definition of the familial than they would in the first half of the nineteenth century.

Conclusion

The *khwajasarais* are the elites of this history of the impacts of colonialism and modernity on various groups that were brought under the colonial category of 'eunuch.' This chapter has shown how *khwajasarais*, who were simultaneously powerful and marginalised as slaves, negotiated the 'field of power relations'[214] through various everyday strategies. *Khwajasarais* attempted to create communities of belonging to mitigate their detachment from their origins, to extend their political power, to navigate their relationships with their masters and other non-slaves and to subordinate others (including non-slaves). Whereas *khwajasarais* were viewed by their contemporaries in Awadh as a section of the Awadh nobility, they were nonetheless slaves, bound in a relationship of dependency on their master or mistress, susceptible to the political machinations of freepersons and to non-slaves' claims of obedience. This seeming contradiction between slave status and social and political power highlights that slavery

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[213] Sleeman, *Journey*, vol. 1, 322. Similarly, Elliott wrote in the 1860s that 'popular tradition' in Unao still held that 'none had served [the Nawab] better than Ilmas Ali Khan,' and the period he was Amil was 'looked upon by the country as its golden year.' Elliott, *Chronicles of Oonao*, 127-8. Mrs. Hasan Ali added that Almas Ali was remembered for his religious faith and was considered 'the perfect pattern for good Mussulmauns to imitate' in the 1830s. Ali, *Observations*, vol. 1, 72. Almas Ali was also remembered outside of Awadh. For instance, according to a history of Murshidabad in Bengal, Almas Ali was one '[o]f this class of eunuchs' whose 'names [were] most familiar' in the early twentieth century, although Almas Ali was incorrectly remembered as one of the *khwajasarais* 'drawn from Abyssinia and other places on the east coast of Africa.' Purna Chundra Majumdar, *The Musnud of Murshidabad (1704-1904)* (Murshidabad: Saroda Ray, 1905), 177.

[214] Douglas Haynes and Gyan Prakash, 'Introduction: The Entanglement of Power and Resistance,' in *Contesting Power: Resistance and Everyday Social Relations in South Asia*, ed. Douglas Haynes and Gyan Prakash, 4 (Berkeley: University of California Press, 1991).

in Awadh included various shades of dependence. The political power of *khwajasarais* was derived from their important position within their master's or mistress' household and they constantly traversed the boundaries between 'inner' and 'outer' spaces, upsetting and effectively inverting the European concept of 'public' and 'private' spheres. Though *khwajasarais* were kinless and subordinated to their master, they formed families of adopted kin and networks of dependents, and thus reproduced particular forms of kinship structures and subordination. *Khwajasarais* were often the senior kin, patron or *guru* of non-slaves, suggesting that *khwajasarais* were situated in a complex web of power relations. Although these relationships were socially recognised and politically significant, upon the death of a *khwajasarai*, their family and dependents did not have the right to inherit. *Khwajasarais'* attempts to negotiate and mitigate their enslavement, their subordination to their master, and their detachment from their origins, were tolerated by the Awadh state and society only to a degree.

This chapter has also examined British attitudes towards *khwajasarais* and the scope and success of colonial interventions concerning *khwajasarais* in the late eighteenth century. The British were generally unconcerned with the power of the *khwajasarai* population. It was only when individual *khwajasarais* challenged the interests of the British East India Company that it sought to intervene to circumscribe their influence. The object of the British in Awadh was to gain economic advantages for the Company and thus extend its sovereign power, rather than to broadly regulate the *khwajasarai* population and shape the conditions under which *khwajasarais* lived. Yet when the Company attempted to limit the power of Awadh's most prominent *khwajasarai*, Almas Ali Khan, whom the British feared would secede from the Nawab, they were unable to remove him from positions of power without significant risk to the Company, and the status quo prevailed. Although the British in Awadh did not regard *khwajasarais* as a 'problem' population in need of management, monitoring the location of Almas Ali's family to prevent his succession from Awadh was nevertheless at the centre of Company and Nawabi policy throughout the late eighteenth century. The British in eighteenth century Awadh adopted a more inclusive definition of the familial than their nineteenth century colonial counterparts. British officials acknowledged Almas Ali's constructed kinship as a form of 'family,' suggesting that the colonisers could still recognise diversity in indigenous domestic formations during the late eighteenth century. The following chapter examines colonial attitudes towards and interventions against *khwajasarais* in mid-nineteenth century Awadh. By the 1840s, the British characterised the political power of *khwajasarais* as illegitimate, saw the

families and networks of *khwajasarais* as mere avenues for political 'corruption,' and sought to regulate the forms of labour of the *khwajasarai* population.

Chapter 2

Regulating *Khwajasarais* in Mid-Nineteenth Century Awadh

In 1849, the British Resident at Lucknow, William Sleeman, described Almas Ali Khan, the eighteenth century *khwajasarai* grandee, as 'the greatest and best man of any note' that Awadh had 'produced.'[1] Yet Sleeman also denounced the *khwajasarais* of mid-nineteenth century Awadh as 'base menials,' corrupt officials and tyrannical upstarts. By this time, the British described *khwajasarais* as a major cause of the 'maladministration' of Awadh, although in the late eighteenth century *khwajasarais*' power appeared to the British to be legitimate and unremarkable so long as it did not challenge the interests of the British East India Company. In 1848, the British pressured Wajid Ali Shah, the then Awadh ruler (by this time known as the 'Padhshah' or Emperor), to prohibit the employment of *khwajasarais* in 'official' positions.

This chapter addresses two questions. First, why did the British seek to intervene in the *khwajasarai* population of Awadh from 1848 and what does this tell us about the changing modes of colonial power? British attempts to regulate *khwajasarais* were contingent upon the imperative of colonial territorial expansion. The 1840s saw more aggressive British attempts to extend the Company's territory and the criticism of *khwajasarais* was used to make a case for the annexation of Awadh. Yet British concerns with the power of *khwajasarais* also related to broader historical transformations in the first half of the nineteenth century in both the metropole and the colony, in particular in forms of governance, conceptualisations of public and private spheres, changing definitions of the family, British policies towards slavery, and changing British codes of masculinity. As a result of these historical processes, in the 1840s, the British identified the *khwajasarais* of Awadh as a 'problem' population that required management through the regulation of their labour. By disciplining *khwajasarai* labour, the British sought not only to alter *khwajasarais*' social and political role, but also to delineate the line between the public and private spheres and discipline proper conduct in each space, to reinforce new definitions of domesticity and

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[1] W.H. Sleeman, *A Journey Through the Kingdom of Oude, in 1849-1850*, vol. 1 (London: Richard Bentley, 1858), 321-2.

family, to marginalise 'old' forms of Indian governance, and to regulate forms of slavery.

However, the capacity of the British to remove *khwajasarais* from positions of influence was limited under indirect rule, notwithstanding increasing British influence in Awadh. Despite signing the agreement that prohibited *khwajasarais*' 'official' employment in 1848, the Padshah resisted British attempts to circumvent *khwajasarais*' power. Wajid Ali Shah negotiated and consciously manipulated the slippage between British and Awadhi political concepts. Whereas the British ideal was of the separation of public and private spheres and the investment of political authority in the former, according to Awadhi norms, power was concentrated on the body of the ruler and by extension his household. By agreeing to prohibit the 'official' employment of *khwajasarais*, Wajid Ali protected the employment of his *khwajasarais* in the 'domestic' context of 'private attendance,' which was in fact a space of political significance. At the time of the British annexation of Awadh in 1856, *khwajasarais* remained in the Padshah's inner circle and in positions of political influence. Yet this was a productive failure that allowed the British to build a case for the annexation of Awadh.

British criticism of *khwajasarais* as a cause of the 'maladministration' of Awadh demonstrates how masculinity was bound up with discourses of governance, justice and law and was central to definitions of proper private and public conduct. This chapter analyses how *khwajasarais* were placed on nineteenth century colonial hierarchies of masculinity. Despite colonial attempts to order different Indian 'races' in typologies of manliness and effeminacy, the relational colonial construction of the masculinity of different indigenous groups was often unstable, malleable and seemingly contradictory. In particular, there was not a straightforward association between sexual embodiment, gendered appearance, behaviour and character in colonial understandings of masculinity. *Khwajasarais*, for instance, were viewed as unmanly due to their perceived violent behaviour, tyrannical rule and religious fanaticism, but unlike *hijras*, were not characterised as effeminate and sexually deviant.

The second question which this chapter addresses is the ways in which *khwajasarais* negotiated colonial power in the mid-nineteenth century and the consequences of colonialism and modernity for the *khwajasarai* community. I demonstrate that British attempts to discipline *khwajasarais*' labour in Awadh were frustrated in part because of the strategies *khwajasarais* used to evade the 1848 prohibition. *Khwajasarais* contested and undermined colonial intervention through the

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structures of power in which the community was embedded, highlighting the ways that hegemonic relationships within subordinated groups impact upon their responses to power.[2] *Khwajasarais* used their networks of clients, *chelas* and adopted kin (which as noted in the previous chapter, were often overlapping and intersecting forms of social relationships) in order to maintain their hold on parts of the administration from which they were prohibited. *Khwajasarais* also cultivated their personal relationships with the Awadh ruler in order to circumvent British attempts to limit their political power and formed court factions that opposed the extension of British influence in Awadh.

The final section of this chapter moves to the aftermath of British annexation in 1856 and the uprising of 1857, during which the British lost control of much of north India. I analyse the impacts of British rule upon *khwajasarais*, as well as their responses to colonial modernity. *Khwajasarais* deployed various practices of 'meaning-making' to make sense of their lives following the fall of the Awadh regime. *Khwajasarais* also coped with the withdrawal of political patronage and their loss of employment through a range of strategies. In particular, some *khwajasarais* repeatedly petitioned the colonial government and attempted to prove their loyalty to the British regime in order to improve their economic wellbeing. This chapter closes by analysing the long term effects of colonialism and modernity on *khwajasarais* and the factors which caused them to gradually disappear as a social role and category in north Indian society.

The historical context: Imperial expansion, colonial governmentality, domesticity and slavery

British attempts to discipline and manage the *khwajasarai* population intersected with the territorial expansion of the East India Company. By the mid-nineteenth century, British interference in the Awadh administration had increased considerably. In 1801, the Company forced the Nawab, Sa'dat Ali Khan, to sign a treaty which ceded the

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[2] My approach to power, agency and resistance is outlined in the Introduction. For particularly useful discussions of the theoretical and methodological questions relating to power and the struggles of subordinated groups see: Douglas Haynes and Gyan Prakash, 'Introduction: The Entanglement of Power and Resistance,' in *Contesting Power: Resistance and Everyday Social Relations in South Asia*, ed. Douglas Haynes and Gyan Prakash, 1-22 (Berkeley: University of California Press, 1991); Anindita Ghosh, 'Introduction,' in *Behind the Veil: Resistance, Women and the Everyday in Colonial South Asia*, ed. Anindita Ghosh, 1-20 (Ranikhet, India: Permanent Black, 2007); Rosalind O'Hanlon, 'Recovering the Subject: *Subaltern Studies* and Histories of Resistance in Colonial South Asia,' *Modern Asian Studies* 22, no. 1 (1988): 189-224.

Doab, Gorakpur, and Rohilkhand in return for the use of Company troops, and reduced the size of the Awadh army to a third of its former size. Moreover, the treaty obliged the Nawab to establish a system of administration 'conducive to secure the lives and property of the inhabitants,' in accordance with the advice of the Company.[3] While increasing its control over Awadh, the Company also sought to detach the state from the Mughal Emperor, whom the Nawabs still recognised as sovereign. In gradual steps, the Nawab repudiated Mughal supremacy over Awadh, culminating in his coronation as Padshah (Emperor) in 1819, but this new title did not change the relative power of the Company and the Awadh ruler.[4] British Residents attempted to establish the Residency as a second and competing centre of political power in Lucknow.[5] Throughout the first half of the nineteenth century, the British pressed for reforms in the Awadh administration, using the provisions of the 1801 treaty.[6] Yet the Resident and Awadh rulers repeatedly clashed, since they had differing concepts of what constituted a proper administration.[7] By 1847, when Wajid Ali Shah became Padshah, the Company had determined upon the annexation of Awadh when the opportunity arose.[8] In 1848, the new Governor-General, Dalhousie, determined to expand British territory throughout India through his 'doctrine of lapse,' which allowed the Company to annex the territory of any ruler who did not have a biological heir.[9] In the following years, the British compiled a case for the 'mismanagement of Oude [or Awadh] affairs,' which would serve to justify annexation in 1856. *Khwajasarais*' role in the Awadh administration was a repeated feature of colonial criticism of political 'corruption' and mismanagement in Awadh.[10]

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[3] Michael H. Fisher, *A Clash of Cultures: Awadh, the British and the Mughals* (New Delhi: Manohar, 1987), 98-9; P.D. Reeves, 'Introduction,' in *Sleeman in Oudh: An Abridgement of W.H. Sleeman's A Journey through the Kingdom of Oude in 1849-50*, ed. P.D. Reeves, 5-6 (Cambridge: Cambridge University Press, 1971).

[4] Fisher, *Clash of Cultures*, 122-4, 144-5; Reeves, 'Introduction,' 6-7.

[5] Fisher, *Clash of Cultures*, 106, 181-4; Reeves, 'Introduction,' 7.

[6] From the reign of Ghazi al-Din Haydar (1814-27), Awadh rulers generally did not involve themselves closely in the administration. Fisher, *Clash of Cultures*, 118-19.

[7] Reeves, 'Introduction,' 8.

[8] Although several rulers did attempt to reform the Awadh administration, in 1835 the Court of Directors authorised the Governor-General to assume the direct administration of Awadh if necessary. However, since the Company lacked any immediate cause for annexation in light of the continued loyalty of the Awadh Padshah and was distracted by several wars, it did not immediately annex Awadh. When Wajid Ali Shah came to the throne, the Company issued an ultimatum threatening British intervention if there was no improvement in the administration. Ibid., 8-9; Fisher, *Clash of Cultures*, 166-9.

[9] Fisher, *Clash of Cultures*, 234.

[10] NAI/FD/PC 23/05/1850 161: W.H. Sleeman, Resident at Lucknow, to Secretary, Government of India, 6 April 1850; NAI/FD/PP 28/12/1855 312: Letter of Shakespeare, Resident at Lucknow, 29 September 1845, quoted in J. Outram, Resident at Lucknow, to Secretary, Government of India, 15 March 1855; NAI/FD/PP 28/12/1855 319: Dalhousie, 'Minute by the Governor-General of India on Oude,' 18 June 1855; William Sleeman, *Sleeman in Oudh: An Abridgement of W.H. Sleeman's A Journey through the Kingdom of Oude in 1849-50*, ed. Peter Reeves (Cambridge: Cambridge University Press, 1971), 17.

British criticism of the 'corruption' of *khwajasarais* centred on four interlinked aspects of their power. First, the British constructed *khwajasarais* as symptomatic of 'old' forms of Indian governance that did not adhere to the 'rule of law' and 'modern' techniques of bureaucratic governance that underlay nineteenth century British ideologies of colonial governance, though not necessarily its actualities. A second and related criticism was that *khwajasarais* traversed the boundaries between the 'public' and 'private.' Although the liminality and mobility of *khwajasarais* between 'inner' and 'outer' spaces had earlier appeared largely self-evident to the British, the Company now constructed this as inappropriate. According to the British, 'menial' household servants could not legitimately hold power in the public sphere.[11] Third, the Company argued that *khwajasarais'* kinship networks were merely conduits for political 'corruption' and *khwajasarais'* kin and dependents were no longer accorded the status of 'family.' Finally, although British commentators usually only mentioned the slave status of *khwajasarais* in an oblique manner, the British were uncomfortable with the power held by *khwajasarais* and other types of slaves.

Each of these concerns were contingent on broader changes in colonial discourses, projects and priorities in the first half of the nineteenth century. Between the late eighteenth century and the mid-nineteenth century, British governance of, and attitudes towards, India altered significantly, due to historical processes in both Britain and India. As such, social roles, institutions and practices that the British viewed as unproblematic in the eighteenth century were, by the middle of the following century, viewed as unacceptable.

In the early period of Company rule, the British attempted to govern Indians through their own institutions and laws (at least, as interpreted by the colonisers and their elite Indian informants). However, from the 1820s, the 'Orientalists,' who advocated for governance through Indian political and legal forms, lost out to the 'Anglicists,' who argued the British should institute forms of rule based on 'rational' principles. This period saw the increased influence of utilitarianism and India was the site of numerous Benthamite experiments.[12] The British in India increasingly aimed to transform the lives of the colonised in what was considered an 'improving' direction, although the colonisers could not always effect such transformations in practice.

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[11] NAI/FD/PC 24/11/1849 159: W.H. Sleeman, Resident at Lucknow, to Secretary, Government of India, 24 October 1849; NAI/FD/PP 30/12/1848 99: A.F. Richmond, Resident at Lucknow, to Secretary, Government of India, 24 November 1848.
[12] Eric Stokes, *The English Utilitarians and India* (Oxford: Claredon Press, 1959); Jon E. Wilson, *The Domination of Strangers: Modern Governance in Eastern India, 1780-1835* (Basingstoke, Hampshire: Palgrave Macmillan, 2008).

Several historians have characterised this as a transition from 'sovereign power,' the aim of which was the expansion and maintenance of the Company's sovereignty, to 'governmental power,' the aim of which was the management of the indigenous population and its conditions of life.[13]

During the early nineteenth century, middle-class ideologies of domesticity which clearly separated the 'private' and 'public' spheres became hegemonic within British society. Catherine Hall and Leonore Davidoff have shown how from the late eighteenth century, evangelical ideology produced new middle-class definitions of the 'private' sphere of the household as a domestic and feminine domain, demarcated from the masculine 'public' sphere.[14] These new ideologies of domesticity were also evident amongst the British in India. In part, this was related to the expanding influence of evangelism amongst the British colonial population in the context of the growth of the missionary presence in India in the first half of the nineteenth century.[15] In colonial contexts, these new middle-class ideas of domesticity intersected with hardened racial attitudes to produce changes in British colonial domesticity. The 'hybrid' domestic arrangements of British men who lived with Indian 'companions' became increasingly unacceptable between 1800 and 1840, reflecting broader changes in metropolitan constructs of domesticity, as well as greater distance between the British and Indian society. The Company encouraged higher-ranking British officials to marry European wives and provided soldiers with regulated Indian prostitutes to discourage them from forming long-term relationships with Indian women.[16]

During the early nineteenth century, the British also intervened in Indian domestic arrangements through colonial law. Radhika Singha has argued that 'colonial governance sought to domesticate patriarchal authority, [and] to reconstitute the

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[13] Historians' precise dating of this transition varies somewhat. However, most historians place the transition towards more wide-reaching management of the indigenous population in the first decades of the nineteenth century. David Scott, 'Colonial Governmentality,' *Social Text* 43 (Autumn 1995): 191-220; Kathleen Wilson, 'Rethinking the Colonial State: Family, Gender, and Governmentality in Eighteenth-Century British Frontiers,' *American Historical Review* 116, no. 5 (December 2011): 1294-322.

[14] Leonore Davidoff and Catherine Hall, *Family Fortunes: Men and Women of the English Middle Class, 1780-1850* (Chicago: Chicago University Press, 1987). On the mid-Victorian period see: John Tosh, *Manliness and Masculinities in Nineteenth Century Britain* (Harlow: Pearson Education, 2005), 129-69.

[15] Avril A. Powell, *Muslims and Missionaries in Pre-Mutiny India* (Richmond, Surrey: Curzon Press, 1993); William Dalrymple, *The Last Mughal: The Fall of a Dynasty, Delhi, 1857* (New Delhi: Penguin Books, 2007).

[16] Durba Ghosh, *Sex and the Family in Colonial India: The Making of Empire* (Cambridge: Cambridge University Press, 2006). On these historical processes in other parts of the British Empire see Wilson, 'Rethinking the Colonial State.' On the regulation of prostitution see particularly Philippa Levine, *Prostitution, Race, and Politics: Policing Venereal Disease in the British Empire* (New York: Routledge, 2003); Kenneth Ballhatchet, *Race, Sex and Class Under the Raj: Imperial Attitudes and Policies and Their Critics, 1793-1905* (London: Wiedenfield and Nicolson, 1980); Ashwini Tambe, *Codes of Misconduct: Regulating Prostitution in Late Colonial Bombay* (New Delhi: Zubaan, 2009).

boundaries between household, state and market.'[17] In particular, the British privileged textual religious law as the basis for Muslim and Hindu personal law, thereby 'validating elite conceptions of sexual practices.'[18] In privileging what were perceived as 'respectable' Indian family forms, colonial law marginalised diverse domestic and kinship forms, including lower-caste domestic arrangements, matrilineal societies, and customary forms of divorce.[19] The colonisers did not simply seek to impose Victorian domestic arrangements on the colonised. Yet by privileging aspects of textual religious codes that dovetailed in some respects with Victorian constructs of domesticity, they marginalised diverse forms of family arrangements and sexual practices that offended Victorian sensibilities. The characterisation of *khwajasarais*' webs of relatedness as avenues for political 'corruption' and the denial of the status of the familial to *khwajasarais*' kinship-making in the mid-nineteenth century is part of these broader attempts to redefine indigenous domestic arrangements in line with certain elite Indian norms. It is also significant that around the middle of the nineteenth century, kinship and *guru-chela* relationships amongst *hijras* were also labelled 'corrupt' and 'criminal,' though in this case, the type of corruption was perceived as sexual rather than political.

The imperatives of territorial expansion and the marginalisation of certain indigenous domestic arrangements dovetailed in Company policies in Indian-ruled principalities. Over the first half of the nineteenth century, the Company insisted that Indian rulers appoint biological heirs and criticised succession practices that privileged non-biological adopted kin and non-relatives reared in the household.[20] In the 1840s, these attempts to remould the intertwined domestic arrangements and political formations of Indian-ruled states became enshrined in the 'Doctrine of Lapse' mentioned above, which legitimised British annexation of the territory of any ruler without a biological heir.

Colonial criticism of the power of *khwajasarai* slaves also intersects with the ambiguities of colonial policies in relation to slavery. Many British administrators were reluctant to introduce blanket prohibitions on the possession of slaves.[21] Slave holding and trading was made illegal under Act V of 1843, but the colonial courts continued to

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[17] Radhika Singha, *A Despotism of Law: Crime and Justice in Early Colonial India* (Delhi: Oxford University Press, 1998), 122.
[18] Tambe, *Codes of Misconduct*, 5.
[19] Singha, *Despotism of Law*, 121-67; Mytheli Sreenivas, 'Conjugality and Capital: Gender, Families, and Property under Colonial Law in India,' *The Journal of Asian Studies* 63, no. 4 (November 2004): 938-42; Janaki Nair, *Women and Law in Colonial India: A Social History* (New Delhi: Kali for Women, 1996).
[20] Indrani Chatterjee, 'Introduction,' in *Unfamiliar Relations: Family & History in South Asia*, ed. Indrani Chatterjee, 1-59 (Delhi: Permanent Black, 2004); Indrani Chatterjee, *Gender, Slavery and Law in Colonial India* (New Delhi: Oxford University Press, 1999).
[21] Singha, *Despotism of Law*, 153-67.

adjudicate the claims of masters to their slaves.[22] The colonisers characterised domestic slavery in India as a 'benign' form of slavery that did not need to be outlawed, except when trafficking was involved.[23] This was due to both embarrassment about the commoditisation of the domestic sphere[24] and anxieties concerning the uncontrolled movement of populations across political borders.[25] Although the possession of slaves was not illegal during this period, and the British did not generally characterise the presence of slaves in Indian households as problematic, the Company was critical of the appointment of domestic slaves and concubine-slaves to positions of power in Indian-ruled states.[26] Therefore, in the case of the Awadhi *khwajasarais*, the British did not explicitly criticise the Padshah for possessing eunuch slaves. Rather, the British objected to the political power of *khwajasarais* and sought to confine them to menial domestic employment.

In sum, the first half of the nineteenth century saw more wide-reaching colonial interventions into Indian society. Social institutions and practices that the British did not formerly consider problematic were by the mid-nineteenth century deemed unacceptable and were in some contexts the focus of British interventions. This was due to both historical processes in Britain and transformations in the nature of British colonialism in India. By the mid-nineteenth century, colonial law and policies marginalised diverse domestic forms, privileged certain elite Indian family and sexual norms, and criticised the often malleable lines between biological kin, non-biological kin, slaves and servants.

The 'pernicious power' of *khwajasarais* and political 'corruption'

Before Wajid Ali was crowned Padshah, the British viewed him as effete and debauched and a poor prospect for a king. During Wajid Ali's reign, Residents were quick to point out inappropriate administrators, such as Musif ud-Daula, a judge who was 'addicted' to the 'unmanly habit' of 'unnatural passion' and apparently used his

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[22] Chatterjee, *Gender, Slavery and Law*, 223-4.

[23] For a critical appraisal of this discourse see Sylvia Vatuk, 'Bharattee's Death: Domestic Slave-Women in Nineteenth-Century Madras,' in *Slavery & South Asian History*, ed. Indrani Chatterjee and Richard M. Eaton, 210-33 (Bloomington, Indiana: Indiana University Press, 2006).

[24] Singha, *Despotism of Law*, 158.

[25] Andrea Major, 'Enslaving Spaces: Domestic Slavery and the Spatial, Ideological and Practical Limits of Colonial Control in the Nineteenth-Century Rajput and Maratha States,' *Indian Economic and Social History Review* 46, no. 3 (2009): 315-42.

[26] Ramya Sreenivasan, 'Drudges, Dancing Girls, Concubines: Female Slaves in Rajput Polity, 1500-1850,' in *Slavery & South Asian History*, ed. Indrani Chatterjee and Richard M. Eaton, 155-8 (Bloomington, Indiana: Indiana University Press, 2006).

position to procure sex.[27] The power of musicians was particularly criticised by the Company,[28] which claimed that the Padshah's chief singer, Kootub Ali, was the 'real Sovereign of Oude.'[29] Yet two 'corruption' scandals involving *khwajasarais* early in Wajid Ali's reign focused Company attention on the employment of *khwajasarais* and the discourse of the 'mismanagement' of Awadh henceforth focused on 'Singers and Eunuchs.'[30] British criticism of *khwajasarai* political 'corruption' was related to colonial constructs of governance and law. The earliest corruption scandals of British imperialism in India focused upon the corruption of Company officials, not Indians. However, Nicholas Dirks has argued that Warren Hastings' spectacular seven-year trial for corruption in his role as the Governor-General of India was not only the origin of modern ideas of corruption, but was also perceived as having 'cleansed' the 'imperial enterprise ... of corruption.'[31] As such, in the nineteenth century, corruption was perceived as exclusively a characteristic of the colonised, not the colonisers, and symptomatic of the absence of moral principles amongst Indians.[32] Yet, corruption scandals involving *khwajasarais* were also contingent upon discourses and structures of domesticity, public and private spheres, kinship and slavery.

In May 1847, the British Resident, Richmond, was outraged when the *khwajasarai* Haji Ali Sharif persuaded Wajid Ali to appoint him commander of the cavalry regiment 'Russalah Badshaie,' which was attached to the Padshah's personal household troops.[33] According to Richmond, Haji Ali had demanded Rs. 100 from each soldier to secure their positions and when several were unable to pay the full amount, he

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[27] NAI/FD/PP 28/12/1855 316: J. Outram, Resident at Lucknow, 'Appendix D: Judicial Courts at Lucknow,' attachment to letter to Secretary, Government of India, 15 March 1855.

[28] NAI/FD/PP 11/12/1847 156: A.F. Richmond, Resident at Lucknow, to Secretary, Government of India, 31 May 1847; NAI/FD/PP 11/12/1847 161: A.F. Richmond, Resident at Lucknow, to Padshah of Awadh, 18 June 1847; NAI/FD/PP 11/12/1847 191: A.F. Richmond, Resident at Lucknow, to Secretary, Government of India, 4 November 1847; NAI/FD/PP 11/12/1847 200: Governor-General, India, to Padshah of Awadh, circa 1847; NAI/FD/PC 06/05/1848 81: A.F. Richmond, Resident at Lucknow, to Padshah of Awadh, 25 March 1848; NAI/FD/PC 31/03/1848 40: A.F. Richmond, Resident at Lucknow, to Secretary, Government of India, 21 March 1848; NAI/FD/PP 11/12/1847 192: A.F. Richmond, Resident at Lucknow, to Padshah of Awadh, 23 October 1874; NAI/FD/PP 11/12/1847 196: Paper from Wajid Ali Shah, Padshah of Awadh, containing answers to questions asked by A.F. Richmond, 14 July 1847.

[29] NAI/FD/PC 24/11/1849 159: Sleeman to Sec, GoI, 24 Oct 1849.

[30] NAI/FD/PC 15/07/1848 51-4: A.F. Richmond, Resident at Lucknow, to Secretary, Government of India, 17 June 1848.

[31] Nicholas B. Dirks, *The Scandal of Empire: India and the Creation of Imperial Britain* (Cambridge, Massachusetts: Harvard University Press, 2006), 5, 85, 100-1, 109-10.

[32] Quoted in Thomas R. Metcalf, *Ideologies of the Raj* (Cambridge: Cambridge University Press, 1994), 24.

[33] NAI/FD/PP 11/12/1847 202: A.F. Richmond, Resident at Lucknow, to Secretary, Government of India, 20 November 1847.

dismissed twenty-five from service, prompting all the troops to refuse to serve.[34] Yet Wajid Ali dismissed Richmond's criticism of the *khwajasarai*, and appointed him joint-commander of a new regiment. The Awadh ruler claimed that the 400 cavalry recruited for this new force were for his personal bodyguard,[35] yet the British claimed the force was intended 'to coerce [Awadh] subjects in the collection of revenue.'[36] Wajid Ali justified the employment of eunuchs in official posts on the basis of Awadh political tradition. '[I]t is a thing to be taken into consideration,' wrote the Padshah, 'that in former times, many regiments were held by Eunuchs.'[37] In November 1848, Haji Ali still held two 'Resalahs' in the names of other men and a company of infantry in his own name.[38] Along with musicians, eunuchs were now identified as a major cause of the 'mismanagement' of the Awadh administration and Wajid Ali's distraction from official matters. When the Governor-General visited Lucknow in November 1847, he elicited a verbal promise from Wajid Ali that he would no longer employ eunuchs or musicians in an 'official' capacity.[39]

Yet in 1848, another powerful *khwajasarai*, Dianut ud-Daula or Dianut Ali, was accused of 'corrupt' practices. Throughout 1847 and 1848, several British officials in the neighbouring North-Western Provinces had repeatedly complained of the 'Vexatious and Oppressive exactions committed by the Oude local Authorities on the Boats of the Merchants navigating the Ganges,' which formed almost the entire western border of Awadh.[40] In 1847, Kanpur officials discovered that an Awadh official named Sheo Sing had camped on the Ganga in Awadh territory, opposite Kanpur, and was demanding each boat pay a sum to pass,[41] which was not permitted under Article 8 of the Treaty of 1801[42] and was viewed as detrimental to trade within British territory.[43]

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[34] NAI/FD/PP 11/12/1847 156: Richmond to Sec, GoI, 31 May 1847. A subsequent letter claimed that the amount demanded was 'about Rs. 60.' NAI/FD/PP 11/12/1847 202: Richmond to Sec, GoI, 20 Nov 1847. Haji Ali was also accused of 'using his influence for improper purpose' in attempting to secure the release of a man accused of attacking the Minister. NAI/FD/PP 11/12/1847 192: Richmond to Padshah, 23 Oct 1847.

[35] NAI/FD/PC 31/03/1848 44: Wajid Ali Shah, Padshah of Awadh, to Resident at Lucknow, 17 July 1848.

[36] NAI/FD/PP 11/12/1847 200: GG to Padshah, circa 1847; NAI/FD/PC 31/03/1848 40: Richmond to Sec, GoI, 21 Mar 1848.

[37] NAI/FD/PC 31/03/1848 44: Wajid Ali to Res, Lucknow, 17 Jul 1848.

[38] NAI/FD/PC 30/12/1848 99: Richmond to Sec, GoI, 24 Nov 1848.

[39] NAI/FD/PC 15/07/1848 51-4: Richmond to Sec, GoI, 17 Jun 1848.

[40] NAI/FD/PC 03/06/1848 48: R. Lowther, Commissioner of Allahabad, to Secretary to Government, NWP, 10 April 1848.

[41] NAI/FD/PC 15/07/1848 51-4: R. Montgomery, Magistrate of Kanpur, to Resident at Lucknow, 2 October 1847.

[42] NAI/FD/PC 15/07/1848 51-4: Richmond to Sec, GoI, 17 Jun 1848; NAI/FD/PC 15/07/1848 51-4: A.F. Richmond, Resident at Lucknow, to Magistrate of Kanpur, 28 April 1848; NAI/FD/PC 15/07/1848 51-4: R. Montgomery, Magistrate of Kanpur, to Resident at Lucknow, 9 May 1848.

[43] NAI/FD/PC 24/071839 46: Paton, Assistant to Resident at Lucknow, to Secretary, Government of India, 8 February 1839.

The Resident persuaded the Padshah to dismiss Sheo Sing from his office.[44] Yet under the next official appointed to the post, Bunseedhur, merchants were still required to pay duty.[45] The following month, Richmond discovered that 'Dianut Alee, a Eunuch and favourite of His Majesty's, had the real charge of the Permit,' and that both Sheo Sing and Bunseedhur were Dianut's dependents.[46] As such, the case took on a new significance for the Company as an example of the 'corruption' of eunuch officials. The British called for the expulsion of Dianut from Awadh,[47] but the Padhsah merely dismissed Dianut from this particular position, along with his dependants.[48]

While the British officials involved portrayed this as an instance of political 'corruption,' the Awadh Padshah and his officials saw the collection of duty as the purview of the Awadh government. The Awadh administration had collected duty on the Ganga prior to the Treaty of 1801 and had continued to do so subsequently.[49] Wajid Ali Shah saw it as his responsibility to ensure that this 'customary duty' was collected according to the 'old practice.'[50] Moreover, *khwajasarais*' control of positions in the names of others was historically a means by which *khwajasarais* exerted political and economic power through networks of *chelas* and dependents, as we saw in the previous chapter. This case demonstrates that powerful *khwajasarais* remained the heads of patron-client networks and counted amongst their dependants and *chelas* non-eunuchs and non-slaves. According to Richmond, the fact that Dianut was able to replace Sheo Sing with another dependant, Bunseedhur, 'account[ed] for the difficulty experienced in putting a stop to the illegal practice.'[51] Through their *chelas*, dependants, household establishments and kinship networks (which were often overlapping categories of relationships), Dianut and other *khwajasarais* were able to frustrate British attempts to restrict their power until annexation. Their domestic arrangements and networks of dependents remained an important conduit for their political authority.

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[44] NAI/FD/PC 15/07/1848 51-4: Wajid Ali Shah, Padshah of Awadh, to Resident at Lucknow, 24 May 1848.
[45] NAI/FD/PC 15/07/1848 51-4: Richmond to Sec, GoI, 17 Jun 1848.
[46] Ibid.
[47] Ibid.; NAI/FD/PC 15/07/1848 51-4: A.F. Richmond, Resident at Lucknow, to Padshah of Awadh, 27 May 1848.
[48] NAI/FD/PC 15/07/1848 51-4: Wajid Ali Shah, Padshah of Awadh, to Resident at Lucknow, 30 May 1848.
[49] NAI/FD/PC 15/07/1848 51-4: Montgomery to Res, Lucknow, 2 Oct 1847.
[50] In fact, when Benseedhur lobbied the Padshah for Sheo Sing's appointment following the latter's disgrace, he persuaded Wajid Ali on the basis that Sheo Sing had not collected the 'customary duty' in the proper manner, according to 'the old practice.' Regardless of whether this was the case, Wajid Ali evidently viewed the collection of this duty as the 'customary' purview of the Awadh administration. NAI/FD/PC 15/07/1848 51-4: Translation of the petition of Bunseedhur, Darogha of the Ganges Permit, 31 January 1848.
[51] NAI/FD/PC 15/07/1848 51-4: Richmond to Sec, GoI, 17 Jun 1848.

In order to minimise British attempts to reduce the power of his *khwajasarais*, Wajid Ali creatively exploited the slippage between the Awadhi conceptualisation of political power as located in the body of the ruler and, by extension, the 'inner' sphere of his household, and the British ideal of the separation of the public and private spheres, with the location of political power in the former. Wajid Ali did so by minimising the political importance of 'private' household duties in his communications with the British, while retaining *khwajasarais* in this politically significant space. In this particular case, Wajid Ali defended Dianut on the basis that he was merely fulfilling his household duties, writing to Richmond, 'you must know that Deeanutood Dowlah's interference was only owing to his having charge of the wardrobe of the Muhuls [palaces],' and his role was merely to purchase for the royal family 'the best things' which came to Awadh at the river border, rather than in the *bazaar*.[52] In the following years, Wajid Ali would repeatedly utilise this strategy: in order to retain eunuchs at court, he argued that they were merely employed in the capacity of household or personal attendants. The domestic and the political continued to be inseparable in Awadh—this was not only a source of *khwajasarais*' influence in the court and administration but could also be manipulated by Wajid Ali Shah to subvert colonial interventions. Dianut remained prominent within Wajid Ali's inner circle and a powerful figure in the Awadh *darbar* until annexation in 1856.

On June 20 1848, Wajid Ali called the Resident to a meeting where he proposed a written agreement preventing eunuchs, singers and other 'inappropriate' persons from holding or interfering with government offices. Although the British viewed this agreement as a means to circumvent *khwajasarai* power, it could be interpreted as an attempt on the part of Wajid Ali to retain eunuchs and musicians in his inner circle.[53] In the written agreement, the King stated that 'it is my wish to keep these persons some of whom had been with me for a time, in my private service, only for the purposes of my amusement or for attendance on me.'[54] The agreement clearly demarcated the lines

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[52] Ibid.

[53] Richmond speculated that the possibility that the Company would push for the expulsion of Dianut from Awadh partly motivated Wajid Ali to appear to be taking action and thus prevent Dianut's expulsion. Richmond also thought that the Padshah wished to use the agreement as a 'ready excuse to escape the importunities of his favourites' who wanted government appointments. Both these factors may have additionally influenced Wajid Ali, although his correspondence on the issue evidences his eagerness to retain *khwajasarais* in his inner circle and to clearly delineate those offices in which their employment would be protected. NAI/FD/PC 08/07/1848 64: A.F. Richmond, Resident at Lucknow, to Secretary, Government of India, 22 June 1848.

[54] NAI/FD/PC 08/07/1848 65: Wajid Ali Shah, Padshah of Awadh, 'Written Agreement ... as an assurance of His Majesty's intention to prevent Eunuchs, Singers and other improper persons from holding Office under the Oude Government either directly or indirectly in the names of other parties,' 22 June 1848.

between 'public' and 'private' appointments since Wajid Ali wished 'to prevent misunderstandings as to what might, or might not be considered Govt. offices.'[55] Eunuchs, musicians and 'other improper persons' were prohibited from employment: in any branch of the army, with exception of 'His Majesty's personal Guard'; in the police force or prisons; in the office of the Paymaster of the Army; in the law courts; in the collection of revenue; in customs and duties; in the 'Charge of Corn, Cloth or other Marts'; in the Intelligence Department; and in 'Advocacy of any complaints of any sort having reference to the Government.' Any eunuch or musician who in the opinion of the Resident held a government office 'either directly or in the names of others' or who interfered in 'public matters' could be 'remove[d] and banishe[d] from Oudh' on the order of the Resident.[56] Through this agreement, the British sought to manage the *khwajasarai* population through the regulation of their labour and to demarcate boundaries between the public and private spheres. Whereas the British regarded the royal household as a relatively restricted sphere of influence, properly associated with the domestic rather than the political and public, the disjunction with Awadhi political concepts that located political power in the body of the ruler and his household accounts for the Resident's and the Padshah's divergent expectations of the repercussions of the agreement.

Khwajasarais used a number of strategies to negotiate colonial power and limit colonial interventions, in particular working through the power relations and networks of the community, and as such retained influence within the Awadh administration and the court after 1848. In some cases, *khwajasarais* managed to hang onto 'official' appointments, notwithstanding British criticism. In other cases, *khwajasarais* resisted British attempts to limit their power by using their webs of relatedness to retain influence over government offices outside their formal appointments. *Khwajasarais* also cultivated their relationships with the Padhshah and thus maintained their close physical proximity to the ruler and their power within the Awadh court. *Khwajasarais* were prevalent during Wajid Ali's reign in intelligence and the military, both of which appear to have been relatively stable bases of *khwajasarai* power throughout the late eighteenth and early nineteenth century.

Networks of *chelas* and dependents—which often intersected with networks of adopted kin—remained crucial to the operation of Awadh intelligence and *khwajasarais* prominence therein. According to successive Residents, the intelligence reports from

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[55] NAI/FD/PC 08/07/1848 64: Richmond to Sec, GoI, 22 Jun 1848.
[56] NAI/FD/PC 08/07/1848 65: Wajid Ali, 'Written Agreement,' 22 Jun 1848.

the districts were inaccurate or fabricated since the *akhbar nawis* (news writers) were the *chelas* of court favourites, such as *khwajasarais*, upon whom their positions depended.[57] Within Lucknow itself, particularly the palaces, *khwajasarais* dominated intelligence networks. In 1849, Wajid Ali requested his Minister 'to let him know all that was done and said in the palace,' but was informed by the Minister 'that the Eunuchs had charge of all the intelligence department about the palace, and never condescended to mention to him what took place, and that he was therefore more ignorant on the subject than His Majesty himself.'[58] Although Bayly has suggested that the importance of eunuchs as 'carriers of information and intrigue' declined significantly from the beginning of the nineteenth century,[59] within the palaces of Lucknow at least, *khwajasarais* maintained their position as 'knowledgeable' persons. This was due to their command of information within the Padshah's household and *darbar*, as well as their use of *chela* and patron-client networks.

However, the British were primarily concerned with the prominence of *khwajasarais* in the Awadh military. In October 1849, over a year after the agreement between the Padshah and Resident, several *khwajasarais* remained in their positions as commanders of regiments. Haji Ali Sharif, who had been the subject of controversy in 1847, commanded the 'Khasromee Corps of Cavalry,' consisting of 394 men, and the 'Futteh Mobaruk Regiment' of 855 men. A *khwajasarai* named Bashir ud-Daula commanded the 971 men of the 'Hydree Regiment of Najeeb,' while another eunuch named Feroz ud-Daula commanded the 'Hydree Corps of African Cavalry,' consisting of 314 men, and the 'Hoseynee Corps of African [Cavalry],' with 112 men.[60] The number of troops *khwajasarais* commanded had declined significantly since the late eighteenth century due to the restrictions the Company placed on the size of the Nawab's army, but eunuchs nonetheless remained prominent amongst Awadh military commanders. Eunuch commanders received high incomes—for instance, Feroz's daily income was Rs. 500, or Rs. 182 500 per annum (the equivalent of £18 250).[61]

By presiding over networks of *chelas* and dependants, *khwajasarais* were able to entrench their power in the military and acquire substantial wealth. Webs of relatedness remained channels for *khwajasarais*' political influence and became a means to contest

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[57] NAI/FD/PP 28/12/1855 319: Dalhousie, 'Minute,' 18 Jun 1855. See also, NAI/FD/PP 18/11/1853 127: W.H. Sleeman, Resident at Lucknow, to Padshah of Awadh, 17 August 1853.
[58] NAI/FD/PC 24/11/1849 165: Sleeman to Sec, GoI, 30 Oct 1849.
[59] C.A. Bayly, *Empire & Information: Intelligence Gathering and Social Communication in India, 1780-1870* (New Delhi: Cambridge University Press, 1999), 94-6.
[60] NAI/FD/PC 24/11/1849 165: Sleeman to Sec, GoI, 30 Oct 1849.
[61] Ibid.

and limit colonial interventions. In 1850, Sleeman claimed that three-quarters of the Awadh military was commanded by either eunuchs, musicians or 'their creatures.' Although Feroz and several other *khwajasarais* directly commanded their regiments, some of the eunuch commanders 'never saw their Regiments,' according to Sleeman, instead placing dependents and *chelas* in charge of regiments. This was apparently a highly lucrative arrangement for *khwajasarais*.[62] *Khwajasarais* who held positions as military commanders retained influential roles within the household of the Padshah, highlighting that the 'public' and the 'private' continued to interpenetrate in Awadh, despite British attempts to separate these as distinct spheres of activity. Feroz, for instance, was 'Governor of the female apartments,' as well as the commander of two regiments.[63]

By the eve of annexation, the military positions *khwajasarais* directly controlled were largely within those regiments designated as the Padshah's personal bodyguard, though their control over other regiments through nominal appointees who were dependents continued. In June 1855, the Resident called for the dismissal of a *khwajasarai* named Ahsun ud-Daula as commander of the Nadiree Regiment, which was part of the Padshah's bodyguard, after the Residency received reports that Ahsun had dismissed, arrested and flogged a Sunni Lieutenant who refused to shave his beard.[64] While the Lieutenant's family claimed that Ahsun had attempted to convert his Sunni troops to Shi'ism, and thus forced them to shave their beards,[65] the Padshah defended Ahsun's actions as merely the enforcement of a new dress code that prohibited beards.[66] Outram represented this case as evidence of the continued and inappropriate influence of *khwajasarais* over the Padshah, despite 'the position ... that his Majesty would [not] ... invest any of the Eunuchs with power or authority.'[67] Yet the Padshah reminded the Resident that according to the 1848 agreement, 'the King was at liberty to retain two Regiments of Foot and one of Horse, to the commands of which there was no stipulation that Eunuchs should not be appointed.' Wajid Ali downplayed the importance of these regiments, writing that they were 'merely to gratify the King's

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[62] Sleeman claimed that *khwajasarais* and other courtiers would pocket the amount allocated for the feeding of the troops and bullocks and force the regiment to forage for supplies. NAI/FD/PC 23/05/1850 161: Sleeman to Sec, GoI, 6 Apr 1850.

[63] NAI/FD/PC 24/11/1849 165: Sleeman to Sec, GoI, 30 Oct 1849.

[64] NAI/FD/PC 28/12/1855 335: 'Extract from the news report of the 1st of June 1855,' Appendix A to letter from J. Outram, Resident at Lucknow, to Secretary, Government of India, 21 June 1855.

[65] NAI/FD/PC 28/12/1855 335: 'Deposition of Meer Rustum Alee, dated 18th June 1855,' Appendix B to letter from J. Outram, Resident at Lucknow, to Secretary, Government of India, 21 June 1855.

[66] NAI/FD/PC 28/12/1855 335: J. Outram, Resident at Lucknow, to Secretary, Government of India, 21 June 1855.

[67] Ibid.

fancies ... and that he constantly amused himself by issuing whatever orders he deemed necessary for the regulation of their interior economy.'[68] Ahsun retained his position until annexation in February 1856, despite the protestations of the Resident.

The 1847 agreement demarcated a space for the continued employment of *khwajasarais* close to the Padshah. The Padshah deployed a discourse of the domesticity and consequent political insignificance of the 'private' sphere in order to retain eunuchs in his inner circle. Meanwhile, *khwajasarais*' patron-client relationships and networks of *chelas* and kin continued to be avenues for their control of 'public' offices, highlighting the ways in which *khwajasarais* negotiated and evaded colonial interventions through the power structures of the community.

'Private attendance' on the Padshah also cemented *khwajasarais*' position as key figures in Wajid Ali's *darbar*, regardless of whether they directly held 'official' positions in the administration. The basis of eunuchs' powerful position in *darbar* politics was their close physical proximity to the Padshah.[69] Several of the prominent eunuchs in the Padshah's inner circle had attended Wajid Ali prior to his ascension to the throne.[70] *Khwajasarais* reinforced their relationship with the Padshah through gift-giving and by providing for Wajid Ali Shah's amusement. For instance, on February 15 1855, the Residency diary mentions that the 'eunuch Basheer made a present of a pair of Camel-leopards to the King,' while on March 30, 'the King received some pigeons from the Eunuchs Bushier and Dianut.'[71] Here, we see *khwajasarais* reproducing and enacting their subordination to the Padshah through *nazr*, gift-giving to a superior.

As late as the 1850s, *khwajasarais* formed one or more of the key factions in Awadh court politics which opposed British intrusion in Awadh and limited the power of the Awadh Minister. Elites and nobles paid *khwajasarais* to exert influence in the *darbar* on their behalf and court eunuchs were seen as an alternative and competing locus of power to the Residency.[72] The prominent position of *khwajasarais* in Awadh court politics in the mid-nineteenth century is evidenced by a property dispute in 1853 between four brothers of the wealthy Lal family. The family enlisted the assistance of

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[68] Ibid. See also, NAI/FD/PC 28/12/1855 335: Wajid Ali Shah, Padshah of Awadh, to Resident at Lucknow, 21 June 1855.

[69] See Chapter 1 on the physical proximity of *khwajasarais* and their masters on an everyday basis in the eighteenth century.

[70] NAI/FD/PP 11/12/1847 162: Wajid Ali Shah, Padshah of Awadh, to Resident at Lucknow, 25 June 1847.

[71] NAI/FD/PP 28/12/1855 324: Extracts from the diaries of the Resident at Lucknow, Appendix to J.A. Dorin, Member, Council of the Governor-General, Minute, 11 July 1855.

[72] NAI/PF/PC 16/01/1852 94: W.H. Sleeman, Resident at Lucknow, to Secretary, Government of India, 10 October 1851; NAI/FD/PC 24/11/1849 156: W.H. Sleeman, Resident at Lucknow, to Secretary, Government of India, 28 October 1849.

Sleeman, the Resident, in distributing their father's inheritance to his heirs, however, the youngest brother, Kundun, came to the conclusion that the *khwajasarais* of the Awadh *darbar* could secure an outcome more favourable to his interests than could Sleeman. Kundun consequently 'purchased' the influence of the Padshah's *khwajasarais* 'at a high price'[73] and the *khwajasarais* managed to sway the outcome of the dispute in several ways.[74] The power of *khwajasarais* within the administration and the court threatened the position of the Wazir (Minister), Ali Nakhi Khan.[75] The Minister could not risk offending or alienating *khwajasarais* who had the ear of the Padshah.[76] Meanwhile *khwajasarais* and musicians controlled and restricted the Minister's access to the Padshah.[77] British Residents also perceived the power of *khwajasarais* as a threat to the integrity of the Company in Awadh. Fisher notes that one of the few strategies open to the Awadh ruler and administration was to 'seduc[e] the Resident and the members of his staff into the world of the Awadh court' by offering honours and financial rewards.[78] Sleeman believed that *khwajasarais* were similarly attempting to corrupt Residency officials, for instance by 'ingratiat[ing] themselves' with British officials through horseracing and gambling in Lucknow.[79] Sleeman also suspected that *khwajasarais* might take their attempted interference in Residency affairs to more dramatic levels and initially suspected *khwajasarais* were responsible for an attempt to assassinate him in 1853, though the eunuchs were not found guilty.[80]

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[73] These *khwajasarais* are not named in the records, though Sleeman referred to a 'vile Eunuch whom [Kundun] has purchased, and who still hangs upon him like a vampire.' The nature of Kundun's 'purchase' is ambiguous. In parts of his correspondence, Sleeman implies that Kundun had purchased the persons of *khwajasarais* as slaves, and elsewhere he states that Kundun had merely 'purchased' their 'influence' through bribes. NAI/FD/PP 18/11/1853 125: W.H. Sleeman, Resident at Lucknow, to Under Secretary, Government of India, 20 October 1853.

[74] NAI/FD/PP 18/11/1853 129: W.H. Sleeman, Resident at Lucknow, to the Civil and Sessions Judges and Collectors of Patna, Agra, Chhapra, Kanpur, Farrukhabad and Budaun, 9 November 1852; NAI/FD/PP 18/11/1853 125: Sleeman to Sec, GoI, 20 Oct 1853.

[75] Fisher, *Clash of Cultures*, 203.

[76] NAI/FD/PC 30/12/1848 99: Richmond to Sec, GoI, 24 Nov 1848.

[77] NAI/FD/PC 24/11/1849 163: W.H. Sleeman, Resident at Lucknow, to Secretary, Government of India, 26 October 1849; NAI/FD/PC 30/12/1848 99: Richmond to Sec, GoI, 24 Nov 1848.

[78] Fisher, *Clash of Cultures*, 178-9.

[79] NAI/FD/PC 19/04/1851 163: W.H. Sleeman, Resident at Lucknow, to Secretary, Government of India, 24 March 1851; NAI/FD/PC 19/04/1851 165: H. Elliot, Secretary, Government of India, to Resident at Lucknow, 8 April 1851.

[80] NAI/FD/PC 28/10/1853 49: W.H. Sleeman, Resident at Lucknow, to Officiating Secretary, Government of India, 12 October 1853; NAI/FD/PC 28/10/1853 50: W.H. Sleeman, Resident at Lucknow, 'Narrative of an attempt made on the night of Sunday the 9th Instant on the life of the Resident,' 12 October 1853; NAI/FD/PC 27/01/1854 91: W.H. Sleeman, Resident at Lucknow, to Officiating Secretary, Government of India, 19 November 1853; NAI/FD/PC 27/01/1854 93: Wajid Ali Shah, King of Awadh, to Resident at Lucknow (translation), 21 November 1856.

Despite signing a written agreement prohibiting the employment of *khwajasarais* in official positions in 1848, Wajid Ali in practice resisted British calls to remove eunuchs from his court and administration. The Awadh ruler demarcated a sphere in which eunuchs could retain employment and influence and repeatedly constructed their roles as 'private' rather than 'public.' *Khwajasarais* deployed a variety of strategies to evade and negotiate colonial attempts to regulate their employment in Awadh. *Khwajasarais* remained the heads of networks of *chelas* and kin—including slaves, eunuchs, and non-slaves—which allowed them to preside over aspects of the administration that fell outside the purview of their appointed positions. *Khwajasarais* also continued to combine employment within the Padshah's household with 'official' roles, highlighting the liminality of eunuchs on the porous boundary between the 'inner' domain of the household and the 'outer' domain of the administration and the interpenetration of the domestic and the political. As a result, *khwajasarais* managed to limit the impacts of colonial intervention and remained in positions of power until British annexation in 1856. However, the Company's inability to entirely circumvent *khwajasarais*' power was a productive failure, which was used to strengthen the British case for the annexation of Awadh.

Khwajasarais, the Padshah and masculinity

British arguments for the legitimacy of the annexation of Awadh were bound up with representations of the masculinity of the Awadh ruler, his court favourites and Awadh administrators. The case the Company compiled to legitimise annexation is thus significant for our understanding of colonial masculinity. Masculinity was central to British ideologies legitimising colonial rule in India. Whereas the British had assessed different regional and religious groups on the basis of their perceived manliness since the early period of Company rule in India, in the nineteenth century, the British ordered various communities, labelled as 'races,' according to their masculinity in more elaborate and stratified typologies. Colonised men were characterised as inherently inferior to British men, perceived as the ideal of manliness, but were differentiated through a hierarchy of masculinity which distinguished 'martial tribes,' such as Sikhs, Pathans and Muslims, from 'effeminate races,' such as Bengalis. Interestingly,

homosexuality was usually associated in colonial discourse with the 'martial races,' not with 'effeminate' Bengalis.[81]

Despite the elaboration of racialised typologies of masculinity, colonial discourses of Indian masculinity were not coherent, unified or stable, but rather malleable, relational and shifting.[82] There was not a straightforward connection between perceived sexual embodiment, gendered appearance, character and behaviour in colonial discourses of eunuch gender and sexuality. Moreover, the same group could be represented in different terms in relation to various 'others.' Although British accounts of harem eunuchs in India often characterised them as physically androgynous, this was not the case in mid-nineteenth century colonial accounts of Awadhi *khwajasarais*. In fact, there was very little mention of their gendered appearance. This represents a contrast not only to representations of eunuch slaves in other contexts, but also to contemporaneous accounts of *hijras*, whose embodiment was a central focus of British accounts. *Khwajasarais* were characterised as violent and tyrannical religious fanatics and were thus described in some respects in the terms of Muslim martial masculinity, a common colonial stereotype of an Indian 'martial race.' In this way, *khwajasarais* were contrasted to the 'effeminate' Awadh Padshah. However, in contrast to the colonial understanding of the 'Muslim despot' as hypersexual (in both heterosexual and homosexual sex), *khwajasarais* were viewed as asexual. Thus, *khwajasarais* were also portrayed in very different terms than *hijras*, who were described as figures of failed masculinity and as sexual 'deviants.'

British commentators cast Wajid Ali as an 'effete' ruler, secluded within his harem and under the thumb of his wives, concubines and dancing girls. The 'trope of demonically energetic *pardah* women and effete and "emasculated" palace males' was a stereotype with a lasting resonance in colonial discourse according to Indrani Sen.[83] The British criticised Wajid Ali on the basis of his abdication of manly duties and privileges, in both the public and private sphere. Both the Padshah's location within the

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[81] Mrinalini Sinha, *Colonial Masculinity: The 'Manly Englishman' and the 'Effeminate Bengali' in the Late Nineteenth Century* (Manchester: Manchester University Press, 1995), 1, 7, 16-9; Sikata Banerjee, *Make Me a Man! Masculinity, Hinduism, and Nationalism in India* (Albany: State University of New York, 2005), 21-41.

[82] Mrinalini Sinha has also emphasised that colonial and elite Indian constructs of masculinity were relational. Mrinalini Sinha has used the term 'colonial masculinity' to describe the relational construction of British and Indian masculinity, along multiple 'axes' of power and difference 'among or within the colonisers and the colonised as well as between the colonisers and colonised.' Sinha, *Colonial Masculinity*, 1-2.

[83] Indrani Sen, '"Cruel, Oriental Despots": Representations in Nineteenth-Century British Colonial Fiction, 1858-1900,' in *India's Princely States: People, Princes and Colonialism*, ed. Waltraud Ernst and Biswamoy Pati, 40-2 (London: Routledge, 2007).

feminine domain of the royal *zanana* and his preoccupation with 'frivolous' entertainments, rather than the rational matters of public office, cast him as an effete and inadequate ruler.[84] Of course, in Awadh the household of the ruler had always been a politically significant space. Overall, Wajid Ali's effeminacy made him unfit to rule, as one member of the Council of the Governor General argued in 1855:

> [W]hat royal qualities has the King exhibited that should warrant the British Government in continuing to him his royal dynasty? ... I have searched the [Company] records ... in vain for traces of ... Noble tastes or manly pursuits: I find only the sad reverse: tales of ... dissolute companions ... [and] effeminate debaucheries.[85]

What was more, *khwajasarais* and court musicians apparently 'kept' Wajid Ali Shah 'in a kind of prison.'[86] Eunuchs and musicians formed a barrier between the ruler and the outside world and were the 'virtual sovereigns of the country.'[87] The sarcastic use of romantic language to describe the Padshah's relationship to his male favourites sharpened the image of Wajid Ali as an effete and unmanly ruler. William Sleeman reported 'that the king seemed to be spell bound by these singers and eunuchs and to be entirely under their influence.'[88] Another Resident, Richmond, wrote, 'The King is so infatuated regarding these men that he would sacrifice anything rather than oppose them.'[89] Wajid Ali's relationship with 'lowly' *khwajasarais* and musicians represented both a suspicious attachment between men and an unmanly abdication of masculine initiative and power.

Khwajasarais, on the other hand, were viewed as unmanly, but were assigned quite different characteristics than Wajid Ali. In fact, the eunuchs of the Awadh court were cast as 'Oriental despots.' 'Oriental despotism' formed a dominant theme of British understandings of India, particularly from the eighteenth century. To the British in India, Oriental despotism implied an absence of laws, an absolute exercise of control on the part of the ruler and the people's deprivation of rights and was particularly linked to Islam in colonial discourse. This ideology justified British rule as an enlightened and

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[84] NAI/FD/PP 06/06/1856 192: Dalhousie, Governor-General, India, to Padshah of Awadh, 14 February 1857. See also, NAI/FD/PP 28/12/1855 312: Outram to Sec, GoI, 15 Mar 1855. According to British commentators, Wajid Ali had even abandoned his authority within his own *zanana* and apparently allowed the court musicians to have affairs with his wives. NAI/FD/PC 24/11/1849 163: Sleeman to Sec, GoI, 26 Oct 1849.

[85] NAI/FD/PP 28/12/1855 323: J.A. Dorin, Member of the Council of the Governor-General, Minute, 11 July 1855.

[86] NAI/FD/PC 24/11/1849 165: Sleeman to Sec, GoI, 30 Oct 1849.

[87] Sleeman, *Journey*, lxi.

[88] NAI/FD/PC 24/11/1849 156: Sleeman to Sec, GoI, 28 Oct 1849.

[89] NAI/FD/PC 31/03/1848 40: Richmond to Sec, GoI, 21 Mar 1848.

just intervention.[90] By the 1840s, *khwajasarais* were cast in colonial discourse as petty tyrants who paid no heed to the rule of law and acquired power through violent means. Colonial commentators claimed *khwajasarais* were the usurpers of Awadh sovereignty, as well as the authority of the East India Company, and had acquired their power through illegal means, chicanery and oppression[91]

In some ways *khwajasarais* were pictured as the 'fierce' and 'martial' Muslim despot, an image of violent hyper-masculinity somewhat unexpectedly applied to eunuchs. Although *khwajasarais* were not described as effeminate, the British did not articulate a positive view of *khwajasarais*' masculinity. British Residents emphasised the violent tendencies of *khwajasarais* and claimed the population of Lucknow was kept in terror by the *khwajasarais*.[92] One of the Council members who advocated for annexation in 1855 presented in support of their case extracts from the Resident's diary which painted *khwajasarais* as cruel and brutal. Included were incidents of several affrays between the dependants of *khwajasarais* and other factions in Lucknow politics, as well as a case of the torture of a family by a man who 'perpetuat[ed] these outrages with the connivance of the Eunuch Dianut.'[93] Regardless of whether these incidents were accurately reported, the Resident's diary emphasised the eunuch-hood of the alleged offender and painted the violence of eunuchs as indiscriminate.[94] The language used to describe Ahsun ud-Daula—the commander who was accused of religious discrimination against a Sunni Lieutenant—rehearsed the familiar association between despotism and Islam, painting Ahsun as inherently violent and a religious fanatic. '[T]his daring and barbarous minion,' the Resident wrote, had 'dared openly to commit a gross and brutal act of tyranny on an unoffending man … [a] flagrant act of oppression.'[95] However, unlike the colonial stereotype of the 'martial,' despotic and fanatical Muslim man, *khwajasarais* were viewed as asexual, rather than as hypersexual.

When we compare the colonial characterisation of Wajid Ali's eunuchs to other groups of eunuchs, an even more complicated story emerges. On the one hand, although *khwajasarai* masculinity came in for British criticism during Wajid Ali's reign, the characterisation of *khwajasarais* in the 1840s and 1850s was very different

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[90] Although the assertion that India was lawless was questioned by Warren Hastings and other Orientalists, who claimed to have 'discovered' the ancient laws of India, the notion of Oriental despotism had a long life. Metcalf, *Ideologies*, 6-15.
[91] NAI/FD/PC 24/11/1849 159: Sleeman to Sec, GoI, 24 Oct 1849.
[92] NAI/FD/PC 24/11/1849 165: Sleeman to Sec, GoI, 30 Oct 1849.
[93] NAI/FD/PP 28/12/1855 324: Extract from diaries, appendix to Dorin, Minute, 11 Jul 1855.
[94] NAI/FD/PC 23/05/1850 161: Sleeman to Sec, GoI, 6 Apr 1850.
[95] NAI/FD/PC 28/12/1855 335: Appendix A to Outram to Sec, GoI, 21 Jun 1855.

from the British understanding of *hijras*. *Hijras* were characterised as effeminate, 'habitual sodomites,' impotent men and criminals and were viewed as unequivocally deviant. Whereas *khwajasarais'* masculinity was sometimes disparaged, the British viewed them as violent and cruel despots, rather than as sexual 'deviants.' Moreover, few British commentators writing on Awadh in the nineteenth century focused on the gendered or sexual embodiment of *khwajasarais*, though the physical appearance of *hijras* is a feature of virtually all colonial descriptions of the group.[96]

On the other hand, mid-century British commentators continued to praise the character of the prominent *khwajasarais* of the late eighteenth century, in particular Almas Ali Khan. The British did not describe Almas Ali as a 'corrupt' administrator in the nineteenth century, although British observers' posthumous accounts of Almas Ali were divided on the effectiveness of his administration.[97] Yet on matters of character, British accounts rendered Almas Ali positively well into the nineteenth century.[98] Even Sleeman, one of the harshest critics of the *khwajasarais* of Wajid Ali's *darbar*, praised Almas Ali's character in an oft-quoted passage of his journal:

> Mean Almas Ali was the greatest and best man of any note that Oude has produced. … [H]e kept the people [of his districts] secure in life and property, and as happy as people in such a state of society can be; and the whole country under his charge was, during his life-time, a garden.[99]

This highlights, once again, that the colonial discourses of masculinity were often internally fissured and seemingly contradictory.

Significantly, the prominence of *khwajasarais* in British accounts of the failures of Wajid Ali Shah's administration is not echoed in the historical memory of Lucknow commentators. For instance, Abdul Halim Sharar—a journalist and publisher whose family was employed in the Padshah's administration and who wrote a classic history of Nawabi Lucknow in serial form from 1913—did not attribute Wajid Ali's shortcomings to the influence of *khwajasarais*. According to Sharar, the problem was that the Padshah rejected the advice of 'learned and refined society,' 'dancers and singers

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[96] British writers rarely commented upon *khwajasarais'* gendered embodiment, either in the eighteenth or nineteenth centuries. Valentia's description of Almas Ali as 'a venerable, old-woman-like being, upwards of eighty, full six feet high, and stout in proportion' is remarkable not only for its jumble of gendered characteristics—height and stout stature were usually associated with manliness in colonial writing and seemingly contradict the description of Almas Ali as 'old-woman-like'—but also because description of *khwajasarais'* physical appearance was so rare in British accounts. George Viscount Valentia, *Voyages and Travels to India, Ceylon, the Red Sea, Abyssinia, and Egypt, in the Years 1802, 1803, 1804, 1805, and 1806*, vol. 1 (London: F., C., and J. Rivington, 1811), 103.
[97] C.A. Elliott, *The Chronicles of Oonao, a District in Oudh* (Allahabad: Allahabad Mission Press, 1862), 126-30.
[98] Mrs. Meer Hassan Ali, *Observations on the Mussulmauns of India*, vol. 1 (London: Parbury, Allen and Co., 1832), 71-2.
[99] Sleeman, *Journey*, vol. 1, 321-2.

became the pillars of state,' and Wajid Ali 'made public his sensuous transgressions.' Although Wajid Ali's character was highly 'dubious,'[100] Sharar did not consider the prominence of *khwajasarais* in the Padshah's inner circle a cause of Wajid Ali's limitations as ruler.

In mid-nineteenth century Awadh, colonial commentators characterised *khwajasarais* as tyrannical upstarts, violent despots and religious fanatics. Yet the British did not describe *khwajasarais* as sexual or gender 'deviants,' as they characterised *hijras* in this period, while colonial writers continued to paint the *khwajasarais* of the past as men of character. A direct relationship between eunuch embodiment and particular character traits is not evident in colonial understandings of 'eunuchs' of various kinds in the mid-nineteenth century.

'The greatest distress and poverty':
Khwajasarais in the aftermath of annexation and revolt

In late 1856, the Company decided to annex Awadh. The establishment of colonial rule, and the dismantling of the political structures to which *khwajasarais* were linked, had a devastating impact upon many *khwajasarais* who experienced a loss of political patronage and their source of income. Below, I analyse *khwajasarais*' attempts to negotiate colonial rule, in particular through petitioning the colonial government. I examine not only the ways that *khwajasarais* attempted to alleviate the negative impacts of colonial rule, but also how they sought to make sense of their lives following the fall of the Awadh regime.

In 1856, the Resident, Outram, presented Wajid Ali with a treaty under which the Awadh ruler would relinquish his rights as sovereign in return for an annual pension. Wajid Ali took what he considered the honourable path and refused to sign the treaty.[101] The former Padshah went to Matiya Burj, also known as Garden Reach, outside of

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[100] Abdul Halim Sharar, *Lucknow: The Last Phase of an Oriental Culture*, trans. and ed. E.S. Harcourt and Fakhir Hussain (New Delhi: Oxford University Press, 2001), 62-3.

[101] Since there was no immediate catalyst for annexation, the Company hoped for the consent of the Padshah to British administration of Awadh, but if Wajid Ali was not pliable, the Company planned to nonetheless proceed with annexation. NAI/FD/PP 06/06/1856 200: J. Outram, Resident at Lucknow, to Secretary, Government of India, 4 February 1856. See also, NAI/FD/PP 06/06/1856 188: Dalhousie, Governor-General, India, et al., 'Proclamation A,' 18 January 1856; NAI/FD/PP 06/06/1856 189: Dalhousie, Governor-General, India, et al., 'Proclamation B,' 18 January 1856; NAI/FD/PP 06/06/1856 192: Dalhousie, Governor-General, India, to Padshah of Awadh, 14 February 1856. For an account of the planning of the annexation and the meetings between the Resident and Padshah, see: Rosie Llewellyn-Jones, *Engaging Scoundrels: True Tales of Old Lucknow* (New Delhi: Oxford University Press, 2000), 126-9; Fisher, *Clash of Cultures*, 236-7.

Calcutta, [102] where he established his own *darbar* and attracted thousands of followers. [103] In May 1857, revolt broke out across north India and the Company placed Wajid Ali, his Wazir, Ali Naki Khan, and two other courtiers in confinement in Fort William. [104] In mid-1859, Wajid Ali was released from Fort William and remained at Matiya Burj until his death in 1887. [105]

Khwajasarais were a feature of the recreated court culture of Matiya Burj and retained employment there for several decades. When Edmonstone, the Secretary to the Government of India, arrived at Matiya Burj with an arrest warrant for the Padshah in 1857, the only armed man he saw 'was a Eunuch standing, with a sword in his hand at the entrance of the Ladies' apartments in the King's residence.' [106] Some of the influential *khwajasarais* of the Padshah's inner circle were present at Matiya Burj. When Wajid Ali was arrested in 1857, ten courtiers were 'permitted to accompany their master,' and the Padshah included two *khwajasarais*, Dianut ud-Daula and Ahsun ud-Daula, in his 'suite.' [107] Both *khwajasarais* remained in Wajid Ali's inner circles for several years and subsequently sought to go on pilgrimage to Karbala, perhaps suggesting an ongoing search for community and identity following the fall of the state they had served. [108] After the revolt, the settlement at Matiya Burj grew into a 'second Lucknow' where, according to Abdul Halim Sharar, who lived in the township for almost a decade, 'There was the same bustle and activity, the same language, the same

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[102] Wajid Ali originally planned to continue on to London and plead his case with Queen Victoria. However, Wajid Ali's doctors advised him not to travel, and so his mother and a significant entourage, including her *khwajasarais*, travelled to London, to meet with and petition Queen Victoria. Llewellyn-Jones, *Engaging Scoundrels*, 130-1.

[103] Ibid., 148; Sharar, *Lucknow*, 74-5.

[104] NAI/FD/SP 26/06/1857 132: G.F. Edmonstone, Secretary to Government, to O. Cavenagh, Town Major, Fort William, 15 June 1857.

[105] Sharar, *Lucknow*, 75.

[106] NAI/FD/SP 26/06/1857 131: G.F. Edmonstone, Secretary, Government of India, Note, 15 June 1857.

[107] Ibid. Both were 'dealt with as close prisoners' at Fort William since they could 'not be permitted by communication with persons outside to frustrate the objects of the Government.' Although both *khwajasarais* were close dependents of Wajid Ali, their fortunes declined in the following years: Ahsun was himself arrested for two years for conspiracy with the rebels, which he denied, while Dianut had a falling out with the Padshah in 1858. NAI/FD/SP 26/06/1857 154: G.F. Edmonstone, Secretary, Government of India, to O. Cavenagh, Town Major, Fort William, 19 June 1857; NAI/FD/SC 25/09/1857 150: G.F. Edmonstone, Secretary, Government of India, to O. Cavenagh, Town Major, Fort William, 24 July 1857; NAI/FD/SC 27/11/1857 472: 'Petition of Aysum-ood-dowlah, a Prisoner in Fort William, to the Governor-General of India in Council,' 13 October 1857; NAI/FD/SC 27/11/1857 474: O. Cavanagh, Town Major, Fort William, to Secretary, Government of India, 24 October 1857; NAI/FD/PC 15/07/1859 380-394: C. Beaden, Secretary, Government of India, to Town Major, Fort William, 7 July 1859; NAI/FD/PC 26/11/1858 158: O. Cavanagh, Town Major, Fort William, to Secretary, Government of India, 23 November 1858.

[108] NAI/FD/PC 11/11/1859 139: 'Petition of Ahsan Oodowlah to Lieutenant General James Outram,' 17 October 1859; NAI/FD/PC 11/11/1859 139-147: W. Grey, Officiating Secretary, Government of India, Office Memorandum no. 6526, 8 November 1859; NAI/FD/PP 18/11/1859 101: C. Herbert, Agent for the Governor-General with the Padshah of Awadh, to Officiating Secretary, Government of India, 15 November 1859; NAI/FD/SC 29/01/1858 637: Secretary, Government of India, to Town Major, Fort William, 20 January 1858.

style of poetry, conversation and wit, the same learned and pious men, the same aristocrats, nobles and common people' as there had been in Lucknow prior to 1856.[109] Those *khwajasarais* who remained at Matiya Burj—the population of which was 40,000 at its height—were supported from Wajid Ali's monthly pension of a *lakh* of rupees.[110] Although their incomes were probably greatly reduced, some *khwajasarais* were able to remain employed at Matiya Burj until the death of Wajid Ali in 1887, which in Sharar's words destroyed the 'beautiful and entrancing scene' of Matiya Burj 'so completely that it might never have existed.'[111]

Those *khwajasarais* who remained in Lucknow acutely felt the drastic transformation the city underwent following annexation, the rebellion of 1857 and the reassertion of British control. *Khwajasarais* were amongst the 1200 slaves who were previously dependent upon the Awadh ruler for their housing and income and were now left without any form of support.[112] The British were now responsible for the maintenance of the Padshah's dependents, but this was a responsibility exercised with discretion. The revolt of large sections of the city in 1857 necessitated the creation of a loyal group of local collaborators. Veena Oldenburg writes of this period that loyalty, however self-interested, 'was manifestly the cement that held the new order together.'[113] Thus, the British Government only supported those former dependents of the deposed ruler who could 'prove' their loyalty. Petitioning was the only sanctioned form of redress—all other attempts to negate colonial policies were viewed as sedition or rebellion—and in the years following 1857, huge numbers of petitions were sent to the colonial government by Lucknow residents.[114] *Khwajasarais* also used petitioning and demonstrations of loyalty as a means to adjust to colonial rule and alleviate the detrimental impacts of the political and social transformation of Lucknow.

In 1865, a group of 735 *habshi* slaves of East African origin, of whom eighteen were eunuchs, petitioned the British Government for the continuation of their pensions. The petitioners claimed that 300 slaves had died from starvation since the fall of Awadh, but because some *habshi* slaves had participated in the fighting in 1857, the British rejected their petitions on several occasions. Finally, in 1877, the British

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[109] Sharar, *Lucknow*, 74.

[110] Wajid Ali Shah's immediate entourage of one thousand courtiers and wives were supported from his pension. Veena Talwar Oldenburg, *The Making of Colonial Lucknow: 1856-1877* (Princeton: Princeton University Press, 1984), 203-4.

[111] Sharar, *Lucknow*, 75.

[112] Rosie Llewellyn-Jones, 'The Colonial Response to African Slaves in British India – Two Contrasting Cases,' *African and Asian Studies* 10 (2011): 67.

[113] Oldenburg, *Colonial Lucknow*, 189.

[114] Ibid., 181-260.

provided a few of the males with employment as jail wardens and watchmen, though there is no indication that *khwajasarais* received such appointments.[115] Low-ranking *khwajasarais* who were formerly housed and fed by the Padshah, but failed to obtain pensions from the British, were entirely impoverished by annexation.

Even those *khwajasarais* who owned property struggled after 1856 and used petitioning as a strategy to mitigate the impacts of colonial rule. Wajid Ali had endowed some *khwajasarais*, along with members of the royal household and other favourites and courtiers, with prime real estate in Lucknow and rent-free land grants, or *jagirs*, in the vicinity of the city. However, this group of urban *jagirdars* represented a sub-section of the urban elite that fared particularly badly following annexation. Since the British held a negative opinion of Wajid Ali's courtiers and his 'dissolute' women, many *jagirdars* in the Lucknow area were deprived of their estates and pensions and 'found themselves in severely straightened circumstances.'[116] The numerous petitions of a *khwajasarai* named Nazir ud-Daula, who was also known as Jawahar Ali Khan, demonstrate the ways middling *khwajasarais* negotiated colonial power. Nazir was not amongst the wealthiest and most influential of the *khwajasarais*, and according to his petitions, was a *zanana* guard and attendant who did not perform any state administration duties, but nevertheless owned property and *jagirs* around Lucknow.[117]

During the 1860s and 1870s, Nazir petitioned various levels of government 'eight or nine times.'[118] However, Nazir first had to prove his loyalty to the colonial regime. Following the reassertion of British control in Lucknow, Nazir petitioned the Oudh Chief Commissioner for the resumption of his former monthly pension from the Padshah. The British government considered Nazir a person of dubious loyalty, perhaps particularly because he was a *habshi* slave. Although a 'thorough investigation' cleared Nazir of any 'crimes' during 1857-8, the Chief Commissioner rejected his pension claim. In September 1861, Nazir sent another petition to the Oudh Government.[119] To support his claim, Nazir included 'Certificates from [the] Ex[-]King's wives and other respectable Nawabs of [Lucknow] ... [and] also from Daroga

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[115] For a discussion of the impact of annexation on Lucknow's African slave population, see Llewellyn-Jones, 'The Colonial Response,' 67-8.

[116] The other significant group of urban elites—the *wasqidars* or 'guaranteed pensioners' who received interest from Awadh loans to the Company and by the nineteenth century formed a hereditary aristocracy—were able to maintain their socio-economic status after 1856, provided they demonstrated loyalty to the new rulers. Oldenburg, *Colonial Lucknow*, 200-4.

[117] British Residents did not mention Nazir as a prominent *khwajasarai* prior to annexation. UPSA/L/BR/LD 1140: Nazir ud-Daula, Petition to Chief Commissioner of Oudh, 4 January 1874.

[118] UPSA/L/BR/LD 1140: Lucknow Board of Revenue Memorandum (signature illegible), 24 January 1874.

[119] Nazir signed this petition from a 'Slave of the Native Government Lucknow.' Ibid.

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Meer Wajid Ally,'[120] a former petty Awadhi official who managed to demonstrate his loyalty to the British in 1857 and became one of the most powerful men in post-1857 Lucknow.[121] Even though Nazir had successfully cleared his name of any act of 'rebellion,' the Chief Commissioner rejected Nazir's petition.[122]

Nazir's petitions paint a picture of the impacts of annexation on formerly relatively wealthy *khwajasarais* and their strategies of survival under colonial rule. In 1874, Nazir sent another lengthy petition to the Chief Commissioner of Oudh which detailed at length the decline in his economic status. Prior to annexation, Nazir had owned a 'large building' in Golaganj, west of Kaisarbagh, which was worth Rs. 80 000, but this house was looted of moveable property during 1857-8 and then demolished by the British, to be used as building materials for the rebuilding of Machi Bhavan Fort. Prior to 1856, Nazir also received a monthly pension of Rs. 500 and this source of income had ceased. In 1874, Nazir remained the *jagirdar* of two villages, 'Mustemow' and 'Gunjurea,' from which he collected revenue and 'supported himself with difficulty.'[123] These villages were on the banks of the Gomti and after a significant proportion of the cultivatable land disappeared into the river due to heavy rains, his tenants had deserted the land and Nazir could not meet the revenue demands of the Oudh government. He incurred a debt of Rs. 15 000 and was forced to mortgage his lands. With 'no property left wherefrom he could redeem the mortgaged property or maintain himself,' he pleaded that the government reduce the revenue payments 'according to the quality of land.'[124] He also petitioned for the resumption of his monthly pension and a grant of Rs. 15 000 to redeem his mortgaged property. Nazir concluded that owing to his loss of income, of property and of cultivatable land, he was 'involved in the greatest distress and poverty.'[125] Yet the Chief Commissioner ignored Nazir's request of a pension and grant.[126]

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[120] UPSA/L/BR/LD 779: Nazir ud-Daula, Petition to Officiating Chief Commissioner of Oudh, 3 September 1861.

[121] Under the Awadh regime, Wajid Ali was a *mahal daroga* whose job had been to supply the wants of the Padshah's wives. Wajid Ali was appointed to the Lucknow municipal committee and his support could be crucial in the success or failure of a petition to the British government. Oldenburg, *Colonial Lucknow*, 85-6, 232-4.

[122] UPSA/L/BR/LD 779: Secretary, Chief Commissioner of Oudh, Revenue Department Memorandum, no. 3072, 14 September 1861.

[123] UPSA/L/BR/LD 1140: Nazir ud-Daula, Petition, 4 Jan 1874.

[124] Ibid.

[125] Ibid.

[126] The Chief Commissioner merely replied that if Nazir required an adjustment of the revenue due from his lands, he should state his case to the Deputy Commissioner of the Lucknow District. USPA/L/BR/LD 1140: Personal Assistant to Chief Commissioner, Oudh, Revenue Department Memorandum, 26 January 1874. This is the last of Nazir's petitions I found in the Lucknow branch of the Uttar Pradesh State Archives.

Nazir's repeated petitions also shed light on the attempts of *khwajasarais* to make sense of their lives following the fall of the Awadh regime. Nazir began his 1874 petition with an outline of his personal history:

> ... [Y]our humble Petitioner, during his minority left the place of his birth and the residence of his ancestors called *Africa* and by the attraction of fortune came to 'Lucknow' and devoted himself to the perpetual service of Naseerooddeen Haider the late King of Oude who appointed him as a Khaje Surrah (Eunuch) for the purpose of guarding and protecting the honor [sic] of the Royal Mistresses and performing other multifarious duties.[127]

It is notable that despite Nazir's earlier emphasis on his slave status, in his 1874 petition, he represented himself as an agent who came to Lucknow of his own volition. Nazir's account highlights how slaves might remember their history as one of agency, rather than victimisation.

In the 1874 petition, Nazir articulates his perception of the duties and obligations of the sovereign power towards *khwajasarais*. The petition thus gives us a picture of a *khwajasarai*'s worldview and perception of his place in Awadh politics and society. Nazir highlighted the rights of *khwajasarais* to receive employment and income from successive rulers:

> ...[I]n the Royal family of Oude from the time of Nawab Shoofaooddowlah Bahadoor, Nawab Asufooddowlah Bahadoor and Ghazeeooddeen Haider up to the end of the reign of Wajid Ally Shah every old and new *Khaja Surra* continually obtained promotions and were held in the highest esteem and trustworthiness so much so that none of the succeeding Kings dismissed or shown [sic] other signs of offence towards the '*Khajasurrahs*' of his predecessors [and] in consideration of their honesty and right of service every King maintained their respective Jageers [rent-free estates] etc. and treated them with munificence. ... Almighty God has created Petitioner and others of the same class to receive their food and maintenance from the Royal family because with the exception of the performance of the duties of a *Khaja Surrah* they do not appear to be adapted for any other worldly use[,] hence according to the Rules of Royalty, Mohomedan Law and usage of the time your humble Petitioner thinks himself entitled to receive consideration from the Ruling King [i.e. the British Government].[128]

From Nazir's viewpoint, Muslim law and the norms of Awadh political culture dictated that *khwajasarais* were rights-bearing subjects, to whom the 'Ruling King' owed employment and financial compensation. Upon annexation, the British assumed sovereignty, and therefore the obligations of the sovereign towards *khwajasarais*. Nazir's statement that he is not fit 'for any other worldy use' than employment in the *zanana* is balanced by his conviction that he was 'created' by 'Almighty God' for this

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[127] Italics in original. UPSA/L/BR/LD 1140: Nazir ud-Daula, Petition, 4 Jan 1874.
[128] Italics in original. Ibid.

purpose. Nazir's petition therefore adds to our understanding of how *khwajasarais* sought to legitimise and valorise their social role and political significance following the dismantling of the political structures to which they were tied.

Nazir's repeated petitions demonstrate the relative wealth of many *khwajasarais* prior to 1856, as well as the impacts of the upheavals of British annexation, the 1857 revolt and the reassertion of British control upon *khwajasarais*. If property-owning *khwajasarais* such as Nazir experienced impoverishment following annexation, we can imagine that the impact upon low-ranking *khwajasarai* slaves must have been devastating. Nazir and other *khwajasarais* repeatedly petitioned the colonial government in order to alleviate the economic impacts of colonial rule, with limited success, since the colonial government regarded *khwajasarais* as having suspicious political sympathies and being unworthy of government support. Yet petitioning was also a practice of 'meaning-making' through which *khwajasarais* legitimised their existence and asserted their 'rights' as *khwajasarais*. With the fall of the Awadh regime in 1856, as well as the Mughal Emperor in Delhi in 1857, the demand for *khwajasarais* in north India declined. Moreover, changes in north Indian elite domestic arrangements meant that *khwajasarais* were a diminishing presence in elite Indian families. Due to these historical changes, *khwajasarais* eventually disappeared as a social category between the late nineteenth and early twentieth centuries (see concluding chapter).

Conclusion

In the 1840s, *khwajasarais* became subject to British interventions that aimed to regulate *khwajasarai* labour by prohibiting their employment in the state administration. Whereas *khwajasarais* had appeared to the eighteenth century East India Company to be an acceptable feature of Awadh politics and society, by the nineteenth century *khwajasarais* were deemed a 'problem' population for a number of reasons. The imperative of colonial territorial expansion intersected with transformations in the modes of colonial power and changing conceptualisations in both the metropole and the colonies of public and private spheres, domesticity, family, slavery and masculinity. Together, these political, ideological and social transformations produced British criticism of *khwajasarais* as inappropriate administrators. *Khwajasarais'* networks of clients, *chelas* and kin were deemed to be mere avenues for political 'corruption,' while

the British no longer acknowledged the existence of *khwajasarais*' families. *Khwajasarais* were deemed violent, tyrannical and fundamentalist, and therefore unmanly, but not effeminate or sexually 'deviant' in the manner of other eunuchs, such as *hijras*.

Yet under indirect rule, the British could not entirely circumscribe the political power of *khwajasarais* or their prominence in the state administration, despite the increasing hold of the Company over the Awadh state. In part, this was due to the evasion of the Padshah, who despite proposing the 1848 agreement prohibiting *khwajasarais*' official employment, used the agreement to protect the employment of *khwajasarais* in his inner circle. The Padshah manipulated the disjuncture between the British conceptualisation of political power as located in the masculine 'public' sphere and the Awadhi construction of political power as located in the person of the ruler, and by extension his household, to maintain the presence of *khwajasarais* in the politically important 'inner' sphere. Moreover, *khwajasarais* used several strategies to resist, undermine and negotiate colonial interventions. In particular, *khwajasarais* worked through the power structures in which the community was embedded by using their networks of clients and *chelas* to maintain their influence within the state administration. Thus, *khwajasarais* managed to frustrate colonial agendas and reproduce their power. Yet the failure to circumscribe the political power of *khwajasarais* was productive for the Company, since it bolstered the colonial case for the 'maladministration' of Awadh. The continued significance of *khwajasarais* in Awadh politics allowed the British to represent Wajid Ali Shah as an effete, debauched and effeminate ruler who was kept secluded in his *zanana* by tyrannical *khwajasarais*, with whom he was 'infatuated.'

Following British annexation of Awadh in 1856, *khwajasarais* used a variety of strategies to cope with the new political and social context of direct colonial rule. With their loss of political patronage and income, *khwajasarais* in Lucknow—even those who were relatively wealthy prior to 1856—experienced what one *khwajasarai* described as the 'greatest distress and poverty.' *Khwajasarais* used the only government-sanctioned means of redress—petitioning the colonial government and demonstrating their loyalty to the colonial regime—to improve their economic situation, though with limited success. The petitions of *khwajasarais* also show how *khwajasarais* made sense of their lives and their social role following the fall of the Awadh regime. The fall of major Indian-ruled polities such as the Mughal and Awadh states in the 1850s and changes in elite domestic formations eventually led to the

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disappearance of *khwajasarais* as a social role, although the British did not specifically aim to cause *khwajasarais* to 'die out.' Whereas the British had criticised Awadhi *khwajasarais* as violent and politically 'corrupt' in the 1840s and 1850s, throughout the remainder of the nineteenth century, the British labelled *khwajasarais* as 'respectable eunuchs,' who were asexual and morally 'irreproachable.' *Khwajasarais* were contrasted to the *hijras*, the 'suspicious eunuch,' who was labelled a 'habitual sodomite,' the kidnapper of children and a 'professional emasculator.' From the 1850s in the neighbouring North-Western Provinces, the colonial government sought to prevent emasculation and cause *hijras* to 'die out.'

Part 2

Hijra: Policing the 'Suspicious Eunuch'

Chapter 3

Knowing and Policing the Criminal *Hijra*

The 'eunuch' became a criminal type in the late nineteenth century under the second part of the Criminal Tribes Act of 1871. The colonial government was primarily concerned with *hijras*, who were labelled 'suspicious eunuchs.' According to British colonial officials, *hijras* were 'addicted' to sodomy, the kidnapping of children and emasculation. In contrast, *khwajasarais* were labelled 'respectable' eunuchs, despite British criticism of *khwajasarais* as politically 'corrupt' in Awadh less than two decades previously. *Khwajasarais* and *hijras* were from very different social and economic positions: whereas *khwajasarais* were important political figures in north Indian polities until the mid-nineteenth century, most *hijras* were economically marginal, lived in *kacca* (makeshift) houses and were illiterate.[1] They are the subaltern eunuchs of this study, in contrast to the relatively elite *khwajasarais* of previous chapters.

In late nineteenth century northern India, *hijras* wore feminine clothing and generally adopted feminine names upon their initiation.[2] Despite their identity as feminine or 'neither men nor women,' the British referred to *hijras* in English through the male pronoun. This was a consistent linguistic strategy used by the British to construct *hijras* as figures of failed masculinity. *Hijras* were usually emasculated, but a

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[1] Prior to the enforcement of the CTA, some British officials claimed that *hijras* were 'relatively' well off. However, the registers of property compiled in 1872-3 suggest that many did not have *pakka* (well-built) houses and rather lived in *kacca* (makeshift) houses. BL/IOR/P/438/61: R. Drummond, Officiating Commissioner of Allahabad, to Secretary, NWP, 9 August 1865; BL/IOR/P/1614: O.L. Smith, Deputy Inspector-General of Police, NWP&O, to Personal Assistant to Inspector-General of Police, NWP&O, 6 July 1881; BL/IOR/P/2002: O.L. Smith, Deputy Inspector-General of Police, NWP&O, to Inspector-General of Police, NWP&O, 4 June 1883; UPSA/A/COM/29/8: H.B. Webster, Magistrate of Meerut, 'Register of property possessed by Eunuchs borne on the Rolls of Register No. I under Act XXVII of 1871—District Meerut,' 7 May 1873; UPSA/A/COM/29/8: Magistrate of Bulandshahr (signature illegible), 'Register of property possessed by Eunuchs borne on the rolls of Register No. 1 zillah Bollundshuhur,' 9 January 1873.

[2] William Crooke, *The Tribes and Castes of the North-Western Provinces and Oudh*, vol. 1 (Calcutta: Office of the Superintendent of Government Printing, India, 1896), 495; R.E. Enthoven, *The Tribes and Castes of Bombay*, vol. 3 (New Delhi: D.K. Publishers Distributors, 1997 [1922]), 227; R.V. Russell, *The Tribes and Castes of the Central Provinces of India*, vol. 3 (London: Macmillan and Co., Limited, 1916), 207. In contrast to most *hijras*, Punjabi *hijras* apparently retained male names. H.A. Rose, *A Glossary of the Tribes and Castes of the Punjab and North-West Frontier Province* (Lahore: The Civil and Military Gazette Press, 1911), 331. In this thesis, I use the female pronoun for *hijras* (except in quotations), since nineteenth century *hijras* in the NWP generally adopted feminine names. However, it is important to note that recent linguistic anthropology has shown that modern *hijras*' use of gendered language is complex. Kira Hall and Veronica O'Donovan, 'Shifting Gender Positions among Hindi-Speaking *Hijras*,' in *Rethinking Language and Gender Research: Theory and Practice*, ed. Victoria Lee Bergvall, Janet Muelle Bing and Alice F. Freed, 247 (London: Longman, 1996).

significant minority claimed to be 'born eunuchs,' or less commonly, 'hermaphrodites.'[3] Each *hijra* household had a distinct territory in which they performed and sought alms.[4] When a male child was born or a wedding occurred in their assigned neighbourhood, *hijras* would go to the house,[5] perform bawdy songs and dances, joke and insult at the expense of the family, and receive (or demand) alms.[6] As infertile persons, *hijras* were nonetheless believed to have the power to variously bless and curse the fertility of others. While *hijras* were located outside procreative sexualities due to their infertility, they were nevertheless tied to structures of biological kinship through their social role. *Hijras* worshiped various deities and offered non-*hijras* blessings on behalf of these goddesses. Despite the importance of Hindu themes to *hijra* mythology and ritual, many *hijras* described themselves as Muslims. *Hijra* identity and customs were thus religiously syncretic.[7] Notwithstanding their spiritual power over fertility, *hijras* were often considered outcastes due to their emasculation.[8]

Hijras performed in markets, fairs and religious festivals,[9] in households for entertainment,[10] and for Indian rulers.[11] They also gave blessings and asked for alms in

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[3] The terms 'hermaphrodite' and 'born eunuch' are given in English translation in the available archival material for north India. Unfortunately, colonial officers did not mention the vernacular terms used. UPSA/A/COM/29/8: S.A. Campbell, Officiating Superintendent of Police, Bulandshahr, 'Register of Eunuchs in the District of Boolundshuhur Coming under Section 24 of Act XXVII of 1871,' 6 January 1873; UPSA/A/COM/29/8: W.A. Short, Superintendent of Police, Muzaffarnagar, 'List of Eunuchs in the District of Mozuffurnuggur,' circa January 1873; UPSA/A/COM/9/2: H.D. Robertson, Magistrate of Saharanpur, 'Statement of Eunuchs in the Saharunpoor District,' 24 October 1865. Children born as 'hermaphrodites' were initiated into the *hijra* community. BL/IOR/P/92: Tiernan, 2nd Grade Inspector of Police, Gorakhpur, to Superintendent of Police, Gorakhpur, 26 May 1871.

[4] Crooke, *Tribes and Castes*, 495; Enthoven, *Tribes and Castes*, 228; BL/IOR/P/438/62: C. Robertson, Commissioner of Allahabad, to Secretary, NWP, 27 June 1866; Rose, *Glossary*, 332; BL/IOR/P/235/33: J. Simson, Register, Nizamut Adawlut, NWP, to Secretary, NWP, 31 December 1860; John Shortt, 'The *Kojahs* of Southern India,' *The Journal of the Anthropological Institute of Great Britain and Ireland* 2 (1873): 403.

[5] It is difficult to ascertain from the sources the class and caste base of the houses that *hijras* visited.

[6] UPSA/A/COV/119/12: J. Amson, Magistrate of Azamgarh, to Commissioner of Benares, 16 November 1872; H.A. Rose, 'Muhammadan Birth Observances in the Punjab,' *The Journal of the Anthropological Institute of Great Britain and Ireland* 37 (July-December 1907): 243.

[7] Crooke, *Tribes and Castes*, 495; Rose, *Glossary*, 331-2; Russell, *Tribes and Castes*, 207; Laurence Preston, 'A Right to Exist: Eunuchs and the State in Nineteenth-Century India,' *Modern Asian Studies* 21, no. 2 (1987): 376.

[8] BL/IOR/P/438/61: P.C. Dalmahoy, Superintendent of Police, Etawah, 'Report on a case of kidnapping and emasculation of two boys, named Agbega and Makhun, in the Etawah district,' 9 December 1865; BL/IOR/P/438/61: P.C. Dalmahoy, Superintendent of Police, Etawah, 'Statement of Mussumat Mutheria,' circa 1865; BL/IOR/P/438/62: F. Williams, Commissioner of Meerut, to Secretary, NWP, 20 November 1865.

[9] BL/IOR/P/438/62: Robertson to Sec, NWP, 27 Jun 1866; UPSA/A/COV/119/12: Amson to Comm Benares, 16 Nov 1872.

[10] BL/IOR/P/438/62: R. Spankie, Sessions Judge of Jaunpur, 11 September 1865, quoted in J. Simson, Register to Nizamut Adalwut, NWP, 'Replies to the Court's Circular letter, No. 4, dated the 2nd September, 1865,' 20 April 1866.

[11] NAI/FD/PC 06/03/1837 92: J. Low, Resident at Lucknow, to Secretary, Government of India, 23 September 1836.

the *bazaars* and streets and on regular tours of the surrounding countryside.[12] When they were refused alms, they often dealt out choice insults, made a scene and threatened to expose their (lack of) genitals.[13] Some *hijras* also worked as agricultural labourers and cultivators, or hawked items from village-to-village.[14] The *hijras* of a particular town or neighbourhood usually lived together in households that were structured by *guru-chela* (master-disciple) relationships. This was a hierarchical relationship, yet *gurus* were also responsible for the training of *chelas* in performance, mythology, and *hijras'* expert use of insult.[15] *Hijras* also formed relationships with each other that were described in kinship terms, and were both affective and status-differentiated.[16] Property was usually held communally by several *hijra gurus* and when a *guru* died, a *panchayat* (council) of *hijras* decided which *chela* would succeed to the position and property of the *guru*.[17] The internal organisation of *hijras* was thus similar in some respects to *khwajasarais* in their *guru-chela* hierarchies and kinship-making practices.

There were multiple paths into the *hijra* community. While some children were sold to *hijras* following kidnapping,[18] adults also chose to join the *hijra* community[19] and family members sometimes gave or sold their children to *hijras*.[20] Some children in *hijra* households were adopted by *hijras* and were not initiated into the *hijra* community,

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[12] Russell, *Tribes and Castes*, 207; Enthoven, *Tribes and Castes*, 228; Rose, *Glossary*, 332-3; Shortt, 'The *Kojahs*,' 406.

[13] Shortt, 'The *Kojahs*,' 406; Russell, *Tribes and Castes*, 209; NAI/HD/JB 02/1890 110-112: Mahtab Rai, Pleader, Delhi, to Private Secretary to Governor-General of India, 1 November 1889.

[14] These forms of employment increased under the CTA, when performance was prohibited. UPSA/A/COV/119/12: J.J.F. Lumsden, Officiating Magistrate of Gorakhpur, to Officiating Commissioner of Benares, 7 July 1873. Some also found employment in Indian-ruled states such as Murshidabad in Bengal, though it is not clear in what capacity. Certainly, *hijras* and *khwajasarais* were viewed as distinct groups in this period. UPSA/A/COV/119/12: R.L.F. McMullin, Officiating Superintendent of Police, Ghazipur, to Magistrate of Ghazipur, 5 May 1873.

[15] UPSA/A/COM/29/8: Short, 'List,' circa 1873; UPSA/A/COV/119/12: Amson to Comm Benares, 16 Nov 1872; 'Government *v.* Ali Buksh,' *DNA NWP* 2 (1852): 1314-6; Enthoven, *Tribes and Castes*, 227; Bhimbai Kirparam, 'Paváv*ás*,' in *Hindu Castes and Tribes of Gujarat*, ed. James Campbell, vol. 2, 506-8 (Haryana: Vintage Books, 1988); Rose, *Glossary*, 332.

[16] Rose, *Glossary*, 332.

[17] BL/IOR/P/92: Tiernan to SI Police, Gorakhpur, 26 May 1871. See also, BL/IOR/P/235: Simson to Sec, NWP, 31 Dec 1860; UPSA/A/COV/119/12: J. Castle, Superintendent of Police, Ghazipur, to Magistrate of Ghazipur, 23 April 1878.

[18] 'Government *v.* Munsa and 4 others,' *DNA NWP* 10 (1860): 6 March 1860; BL/IOR/P/438/61: R. Drummond, Sessions Judge of Shahjahanpur, 'General remarks to cases No. 79 of 1864, and Nos. 16, 17, 18 and 19 of 1865,' circa 1865; BL/IOR/P/438/61: Dalmahoy, 'Report,' 9 Dec 1865.

[19] BL/IOR/P/438/61: Drummond, 'General remarks,' circa 1865; BL/IOR/P/92: T. Dennehy, Officiating Deputy Inspector-General of Police, NWP, to Officiating Personal Assistant to Inspector-General of Police, 15 August 1871; BL/IOR/P/92: Tiernan to SI Police, Gorakhpur, 26 May 1871. See also, BL/IOR/P/438/61: Drummond to Sec, NWP, 9 Aug 1865; BL/IOR/P/438/61: B. Sapte, Officiating Commissioner of Agra, to Secretary, NWP, 16 September 1865.

[20] UPSA/A/COV/119/12: Office of the Commissioner of Benares (signature illegible), 'Abstract of replies of Magistrates of Districts of the Benares Division to Commissioner's Circular No: 39,' 23 November 1875; BL/IOR/P/438/61: Sapte to Sec, NWP, 16 Sep 1865; BL/IOR/P/438/61: Dalmahoy, 'Report,' 9 Dec 1865.

but rather married.[21] *Hijra* households were sometimes home to the families of musicians with whom *hijras* performed,[22] while *hijras* also took in widows and their children.[23] Consequently, around a quarter of the children found in *hijra* households in the North-Western Provinces and Oudh lived with both their parents and *hijras*.[24] Some *hijras* also cohabitated with male sexual partners, whom like contemporary *hijras*, they may have termed 'husbands.'[25]

Local intelligence and district-level official correspondence provides a rich source on nineteenth century *hijras*' everyday lives. Yet colonial narratives, particularly in published texts and higher-level government correspondence, characterised *hijras* as a criminal type, as aesthetically revolting 'habitual sodomites,' kidnappers, emasculators, vagrants, beggars, and obscene performers. The British sought to cause *hijras* to 'die out' by preventing the reproduction of the community through emasculation and to erase *hijras* as a visible presence in public space. However, the eunuch population as a whole was not a target of colonial intervention. Colonial officials in the NWP&O did not propose the registration or control of eunuchs employed in families of 'respectability, solely for the purpose of domestic service,'[26] such as *khwajasarais*, highlighting that the stated aim of the government[27]—'the limiting, and thus finally extinguishing, the number of eunuchs'[28]—was aimed specifically at those eunuchs deemed 'deviant' or 'criminal,' particularly *hijras*. Why were *khwajasarais* generally excluded from registration? In the context of the fall of the Delhi and Awadh regimes in the 1850s, the British viewed *khwajasarais* as circumscribed geographically within

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[21] UPSA/A/COV/119/12: Amson to Comm Benares, 16 Nov 1872.
[22] UPSA/A/COV/119/12: J.J.F. Lumsden, Officiating Magistrate of Gorakhpur, to Commissioner of Benares, 15 April 1873.
[23] UPSA/A/COM/29/8: Short, 'List,' circa Jan 1873; BL/IOR/P/839: R.T. Hobart, Deputy Inspector-General of Police, NWP, to Inspector-General of Police, NWP, 28 June 1876; UPSA/A/COV/119/12: Comm Benares, 'Abstract,' 23 Nov 1875.
[24] See Chapter 5.
[25] UPSA/A/COV/119/12: P. Wigram, Officiating Magistrate of Basti, to Commissioner of Benares, 21 September 1872; UPSA/A/COV/119/12: R. Waddington, Superintendent of Police, Basti, to the Office of the Inspector-General of Police, NWP, 15 February 1873; 'Govt *v.* Ali Buksh,' 1314-6. On contemporary *hijras*' relationships with their 'husbands,' see Gayatri Reddy, *With Respect to Sex: Negotiating Hijra Identity in South Asia* (Chicago: Chicago University Press, 2005), 168-73.
[26] BL/IOR/P/438/62: W. Roberts, Judge, and R. Spankie, Officiating Judge, Nizamut Adawlut, NWP, 'Draft Act,' 24 March 1866. See also, NAI/HD/JB 9/04/1870 9-14: F.O. Mayne, Inspector-General of Police, NWP, 'An Act to provide for the registration and surveillance of the wandering and predatory tribes of India, and other professional criminals, and of certain classes of eunuchs,' 28 May 1867. In October 1870, J.F. Stephen assured the legislative council that '[d]omestic servants ... in Muhammadan families of rank would not be registered.' Stephen quoted in BL/IOR/V/9/11: W. Stokes, Secretary, Government of India, Abstract of the proceedings of the Council of the Governor-General of India, 3 October 1870.
[27] Court quoted in BL/IOR/P/438/62: Simson, 'Replies,' 20 Apr 1866.
[28] BL/IOR/P/438/61: R. Simson, Secretary, NWP, to all Commissioners, NWP, circular no. 32A-434A, 9 June 1865.

the elite Muslim home, and consequently not a threat to public morality, in contrast to *hijras*.[29] There was some apprehension amongst British officials about interfering with elite Indian domestic arrangements. Indian elites also argued *khwajasarais* were morally unproblematic because they were confined within respectable households, thus reinforcing elite male control over the private sphere.[30] Moreover, *khwajasarais* were not associated in colonial discourse with sexual deviance like *hijras*, but were rather seen as asexual.[31] According to colonial officials, *khwajasarais* did not pose a threat of contagion, either to public space, or to the sexual morality of Indian men. In contrast, the colonial government criminalised *hijras* and sought to eradicate the community.

In this chapter, I analyse the process by which *hijras* came into contact with the colonial state progressively: from the occurrence of several mini-moral panics in official circles that constructed the *hijra* as a criminal type; to the collection of intelligence about *hijras* from various Indian informants at the local level; to British officials' classification of *hijras*; to their registration and ongoing enumeration; and finally, to the surveillance of eunuchs and the enforcement of the penal provisions of the CTA. Thus, this chapter analyses various means by which the colonisers sought to know and govern eunuchs. The forms of intelligence, classification, enumeration and surveillance that I examine were broader techniques of modern governance, which Foucault termed 'governmental' power, and were aimed at the management of populations.[32] This chapter examines how broader projects to transform populations and their conditions of life in directions considered 'improving' played out in the colonial context. On the one hand, this chapter demonstrates the enormous extent of paper, postage and man hours devoted to counting, classifying and watching eunuchs, and thus the significant investment of the colonial government in the management of 'problem' populations such as 'criminal' eunuchs. On the other hand, I argue that the deployment of colonial power and its impacts varied between different local contexts. Several other historians, such as Stephen Legg and Deana Heath, have similarly found that the management of

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[29] This is a view which differs significantly to the characterisation of *khwajasarais* in Awadh as powerful and meddling *public* officials.

[30] The prominent Muslim reformer Saiyid Ahmad Khan wrote 'As this class are exclusively confined to the domicile of their masters, they have consequently no opportunity of outraging public decency by any immoralities.' NAI/HD/JB 30/07/1870 53-4: Saiyid Ahmad Khan to John Strachey, 14 April 1870.

[31] H. Ebden, 'A Few Notes, with Reference to 'the Eunuchs,' to be Found in the Large Households of the State of Rajpootana,' *Indian Annals of Medical Science* 3, no. 6 (April 1856): 522. See also BL/IOR/P/438/62: Simson, 'Replies,' 20 Apr 1866.

[32] Foucault distinguished 'governmental' power from 'sovereign' power, which had a circular logic and was directed towards the maintenance of sovereignty. Michel Foucault, 'Governmentality,' in *The Foucault Effect: Studies in Governmentality, with Two Lectures and an Interview by Michel Foucault*, ed. Graham Burchell, Colin Gordon and Peter Miller, 87-104 (Hertfordshire: Harvester Wheatsheaf, 1991).

populations and the disciplining of indigenous bodies was often limited in practice in India, for instance, in the context of sanitation projects, urban planning and the regulation of obscenity.[33] This study generally resonates with their findings. Yet I would clarify that colonial projects during the late nineteenth century were uneven and fissured rather than limited per se, and could have devastating impacts in some contexts, and more limited effects elsewhere.

This chapter begins by examining several moral panics in official circles in the 1850s and 1860s that were prompted by a series of court cases. In each moment of official anxiety, universalising constructs of *hijra* criminality were drawn from a discrete case of crime involving a *hijra*, either as victim or perpetrator. Although gender and sexuality were central to colonial moral panics about *hijras*, a number of broader contingent concerns came together in the figure of the criminal eunuch. Gaps in official knowledge and the inability of colonial administrators to transparently know the *hijra* community further fuelled moral panic among the British, leading to a search for greater quantities of reliable information about eunuchs. These moments of moral panic led to the registration of eunuchs under executive order from 1865 and contributed to the enactment of the Criminal Tribes Act of 1871, which provided for the control of eunuchs under its second part.

This chapter then moves on to consider the 'information order'[34] implicated in the control of eunuchs under the CTA. Local vernacular (Hindi/Urdu) knowledge contributed significantly to the formulation of official colonial knowledge, which was not simply predetermined by European discourses, but rather constructed in the colonial context. British officials and subordinate Indian police gathered information from eunuchs' neighbours, the 'respectable inhabitants' of the area, village *chaukidars* (watchmen), and eunuchs themselves. Therefore, there was a process of translation or filtering between these local vernacular forms of knowledge about *hijras* and official English-language knowledge. 'Colonial knowledge' was produced in an ongoing

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[33] On 'colonial governmentality' see Stephen Legg, *Spaces of Colonialism: Delhi's Urban Governmentalities* (Oxford: Blackwell Publishing, 2007); Janaki Nair, 'Beyond Nationalism: Modernity, Governance and a New Urban History for India,' *Urban History* 36, no. 2 (August 2009): 327-41; Deana Heath, *Purifying Empire: Obscenity and the Politics of Moral Regulation in Britain, India and Australia* (Cambridge: Cambridge University Press, 2010), Chapter 1; Gyan Prakash, 'The Colonial Genealogy of Society: Community and Political Modernity in India,' in *The Social in Question: New Bearings in History and the Social Sciences*, ed. Patrick Joyce, 87-90 (London: Routledge, 2002); David Scott, 'Colonial Governmentality,' *Social Text* 43 (Autumn 1995): 191-220.

[34] This term is Christopher Bayly's. Bayly emphasises the importance of analysing the processes by which knowledge is generated. 'Knowledge itself is a social formation,' Bayly argues, and 'knowledgeable people form distinct and active social segments with their own interests.' C.A. Bayly, *Empire & Information: Intelligence Gathering and Social Communication in India, 1780-1870* (New Delhi: Cambridge University Press, 1999), 3-4.

process, as local intelligence and British interpretations intersected to produce forms of knowledge that were archived in official correspondence and reports, but were often subsequently challenged in the process of intelligence collection.

This is particularly evident in British officials' categorisation of eunuchs. The CTA required that only eunuchs who were 'reasonably suspected' of kidnapping, emasculation or sodomy should be registered, necessitating the classification of eunuchs into 'suspicious' and 'respectable' sub-groups, and the registration of only the former. British district authorities originally used diverse criteria to differentiate between types of eunuchs, reflecting different concepts of eunuch criminality and varying interpretations of local vernacular knowledge. This initial confusion prompted the provincial government to establish of a set of outward, visible marks to identify the suspicious eunuch: they wore feminine clothing and performed in public. Yet, from the perspective of the provincial government, local officials, both British and Indian, repeatedly failed to accurately identify 'criminal' and 'deviant' eunuchs.

I argue that fissures and ambiguities in the colonial understanding of 'eunuchs' arose in the spaces where local sources of vernacular intelligence met the formal apparatus of colonial information systems. I draw upon Christopher Bayly's argument that colonial stereotypes emerged where formal colonial intelligence systems met local 'decentralised intelligence communities,' such as midwives and village watchmen, producing patchy and incomplete knowledge that fuelled colonial anxieties.[35] The tensions of official knowledge constituted more than a conflict between 'data' collected from local communities and colonial 'representation,' that resulted in the reassertion of the latter, as Shane Gannon argued in a recent thesis on colonial representations of *hijras*.[36] Rather, British district officials sometimes contested and revised official colonial assumptions. There was not a clear consensus on the characteristics of *hijras* or the boundaries of the category 'eunuch' after 1871.[37] This reveals the fractures and instability of colonial attempts to categorise indigenous populations, which historians have noted in several contexts.[38] More specifically, the shifting boundaries of the 'eunuch' category highlight the tenuousness and ambiguities of colonial ideologies of 'deviant' masculinity when used as a means of classifying indigenous populations and

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[35] Ibid., 165-78.

[36] Shane Patrick Gannon, 'Translating the *Hijra*: The Symbolic Reconstruction of the British Empire in India' (PhD diss., University of Alberta, 2009).

[37] In later chapters we will see that the category of 'eunuch' was destabilised on several occasions (see Chapter 7 in particular).

[38] Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule* (Berkeley: University of California Press, 2002), 8-9.

the tendency of indigenous social roles and identities to exceed English-language umbrella terms.[39]

The fourth part of this chapter turns to the enumeration of eunuchs. The CTA was enacted into law in the same year that the first India-wide census was conducted, and is historically contingent upon a general preoccupation with enumeration in British India. The mere presence of a eunuch's name on a register was thought to have considerable coercive power. However, the colonial agenda to cause eunuchs to 'die out' produced a particular anxiety about the inaccuracy of enumeration and an attention to minute discrepancies. Finally, this chapter examines the surveillance of eunuchs at the local level. Rather than conceiving of the colonial government as an abstract entity, I analyse the points of contact between eunuchs and various agents of the colonial state 'on the ground.' I provide a historical 'anthropology of the state'[40] and the everyday interactions between agents of the colonial state and *hijras*. Although the provincial government anticipated the close monitoring of eunuchs, surveillance was inconsistent between districts. The surveillance of eunuchs was strict in many areas, but there were 'gaps' in surveillance in some districts, evidencing that colonial power was distributed across sites of greater and lesser intensity. As such, colonial regulation had uneven impacts upon *hijras* in different local contexts.

Colonial intelligence and knowledge:
Some historiographical considerations

British understandings of South Asian society have been a significant focus of historical scholarship. Several historians influenced by Said—in particular, Ronald Inden and to a lesser extent, Nicholas Dirks—highlight the importance of the 'cultural technologies of rule' that underpinned colonialism, arguing that colonial power rested upon forms of

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[39] This represents a parallel to the contemporary classification of Indian gender and sexual categories in the context of the HIV/AIDS epidemic. Akshay Khanna, 'Taming the Shrewd *Meyeli Chhele*: A Political Economy of Development's Sexual Subject,' *Development* 52, no. 1 (2009): 43-51; Paul Boyce and Akshay Khanna, 'Rights and Representations: Querying the Male-to-Male Sexual Subject in India,' *Culture, Health & Sexuality* 13, no. 1 (2011): 89-100; Paul Boyce, '"Conceiving *Kothis*": Men Who Have Sex with Men in India and the Cultural Subject of HIV Prevention,' *Medical Anthropology: Cross-Cultural Studies in Health and Illness* 26, no. 2 (2007): 175-203.

[40] C.J. Fuller and John Harris, 'For an Anthropology of the Modern Indian State,' in *The Everyday State & Society in Modern India*, ed. C.J. Fuller and Véronique Bénéï, 22 (London: Hurst & Company, 2001); Akhil Gupta, 'Blurred Boundaries: The Discourse of Corruption, the Culture of Politics, and the Imagined State,' *American Ethnologist* 22, no. 2 (May 1995): 391; Begona Aretxaga, 'Maddening States,' *Annual Review of Anthropology* 32 (2003): 396.

knowledge as much as military or economic power.[41] According to this perspective, colonial knowledge arose out of the interpretation of Indian society through European paradigms, in the process, 'inventing' social identities, 'culture' and religion. Historians using Said's insights often characterise orientalist discourse as cohesive, homogenous and derived from 'pre-defined, imported European forms of knowledge.'[42] However, Richard Eaton argues such histories assign agency to 'monolithic fields of discursive power' and treat 'colonial discourse' as 'ultimately the only true actor in modern Indian history.'[43] Moreover, studies of orientalism often 'mak[e] the colonial project a largely textual one,' whereas '[t]he challenge of orientalism is precisely the challenge of a discursive formation that has complicated extratextual and nondiscursive implications and consequences.'[44] Several historians have emphasised the importance of indigenous informants and discourse in the formation of official colonial knowledge. Rosalind O'Hanlon argued that colonial knowledge was the product of 'a struggle' between at least three broad groups: the orientalist, the 'native informant,' and other colonised persons unable to convince the orientalist of their 'authority to represent.' Since the coloniser incorporated the assumptions of native informants into their texts (sometimes to unintended ends), there was a 'sense of mutuality—not as common contribution, but as struggle and contestation' in the production of colonial knowledge.[45] More recently, Norbert Peabody has argued that '[t]he colonial' is 'less European and more fully the product of an encounter (however asymmetrical) between European and non-European societies.'[46]

[41] The 'cultural technologies of rule' is Dirks' term. Nicholas B. Dirks, *Castes of Mind: Colonialism and the Making of Modern India* (Princeton, New Jersey: Princeton University Press, 2001); Roland Inden, *Imagining India* (Bloomington, Indiana: Indiana University Press, 2000); Bernard S. Cohn, *Colonialism and its Forms of Knowledge* (Princeton, New Jersey: Princeton University Press, 1996).
[42] Phillip B. Wagoner, 'Precolonial Intellectuals and the Production of Colonial Knowledge,' *Comparative Study of Society and History* 45, no. 4 (2003): 784.
[43] Richard Eaton, '(Re)imag(in)ing Other2ness: A Postmortem for the Postmodern in India,' *Journal of World History* 11, no. 1 (Spring 2000): 66. Norbert Peabody has written that the colonised are thus viewed as 'passive onlookers to the colonial encounter.' Norbert Peabody, 'Cents, Sense, Census: Human Inventories in Late Precolonial and Early Colonial India,' *Comparative Study of Society and History* 43, no. 4 (2001): 820.
[44] Carol A. Breckenridge and Peter van der Veer, 'Orientalism and the Postcolonial Predicament,' in *Orientalism and the Postcolonial Predicament: Perspectives on South Asia*, ed. Carol A. Breckenridge and Peter van der Veer, 5 (Philadelphia: University of Pennsylvania Press, 1993).
[45] Rosalind O'Hanlon, 'Recovering the Subject: *Subaltern Studies* and Histories of Resistance in Colonial South Asia,' *Modern Asian Studies* 22, no. 1 (1988): 189-224.
[46] Peabody, 'Cents, Sense, Census,' 820. Similarly, Eaton argues that the colonisers did not merely import 'inherently' European ideas to India, but 'appropriated and assimilated values and attitudes that were already present in India,' particularly those of ruling classes. Eaton, '(Re)imag(in)ing Other2ness,' 75. Phillip Wagoner's study of an epigraphic survey in Madras has also shown that indigenous 'collaborators' were more than 'mere passive informants' and 'contributed actively to the production of new epigraphic knowledge.' Wagoner, 'Precolonial Intellectuals,' 810.

In this chapter, I go beyond an examination of colonial discourse to examine the contexts in which British officials came into contact with various indigenous informants and local vernacular forms of knowledge, thus clarifying the *processes* through which colonial understandings of Indian society emerged. I conceive of colonial knowledge as a dialogue between various indigenous informants and the colonisers, albeit a dialogue marked by asymmetrical power relations, not only between coloniser and colonised, but also amongst the colonised. While colonial knowledge was sometimes a process of collaboration, it was also the object of contestation, subversion and appropriation between multiple forms of European and Indian knowledge and various groups of informants and colonial agents. While Peabody, Phillip Wagoner and others have focused on the role of literate, upper-caste groups with a degree of economic and political power, I also analyse the contributions of groups of informants whose 'authority to represent' was contested but nonetheless important.

The historical setting

The moral panics over *hijras* in the second half of the nineteenth century were geographically limited to the North-Western Provinces (NWP). However, officials in at least two other provinces saw *hijras* as a 'problem' prior to this time. In the 1830s, the attention of the Bombay Presidency was drawn to the *hijra* community in that area after a *hijra* was expelled from British territory for 'extortion.'[47] Although British officials proposed legislation, it did not eventuate.[48] The Bombay Presidency did, however, prohibit *hijras* from passing onto heirs grants of land revenue rights that had been awarded to *hijras* by the pre-colonial Maratha state in order to discourage emasculation and thereby cause *hijras* to gradually die out.[49] In 1845, Richard Francis Burton also famously described the presence of boys and eunuchs in brothels near the cantonment in Karachi in a report that was subsequently lost or destroyed.[50] Yet official anxiety about *hijras* in Bombay and the Punjab did not reach the pitch of the mini-moral panics in the NWP in the 1850s and, in particular, the 1860s.

[47] Preston, 'A Right to Exist,' 377-8.
[48] Ibid., 379.
[49] Ibid., 377, 379, 383, 385.
[50] Anjali Arondekar, *For the Record: On Sexuality and the Colonial Archive in India* (New Delhi: Orient Blackswan, 2009), 27-66.

The divisions and districts of the North-Western Provinces and Oudh, circa 1870[51]

The NWP had its origins in the Ceded and Conquered Provinces, territory which Awadh ceded to the Company in 1801. The NWP encompassed an enormous tract of north India, from Agra in the west to Gorakhpur in east, and from the Himalayan territories of Kumaon and Meerut in the north to Benares and Allahabad in the south. The province was an incredibly diverse region and the largest province of British India in terms of both landmass and population.[52] The capital of the province in the post-1857 period was Allahabad and the province was divided into several divisions (seven in 1874), each of which was headed by a Commissioner. Each division was divided into a number of districts, presided over by a British Collector and Chief Magistrate.[53] The judicial and police branches were particularly implicated in the enforcement of the Criminal Tribes Act. The highest court at the district level was the Sessions Court, which heard both civil and criminal matters. Judgements that involved significant sentences were reviewed by the province's highest court, the Nizamut Adawlut, or from

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[51] This map is from C.A. Bayly, *Rulers, Townsmen and Bazaars: North Indian Society in the Age of British Expansion, 1770-1870* (Cambridge: Cambridge University Press, 1988), 230.
[52] Ibid., 1-2.
[53] There were four main departments: revenue; treasury; Persian; and record-keeping. C.A. Bayly, *The Local Roots of Indian Politics: Allahabad 1880-1920* (New Delhi: Oxford University Press, 1975), 21.

1866, the High Court of Judicature.[54] The police branch was the 'least accountable ... division of government in the district.' Although a British Superintendent oversaw the police administration of the district, the most important officer at the local level was often the *kotwal*, or Indian City Chief Inspector.[55] Districts were divided into *thanas*, or police circles, presided over by Indian inspectors and head constables and staffed by Indian constables.[56] The Lieutenant-Governor of the province and his Secretary presided over the provincial administration as a whole, while an Inspector-General of Police was the head of the police hierarchy.

Efforts to control *hijras* in the CTA were one of a range of experiments in managing indigenous populations and transforming their conditions of life attempted in nineteenth century colonial India, as noted above. Yet two ideologies were particularly prevalent amongst those officials who advocated for the regulation and eradication of *hijras*. First, from the 1840s, NWP administrative culture was particularly influenced by evangelicalism. Under James Thomason, who was Lieutenant-Governor from 1843 to 1853,[57] 'pockets of evangelicalism' emerged in the NWP.[58] Thomason was particularly concerned with *hijras* and advocated for legislation in the 1850s.[59] One of Thomason's evangelical protégés was William Muir, who was Lieutenant-Governor of the NWP from 1868-1874, the crucial period during which the registration of eunuchs was revived, legislated and implemented. After Thomason's death, Muir was the 'leading lay supporter of missions in Agra' and a lay preacher.[60] Powell explains that '[s]uch close identification with missionary interests was a particular mark of this province.' Muir advocated the official colonial policy of 'neutrality' in the administration of religious matters, but tempered this with a language of 'moral improvement' that had an 'evangelical subtext.'[61] Muir was also outraged by the 'barbarities' of Islam, which he placed at the bottom of the civilisation hierarchy

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[54] Ibid., 25-6.

[55] The City Chief Inspector could 'play an important part in the politics of ... neighbourhoods.' Ibid., 28.

[56] Ibid.

[57] Thomason was known as the founder of the 'Thomasonian school' of NWP administrators. Avril A. Powell, *Scottish Orientalists and India: The Muir Brothers, Religion, Education and Empire* (Woodbridge: Boydell, 2010), 79.

[58] Ibid., 85.

[59] BL/IOR/P/438/61: R. Drummond, Sessions Judge of Shahjahanpur, to Nizamut Adawlut, NWP, 24 February 1865.

[60] Muir's support for evangelical work increased after 1857 and continued when he was Lieutenant-Governor. This was despite some officials' criticisms of missionary activities as a cause of the 1857 revolt. Powell, *Scottish Orientalists*, 9, 197.

[61] Ibid., 93, 119.

because he claimed progress in Islam was impossible.[62]   From this evangelical perspective, colonial intervention was need to police Indian immorality and to 'rescue' children from eunuchs.[63]

Second, some officials made a more secular argument that a strong state should police standards of morality, which was based on a critique of liberal ideology. This viewpoint was particularly evident in the legislator John Fitzjames Stephen, who drafted the Criminal Tribes Act of 1871.[64]   Stephen argued that the colonisers should not 'shrink from enforcing' Western ideas or from eradicating 'barbaric' customs such as widow-burning and female infanticide.[65]   Soon after his return from India in 1872, Stephen published a critique of John Stuart Mill. For Stephen, liberty could not exist, except under a 'powerful, well-organised, and intelligent government,' which policed the 'shared morality.' Rather than education, Stephen argued the criminal law was 'by the far the most powerful and by far the roughest engine' for effecting the moral transformation of society.[66]   Stephen believed that coercive state action had a 'moral and rational purpose' to control the barbaric and deviant within, which was a necessary function of a civilised nation.[67]   After 1870, the 'balance of opinion' in Britain supported Stephen's ideology.[68]   In fact, the CTA was contemporaneous with similar efforts to control 'habitual criminals' in Britain. The CTA was therefore part of a broader project to police morality through watching, counting, classifying and punishing 'problem' populations in Britain and the colonies. However, to what extent could this project be carried out in India?

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[62] These views were controversially put forward in Muir's *Life of Mahomet*, published in 1858. However, in practice, Muir's position was often more complex that his writings suggested. Muir rejected jihadism as an explanation for 1857 and worked with Muslim reformers (and fierce critics of Muir) such as Saiyid Ahmad Khan on education. Ibid., 128-9, 162-7, 174-9. For the reaction of Muslim modernists to Muir's writing, see Avril A. Powell, 'Indian Muslim Modernists and the Issue of Slavery in Islam,' in *Slavery & South Asian History*, ed. Indrani Chatterjee and Richard M. Eaton, 262-86 (Bloomington, Indiana: Indiana University Press, 2006).

[63] The relative prevalence of evangelicalism in the NWP, and interpenetration of evangelicalism with discourses of 'moral improvement,' may have engendered stronger advocacy of the need to control *hijras*. See below.

[64] Stephen was Legal Member to Council of the Governor-General from 1869-1872. During this time Stephen drafted the Indian Evidence Act and other significant pieces of legislation.

[65] Quoted in Gary Peatling, 'Race and Empire in Nineteenth-Century British Intellectual Life: James Fitzjames Stephen, James Anthony Froude, Ireland, and India,' *Eire-Ireland* 42, no. 1-2 (Spring/Summer 2007): 168-72.

[66] Stephen quoted in Stefan Petrow, *Policing Morals: The Metropolitan Police and the Home Office, 1870-1914* (Oxford: Clarendon Press, 1994), 10-11. Stephen did clarify that the government should not be 'meddlesome' and regulate unimportant or trivial matters of morality.

[67] Peatling, 'Race and Empire,' 160.

[68] Petrow, *Policing Morals*, 12.

Moral panics in the courtroom: Constructing the *hijra* as a criminal type, 1852-1871

Three sets of court cases—in 1852, 1860 and 1864-5—provoked mini-moral panics about *hijras* amongst colonial officials in the North-Western Provinces. The NWP government 'discovered' (and rediscovered) the *hijra* community through these court cases, which were sites for the construction of 'facts' about *hijra* criminality. Moments of official concern with *hijras* had a logic wherein gaps in official knowledge fuelled both broad generalisations about *hijras* as a criminal collective and the drive to collect more conclusive intelligence at the local level. Tensions between multiple vernacular forms of knowledge and the perspectives of British officials at the district level produced ambiguity within colonial knowledge. The provincial government sought to synthesise contradictory or opaque information into definitive, lucid 'truths' about *hijras*, yet this archived official knowledge was continually contested by local information sources and colonial officials in the districts, sometimes producing realignments of official knowledge. Thus, the collection of intelligence and the construction of knowledge were ongoing and contested. I use the term 'moral panic' to describe these moments of official concern with *hijras*, although it is important to note that 'moral panic' usually refers to events in which the media plays a crucial role, whereas moral panics about *hijras* were largely confined to government circles. [69] Instead, the moral panic over *hijras* took the form of what Bayly has described as an 'information panic'—moments of colonial anxiety that arose 'in the zone of ignorance where the knowledgeable colonial institutions met, but failed to mesh with, the sentiment of the knowing people of the locality.' [70]

The first episode of moral anxiety concerning *hijras* in the NWP was prompted by a case that came before the NWP Nizamut Adawlut in 1852,'Government *v.* Ali Buksh.' This case represents an anomaly when compared with subsequent criminal cases, in which *hijras* were accused of kidnapping children and emasculating both children and adults. [71] In the 1852 case, the *hijra*, Bhoora, was a murder victim. [72] Despite the

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[69] Stanley Cohen coined this term to describe the discourses surrounding 'folk devils' in the 1960s, such as 'mods' and 'rockers.' Stanley Cohen, *Folk Devils & Moral Panics: The Creation of the Mods and the Rockers* (Oxford: Basil Blackwell, 1987).

[70] Bayly, *Empire & Information*, 143.

[71] In three cases, the alleged emasculation was of an adult rather than a child. See below.

apparent victimhood of the deceased *hijra*, the judges who heard the case—H. Unwin, the Sessions Judge of Mainpuri, and the NWP Nizamut Adawlut judges S.S. Brown and A.W. Begbie—nonetheless constructed the *hijra* community as a criminal collective. According to the judgment on the case, Bhoorah had been living with a man named Ali Buksh, apparently 'as a prostitute.' Bhoora had mortgaged to Ali Buksh a portion of the alms she collected from households at the time of births and marriages. After Bhoora left Ali Buksh for another man, he dragged Bhoora back on several occasions, culminating in an argument outside Ali Buksh's house in which he pulled off Bhoora's dress.[73] The murder had occurred inside the house with only Ali Buksh and Bhoorah's *chela* (disciple), Dullah, present. Ali Buksh was accused of murder and pleaded not guilty, claiming that Dullah had killed Bhoorah. However, Begbie argued Bhoora's *chela*, Dullah, was 'a degraded, mutilated creature' and had no criminal motive.[74] Thus, the judges convicted Ali Buksh, who as Bhoorah's male lover apparently had a criminal motive.

British officials called for 'special legislation' against *hijras*. In British India, the 'overt' legal system, ostensibly based on the 'rule of law,' dealt with crime committed by individuals, while crime committed by collectives was punished through 'an alternative structure' with different court procedures, standards of evidence and punishments.[75] British officials argued that *hijras* were a criminal collective that required specific and differential means of policing. However, legislation did not eventuate due to differing attitudes amongst officials, 'difficulties' with the proposed legislation and the death of one of its most strident supporters, Thomason, the Lieutenant-Governor.[76] Although the government commissioned a 'report on the disgusting practices laid bare in the inquiry,'[77] the official records of the case were subsequently destroyed during 1857. Yet colonial officials repeatedly referred to 'Govt *v.* Ali Buksh' as the moment that the NWP government had 'discovered' the *hijra* community.[78] Bhoorah even served as the archetypal *hijra* sexual 'deviant' in Norman

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[72] 'Govt *v.* Ali Buksh,' 1314-6. Throughout the Session Judge's remarks, the spelling of the *hijra*'s name is inconsistent. However, since 'Bhoorah' is used more often, I have used this spelling except in direct quotations.
[73] Some of the witnesses stated that Ali Buksh merely threatened to pull off her dress. Ibid.
[74] Ibid.
[75] Sandria B. Freitag, 'Crime in the Social Order of Colonial India,' *Modern Asian Studies* 25, no. 2 (1991): 231.
[76] BL/IOR/P/235/33: Simson to Sec, NWP, 31 Dec 1860; BL/IOR/P/438/61: Drummond to NA, NWP, 24 Feb 1865.
[77] This report was compiled by the Mainpuri Assistant Magistrate, F.C. Forbes. 'Govt *v.* Ali Buksh.'
[78] BL/IOR/P/235/33: Simson to Sec, NWP, 31 Dec 1860; BL/IOR/P/235/33: G. Couper, Secretary, NWP, to Member of the Legislative Council of India for the NWP, 12 February 1861.

Chevers' influential 1870 *Manual for Medical Jurisprudence in India*.[79] The loss of original documentation meant that the case could be put to new discursive purposes in efforts to criminalise *hijras*, even though the *hijra* in the case, Bhoorah, was the ostensible victim of crime.

In 1860, another criminal case, 'Government *v.* Munsa and four others,' positioned *hijras* as 'addicted' to kidnapping and emasculating boys and as the exploiters of children. In 'Govt *v.* Munsa,' five individuals were charged with stealing and emasculating a nine-year-old boy named Gupoo.[80] Once again, officials called for legislation to control and punish *hijras*, but legislative proposals stalled.[81] It was not until 1864 that another episode of moral panic concerning *hijras* arose in official circles. In 1864, the Magistrate and Sessions Judge of Shahjahanpur, W.G. Probyn and R. Drummond, investigated a case in which two men allegedly abducted two boys from their parental homes. A *hijra* named Buheema was accused of emasculating both boys and selling them to two separate purchasers in Fatehgarh.[82] While the Shahjahanpur authorities failed to find the 'hundreds of offenders'[83] they anticipated uncovering, three other cases were prosecuted in which the 'victims' were adults and were voluntarily emasculated.[84] In total, the Shahjahanpur Sessions Court convicted 31 persons between 1864 and 1865 on several counts of voluntarily causing grievous hurt by dangerous weapons, kidnapping, concealing a kidnapped person and buying and selling persons as slaves. One of the convicted was sentenced to transportation for life and the others to periods of imprisonment of up to ten years.[85]

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[79] Norman Chevers, *A Manual of Medical Jurisprudence for India, Including the Outline of a History of Crime Against the Person in India* (Calcutta: Thacker, Spink &Co., 1870), 497.

[80] A man named Nugoo allegedly stole Guppoo from his family home and sold him to the *hijra* Nurm Buksh for the boy's emasculation. Another *hijra*, Munsa, was charged with performing the emasculation procedure in the presence of two other eunuchs, Bahloo and Moolloo. 'Govt *v.* Munsa.'

[81] BL/IOR/P/235/25: R.B. Morgan, R. Money and M.R. Gubbins, Resolution of the Nizamut Adawlut, NWP, 22 April 1860; BL/IOR/P/235/33: Couper to Harrington, 12 Feb 1861; BL/IOR/P/438/61: R. Simson, Secretary, NWP, to Officiating Register, Nizamut Adawlut, NWP, 9 June 1865.

[82] BL/IOR/P/438/61: Drummond, 'General remarks,' circa 1865.

[83] BL/IOR/P/438/61: W.G. Probyn, Magistrate of Shahjahanpur, to Sessions Judge of Shahjahanpur, 12 December 1864.

[84] Drummond concluded that the eunuchs' consent was irrelevant, since this was not a defense in the case of 'acts likely to cause death or grievous hurt, and not for the benefit of the person consenting'— emasculation could not be said to be for any 'man's' benefit. Sections 87-9 of the Penal Code outlined circumstances in which a person who caused injury to a person was not criminally culpable if the act was carried out with the injured party's consent, but section 91 excluded acts, such as causing miscarriage, 'which are offences independently of harm caused.' Drummond interpreted this section as 'expressly exclud[ing]' the plea of consent. BL/IOR/P/438/61: Drummond, 'General remarks,' circa 1865.

[85] BL/IOR/P/438/61: Officiating Register, Nizamut Adawlut, NWP, to Secretary, NWP, 12 May 1865. There is no record of where the *hijra* who was transported for life was sent.

Each of these criminal cases established for the colonial government certain 'facts' about *hijras* which were circulated amongst the officials of the NWP and became an important basis of the archived colonial knowledge of *hijras*. Although the 1852 case 'Ali Buksh *v.* Govt' was remembered as the case which originally 'exposed' the *hijra* communities' 'habits,' it was the series of cases in 1864-5 that provoked the greatest degree of moral panic in official circles. The context of the years following the widespread revolt across north India in 1857 is thus particularly important. The criminalisation and control of the *hijra* community jars in some respects with the conventional historical narrative of this period. In his 1964 study *The Aftermath of Revolt*, Thomas Metcalf argued the decades following 1857 were a period of retreat from interference in Indian society and 'customs,' an argument also evident in more recent studies.[86] However, other historians have shown that even if higher-level policy called for a withdrawal from colonial interference after 1857, the British developed 'more penetrating and effective means of controlling Indian society' at the local level,[87] while marginal and 'criminal' groups, the 'deviant fringe' of Indian society, were particularly subject to colonial intervention.[88] The concern with *hijras* thus needs to be positioned in the broader context of colonial interventions into Indian society at the level of the local and the socially marginal, particularly following 1857. The knowledge of *hijras* that emerged from the court cases of the 1850s and 1860s resonated with a number of broader colonial preoccupations.

The first 'fact' about *hijras* that this series of criminal cases 'proved' to the colonial regime was that the *hijra* community was a 'system' or 'institution' of 'unnatural prostitution.' It is significant that British officials described sex between men and *hijras* as 'sodomy,' though *hijras* did not identify as men and their partners did not regard themselves as having sex with a 'man.' The 1852 case, 'Govt *v.* Ali Buksh,'

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[86] T.R. Metcalf, *The Aftermath of the Revolt: India, 1857-1870* (Princeton: Princeton University Press, 1964). More recent historical studies have also suggested that after 1857 the colonial government 'withdrew' from intervention in the domestic and cultural sphere. For instance, Sumit Guha, 'The Family Feud as Political Resource in Eighteenth-Century India,' in *Unfamiliar Relations: Family & History in South Asia*, ed. Indrani Chatterjee, 91 (Delhi: Permanent Black, 2004); Tanika Sarkar, 'Rhetoric Against the Age of Consent: Resisting Colonial Reason and the Death of a Child-Wife,' *Economic and Political Weekly* 28, no. 36 (4 September 1993): 1869-78.

[87] Veena Talwar Oldenburg, *The Making of Colonial Lucknow: 1856-1877* (Princeton: Princeton University Press, 1984), xxvi-xxviii.

[88] Radhika Singha, 'Colonial Law and Infrastructural Power: Reconstructing Community, Locating the Female Subject,' *Studies in History* 19, no. 1 (2003): 92-4.

demonstrated to the judges the existence of 'an abominable trade of unnatural prostitution regularly carried on by eunuchs.'[89] In the cases tried in Shahjahanpur in 1864-5, the Sessions Judge, Drummond, represented sodomy as a disease that was spreading throughout north Indian society and pictured *hijras* as the contaminating agents.[90] Drummond opined that 'unnatural crime has reached a fearful height in the North-Western Provinces,' was 'fearfully prevalent amongst all classes, high and low' and would remain so 'until some measures are taken to keep the class of Eunuchs under close supervision.'[91] In sum, the *hijra* 'problem' resonated with broader anxieties about male-male sexual acts. The second half of the nineteenth century saw a broad transition from the criminalisation of *behaviours* considered deviant (such as sodomy) to the pathologisation of the homosexual as a *type* of person around 1870[92] in both Europe and the colonies.[93] The criminalisation of the 'deviant' eunuch was part of this transition towards the pathologisation of sexual types, though the term 'sodomite' rather than 'homosexual' was still used. From the early period of British rule, sodomy had been illegal under a series of regulations derived from Islamic law[94] and was criminalised under section 377 of the Indian Penal Code in 1860. Section 377 was titled 'Unnatural Offences' and provided for the punishment of '[w]hoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal,' but was generally interpreted as criminalising sodomy. Section 377 was applied in cases of both consensual adult and non-consensual or non-adult male-male sex, and sodomy was thus

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[89] 'Govt *v.* Ali Buksh.' In this case, the 'unnatural' relationship between the *hijra* and Ali Buksh was also a key part of the evidence presented in the case. For examples of the broader discourse of 'crimes of passion' in colonial criminology, see Norman Chevers, 'Report on Medical Jurisprudence in the Bengal Presidency,' *Indian Annals of Medical Science* 2 (October 1854): 245; Robert Harvey, 'Report on the Medico-Legal Returns Received from the Civil Surgeons in the Bengal Presidency during the Years 1870, 1871, and 1872,' *Indian Medical Gazette* 10 (1 September 1875): 225-27. Examples of murder cases allegedly involving 'unnatural jealousy' in the 1850s include 'Government *v.* Sonepaul, Nowul and Ryeah,' *DNA NWP* 5 (1855): 396-8; 'Government *v.* Inderjeet,' *DNA NWP* 5 (1855): 754-5; 'Government *v.* Kullooa,' *DNA NWP* 10 (1860): 174-9; 'Government *v.* Ghuseeta, alias Ghaisooah,' *DNA NWP* 6 (1856): 72-80.
[90] BL/IOR/P/438/61: Drummond, 'General remarks,' circa 1865; BL/IOR/P/438/61: Drummond to NA, NWP, 24 Feb 1865.
[91] BL/IOR/P/438/61: Drummond to NA, NWP, 24 Feb 1865.
[92] Michel Foucault, *The History of Sexuality: Volume I: An Introduction*, trans. Robert Hurley (New York: Vintage Books, 1990), 43-4. See also Angus McLaren, *Impotence: A Cultural History* (Chicago: University of Chicago Press, 2007); H.G. Cocks, *Nameless Offences: Homosexual Desire in the 19th Century* (London: I.B. Tauris Publishers, 2003); Charles Upchurch, *Before Wilde: Sex Between Men in Britain's Age of Reform* (Berkeley: University of California Press, 2009); Alan Sinfield, *The Wilde Century: Effeminacy, Oscar Wilde and the Queer Movement* (London: Cassell, 1994); Jeffrey Weeks, *Coming Out: Homosexual Politics in Britain, From the Nineteenth Century to the Present* (London: Quartet Books, 1977), 9-44.
[93] See Chapter 7.
[94] These regulations included Regulation LIII of 1803, Regulation XVII of 1817 and Regulation XII of 1834. Gannon, 'Translating the *Hijra*,' 320.

conflated with rape.[95] Sodomy entered official policy discussions in several settings in British India in the 1860s, including the regulation of female prostitution, which partially aimed to prevent sodomy between British soldiers,[96] and jail reform, which was in part motivated by the apparent occurrence of sodomy between Indian prisoners.[97] In the second half of the nineteenth century, there was also moral anxiety about sodomy amongst Indian elites in various contexts.[98] The moral panic concerning *hijras* occurred in this historical milieu of the criminalisation and discussion of male-male sexual behaviours.

Secondly, criminal cases in the NWP characterised *hijras* as a highly organised criminal organisation. In British India, the focus of government policy and law was on collectives that led peripatetic lifestyles and were deemed 'criminal,' rather than individual instances of crime.[99] Colonial officials viewed *hijras* as a challenge to British authority in India, because *hijras* had internal hierarchies and customs that appeared to officials to constitute a subversive, parallel political structure.[100] By the 1860s, colonial administrators such as Drummond and C.A. Dodd, a high-ranking police official, constructed *hijras* as a highly organised criminal collective and the masterminds of a network of kidnappers, slavers, emasculators and pimps that extended

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[95] Arondekar, *For the Record*, 76-85; Suparna Bhaskaran, 'The Politics of Penetration: Section 377 of the Indian Penal Code,' in *Queering India: Same-Sex Love and Eroticism in Indian Culture & Society*, ed. Ruth Vanita, 15, 22-6 (Routledge: New York, 2002); Arvind Narrain, '"That Despicable Specimen of Humanity": Policing of Homosexuality in India,' in *Challenging the Rule(s) of Law: Colonialism, Criminology and Human Rights in India*, ed. Kalpana Kannabiran and Ranbir Singh, 53-5 (New Delhi: Sage India, 2008).

[96] Kenneth Ballhatchet, *Race, Sex and Class Under the Raj: Imperial Attitudes and Policies and Their Critics, 1793-1905* (London: Wiedenfield and Nicolson, 1980), 10, 162. For a discussion of British masculinity, male sexuality and prostitution see Philippa Levine, *Prostitution, Race, and Politics: Policing Venereal Disease in the British Empire* (New York: Routledge, 2003), 257-96.

[97] The official discussion of sodomy and prison reform can be found in: NAI/HD/JB 19/06/1869 14-5; NAI/HD/JB 24/07/1869 36-7; NAI/HD/JB 11/10/1865 35-6; NAI/HD/JB 11/05/1870 59-60.

[98] These elite Indian projects included efforts to purge references to male-male desire from the Urdu literary cannon and the growth of *ayurveda* and *unani* medical literature on male sexuality. On Urdu literature see, Ruth Vanita and Saleem Kidwai, 'Introduction: Modern Indian Materials,' in *Same-Sex Love in India: A Literary History*, ed. Ruth Vanita and Saleem Kidwai, 225-33 (New Delhi: Penguin Books, 2008). On *ayurveda* medicine see, Charu Gupta, *Sexuality, Obscenity, Community: Women, Muslims, and the Hindu Public in Colonial India* (New York: Palgrave, 2002), 66-72. On *unani* medicine see, Guy N.A. Attewell, *Refiguring Unani Tibb: Plural Healing in Late Colonial India* (New Delhi: Orient Longman, 2007), 244-7, 256-8.

[99] Freitag, 'Crime,' 229-31.

[100] From the 1850s, the British were concerned that the *hijra* community had an 'acknowledged internal government' presided over by 'a King,' which represented a parallel, subversive political entity and a threat to British authority. The judges were probably referring to *guru-chela* hierarchies and the division of territory between *hijra* households. 'Govt *v.* Ali Buksh.' According to Freitag, colonial officials perceived groups that were thought to be 'criminal' as 'either directed against, or weakening, the authority of the state.' As such, failure to suppress criminal collectives was viewed 'as a measure of the Raj's impotence.' Freitag, 'Crime,' 230.

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across north India.[101] The semi-peripatetic lifestyles of *hijras* provoked colonial concerns with 'wandering' groups, while *hijras* were viewed as collectively 'addicted' to crime due to both their socialisation in the *hijra* community and the biological state of emasculation.[102] From the eighteenth century, uncontrolled mobility across political borders provoked British anxieties, challenged British notions of geographically bounded political authority,[103] and was formative of colonial concepts of criminality.[104] The colonial legal system became increasingly oriented towards collective crime from the 1830s, when the government sought to control *thags* or 'thugs,' which popularly described gangs of robbers who ritually strangled their victims, but was also applied to poisoners and kidnappers.[105] From the 1860s, the NWP and Punjab governments sought to control the 'criminal tribes,' culminating in Part I of the Criminal Tribes Act in 1871.[106] Official anxiety about *hijras* was contingent upon these broader projects to control groups perceived as criminal collectives.

The third 'fact' about *hijra* criminality that was 'proved' in the courtroom was that *hijras* were child abusers who kidnapped, emasculated and prostituted young boys. However, this discourse of child abuse was not evident in official discussion of *hijras* until the 1860s.[107] In the 1860 case, the judges E.C. Bayley, Sessions Judge of Farrukhabad, and R.B. Morgan and M.R. Gubbins of the NWP Nizamut Adawlut,

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[101] BL/IOR/P/438/61: Drummond, 'General remarks,' circa 1865; BL/IOR/P/438/61: C.A. Dodd, Officiating Personal Assistant to Inspector-General of Police, NWP, to all Superintendents of Police, NWP, circular no. 11, 30 June 1865.

[102] BL/IOR/P/96: E. Tyrwhitt, Inspector-General of Police, NWP, to Secretary, NWP, 26 June 1874; BL/IOR/P/438/61: Probyn to Sessions Judge Shahjahanpur, 12 Dec 1864.

[103] Sanjay Nigam, 'Disciplining and Policing the "Criminals by Birth", Part 2: The Development of a Disciplinary System, 1871-1900,' *Indian Economic and Social History Review* 27, no. 3 (1990): 260-6, 272-4; Andrea Major, 'Enslaving Spaces: Domestic Slavery and the Spatial, Ideological and Practical Limits of Colonial Control in the Nineteenth-Century Rajput and Maratha States,' *Indian Economic and Social History Review* 46, no. 3 (2009): 323-9.

[104] Nitin Sinha, 'Mobility, Control and Criminality in Early Colonial India, 1760s-1850s,' *Indian Economic and Social History Review* 45, no. 1 (2008): 2-6.

[105] Mark Brown, 'Crime, Governance and the Company Raj: The Discovery of Thuggee,' *British Journal of Criminology* 42, no. 1 (2002): 77-95.

[106] The notion of 'tribe' (often interchangeably used with 'caste') was both biological and cultural and the criminal tribes were thought to be 'addicted' to crime due to hereditary disposition, as well as custom. There is an enormous body of literature on the criminal tribes. See, Stewart N. Gordon, 'Bhils and the Idea of a Criminal Tribe in Nineteenth-Century India,' in *Crime and Criminality in British India*, ed. Anand A. Yang, 128-139 (Tuscon, Arizona: The University of Arizona Press, 1985); Freitag, 'Crime,' 241-259; Sanjay Nigam, 'Disciplining and Policing the "Criminals by Birth," Part 1: The Making of a Colonial Stereotype—The Criminal Tribes and Castes of North India,' *Indian Economic and Social History Review* 27, no. 2 (June 1990): 131-64; Nigam, 'Part 2,' 257-287; Meena Radhakrishna, *Dishonoured by History: 'Criminal Tribes' and British Colonial Policy* (Hyderabad: Orient Longman, 2001); Rachel J. Tolen, 'Colonizing and Transforming the Criminal Tribesman: The Salvation Army in British India,' *American Ethnologist* 18, no. 1 (February 1991): 113-9; Anand A. Yang, 'Dangerous Castes and Tribes: The Criminal Tribes Act and the Magahiya Doms of Northeast India,' in *Crime and Criminality in British India*, ed. Anand A. Yang, 108-127 (Tuscon, Arizona: The University of Arizona Press, 1985).

[107] The 1852 case 'Govt *v.* Ali Buksh' did not characterise *hijras* as kidnappers or the abusers of children.

particularly emphasised the 'loss' of childhood and respectability by sexually 'corrupted' children whom *hijras* allegedly kidnapped, emasculated and hired out as prostitutes.[108] Colonial intervention into the *hijra* community was now cast as the act of a paternalist state for the protection of the Indian boy child. British administrators aimed to prevent 'innocent victims' from becoming criminals in adulthood. [109] Official anxiety surrounding *hijras* was thus connected to a broader moral discourse surrounding childhood, which engendered limited colonial interventions into Indian childhoods in the 1860s. Whereas the colonial government had previously abdicated a moral responsibility to provide for parentless Indian children to missionaries and private organisations,[110] the 1860s saw the establishment of the first orphanages for Indian children[111] and proposals for the establishment of juvenile reformatories, eventually leading to the Reformatory Schools Act of 1876.[112] Prematurely sexualised children also provoked colonial anxieties in the 1860s and 1870s, when colonial officials discussed the kidnapping of girls for prostitution,[113] and the sexual 'corruption' of boy prisoners in jails.[114] Limited colonial interventions into Indian childhoods in the 1860s and 1870s created possibilities for child 'rescue' within the *hijra* community.

The apparent reproduction of *hijra* households through illegal means of kidnapping and emasculation (rather than biological kinship and conjugality) and the construction of the *hijra* domestic sphere as a site for the 'corruption' of children was a repeated feature of court cases in the 1860s. Thus, the anxieties surrounding *hijras* and children also need to be understood in the context of interventions into Indian domestic arrangements. As we saw in the previous chapter, the first half of the nineteenth century saw the privileging in colonial law of aspects of textual elite Indian models of domesticity that partially intersected with Victorian ideologies, marginalising diverse

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[108] 'Govt *v.* Munsa.'

[109] BL/IOR/P/438/61: Probyn to Sessions Judge, Shahjahanpur, 12 Dec 1864.

[110] The only government-run orphanages prior to the 1860s were for the offspring of European men. David Arnold, 'European Orphans and Vagrants in India in the Nineteenth Century,' *Journal of Imperial and Commonwealth History* 7, no. 2 (1979): 104 -127; Durba Ghosh, *Sex and the Family in Colonial India: The Making of Empire* (Cambridge: Cambridge University Press, 2006), 206-245.

[111] Satadru Sen, 'The Orphaned Colony: Orphanage, Child and Authority in British India,' *Indian Economic and Social History Review* 44, no. 4 (2007): 465-8.

[112] On debates on children in jails and the establishment of reformatories see Satadru Sen, *Colonial Childhoods: The Juvenile Periphery of India, 1850-1945* (London: Anthem Press, 2005).

[113] Jessica Hinchy, 'Deviant Domesticities and Sexualised Childhoods: Female Prostitutes, Eunuchs and the Limits of the State Child "Rescue" Mission in Colonial India' (paper presented at 'Paradoxes of Domesticity: Christian Missionaries and Women in Asia and the Pacific' conference, Australian National University, Canberra, Australia, August 9-10, 2012), 12-17.

[114] Sen, *Colonial Childhoods*, 69-70.

forms of family and sexual arrangements.[115] Rather than a withdrawal from intervention in the domestic sphere, the post-1857 period witnessed interventions into 'criminal' or 'deviant' domestic environments, such as 'infanticidal' communities[116] and the criminal tribes home.[117] In this context, *hijra* domestic relations were viewed as sexually 'corrupt' and, like *khwajasarai* kinship in Awadh, was denied the status of the familial.

Finally, this series of criminal cases saw *hijras* as an 'outrage to public morals'[118] because of their loud and bawdy public presence, cross-dressing and 'begging.' The judgements on these cases depict *hijras* as visually 'revolting,' an aesthetic contamination of public space and an 'obscene' public presence. Sessions Judges such as Unwin and Drummond drew attention to the feminine gendered appearance of *hijras*,[119] which they characterised as 'sad' and 'disgusting,'[120] as well as the bawdy performances and 'begging' of *hijras* in public space. In the 1852 case, Unwin called for the purification of public space by 'ferreting out and clearing the land' of *hijras* and confining them within the boundaries of the 'native states.'[121] Public space and public order were particularly acute British preoccupations at this time. Oldenburg has shown that in the aftermath of 1857, the British aimed to produce clean, orderly urban environments out of the cities of north India, which were seen as hotbeds of rebellion and sedition that were difficult to traverse and know and were believed to breed physical and social disease.[122] The concern with *hijras* echoed this broader project of the transformation of public space in north India and the investment of colonial officials in its cleanliness, both physical and moral.

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[115] Radhika Singha, *A Despotism of Law: Crime and Justice in Early Colonial India* (Delhi: Oxford University Press, 1998), 121-67.

[116] Satadru Sen, 'The Savage Family: Colonialism and Female Infanticide in Nineteenth Century India,' *Journal of Women's History* 14, no. 3 (Autumn 2002): 53-5.

[117] The CTA Part I allowed regular inspections of criminal tribe homes. BL/IOR/V/8/42: 'An Act for the Registration of Criminal Tribes and Eunuchs,' Act No. XXVII of 1871 Passed by the Governor-General of India in Council. In a later period, the Salvation Army also aimed to transform the domestic arrangements and physical space of the homes of the criminal tribes. Tolen, 'Colonizing and Transforming,' 118-9.

[118] BL/IOR/P/235/33: Couper to NWP MLC, 12 Feb 1861.

[119] 'Govt *v.* Ali Bukhsh.'

[120] BL/IOR/P/438/61: Drummond, 'General remarks,' circa 1865.

[121] 'Govt *v.* Ali Bukhsh.'

[122] Oldenburg, *Colonial Lucknow*, particularly 27-55, 96-116. See also Legg, *Spaces of Colonialism*; Nair, 'Beyond Nationalism,' 327-41; Prashant Kidambi, *The Making of an Indian Metropolis: Colonial Governance and Public Culture in Bombay, 1890-1920* (Aldershot, Hampshire: Ashgate Publishing, 2007); Alison Bashford, *Imperial Hygiene: A Critical History of Colonialism, Nationalism and Public Health* (New York: Palgrave Macmillan, 2004).

Although *hijras* might appear a 'strange' preoccupation of the colonial government,[123] particularly in the aftermath of widespread revolt in 1857, the moral panic concerning *hijras* in fact intersected with a number of broader preoccupations of the colonial government. Efforts to regulate *hijras* were not only aimed at the disciplining of non-normative gender and sexuality, but also at controlling 'criminal' and mobile collectives, 'rescuing' children, intervening in 'deviant' or 'criminal' domestic contexts and purifying public space.

Filling the 'gaps' in intelligence

In 1865, colonial officials discussed the proposed regulation of *hijras* in terms of an agenda to cause *hijras* to 'die out' for the first time. The government aimed to 'limit ... and thus finally extinguish ... the number of Eunuchs'[124] by closely watching and controlling them and thereby preventing their reproduction through emasculation. Yet the agenda of passive extermination was aimed specifically at *hijras*, rather than other eunuchs such as *khwajasarais*. In 1865, the NWP police began registering *hijras* under an executive order, bringing *hijras* into closer contact with the local Indian police. Moreover, the registration of eunuchs in the NWP from 1865 represents the first province-wide effort to enumerate and collect intelligence about the *hijra* community. *Hijras*' names, ages, places of residence, the districts they visited, the dates and places of their emasculation and the names of those who performed the operation were recorded on registers. Lacunas in colonial intelligence and enumeration provoked a search for greater quantities of 'objective' knowledge about eunuchs, but also tended to exacerbate colonial anxieties about *hijras*. Thus, moral panics about *hijras* reflect the insecurities of colonial rule and colonial knowledge, rather than 'the effectiveness of its projection on society.'[125]

One example of how moral panic was fuelled by 'gaps' in colonial knowledge is the enumeration of *hijras* in 1865-6. Court, the Inspector-General of Police, concluded that there were at least 2500 eunuchs in the NWP, although 'very few [were] recorded under 20 years of age' and police found 'hardly a single one under age [sixteen].'[126] Most officials insisted that the returns were inaccurate because *hijras* concealed the

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[123] C.A. Bayly, 'Knowing the Country: Empire and Information in India,' *Modern Asian Studies* 27, no. 1 (1993): 39.
[124] BL/IOR/P/438/61: Simson to NWP Comms, 9 Jun 1865.
[125] Bayly, *Empire & Information*, 171.
[126] BL/IOR/P/438/62: Simson, 'Replies,' 20 Apr 1866.

children of their community.[127] In explanation of the absence of young *hijras* in the statistics, Drummond, then the Commissioner of Allahabad concluded, 'that the younger members of the community were sent away elsewhere when the Return was being prepared.'[128] Rather than indicating that voluntary castration was common—after all, in three of the five cases in 1864-5 the emasculate was an adult—the failure to enumerate children proved to British officials that eunuchs constituted a highly organised criminal system, capable of evading the colonial police.[129] 'Gaps' in knowledge prompted a search for greater quantities of intelligence, but its contradictions, opacity and fissures merely reinforced the criminalisation of *hijras* and augmented calls for government action.[130]

Local vernacular intelligence often challenged the 'facts' about eunuchs constructed in the court room, sometimes producing partial realignments of official knowledge. For instance, despite continued anxiety about kidnapping, B. Sapte, the Commissioner of Agra, and other British officials admitted that not all *hijra* initiates were kidnapped children: some were adult initiates and many children were not kidnapped.[131] The Commissioner of Allahabad, C. Robertson, also noted that there was no evidence that youths were employed as prostitutes in local *hijra* communities.[132] Ethnological inquiries in 1865 also called into question the boundaries of the category 'eunuch,' since administrators uncovered a wider social geography of 'deviants.' Drummond noted the existence of '*Zananahs*' (*zananas*), or 'men wearing women's clothes,' who were performers and thought to be incurably impotent, not emasculated.[133] Yet officials were unsure how to classify *zananas*, who were difficult to visually distinguish from *hijras*. Moreover, the fact that *zananas* had previously escaped the notice of the administration suggested the lacunas in colonial knowledge. Thus, colonial knowledge of eunuchs was not formed in a vacuum, but was rather in a

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[127] At least one Commissioner hoped the lack of children amongst *hijras* was evidence that *hijras* were not emasculating children and might eventually die out. BL/IOR/P/438/62: Robertson to Sec, NWP, 27 Jun 1866.

[128] In Kanpur district, for instance, police found only one eunuch under twenty-one, which suggested 'that for the past 15 or 20 years, no means had been taken to keep up the number.' BL/IOR/P/438/61: Drummond to Sec, NWP, 9 Aug 1865.

[129] BL/IOR/P/438/62: Simson, 'Replies,' 20 Apr 1866.

[130] In general, the inability to transparently know the *hijra* household, conceived of as a dark, unknowable, deviant and corrupted space, exacerbated moral panic about the goings-on in these domestic spaces. See Chapter 5.

[131] BL/IOR/P/438/61: Sapte to Sec, NWP, 16 Sep 1865; BL/IOR/P/438/62: Simson, 'Replies,' 20 Apr 1866.

[132] The Commissioner of Allahabad, for instance, doubted whether youths were made eunuchs for 'gross purposes,' suggesting that prostitution was not the primary occupation of *hijras*. BL/IOR/P/438/62: Robertson to Sec, NWP, 27 Jun 1866.

[133] BL/IOR/P/438/61: Drummond to Sec, NWP, 9 Aug 1865.

process of construction and reconstruction in an asymmetrical dialogue with local vernacular sources of knowledge.

Legislating against 'eunuchs,' 1865-1871

In 1870, the provincial government considered the registration of eunuchs by executive order from 1865 to have been highly successful in preventing the growth of the *hijra* community.[134] Nevertheless, the NWP government advocated for 'special legislation' to suppress *hijras*. The legislator and writer John Fitzjames Stephen—who was noted above as one of the foremost advocates in Britain of a strong state that policed the 'shared morality'[135]—drafted the Criminal Tribes Act of 1871. Stephen proposed to legislate for the control of eunuchs and 'criminal tribes'—communities whose hereditary caste occupation was labeled criminal—under separate parts of the one piece of legislation. Eunuchs were linked in several ways to criminal tribes discourse, as analysed above, and similar policing methods were considered suitable for both groups. However, eunuchs were viewed as a distinct criminal collective and were not labeled as one of the criminal tribes.

It is significant that the vast majority of British officials outside the NWP were opposed to, or disinterested in, the registration of eunuchs.[136] Several provincial governments assumed that any legislation against eunuchs was only intended to apply in the NWP, while others, such as the Punjab government, strongly opposed the registration of eunuchs.[137] In the end, the CTA was implemented in the NWP, Punjab and Oudh, although the latter two provinces had originally opposed the provisions relating to eunuchs. Neither Oudh nor the Punjab initially registered eunuchs[138] and the

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[134] BL/IOR/P/92: E. Tyrwhitt, Deputy Inspector-General of Police, NWP, to Secretary, NWP, 22 February 1870.

[135] Petrow, *Policing Morals*, 10-12; Peatling, 'Race and Empire.'

[136] In fact, the central government made no mention of eunuchs when it called for opinions from other provinces on Stephen's proposal. NAI/HD/JB 09/04/1870 9-14: J. Geoghegan, Under Secretary, Government of India, to Governments of Madras, Bombay, Bengal, the Punjab and Oudh and the Resident at Hyderabad, 5 April 1870.

[137] The governments of Madras, Bombay, Bengal and Oudh initially gave no opinion on the registration of eunuchs because they assumed any legislation against *hijras* would only apply in the NWP. BL/IOR/P/441/20: R.S. Ellis, Chief Secretary, Madras, to Government of India, 10 August 1870; BL/IOR/P/441/20: C.S. Hearn, Inspector-General of Police, Madras, to Chief Secretary, Madras, 16 May 1870; BL/IOR/P/442/4: J. Jardine, Acting Under-Secretary, Bombay, to Secretary, Government of India, 9 September 1870; BL/IOR/P/433/34: A. Eden, Secretary, Bengal, to Secretary, Government of India, 9 August 1870; NAI/HD/JB 30/07/1870: R.H.M. Aitken, Deputy Secretary to Chief Commissioner, Oudh, to Secretary, Government of India, 1-2 June 1870; BL/IOR/P/422/53: D.F. McLeod, Lieutenant-General, Punjab, Memorandum, 23 July 1870.

[138] Although the Punjab compiled rules for the registration of eunuchs in four cities of the province, the law was largely a dead letter in the Punjab. NAI/HD/JB 12/1872 72-3: L.H. Griffin, Officiating Secretary,

CTA was only extended to Oudh when it joined with the NWP in 1877.[139] This thesis is therefore primarily concerned with the registration of eunuchs in the NWP until 1877, and the North-Western Provinces and Oudh (NWP&O) from this date. One possible explanation for the greater concern with eunuchs in the NWP is that *hijras* were more prominent in this region. However, *hijras* were noted in nineteenth century Bombay, Gujarat,[140] Rajasthan,[141] the Central Provinces,[142] Bengal[143] and 'most of the towns of southern India.'[144] It is impossible to determine from census data whether there were more *hijras* in particular regions due to varied classificatory principles and the greater likelihood that *hijras* would be counted as such where they were already a government priority. In any case, sheer numbers do not account for the localisation of moral panic in the NWP. The number of *hijras* enumerated in the NWP in the 1860s, 2500,[145] is relatively small considering this was the most populous province of India. Moreover, the broader issues with which the 'eunuch problem' intersected—such as collective criminality, 'corrupt' childhoods, and the purity of public space—were also concerns in other provinces. A more convincing explanation of why the moral panic about *hijras* was concentrated in the NWP is that due to the evangelical slant of the province's official circles, there was a greater constituency for government action on sexual 'immorality,' 'native barbarities' such as emasculation, and child 'rescue,' than in other provinces.[146]

Under the CTA Part II, local officials were required to compile registers of all eunuchs who were 'reasonably suspected of kidnapping or castrating children, or of committing offences under section three hundred and seventy seven of the Indian Penal Code [the anti-sodomy law].'[147] The implementation of the law thus required police to distinguish between 'respectable' and 'suspicious' eunuchs, prior to registering the

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Punjab, to Officiating Secretary, Government of India, 8 November 1872. We know that eunuchs were never registered in Delhi. BL/IOR/L/PJ/5/82: C.A. Barron, Deputy Commissioner, Delhi, to Commissioner of Delhi, 22 August 1910.

[139] NAI/HD/JB 10/1877 159-161: H.J. Sparks, Officiating Secretary, Oudh, to Officiating Secretary, Government of India, 21 September 1877.

[140] Kirparam, 'Pavávás,' 506-8; Enthoven, *Tribes and Castes*, 226-9.

[141] Ebden, 'A Few Notes,' 520-7.

[142] Russell, *Tribes and Castes*, 206-12.

[143] UPSA/A/COV/119/12: Amson to Comm Benares, 16 Nov 1872; BL/IOR/Photo/124/(38): Photographer unknown, 'Gurmah, Khunsa, or *Hijra*, reputed hermaphrodite, Eastern Bengal,' circa 1860.

[144] Shortt, 'The *Kojahs*,' 406-7.

[145] BL/IOR/P/438/62: Simson, 'Replies,' 20 Apr 1866.

[146] It is also notable that the Viceroys of the late 1860s and early 1870s, Lawrence and Mayo, were also evangelically inclined. Powell, *Scottish Orientalists*, 197. However, not all advocates for the registration of eunuchs were evangelical; J.F. Stephen, for instance, was not religiously motivated.

[147] Eunuchs could also be deemed 'reasonably suspected' of sodomy, kidnapping and emasculation if they were suspected of 'abetting the commission of the said offences.' BL/IOR/V/8/42: Act No. XXVII of 1871.

latter.[148] Thus, the CTA did not target eunuch-hood in general, but rather eunuch 'criminality' and 'deviance.' The respectable eunuch was in large measure defined by what they were *not*—they were not a prostitute or performer, they were not a transvestite, and they were not a 'notorious sodomite'—and the archetypal 'respectable' eunuch was the *khwajasarai*. The category of 'suspicious' eunuch was primarily aimed at *hijras*, as well as non-emasculated groups deemed deviant due to their gendered and sexual behaviours. As such, the CTA defined 'eunuch' as referring to 'all persons of the male sex who admit themselves, or on medical inspection clearly appear, to be impotent.'[149] This definition of a 'eunuch' as an 'impotent man' created a broad legal category to encapsulate non-emasculated persons such as *zananas* and serve as an umbrella term for gender and sexual 'deviants.'

Any registered eunuch 'who appear[ed] dressed or ornamented like a woman' or 'who dance[d] or play[ed] music, or [took] part in any public exhibition,' in 'a public street or place,' anywhere visible from a public place, 'or for hire in a public house' could be arrested under the CTA without warrant and punished with either imprisonment for up to two years, a fine or both. The aim was to cleanse public space of *hijra* 'obscenity,' erase *hijras* as a visible social entity in public and make their bodies conform to masculinity. The CTA provided that any registered eunuch who lived with a child under sixteen years could be punished with two years imprisonment and/or a fine, while also providing the district Magistrate with the power to 'return' the child to their parents or guardians or 'make arrangements' for the child's 'education or maintenance.'[150] Under the CTA, eunuchs were barred from 'being or acting as guardian to any minor'; making a gift; making a will; or adopting a son. This provision made possible colonial intervention into *hijra* inheritance and succession patterns and the adoption practices of the community.[151] To this end, Stephen's legislation also called for a register of eunuchs' property and required that eunuchs 'furnish information' on their property.[152]

To sum up the argument thus far, a series of criminal cases in the NWP established a series of presumed 'facts' in colonial discourse about *hijras* that constructed the group as a criminal collective. Anxieties about *hijras* intersected with

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[148] BL/IOR/P/438/61: Dodd to all SI Police, NWP, 30 Jun 1865.
[149] BL/IOR/V/8/42: Act No. XXVII of 1871.
[150] Ibid.
[151] Ibid.
[152] Any eunuchs who failed to do so could be prosecuted under the Penal Code for failing to provide information to a public servant or providing false information. The relevant sections of the Penal Code are sections 176 and 177. Ibid.

several broader concerns with which the colonial government was preoccupied around the mid-nineteenth century. Though gender and sexuality were central to the moral panic over *hijras*, colonial understandings of criminality, concerns with mobile populations, constructs of childhood, the marginalisation of certain forms of domesticity, and the purity of public space intersected in the figure of the *hijra*. While certain 'facts' about *hijras* were 'proven' in the court room, lacunas in colonial knowledge led to a search for greater volumes of accurate intelligence about *hijras*. Colonial knowledge was thus formed through a process of asymmetrical dialogue with multiple sources of local knowledge. However, gaps in information further fuelled moral panic about the community, reinforced the view of the group as a criminal collective and led to calls for legislation, resulting in Part II of the Criminal Tribes Act of 1871. The following section examines the sources of local knowledge with which colonial intelligence systems intersected.

Local knowledge, colonial knowledge and the control of eunuchs

Colonial knowledge was constructed in interactions between agents of the colonial state and various Indian informants. In the late nineteenth century, the task of the district British official and that of the ethnographer were increasingly intertwined.[153] British district administrators collected and collated proto-ethnographic information and intelligence about individual eunuchs from three broad groups of informants: eunuchs; local communities; and Indian police. British officials generally considered these groups knowledgeable about eunuchs, although each group's 'authority to represent'[154] was sometimes disputed. Colonial understandings of eunuchs were contingent upon the perspectives of different groups of Indian informants to varying degrees.

Turning first to *hijra* informants, in 1865 the provincial government called upon district authorities to conduct an oral history project of sorts amongst eunuchs. Colonial officials interviewed individual eunuchs and recorded their life stories. In 1865, W.A. Forbes, the British Magistrate of Meerut reported he was 'now personally summoning each Eunuch entered in our list and taking down his history from his own mouth.'[155]

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[153] Mark Brown, 'Ethnology and Colonial Administration in Nineteenth-Century British India: The Question of Native Crime and Criminality,' *The British Journal for the History of Science* 36, no. 2 (June 2003): 217.

[154] O'Hanlon, 'Recovering the Subject,' 217.

[155] UPSA/A/COM/9/2: W.A. Forbes, Magistrate of Meerut, to Commissioner of Meerut, 4 December 1865.

Indian police also questioned eunuchs on: the districts they 'frequented'; the place and year of their emasculation; who performed the operation;[156] their 'ostensible' means of income;[157] their place of origin and past migrations; and their relationships to other registered eunuchs and their *guru*.[158] The collection of intelligence from eunuchs often took the form of interrogation and thus had coercive overtones.[159] Yet is important to emphasise that *hijras*, and other 'eunuchs' including *zananas*, were not merely the objects of colonial knowledge, but appropriated colonial intelligence to assert valued identities, withheld information and refused to cooperate with colonial agents (see Chapters 4 and 7). Although British officials sometimes undermined the accuracy of *hijras*' statements, their accounts underwrote the construction of colonial knowledge. *Hijras*' self-representations formed an important part of colonial officials' ethnological understanding of the community's 'customs' and beliefs. Colonial ethnologies of *hijras* published between the 1870s and 1920s were also primarily based on British interpretations of *hijras*' self-representations.[160]

The second broad group of informants consulted in the collection of intelligence were local communities in which *hijras* lived, in particular their immediate neighbours, [161] local 'respectable inhabitants,' *lambardars* (village heads) and *chaukidars* (village or neighbourhood watchmen). Local communities provided three types of information about *hijras*. First, the inhabitants of towns and villages in which *hijras* lived provided life histories of individual *hijras*. Local communities possessed considerable knowledge of *hijras*' backgrounds, suggesting that *hijras* were conversant with the communities in which they lived. In Muzaffarnagar district, neighbours provided narratives of *hijras*' childhoods, their relationship to their *gurus*, their

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[156] UPSA/A/COM/9/2: J.H. Prinsep, Magistrate of Aligarh, 'Register of Eunuchs in the District of Allyghur,' 23 December 1865; USPA/A/COM/9/2: W.A. Forbes, Magistrate of Meerut, 'Register of Eunuchs in the District of Meerut,' 5 December 1865.
[157] USPA/A/COM/29/8: Officiating Superintendent of Police, Meerut (signature illegible), 'Register of the Eunuchs in the District of Meerut Coming Under Section 24 of Act 27 of 1871,' 23 April 1872.
[158] UPSA/A/COM/9/2: Officiating Magistrate of Bulandshahr (signature illegible), 'List of Eunuchs in the District of Boolundshuhur,' 17 October 1865.
[159] UPSA/A/COM/9/2: J.H. Prinsep, Magistrate of Aligarh, to Commissioner of Meerut, 10 November 1865.
[160] Enthoven, *Tribes and Castes*, 226-9; Russell, *Tribes and Castes*, 206-12; Shortt, 'The *Kojahs*,' 402-7; Crooke, *Tribes and Castes*, 495-7; Kirparam, 'Pavávás,' 506-8; Rose, *Glossary*, 331-3.
[161] The social backgrounds of eunuchs' neighbours are not mentioned in the archive, although 'respectable inhabitants' were treated as a separate category of local informants, suggesting that eunuchs' neighbours were not classed as 'respectable' on the whole. UPSA/A/COM/29/8: H.D. Willock, Magistrate of Bulandshahr, to Commissioner of Meerut, 6 January 1873.

migrations and their domestic arrangements.[162] To give merely one example, in reference to a 35 year-old eunuch named Hera, the register stated:

> By the inhabitants of Kiranah and Semerchun Pulwaree it appears that 12 years ago Hera came here[.]... The previous habits & character of him are as follows. At the age of 8 years he accompanied with Lushkuree of Meerut and Raejeesing of Delhi[.] [H]e remained for 6 years [with Lushkuree and Raejeesing] when [a] quarrel took place between them at Gurhmooktesur [partially illegible] fair[.] [H]e came at [sic] Junsut and had stayed with Ameer Bux [the 'tutor of eunuchs in this Qusba'] about 3 years and afterwards went to Churthawul and stayed there for 4 years and from Churthawul went to Kiranah where he resides now.[163]

Oftentimes, British officials considered the neighbours of eunuchs more trustworthy sources on the histories of *hijras* than *hijras* themselves.

The second type of intelligence that local communities provided was their opinion on whether individual eunuchs were 'suspected' of kidnapping[164] or were 'addicted to sodomy.'[165] District authorities had to ascertain whether a eunuch was 'pronounced by public report to be criminal,' and the provincial government criticised officials who had not sought, or had dismissed, 'public opinion' on this point.[166] Often, the type of information about eunuch deviance that British administrators sought was merely rumour. For instance, in 1876 R.T. Hobart, the Inspector-General of Police, sought intelligence on whether a group was 'reputed to be notoriously addicted to sodomy' and was 'universally believed to practice bestial purposes amongst themselves.'[167] In general, 'respectable inhabitants' were more likely to state that eunuchs might be 'suspicious' than neighbours of humbler status.[168] The process of translation undoubtedly obscured the connotations and meanings of neighbours' statements.[169]

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[162] UPSA/A/COM/29/8: G. Palmer, Magistrate of Muzaffarnagar, to Superintendent of Police, Muzaffarnagar, 2 November 1872; UPSA/A/COM/29/8: W.A. Short, Superintendent of Police, Muzaffarnagar, to Magistrate of Muzaffarnagar, 30 October 1872.

[163] The inhabitants of Thana Chowun, also in Muzaffarnagar district, were also 'fully acquainted' with the 'previous habits' of local *hijras*, such as 43 year-old Motee. Motee's neighbours reported the details of her past migrations, her relationships to senior *hijras*, and that Motee resided with a widow whose son was recently married. The *lambardar* and *chaukidars* of Sutheree similarly relayed the life story of a *hijra* named Khooshalee, including her successive *gurus*, migrations and residences. UPSA/A/COM/29/8: Short, 'List,' circa Jan 1873.

[164] For instance, the neighbours of Hera, the *hijra* from Muzaffarnagar mentioned above, opined that 'there is no suspicion against him of kidnapping.' Ibid.

[165] UPSA/A/COM/29/8: Campbell, 'Register,' 6 Jan 1873.

[166] UPSA/A/COV/119/12: C.A. Elliot, Secretary, NWP, to Commissioner of Benares, 19 March 1873.

[167] UPSA/A/COV/119/12: R.T. Hobart, Deputy Inspector-General of Police, NWP, to Inspector-General of Police, NWP, 21 June 1876.

[168] UPSA/A/COM/29/8: Short, 'List,' circa Jan 1873. Although the local elites of Bulandshahr stated that eunuchs were 'well-behaved' within their town. UPSA/A/COM/29/8: Willock to Comm Meerut, 6 Jan 1873.

[169] Noting the translation of *hijras*' statements into English in anthropological studies, Cohen highlights that English-language terms such as 'sodomite' 'do not reflect the very different semantic loads of the several terms they may be standing for, and they carry a set of gratuitous nuances.' Laurence Cohen,

Nevertheless, the fragmented and selective incorporation of local views of the character of *hijras* highlights that multiple indigenous attitudes contributed to colonial understandings of *hijra* identity, social role, gender and sexuality.

British officials debated the reliability and usefulness of intelligence supplied by different sections of local communities. The Magistrate of Bulandshahr, H.D. Willock, accorded the knowledge and opinions of 'respectable' informants a greater degree of veracity than that of subalterns, who were apparently immoral themselves.[170] Yet a handful of British administrators, including S.N. Martin, the Magistrate of Muzaffarnagar, felt that 'respectable' Indians, especially Muslims, were closely implicated in the 'system' of eunuchs and might not be reliable sources.[171] As we will see in the following section, the utility of intelligence provided by eunuchs' neighbours was debated between the provincial government and local administrators. Nonetheless, local inhabitants of varied status were a primary source of intelligence on eunuchs.

Finally, the intelligence collection of the Indian police corps represented the most immediate site for the production of official colonial knowledge out of local vernacular intelligence. Three levels of Indian police were involved in the collection of intelligence: subordinate police officers at local police stations; the Indian Sub-Inspectors in charge of stations; and higher-ranking Indian Inspectors, who sometimes coordinated intelligence collection in a given area.[172] In compiling reports, police made decisions about which informants and what types of intelligence were useful to an understanding of eunuchs. Although the intelligence Indian police collected was partially determined by government priorities, the views of Indian police did not always conform to those of their superiors.[173] Subordinate police also gave opinions on whether individual eunuchs were criminal or deviant. For instance, in Muzaffarnagar, Inspector Nuraryun Singh opined that a particular eunuchs' 'conduct' was not 'suspected' because he was 'an old man ... and has no opportunity to kidnap and emasculate any children.'[174] In contrast, the Indian police in Mathura 'assured' the Magistrate, who was concerned about an unemasculated child in a *hijra* household, that

'The Pleasures of Castration: The Postoperative Status of Hijras, Jankhas, and Academics,' in *Sexual Nature, Sexual Culture*, ed. Paul R. Abramson, 296 (Chicago: Chicago University Press, 1995).
[170] UPSA/A/COM/29/8: Willock to Comm Meerut, 6 Jan 1873.
[171] UPSA/A/COM/9/2: S.N. Martin, Magistrate of Muzaffarnagar, to Commissioner of Meerut, 15 July 1865.
[172] UPSA/A/COV/119/12: R.J. Young, Superintendent of Police, Ghazipur, to Personal Assistant to the Inspector-General of Police, NWP, 20 January 1875.
[173] This is suggested by districts in which British officials ordered repeated inquiries because they were not satisfied with the types of information Indian police had provided. UPSA/A/COM/29/8: Palmer to SI Police, Muzaffarnagar, 2 Nov 1872.
[174] UPSA/A/COM/29/8: Short, 'List,' circa Jan 1873.

'a boy would never have been in a Eunuch's hand so long without suffering some injury,' thus reinforcing discourses of *hijra* criminality.[175]

Some Indian police also participated in the construction of ethnological knowledge about *hijras* as a collective. Mark Brown has shown how ethnological knowledge 'developed, shaped and elaborated in the process of colonial administration' was 'critical' to administrative decisions about marginalised indigenous communities from the 1870s. Brown focuses on British district officials, yet some Indian police officers also reported in the ethnological mode and took up the role of the colonial 'administrator-scholar.'[176] In Benares, Inspector Bhow Chunder, 'a highly intelligent officer' who apparently knew the local *hijras*' 'habits perfectly,' compiled a lengthy report.[177] Unfortunately, only a summary of Chunder's findings by R. Annesley, the District Superintendent, survives, but this document nevertheless demonstrates the importance of Chunder's collection and construction of knowledge. In addition to intelligence that police used in surveillance and enforcement, such as the names of the *hijras* who were 'skilful' in the emasculation procedure, Chunder also provided ethnological information on the internal hierarchies of the local *hijra* community, the various rituals which specialist *hijra* medical practitioners performed prior to and during emasculation, the methods used to surgically remove the genitals and the celebrations that followed the *hijra* patient's recovery.[178] British officials sometimes doubted the accuracy of the knowledge of Indian police: while the Inspector-General of Police, R.T. Hobart, claimed that Indian police concealed information out of 'shame' at such an embarrassing topic,[179] C. Robertson, the NWP Secretary, claimed that they were morally suspect and thus unreliable.[180] Yet Indian police officers nevertheless conducted significant intelligence collection and ethnological inquiry 'on the ground' and compiled such data into reports that became an important basis of official colonial knowledge about eunuchs. Having analysed the multiple sources of intelligence at the local level, we now turn to British officials' interpretation of this knowledge in their categorisation of eunuchs after 1871.

[175] BL/IOR/P/92: Magistrate of Mathura to Commissioner of Agra, 26 January 1871.
[176] Brown, 'Ethnology,' 201-2, 217.
[177] USPA/A/COV/119/12: R. Annesley, Officiating Superintendent of Police, Benares, to Magistrate of Benares, 12 April 1873.
[178] Ibid.
[179] UPSA/A/COV/119/12: Hobart to IG Police, NWP, 21 Jun 1876.
[180] BL/IOR/P/1614: C. Robertson, Secretary, NWP&O, to Inspector-General of Police, NWP&O, 19 September 1881. See also, BL/IOR/P/438/61: Drummond to Sec, NWP, 9 Aug 1865; BL/IOR/P/438/62: Simson, 'Replies,' 20 Apr 1866.

Categorising the 'suspicious' and the 'respectable' eunuch

Since the CTA required that only eunuchs who were 'reasonably suspected' of kidnapping, emasculation or sodomy be registered, district officials had to distinguish between 'suspicious' and 'respectable' eunuchs before they could register the former. The CTA was not aimed at all eunuchs, certainly not the relatively 'respectable' *khwajasarais*, but only at the criminal and deviant eunuch epitomised by the *hijra*. However, the figure of the 'suspicious eunuch' proved a problematic basis for classification. British officials formed ideas about the suspiciousness or respectability of local eunuchs in an asymmetrical dialogue with selectively incorporated local vernacular sources of knowledge. While local intelligence often contradicted administrators' assumptions, neither were British officials' conceptualisations of the deviant eunuch homogenous or coherent. This demonstrates the tenuousness of colonial classifications of indigenous populations in general, and of gender and sexuality in particular.

British district officials and 'deviant' eunuchs

District authorities took a variety of approaches to the classification of eunuchs into 'respectable' and 'suspicious' sub-categories immediately following the implementation of the CTA.[181] In some districts, British officials thought virtually all eunuchs were habitual criminals and sexual deviants who should be registered, often dismissing local intelligence and privileging colonial stereotypes of *hijras*. In Meerut district, H.B. Webster, the Magistrate, dismissed local intelligence[182] and registered all 46 eunuchs in the district since 'most Eunuchs are guilty of unnatural crimes and … *all* of them are guilty of the atrocious practice of emasculating boys.'[183] Bulandshahr's Magistrate, H.D. Willock, challenged the accuracy of intelligence from Indian police and eunuchs' neighbours and concluded that all but two eunuchs were guilty of kidnapping and

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[181] As one Deputy Inspector-General of Police put it, district authorities originally registered 'all kinds of eunuchs without distinction.' BL/IOR/P/97: R.T. Hobart, Deputy Inspector-General of Police, NWP, to Inspector-General of Police, NWP, 4 May 1875.

[182] UPSA/A/COM/29/8: Magistrate of Meerut (signature illegible) to Commissioner of Meerut, 29 November 1872.

[183] Italics added. UPSA/A/COM/29/8: H.B. Webster, Magistrate of Meerut, to Commissioner of Meerut, 7 May 1873.

emasculating children. [184] According to British district officials like Webster and Willock, actual evidence of criminal acts was not necessary, since the fact of eunuch-hood was proof enough of criminality. However, in most districts, British administrators registered only a proportion of the total eunuch population and drew upon local intelligence. For instance, in Benares, where Annesley, the Superintendent, praised Inspector Bhow Chunder's 'perfect' knowledge of the local eunuchs, only six *hijras* were registered. [185] However, British officials used varied criteria to distinguish between suspicious and respectable eunuchs and differed somewhat on the target of the CTA. While C. Robertson, the Magistrate of Mirzapur, registered eunuchs who were thought to be 'habitual sodomites,' [186] the Magistrate of Benares, J.J.F. Lumsden, only registered eunuchs who were 'emasculators by profession' and made little mention of sodomy. [187] Although there was some variation in colonial conceptualisations of the deviant eunuch, for most officials, eunuch-hood and habitual criminality were not synonymous.

Finally, in some districts, no eunuchs were registered in the early 1870s. [188] On the one hand, British officials disputed the legality and justice of the CTA. Two British officials in Muzaffarnagar, W.A. Short, the Superintendent of Police, and G. Palmer, the Magistrate, saw the CTA as an overly harsh measure, argued that a differential application of the law to eunuchs than the general population was unjust, and questioned the extent of coercive measures that should be applied to *hijras*. [189] On the

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[184] UPSA/A/COM/29/8: Willock to Comm Meerut, 6 Jan 1873. Other officials characterised all eunuchs as 'habitual sodomites,' and on this basis did not exclude any from registration. UPSA/A/COV/119/12: R.F. Saunders, Magistrate of Ghazipur, to Commissioner of Benares, 30 October 1872.

[185] UPSA/A/COV/119/12: Annesley to Mag Benares, 12 Apr 1873.

[186] UPSA/A/COV/119/12: C. Robertson, Officiating Magistrate of Mirzapur, to Commissioner of Benares, 3 November 1872.

[187] Out of 33 eunuchs in the city of Benares, only those six who were known to carry out emasculations were registered. UPSA/A/COV/119/12: J.J.F. Lumsden, Officiating Magistrate of Benares, to Commissioner of Benares, 4 October 1872; UPSA/A/COV/119/12: Annesley to Mag Benares, 12 Apr 1873.

[188] These included Dehradun, Muzaffarnagar, Sharanpur, Azamgarh and Basti districts.
UPSA/A/COM/29/8: F.M. Lind, Commissioner of Meerut, to Secretary, NWP, 31 January 1873;
UPSA/A/COM/29/8: Short to Mag Muzaffarnagar, 30 Oct 1872; UPSA/A/COM/29/8: G. Palmer,
Magistrate of Muzaffarnagar, to Superintendent of Police, Muzaffarnagar, 6 January 1873;
UPSA/A/COM/29/8: E.G. Jenkinson, Officiating Magistrate of Saharanpur, to Commissioner of Meerut,
5 December 1872; UPSA/A/COV/119/12: B. Alone, Officiating Superintendent of Police, Azamgarh, to
Magistrate of Azamgarh, 9 October 1872; UPSA/A/COV/119/12: Wigram to Comm Benares, 21 Sep
1872.

[189] Some officials assumed that actual convictions on sodomy, kidnapping or emasculation charges were necessary. A number of British officials continued after 1871 to use ordinary methods of policing, such as surveillance and taking 'security' for 'good behaviour,' in 'doubtful' cases, instead of applying the CTA. UPSA/A/COM/29/8: Short, 'List,' circa 1873; UPSA/A/COM/29/8: Palmer to SI Police, Muzaffarnagar, 6 Jan 1873. What was at stake was the 'dual structure' of colonial law noted above, in which an 'alternative' legal system punished criminal collectives differentially from individual instances of crime. Freitag, 'Crime,' 231.

other hand, many British officials called the category of the 'suspicious eunuch' into question. The Magistrate of Azamgarh, J. Amson, claimed the eunuchs of Azamgarh did not fit the image of the deviant eunuch.[190] R. Waddington, the Superintendent of Basti district, and F.E. Elliot, the Magistrate, challenged the characteristics usually used to identify deviant eunuchs. The Basti officials objected to registering *hijras* in households where children were present,[191] who apparently resided with their '*Pakkya*' (pimp)[192] or 'by outward appearance … seemed to be inclined to sodomy.'[193] Some British administrators in Benares division found it difficult to separate eunuchs into two definite categories—'respectable' and 'suspicious'—and thus decided to defer registration.[194] The problem of delineating these categories was also manifest when British officials—such as the Magistrate of Meerut and his superior, the Commissioner of Meerut—disagreed on whether individual eunuchs were criminal.[195] The inability of officials to distinguish 'suspicious' and 'respectable' eunuchs highlights the instability of these categories. Rather than dismissing local knowledge, British officials who argued against the registration of eunuchs in their district often regarded 'local opinion' and investigations by Indian police as important sources of information.[196] In Azamgarh, the local Indian police's 'careful enquiries'—which Amson, the British Magistrate, characterised as reliable since eunuchs had 'for a considerable time past been under the quasi surveillance of the Police'—demonstrated that there were 'no eunuchs of the criminal class' in the district.[197] While colonial knowledge was often a mechanism of control, multiple local knowledge forms could also be used to refute the dominant representation of eunuchs.

Whereas only one provincial government believed controlling *hijras* was necessary, even within the NWP&O, many British officials were simply disinterested in policing the morality of the *hijra* community. There was significant disagreement amongst British officials in the NWP&O on the seriousness of the perceived moral

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[190] For instance, UPSA/A/COV/119/12: Amson to Comm Benares, 16 Nov 1872.

[191] UPSA/A/COV/119/12: Waddington to IG Police, NWP, 15 Feb 1873.

[192] UPSA/A/COV/119/12: F.E. Elliot, Officiating Magistrate of Basti, to Officiating Commissioner of Benares, 19 May 1873.

[193] USPA/A/COV/119/12: R. Waddington, Superintendent of Police, Basti, 'List of Eunuchs in the Bustee District on the 1st September 1872,' circa 1872.

[194] UPSA/A/COV/119/12: Elliot to Comm Benares, 19 May 1873; UPSA/A/COM/29/8: C.A. Elliot, Secretary, NWP, to Commissioner of Meerut, 19 March 1873.

[195] UPSA/A/COM/29/8: Mag Meerut to Comm Meerut, 29 Nov 1872.

[196] For instance see, UPSA/A/COV/119/12: Elliot to Comm Benares, 19 May 1873.

[197] UPSA/A/COV/119/12: Amson to Comm Benares, 16 Nov 1872. In justification of the failure to implement the CTA in Muzaffarnagar district, authorities cited the investigations and lengthy accounts of individual eunuchs' histories compiled by Inspector Nuraryun Singh. UPSA/A/COM/29/8: Short, 'List,' circa 1873.

threat the *hijra* community posed. British district administrators in the NWP&O disputed the accuracy of local vernacular sources of intelligence, the characteristics of the *hijra* community, the boundaries of the categories of 'suspicious' and 'respectable' eunuchs, and the differential application of the law to eunuchs. Meanwhile, British district administrators had failed, from the perspective of the NWP&O government, to accurately and coherently classify eunuchs.

The 'suspicious' eunuch as transvestite performer

In response to this breakdown in categorisation at the district level, in March 1873, the provincial government established a framework to identify 'suspicious' eunuchs and distinguish them from their 'respectable' counterparts. A circular order established that '[d]ressing in female clothes and dancing and singing are ... primâ facis grounds for suspicion.'[198] This circular order was the basis of government policy for the remainder of the century.[199] Since local Indian police were required to identify a *type* of eunuch (a transvestite performer), the notion of habitual criminality was implicit in this policy. Although the outward marks of eunuch deviance could be 'rebutted,' additional evidence of the *innocence* of those who wore feminine clothing and performed was required to justify their non-registration.[200] Government policy explicitly rejected the need for 'absolute legal proof'[201] of crimes actually committed, but this model of law enforcement was, from the perspective of the NWP&O administration, appropriate to a criminal collective such as eunuchs.[202] The standard of evidence used to 'prove' the deviance of eunuchs was embodied and visual. Outward, corporeal qualities indicated, and were also adequate evidence of, the innate criminality and deviance of *hijras*. Rachel Tolen has noted in the context of the criminal tribes that criminality, envisaged as an 'inward *quality*' of certain peoples,[203] could be defined by certain physical 'tokens,' such as 'Mongolian' features, deportment and personal hygiene.[204] In the

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[198] UPSA/A/COV/119/12: Elliot to Comm Benares, 19 Mar 1873.

[199] BL/IOR/P/96: C.A. Elliot, Secretary, NWP, to Inspector-General of Police, NWP, 21 July 1874. Under the CTA, cross-dressing and public performances were already penal offences for any registered eunuch. However, from 1873, performing and wearing women's clothing were also indicators that an unregistered eunuch should be registered.

[200] See for instance, BL/IOR/P/1138: C. Robertson, Secretary, NWP&O, to all Deputy Commissioners, Oudh, circular no. 900, 24 September 1878; BL/IOR/P/1614: Smith to PA to IG Police, NWP&O, 6 Jul 1881.

[201] UPSA/A/COV/119/12: C.A. Elliot, Secretary, NWP, to Commissioner of Benares, 20 June 1873.

[202] As explained above, colonial law was differentially applied to 'criminal' groups, since the British were more concerned with collective than individual crime.

[203] Italics in original. Tolen, 'Colonizing and Transforming,' 111.

[204] Ibid., 112.

registration of eunuchs, particular bodily 'tokens' were the primary means of identifying and categorising 'criminal' eunuchs and were a tool of policing.[205] Since the deviance of *hijras* was visibly marked upon their bodies in their labour and sartorial choices, the categorisation of eunuchs was a project of 'reading' bodily difference.

The explicit identification of the 'suspicious' eunuch as a transvestite performer also resonated with anxieties about masculinity, obscenity and public space. As noted in Chapter 2, the British ordered different regional and religious groups on a hierarchy of manliness of which British men were the apex, followed by Indian 'martial races' (such as Sikhs and Gurkhas), with the 'effeminate' Bengali at the bottom of the scale.[206] Yet the colonisers perceived the figure of the *hijra* as effeminate, sexually 'deviant' *and* 'impotent'—as a figure of failed masculinity. The 'obscene' performances of cross-dressing eunuchs apparently reflected innate deviance. [207] Therefore, the bawdy performances of transvestite eunuchs were conceived as an 'infection' of public space which needed to be eradicated. The identification of the 'suspicious eunuch' as a transvestite performer intersected with these broader concerns about masculinity and explicit sexuality in the public sphere.

In many districts, the new definition of 'reasonable suspicion' resulted in an immediate increase in the number of registered eunuchs. In Basti, several inquiries had not produced 'suspicious facts' about the local eunuchs, yet following the circular order, 21 eunuchs were deemed 'suspicious.' [208] Similarly, in Benares 29 eunuchs were immediately registered following the circular order.[209]

Nevertheless, according to the NWP&O government, district British officials continued to misinterpret the characteristics of eunuch deviance.[210] For instance, in

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[205] In the case of the criminal tribes, physical signs of criminality were not considered conclusive and were not laid down in government policy as a means to identify a criminal tribes member or used as evidence of their criminality in the manner of eunuchs. Brown, 'Ethnology,' 216.

[206] Mrinalini Sinha, *Colonial Masculinity: The 'Manly Englishman' and the 'Effeminate Bengali' in the Late Nineteenth Century* (Manchester: Manchester University Press, 1995); Sikata Banerjee, *Make Me a Man! Masculinity, Hinduism, and Nationalism in India* (Albany: State University of New York, 2005); Charu Gupta, 'Feminine, Criminal or Manly?: Imagining Dalit Masculinities in Colonial North India,' *Indian Economic and Social History Review* 47, no. 3 (2010): 309-42; Charu Gupta, 'Anxious Hindu Masculinities in Colonial North India: *Shuddi* and *Sangathan* Movements,' *CrossCurrents* 61, no. 4 (December 2011): 441-54.

[207] Whereas colonial officials characterised theatrical cross-dressing in other contexts as a usually 'innocent' practice, when a *hijra* performed in female attire, they were assumed to be a criminal and a sexual deviant. BL/IOR/P/438/62: Simson, 'Replies,' 20 Apr 1866. See Chapter 6.

[208] UPSA/A/COV/119/12: Comm Benares, 'Abstract,' 23 Nov 1875.

[209] Ibid.

[210] BL/IOR/P/1281: E. Tyrwhitt, Inspector-General of Police, NWP&O, to Secretary, NWP&O, 5 July 1879. At first even police headquarters was confused. In 1874, the NWP Inspector-General was still under the misapprehension that evidence of criminal activities was necessary for registration. BL/IOR/P/96: Tyrwhitt to Sec, NWP, 26 Jun 1874.

1880, the NWP&O Secretary, C. Robinson, characterised the identification of 'suspicious' eunuchs in Hardoi division as a failure:

> One unregistered eunuch ... is said to sing and dance in female attire and, if this is so, he should most certainly be registered. ... The Deputy Commissioner of Kheri adds that there was no suspicion of misconduct [against local eunuchs]; and yet he goes on to say that four live by begging and dancing, and the register shows seven living by cultivation and dancing, and one is suspected of committing unnatural offences.[211]

The classificatory principles of the provincial government were not applied in Hardoi as the provincial government intended—allowing performers, cross-dressers and those 'suspected' of sodomy to escape registration—highlighting that fissures and inconsistencies persisted in the categorisation of eunuchs. British administrators within the one division often disagreed on whether individual eunuchs belonged to the deviant category. In Ghazipur district, W. Oldham, the Magistrate, argued that registration was necessary because local eunuchs would otherwise emasculate and prostitute children,[212] while the Superintendent, R.J. Young, characterised the evidence for this 'suspicion' as flimsy, since 'in no single instance' had it been found that 'any of [the eunuchs] had been suspected of committing the crime[s] specified in the Act.'[213] Young's alternative view of eunuch deviance elicited a severe rebuke from D. Carmichael, the Commissioner of Benares,[214] yet this was not the only instance in which British district officials disagreed on the criminality of individual eunuchs.[215] Due to the continued failure of some British administrators to identify 'suspicious eunuchs,' the provincial government used the annual report and government review to correct 'mistakes' in the categorisation of eunuchs at the district level and reinforce the official understanding of eunuchs.[216] The need to annually reiterate official discourse highlights that the classificatory project was fissured and contested. Yet even the provincial government's

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[211] BL/IOR/P/1467: C. Robertson, Secretary, NWP&O, to Inspector-General of Police, NWP&O, 12 July 1880. See also, BL/IOR/P/1816: O.L. Smith, Deputy Inspector-General of Police, NWP&O, to Officiating Inspector-General of Police, NWP&O, 15 May 1882; BL/IOR/P/2002: Smith to IG Police, NWP&O, 4 Jun 1883.

[212] UPSA/A/COV/119/12: W. Oldham, Officiating Magistrate of Ghazipur, to Commissioner of Benares, 6 February 1875. See also, UPSA/A/COV/119/12: Young to PA to IG Police, NWP, 20 Jan 1875.

[213] UPSA/A/COV/119/12: Young to PA to IG Police, NWP, 20 Jan 1875.

[214] UPSA/A/COV/119/12: D. Carmichael, Commissioner of Benares, to Magistrate of Ghazipur, 23 February 1875.

[215] See for instance, BL/IOR/P/1614: Smith to PA to IG Police, NWP, 6 Jul 1881.

[216] Each year reports compiled in the districts were reviewed at the provincial level, and then orders and corrections were circulated to district officials. The annual reports thus circulated information collected at the local level up the administrative hierarchy to the provincial government and back down again to local officials. This facilitated the continual reinforcement of the official discourse on eunuchs, and thus played an important role in the knowledge project of the NWP&O government.

position was sometimes inconsistent, as the administration swung between seeing virtually all eunuchs as deviant and a relatively more nuanced view.[217]

By the 1880s, the broad definition of the 'suspicious eunuch' adopted a decade earlier was called into question when British officials determined that significant numbers of eunuchs were in fact 'beyond suspicion' and should be removed from the registers.[218] In 1884, 60 out of a total of 1006 eunuchs registered at the beginning of the year were judged to be respectable and removed from the registers,[219] while the following year, another 61 were deregistered.[220] Those eunuchs who were deregistered were on the whole either deemed to be neither 'deviant' nor 'criminal' due to their old age,[221] or had found 'productive' or 'harmless' paid employment.[222] The declassification of eunuchs highlights that deviant gender and sexuality were not the only axes on which eunuchs were categorised: class, labour and age were also important. Moreover, the accuracy of the original categorisation of eunuchs was once again called into question.[223] The classification of eunuchs was thus an ongoing process and the boundaries of the category of the 'suspicious eunuch' continued to shift. While it is important to recognise that the overall thrust of contact between *hijras* and the colonial government was one of marginalisation and criminalisation, the attitudes towards, and understanding of, eunuchs amongst British officials in the districts was by no means

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[217] For instance, the provincial government changed the definition of a 'suspicious eunuch' to encompass all able-bodied and mentally unimpaired eunuchs in 1890. BL/IOR/P/3606: 1890 NWP&O Police Proceedings, Part B Matters of Routine, August, no.40.

[218] BL/IOR/P/1816: Smith to IG Police, NWP&O, 15 May 1882.

[219] BL/IOR/P/2208: O.L. Smith, Deputy Inspector-General of Police, NWP&O, to Inspector-General of Police, NWP&O, 26 June 1884.

[220] BL/IOR/P/2460: O.L. Smith, Deputy-Inspector General of Police, NWP&O, to Inspector-General of Police, NWP&O, 27 April 1885. By the end of the decade, the provincial government was concerned that district officials had deregistered eunuchs too hastily and a report into the reasons for the deregistration of each individual was thenceforth required, yet the numbers on the registers continued to dwindle. BL/IOR/P/3382: 1889 NWP&O Police Proceedings, Part B Matters of Routine, November, no. 20; BL/IOR/P/4919: 1896 NWP&O Police Proceedings, Part B Matters of Routine, June, no. 4; BL/IOR/P/4919: 1896 NWP&O Police Proceedings, Part B Matters of Routine, July, no. 42; BL/IOR/P/4919: 1896 NWP&O Police Proceedings, Part B Matters of Routine, December, no. 6.

[221] BL/IOR/P/1816: Smith to IG Police, NWP&O, 15 May 1882; BL/IOR/P/1816: R.T. Hobart, Officiating Inspector-General of Police, NWP&O, to Officiating Secretary to Government, NWP&O, circa 1882; BL/IOR/P/1281: G.H.C. Noad, Personal Assistant to the Inspector-General of Police, NWP&O, 'Statement showing the number of eunuchs who are registered in the districts of the North-Western Provinces, under Part II. of Act XXVII. of 1871, for the year 1878,' 5 July 1879; BL/IOR/P/1816: O.L. Smith, Deputy Inspector-General of Police, NWP&O, 'Statement showing the number of Eunuchs who are registered in the districts of the North-Western Provinces and Oudh, under Part II. of Act XXVII. of 1872, for the year 1881,' 15 May 1882.

[222] BL/IOR/P/1614: Smith to PA to IG Police, NWP&O, 6 Jul 1881. See also, BL/IOR/P/2460: Smith to IG Police, NWP&O, 27 Apr 1885.

[223] By 1896, there were only 594 eunuchs registered in the NWP. UPSA/A/COA/18/5: T.W. Holderness, Secretary, NWP&O, to Inspector-General of Police, NWP&O, 7 August 1896; UPSA/A/COA/18/5: E. Berril, Deputy Inspector-General of Police, NWP&O, to Inspector-General of Police, NWP&O, 1 May 1896.

homogenous.[224] Even after the provincial administration established a set of visible, corporeal characteristics to aid categorisation, the category of the 'suspicious eunuch' was in a process of repeated construction and reconstruction and was often questioned from within the colonial administration.

My argument thus questions the genealogy of colonial representations of *hijras* presented in a recent thesis by Shane Gannon. Gannon argues that following the enactment of the CTA in 1871, there was a 'consensus' on the characteristics of *hijras* that was articulated in the India-wide censuses.[225] Although Gannon admits that census categories were not 'accepted uncritically or universally,'[226] he sees this primarily as a conflict between the 'data' collected at the local level and official 'representations.'[227] Gannon argues that British census authors reinforced the representation of *hijras* in colonial discourse and ignored or undermined the raw data of the census.[228] However, I have demonstrated that conflicts between intelligence collected at the local level and the dominant colonial representation did not always result in the reassertion of the latter. Gannon's argument seems to suggest that the colonial representation of *hijras* existed prior to interactions with various indigenous informants. Gannon examines published orientalist texts and high-level official correspondence, rather than the construction of knowledge 'on the ground' in asymmetrical dialogues with vernacular local knowledge. As such, Gannon overestimates the degree of consensus in the official understanding of eunuchs after 1871. The CTA was not a 'climax' in the construction of *hijras* that anchored previously contested representations, as Gannon argues.[229]

The space where multiple local vernacular forms of knowledge about eunuchs met the intelligence structures of the colonial state was a site of contested knowledge production. British officials were required to separate eunuchs into suspicious and respectable sub-categories, but their interpretation of local intelligence and understandings of eunuch deviance often varied. The provincial government aimed to iron out these inconsistencies by establishing a set of outward, visible characteristics that were evidence of eunuch criminality. Yet ambiguities in categorisation persisted, highlighting that the CTA did not fix colonial understandings of *hijras* and other

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[224] Admittedly, British officials who argued that local eunuchs were not deviant made their arguments in the terms of government discourse: they were *not* habitual sodomites; they did *not* kidnap and castrate children; they were *not* a public nuisance, and so on. These officials nevertheless undermined the colonial project of classification and regulation and questioned colonial assumptions.
[225] Gannon, 'Translating the *Hijra*,' 247.
[226] Ibid., 300.
[227] Ibid., 249-50.
[228] Ibid., 250.
[229] Ibid., 247.

'eunuchs.' We will see in later chapters[230] that the boundaries of the 'eunuch' category altered at several points in the history of the registration of eunuchs. The following section moves to one particular aspect of knowledge production British officials considered particularly important to the control of *hijras*—their enumeration.

Enumeration and the extinction of *hijras*

An enormous volume of correspondence and many hours of work were devoted to the enumeration of eunuchs—particularly those categorised as 'suspicious'—in the NWP&O. Statistics had to be accurate, down to the last eunuch. The accuracy of enumeration in a given district was the primary means by which the government measured the success or failure of the implementation of the CTA.[231] The administration also envisaged the compilation of registers as the nucleus of a broader apparatus of surveillance and regulation: eunuchs could not be controlled unless their existence was counted. According to Hobart, the Inspector-General, if eunuchs were inaccurately enumerated they 'would be lost sight of, and would pass from under surveillance.' Hobart endowed the act of inscribing a eunuch's name on a police register with enormous significance: 'So long as a name is on a public register ... the law will be properly worked.'[232] Oftentimes the NWP&O government prioritised knowing how many eunuchs there were in the province over actually regulating or surveiling them.[233] This begs the question of why there was such attention to the accuracy of enumeration and why eunuchs were individualised in statistics to this degree.

The preoccupation with the enumeration of eunuchs in the NWP&O related to broader attempts to monitor populations that were characteristic of modern governance. Foucault highlighted that from the eighteenth century, the aim of 'governmental power' was the management of populations, particularly through forms of knowledge such as statistics.[234] In the colonial context, several historians have noted that by the second half of the nineteenth century—particularly from the compilation of the first all-India

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[230] See particularly Chapter 7.
[231] For instance, in 1883, Smith, the Deputy Inspector-General of Police, judged the 'general working' of the CTA on the basis of the precision of the annual enumeration of eunuchs, the quality of reporting and the regular updating of registers to include migrating eunuchs. BL/IOR/P/2002: Smith to IG Police, NWP&O, 4 Jun 1883.
[232] BL/IOR/P/1614: R.T. Hobart, Officiating Inspector-General of Police, NWP&O, to Secretary, NWP&O, circa 1881.
[233] As we will see in Chapter 4, this was particularly the case in the surveillance of eunuch's mobility.
[234] Foucault, 'Governmentality,' 87-104.

census in 1871—the colonial government was characterised by an 'enumerative habit.' Arjun Appadurai has argued that whereas the British government was primarily concerned with the enumeration of 'deviant' and marginalised populations in the metropole, in India, the British regarded the entire Indian population as problematic and therefore in need of minute enumeration.[235] Yet other historians have argued the intensity of colonial enumeration varied considerably between different contexts. Radhika Singha has argued that populations considered criminal or on society's margins—the 'deviant fringe'—were particularly concentrated sites of enumeration.[236] In the context of female prostitution, Ashwini Tambe has shown that statistics of Indian prostitutes 'were always estimates,' whereas there was an 'intense individuation' of European prostitutes because the colonial government was invested in the maintenance of racial boundaries.[237] Eunuchs were also highly individualised in colonial statistics due to the percieved connection between the enumeration of eunuchs and their passive extermination.

For the NWP&O government, the 'true object' of the registration of eunuchs was the prevention of emasculation, which would stop the reproduction of the *hijra* community and cause eunuchs to 'die out.'[238] Knowing the precise eunuch population would allow the prosecution of new cases of emasculation and thus engender a decline in eunuchs from death.[239] In 1881, Hobart emphasised that counting eunuchs aimed to determine the '*real* decrease by death' in the number of eunuchs and track the progress of extermination.[240] In the province-wide statistical summary, the figure of how many

[235] Arjun Appadurai, 'Number in the Colonial Imagination,' in *Orientalism and the Postcolonial Predicament: Perspectives on South Asia*, eds. Carol A. Breckenridge and Peter van der Veer, 316-7 (Philadelphia: University of Pennsylvania Press, 1993).

[236] Singha, 'Colonial Law,' 92. Whether colonial enumeration was a result of the effective importation of modern European administrative techniques to India, or a result of interaction between European and pre-colonial enumeration is also a matter of debate. Peabody persuasively argues the latter. Peabody, 'Cents, Sense, Census,' 822-3.

[237] Ashwini Tambe, *Codes of Misconduct: Regulating Prostitution in Late Colonial Bombay* (New Delhi: Zubaan, 2009), 65-4.

[238] BL/IOR/P/2460: H.B. Webster, Inspector-General of Police, NWP&O, to Secretary, NWP&O, 22 May 1885. The Secretary reminded Webster that the CTA had other purposes. However, it is evident that these additional objectives (which, interestingly, were not specified by the Secretary) were seen as secondary. BL/IOR/P/2460: J. Woodburn, Secretary, NWP&O, to Inspector-General of Police, NWP&O, 1 July 1885.

[239] BL/IOR/P/438/61: R. Simson, Secretary to Government, NWP, to Secretary, Government of India, 9 June 1865; BL/IOR/P/438/61: Dodd to all SIs Police, NWP, 30 Jun 1865; BL/IOR/P/438/61: Sapte to Sec, NWP, 16 Sep 1865; BL/IOR/P/96: Tyrwhitt to Sec, NWP, 26 Jun 1874; BL/IOR/P/96: Elliot to IG Police, NWP, 21 Jul 1874.

[240] Hobart wrote, 'It would appear that 1,395 eunuchs were originally registered in [these] districts, and that this is the *true* number [of the eunuch population]. ... There were 1,154 in our registers at the beginning of the year 1881, and ... the *real* decrease by death and permanent removal to other states and provinces was 83, and the *true* increase by registration of new names was 35: so that the *true* resultant

eunuchs died was the most important statistic and was highlighted out of the total decline or increase in the number of eunuchs.[241] Significant numbers of deaths were viewed as a good sign, while there was a note of regret when district officials reported small numbers of deaths. In 1879, Tyrwhitt, the NWP&O Inspector-General of Police, wrote that a 'considerable decrease in the total number' of eunuchs in Agra division 'may confidently be looked for within a very few years,' since, '52 of the men are stated to be above the age of 60 years.'[242] Indeed, the following year Agra authorities reported that another 33 eunuchs had died and that the eunuch 'class' appeared 'to be rapidly dying out by natural causes.'[243] Conversely, Tyrwhitt was disappointed that in Allahabad, '[t]hree only died during the year.'[244]

Since the gradual extinction of eunuchs depended on their regular and precise enumeration, minute discrepancies in statistics took on enormous significance.[245] To give merely one example, in 1884, the Secretary, J. Woodburn, outlined at length mistakes in enumeration, although they amounted to a discrepancy of only two figures. The Secretary pointed out that 'the number at the end of the year is given [in the annual report] as 788; but this is a mistake, and the number should be 790.'[246] The Secretary referred to individual cases of additions or removals from the register, asked for explanation of each 'singular case' and corrected the report's statistical statement.[247] In fact, the NWP&O government criticised discrepancies of one or two figures in virtually every government review.[248] These statistical errors generated enormous volumes of correspondence between district authorities and police headquarters, and significant work for the latter in reconciling statistical statements.[249] Inconsistencies in particular statistics that allowed the administration to track the overall or year-by-year decline in

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figure at the year's end would appear to be 1,154-83+35=1,106.' Italics added. BL/IOR/P/1816: Hobart to Sec, NWP&O, circa 1882.

[241] BL/IOR/P/2002: Smith to IG Police, NWP&O, 4 Jun 1883; BL/IOR/P/1816: Smith, 'Statement,' 15 May 1882.

[242] BL/IOR/P/1281: Tyrwhitt to Sec, NWP&O, 5 Jul 1879.

[243] BL/IOR/P/1467: H.B. Webster, Inspector-General of Police, NWP&O, to Secretary, NWP&O, 31 May 1880.

[244] Italics added. BL/IOR/P/1281: Tyrwhitt to Sec, NWP&O, 5 Jul 1879. Moreover, the provincial government severely criticised the few cases of 'fresh' emasculations that surfaced. BL/IOR/P/1614: Smith to PA to IG Police, NWP&O, 6 Jul 1881; BL/IOR/P/1614: Hobart to Sec, NWP&O, circa 1881.

[245] The statistics provided at the district level were scrutinised by three levels of superiors: the divisional Commissioners; the office of the Inspector-General of Police; and the NWP&O Secretary.

[246] BL/IOR/P/2460: Woodburn to IG Police, NWP&O, 1 Jul 1885.

[247] Ibid.

[248] See, for example BL/IOR/P/1467: Webster to Sec, NWP&O, 31 May 1880; BL/IOR/P/1467: C. Robertson, Secretary, NWP&O, to Inspector-General of Police, NWP&O, 12 July 1880; BL/IOR/P/1614: Smith to PA to IG Police, NWP&O, 6 Jul 1881; BL/IOR/P/1816: Smith to IG Police, NWP&O, 15 May 1882; BL/IOR/P/2460: Woodburn to IG Police, NWP&O, 1 Jul 1885.

[249] BL/IOR/P/1614: Smith to PA to IG Police, NWP&O, 6 Jul 1881; BL/IOR/P/1816: Hobart to Sec, NWP&O, circa 1882.

the number of registered eunuchs came in for particular criticism [250] because, in Tyrwhitt's words, such mistakes made it impossible to 'conclusively' demonstrate whether 'the evil [of eunuchs] is dying out year by year.' [251] Even when the actual impact of a discrepancy in enumeration was negligible, any impediment to the accurate determination of the decrease in the eunuch population incurred severe criticism.

On the one hand, the NWP&O government was determined to accurately count eunuchs, highlighting the centrality of enumeration to the colonial governance of 'problem' populations. On the other hand, 'failures' of enumeration—however seemingly minuscule and inconsequential—repeatedly frustrated the provincial government. Gaps in statistics of eunuchs provoked considerable anxiety on the part of the provincial government, demonstrating the limits and instability of the colonial enumeration and management of indigenous populations.

The localised impacts of colonial regulation

Although the provincial government anticipated that eunuchs would be closely watched at the local level, and the law strictly enforced, this was not always borne out in practice. Some eunuchs were under relatively strict police surveillance, while in other districts police enforcement was lax. The uneven nature of the surveillance and regulation of eunuchs requires an analysis of the localised impacts of the CTA. We need to attend to the inter-personal interactions that constituted eunuch-state contact 'on the ground,' and the power dynamics of those exchanges, rather than merely approach the colonial government as an abstract entity. Thus, I adopt a similar approach to 'anthropology of the state' literature to analyse *hijras*' everyday contact with colonial agents. [252] Considerable variation in the intensity of police surveillance between districts created 'cracks' in the colonial control of eunuchs and possibilities for resistance. [253]

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[250] BL/IOR/P/1281: Tyrwhitt to Sec, NWP&O, 5 Jul 1879; BL/IOR/P/1614: Robertson to IG Police, NWP&O, 19 Sep 1881; BL/IOR/P/1467: Robertson to IG Police, NWP&O, 12 Jul 1880; BL/IOR/P/1138: E. Tyrwhitt, Inspector-General of Police, NWP&O, to Secretary, NWP&O, 28 May 1878. By 1883, the Deputy Inspector-General had abandoned all reference to the number originally registered because the initial 'registrations seem[ed] to have been hurriedly and incorrectly made.' BL/IOR/P/2002: Smith to IG Police, NWP&O, 4 Jun 1883.

[251] BL/IOR/P/1281: Tyrwhitt to Sec, NWP&O, 5 Jul 1879.

[252] See the introduction for a discussion of this literature. Fuller and Harris, 'For an Anthropology,' 1-30; Gupta, 'Blurred Boundaries,' 375-402; Aretxaga, 'Maddening States,' 393-410.

[253] On eunuch resistance see Chapter 4.

Although British district officials were responsible for overseeing the surveillance of eunuchs,[254] and some British Superintendents and Magistrates—for instance, those in Azamgarh and Lucknow—personally interviewed eunuchs,[255] the primary contact between the colonial government and eunuchs occurred in inter-personal interactions between subordinate Indian police and registered eunuchs.[256] The officer in charge of a local police station was charged with finding the 'suspicious eunuchs' within his jurisdiction and keeping an eye on them, as well as assessing the value of their property, monitoring and reporting on their movements, enforcing the prohibition of performance and the wearing of female clothing, and discovering any children residing with eunuchs.[257] In many cases, subordinate police had exercised 'quasi surveillance' over eunuchs since at least the mid-1860s and knew individual *hijras* reasonably well,[258] highlighting that the colonial state, at least in the form of its Indian agents, was experienced by *hijras* as 'close to the skin.'[259] *Hijras'* interactions with subordinate Indian police were embedded in the power structures of local communities, highlighting that the colonial state was not divorced from society at the local level.[260]

It is difficult to determine to what extent registered eunuchs felt the presence of the local Indian police in their daily lives and where police surveillance was most acute. It seems that officers in charge of police stations periodically sent out subordinates to inspect the dwellings of eunuchs and monitor their numbers.[261] However, the intensity

[254] The British District Superintendent of Police oversaw subordinate Indian police and was responsible for ensuring an adequate level of surveillance was maintained over eunuchs, while the British Magistrate oversaw the district register of eunuchs and approved all changes to it. BL/IOR/P/93: Elliot to all Mags and Comms and IG Police, NWP, 8 Jul 1872.

[255] UPSA/A/COV/119/12: B. Alone, Officiating Superintendent of Police, Azamgarh, to Magistrate of Azamgarh, 6 May 1873; BL/IOR/P/2002: G.J. Low, Superintendent of Police, Lucknow, 'Eunuchs: Working of Part II of Act XXVII of 1871 during the Year 1881,' 14 September 1882; UPSA/A/COM/9/2: Martin to Comm Meerut, 15 Jul 1865.

[256] UPSA/A/COV/119/12: Young to PA to IG Police, NWP, 20 Jan 1875.

[257] BL/IOR/P/93: C.A. Elliot, Secretary, NWP, to Secretary, Government of India, 8 February 1872; BL/IOR/P/93: C.A. Elliot, Secretary, NWP, to all Magistrates and Commissioners and Inspector-General of Police, NWP, notification no. 1029A, 8 July 1872.

[258] UPSA/A/COV/119/12: Amson to Comm Benares, 16 Nov 1872. As noted above, in some cases, the district Superintendent charged an Indian Inspector with the investigation and monitoring of eunuchs. UPSA/A/COV/119/12: Annesley to Mag Benares, 12 Apr 1873; UPSA/A/COM/29/8: W.A. Short, Superintendent of Police, Muzaffarnagar, to Magistrate of Muzaffarnagar, 3 December 1872.

[259] Aretxaga, 'Maddening States,' 396.

[260] The provincial government also envisaged an important role for *chaukidars*, who were expected to report to the police station the movements of eunuchs, their 'habits' and the presence of any children in *hijra* households. BL/IOR/P/438/61: R. Simson, Secretary, NWP, to Inspector-General of Police, NWP, 9 June 1865.

[261] When the CTA was first introduced, for instance, police compiled registers of moveable and unmoveable property and examined eunuchs' dwellings. UPSA/A/COM/29/8: Elliot to Comm Meerut, 19 Mar 1873; UPSA/A/COM/29/8: Mag Bulandshahr, 'Register,' 9 Jan 1873; UPSA/A/COV/119/12:

and regularity of surveillance probably varied. While eunuchs were reasonably closely surveiled in some districts, in other districts, inspections may have occurred only once a year, immediately prior to the compilation of the annual report. In addition, chance encounters in the streets, bazaars and *melas* (religious fairs) formed an occasional point of contact with the state. Religious festivals, in particular, were sites where police apprehended eunuchs for performance and cross-dressing.[262]

The surviving colonial records erase the power dynamic of these encounters with subordinate Indian police. I have found only one reference to the coercive aspects of these encounters, and this is a reference to former practices. In 1876, several Superintendents complained that the 'summary but very efficient procedure' previously used to prevent performance and cross-dressing—forcibly stripping *hijras* and *zananas* of their female clothing and cutting off their long hair—was not possible under the CTA, which provided legal (though apparently less effective) means of control. However, Hobart, the Deputy Inspector-General of Police hinted that humiliating and even violent behaviour towards eunuchs occurred in some districts under the CTA, although 'as a rule' these methods were no longer used.[263] It is likely that threatened or real violence continued to be an aspect of *hijras*' encounters with the police after the enactment of the CTA. I speculate that this established a pattern of police-*hijra* interactions at the local level in north India that forms an important backdrop to, if not a direct cause of, contemporary police abuse of *hijras* in India today.[264]

Although the provincial government aimed for the 'careful watching' of *hijras*, this did not eventuate in many districts under the CTA. Government anxieties about gaps in surveillance highlight the considerable disparity in surveillance between local contexts, the limits of colonial power and the extent to which eunuchs were able to undermine the enforcement of the CTA. In the first two years the CTA was enforced, reports from some districts indicated that local police were exercising significant supervision of eunuchs. In Hamirpur, the Magistrate reported registered *hijras* 'hardly

H.B. Webster, Magistrate of Gorakhpur, 'Register of property possessed by Eunuchs borne on the Rolls of Register No. 1 under Act XXVII of 1871 District Goruckpore,' circa 1872-3.

[262] UPSA/A/COV/119/12: C. Robertson, Officiating Magistrate of Mirzapur, to Commissioner of Benares, 28 March 1873; BL/IOR/P/1467: Webster to Sec, NWP&O, 31 May 1880; BL/IOR/P/1614: Smith to PA to IG Police, NWP&O, 6 Jul 1881.

[263] UPSA/A/COV/119/12: Hobart to IG Police, NWP, 21 Jun 1876.

[264] 'Human Rights Violations Against the Transgender Community: A Study of *Kothi* and *Hijra* Sex Workers in Bangalore, India – September 2003),' People's Union for Civil Liberties, Karnataka, accessed 24 August 2012, http://ai.eecs.umich.edu/people/conway/TS/PUCL/PUCL%20Report.html; 'Ongoing police violence against *hijras* in India,' International Lesbian, Gay, Bisexual, Trans and Intersex Association, accessed 24 August 2012, http://ilga.org/ilga/en/article/233.

[knew] what to do,'[265] while in Muttra district the eunuchs were 'impatient under the registration,' which was seen as a 'good sign' that the system of surveillance was effective.[266] Yet in the districts of Rohilkhand and elsewhere the law apparently had 'but little practical effect' and was a 'dead letter.'[267] Although the provincial government ordered districts where there was lax surveillance to enforce the CTA, and called into question the integrity of the responsible British officials,[268] a significant degree of variation in the surveillance of eunuchs persisted across the province. Almost every annual report on the registration of eunuchs complained of the uneven application of surveillance. In 1896, the authorities in Allahabad division had failed to even check the numbers of registered eunuchs to determine how many had died or left the district. In contrast, British Superintendents of Police in Meerut, Bulandshahr, Aligarh and several other districts had personally interviewed each eunuch on the register.[269] The lax surveillance of eunuchs in some districts was due in part to the already noted disinterest of many British district administrators in policing *hijras* and the deprioritisation of the 'eunuch problem' by Indian police.[270] However, police resources were also inadequate to the task of 'closely watching' *hijras*, creating fissures in surveillance.

Although the provincial government considered the surveillance of eunuchs inadequate in some districts, it rejected proposals to extend policing powers. On several occasions, British officials called for a pass system or police escorts for migrating eunuchs to improve the surveillance of eunuchs' movements, since the CTA provided no means to restrict eunuch mobility.[271] A few officials proposed that police should be empowered to conduct night-time searches of *hijra* households without a search warrant.[272] Yet in each instance, the provincial government rejected proposals to extend policing powers, arguing that this would 'interfere' too much with eunuchs'

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[265] BL/IOR/P/97: Hobart to IG Police, NWP, 4 May 1875.

[266] BL/IOR/P/96: Tyrwhitt, to Sec, NWP, 26 Jun 1874.

[267] BL/IOR/P/97: Hobart to IG Police, NWP, 4 May 1875; BL/IOR/P/97: A. Colvin, Secretary, NWP, to Inspector-General of Police, NWP, 12 August 1875.

[268] UPSA/A/COV/119/12: Elliot to Comm Benares, 20 Jun 1873; UPSA/A/COV/119/12: C. Robertson, Officiating Magistrate of Mirzapur, to Officiating Commissioner of Benares, 1 July 1873.

[269] UPSA/A/COA/18/5: Berril to IG Police, NWP&O, 1 May 1896.

[270] See Chapter 6 for a discussion of these factors in the enforcement of the prohibition on performance and feminine dress.

[271] UPSA/A/COV/119/12: H.B. Webster, Officiating Commissioner of Benares, to Secretary, NWP, 13 March 1877; BL/IOR/P/1138: Tyrwhitt to Sec, NWP&O, 28 May 1878.

[272] BL/IOR/P/2208: H.B. Webster, Inspector-General of Police, NWP&O, to Secretary, NWP&O, 15 July 1884; UPSA/L/J/C/61/456: J.O.M, Judicial Department Memorandum, 23 August 1884.

'freedoms.'[273] Despite this notion of eunuch rights and the rhetoric of the rule of law, pragmatic considerations were also at play. This chapter has demonstrated the significant administrative work the registration, enumeration and surveillance of eunuchs generated. The provincial government was not willing to increase the bureaucratic burden of controlling eunuchs, revealing the limits of the colonial regulation.

In sum, the disinterested attitudes of some British district officials and Indian police officers towards policing *hijras*, inadequate policing resources and pragmatic compromises meant the regulation of *hijras* was uneven between different local contexts. While gaps in surveillance engendered weak points in the control of *hijras* and other 'eunuchs' and, as we will see in later chapters, created possibilities for resistance, it is important to remember that some registered eunuchs felt the full brunt of the law. Nevertheless, this study shows that colonial power and its impacts on eunuchs was fissured and uneven, with devastating impacts in some contexts and possibilities for resistance in others.

Conclusion

This chapter has argued that both colonial knowledge and power were uneven, producing fissures in intelligence, categorisation, enumeration, and surveillance. The registration of *hijras* demonstrates that colonial projects to manage 'problem' populations were fractured and varied between particular, localised contexts. In the 1850s and 1860s, the NWP government 'discovered' *hijras* in a series of criminal cases that 'proved' certain 'facts' about the community. Universalising constructs of *hijra* criminality were abstracted from these discrete instances of crime, in which *hijras* featured as both alleged victims and perpetrators. Considering their small numbers and social marginality, *hijras* might appear an odd preoccupation of the colonial government, particularly in the aftermath of widespread revolt in 1857—surely the colonisers had more pressing issues to address? Yet several broader colonial concerns came together in the figure of the *hijra*—including colonial understandings of criminality, anxieties about uncontrolled mobility, constructs of childhood, the marginalisation of deviant domesticities, and efforts to cleanse and order public space— all of which intersected with gender and sexuality. Moral panic was fuelled not only by

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[273] UPSA/L/J/C/61/456: C.J. Connell, Secretary, NWP&O, Judicial Department Memorandum, 27 August 1884.

the contingency of the 'eunuch problem' on broader colonial preoccupations, but also by the inability of the colonial government to transparently and coherently know the *hijra* community. Lacunas in colonial knowledge in fact bolstered calls for legislation, resulting in the Criminal Tribes Act of 1871.

Local vernacular knowledge from a variety of sources—including *hijras*, their neighbours, 'respectable' Indians and the subordinate Indian police—was important to the formation of colonial knowledge, which was in an ongoing process of construction and reconstruction. Ideas about Indian gender and sexual 'deviants' were *formed in* the colony, rather than simply 'imported' from the metropole, in the context of an asymmetrical dialogue with plural forms of local knowledge. As a result, there was not a clear consensus on the characteristics of the deviant eunuch amongst British officials at the district level. When they attempted to separate eunuchs into 'respectable' and 'suspicious' sub-categories, and register the latter, British officials adopted a variety of policies and incorporated local knowledge into their understandings of eunuchs to varying degrees. The provincial government aimed to introduce uniformity in the categorisation of eunuchs by identifying the visible, physical characteristics of the 'suspicious' eunuch, but was not entirely successful in doing so. Understandings of the criminal type of the eunuch were not homogenous, even amongst British officials, while the categorisation of eunuchs was characterised by repeated failures and the shifting of classificatory boundaries.

The provincial government repeatedly complained of inadequate enumeration and surveillance at the district level after 1871. According to the provincial government, the presence of a name on a register, or a figure on a statistical table, ensured the eunuch would be 'watched.' Moreover, enumeration was crucial to the provincial government's agenda of the passive extermination of eunuchs. As a result, eunuchs were highly individualised in statistics and the provincial government was preoccupied with minute discrepancies. This highlights both the centrality of enumeration to colonial governmentality and the anxieties that the limits of colonial statistics provoked. 'Gaps' in the surveillance of eunuchs resulted in uneven enforcement of the law between districts. Colonial power was therefore dispersed across sites of greater and lesser concentration and was not uniform across the province. As such, the CTA had varied localised impacts upon registered eunuchs. In the following chapter, I examine how these 'cracks' in the edifice of colonial power provided small opportunities for resistance, evasion, negotiation and strategies of coping, which *hijras* grasped and expanded.

Chapter 4

Negotiating Colonial Power: The Everyday Lives of *Hijras* under Criminalisation

In the past decade, *hijras* have become a hyper-visible symbol of the movement for queer rights in contemporary India. In the context of legal challenges to the criminalisation of 'unnatural' sexual intercourse under section 377 of the Penal Code,[1] and highly publicised gay pride marches in Indian cities, *hijra* activism, protest and resistance have come to the foreground of national debates about sexuality. *Hijra* activists have drawn attention to the stigmatisation and marginalisation of *hijras* as 'sexual minorities' and have made calls for political and social rights as full citizens. Several *hijras* have run for public office, in some cases arguing their eunuch-hood and inability to bear children provides a bulwark against corruption.[2] Perhaps the predominant mode through which the twenty-first century English-language, urban press sees *hijras* is as resistors to gender and sexual norms. An August 2012 *Times of India* article describing three *hijras* running in local Mahrashtra elections highlighted that, in the face of abandonment by their families and 'castigat[ion] by the society at large,' they were not ones 'to accept their fate … [and] decided to change their destiny.'[3] These themes of *hijra* resistance and emancipation have also influenced academic scholarship. According to Ratna Kapur, 'sexual subalterns' such as *hijras*, as well as 'sex workers, gays and lesbians,' 'draw attention to the fluidity of culture' and represent 'a counter-hegemonic possibility' to socially constructed 'truths' about

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[1] Section 377 criminalised 'carnal intercourse against the order of nature with any man, woman or animal,' but has been generally interpreted as criminalising sodomy or homosexuality. Suparna Bhaskaran, 'The Politics of Penetration: Section 377 of the Indian Penal Code,' in *Queering India: Same-Sex Love and Eroticism in Indian Culture & Society*, ed. Ruth Vanita, 15, 22-6 (Routledge: New York, 2002); Arvind Narrain, '"That Despicable Specimen of Humanity": Policing of Homosexuality in India,' in *Challenging the Rule(s) of Law: Colonialism, Criminology and Human Rights in India*, ed. Kalpana Kannabiran and Ranbir Singh, 53-5 (New Delhi: Sage India, 2008); Anjali Arondekar, *For the Record: On Sexuality and the Colonial Archive in India* (New Delhi: Orient Blackswan, 2009), 76-85.
[2] Gayatri Reddy, '"Men" Who Would Be Kings: Celibacy, Emasculation, and the Re-Production of *Hijras* in Contemporary Indian Politics,' *Social Research* 70, no. 1 (Spring 2003): 163-200.
[3] Vinita Chaturvedi, 'Saada haq, aitke rakh!,' *The Times of India*, 8 December 2011, accessed 10 August 2012, http://articles.timesofindia.indiatimes.com/2011-12-08/people/30490037_1_centre-employee-elections-*hijras*.

sexuality.[4] For Kapur, the presence of *hijras* in Indian society is inherently subversive due to the 'empancipatory potential'[5] of their sexual subjectivity.

On the one hand, the contemporary controversies surrounding the sexual rights of *hijras* call for a history of *hijra* resistance. Much of what is at stake in the present moment was also at stake in the colonial context, in particular the criminalisation of forms of sexuality and resistance to the law. Yet on the other hand, the contemporary lens does not account for the complexities of *hijra* lives under criminalisation in the past, and possibly in the present.

First, the contemporary paradigm sees *hijra* resistance through the lens of direct and organised forms of resistance and protest. This emphasis on organised political action does not encapsulate the multiplicity of ways in which nineteenth century *hijras* challenged the colonial government. In this chapter, I focus on various forms of resistance, from the everyday and seemingly innocuous to the direct and dramatic, while also showing the various strategies eunuchs used to cope under colonial criminalisation. Eunuchs directly challenged the colonial project of surveillance and regulation through: petitioning government; breaking colonial laws against performance, cross-dressing and emasculation; evading the police; escaping, disappearing and migrating; and resisting interference with *hijra* inheritance practices. In addition to these more direct forms of challenge, mundane and everyday practices are equally important to our understanding of the agency of *hijras*. The meanings embedded in *hijras*' daily practices—such as alms-collection, religious worship and the re-telling of oral traditions—subverted elite Indian and colonial discourses and are significant to our understanding of the social meanings of their everyday lives. We also need to examine acts of negotiation and collaboration that did not dramatically undermine colonial control but merely aimed to ameliorate eunuchs' circumstances. All these forms of agency are important, since they shed light on the lives of *hijras* and other 'eunuchs' and how they sought to challenge, or simply coped with, colonial modernity.

Second, contemporary Indian and international discourse—popular, activist and scholarly—tends to reify *hijra* personhood in terms of gender and sexuality. For instance, Kapur's 'sexual subaltern' tends to simplify *hijras* as persons whose

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[4] Ratna Kapur, "'A Love Song to Our Mongrel Selves": Hybridity, Sexuality and the Law,' *Social & Legal Studies* 8, no. 3 (1999): 360. See also, Ratna Kapur, *Erotic Justice: Law and the New Politics of Postcolonialism* (Delhi: Permanent Black, 2005).
[5] Kapur, 'Hybridity, Sexuality,' 360-1.

subjectivity or identity is primarily based on sexuality.[6] However, *hijra* identity was more complex, multifaceted and contingent in the nineteenth century. Gender and sexuality were important to, but not necessarily the core of, nineteenth century *hijra* identities, while registered eunuchs did not test power through sexuality or gendered embodiment alone. Even acts of resistance that appear to be an assertion of non-normative gender and sexuality—such as illegally wearing feminine clothing—evoked a more complex set of meanings. Similarly, Gayatri Reddy has highlighted that '*hijras* ... construct, experience, and enact their individuality through a *multiplicity* of social differences in addition to that of sexuality.'[7]

Finally, the contemporary moment of *hijra* activism and protest is often read through a narrative of emancipation, which simplifies the relationship between resistance and power, suggesting that acts of resistance are moments of freedom from the power of state or society. This paints the resisting subject as somehow divorced from power, rather than as embedded in power relations. Yet the *hijra* community had its own internal politics and hierarchies, and the agency of *hijras* was contingent on these power dynamics. Moreover, *hijra* discourse was not autonomous from hegemonic discourses. For instance, although the mythology of the *hijra* community subverted both colonial and elite Indian discourses about *hijras*, and legitimised their existence in the face of criminalisation, hegemonic discourses are also evident in *hijra* mythologies. In this chapter, I argue that *hijra* agency under colonial rule demands a more nuanced conceptualisation of resistance and power. Rather than emphasising the emancipatory potential of eunuch resistance, I analyse eunuchs' exercise of agency in their everyday lives as contingent upon wider structures of power in colonial north India, including those within the *hijra* community itself.

This chapter deepens our knowledge of the history of *hijras* and other marginal groups classified as 'suspicious eunuchs,' as well as our understanding of the nature of colonial power and governmentality at the local level. First, this chapter paints a picture of eunuchs' everyday lives in the nineteenth century and tells the story of their agency and survival under colonialism. What were the meanings embedded in their daily lives and how did these contest and negotiate hegemonic discourses? How did registered

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[6] Arguably, third sex/gender analyses, such as Serena Nanda's work, also reify *hijra* identity as based on non-normative gender and sexuality. Serena Nanda, *Neither Man nor Woman: The Hijras of India* (Belmont, California: Wadsworth Publishing Co., 1989).
[7] Gayatri Reddy, *With Respect to Sex: Negotiating Hijra Identity in South Asia* (Chicago: Chicago University Press, 2005), 43. Laurence Cohen also argues that 'sexual difference is experienced and enacted through other forms of hierarchical social difference.' Laurence Cohen, 'The Pleasures of Castration: The Postoperative Status of Hijras, Jankhas, and Academics,' in *Sexual Nature, Sexual Culture*, ed. Paul R. Abramson, 295 (Chicago: Chicago University Press, 1995).

eunuchs attempt to improve their lot through everyday strategies of coping? In what circumstances and through what means did they seek to directly challenge colonial projects of regulation? The second issue that motivates this chapter, and this thesis as a whole, is the nature of colonial power at the local level and its impacts upon marginalised groups. While the previous chapter analysed colonial governmentality from the perspective of British and Indian colonial officials, in this chapter we analyse the uneven application of the CTA from the point of view of the criminalised. Gaps in enumeration, surveillance and enforcement provided opportunities for resistance and evasion, which eunuchs took advantage of and widened. At the same time, the CTA had a devastating impact on many registered communities, sometimes prompting eunuch evasion or escape. We see how the micro-level impacts of the CTA were contingent upon the everyday testing of colonial power by marginalised and criminalised groups. Despite the provincial government's considerable frustration at lax enforcement in some districts, noted in the previous chapter, the provincial government rejected proposals for increased policing powers. There were limits to the measures the NWP&O government was willing to sanction to discipline *hijra* bodies and behaviours, demonstrating both the internal fissures of colonial governmentality and the capacity of *hijras* to frustrate and limit colonial projects in particular, localised contexts.

However, the available sources for this reconstruction of eunuchs' everyday responses to colonial regulation present problems, particularly in relation to the motivations, identities and subjectivities of eunuchs. Often eunuchs' agency and various strategies of survival under colonial regulation are inscribed in the records as mere evidence of criminality, obscuring their agency. Thus, there is a need to analyse both speaking and doing. Eunuchs often 'speak' in the archive through mobility, their presence in certain spaces, visits to shrines, or breaking the law, not through 'speech' per se. I am thus concerned with the 'story of *doing*.'[8]

Analysing power, agency and resistance

It will be useful here to recap my approach to power and the agency of subordinated groups, which was outlined in the introduction. I draw upon aspects of the approaches of the Subaltern Studies collective and James Scott, as well as several scholars who

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[8] Nita Verma Prasad, 'The Litigious Widow: Inheritance Disputes in Colonial North India, 1875-1911,' in *Behind the Veil: Resistance, Women and the Everyday in Colonial South Asia*, ed. Anindita Ghosh, 165 (Ranikhet, India: Permanent Black, 2007).

have critiqued and modified these influential approaches. Like the Subaltern Studies collective, this dissertation studies the lives of the marginalised and foregrounds their responses to colonial modernity.[9] Like Scott, I argue that power relations consist of a process of '"micro" pushing and shoving,' in which subordinated groups constantly test the 'limits of the possible.'[10] I also focus on subordinated groups' practices of 'everyday resistance' (Scott pointed to foot-dragging, sabotage and slander, as well as the 'hidden transcripts' of subordinated groups in folk culture, oral traditions, rumour and euphemisms).[11] As others have argued, the 'production, circulation, negotiation and contestation of meaning in everyday life' is equally important to direct resistance.[12] Strategies of daily coping are also crucial to understanding the everyday lives of subordinated groups and their interactions with dominant groups.

However, unlike Scott and the Subaltern Studies collective, I do not conceive of subaltern groups as autonomous. This view of subordinated politics and culture can simplify power relations in two ways. First, this approach does not recognise that hegemony and the testing of power by subordinated groups are mutually constituted. Like Douglas Haynes, Gyan Prakash and others, I argue power is constantly 'tested and eroded' by subalterns and reconstituted in response. Power and struggle thus 'often coexist and shape each other.'[13] 'Cracks' in the edifice of power provide interstitial possibilities for resistance, which are exploited and widened by subordinated groups through the assertion of their agency.[14] As we saw in Chapter 3, the colonial government's control of eunuchs was fissured, providing possibilities for eunuch resistance. Nonetheless, it is important that these possibilities were won and expanded by eunuchs through breaking the law, evading police surveillance and carving out spaces for resistance, sometimes at considerable risk. Second, as Sherry Ortner and

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[9] Ranajit Guha, 'On Some Aspects of the Historiography of Colonial India,' in *Subaltern Studies I: Writings on South Asian History and Society*, ed. Ranajit Guha, 4-8 (Delhi: Oxford University Press, 1982).

[10] James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven: Yale University Press, 1990), 193, 196-7.

[11] Ibid. See also James C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven: Yale University Press, 1985). Later Subaltern Studies collections also addressed these 'everyday' forms of resistance.

[12] Assa Doron, *Caste, Occupation and Politics on the Ganges: Passages of Resistance* (Farnham, Surrey: Ashgate Publishing, 2008), 15.

[13] Douglas Haynes and Gyan Prakash, 'Introduction: The Entanglement of Power and Resistance,' in *Contesting Power: Resistance and Everyday Social Relations in South Asia*, ed. Douglas Haynes and Gyan Prakash, 4, 13 (Berkeley: University of California Press, 1991). See also, Rosalind O'Hanlon, 'Recovering the Subject: *Subaltern Studies* and Histories of Resistance in Colonial South Asia,' *Modern Asian Studies* 22, no. 1 (1988): 222.

[14] Anindita Ghosh, 'Introduction,' in *Behind the Veil: Resistance, Women and the Everyday in Colonial South Asia*, ed. Anindita Ghosh, 14-6 (Ranikhet, India: Permanent Black, 2007); Prasad, 'The Litigious Widow,' 190.

others highlight, power dynamics should not be reduced to the dominant-subordinated relationship. Subordinated groups are also fractured by various relationships of power,[15] while resistance from individuals and collectives is often partly contingent upon hegemonic discourses and structures.[16] Our discussion of eunuchs' lives under colonial criminalisation begins with the meanings of their everyday practices of alms-collection, ritual and retelling of oral traditions, in the context of interactions with their neighbours and fellow eunuchs.

Hua beta? Kaun sa ghar jaga? Alms-collection under the CTA

By the 1890s, less than 10% of registered eunuchs had 'some definite occupation without resort to beggary.'[17] Partially, this was a reflection of the economic impact of the CTA, since with the prohibition of performance, eunuchs' incomes were significantly reduced. However, some practices that the colonisers classified as 'begging' were crucial to *hijras*' socio-cultural role. In this section, I focus on how alms-collection (labelled 'begging' by the British) enabled *hijras* to cope with the reduction of their livelihoods. I also analyse the ways in which alms-collection expressed meanings that simultaneously contested and reinforced hegemonic discourses. This section focuses on *hijras*, rather than the other groups classified as 'eunuchs,' such as *zananas*, due to the particular importance of alms-collection to the community and because *hijras* comprised a significant proportion of registered eunuchs. The colonial government was not concerned with making eunuchs sedentary or productive, although their mobility and 'non-productive' occupations underlay their construction as criminal. Colonial authorities permitted 'begging,' so long as eunuchs did not perform or wear feminine clothing. This is one of the ironies of the CTA, which worked to keep *hijras* 'criminal,' even as the stated aim was to suppress *hijra* criminality. Yet alms-collection subverted the agenda of the NWP&O government. Alms-collection provided a means to perpetuate *hijras* as a social category, to evoke the sacred connotations of *hijra*-hood and to enact *hijra* identity in the streets and *bazaars*. In this way, alms-collection

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[15] Sherry B. Ortner, 'Resistance and the Problem of Ethnographic Refusal,' *Comparative Studies in Society and History* 37, no. 1 (January 1995): 176-80.

[16] Gloria Goodwin Raheja and Ann Grodzins Gold, *Reimagining Gender and Kinship in North India* (Berkeley: University of California Press, 1994), 11-7. It should be noted that Scott does recognise that the 'hidden transcripts' of subordinated groups are sites of politics amongst the subordinated, although he nevertheless sees subordinated politics as autonomous spaces and does not examine the ways they are embedded in hegemonic discourses. Scott, *Domination*, 118-9, 129-31.

[17] UPSA/A/COA/18/5: T.W. Holderness, Secretary, NWP&O, to Inspector-General of Police, NWP&O, 7 August 1896.

undermined the provincial government's agenda of erasing *hijras* as a distinct socio-cultural category in public space through the prohibition of performance and transvestism.[18]

Alms-collection at households and in public spaces played an important role in the daily lives of *hijras* under the CTA. The colonial ethnologist H.A. Rose described *hijras'* daily alms-collection in the Punjab as such:

> … [A] *hījrā* … goes daily to each *mahallah* (street) and cries *Huā betā? Kaun sā ghar jāgā?* (*i.e.* "Has a son been born?" "Which house has awakened?"). Some child, or [a] sweeperess [sic] … informs [the *hijra*] of the family in which a son or a daughter was born; going to that house he gets two pice for a daughter and four for a son, and informs all the *bhānds, bhandelas,* etc. (players, actors, buffoons, etc.); from that time … all those whose business it is to sing, dance, play, or amuse, begin to come, and after singing or acting for an hour or two demand their presents and go away, only to come back again on the *chhattī* [the sixth day after the birth].[19]

After 1871, the *hijras* of most districts in the NWP&O were still permitted to 'go on their rounds and collect their dues,'[20] so long as they did not perform. Thus, even following their criminalisation, *hijras* continued to assert their right to alms and daily enquire *Hua beta?*, 'Has a child been born?' in their neighbourhoods. *Hijras* also received alms from non-*hijras* on various occasions other than childbirth. Nineteenth century *hijra* communities received grain from cultivators at seed and harvest time,[21] and *hijras* appear to have continued to visit the countryside for this purpose under the CTA.[22] Shopkeepers also gave a fixed amount to *hijras* each year,[23] but this did not prevent *hijras* from requesting money from *bazaar* shoppers and shopkeepers throughout the year.[24] Government correspondence evidences that *hijras* remained a conspicuous presence in the streets and *bazaars* after 1871, and authorities continued to complain of the 'public nuisance' of their 'begging.'[25]

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[18] See Chapter 6.

[19] H.A. Rose, 'Muhammadan Birth Observances in the Punjab,' *The Journal of the Anthropological Institute of Great Britain and Ireland* 37 (July-December 1907): 243.

[20] UPSA/A/COV/119/12: W. Oldham, Officiating Magistrate of Ghazipur, to Commissioner of Benares, 6 February 1875.

[21] R.V. Russell, *The Tribes and Castes of the Central Provinces of India*, vol. 3 (London: Macmillan and Co., Limited, 1916), 207.

[22] Although firm evidence for this practice after 1871 does not exist for the NWP&O, the mobility of *hijras* after 1871 suggests that alms-collection from cultivators continued. See below on eunuch mobility under the CTA.

[23] R.E. Enthoven, *The Tribes and Castes of Bombay*, vol. 3 (New Delhi: D.K. Publishers Distributors, 1997 [1922]), 228; H.A. Rose, *A Glossary of the Tribes and Castes of the Punjab and North-West Frontier Province* (Lahore: The Civil and Military Gazette Press, 1911), 332-3.

[24] John Shortt, 'The *Kojahs* of Southern India,' *The Journal of the Anthropological Institute of Great Britain and Ireland* 2 (1873): 406.

[25] For instance, BL/IOR/P/1816: O.L. Smith, Deputy Inspector-General of Police, NWP&O, to Officiating Inspector-General of Police, NWP&O, 15 May 1882.

Requesting alms provided *hijras* with a means of income following the prohibition of performance and was thus an everyday strategy of surviving under colonial regulation. Colonial records suggest that while *hijras* managed to gain some income from alms-collection, their livelihoods were significantly reduced when the CTA was introduced. Collecting alms without performing and cross-dressing was evidently a less lucrative form of income.[26] Although some *hijras* turned to other occupations—in particular, agriculture or 'hawking' items from village-to-village[27]— most *hijras* continued to collect alms, which perpetuated *hijras*' social role and at least provided a meagre means of income.

However, alms-collection also subverted colonial attempts to criminalise and regulate *hijras* on several levels. Some background on the complex, and potentially subversive, meanings of 'begging' in India will be useful here. Arjun Appadurai writes that begging 'partakes of the emotional and ritual ethos of worship,' while the 'open admission of the radical dependence' of the beggar on the giver 'carries some of the moral authority of asceticism.'[28] Yet Appadurai terms this 'coercive subordination.' Begging is 'tied up with the magical power of words, in which blessing and cursing are two sides of the same coin.'[29] Through 'an exaggerated and intensified enactment of … dependence,' beggars seek to trap the giver in their 'obligation to be generous' as superiors. However, this is an ambiguous enactment, constituting 'a celebration of dependence *or* a subtle (and coercive) complaint about it.'[30]

Turning to *hijras* under colonial modernity, requesting alms following births evoked a set of religious and cultural associations that endowed *hijras* with significant spiritual power, thus subverting colonial criminalising discourses and attempts to cause *hijras* as a socio-cultural category to 'die out.' Through alms-collection, *hijras* evoked the connection between their infertile bodies and their power to bless and curse fertility. *Hijras*' power over fertility was related to Hindu creation myths in which Siva breaks off his *linga* (phallus) and throws it onto the ground, the *linga* becoming 'a source of

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[26] BL/IOR/P/97: R.T. Hobart, Deputy Inspector-General of Police, NWP, to Inspector-General of Police, NWP, 4 May 1875; BL/IOR/P/96: E. Tyrwhitt, Inspector-General of Police, NWP, to Secretary, NWP, 26 June 1874.

[27] See for instance, UPSA/A/COV/119/12: J.J.F. Lumsden, Officiating Magistrate of Gorakhpur, to Officiating Commissioner of Benares, 7 July 1873.

[28] Arjun Appadurai, 'Topographies of the Self: Praise and Emotion in Hindu India,' in *Language and the Politics of Emotion*, ed. Catherine A. Lutz and Lila Abu-Lughod, 101 (Cambridge: Cambridge University Press, 1990).

[29] Ibid.

[30] Italics in original. Ibid.

universal fertility as soon as it has ceased to be a source of individual fertility.'[31] *Hijras'* perceived ability to curse is evidenced in early twentieth century accounts that mention a fear amongst householders that 'calamity' would befall anyone who refused to pay *hijras*.[32] In contemporary India, *hijras* 'believe they have the power to confer fertility on others,' deriving 'universal' procreative power through a lack of individual fertility.[33]

Alms-collection also constructed *hijras* as spiritual ascetics, since these practices enacted an association between the *hijra* community and particular deities. In several regions, *hijras* worshipped Bahucharaji, whose temple was in Gujarat, and in the NWP&O and the Punjab, *hijras* reportedly worshipped *'Mir Bhuchchar.'*[34] *Hijras* also worshiped various local deities, such as *satis* (women burnt on their husbands' funeral pyres) who were worshiped as goddesses.[35] *Hijras* 'consider[ed] themselves … the temples or houses of the goddess.'[36] One colonial ethnologist explained, 'Their claim to alms rests, as with other religious mendicants, in the sacred character which attaches to them.'[37] *Hijras* highlighted their spiritual asceticism by offering a blessing in return for alms. According to the colonial administrator-scholar Bhimbhai Kirparam, *hijras* would 'stand in front of some villager, clap their hands and offer the usual blessing "May mother Bahucharáji do you and your children good" or "Ado Bhaváni," that is, Rise goddess Bhaváni.'[38] Alms-collection was a statement of ascetic *hijra* identity and was crucial to ideals of *hijra* authenticity within the community itself.

In the evocation of power over fertility and *hijras'* self-construction as spiritual ascetics we can see the influence of mainstream, hegemonic discourses and ideologies on *hijra* identities. The association between *hijras* and fertility tied them to procreative sexuality, to which they were both peripheral (as infertile persons) and central (as persons with some power over fertility). Spiritual asceticism was also a significant

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[31] Wendy Doniger O'Flaherty, *Women, Androgynes, and Other Mythical Beasts* (Chicago: University of Chicago Press, 1980), 135.

[32] Enthoven, *Tribes and Castes*, 228. It is probable that collecting alms from cultivators at seed and harvest time also related to *hijras'* fertile power.

[33] Reddy, *With Respect to Sex*, 97.

[34] Italics in original. This may be the same or a similar deity as Bahucharaji from the similarity in their names, although one source rendered Mir Bhuchchar in the masculine. NAI/HD/JB 02/1890 111: Mahtab Rai, Pleader, Delhi, to Private Secretary to Governor-General and Viceroy of India, 1 November 1889.

[35] UPSA/A/COV/119/12: R. Annesley, Officiating Superintendent of Police, Benares, to Magistrate of Benares, 12 April 1873.

[36] Enthoven, *Tribes and Castes*, 226-7.

[37] Russell, *Tribes and Castes*, 209.

[38] Bhimbai Kirparam, 'Pavávás,' in *Hindu Castes and Tribes of Gujarat*, ed. James Campbell, vol. 2, 506-8 (Haryana: Vintage Books, 1988).

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ideal of personhood in India, invested with a degree of power.[39] However, alms-collection subverted colonial attempts to cause eunuchs to 'die out' by making an appeal for the legitimate existence of *hijras* and challenged the characterisation of *hijras* as a criminal collective through discourses of spiritual power. The meanings evoked by alms-collection were thus simultaneously both subversive and hegemonic in the context of nineteenth century north India.

Everyday alms-collection practices also challenged colonial projects through the implicit flip-side of giving: if money was refused, there was an understood threat of bawdy talk, skilful use of insult and obscene gestures and actions. As such, alms-collection allowed *hijras* to loudly proclaim their identity in the streets and *bazaars*, which was particularly important in light of colonial attempts to suppress their public presence, which Chapter 6 examines. According to colonial observers, the tactics of persuasion of *hijra* 'beggars' were 'rude and vulgar in the extreme, [including] singing filthy, obscene and abusive songs to compel the bazaarmen to give them something.'[40] Even when performance was prohibited in the NWP&O, *hijras* could still use bawdy and insulting *talk* to procure alms. An Indian lawyer in Delhi writing in 1889 described *hijras*' obscene speech as such:

> They ... are so voluble that it is hard and very difficult to bring them to bay in conversation which is extremely obscene. ... [I]n Lucknow a *Mela* or fair takes place among the class every year. The members of the class ... divide themselves into two groups and stand on the two sides of a river. There and then they utter very obscene and filthy language, and abuse each other. In short, they accustom themselves so much to immoral and indecent talk, that they become quite immodest and are proud of their victory over others in such language.[41]

In addition to 'obscene' talk, alms-collection also implied a threat of 'obscene' gestures and actions towards the potential alms-giver. As one colonial ethnologist noted (with the usual dose of opprobrium), 'If anyone fails to give them alms they abuse him, and if abuse fails they strip themselves naked ... which is ... believed to bring dire calamity.'[42] In light of the prohibition of feminine dress under the CTA, such actions challenged colonial control over *hijra* bodies by spectacularly drawing attention to bodily difference. 'Obscene' talk and actions in the context of alms-collection highlighted the limits of the NWP&O government's project to control *hijra* 'obscenity'

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[39] Appadurai, 'Topographies of the Self,' 100-1.

[40] Shortt, 'The *Kojahs*,' 406. *Hijras* also used bawdy jokes, insults and songs to persuade householders with newborns to offer alms. Russell, *Tribes and Castes*, 209.

[41] NAI/HD/JB 02/1890 111: Mahtab Rai to Private Sec to GG India, 1 Nov 1889.

[42] Enthoven, *Tribes and Castes*, 228.

and allowed *hijras* to maintain their loud and raucous public presence in the face of colonial attempts to 'cleanse' *hijras* from public space.

Thus, alms-collection provided *hijras* with a meagre means of income and was a strategy to get by under colonial registration and prohibitions. *Hijra* alms-collection also partly accounts for the survival of the *hijra* category in north India, despite colonial efforts to cause *hijras* to 'die out,' both numerically and as a socio-cultural category. *Hijras* continued to assert their 'right' to alms, and thus their social role; they communicated valued *hijra* identities of power over fertility and spiritual asceticism, rejecting their stigmatisation and criminalisation; and undermined colonial attempts to control *hijra* obscenity and erase *hijras* as a public presence through the use of bawdy talk and the exposure of their bodies.

Hijra ritual practices and oral traditions

The daily retelling of oral traditions was another significant aspect of *hijras'* lives under colonial projects to watch, control and criminalise the community. We have already seen how in requesting alms, *hijras* evoked an association with sacredness. *Hijras* also constructed the community as divinely blessed and ordained through daily ritual practices and the retelling of *hijra* mythology. Religious worship and *hijra* mythology drawn from the Hindu tradition legitimised and valorised *hijra* socio-cultural practices, embodiment and gender identities in the context of the colonial criminalisation of many aspects of *hijra*-hood.

It is important to recall that *hijra* communities were usually syncretic in their religious practices. The vast majority of *hijras* in the NWP&O stated they were Muslim on the census,[43] yet Muslim *hijras* also observed Hindu holidays[44] and worshiped at shrines devoted to Hindu deities.[45] Moreover, the origin legends of the *hijra* community, though derived from the Hindu tradition, were important to all *hijras*. Although I focus on *hijra* worship of Hindu deities and Hindu oral traditions, this is not to say that Islam was unimportant to *hijra* identities and histories. It is likely that nineteenth century *hijras* would have derived a sense of dignity from Islamic religious

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[43] William Crooke, *The Tribes and Castes of the North-Western Provinces and Oudh*, vol. 1 (Calcutta: Office of the Superintendent of Government Printing, India, 1896), 495-7. Ethnologists reported that *hijras* in other parts of India also practiced Islam. Russell, *Tribes and Castes*, 207.
[44] Rose, *Glossary*, 331-2.
[45] Shortt, '*Kojahs*,' 403.

practices.[46] Nevertheless, *hijra* worship of specific Hindu deities and the oral traditions associated with them legitimised *hijra* existence, identity and embodiment and thus seem particularly important to *hijras'* everyday lives under colonialism.

Another caveat to my analysis is that *hijras* worshiped a range of deities in various regions. In contemporary South Asia, there are commonalities in the meanings and imagery of the deities *hijras* worship, despite regional variations in their names.[47] It is difficult to ascertain whether this is a recent development. However, there is firm evidence that nineteenth century *hijra* worship was often focused on local deities, rather than, or in addition to, the pan-Indian Hindu pantheon.[48] Due to the nature of the available sources, this section paints *hijra* worship and mythology in broad strokes and, as such, may obscure regional specificities.

Although Bahucharaji and other deities were worshiped by *hijras* and non-*hijras* alike, these deities conjured up particular associations for *hijras*. Daily ritual was connected to *hijra* mythology that explained the existence of *hijras*, while legitimising their gendered and sexual embodiment, demonstrating how subaltern groups selectively draw from hegemonic cultural and religious discourses and construct subversive narratives.[49] Some *hijras* stated that they worshiped Bahucharaji because she martyred herself by cutting off her breasts: just as Bahucharaji had obtained divine honours through self-mutilation, through their emasculated embodiment, so could *hijras*.[50] In other cases, *hijra* mythology held that Bahucharaji had ordained that all men born impotent should be emasculated. One *hijra* tale was that of the prince Jeto:

> [A] king of Champáner [in Gujarat] named Bária was unhappy because he had no son. He was a devout worshipper of the goddess Bahucharáji and through her favour a son was born to him and named Jeto. Thus Jeto was born impotent, and Bária, out of respect to the goddess through whose favour the son was obtained, set him apart for her service. Bahucharáji appeared to Jeto in a dream and told

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[46] This is certainly the case with many contemporary South Asian *hijras*. Reddy, *With Respect to Sex*, 99-120; Adnan Hossain, 'Beyond Emasculation: Being Muslim and Becoming *Hijra* in South Asia,' *Asian Studies Review* 36, no. 4 (December 2012): 495-513.

[47] An anthropologist working on contemporary *hijras* in Bangladesh notes that despite regional variations in the names of deities, Bangladeshi *hijras* identified an image of Bahucharaji from Western India as the local *hijra* deity. Hossain, 'Beyond Emasculation,' 504-6.

[48] UPSA/COV/19/12: Annesley to Mag Benares, 12 Apr 1873.

[49] Rao and Doron point out that the 'discourses and practices of marginalized populations' are not simply oppositional to 'hegemonic regimes,' but are 'reworked political projects of engagement with the centres of power, re-positioning actors, myths and traditions in ways that carve out spaces for survival, dignity and, at times, political expression.' Assa Doron and Ursula Rao, 'From the Edge of Power: The Cultural Politics of Disadvantage in South Asia,' *Asian Studies Review* 33, no. 4 (2009): 425. See also, Raheja and Gold, *Reimagining Gender*, 11-7.

[50] Russell, *Tribes and Castes*, 207-8.

him to cut off his private parts and dress as a woman. Jeto obeyed the goddess and this practice has since been followed by all who join the caste.[51]

Although this was not the only *hijra* origin legend, and there would have been many versions of the Jeto story, this truncated and translated version suggests some of the ways in which *hijra* mythology could valorise the existence of the *hijra* community. Since the first *hijra* was dedicated to the service of the goddess, the legend suggests that asceticism is the founding principle of the *hijra* community. The legend legitimises *hijras'* gender identity and dress in feminine attire as ordained by the goddess and attributes *hijras'* emasculated embodiment to divine will, rather than the volition of the emasculate. This is also a feature of other legends, for example, the belief that once in twelve years Hanuman cried out and transformed all men who heard him into *hijras*.[52]

Under colonial registration, *hijra* mythology was called forth on a daily basis through *hijras'* ritual practices. In the NWP&O, proximity to a shrine was central to the formation of a *hijra* household. The nineteenth century ethnologist Dr. John Shortt reported that *hijras* in northern India 'form a community of their own and set up a shrine, at which they worship.'[53] *Hijras* kept images of deities in their houses and, on their tours of the countryside for alms-collection, worshipped at particular shrines.[54] At large gatherings of *hijras*, particularly on the occasion of a *gadi nashini*, or ascension of a *guru*, *hijra* deities were also probably evoked,[55] while worshipping an image of a deity was an important part of the emasculation ceremony.[56] Pictures of Bahucharaji and other deities on the walls of *hijra* households and ritual performance in small *hijra* shrines would have been daily reminders of the divine sanction of *hijra*-hood under the colonial project of criminalisation. Like requesting alms in return for a blessing, daily worship evoked *hijras'* definition of themselves as the 'houses' or 'temples' of the goddess[57] and as persons 'devoted' to the 'service of the goddess.'[58]

For nineteenth century *hijras*, ritual and mythology probably took on additional significance and meaning in the context of criminalisation, constituting a subversive and alternative ·form of knowledge about their existence that resisted the 'civilising'

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[51] This version was relayed by *hijras*, who were also known as *pavayas*, in Bombay. Enthoven, *Tribes and Castes*, 207.

[52] Russell, *Tribes and Castes*, 209.

[53] Shortt, '*Kojahs*,' 403.

[54] Enthoven, *Tribes and Castes*, 228. Some *hijras* may have undertaken pilgrimages to particularly important shrines, in particular the famous Bahucharaji temple in Gujarat, although travelling this distance was probably impossible for most north Indian *hijras*.

[55] Rose mentions the gathering of *hijras* for *gadi nashini* celebrations in the context of their celebration of Hindu religious festivals. Rose, *Glossary*, 332.

[56] UPSA/COV/19/12: Annesley to Mag Benares, 12 Apr 1873.

[57] Enthoven, *Tribes and Castes*, 226-7.

[58] Russell, *Tribes and Castes*, 207-8.

campaigns of the colonial state. This echoes Lucinda Ramberg's analysis of contemporary South Indian *devadasis*[59] worship of the goddess Yellamma in the context of state and civil society campaigns to criminalise and 'reform' *devadasi* women. Ramberg highlights that through ritual work, 'the reformist reckoning of devadasis' status in terms of honor and shame is trumped by a moral economy in which devotion to the goddess is met with blessings of prosperity.' The material and symbolic 'flow of exchange' between Yellamma and *devadasi* women 'undergirds the possibilities of counterreformist knowledge and well-being in life.'[60]

Despite its subversive significance, *hijra* rituals and oral traditions were not an autonomous domain, divorced from hegemonic discourses and structures. For instance, the story of Jeto does not question, and is in fact premised upon, a man's desire for a son, thus reinforcing the social imperative for male children, as well as naturalising procreative sexualities. The myth delineates normal/desirable and abnormal/undesirable sexualities: impotent men are aberrations that need to be transformed through emasculation to prevent re-birth as impotent. In *hijra* folklore it is thus *not* desirable to be a *hijra* in subsequent lives and the ultimate value of procreative sexuality and the social institutions that undergird it (biological reproduction and caste, for instance) are reinforced. Yet even as *hijra* ritual and mythology intersected with hegemonic discourses, it is equally significant that these practices validated *hijra* identity and existence. In evoking spiritual asceticism and *hijras*' divinely ordained existence, religious practices and oral traditions that did not overtly challenge the colonial control of eunuchs were in fact subversive. Simple practices like keeping images of deities in their houses or daily visiting a shrine in fact directly challenged the colonial criminalisation of *hijras* by declaring *hijra*-hood a legitimate form of personhood. Worship and oral traditions, along with alms-collection, kept the socio-cultural category of *hijra* alive, despite colonial attempts to erase *hijras* from public space and cause *hijras* to 'die out.'

While the meanings embedded in the daily alms-collection and ritual practices of *hijras* subverted colonial knowledge of the group, *hijras* and other 'suspicious eunuchs' also challenged colonial knowledge in their interactions with colonial officials. We now turn from eunuchs' everyday social and religious interactions in north Indian

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[59] *Devadasis* are women dedicated to the service of a temple and ritually married to a deity who perform various ritual functions but were labelled by British colonisers and Indian reformers as 'prostitutes' from the nineteenth century, due to their sexual relationships with mortal men.
[60] Lucinda Ramberg, 'When the Devi is Your Husband: Sacred Marriage and Sexual Economy in South India,' *Feminist Studies* 37, no. 1 (Spring 2011): 53.

society, to analyse the meaning-making and tactics of coping that eunuchs deployed in everyday interactions with British and Indian officials.

Subverting and appropriating colonial knowledge

The colonial government considered knowledge of eunuchs crucial to the control and passive extermination of this group.[61] However, British officials were convinced that eunuchs were undermining colonial knowledge.[62] Eunuchs subverted and appropriated colonial intelligence collection in several ways. Analysing this form of agency is a difficult task, since I cannot reach beyond the colonial record to recover the original encounters between eunuchs and colonial officials or ethnologists. In reading the archive, I have looked for moments where eunuchs refused to disclose desired information or where officials mentioned, and subsequently rejected, eunuchs' statements about themselves; that is, moments where eunuchs were uncooperative or challenged colonial assumptions. Eunuch subversion of colonial knowledge was sometimes tactical, a means to avoid the full brunt of colonial surveillance or law, and was often an assertion of group or individual identity.[63] Eunuchs' agency is also evident in seemingly innocuous or inconsequential statements that nonetheless undermined colonial 'truths.' Below, I highlight three instances of resistance to colonial knowledge: first, the assertion of *hijra* gender identity through language; second, *hijra* resistance to, and appropriation of, the collection of intelligence about their personal histories; and finally, *zanana* assertion of particular sexual characteristics.

I begin with a single slip in translation that illustrates the first form of resistance to colonial knowledge: *hijras*' use of language to denote their femininity in their interactions with colonial officials and ethnologists. *Hijras* used the feminine

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[61] According to the Magistrate of Meerut, each eunuch should be summoned before the Magistrate, who should 'tak[e] … down his history from his own mouth from which some information may be obtained, which should prove valuable in our endeavours to suppress the system.' UPSA/A/COM/9/2: W.A. Forbes, Magistrate of Meerut, to Commissioner of Meerut, 4 December 1865.

[62] In part, this perception was a result of British officials' frustration that colonial assumptions about eunuchs were often not borne out in eunuchs' self-representations. However, British officials' conviction that eunuchs were purposely frustrating the collection of intelligence was also a result of eunuchs' subversion and appropriation of colonial intelligence.

[63] On the agency of marginalised women in the official colonial record see Durba Ghosh, *Sex and the Family in Colonial India: The Making of Empire* (Cambridge: Cambridge University Press, 2006), 15-23; Ashwini Tambe, *Codes of Misconduct: Regulating Prostitution in Late Colonial Bombay* (New Delhi: Zubaan, 2009), 79-99; Clare Anderson, 'Gender, Subalternity, and Silence: Recovering Convict Women's Experiences from Histories of Transportation, *c.* 1780-1857,' in *Behind the Veil: Resistance, Women and the Everyday in Colonial South Asia*, ed. Anindita Ghosh, 139-160 (Ranikhet, India: Permanent Black, 2007); Clare Anderson, 'Writing Indigenous Women's Lives in the Bay of Bengal: Cultures of Empire in the Andaman Islands, 1789-1906,' *Journal of Social History* 45, no. 2 (2011): 480-96.

conjugation of verbs in Hindi and Urdu when referring to themselves and other *hijras*, consistently or mixed with masculine conjugation. A 50 year-old *hijra* named Kureemun who lived in the village of Moosah in Muzaffarnagar district is the only *hijra* described using *both* the masculine and feminine English-language pronouns in the surviving records. The English-language district register states, 'It appears from the enquiry that before *he* was resident of Oomirpoor in the Hathrus [Hathras] District, and [the] name of *his* father was Hursook Jolaka, *her* and *her* sister were kidnapped from their home by a Bunjara ... [who] had sold *him* to Sookhelain Eunuch ...'[64] The use of the feminine pronoun in the English-language record was probably a slip in translation from the vernacular original, which does not survive. The remainder of Kureemun's personal history, and those of other eunuchs registered in Muzaffarnagar district, renders their gender as masculine and erases *hijras*' use of feminine verb conjugation. Yet this slip demonstrates that *hijras* subversively positioned themselves as feminine through their use of the Hindu/Urdu language in their interactions with colonial officials, who insisted that *hijras* were 'men,' even if they were viewed as an example of failed masculinity.

Hijra gender subjectivity posed particular problems for census officials, since a significant proportion of individuals enumerated as *hijras* were listed as female. This posed difficulties for British officials charged with compiling local censuses, undertaken according to a variety of principles of classification by Indian volunteers. Who were these female *hijras*? William Crooke noted in his ethnology of the NWP&O, which was based on the 1891 census, that most *hijras* 'wear a sort of female dress, and ... call themselves by [female] Musalmân names such as Bari Begam, Chhoti Begam, etc.'[65] Yet Crooke was puzzled by the enumeration of significant numbers of female *hijras*: the census reports showed four Hindu 'males,' three Hindu 'females,' 749 Muslim 'males' and 369 Muslim 'females.'[66] Crooke concluded that the female *hijras* were not *hijras* at all, and that *hijras* 'have a considerable number of women dependent on them.'[67] *Hijras* sometimes did reside with widows or the wives of musicians whom they employed (see Chapter 5). However, the small number of these women mentioned in the records of the CTA—approximately a dozen[68]—does not

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[64] Italics added. UPSA/A/COM/29/8: W.A. Short, Superintendent of Police, Muzaffarnagar, 'List of Eunuchs in the District of Mozuffurnuggur,' circa January 1873.

[65] Crooke, *Tribes and Castes*, 495.

[66] Ibid., 495-7.

[67] Ibid., 495.

[68] BL/IOR/P/1816: Smith to IG Police, NWP&O, 15 May 1882; W.A. Forbes, Magistrate of Meerut, quoted in BL/IOR/P/438/62: J. Simson, Register to Nizamut Adalwut, NWP, 'Replies to the Court's

account for the large number of female *hijras* enumerated on the census, suggesting that many *hijras* stated their gender as 'female,' and many census volunteers inscribed it as such. Crooke's erasure of *hijra* gender identity is particularly remarkable in light of his observation that 'nearly all of them' wore feminine dress and adopted feminine names. Interestingly, the census continues to be a site of *hijra* contestation in post-colonial South Asia. Although there is now an 'other' category on the census, *hijras*' gender continues to be inconsistently recorded since some *hijras* feel pressure, particularly from their families, not to use the 'other' category, while others identify with the female category.[69] In the nineteenth century, *hijras*' assertion of a subversive gender identity challenged the colonial construction of *hijras* as failed men or non-men and thus resisted the categorising and enumerating practices of colonial knowledge.

Second, *hijra* subversion of colonial knowledge is further evident in their recounting of their personal histories to police officers. *Hijras* often represented their personal histories in terms that were valued within the *hijra* community but challenged the truth claims of colonial knowledge. For instance, *hijras* appropriated colonial knowledge to construct their personhood in line with valued forms of *hijra*-hood, by claiming they were a 'Born Eunuch.'[70] Being born intersex or with atypical genitals was a respected form of *hijra*-hood within the community.[71] For those *hijras* who were born with atypical genitals, making the claim to being a 'Born Eunuch' would have been an important statement of authentic *hijra*-hood. Some eunuchs who described themselves as 'born eunuchs' may not have been born with atypical genitals.[72] Yet regardless of whether eunuchs were in fact 'born eunuchs,' they used official

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Circular letter, No. 4, dated the 2nd September, 1865,' 20 April 1866; UPSA/A/COV/119/12: J.J.F. Lumsden, Officiating Magistrate of Gorakhpur, to Commissioner of Benares, 15 April 1873; UPSA/A/COM/29/8: Short, 'List,' circa Jan 1873; BL/IOR/P/839: R.T. Hobart, Deputy Inspector-General of Police, NWP, to Inspector-General of Police, NWP, 28 June 1876; UPSA/A/COV/119/12: Office of the Commissioner of Benares (signature illegible), 'Abstract of replies of Magistrates of Districts of the Benares Division to Commissioner's Circular No: 39,' 23 November 1875.
[69] *Times of India*, '"Others" column left unfilled by many transgenders,' 27 February 2011.
[70] 'Born eunuch' was the term used in the English-language colonial records. See for instance, UPSA/A/COM/29/8: S.A. Campbell, Officiating Superintendent of Police, Bulandshahr, 'Register of Eunuchs in the District of Boolundshuhur Coming under Section 24 of Act XXVII of 1871,' 6 January 1873; UPSA/A/COM/29/8: Short, 'List,' circa Jan 1873; UPSA/A/COM/9/2: Superintendent of Police, Dehradun (signature illegible), 'Register of Eunuchs in the District of Dehradoon,' 19 October 1865; UPSA/A/COM/9/2: H.D. Robertson, Magistrate of Saharanpur, 'Statement of Eunuchs in the Saharunpoor District,' 24 October 1865.
[71] Crooke, *Tribes and Castes*, 495; Russel, *Tribes and Castes*, 206-7. Reddy highlights that '[i]deally, a *hijra* should be "born like this," that is, lacking male genitalia form birth (in Telugu, a *puttuka* kojja – a kojja or *hijra* from birth).' Italics in original. Reddy, *With Respect to Sex*, 92.
[72] Colonial officials certainly doubted whether such relatively high numbers were in fact eunuchs from birth. UPSA/A/COM/9/2: SI Police, Dehradun, 'Register,' 19 Oct 1865.

knowledge to represent their identity in particularly valued ways and appropriated intelligence collection towards their own ends.[73]

Another way in which *hijras* subverted colonial intelligence collection was by withholding information about their personal histories, in particular the circumstances in which they were emasculated.[74] Many eunuchs claimed that they did not know when, where or by whom they were emasculated, while others refused to give any specific information, merely stating that they were emasculated in their childhood. Although some *hijras* may not have remembered their emasculation, in light of the criminalisation of emasculation it is likely that *hijras* would have refused to disclose any information. In some districts, such as Muzzafarnagar, no eunuchs reported the circumstances of their emasculation, [75] while in Bulandshahr two-thirds of eunuchs provided no information.[76] *Hijras* thereby frustrated colonial intelligence collection and protected local *hijras* from the law.

Finally, other 'suspicious eunuchs,' such as *zananas*, exercised agency and appropriated intelligence collection to assert their identity in valued terms, even when this increased the likelihood of their registration. As we will see in Chapter 7, dozens of *zananas* claimed that they were impotent, but were found to have fathered children, or

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[73] Eunuchs' appropriation of intelligence collection is also evident in the claims of registered eunuchs to be over 100 years old. See for instance, UPSA/A/COM/9/2: Officiating Magistrate of Bulandshahr (signature illegible), 'List of Eunuchs in the District of Boolundshuhur,' 17 October 1865; UPSA/A/COM/29/8: H.B. Webster, Magistrate of Meerut, 'Register of property possessed by Eunuchs borne on the Rolls of Register No. I under Act XXVII of 1871 – District Meerut,' 7 May 1873. This could be a claim to seniority within the *hijra* community and thus an assertion of power; a declaration of spiritual asexual *sannyasi* (ascetic) identity; or a strategic statement that increased the likelihood of deregistration, since colonial officials regarded elderly eunuchs as less 'suspicious.' Eunuchs who claimed to be elderly were often inserted in the register with a question mark following their age. Their life stories prompted the literal and symbolic insertion of a question mark over the colonial knowledge project. Asceticism is associated with and claimed by senior *hijras* in contemporary India. Reddy, *With Respect to Sex*, 80. For examples where British colonial officials doubted the age of *hijras* see, UPSA/A/COV/119/12: James Amson, Magistrate of Azamgarh, to Commissioner of Benares, 16 November 1872; BL/IOR/P/1816: R.T. Hobart, Officiating Inspector-General of Police, NWP&O, to Officiating Secretary to Government, NWP&O, circa 1882.

[74] In 1865, the provincial government anticipated that 'many will perhaps profess ignorance to conceal their history,' and this was indeed the case. BL/IOR/P/438/61: C.A. Dodd, Officiating Personal Assistant to Inspector-General of Police, NWP, to all District Superintendents of Police, NWP, circular no. 11, 30 June 1865.

[75] UPSA/A/COM/9/2: S.N. Martin, Magistrate of Muzaffarnagar, 'Register of eunuchs in the District of Mozuffurnuggur,' circa July 1865.

[76] UPSA/A/COM/9/2: Mag Bulandshahr, 'List,' 17 Oct 1865. The archive also suggests that eunuchs may have been more willing to disclose information about their emasculation when registers were first compiled in 1865, prior to the enactment of the CTA, than they were after 1871. This was the case in Aligarh and Meerut districts. UPSA/A/COM/9/2: J.H. Prinsep, Magistrate of Aligarh, 'Register of Eunuchs in the District of Allyghur,' 23 December 1865; UPSA/A/COM/9/2: W.A. Forbes, Magistrate of Meerut, 'Register of Eunuchs in the District of Meerut,' 5 December 1865; UPSA/A/COM/29/8: Short, 'List,' circa Jan 1873.

were deemed to be 'virile' by colonial physicians.[77] Clearly, the vernacular terms that were translated in English as 'impotent'[78] were central to *zanana* identity, and *zananas* were willing to risk registration to describe themselves in these valued terms. In the process, they challenged colonial concepts of 'eunuch' deviance—particularly the association between impotence, sodomy and feminine embodiment—and undermined the categorising principles of the colonial state.[79] While the resistance or subversion of colonial knowledge was tactical in some cases, *zananas'* appropriation of intelligence did not aim to evade police surveillance or challenge the law, and was seemingly against their interests. In sum, *hijras* and *zananas* subverted and appropriated colonial knowledge projects by refusing to disclose information about their personal histories, by strategically using intelligence collection to limit police presence in their daily lives, by undermining the assumptions of colonial knowledge and by asserting identities that were valued and respected within these communities.

Through alms-collection, mythology, ritual, and the appropriation of colonial knowledge, registered eunuchs coped with colonial criminalisation on an everyday basis in their commonplace interactions with other *hijras* and their neighbours. Eunuchs used two broad strategies. First, they sought to ameliorate their personal circumstances by securing sources of livelihood or attempting to lessen the impacts of colonial law. Second, their actions and statements contested colonial and elite Indian discourses and projects, even as they reinforced aspects of hegemonic ideologies in north Indian society. The meanings of their everyday practices thus subverted colonial agendas in important ways and legitimised their existence in the face of colonial criminalisation. Below, I examine more direct ways in which *hijras* and *zananas* sought to undermine, evade or resist colonial regulation and the ways they exploited, created and expanded gaps in colonial governance.

Sanctioned resistance: Petitioning government

Petitioning government was the only sanctioned avenue through which eunuchs could challenge their registration and surveillance. Yet it was a form of resistance which held

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[77] UPSA/A/COV/119/12: C. Robertson, Officiating Magistrate of Mirzapur, to Commissioner of Benares, 28 March 1873; BL/IOR/P/2002: G.J. Low, Superintendent of Police, Lucknow, 'Eunuchs: Working of Part II of Act XXVII of 1871 during the Year 1881,' 14 September 1882.
[78] These were not mentioned in the colonial archive. However, Hindi/Urdu words that may have been translated as impotent include *durbal, kamzor, asmarth, lachar, nisshay, napumsak, klib*, and *nimard*.
[79] See Chapter 7.

out limited prospects of success and also tended to reinforce colonial views of eunuch deviance. Eunuchs' petitioning suggests a certain level of engagement with and investment in the idioms of colonial legality. Since the late eighteenth century, the East India Company had stipulated that petitioning was the only legitimate means for appealing colonial policies and all other actions to achieve redress constituted 'rebellion.'[80] As such, a colonial culture of petitioning government had existed in northern India for at least half a century.[81] It is possible that the criminalisation of eunuchs from the mid-1860s brought *hijra* and other 'eunuchs' in closer contact with the norms and processes of the colonial state.

As soon as the CTA was introduced in the NWP in 1871 and in Oudh in 1877, the provincial government received 'numerous' written petitions from eunuchs,[82] while other eunuchs appeared personally before district Magistrates and Superintendents of Police to verbally state their case. Some groups of eunuchs sent several petitions to government, despite repeated rejections.[83] Unfortunately, the surviving records do not include original petitions, only brief summaries or passing references. It is likely that most petitioning eunuchs engaged the services of a scribe, who would have rendered their demands in the language and idioms of colonial law, while surviving summaries of petitions are further mediated by the interpretation of the British official. Nonetheless, we can discern in broad terms those aspects of registration and surveillance that eunuchs sought to ameliorate.

Some eunuchs petitioned to be removed from the register of eunuchs, usually on one of two grounds. First, some registered 'eunuchs' pleaded that they should be de-registered because they were not in fact eunuchs.[84] Second, eunuchs petitioned to be removed from the register on the basis that the CTA should not apply to them.[85] In 1873, the Magistrate of Gorakhpur received 'several applications' from eunuchs who

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[80] Potukuchi Swarnalatha, 'Revolt, Testimony, Petition: Artisanal Protests in Colonial Andhra,' *International Review of Social History* 46 (2001): 107-29.

[81] Oldenburg's study of Lucknow from 1858-1877 demonstrates that the Lucknow population used petitions as a means of redress, with varied success, on a huge scale. Veena Talwar Oldenburg, *The Making of Colonial Lucknow: 1856-1877* (Princeton: Princeton University Press, 1894), particularly 116-44.

[82] BL/IOR/P/97: A. Colvin, Secretary, NWP, to Inspector-General of Police, NWP, 12 August 1875; BL/IOR/P/1614: 1881 NWP&O Judicial Proceedings, Part B Matters of Routine, January, no.12.

[83] BL/IOR/P/2208: O.L. Smith, Deputy Inspector-General of Police, NWP&O, to Inspector-General of Police, NWP&O, 26 June 1884.

[84] BL/IOR/P/438/62: Simson, 'Replies,' 20 Apr 1866.

[85] BL/IOR/P/95: 1873 NWP Judicial Proceedings, Part B Matters of Routine, January, no. 67; BL/IOR/P/95: 1873 NWP Judicial Proceedings, Part B Matters of Routine, March, no. 75; BL/IOR/P/95: 1873 NWP Judicial Proceedings, Part B Matters of Routine, May, no. 55.

claimed they were registered 'without any sufficient grounds.'[86] The eunuchs of Gorakhpur challenged their official pronouncement as eunuchs who were 'reasonably suspected' of kidnapping, emasculation and sodomy, and thus challenged the assumption they were 'criminal' or 'deviant' eunuchs.

However, the majority of petitions did not petition for deregistration, but rather sought to reverse the prohibition on performance, highlighting the importance of communal and individual strategies of economic survival to the everyday lives of registered eunuchs under the CTA.[87] Some petitioned for the 'right' to 'dance and play in public,'[88] to perform at religious fairs,[89] or to carry a drum while collecting alms.[90] Petitions often emphasised the economic impact of the prohibition on communities of *hijras*. In the 1870s, the eunuchs of Ghazipur district complained to the Magistrate that they were 'starving.'[91] Similarly, in 1882, local authorities described the 'miserable condition of the eunuchs' in Bahraich to the NWP&O government after 'several, in consequence of their distress, complained to the Commissioner of the rigid rules against them.'[92] It is perhaps significant that the surviving records of registered eunuchs' petitions emphasise the economic impact of the CTA, rather than a discourse of *hijras*' 'customary' rights to perform when collecting alms. Since the colonial state considered many *hijra* socio-cultural practices criminal or deviant, this may indicate the crafting of eunuch petitions in line with colonial discourses.

Petitioning government was often a collective activity. In cases where a formal written petition was presented to the provincial government or district authorities, the economic costs of engaging a scribe made it economical to petition collectively. Moreover, collective petitioning by registered eunuchs mirrors the internal organisation of *hijras* into small cohabitating communities that were internally organised by *guru-chela* relationships. The ability of eunuchs to petition government may have depended upon whether an individual *hijra*'s *guru* was willing to contribute funds or to sanction such a move. We have here an instance of how *hijra* resistance could be marked not only by relationships of hegemony in which *hijra* as a whole were subordinated, but also by structures of power within the community itself.

[86] UPSA/A/COV/119/12: Lumsden to Comm Benares, 7 Jul 1873.
[87] On illegal performance and cross-dressing as a form of resistance see below.
[88] BL/IOR/P/2002: 1883 NWP&O Judicial Proceedings, Part B Matters of Routine, December, no. 53.
[89] BL/IOR/P/2208: Smith to IG Police, NWP&O, 26 Jun 1884.
[90] BL/IOR/P/1614: Part B, Jan, no. 12.
[91] UPSA/A/COV/119/12: Oldham to Comm Benares, 6 Feb 1875.
[92] BL/IOR/P/1816: Smith to IG Police, NWP&O, 15 May 1882.

Even though petitioning was officially endorsed, registered eunuchs achieved limited success in ameliorating the impact of colonial regulation through legal channels. While the NWP&O government rejected every petition it received, [93] eunuchs sometimes had greater success if they petitioned British district officials. Eunuchs' petitions prompted a few British administrators to take a lenient stance towards enforcement, deregister eunuchs or question colonial assumptions. For instance, the Magistrate of Gorakhpur concluded 'that in some instances at least [eunuchs'] names had been entered without sufficient cause.' [94] Yet even when eunuchs' petitions to district authorities were successful, higher-ranking officials usually reversed the local decision, providing only a temporary respite from colonial regulation. [95] The effectiveness of petitioning was further limited because eunuchs' petitions suggested to the provincial government that 'they still lean[ed] strongly to their old practices,' were incapable of reform and required stricter surveillance and punishment, even though petitioning was the sanctioned avenue for redress. [96] The provincial government's wholesale rejection of petitions undoubtedly contributed to the use of various non-official and illegal means of evasion and resistance discussed below.

'No trace can be found of where they went to': Mobility, disappearance and escape

Most 'eunuchs' at one time or another exploited the inability of the colonial government to control their movements in order to evade police and resist the law. Registered eunuchs either permanently moved to a province or 'native state' where eunuchs were not registered, or moved within the NWP&O while using a variety of strategies to avoid police detection. I argue below that the semi-peripatetic lives of *hijras* and *zananas* under the CTA challenged the colonial project of regulation and criminalisation on a number of levels. Registered eunuchs often successfully evaded police and thus widened gaps in surveillance, enumeration and enforcement, frustrating colonial agendas. *Hijras* and *zananas* also continued patterns of mobility that were important to their semi-peripatetic lifestyles, despite the colonial construction of 'wandering' peoples

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[93] BL/IOR/P/95: Part B, Jan, no. 67; BL/IOR/P/95: Part B, Mar, no. 75; BL/IOR/P/95: Part B, May, no. 55; BL/IOR/P/1614: Part B, Jan, no. 12.
[94] UPSA/A/COV/119/12: Lumsden to Comm Benares, 7 Jul 1873. See also, UPSA/A/COV/119/12: R.J. Young, Superintendent of Police, Ghazipur, to Personal Assistant to the Inspector-General of Police, NWP, 20 January 1875.
[95] BL/IOR/P/2208: Smith to IG Police, NWP&O, 26 Jun 1884.
[96] BL/IOR/P/97: Colvin to IG Police, NWP, 12 Aug 1875.

as criminal. Mobility was therefore a means to shirk surveillance, break the law, and maintain prohibited livelihoods, as well as a means by which colonial modernity was contested and negotiated.

The uncontrolled movements of peripatetic groups, particularly across political borders, were central to British anxieties about 'wandering' groups labelled 'criminal.'[97] British officials claimed *hijras*' 'wandering habits' were criminally motivated and facilitated the kidnapping of children. [98] While legislative proposals in the 1860s incorporated a pass system to contain eunuchs' mobility,[99] the final version of the CTA did not. [100] Without a pass system, the ability of the police to monitor eunuchs' movements was limited.[101] In the 1880s, Smith, the Deputy Inspector-General of Police, highlighted the impossibility of monitoring and controlling,

> ... persons who wander among [the 46] districts [of the NWP&O] who are in no way obliged to report their movements at the places whence they start or at those through which they pass, and who ... wander anywhere they please, their chief care being to avoid the police.[102]

Cracks in colonial power provided possibilities for resistance, and colonial attempts to criminalise and control eunuchs were thereby circumscribed and fissured.

Before I consider eunuchs' mobility under the CTA, it is firstly necessary to contextualise this strategy in light of the structures of power and practices of *hijras* and other groups classified as 'eunuchs.' On the one hand, prior to the introduction of the CTA, most of these groups led semi-peripatetic lifestyles, in which they had a permanent place of residence but were itinerant for short periods. A picture of *hijra*

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[97] Sandria B. Freitag, 'Crime in the Social Order of Colonial North India,' *Modern Asian Studies* 25, no. 2 (1991): 229-31; Sanjay Nigam, 'Disciplining and Policing the "Criminals by Birth", Part 2: The Development of a Disciplinary System, 1871-1900,' *Indian Economic and Social History Review* 27, no. 3 (1990): 260-6, 272-4; Andrea Major, 'Enslaving Spaces: Domestic Slavery and the Spatial, Ideological and Practical Limits of Colonial Control in the Nineteenth-Century Rajput and Maratha States,' *Indian Economic and Social History Review* 46, no. 3 (2009): 323-9; Nitin Sinha, 'Mobility, Control and Criminality in Early Colonial India, 1760s-1850s,' *Indian Economic and Social History Review* 45, no. 1 (2008): 2-6; Mark Brown, 'Crime, Governance and the Company Raj: The Discovery of Thuggee,' *British Journal of Criminology* 42, no. 1 (2002): 77-95.
[98] BL/IOR/P/438/61: R. Drummond, Officiating Commissioner of Allahabad, to Secretary, NWP, 9 August 1865; UPSA/A/COM/29/8: H.D. Willock, Magistrate of Bulandshahr, to Commissioner of Meerut, 6 January 1873.
[99] The 1867 draft act required eunuchs to obtain a license to leave their village and present it to each police station en route, and punished eunuchs for any absence of 24 hours without leave. NAI/HD/JB 9/04/1870 9-14: F.O. Mayne, Inspector-General of Police, NWP, to Secretary, NWP, 28 May 1867.
[100] BL/IOR/V/8/42: 'An Act for the Registration of Criminal Tribes and Eunuchs,' Act No. XXVII of 1871 Passed by the Governor-General of India in Council.
[101] The provincial government's rules for registration suggested that eunuchs were obliged to report their movements to the police, but there was no legal mechanism to compel eunuchs to do so, or punish those who did not. BL/IOR/P/93: C.A. Elliot, Secretary, NWP, to all Magistrates and Commissioners and Inspector-General of Police, NWP, notification no. 1029A, 8 July 1872.
[102] BL/IOR/P/1816: Smith to IG Police, NWP&O, 15 May 1882.

mobility emerges from the original district registers compiled in 1865 and 1872-3.[103] *Hijras* usually had a permanent place of residence shared with several other *hijras*, who were differentiated by *guru-chela* relationships.[104] Some were the only individual registered at their residence, which could imply that they did not live in a *hijra* household,[105] although they were probably connected to a nearby group of *hijras*.[106] Three broad patterns of mobility amongst *hijras* are evident. First, many *hijras* regularly visited towns and villages in the surrounding region. Groups of *hijras* who lived together usually visited the same places, suggesting that rural areas were divided up so that a household visited a regular circuit of villages. Second, some *hijras* periodically visited towns further afield, including in other districts of the NWP&O, other provinces and Indian-ruled states,[107] travelling both alone and in groups. Third, some *hijras* were peripatetic to a greater degree, and spent a high proportion of their time travelling. These 'wanderers,' do not appear on the early registers since they were more difficult to identify, although police subsequently brought some under surveillance. Finally, some registered eunuchs did not visit any locations other than the city or town in which they lived, although these *hijras* represented a small minority.[108] District registers suggest that the first form of mobility, wherein *hijras* had a permanent place of residence but periodically travelled through the immediate surrounding region, was the

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[103] Unfortunately, I have only been able to find registers for the six districts of Meerut division in 1865 and 1872-3 and the five districts of Benares division in 1872-3. Unless elsewhere stated, the paragraphs below reference all registers. UPSA/A/COM/9/2: Prinsep, 'Register,' 23 Dec 1865; UPSA/A/COM/9/2: Mag Bulandshahr, 'List,' 17 Oct 1865; UPSA/A/COM/9/2: Forbes, 'Register,' 5 Dec 1865; UPSA/A/COM/9/2: Robertson, 'Statement,' 24 Oct 1865; UPSA/A/COM/9/2: SI Police, Dehradun, 'Register,' 19 Oct 1865; UPSA/A/COM/9/2: Mag Bulandshahr, 'List,' 17 Oct 1865; UPSA/A/COM/9/2: Martin, 'Register,' circa Jul 1865; UPSA/A/COM/29/8: Officiating Superintendent of Police, Meerut, (signature illegible) 'Register of the Eunuchs in the District of Meerut Coming Under Section 24 of Act 27 of 1871,' 23 December 1872; UPSA/A/COM/29/8: Webster, 'Register,' 7 May 1873; UPSA/A/COM/29/8: Short, 'List,' circa Jan 1873; UPSA/A/COM/29/8: Campbell, 'Register,' 6 Jan 1873; UPSA/A/COV/119/12: R. Waddington, Superintendent of Police, Basti, 'List of Eunuchs in the Bustee District on the 1st September 1872,' circa 1872; UPSA/A/COV/119/12: B. Alone, Officiating Superintendent of Police, Azamgarh, 'Register of Eunuchs in the District of Azimgurh,' 9 October 1872. There is a greater level of specificity regarding eunuchs' movements in the Meerut registers than the Benares registers, as well as a greater number of surviving registers in Meerut, meaning my data is particularly based on Meerut division. However, the patterns which emerge from these registers resonate with descriptions of mobility patterns elsewhere. BL/IOR/P/92: Tiernan, 2nd Grade Inspector of Police, Gorakhpur, to Superintendent of Police, Gorakhpur, 26 May 1871.
[104] See particularly, UPSA/A/COM/29/8: Short, 'List,' circa Jan 1873.
[105] A particularly high number of eunuchs lived individually in Saharanpur district. UPSA/A/COM/9/2: Robertson, 'Statement,' 24 Oct 1865.
[106] Rose, *Glossary*, 332.
[107] In Meerut division, Agra, Delhi, Jaipur and Gwalior were popular destinations, while some eunuchs in Benares division travelled regularly to Bengal. UPSA/A/COM/29/8: SI Police, Meerut, 'Register,' 23 Dec 1872.
[108] Several eunuchs who lived in Meerut city did not regularly travel elsewhere. UPSA/A/COM/9/2: Forbes, 'Register,' 5 Dec 1865; UPSA/A/COM/29/8: Webster, 'Register,' 7 May 1873. However, such *hijras* would have nonetheless been mobile within the town or city in which they lived in the context of performance and alms-collection.

most common. In addition to *hijras*, other 'suspicious eunuchs,' such as *zananas*, were also relatively mobile groups, and this was one of the characteristics that resulted in them being confused with *hijras*. An 1876 report described *zananas* as a 'wandering tribe,' although no data comparable to that on *hijras* exists for *zanana* patterns of mobility.[109] The temporary migrations of registered eunuchs during the period of the CTA thus represents not only a means of evading police surveillance, but also the continuation of group practices that the colonial government defined as non-sedentary and therefore criminal, but were central to these groups' cultural and social lives.

On the other hand, it is important to recognise that other aspects of the communal structures of *hijras* and *zananas* would have limited their capacity to use mobility as means of evasion and resistance, particularly in the case of permanent migrations. For *hijras*, permanently leaving their place of residence may have entailed severing *guru-chela* relationships and leaving behind kinship relationships within the *hijra* community. If the *hijra* was a subordinate *chela*, relocating may have disobeyed the wishes of their *guru,* and consequently constituted a challenge to internal *hijra* power structures. Since property was usually co-owned, migrating *hijras* had to leave behind their (usually meagre) material wealth.[110] If they wished to perform and receive alms, the migrating *hijra* would have had to find a new house in which to be initiated. Migrating permanently was probably not possible for many *hijra chelas*. Once again, this demonstrates the importance of examining hegemonic relationships *within* subordinate groups, as well as elite-subordinate power dynamics. In the case of *zananas*, since most remained within affinal and biological kinship structures, either as sons or as fathers and husbands, familial obligations may have acted as a 'brake' on the possibility of migration and escape.

It is impossible to form a reliable statistical picture of the number of registered 'eunuchs' who resisted the enforcement of the CTA through mobility, or even of the number of eunuchs who were actually under police surveillance at any time, because the government's practices of enumeration significantly inflated the statistics of those under surveillance. As highlighted in Chapter 3, the presence of a name on a register was attributed enormous significance in ensuring the strict enforcement of the CTA.[111] In the 1870s, the provincial government ordered that absent eunuchs should be

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[109] UPSA/A/COV/119/12: R.T. Hobart, Deputy Inspector-General of Police, NWP, to Inspector-General of Police, NWP, 21 June 1876.
[110] UPSA/A/COV/119/12: Officiating Magistrate of Mirzapur (signature illegible) to Commissioner of Benares, 22 February 1873.
[111] See for instance BL/IOR/P/1614: R.T. Hobart, Officiating Inspector-General of Police, NWP&O, to Secretary, NWP&O, circa 1881.

permanently kept on the register until they were located, to ensure comprehensive enumeration and strict enforcement. [112] Instead, this approach overstated the surveillance and control of mobile eunuchs. [113] In lieu of a clear statistical picture, below I provide a few representative examples of resistance and evasion through mobility.

The most drastic response of registered eunuchs was to permanently migrate from the NWP&O to another province or 'native state' where eunuchs were not registered in order to escape police surveillance and perform and cross-dress without risk of prosecution. A significant proportion of NWP&O districts bordered on another province or an Indian principality, providing opportunities for eunuchs to escape. When the CTA was first introduced to Benares district in 1872, two of the six eunuchs originally registered, Koosunee and her *chela* Sugoonah, left for Sasaram in modern Bihar, where they had links to local *hijras*.[114] Sometimes *hijras* left British territory for Indian-ruled states[115] in small groups of two or three,[116] while larger migrations also occurred, such as 34 eunuchs who left Rohilkhand for Rampur State in 1881.[117] A number of registered eunuchs also went on pilgrimage to Mecca after 1871.[118] Pre-1871 patterns of mobility, particularly pre-existing contacts with *hijra* communities in other regions, and internal power structures, such as *guru-chela* relationships, can be seen in many instances of permanent migration as a strategy to resist, evade or simply cope with colonial criminalisation.

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[112] BL/IOR/P/839: Hobart to IG Police, NWP, 28 Jun 1876.

[113] In 1882, the NWP&O Secretary acknowledged as much and proposed separate registers for absentees. BL/IOR/P/1816: J.R. Reid, Officiating Secretary, NWP&O, to Inspector-General of Police, NWP&O, 14 August 1882. From the 1880s, the government required that a missing eunuch be subsequently registered for three years, which meant the statistics continued to downplay eunuch mobility and evasion. UPSA/L/J/C/111/772D: E.F.L. Winter, Secretary to Government, United Provinces, to all Commissioners and Magistrates and Inspector-General of Police, United Provinces, 'Rules relating to eunuchs,' 2 April 1907.

[114] UPSA/A/COV/119/12: Annesley to Comm Benares, 12 Apr 1873.

[115] For examples of migration to Indian-ruled territory see: BL/IOR/P/839: Hobart to IG Police, NWP, 28 Jun 1876; BL/IOR/P/2208: Smith to IG Police, NWP&O, 26 Jun 1884; BL/IOR/P/2208: O.L. Smith, Deputy Inspector-General of Police, NWP&O, 'Statement showing the number of Eunuchs who are registered in the districts of the North-Western Provinces and Oudh, under Part II of Act XXVII of 1871, for the year 1883,' 26 June 1884; BL/IOR/P/97: Hobart to IG Police, NWP, 4 May 1875; BL/IOR/P/1614: O.L. Smith, Deputy Inspector-General of Police, NWP&O, to Personal Assistant to Inspector-General of Police, NWP&O, 6 July 1881; UPSA/A/COA/18/5: Holderness to IG Police, NWP&O, 7 Aug 1896; UPSA/A/COV/119/12: Waddington, 'List,' circa 1872; BL/IOR/P/1816: Smith to IG Police, NWP&O, 15 May 1882.

[116] UPSA/A/COV/119/12: Oldham to Comm Benares, 6 Feb 1875.

[117] BL/IOR/P/1816: Smith to IG Police, NWP&O, 15 May 1882.

[118] BL/IOR/P/97: Hobart to IG Police, NWP, 4 May 1875; BL/IOR/P/1816: Smith to IG Police, NWP&O, 15 May 1882; BL/IOR/P/2002: O.L. Smith, Deputy Inspector-General of Police, NWP&O, 'Statement showing the number of Eunuchs who are registered in the districts of the North-Western Provinces and Oudh, under Part II., Act XXVII. of 1871, for the year 1882,' 4 June 1883; BL/IOR/P/2002: O.L. Smith, Deputy Inspector-General of Police, NWP&O, to Inspector-General of Police, NWP&O, 4 June 1883.

Second, many registered eunuchs simply 'disappeared' within the NWP&O by evading the police. The colonial records provide numerous instances[119] of eunuchs who went 'away in a stealthy manner' and could not be traced.[120] The threat of surveillance was sometimes enough to cause flight. In 1871-2 in Mirzapur, eight of the twelve eunuchs disappeared immediately after inquiries were first made,[121] while three eunuchs disappeared from Bareilly when the CTA was first introduced and 'no trace [could] be found of where they went to.'[122] In several instances, eunuchs managed to evade police for significant periods of over a decade.[123] Persons who were prosecuted under the CTA for performance, cross-dressing or residing with children sometimes subsequently disappeared.[124] Registered eunuchs were not legally obliged to report their movements and could exploit fissures in surveillance to evade the police. Many migrating eunuchs simply gave a false address of destination. The Deputy Inspector-General outlined the problem this caused in 1876:

> Fifty-six men are said to have left their districts. ... Of these, 25 men left for districts in our own provinces; of these 25, 13 can nowhere be found. In some of these cases they have [given] false addresses, for ... a careful search has been made for them ineffectually. In the case of the other 30 men who declared their intention of going to other provinces, it is impossible to say how many gave false addresses, and simply moved to another district [in the NWP&O].[125]

Registered eunuchs who gave false addresses could be in any of the NWP&O's 46 districts and were difficult to track down.[126] Whereas some managed to 'disappear'

[119] See cases in, BL/IOR/P/839: Hobart to IG Police, NWP, 28 Jun 1876; BL/IOR/P/1614: Smith to PA to IG Police, NWP&O, 6 Jul 1881; BL/IOR/P/1614: C. Robertson, Secretary, NWP&O, to Inspector-General of Police, NWP&O, 19 September 1881; BL/IOR/P/1816: Smith to IG Police, NWP&O, 15 May 1882; BL/IOR/P/2002: Smith to IG Police, NWP&O, 4 Jun 1883; BL/IOR/P/2208: H.B. Webster, Inspector-General of Police, NWP&O, to Secretary, NWP&O, 15 July 1884; BL/IOR/P/2460: O.L. Smith, Deputy-Inspector General of Police, NWP&O, to Inspector-General of Police, NWP&O, 27 April 1885; UPSA/A/COV/19/12: Commissioner of Benares (signature illegible) to Inspector-General of Police, NWP, 13 March 1876.

[120] UPSA/A/COV/119/12: Comm Benares, 'Abstract,' 23 Nov 1875.

[121] UPSA/A/COV/119/12: C. Robertson, Officiating Magistrate of Mirzapur, to Commissioner of Benares, 3 November 1872.

[122] BL/IOR/P/97: Hobart to IG Police, NWP, 4 May 1875. See also, UPSA/A/COV/119/12: H.B. Webster, Officiating Commissioner of Benares, to Secretary, NWP, 13 March 1877.

[123] See cases in: BL/IOR/P/2002: Smith to IG Police, NWP&O, 4 Jun 1883; UPSA/L/Police/64/529A: M. Tweedie, Deputy Inspector-General of Police, NWP&O, Memorandum, 25 September 1891; BL/IOR/P/1614: Robertson to IG Police, NWP&O, 19 Sep 1881; BL/IOR/P/2460: 1885 NWP&O Judicial Proceedings, Part B Matters of Routine, January, no. 20; BL/IOR/P/2002: Smith to IG Police, NWP&O, 4 Jun 1883.

[124] BL/IOR/P/1614: Smith to PA to IG Police, NWP&O, 6 Jul 1881; BL/IOR/P/1614: Robertson to IG Police, NWP&O, 19 Sep 1881.

[125] BL/IOR/P/839: Hobart to IG Police, NWP, 28 Jun 1876.

[126] For instance, in 1882, 39 eunuchs who migrated from a single district were not registered in their reported districts of destination. BL/IOR/P/2002: Smith to IG Police, NWP&O, 4 Jun 1883. See also, BL/IOR/P/97: Hobart to IG Police, NWP, 4 May 1875; UPSA/A/COV/119/12: D.M. Gardner, Officiating Magistrate of Azamgarh, to Officiating Commissioner of Benares, 28 April 1877. Some eunuchs notified

from police view permanently, many were eventually traced and re-registered.[127] The initial flight was simpler to achieve than ongoing avoidance of the police.

Finally, many registered eunuchs constantly traversed political borders—between the NWP&O and other provinces or Indian territories, as well as between the districts of the NWP&O—residing for short periods where they were not registered. This opened up possibilities for *hijras* and other 'eunuchs' to perform and wear feminine clothes without the risk of prosecution. This was particularly common in districts that bordered the Punjab and Bengal. In 1878, the Superintendent of Saharanpur complained that the *hijras* of his district frequently crossed into the Punjab 'with impunity,' while Punjabi *hijras* regularly visited the NWP&O for short periods. Saharanpur *hijras* could thus 'practice their trade with safety' in the Punjab, while Punjabi *hijras* were not registered and could not be prosecuted for performing or cross-dressing in the NWP&O, undermining the government's efforts to erase *hijra* 'obscenity' from public space. Although these inter-province visits were of short duration, the Superintendent complained that the constant cross-border flows of *hijras* resulted in a breakdown in surveillance.[128] In districts that bordered on 'native states,' registered eunuchs often crossed between British and Indian territory for short periods [129] and officials complained, '[n]othing can be done to control these [eunuchs].'[130]

In view of the factors mitigating against permanent migration noted above, *hijras* and *zananas* took advantage of any fissures in surveillance to obtain temporary respite from police control. Registered eunuchs readily grasped—and in the process expanded—weak points in colonial surveillance in order to gain some relief from enforcement of the CTA. Regular but short periods of travel provided registered eunuchs with a means of income, opportunities for cultural expression and the continuation of pre-1871 patterns of mobility. Although the majority of *hijras* and

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police they were migrating and gave false addresses without actually ever moving districts, thereby evading surveillance. BL/IOR/P/839: Hobart to IG Police, NWP, 28 Jun 1876; BL/IOR/P/1614: Smith to PA to IG Police, NWP&O, 6 Jul 1881; BL/IOR/P/1816: Smith to IG Police, NWP&O, 15 May 1882; BL/IOR/P/2002: Smith to IG Police, NWP&O, 4 Jun 1883. Even when migrating eunuchs accurately reported their destination, they rarely reported to police on arrival and due to lax police work were 'often lost sight of,' at least for a time. BL/IOR/P/839: Hobart to IG Police, NWP, 28 Jun 1876.
[127] BL/IOR/P/1816: Smith to IG Police, NWP&O, 15 May 1882.
[128] BL/IOR/P/1138: E. Tyrwhitt, Inspector-General of Police, NWP&O, to Secretary, NWP&O, 28 May 1878. The districts of Benares division similarly found it difficult to enforce the Act since eunuchs could easily cross into Bengal where they were 'undisturbed by police surveillance.' BL/IOR/P/1281: C. Robertson, Secretary, NWP&O, to Inspector-General of Police, NWP&O, 25 July 1879. See also, BL/IOR/P/2208: Smith to IG Police, NWP&O, 26 Jun 1884.
[129] UPSA/A/COV/119/12: C.A. Elliot, Secretary, NWP, to Commissioner of Benares, 19 March 1873; BL/IOR/P/2208: Smith to IG Police, NWP&O, 26 Jun 1884.
[130] BL/IOR/P/2460: Smith to IG Police, NWP&O, 27 Apr 1885. See also BL/IOR/P/839: B.W. Colvin, Officiating Secretary, NWP, to Inspector-General of Police, NWP, 25 August 1876.

zananas were not able to escape police surveillance permanently, most probably used mobility to challenge, evade or negotiate colonial regulation for short periods.

Considering the scope of eunuch mobility under the CTA, what steps did the colonial government take to curb disappearances, absences and temporary evasion of surveillance? The provincial government was largely unconcerned with permanent migrations of eunuchs outside the NWP&O, even to other British territories. Permanent migrations outside the NWP&O were viewed as a positive, since the reduction (and eventual elimination) of the eunuch population of the province was the goal.[131] In contrast, temporary movements were seen as a threat to the control of eunuchs in the NWP&O. However, as we saw in the previous chapter, the provincial government rejected various proposals to punish absent eunuchs;[132] to provide police escorts for migrating eunuchs;[133] and for a pass system modelled on that applied to the criminal tribes.[134] The provincial government was unwilling to expend additional resources on the surveillance of eunuchs, particularly if the provincial government's agenda of causing eunuchs to 'die out' within the NWP&O was not directly served.[135] Although the NWP&O government streamlined the reporting and enumeration of eunuchs' movements,[136] in the 1880s, 'carelessness' in surveillance still prevented an 'efficient check over the eunuchs in their wanderings.'[137]

Gaps in surveillance and the pragmatic compromises of colonial rule were at once constituted by, and facilitated, the ability of migrating *hijras* and *zananas* to challenge, evade and cope with police surveillance. Mobility was a strategy that did not always succeed in the long term, and many 'wandering eunuchs' once again found themselves registered.[138] Moreover, the ability of *hijras* to evade and resist was contingent upon power relations within the community. Yet many registered eunuchs took advantage of and expanded lacunas in surveillance in order to resist, subvert and negotiate their

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[131] UPSA/L/J/C/61/456: J.O.M., Judicial Department Memorandum, 19 September 1884; BL/IOR/P/2208: C.J. Connell, Secretary, NWP&O, to Inspector-General of Police, NWP&O, 23 September 1884.
[132] UPSA/A/COV/119/12: Webster to Sec, NWP, 13 Mar 1877.
[133] BL/IOR/P/1138: Tyrwhitt to Sec, NWP&O, 28 May 1878.
[134] BL/IOR/P/840: R.T. Hobart, Deputy Inspector-General of Police, NWP&O, 'Draft rules for the better registration and surveillance of registered eunuchs,' 2 March 1877.
[135] BL/IOR/P/840: C. Robertson, Officiating Secretary, NWP&O, to Inspector-General of Police, NWP&O, 3 April 1877.
[136] Ibid.; UPSA/L/Police/64/529A: H.W.P, Police Department Memorandum, 4 November 1891; UPSA/L/Police/64/529A: W.C. Benett, Secretary, NWP&O, to Inspector-General of Police, NWP&O, 17 November 1891; UPSA/L/J/C/111/772D: Winter, 'Rules,' 2 Apr 1907.
[137] BL/IOR/P/2002: H.B. Webster, Inspector-General of Police, NWP&O, to Officiating Secretary, NWP&O, 22 June 1883. See also, BL/IOR/P/2002: J.R. Reid, Officiating Secretary, NWP&O, to Inspector-General of Police, NWP&O, 20 July 1883. The Deputy Inspector-General, in contrast, thought there had been improvement. BL/IOR/P/2002: Smith to IG Police, NWP&O, 4 Jun 1883.
[138] See for example, BL/IOR/P/1816: Smith to IG Police, NWP&O, 15 May 1882.

criminalisation and to continue patterns of mobility that were important in the everyday lives of *hijras* and other 'eunuchs.'

Illegal performance and feminine embodiment

As we have seen, *hijras* and *zananas* often used strategies of mobility to perform or wear feminine clothing outside the NWP&O. Yet even within the province, the CTA limited, but did not entirely suppress, the illegal performances of 'eunuchs' and their gender embodiment, despite the risk of prosecution, fine and imprisonment. As the Magistrate of Ghazipur admitted, at best, the government could achieve a diminution of 'obscene' acts: 'in spite of the prohibition they may sometimes dance and sing but if the prohibition be removed they will certainly dance and sing more.'[139] While the actual extent of illegal performance and feminine embodiment was far greater than the number of prosecutions—generally between eight and sixteen each year[140]—would suggest, there was nonetheless a risk of prosecution. Registered eunuchs used a variety of tactics to exploit and enlarge the cracks in colonial surveillance. Some continued to illegally perform and cross-dress in public, despite the risk of prosecution, highlighting the way in which gaps in surveillance and enforcement created opportunities for resistance and evasion, which *hijras* and *zananas* grasped and widened. Other registered eunuchs outwardly cooperated with normative masculinity to reduce the likelihood of prosecution and thus collaborated with hegemonic ideologies in order to improve their livelihoods. Moreover, most eunuchs performed and wore feminine clothing in 'private' contexts, away from the gaze of the colonial police. This suggests that domestic space provided a context in which *hijras* and other 'eunuchs' could perform their identity and subvert the colonial project of criminalisation.

In many cases, police intelligence and neighbourhood rumour suggested that registered eunuchs wore female clothing or performed in public but had avoided detection. For instance, in 1876, all the eunuchs in Agra were 'earning their bread by dancing and singing,' while eunuchs in several others districts were thought to perform.[141] Some registered eunuchs were also known to wear feminine clothing in

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[139] UPSA/A/COV/119/12: Oldham to Comm Benares, 6 Feb 1875.

[140] See Chapter 6.

[141] BL/IOR/P/839: Hobart to IG Police, NWP, 28 Jun 1876. See also, BL/IOR/P/839: Colvin to IG Police, NWP, 25 Aug 1876; BL/IOR/P/840: R.T. Hobart, Deputy Inspector-General of Police, NWP&O, to Inspector-General of Police, NWP&O, 11 September 1877; BL/IOR/P/1138: Tyrwhitt to Sec, NWP&O, 28 May 1878; BL/IOR/P/1138: C. Robertson, Secretary, NWP&O, to Inspector-General of Police,

public and had evaded punishment, although this was less common.[142] Even if police had intelligence that eunuchs performed or cross-dressed in public, catching them in the act was difficult. In some cases, the extent of police surveillance exerted over eunuchs was clearly inadequate to the task. Yet eunuchs also actively evaded police surveillance, carving out spaces and opportunities for performance and feminine embodiment. In Banda, for instance, where the eunuchs were reported to sing and dance for a living, '[t]he police … did not succeed in detecting any of their malpractices.'[143]

Some eunuchs strategically cooperated with normative masculinity to avoid prosecution. Indian police and British officials sometimes interpreted the Act to prohibit performances only if the eunuch in question was wearing female clothing,[144] while it was easier for police to identify femininely dressed *hijras* or *zananas*, than those performing in male clothing. Thus, cooperating with codes of masculinity reduced the risk of prosecution. Some 'eunuchs' took a creative approach to their gendered embodiment, mixing elements of male and female clothing in order to superficially conform to masculinity, while simultaneously expressing their gender identity. In Hardoi, for instance, the Superintendent of Police reported that 'one lot' of eunuchs 'sail very close to the wind in the manner of dress,' incorporating elements of feminine dress with male clothing to create, from the Superintendent's perspective, a confused gendered appearance.[145] The Hardoi eunuchs destabilised gender boundaries and subtly evoked a transgressive gender identity, while nominally staying within the law and avoiding prosecution.[146]

Due to the risk of prosecution in 'public,' the most common form of resistance to the obscenity sections of the CTA was performance and cross-dressing in contexts defined as 'private' under the law.[147] All groups classified as 'eunuchs' probably performed in households, providing a means of income with a reduced risk of prosecution. Yet since *hijras* lived together in small communities, whereas other

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NWP&O, 17 June 1878; BL/IOR/P/1281: E. Tyrwhitt, Inspector-General of Police, NWP&O, to Secretary, NWP&O, 5 July 1879.

[142] BL/IOR/P/1614: Robertson to IG Police, NWP&O, 19 Sep 1881.

[143] BL/IOR/P/1138: Robertson to IG Police, NWP&O, 17 Jun 1878.

[144] BL/IOR/P/1614: Smith to PA to IG Police, NWP&O, 6 Jul 1881. Some British officials even gave tacit or explicit permission to eunuchs to perform in male clothing. BL/IOR/P/839: Hobart to IG Police, NWP, 28 Jun 1876; BL/IOR/P/1816: Smith to IG Police, NWP&O, 15 May 1882. See Chapter 6.

[145] BL/IOR/P/1614: Smith to PA to IG Police, NWP&O, 6 Jul 1881.

[146] However, the provincial government ordered the Hardoi authorities to closely watch this 'lot' of eunuchs, and it is likely they were subsequently forced to present themselves in a less provocative manner. BL/IOR/P/1614: Robertson to IG Police, NWP&O, 19 Sep 1881.

[147] While performances and transvestism in 'public houses' were illegal if for pay, the emphasis in enforcement was on 'public' acts, providing opportunities for eunuch resistance in 'private.' See Chapter 6.

groups classified as 'eunuchs,' such as *zananas*, generally lived in familial contexts, *hijras* would have had the greatest opportunity for performance and feminine embodiment on a daily basis. *Hijras* were widely suspected to be covertly performing and cross-dressing in 'private' spaces, although their occupations were '*professedly* ... respectable.'[148] The authorities in Mainpuri reported performances were rarely 'done in public' and eunuchs secretly performed in unknown 'private' locations.[149] In Hardoi, the Superintendent illegally searched *hijra* houses and found 'all the appliances of their trade'—that is, female clothing and musical instruments—suggesting to the government that *hijras* performed and wore female clothing in private.[150] In 1883, Spedding, the Magistrate of Moradabad, obtained a warrant to search *hijras*' houses after three eunuchs were charged with 'unnatural offences' under section 377. [151] Spedding 'proved that some registered eunuchs do dress in women's clothes in their own houses.'[152] The colonial records suggest that performance and feminine embodiment in 'private' was common throughout the province, and that this was the primary means by which registered 'eunuchs' resisted the criminalisation of their occupation, socio-cultural role and gender identity, while avoiding the risk of prosecution. The domestic space of the *hijra* household was therefore an important site for the negotiation of colonial power.

On several occasions, district authorities called for greater policing powers to prevent performances and transvestism in private.[153] For instance, Spedding proposed in 1884 that possession of female clothing and musical instruments should be prohibited and police be empowered to conduct night-time searches of eunuch households.[154] The provincial government rejected Spedding's proposals; they would create too much police work, precisely because most eunuchs performed and wore feminine clothing in 'private.' [155] The NWP&O Secretary remarked on the proposal to criminalise

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[148] BL/IOR/P/2208: Smith to IG Police, NWP&O, 26 Jun 1884.
[149] BL/IOR/P/1138: Tyrwhitt to Sec, NWP&O, 28 May 1878. See also, BL/IOR/P/1138: Robertson to IG Police, NWP&O, 17 Jun 1878.
[150] BL/IOR/P/1614: Smith to PA to IG Police, NWP&O, 6 Jul 1881.
[151] Two cases were dismissed, but the third *hijra* was convicted and subsequently appealed—this appears to be the 1884 case 'Queen Empress *v.* Khairati' discussed in Chapter 7.
[152] Spedding added that the eunuchs 'undoubtedly habitually commit unnatural offences,' a conclusion he extrapolated from their possession of feminine clothing. BL/IOR/P/2208: Webster to Sec, NWP&O, 15 Jul 1884.
[153] BL/IOR/P/1614: Smith to PA to IG Police, NWP&O, 6 Jul 1881.
[154] BL/IOR/P/2208: Webster to Sec, NWP&O, 15 Jul 1884; UPSA/L/J/C/61/456: J.O.M, Judicial Department Memorandum, 23 August 1884.
[155] Officials also argued: first, that night-time searches would be illegal without a search warrant from a Magistrate; and second, that Spedding had not made a 'sufficient case' for the necessity of interference in the private sphere of eunuch households, since it was not crucial to the government's agenda of erasing public obscenity to suppress these acts in private. BL/IOR/P/2208: Connell to IG Police, NWP&O, 23

possession of female clothing and musical instruments, '[t]he police would have a fine time if this were done[!]' [156] Policing resources were limited, while the colonial government was unwilling to further extend its power over *hijras*, highlighting the somewhat limited capacity of the colonial government to discipline *hijras*.

Illegal performance and feminine dress is significant for two broad reasons. First, registered eunuchs exploited and widened gaps in surveillance in order to illegally perform and cross-dress, showing how the agency and resistance of marginal groups and the power of dominant groups are interrelated. Second, by contextually and partially conforming to hegemonic ideologies of masculinity and 'public' and 'private' spheres, many eunuchs were able to maintain aspects of their social role, livelihood and gender identity. Although some *hijras* openly flaunted the law, many adopted less risky strategies, such as collaboration with normative masculinity and performance and cross-dressing in private, which nevertheless undermined the colonial project to suppress *hijra* 'obscenity.'

Subversive emasculations

A more dramatic way in which eunuchs evaded and subverted colonial attempts to remould their bodies in conformity with normative masculinity was the illegal performance of emasculation. Some *hijras* were willing to go to extraordinary lengths to be emasculated, despite the risk of prosecution. Although not the definitive marker of *hijra*-hood, emasculation was important to *hijra* identity.[157] One of the primary aims of the CTA was to prevent emasculation, which was already illegal under the Penal Code of 1860, by increasing police surveillance over *hijras*, removing children and controlling the bodies of unemasculated boys (see Chapter 5). The colonial agenda to prevent emasculation was successful to a large extent. After 1871, emasculation was often impossible due to increased surveillance and the incidence of emasculation

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Sep 1884; UPSA/L/J/C/61/456: C.J. Connell, Secretary, NWP&O, Judicial Department Memorandum, 27 August 1884.

[156] UPSA/L/J/C/61/456: Connell, Memo, 27 Aug 1884.

[157] Colonial ethnologists reported that the emasculation ceremony was 'held to correspond to a birth ceremony which makes the patient [to be emasculated] a member of the caste.' Enthoven, *Tribes and Castes*, 227. However, as noted above, many nineteenth century *hijras* described themselves as a 'born eunuch,' suggesting that emasculation was not the only valorised form of *hijra* embodiment. UPSA/A/COM/29/8: Campbell, 'Register,' 6 Jan 1873.

amongst *hijras* declined.[158] Yet a handful of *hijras* managed to evade police and become emasculated under the CTA. On the one hand, the tactics *hijras* used to evade the police intersected with, and created, gaps in surveillance, providing slight opportunities to evade colonial law that nevertheless came with significant risk. On the other hand, power dynamics within the *hijra* community were important to how *hijras* responded to colonial laws prohibiting group practices.

Labelling emasculation as resistance is complicated by the question of the agency of *hijra* emasculates. It is clear that *hijras* were emasculated as both children and adults.[159] Whereas we should not dismiss *hijra* youths as subjects without agency, the issue of *hijra* agency is also more complex than the issue of age. Relationships of power between *hijras* were implicated in all instances of emasculation, even the emasculation of adult *hijras*, who may appear to have voluntarily chosen to be emasculated. The procedure was usually carried out by a senior *hijra* medical practitioner, called a *dai* (midwife), and involved the prospective eunuch's *guru*.[160] Although emasculation was a means to achieve a desired identity and embodiment and challenged the colonial agenda to cause *hijras* to 'die out,' emasculation was also marked by hegemonic structures within the *hijra* community.[161]

Small numbers of *hijras* continued to be emasculated under the CTA.[162] In Jhansi in 1880, a eunuch was added to the register who had 'become one since the Act has been worked,' and who had avoided police detection for some years.[163] In the same year, the *hijras* of Sandila in Hardoi district were also 'suspected of emasculating two of their number about two or three years ago.'[164] Several eunuchs left the NWP&O in order to be emasculated in non-British territory and later returned, such as three eunuchs from Sitapur who went to Nepal for emasculation.[165] The lengths to which *hijras* were

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[158] Indeed, many contemporary studies of *hijra* communities evidence that emasculation is not a necessary qualification for membership of the community in contemporary South Asia. Hossain, 'Beyond Emasculation,' 499-501; Reddy, *With Respect to Sex*, 91-6.

[159] See Chapter 5 for further discussion of the agency of *hijra* initiates.

[160] UPSA/COV/19/12: Annesley to Mag Benares, 12 Apr 1873. See Chapter 7 on the emasculation procedure.

[161] Moreover, in highlighting the subversive aspects of emasculation, I do not claim emasculation constituted resistance in every case, nor preclude the possibility that some *hijras* were forcibly emasculated.

[162] For earlier cases of emasculation see Chapter 3.

[163] This was apparently the first 'actual addition' to the eunuch population of the province since 1871. BL/IOR/P/1614: Smith to PA IG Police, NWP&O, 6 Jul 1881. See also, BL/IOR/P/1614: Robertson to IG Police, NWP&O, 19 Sep 1881.

[164] BL/IOR/P/1614: Smith to PA IG Police, NWP&O, 6 Jul 1881. See also, BL/IOR/P/2002: Smith to IG Police, NWP&O, 4 Jun 1883.

[165] UPSA/A/COA/18/5: Holderness to IG Police, NWP&O, 7 Aug 1896. It is also likely that some of the registered eunuchs who permanently migrated outside the NWP&O were subsequently emasculated in

willing to go to be emasculated are vividly demonstrated in a case of self-emasculation that emerged in 1885 in Sitapur district.[166] Although none of the *hijras* mentioned above were prosecuted for emasculation due to gaps in police surveillance and *hijra* evasion, there was nonetheless significant risk in carrying out emasculations under the CTA. Earlier cases in the NWP Nizamut Adawlut demonstrated that the majority of the local *hijra* community would often be prosecuted for emasculation and could receive sentences of between ten and fourteen years imprisonment, or even transportation for life.[167]

The efforts of *hijras* to be emasculated show how *hijra* strategies of evading police created and exploited gaps in colonial governance. Emasculation is also an example of how a particular act could constitute an assertion of agency and/or a manifestation of hierarchical power structures within the *hijra* community, depending on the circumstances. Emasculation was an important means by which *hijras* asserted desired identity positions, resisted the colonial disciplining of their bodies, and subverted colonial attempts to cause *hijras* to 'die out.'

Resisting colonial interference in *guru-chela* succession and inheritance

The colonial government sought to prevent the generational reproduction of the *hijra* community not only through prohibiting emasculation, but also by controlling *hijra* inheritance customs. In the context of inheritance, we see how colonialism impinged upon the everyday practices of the *hijra* community, and how *hijras*' assertion of agency impacted upon colonial policies and enforcement. *Hijra* efforts to circumscribe colonial interference in inheritance practices evidence that *hijras*' contestation and negotiation of colonial regulation was contingent on relations of power *within* the *hijra* community. Prior to the enactment of the CTA, some British officials claimed *hijra*

Indian-ruled territory and that persons who were not registered (and thus not recorded in the colonial archive) also left the province for emasculation.

[166] BL/IOR/P/2460: Smith to IG Police, NWP&O, 27 Apr 1885; BL/IOR/P/2460: O.L. Smith, 'Statement showing the number of Eunuchs who are registered in the districts of the North-Western Provinces and Oudh, under Part II of Act XXVII of 1871, for the year 1884,' 27 April 1885. See also, BL/IOR/P/2460: J. Woodburn, Secretary, NWP&O, to Inspector-General of Police, NWP&O, 1 July 1885.

[167] In the 1860 case, 'Government *v.* Munsa and 4 Others,' discussed in Chapter 3, those convicted received sentences of between ten and fourteen years (though the Sessions Judge originally sentenced the two 'principal offenders' to transportation for life). 'Government *v.* Munsa and 4 others,' *DNA NWP* 10 (1860): 6 March 1860. In the cases heard in 1864-5 in Shajahanpur, those convicted received sentences of up to ten years imprisonment and one person was transported for life. BL/IOR/P/438/61: Officiating Register, Nizamut Adawlut, NWP, to Secretary, NWP, 12 May 1865.

communities were relatively well off and that the prospect of inheriting was a financial incentive to join the community. Under the CTA, registered eunuchs could not make a will or gift property.[168] This targeted *hijra* patterns of property ownership, in which property was owned jointly by several *hijras* and would be inherited by their *chelas*.[169] Yet government interference with *hijra* inheritance was limited in practice. Due to pragmatic considerations, 'cracks' in the surveillance and enumeration of property, and *hijra* evasion of colonial interference, inter-generational succession and inheritance patterns were by and large maintained.

Many British officials were initially under the impression that the CTA provided that deceased eunuchs' property should escheat to government.[170] Yet the provincial government held that the CTA prohibited eunuchs from alienating their property by gift, will or adoption, but 'bar[red] no other mode of inheritance,' and property should only escheat to government when there were 'absolutely no heirs of any kind forthcoming.'[171] This allowed scope for *chelas* to inherit their deceased *guru*'s property if they were eunuchs and lived 'in common' with the deceased,[172] even though they did not have inheritance rights under law.[173] Why did the NWP&O government permit *chelas* to inherit their *guru*'s property, even though *hijra* inheritance and succession customs were thus reinforced? First, the value of property that *chelas* inherited was not significant enough to disadvantage the colonial government if it did not claim eunuch property.[174] Second, distinguishing property ownership amongst *hijras* was difficult in practice because *hijras* generally lived together and jointly owned (or used) property.[175]

Even though officials generally allowed either *chelas* or *hijra* co-owners to inherit property, some district officials were convinced that *hijras* were concealing property from authorities. In Basti district, the Superintendent of Police was not satisfied with the accuracy of the property register compiled in 1872 and suggested that it did not

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[168] BL/IOR/V/8/42: Act No. XXVII of 1871.

[169] BL/IOR/P/438/62: Simson, 'Replies,' 20 Apr 1866.

[170] BL/IOR/P/839: Hobart to IG Police, NWP, 28 Jun 1876.

[171] BL/IOR/P/839: Colvin to IG Police, NWP, 25 Aug 1876.

[172] BL/IOR/P/1614: Robertson to IG Police, NWP&O, 19 Sep 1881. See also BL/IOR/P/1816: Smith to IG Police, NWP&O, 15 May 1882; UPSA/L/J/C/111/772D: Winter, 'Rules,' 2 Apr 1907.

[173] BL/IOR/P/1816: Reid to IG Police, NWP&O, 14 Aug 1882.

[174] Ibid.

[175] UPSA/A/COM/29/8: Webster, 'Register,' 7 May 1873; UPSA/A/COM/29/8: Magistrate of Bulandshahr (signature illegible), 'Register of property possessed by Eunuchs borne on the rolls of Register No. 1 zillah Bollundshuhur,' 9 January 1873; UPSA/A/COM/29/8: Officiating Superintendent of Police, Meerut (signature illegible), 'Register of property possessed by eunuchs borne on the rolls of Register No. I under Act XXVII of 1871,' 23 April 1872; UPSA/A/COV/119/12: Robertson to Comm Benares, 3 Nov 1872; UPSA/A/COV/119/12: Waddington, 'List,' circa 1872.

reflect the full extent of eunuch property.[176] The complaint of the Hardoi authorities almost ten years later that 'all the eunuchs in the district' were 'attempting to conceal their means but clearly living in comparative affluence'[177] was echoed (almost word-for-word) by numerous district officials.[178] In some cases, such claims may have been prompted by a disparity between the evident poverty of local eunuchs and British officials' assumptions that *hijras* were relatively wealthy due to income from prostitution and 'begging.' Yet there is evidence that *hijras* did attempt to conceal property and prevent colonial interference with inheritance. In 1881, the Superintendent of Police in Gonda wrote that 'it is of no use to register eunuch's [sic] property, as they sell it and purchase it with different names.'[179] The following year, one eunuch in Fyzabad district 'sold his property and used the proceeds before his death,' which was illegal under the Act.[180] The conclusion that some registered eunuchs either hid or sold their property is further supported by district authorities' lax approach to revising property registers, which several British officials acknowledged opened up opportunities to subvert the law.[181]

However, in light of the government policy that *chelas* and 'co-sharers' could inherit deceased *hijras*' property, the question remains, why would *hijras* have bothered to prevent government interference in inheritance? On the one hand, although property was inherited by *hijra chelas* and co-owners in the majority of cases, there was nonetheless a threat that the authorities would escheat property to government. While approximately Rs. 2284 of property was inherited by other eunuchs in 1880, Rs. 469 was escheated to government.[182] Some property was also given to non-*hijras*, as highlighted in an instance in which a *zamindar* received a deceased eunuch's property.[183] On the other hand, it is also possible that the mediation of *hijra* inheritance and succession on the death of a *hijra guru* was distasteful to *hijra* communities. The succession of a *guru* was the occasion for great celebration, involving not only the immediate household, but also *hijras* from the surrounding region,[184] suggesting the importance of generational succession within the *hijra* community. For this reason,

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[176] UPSA/A/COV/119/12: Webster to Sec, NWP, 13 Mar 1877.

[177] BL/IOR/P/2002: Smith to IG Police, NWP&O, 4 Jun 1883.

[178] BL/IOR/P/839: Colvin to IG Police, NWP, 25 Aug 1876; BL/IOR/P/1614: Smith to PA IG Police, NWP&O, 6 Jul 1881.

[179] BL/IOR/P/1614: Smith to PA IG Police, NWP&O, 6 Jul 1881.

[180] BL/IOR/P/1816: Smith to IG Police, NWP&O, 15 May 1882.

[181] Ibid.; BL/IOR/P/96: Tyrwhitt to Sec, NWP, 26 Jun 1874; BL/IOR/P/97: Hobart to IG Police, NWP, 4 May 1875; BL/IOR/P/2460: Smith to IG Police, NWP&O, 27 Apr 1885.

[182] BL/IOR/P/1614: Smith to PA IG Police, NWP&O, 6 Jul 1881.

[183] UPSA/L/J/C/48/296: J.O.M., Judicial Department Memorandum, 22 June 1885.

[184] Rose, *Glossary*, 332.

hijras may have resented and resisted the intervention of the colonial government following the death of a *guru*, even if it was likely that property would be passed onto other *hijras*. Due to both the colonial government's pragmatic compromises and the active resistance of *hijras*, the customs associated with the inter-generational reproduction of the community lived on. The original government aim of disrupting *hijra* succession and inheritance patterns to prevent the reproduction of the *hijra* community failed.

Conclusion

This chapter has painted a picture of the everyday lives of registered eunuchs under Part II of the Criminal Tribes Act of 1871. How did individuals and communities respond to colonial governmental projects that criminalised the 'eunuch,' and to colonial modernity more broadly? I have argued that so-called 'suspicious eunuchs' responded to their criminalisation through various strategies, including resistance, subversion, adjustment and coping. *Hijras* and *zananas* could be said to have had multiple agendas: to maintain their livelihoods and improve their economic wellbeing; to continue prohibited practices that were important to their social role; to lessen the impacts of police surveillance and enforcement; to circumscribe the presence of the colonial state in their daily lives; and to assert valued identities and valorise their existence in the face of criminalisation. Less dramatic responses to colonial modernity—including individual or communal attempts to cope and adjust—had important impacts on registered eunuchs and should not be ignored. Practices of meaning-making in the *hijra* community, for instance through the retelling of oral traditions or bawdy talk in the *bazaars*, were arguably as central to *hijras*' contestation of colonial projects, as outright resistance to colonial law. Similarly, eunuchs sought to maintain their livelihoods through a variety of acts, ranging from legal actions (such as alms-collection), to collaborating with normative masculinity, to breaking the law in private, to publicly flaunting the law, to escaping from the NWP&O.

Moreover, this chapter has argued that resistance to colonial criminalisation does not represent a moment of freedom from power, but rather that eunuchs' various forms of agency under the CTA were embedded in and contingent upon various power relationships, within the *hijra* community and in north Indian society. *Hijras* and *zananas* were not purely autonomous subaltern groups. For instance, while the oral

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traditions of the *hijra* community subverted colonial and elite Indian discourses that portrayed the group as 'criminal' and 'deviant' by valorising *hijra* gender identity, embodiment and spiritual power, these mythologies were part of a wider set of meanings derived from Hindu traditions that *hijras* appropriated into a subversive, if ambiguous, narrative of their existence. Moreover, the responses of *hijras* to colonialism intersected with structures of power within the *hijra* community, in particular, *guru-chela* relationships. Similarly, *zananas*' contestation and negotiation of colonial modernity was contingent upon their location within networks of affinal and biological kin. The lives of marginalised groups termed 'eunuchs,' and the various responses of these groups to the colonial government, thus reveal the broader webs of power relations in which they were situated.

To what extent, then, were eunuchs successful in subverting the colonial project of regulation? How and to what extent were registered eunuchs able to exercise agency, to change their individual and communal circumstances, and to frustrate the agendas of the colonial government? Fissures in colonial surveillance, enumeration and enforcement at the local level provided opportunities for eunuch resistance. However, *hjiras* and other 'eunuchs' also grasped opportunities to widen and create gaps in colonial power. For example, *hijras*' semi-peripatetic lifestyles exposed and exacerbated gaps in colonial surveillance and control of mobile indigenous communities. The disjuncture between the limits of colonial forms of political authority and the movement of *hijras* across internal and external political boundaries opened up mobility as both a 'gap' in colonial power and a space for *hijra* resistance. The uneven enforcement of the CTA was partly a result of eunuch resistance, evasion and coping strategies. However, it is important to keep in mind that some eunuchs felt the brunt of the law to a greater degree than others. In some cases, the strict enforcement of the CTA prompted eunuchs to resist local authorities or even to escape the province. Yet many eunuchs were unable to lessen the impacts of colonial criminalisation, while others only succeeded in doing so for a short time. Moreover, the risk of prosecution was manifest in the punishment of eunuchs whom police caught performing or cross-dressing. On balance, *hijras* and other 'suspicious eunuchs' constantly frustrated the colonial government by persisting in their 'old practices,'[185] moving across political borders, undermining colonial knowledge, and breaking the law. On a more fundamental level, *hijras* managed to enact and reproduce the socio-cultural category and gender identity of the *hijra* throughout the colonial period.

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[185] BL/IOR/P/97: Colvin to IG Police, NWP, 12 Aug 1875.

Hijras' historical negotiation of colonial power illuminates our understanding of contemporary *hijras* in several ways. On the one hand, this historical case study suggests that an emancipatory explanation of contemporary *hijra* activism is inappropriate. *Hijras* have historically used a wide range of strategies in their everyday lives to contest and subvert their criminalisation and marginalisation, suggesting that neither protest—manifest in *hijras*' hyper-visibility in queer rights rallies—nor their subversive sexual identity—which is often assumed to be the core of their identity[186]— may encapsulate the range of ways contemporary *hijras* contest power in India today. At the same time, contemporary *hijras*, like their nineteenth century counterparts, are not divorced from hegemonic structures and their protest and activism may, as Gayatri Reddy has argued, 'reinscribe' the 'hegemonic importance' of 'normative institutions' of sexuality, religion and kinship, rather than 'remaking' them.[187] On the other hand, this study illuminates the historical reasons for *hijras*' survival as an identity category in north India. The CTA enshrined *hijras* as a criminal collective in law and cemented a pattern of intimidating and sometimes coercive relations with police in north India, forming an important backdrop to heteronormative and criminalising state discourses and abusive police-*hijra* relations in India today.[188] Yet despite the long legacies of criminalisation, *hijras* did not 'die out' under colonial modernity. The survival of *hijras*, despite colonial attempts to passively exterminate the community, was due to both the fissures of colonial power and the everyday ways *hijras* evaded and resisted the colonial state, thereby limiting and subverting colonial agendas. The following chapter turns to the colonial government's attempts to bring about the passive extermination of *hijras* through the control of boys' bodies, and the limits of these colonial projects.

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[186] Kapur, 'Hybridity, Sexuality.'

[187] Reddy examines the campaigns of *hijras* who have run for public office. Reddy, '"Men" Who Would Be Kings,' 164-5.

[188] 'Human Rights Violations Against the Transgender Community: A Study of *Kothi* and *Hijra* Sex Workers in Bangalore, India – September 2003),' People's Union for Civil Liberties, Karnataka, accessed 24 August 2012, http://ai.eecs.umich.edu/people/conway/TS/PUCL/PUCL%20Report.html; 'Ongoing police violence against *hijras* in India,' International Lesbian, Gay, Bisexual, Trans and Intersex Association, accessed 24 August 2012, http://ilga.org/ilga/en/article/233.

Part 3

Gender, Sexuality and Colonial Power

Chapter 5

Childhood, 'Deviant' Domesticity and Sexual 'Corruption'

The image of the *hijra* as the kidnapper, exploiter and emasculator of innocent boys was one of the most pervasive stereotypes of the community in nineteenth century British colonial discourse. According to colonial administrators, eunuchs would not 'die out' if more eunuchs could be 'created' out of 'perfect' boys.[1] Thus, controlling the bodies of children was imperative to prevent the physical reproduction of *hijras* and was central to the colonial regime's numbers game of tracking their gradual extinction. When British officials discussed extermination, *hijras* were often described as a 'race,' with emasculation constituting the 'creation' of a new biological entity. For instance, in 1865, S.N. Martin, the Magistrate of Muzaffarnagar, reported 'a strong desire in all eunuchs to continue the race by rearing boys,' necessitating measures 'to eradicate this unnatural race.'[2] *Hijra* domestic arrangements, *guru-chela* hierarchies and kinship-making practices were viewed as perverse sites of the reproduction of *hijra* bodies.

This chapter foregrounds three primary issues: first, how *hijra* domestic arrangements add to our understanding of their everyday lives, the history of domestic and family formations in South Asia and colonial interventions into the domestic sphere; second, notions of the sexual 'corruption' of children and colonial understandings of *hijra* sexual and gendered deviance; and finally, the impacts of colonial child 'rescue' projects at the local level, and on removed children in particular. This chapter thus further extends this thesis' analysis of the lives of *hijras* under colonial modernity, the modes of colonial power deployed against eunuchs and attempts to discipline gender and sexuality.

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[1] For example, BL/IOR/P/438/61: R. Simson, Secretary, NWP, to Inspector-General of Police, NWP, 9 June 1865; Officiating Judge of Azamgurh, quoted in BL/IOR/P/92: C.A. Elliot, Officiating Secretary, NWP, to Secretary, Government of India, 'Abstract of Replies,' 21 April 1871; BL/IOR/P/438/62: C. Robertson, Commissioner of Allahabad, to Secretary, NWP, 27 June 1866; BL/IOR/P/840: C. Robertson, Officiating Secretary, NWP&O, to Inspector-General of Police, NWP&O, 3 April 1877; BL/IOR/P/92: Tiernan, 2nd Grade Inspector of Police, Gorakhpur, to Superintendent of Police, Gorakhpur, 26 May 1871; C.R. Lindsay, Sessions Judge of Moradabad, quoted in BL/IOR/P/438/62: J. Simson, Register to Nizamut Adalwut, NWP, 'Replies to the Court's Circular letter, No. 4, dated the 2nd September, 1865,' 20 April 1866.
[2] UPSA/A/COM/9/2: S.N. Martin, Magistrate of Muzaffarnagar, to Commissioner of Meerut, 15 July 1865. See also, BL/IOR/P/438/61: W.G. Probyn, Magistrate of Shahjahanpur, to Sessions Judge of Shahjahanpur, 12 December 1864.

Hijra domestic space was a prime target of colonial attempts to manage the *hijra* population, highlighting how the 'micro-management of sexual arrangements and affective attachments'[3] was often central to colonial modernity and the deployment of colonial power. One of the central aims of the Criminal Tribes Act was to intervene in the *hijra* household,[4] in particular by severing relationships between children and adults with the end of preventing emasculation and, therefore, the reproduction of the *hijra* community. Yet the opacity of domestic space fuelled moral panic and engendered colonial narratives of *hijra* households as a deviant form of domesticity. Colonial officials rejected the possibly of sentiment and affection in the *hijra* household and claimed that the community was reproduced through criminal means of kidnapping. However, colonial records nevertheless show a fragmented picture of various *hijra* domestic relationships that adds to our understanding of the nineteenth century *hijra* community and the mundane ways in which *hijras* negotiated power. *Hijra* households were the site of varied forms of relationships amongst *hijras* and between *hijras* and non-*hijras*, that were structured along several axes of power. The non-biological kinship relationships, or 'constructed kinship,' of *hijras* were an important aspect of their lives, demonstrating the historical complexities of domestic formations in South Asia. Yet the project to intervene in *hijra* households and the colonial conceptualisation of this domestic space as an environment of corruption highlights the colonial and elite Indian marginalisation of diverse forms of domestic arrangements over the nineteenth century.

Colonial officials discussed at length the ways that children were sexually 'corrupted' in the *hijra* household. Although the removal of children who lived with *hijras* was premised on their victimisation, innocence and capacity for reform, the child-status of such children was always a matter of contention and the child victim could easily become an agent of contamination. Throughout this chapter we see how the boundaries of the category 'child' were shifting and porous and were contingent on the perceived gendered and sexual nature of the child. British officials' understanding of how the 'suspicious eunuch,' the *hijra*, was transformed from a child victim into an adult criminal and deviant also provides a prism through which to analyse how judicial and police administrators conceived of *hijra* gender and sexuality (Chapter 7 shifts the focus to medical officials). The extent to which children in *hijra* households were

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[3] Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule* (Berkeley: University of California Press, 2002), 8.
[4] These interventions included colonial interference in inheritance patterns, which was examined in the previous chapter.

capable of reform was a matter of debate between British officials. Thus, this chapter further demonstrates that colonial understandings of *hijra* deviance were often contested from within. However, there was a pervasive doubt about the capacity of such 'corrupted' children to be reformed, highlighting the tensions between colonial ideologies of the victimisation of children and the perceived potential for contamination they posed.

In my analysis of the implementation and impacts of child removal, I foreground the experiences and stories of removed children. It is important to focus not only on the discourses surrounding children and projects to transform them in desired directions, but also on the lives and agency of children. In general, the focus of studies of childhood in nineteenth century India has been on social debates about childhood and reformist projects aimed at children. Moreover, issues of the nineteenth century construction of female childhood[5] and elite male childhood predominate the literature,[6] and there has been a relative neglect of subaltern male childhoods during this period. Satadru Sen's work on juvenile reformatories and orphanages represents perhaps the only in-depth analysis of subaltern male childhood in colonial India.[7] Yet Sen's purpose is to examine discourses and projects of childhood, rather than children themselves. As in Karen Vallgårda's recent study of missionary schools, I analyse both the conceptualisation of childhood *and* the experiences of children.[8] Children in *hijra* households were very much on the periphery[9] of Indian society: they were economically marginal; if emasculated, were usually considered outcaste; were often the offspring of

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[5] See for instance, Ashwini Tambe, 'The State as Surrogate Parent: Legislating Nonmarital Sex in Colonial India, 1911-1929,' *Journal of the History of Childhood and Youth* 2, no. 3 (2009): 393-427; Jasodhara Bagchi, 'Socialising the Girl Child in Colonial Bengal,' *Economic and Political Weekly* 28, no. 41 (October 9 1993): 2214-2219; Ishita Pande, 'Coming of Age: Law, Sex and Childhood in Late Colonial India,' *Gender & History* 24, no. 1 (April 2012): 205-30; Padma Anagol-McGinn, 'The Age of Consent Act (1891) Reconsidered: Women's Perspectives and Participation in the Child-Marriage Controversy in India,' *South Asia Research* 12, no. 2 (1992): 100-18; Kunal M. Parker, '"A Corporation of Superior Prostitutes": Anglo-Indian Legal Conceptions of Temple Dancing Girls, 1800-1914,' *Modern Asian Studies* 32, no. 3 (1998): 586-9; Tanika Sarkar, 'Rhetoric Against the Age of Consent: Resisting Colonial Reason and the Death of a Child-Wife,' *Economic and Political Weekly* 28, no. 36 (September 4 1993): 1869-78.

[6] Manu Bhagavan, *Sovereign Spheres: Princes, Education and Empire in Colonial India* (New Delhi: Oxford University Press, 2003); Sanjay Srivastava, *Constructing Post-Colonial India: National Character and the Doon School* (London: Routledge, 1998).

[7] Satadru Sen, *Colonial Childhoods: The Juvenile Periphery of India, 1850-1945* (London: Anthem Press, 2005); Satadru Sen, 'The Orphaned Colony: Orphanage, Child and Authority in British India,' *Indian Economic and Social History Review* 44, no. 4 (2007): 463-88.

[8] Karen Vallgårda's study of children in missionary schools is notable for its attention to the experiences of children. Karen A. A. Vallgårda, 'Adam's Escape: Children and the Discordant Nature of Colonial Conversions,' *Childhood* 18, no. 3 (2011): 298-315.

[9] Sen has described the reformatory as the 'juvenile periphery' of British India, on 'the colonial horizon of the metropolitan, the universal, the national, the middle class and the authoritative,' and made doubly peripheral by the marginality of childhood itself. Sen, *Colonial Childhoods*, 2.

subaltern parents; and were increasingly marginalised by normative masculinity. Although the colonial archive portrays children in *hijra* households as victims, I aim to foreground the experiences, stories and agency of these children.

In addition, the final section of this chapter analyses the impacts of the child 'rescue' project in light of the nature of colonial power as it was deployed against marginalised communities such as *hijras*. To what extent could the colonial government intervene in domestic arrangements, remould 'corrupted' children into respectable members of society and, more broadly, manage the *hijra* population? On the one hand, many British district administrators did not perceive the removal of children from *hijra* households as a moral necessity. As such, many children were initially left in the custody of *hijras*. Yet even when the provincial government demanded the removal of children, the child 'rescue' project was in practice limited. Although the removal of children was premised on the need to 'save' them from 'corruption' and bring about their 'reform,' the administration consistently circumscribed the scope of government involvement in the education and upbringing of children. Colonial intervention in these children's lives following their removal was limited to ongoing police surveillance to ensure their continued spatial separation from *hijras* and prevent their emasculation. Surveillance of children and their new guardians was necessary because children might resist colonial intervention and wilfully return to *hijras*. Attempts to 'rescue' children in *hijra* households were thus circumscribed in practice: the agenda of 'reform' was deprioritised in favour of the gradual extinction of eunuchs.

Colonial child 'rescue' policies

The removal of children from *hijra* households constructed the British as paternalist colonisers and thus served important ideological purposes, reinforcing the legitimacy of British rule of the subcontinent and extending colonisation to new spaces of Indian society.[10] 'Rescuing' children from the *hijra* household provided an opportunity for a moral critique of Indian society. In colonial accounts, the boy *hijra* initiate was saved

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[10] There is significant overlap between the construction of the 'native' Other and the child. Imperial ideologies often depended on child-parent metaphors. Jo-Ann Wallace, 'De-Scribing *The Water-Babies*: 'The Child' in Post-Colonial Theory,' in *De-scribing Empire: Post-Colonialism and Textuality*, ed. Chris Tiffin and Alan Lawson, 175-6 (London, Routledge, 1994). Satadru Sen has recently argued that juvenile reformatories were a 'politically significant zone' for both the colonisers and Indian elites. Sen, *Colonial Childhoods*, 8, 10, 21, 28, 34-9, 45-7.

not only from the clutches of the *hijra* community, but more broadly, from certain deviant aspects of Indian society, thereby establishing the cultural and racial differences through which colonialism was justified. The removal of children also demonstrated the incapacity of Indians for self-rule in colonial discourse. The inability of the Indian parent to adequately protect their children implied their inability to govern not only their own families, but also themselves.

However, the ideological work to which child-removal could be put is perhaps less surprising than the colonial government's deployment of considerable bureaucratic and police resources to remove children from *hijra* households. Throughout the nineteenth century, there was a significant disconnect between the articulation of an ideology of paternalist governance and the willingness and capacity of the colonial government to intervene in Indian childhoods. The wholesale removal of children from communities believed to be immoral or criminal was not a general technique of colonial governance in India. In 1870, the central government rejected the wholesale removal of criminal tribes children due to doubts about the political plausibility of child-removal and the practical difficulties involved.[11] Why then were the British willing to undertake child 'rescue' in the case of the *hijra* community?

First, the numbers of children who lived with *hijras* were small and the scope of this experiment in child 'rescue' was therefore manageable.[12] Second, the moral panic over *hijras* occurred at a historical moment when the British were establishing the first orphanages and juvenile reformatories for Indian children. Prior to the 1860s, the only government-run orphanages were for the offspring of European men.[13] Yet following the 1860-1 famine in the Upper Doab, the first government-administered orphanage for Indian children was established at Sikandra in the Punjab.[14] In the 1860s, there was still 'considerable reluctance' amongst British officials 'to adopt a … posture of the paternal

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[11] Colonial officials rejected child removal from communities labelled criminal tribes. E.C. Bayley, the Secretary to the Government of India, noted that the removal of children offered the only means by which hereditary criminal inheritance could logically be arrested. But Bayley doubted 'if Government would be prepared to accept such a policy, or to face the practical difficulties of putting it in force.' Commenting on Bayley's position, Sen has highlighted that he 'foreshadows, in some ways, the state-sponsored kidnapping of Aboriginal children in Australia,' yet Bayley was pessimistic about the political plausibility of this undertaking and shocked by its scope. Sen, *Colonial Childhoods*, 57. Nor did proposals to remove children from brothels eventuate (see below, this chapter).

[12] Although the NWP&O government claimed that hundreds of children would be found with *hijras*, it was anticipated that far smaller numbers would be removed than if, for instance, all criminal tribes children or girls living with prostitutes were removed. Less than 100 children were found from the 1860s to the 1880s (see below, this chapter).

[13] David Arnold, 'European Orphans and Vagrants in India in the Nineteenth Century,' *Journal of Imperial and Commonwealth History* 7, no. 2 (1979): 104 -27; Durba Ghosh, *Sex and the Family in Colonial India: The Making of Empire* (Cambridge: Cambridge University Press, 2006), 206-45.

[14] Sen, 'The Orphaned Colony,' 465-8. This was a different institution than the Church Mission Society-run Sikandra or 'Secundra' Orphanage at Agra, where some children removed from *hijras* were sent.

state.'[15] Yet by the 1870s, British officials saw colonial interventions into the lives of Indian children as a moral imperative within limited contexts. As such, the government undertook to establish reformatories for juvenile prisoners under the Reformatory Schools Act in 1876.[16] A moral rationale for child 'rescue' was particularly persuasive in the NWP government, within which the influence of evangelism was marked in the late 1860s and early 1870s. Evangelical officials believed that the colonial government had a moral duty to 'save' Indian children from native 'barbarities.'[17] Third, the removal of children associated with the *hijra* community was attempted because subaltern children in *hijra* households, unlike middle-class Indian children, were 'relatively accessible' to the colonisers, since it was not until the twentieth century that Indian nationalists would assert authority over subaltern Indian children.[18] Hence, the removal of children from *hijra* households occurred at a historical juncture when the model of the 'state as surrogate parent'[19] had some appeal, in addition to being practically and politically feasible.

Finally, sexually 'corrupt' male childhoods were a particular concern after 1857. In the 1860s and 1870s, the establishment of reformatories and the spatial reorganisation of jails to provide separate quarters for juveniles were motivated to a significant degree by anxieties provoked by sexual relations between boys and adult prisoners.[20] For the colonial government, the loss of male childhoods to sexual 'corruption' was more concerning than female premature sexuality because 'unnatural' sexuality between men and children was at stake in the moral panic over male child sexuality. Moreover, the British thought that Indian girls reached puberty much earlier than Indian boys or European children, and as such, their sexual behaviours in childhood were often regarded as a natural phenomenon.[21] Proposals to remove female children from brothels were dismissed in the early 1870s partly because many colonial officials thought Indian girls were 'naturally' sexually mature from a young age.[22]

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[15] Sen, *Colonial Childhoods*, 34-5.

[16] See Ibid.

[17] The Lieutenant-Governor of the NWP&O, William Muir, was a financial supporter of missionary efforts to 'rescue' Indian children in orphanages and mission schools. Avril A. Powell, *Scottish Orientalists and India: The Muir Brothers, Religion, Education and Empire* (Woodbridge: Boydell, 2010), 91-2.

[18] Sen, 'The Orphaned Colony,' 474.

[19] This is Ashwini Tambe's phrase. Tambe, 'State as Surrogate Parent.'

[20] For official discussion of sodomy, juvenile prisoners and prison reform see correspondence in NAI/HD/JB 19/06/1869 14-5; NAI/HD/JB 24/07/1869 36-7; NAI/HD/JB 11/10/1865 35-6; NAI/HD/JB 11/05/1870 59-60. See also, Sen, *Colonial Childhoods*, 69-70.

[21] Pande, 'Coming of Age,' 208-9.

[22] See below for a discussion of female prostitution.

Whereas boys who were sexually 'corrupted' were conceived of as victims, they were easily transformed into agents of contamination in colonial discourse. In modern Western Europe, the ideal of childhood positioned sexual desire and sexual behaviour as antithetical to childhood, imagined as a period of innocence.[23] The anxieties provoked by the prospect of sexualised male childhoods are particularly evident in the nineteenth century moral panic over masturbation.[24] In the colonial context, constructs of childhood as pre-sexual were also apparent, although colonial commentators were ambiguous on the extent of the 'innocence' of Indian children.[25] John Shortt, a physician and amateur ethnologist, viewed Indian boys as prematurely and unnaturally sexualised, to such a degree that 'upon the attainment of manhood they become regularly impotent,'[26] a stereotype that served obvious ideological purposes, portraying Indian men as effeminate and Indian society as deviant. In the colonial conceptualisation, childhood and adulthood were inverted in India, with childhood a time of sexual excess and adulthood a stage of sexual exhaustion. There was tension between representations of the prematurely sexualised boy as a victim, on the one hand, and as an agent of sexual contagion on the other. In the courts, boys as young as twelve or thirteen were deemed 'willing and not unwilling instrument[s]' in 'satisfying' men's 'lusts' in cases of alleged forced sodomy.[27] The British also characterised juvenile criminals as a threat of sexual contamination,[28] and often, as greater sexual deviants than adult Indian men.[29]

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[23] There is an enormous literature on the history of childhood in Western Europe. For a recent analysis see, Colin Heywood, *A History of Childhood: Children and Childhood in the West from Medieval to Modern Times* (Cambridge: Polity Press, 2001).

[24] R.P. Nueman, 'Masturbation, Madness, and the Modern Concepts of Childhood and Adolescence,' *Journal of Social History* 8, no. 3 (Spring 1975): 1-27; Alan Hunt, 'The Great Masturbation Panic and the Discourses of Moral Regulation in Nineteenth- and Early Twentieth-Century Britain,' *Journal of the History of Sexuality* 8, no. 4 (April 1998): 575-615; Leslie A. Hall, 'Forbidden by God, Despised by Men: Masturbation, Medical Warnings, Moral Panic, and Manhood in Great Britain, 1850-1950,' *Journal of the History of Sexuality* 2, no. 3 (January 1992): 365-87.

[25] Sen, *Colonial Childhoods*, 69-71.

[26] John Shortt, 'Medical Topography of Modern Orissa Extending Between 19° & 22° Latitude North and Between 83° and 88° East Longitude,' *Indian Annals of Medical Science* 5 (1858): 177.

[27] 'Case of Bidree and Others,' *DNA NWP* 5 (1855): 165-6. See also, 'Government *v.* Ramdial (Appellant),' *DNA NWP* 10 (1860): 604-9; 'Case of Abdoolruzak,' *DNA NWP* 5 (1855): 465-6. These cases were not termed 'rape,' which was, and still is, defined under the Penal Code as penal-vaginal penetrative non-consensual sex. On colonial law and rape see Elizabeth Kolsky, 'The Rule of Colonial Indifference: Rape on Trial in Early Colonial India, 1805-57,' *The Journal of Asian Studies* 69, no. 4 (November 2010): 1093-117; Elizabeth Kolsky, '"The Body Evidencing the Crime": Rape on Trial in Colonial India, 1860-1947,' *Gender & History* 22, no. 1 (April 2010): 109-30. Boys who were murdered by older men, whom it was alleged were their pederastic lovers, were often portrayed as 'notorious bad characters' themselves. Government *v.* Kullooa,' *DNA NWP* 10 (1860): 174-9.

[28] Sen, *Colonial Childhoods*, 69-71.

[29] BL/IOR/P/438/62: S. Clark, Inspector-General of Prisons, NWP, to Secretary, NWP, 27 June 1867. See also, NAI/HD/JB 01/1875 130-2: E.C. Bayley, Secretary to Government of India, Memorandum, 28 July 1874.

It is noteworthy that the second half of the nineteenth century also saw changing conceptualisations of childhood amongst Indian elites. The pre-colonial conceptualisation of childhood is an under-studied area, and the following is merely a brief sketch.[30] Significant ambivalence about the sexualisation of male youth-hood was evident in medieval and early modern north India due to religious injunctions against sodomy, rather than an ideology of childhood. Representations of 'boys' and 'youths' as objects of sexual desire were 'a familiar part of north Indian court society,' despite some 'moral ambiguity' on male-male sex.[31] Nonetheless, Saleem Kidwai argues that 'homosexually inclined men were well integrated into the culture of cities such as Delhi,' suggesting a degree of tolerance towards male-male sex, including with youths.[32] Following 1857, the influence of both colonial sexual morality and the European idealisation of childhood amongst Indian elites produced moral anxiety about the sexual 'corruption' of boys.[33] Homoerotic poetry was purged from the Urdu literary cannon[34] and male youths were no longer represent-able as objects of male sexual desire in north Indian literature.[35] In 1889, a Delhi lawyer named Mahtab Rai wrote to the Government of India, 'exposing' the kidnapping and exploitation of the children of the 'poor' by eunuchs, whom he characterised as a threat to the family unit. Rai outlined proposals for 'preserving' children from 'a life of perpetual gross immorality, crime, and infamy.'[36] Colonial and elite Indian views towards the apparent sexualisation of 'boys' in the *hijra* household increasingly dovetailed. 'Respectable' Indian informants

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[30] Due to the available secondary sources, this brief summary focuses primarily on elite discourse and Mughal culture.

[31] Attitudes towards male-male love, including with boys, fluctuated over the Mughal period, with different Emperors variously loosening and tightening standards of sexual conduct. Rosalind O'Hanlon, 'Kingdom, Household and Body: History, Gender and Imperial Service under Akbar,' *Modern Asian Studies* 41, no. 5 (2007): 917-8. See also, Ruby Lal, *Domesticity and Power in the Early Mughal World* (New Delhi: Cambridge, 2005), 103, 115-6, 153-4. However, Saleem Kidwai writes, 'Even Akbar's disapproval could not stop many of his nobles becoming attached to other males.' Sufi poetry imagined the divine as a beautiful boy, since only same-gender love could transcend profane sex, yet the orthodox denounced Sufi poets as sodomites and idolaters. The extent to which these metaphors were explicitly homoerotic is a matter of debate, though it is clear that male youths could be imagined as objects of male love and even sexual desire. It should be noted that 'boy' had multiple meanings, not always referring merely to age. Saleem Kidwai, 'Introduction: Medieval Materials in the Perso-Urdu Tradition,' in *Same-Sex Love in India: A Literary History*, ed. Ruth Vanita and Saleem Kidwai, 131, 134, 137-40 (New Delhi: Penguin Books, 2008).

[32] Kidwai, 'Introduction,' 136.

[33] This is not to say that the perceived boundaries of childhood were the same in elite Indian and British articulations.

[34] Ruth Vanita and Saleem Kidwai, 'Introduction: Modern Indian Materials,' in *Same-Sex Love in India: A Literary History*, ed. Ruth Vanita and Saleem Kidwai, 228 (New Delhi: Penguin Books, 2008).

[35] Charu Gupta, '(Im)possible Love and Sexual Pleasure in Late-Colonial North India,' *Modern Asian Studies* 36, no. 1 (2002): 198-202; Pandey Bechan Sharma 'Ugra,' *Chocolate, and Other Writings on Male-Male Desire*, ed. and trans. Ruth Vanita (New Delhi: Oxford University Press, 2006).

[36] NAI/HD/JB 02/1890 110-112: Mahtab Rai, Pleader, Delhi, to Private Secretary to Governor-General of India, 1 November 1889.

represented the *hijra* community in ways that fuelled colonial anxieties about the 'corruption' of children in *hijra* households.

Colonial narratives of *hijra* domesticities

Attempts to micro-manage *hijra* domestic arrangements through the removal of children and the control of their bodies highlight the centrality of the 'intimate' to projects of colonial modernity.[37] The CTA partly aimed to colonise what Radhika Singha has described as the 'deviant fringe'[38] of Indian society through surveillance, registration and child removal in the *hijra* household. The NWP&O government intended to penetrate the *hijra* domestic sphere and intervene in the inter-personal relationships between *hijras* and others to ensure no children had contact with this 'corrupting' environment. The legitimate boundaries of colonisation were thus extended into the domestic sphere, which was theoretically regarded in official policy as an illegitimate site of colonial intervention following 1857, an extension of colonial authority apparently made necessary and legitimate by the deviant nature of the home environment itself.[39]

Despite this colonial agenda to know and discipline the *hijra* household, the colonisers were concerned by lacunas in their knowledge and their inability to render *hijra* domestic space transparent. Gaps in colonial intelligence, as well as the disjuncture between *hijra* domestic arrangements and normative nineteenth century British and elite Indian domestic forms, produced colonial narratives of the *hijra* household that cast it as a deviant form of domesticity. The *hijra* household was a dark and unknowable space for colonial officials, who aimed but failed to make its goings-on transparent. The opacity of *hijra* domesticity and the inability to fix and know various, complex domestic relationships, fuelled moral panic and imparted associations of criminality.

Colonial commentators interpreted *hijra guru-chela* hierarchies and kinship-making practices through idioms of corruption and criminality. *Hijras'* constructed

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[37] Kathleen Wilson, 'Rethinking the Colonial State: Family, Gender, and Governmentality in Eighteenth-Century British Frontiers,' *American Historical Review* 116, no. 5 (December 2011): 1294-322; Stoler, *Carnal Knowledge*, 8; Ghosh, *Sex and the Family*, 2.
[38] Radhika Singha, 'Colonial Law and Infrastructural Power: Reconstructing Community, Locating the Female Subject,' *Studies in History* 19, no. 1 (2003): 92-4.
[39] Similarly, Sen has noted that efforts to suppress female infanticide expanded the reach of the colonial state into the *zanana*, envisaged as a site of criminality, particularly through practices of surveillance and enumeration. Satadru Sen, 'The Savage Family: Colonialism and Female Infanticide in Nineteenth-Century India,' *Journal of Women's History* 14, no. 3 (Autumn 2002): 54-5.

kinship relationships included formal adoption, de facto kinship (treating a person as a relation, without adoption) and the symbolic deployment of kinship. Chapters 1 and 2 showed that while the British had acknowledged *khwajasarais*' constructed kinship in the eighteenth century, by the mid-nineteenth century, they characterised their networks as conduits for political 'corruption.' In the case of the *hijra* community, domestic relationships were viewed as criminal and as sexually 'corrupt,' particularly from the mid-nineteenth century. The privileging of certain aspects of elite Indian and Victorian domestic formations by colonisers and Indian elites during the nineteenth century, and the marginalisation of a wide range of domestic arrangements, including non-biological kinship,[40] is part of the story of why *hijra* households were derided as deviant domesticities.

In the dominant colonial narrative, the *hijra* initiate was a victim of kidnapping and forcible emasculation. Kinship-making practices and *guru-chela* hierarchies within *hijra* communities were not interpreted as voluntary but rather as coercive and criminal. Colonial commentators dismissed the possibility of affection amongst *hijras* and between *hijras* and others (particularly children). The NWP&O government concluded that most *hijras* had been kidnapped as children and, moreover, that adult *hijras*— though themselves former victims—'habitually' engaged in the abduction, selling and buying of young boys. As such, the provincial government equated kidnapping with particular relationships in *hijra* households, such as adoption, and viewed such relationships as criminal.[41] There was no space for individual agency in the colonial narrative of *hijra* initiation.[42] When *hijras* claimed that they entered the community by means other than kidnapping, the reply was often that of S.N. Martin, the Magistrate of Muzaffarnagar, in 1865: 'This I disbelieve—I think there is some system at work which he have not found out yet.'[43] Colonial administrators viewed *hijra* domestic arrangements, kinship-making and *guru-chela* relationships as sites of the perverse reproduction of *hijra* bodies.

[40] See Chapter 2 and Indrani Chatterjee, *Gender, Slavery and Law in Colonial India* (New Delhi: Oxford University Press, 1999), 37-57; Indrani Chatterjee, 'Introduction,' in *Unfamiliar Relations: Family & History in South Asia*, ed. Indrani Chatterjee, 1-59 (Delhi: Permanent Black, 2004).

[41] This resonated with but magnified British devaluing of indigenous forms of adoption in the context of indirect rule and succession in 'native states.' Chatterjee, *Gender, Slavery and Law*, 73-7.

[42] See for example, BL/IOR/P/92: C. Daniell, Magistrate of Farrukhabad, to Commissioner of Agra, 13 January 1870.

[43] UPSA/A/COM/9/2: S.N. Martin, Magistrate of Muzaffarnagar, 'Register of eunuchs in the District of Mozuffurnuggur,' 15 July 1865.

Despite colonial narratives of criminality and deviance, intelligence collected from *hijras* and their neighbours, as well as the reports of British district officials and Indian police officers, illuminate the ways power relations were manifest in the everyday lives of *hijras* in their most intimate relationships and deepen our understanding of the diversity of historical domestic formations. There were multiple axes along which power was organised in *hijra* households, including age, gender, occupation and positions of authority. *Hijra* households contained multiple relationships between authority figures and subordinates, non-biological kin and their adopted relatives, employers and servants, and adults and children.

The permanent residents of a *hijra* household usually numbered between three and eight[44] and *hijra* households were structured by two primary relationships amongst *hijras*. First, *hijra* domesticities were ordered by hierarchical relationships between *gurus* and *chelas*. Sponsorship of a *guru* was necessary for initiation into the *hijra* community and archived *hijra* life stories evidence that *gurus* had significant authority over their *chelas*.[45] *Gurus* and *chelas* lived and migrated together[46] and *chelas* were expected to cook and clean for their *guru*.[47] Yet *gurus* also imparted to *chelas* the art of singing and dancing; *hijras'* bawdy jokes and insults; *hijra* ritual practices and mythologies; and in some cases, expertise in the emasculation operation.[48] Second, *hijra* households also featured affective relationships between *hijras*, which were

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[44] Property registers show that *hijras* often owned property together in households of three to five eunuchs, though other, non-property owning *hijras* may have also lived in these households but do not appear on the registers. UPSA/A/COM/29/8: H.B. Webster, Magistrate of Meerut, 'Register of property possessed by Eunuchs borne on the Rolls of Register No. I under Act XXVII of 1871 – District Meerut,' 7 May 1873; UPSA/A/COM/29/8: Magistrate of Bulandshahr (signature illegible), 'Register of property possessed by Eunuchs borne on the rolls of Register No. 1 zillah Bollundshuhur,' 9 January 1873; UPSA/A/COM/29/8: Officiating Superintendent of Police, Meerut (signature illegible), 'Register of property possessed by eunuchs borne on the rolls of Register No. I under Act XXVII of 1871,' 23 April 1872; UPSA/A/COV/119/12: H.B. Webster, Magistrate of Gorakhpur, 'Register of property possessed by Eunuchs borne on the Rolls of Register No. 1 under Act XXVII of 1871 District Goruckpore,' circa 1872-3. Rose reported that *hijras* lived in households of seven or eight *hijras*, but commonly had connections to other communities of *hijras* across north India whom they would visit. H.A. Rose, *A Glossary of the Tribes and Castes of the Punjab and North-West Frontier Province* (Lahore: The Civil and Military Gazette Press, 1911), 332.
[45] UPSA/A/COM/29/8: W.A. Short, Superintendent of Police, Muzaffarnagar, 'List of Eunuchs in the District of Mozuffurnuggur,' circa January 1873.
[46] Ibid.; UPSA/A/COV/119/12: James Amson, Magistrate of Azamgarh, to Commissioner of Benares, 16 November 1872.
[47] 'Government *v.* Ali Buksh,' *DNA NWP* 2 (1852): 1314-6.
[48] On the training of *hijras* by their *gurus*, see: R.E. Enthoven, *The Tribes and Castes of Bombay*, vol. 3 (New Delhi: D.K. Publishers Distributors, 1997 [1922]), 227; Bhimbai Kirparam, 'Pavávás,' in *Hindu Castes and Tribes of Gujarat*, ed. James Campbell, vol. 2, 506-8 (Haryana: Vintage Books, 1988); Rose, *Glossary*, 332. On the emasculation operation, see UPSA/A/COV/119/12: Amson to Comm Benares, 16 Nov 1872.

described through kinship terms. In the early twentieth century, H.A. Rose, a colonial ethnologist, reported that *hijras* in the Punjab 'call one another by such names as *māsi*, "mother's sister," *phuphi*, "aunt," and so on.'[49] The relationships Rose mentioned were both affective and status-differentiated.

Hijra households were also home to non-*hijras*. *Hijras* sometimes adopted children whom they intended to marry to a suitable partner, rather than initiate as *hijras*, and were thus invested in the formation of conjugal and reproductive domesticities through adoption. For instance, a *hijra* named Goolbuddun in Azamgarh district 'brought up a boy' who became a 'married man, and the father of a family.'[50] Some of the children in *hijra* households were the offspring of widows who lived with *hijras*, who often arranged for the child's marriage when they reached their early teens.[51] The families of musicians who performed with *hijras* and other servants sometimes lived with *hijras*, accounting for more than one in five children in *hijra* households in the 1860s and 1870s.[52] Some *hijras* lived with normatively masculine men with whom they had long-term relationships.[53] In sum, *hijra* households were characterised by multiple and intertwined affective, hierarchical and service relationships between *hijras* and non-*hijras* and were also formed through various kinship-making practices. *Hijras* were separate from and yet linked to conjugal and procreative domesticities through their social role (as performers at households at the time of births and marriages) and their adoptive practices.[54]

The reproduction of the hijra *community*

The means by which the *hijra* community was reproduced was a particular concern of British colonial officials. Despite the colonial emphasis on kidnapping, there are in fact

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[49] Rose, *Glossary*, 332.

[50] UPSA/A/COV/119/12: Amson to Comm Benares, 16 Nov 1872.

[51] UPSA/A/COM/29/8: Short, 'List of Eunuchs,' circa Jan 1873; BL/IOR/P/839: R.T. Hobart, Deputy Inspector-General of Police, NWP, to Inspector-General of Police, NWP, 28 June 1876; UPSA/A/COV/119/12: Office of the Commissioner of Benares (signature illegible), 'Abstract of replies of Magistrates of Districts of the Benares Division to Commissioner's Circular No: 39,' 23 November 1875.

[52] UPSA/A/COV/119/12: J.J.F. Lumsden, Officiating Magistrate of Gorakhpur, to Commissioner of Benares, 15 April 1873.

[53] 'Govt *v.* Ali Buksh,' 1314-6.

[54] The complexities of *hijra* domesticities can be further seen in their mythology. On the one hand, *hijra* legends positioned *hijras* as impotent and infertile men who should be emasculated and dress as women, and thus place themselves outside procreative masculinities. On the other hand, *hijras'* association with infertility endowed them with power to bless and curse fertility and the right to collect alms and perform following births, thus explicitly linking *hijra* existence to procreative sexualities. Enthoven, *Tribes and Castes*, 227; John Shortt, 'The *Kojahs* of Southern India,' *The Journal of the Anthropological Institute of Great Britain and Ireland* 2 (1873): 403.

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several narratives of *hijra* initiation in the colonial archives. Adults were initiated as *hijras* and kidnapping was not the only (or the predominant) circumstance in which children entered the *hijra* community. Although earlier in the nineteenth century the average age of emasculation was around eleven or twelve, by the 1860s, few children in the *hijra* community were emasculated.

Since colonial officials interpreted emasculation as the determinate of *hijra* communal membership, there is no available data on the age of initiation into the *hijra* community, only the age of emasculation. Nevertheless, colonial records provide evidence for several avenues into the *hijra* community. While the official record marginalised instances of adult emasculation, and emphasised examples of child emasculation, it is clear that adult emasculation was common.[55] Several instances of adult emasculation are mentioned in the colonial records in the 1860s and 1870s: three cases of adult emasculation were prosecuted in Shahjahanpur in 1864-5;[56] two adults were emasculated in Ghazipur around 1870;[57] and several cases of adult emasculation were mentioned in the annual reports from 1875.[58] British colonial administrators acknowledged that adults might 'voluntarily' choose to be emasculated, though they claimed they should be prosecuted for emasculation nonetheless. However, the issue of *hijra* agency is more complicated than this focus on age suggests and power structures within the *hijra* community—in particular *guru-chela* relationships—were evident to some degree in all cases of emasculation (see Chapter 4).

Children were initiated into the *hijra* community in several circumstances. First, some children were kidnapped and then sold to *hijras*, who were not generally involved in the kidnapping itself.[59] Periods of political and social unrest, such as 1857, provided kidnappers with increased opportunities.[60] Kidnappers also 'enticed' children away and

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[55] BL/IOR/P/438/61: B. Sapte, Officiating Commissioner of Agra, to Secretary, NWP, 16 September 1865.

[56] However, their willingness to be emasculated was dismissed as an irrelevant factor in the prosecution of these cases. Indeed, the Sessions Judge in the case regarded them as slaves who had been 'purchased,' although he admitted they 'were made into Eunuchs with their own consent.' BL/IOR/P/438/61: R. Drummond, Sessions Judge of Shahjahanpur, 'General remarks to cases No. 79 of 1864, and Nos. 16, 17, 18 and 19 of 1865,' circa 1865.

[57] The exact date of their emasculation was not known. UPSA/A/COV/119/12: R.F. Saunders, Magistrate of Ghazipur, to Commissioner of Benares, 30 October 1872.

[58] See particularly, BL/IOR/P/2460: J. Woodburn, Secretary, NWP&O, to Inspector-General of Police, NWP&O, 1 July 1885; UPSA/A/COA/18/5: E. Berril, Deputy Inspector-General of Police, NWP&O, to Inspector-General of Police, NWP&O, 1 May 1896. See also Chapter 4.

[59] 'Government *v*. Munsa and 4 others,' *DNA NWP* 10 (1860): 6 March 1860; BL/IOR/P/438/61: Drummond, 'General Remarks,' circa 1865.

[60] For instance, a boy named Agbega was allegedly kidnapped by two Chamar men in 1857 and sold to *hijras*. BL/IOR/P/438/61: P.C. Dalmahoy, Superintendent of Police, Etawah, 'Report on a case of kidnapping and emasculation of two boys, named Agbega and Makhun, in the Etawah district,' 9 December 1865.

then sold them.[61] Second, relatives sometimes sold children to traffickers or gave them to *hijras*. In Etawah in the mid-1860s, a child eunuch was allegedly sold by his cousin after both his parents died.[62] Parents also gave boys who were 'born eunuchs' or 'hermaphrodites' to *hijras*.[63] Finally, in periods of famine, in particular the Upper Doab famine of 1860-1, *hijras* took in children, such as one boy recorded in Muzaffarnagar, or adopted them, as happened to a boy in Mathura.[64] It is possible that the late 1850s and early 1860s saw a general increase in orphaned, kidnapped, sold or impoverished children in north India in the context of the rebellion in 1857 and the famine in 1860-1.

However, while several instances of child initiation did surface in the 1860s, a very small number of children resided with *hijras* at this time, the vast majority of whom were not emasculated.[65] In mid-1871, only 61 boys were 'living under the guardianship of Eunuchs' in the NWP. Only one boy was emasculated, another was described as 'a Hermaphrodite' and according to colonial officials, '[t]wo only' were 'proved to have been prostituted.'[66] Sixty-one boys represents a relatively small number out of the estimated 2500 eunuchs in the NWP.[67] Moreover, several of these children—such as fourteen in Ghazipur district—lived with both their biological relatives and *hijras*.[68] As noted in Chapter 3, the NWP government concluded that *hijras* were hiding children from the police, yet when the CTA was enforced, significant additional numbers of children were not discovered. From 1875 to 1885, police found two child eunuchs;[69] fourteen unemasculated boys who lived with eunuchs;[70] fourteen

[61] The Commissioner of Agra, B. Sapte, reported in 1865 that a fifteen year-old in Mathura district had been 'enticed away' at the age of eleven by two men and subsequently emasculated by *hijras*. BL/IOR/P/438/61: Sapte to Sec, NWP, 16 Sep 1865.

[62] BL/IOR/P/438/61: Dalmahoy, 'Report,' 9 Dec 1865.

[63] BL/IOR/P/438/61: Sapte to Sec, NWP, 16 Sep 1865.

[64] The first boy was subsequently emasculated, while the latter was not. BL/IOR/P/92: F. Williams, Commissioner of Meerut, to Secretary, NWP, 31 January 1870; BL/IOR/P/92: Magistrate of Mathura to Commissioner of Agra, 26 January 1871.

[65] In Agra division there were 586 eunuchs, but only three eunuchs under sixteen were found. BL/IOR/P/438/61: Sapte to Sec, NWP, 16 Sep 1865.

[66] BL/IOR/P/92: T. Dennehy, Officiating Deputy Inspector-General of Police, NWP, to Officiating Personal Assistant to Inspector-General of Police, 15 August 1871.

[67] BL/IOR/P/438/62: Court quoted in Simson, 'Replies,' 20 Apr 1866.

[68] UPSA/A/COV/119/12: Lumsden to Comm Benares, 15 Apr 1873.

[69] BL/IOR/P/840: R.T. Hobart, Deputy Inspector-General of Police, NWP&O, to Inspector-General of Police, NWP&O, 11 September 1877.

[70] In 1876, two uncastrated boys were found in Agra and two in Banda. BL/IOR/P/839: Hobart to IG Police, NWP, 28 Jun 1876. In 1879, two uncastrated boys were found with eunuchs in Bahraich district and two in Gonda, while another two boys were found in Kheri district in 1881. BL/IOR/P/1281: E. Tyrwhitt, Inspector-General of Police, NWP&O, to Secretary, NWP&O, 5 July 1879; BL/IOR/P/1614: O.L. Smith, Deputy Inspector-General of Police, NWP&O, to Personal Assistant to Inspector-General of Police, NWP&O, 6 July 1881. One leper was found with a eunuch in Rae Bareli. BL/IOR/P/1467: H.B. Webster, Inspector-General of Police, NWP&O, to Secretary, NWP&O, 31 May 1880. Two boys were found with an unregistered eunuch in Mirzapur in 1875. BL/IOR/P/97: R.T. Hobart, Deputy Inspector-General of Police, NWP, to Inspector-General of Police, NWP, 4 May 1875. One boy was found living

boys who lived with both biological relatives and eunuchs;[71] and eleven girls.[72] Altogether, there were between 90 and 100 biologically male children found living with eunuchs from the 1860s to the 1880s, of whom very few had been emasculated, while a significant minority also lived with their biological parents.[73]

Nonetheless, the fragmentary surviving records suggest that emasculation below the age of sixteen (the official definition of a child under the CTA) had been common prior to the 1850s. Only three surviving district registers, all compiled in 1872-3, contain detailed information on eunuchs' age of emasculation: Meerut district and Bulandshahr district in Meerut division and Azamgarh district in Benares division.[74] This small sample of 93 registered eunuchs consists of mostly middle-aged or elderly persons, although the youngest was 20 and the oldest 113.[75] Of the 93 eunuchs, eight stated that they had been eunuchs since birth, while eleven did not know when they were emasculated. Of the remainder, the average age of emasculation was 11.55 years old, although the reported age of emasculation ranged from the age of one to 28.[76] The most recent emasculation recorded was in 1861, and the majority of emasculations occurred in the 1830s and 1840s. It is important to note that the ages included in the registers are approximations, since the majority of Indians did not know their date of

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with an unregistered eunuch in Benares. BL/IOR/P/1816: O.L. Smith, Deputy Inspector-General of Police, NWP&O, to Officiating Inspector-General of Police, NWP&O, 15 May 1882.

[71] In 1876, two boys found with eunuchs in Banda lived with their father and uncle respectively, while a boy and a girl were found living with their mother, a widow, and a eunuch. BL/IOR/P/839: Hobart to IG Police, NWP, 28 Jun 1876. Eight boys and nine girls who lived with their parents and *hijras* were found in Allahabad. BL/IOR/P/2208: O.L. Smith, Deputy Inspector-General of Police, NWP&O, to Inspector-General of Police, NWP&O, 26 June 1884. One uncastrated boy lived with his uncle, who was a eunuch. BL/IOR/P/1816: Smith to IG Police, NWP&O, 15 May 1882. Two boys lived with both their parents and eunuchs in Bahraich. BL/IOR/P/2460: O.L. Smith, Deputy-Inspector General of Police, NWP&O, to Inspector-General of Police, NWP&O, 27 April 1885.

[72] One girl lived in Sitapur, another with her mother and a eunuch in Banda, while there were nine girls in Allahabad. BL/IOR/P/839: Hobart to IG Police, NWP, 28 Jun 1876; BL/IOR/P/2002: O.L. Smith, Deputy Inspector-General of Police, NWP&O, to Inspector-General of Police, NWP&O, 4 June 1883; BL/IOR/P/2208: Smith to IG Police, NWP&O, 26 Jun 1884.

[73] There were three periods in which children were enumerated: in 1865-70 (11 boys); in 1870-1 (61); and following the implementation of the Act (30). It is not always possible to determine whether children are counted twice in each of these enumerations. On the one hand, there may be overlap between these enumerations (particularly the 1865-70 and 1870-1 category).

[74] The following statistics are my calculations based on the information in the following registers: UPSA/A/COM/29/8: H.B. Webster, Magistrate of Meerut, 'Register of Eunuchs in the Meerut District coming under Section 24 Act XXVII of 1871,' 7 May 1873; UPSA/A/COM/29/8: S.A. Campbell, Officiating Superintendent of Police, Bulandshahr, 'Register of Eunuchs in the District of Boolundshuhur Coming under Section 24 of Act XXVII of 1871,' 6 January 1873; UPSA/A/COV/119/12: B. Alone, Officiating Superintendent of Police, Azamgarh, 'Register of Eunuchs in the District of Azimgurh,' 9 October 1872.

[75] The average age of eunuchs in these districts were 48.54 in Meerut, 46.14 in Bulandshahr, and 42.36 in Azamgarh.

[76] The average age of emasculation was: 10.33 for the 21-30 age group; 7.6 for those 31-40; 9.96 for the 41-50 age group (which was by far the most numerous); 18.2 for those aged 51-60; 15.25 for those aged 61-70; and 10 for both the 71-80 and 81-90 age brackets. There was also one eunuch who was 102 who was emasculated at 22, and a eunuch who claimed to be 113 who was emasculated around the age of 28.

birth in the nineteenth century.[77] However, on the basis of this small sample, we can tentatively conclude that prior to the 1850s, *hijras*' average age of emasculation was eleven or twelve and, moreover, that the number of emasculations declined markedly from the 1850s. In sum, it is evident that in the 1860s and 1870s there were few children in the *hijra* community. Of those children who resided with children, only a handful were emasculated while many found their way into *hijra* households through means other than kidnapping.

Hijras *as kidnappers*

Why then was kidnapping so central to the colonial understanding of *hijra* initiation, despite evidence that many *hijras* were not kidnapped? Kidnapping had long been a concern of British colonial administrators,[78] and in the 1860s, British anxiety over kidnapping intensified. Colonial discourses on kidnapping particularly evoked two sets of associations. First, kidnapping was linked to prostitution. In 1859, a court case in Bengal known as the 'Monghyr case,' in which a female prostitute claimed a right to two girls she had purchased,[79] resulted in the addition to the draft Penal Code of sections 372 and 373, which specifically dealt with the prostitution of minors,[80] and was followed by several reports on the subject of kidnapping for 'immoral purposes.'[81] Articles appeared in both the vernacular press and the Anglo-Indian press in the mid-1860s claiming that the kidnapping of girls for prostitution was common.[82] In 1871, the

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[77] On age and enumeration in the census, see Timothy L. Alborn, 'Age and Empire in the Indian Census, 1871-1931,' *Journal of Interdisciplinary History* 30, no. 1 (1999): 61-89. For a discussion on the reporting of ages in lunatic asylums, see James Mills, *Madness, Cannabis and Colonialism: The 'Native Only' Lunatic Asylums of British India, 1857-1900* (New York: St. Martin's Press, 2000). Another factor that possibly skewed these statistics is that representing oneself as a 'born eunuch' appears to have been a valued *hijra* identity within the community, possibly inflating the number of 'born eunuchs.' See Chapter 4.

[78] From the 1820s, British officials expressed concern about various forms of kidnapping and slave-trading. Andrea Major, '"The Slavery of East and West": Abolitionists and "Unfree" Labour in India, 1820-1833,' *Slavery & Abolition* 31, no. 4 (December 2010): 501-25; NAI/FD/PC 21/01/1831 65: B. Harding, Acting Magistrate of Agra, 'Report on Child Stealing in Agra District,' 9 December 1830.

[79] NAI/HD/JB 25/11/1859 14: Anon., Home Department Judicial Memorandum, 24 November 1859.

[80] For a discussion of the significance of the Monghyr case in the context of the 'criminalisation of temple dancing girls' and sections 372 and 373 of the Penal Code, see Parker, '"A Corporation of Superior Prostitutes",' 586-9.

[81] NAI/FD/PC 07/1862 138-9: R.J. Meade, Agent, Central India, to Secretary, Government of India, 2 July 1862; NAI/FD/PC 10/1862 7-8: R.J. Meade, Agent, Central India, to Secretary, Government of India, 'Report on the subject of the kidnapping of children and on slavery in Central India,' 15 September 1862; BL/IOR/P/92: E. Tyrwhitt, Deputy Inspector-General of Police, NWP, to Secretary, NWP, 22 February 1870.

[82] For instance, *Soma Prakash*, a Bengali newspaper, published an article on the kidnapping of girls for prostitution in 1865. NAI/HD/JB 30/07/1870 53-4: E.C. Bayley, Home Department Memorandum, 23

Government of India considered proposals to register female children in brothels to prevent kidnapping and prostitution.[83] The Government of India concluded that kidnapping for 'immoral purposes' was rife and considered the NWP the epicentre of the trade,[84] although the proposed legislation never eventuated.[85] Conversely, administrators considered the kidnapping of girls for forced marriage a 'venial crime,' while there was apparently no 'shame' in kidnapping for 'domestic slavery.'[86] The agency and welfare of the kidnapped child was irrelevant, so long as they ended up in a respectable domestic context. Thus, kidnapping intersected with moral rhetoric surrounding 'lost' childhoods, as well as moral outrage at the premature sexualisation of children *outside* the context of conjugal domesticity.

Second, the association between *hijras* and kidnapping resonated with anxieties provoked by the inability of the colonisers to control peripatetic populations, who were labelled habitual or hereditary criminals. William Sleeman, the Superintendent of the Thugee and Dacoity Department, famously linked 'thuggee' to kidnapping, which he termed 'Megpunnaism' in 1839.[87] In the late nineteenth century, British officials associated peripatetic groups, such as 'gypsies' and 'criminal tribes,'[88] with the

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May 1865. The Anglo-Indian press also ran articles on kidnapping for prostitution of females around this time. See, *Friend of India*, 14 April 1870.

[83] BL/IOR/P/92: C.A. Elliot, Officiating Secretary to Government, NWP, to F.O. Mayne, W.A. Forbes, G.H. Rickets, E. Dennehy, E. Tyrwhitt and F. Williams, 22 June 1871; BL/IOR/P/92: E. Tyrwhitt, Officiating Inspector-General of Police, NWP, to Officiating Secretary to Government, NWP, 1 July 1871; BL/IOR/P/92: F.O. Mayne, Officiating Junior Member, Board of Revenue, to Officiating Secretary, NWP, 29 June 1871; BL/IOR/P/92: C.A. Elliot, Officiating Secretary, NWP, to Officiating Secretary, Government of India, 14 July 1871; BL/IOR/P/92: W.A. Forbes, Officiating Commissioner of Benares, to Officiating Secretary, NWP, 17 July 1871.

[84] It is not clear whether this was due to the considerable official attention directed to the matter in the province in the 1860s or a greater prevalence of kidnapping in northern India. NAI/HD/PB 19/08/1871 12-19: George Campbell, Secretary of State for India to Government of India, 9 March 1871. However, British officials were divided on whether kidnapping was commonplace. See correspondence in: NAI/FD/PB 10/1868 217-23; NAI/FD/PB 04/1869 224-31; NAI/HD/PB 19/08/1871 12-19.

[85] For a discussion of the proposal to register children in brothels, the discourses surrounding the kidnapping of girls for prostitution and a comparison with interventions into the *hijra* community, see Jessica Hinchy, 'Deviant Domesticities and Sexualised Childhoods: Female Prostitutes, Eunuchs and the Limits of the State Child 'Rescue' Mission in Colonial India' (paper presented at the 'Paradoxes of Domesticity: Christian Missionaries and Women in Asia and the Pacific' conference, Australian National University, Canberra, Australia, 9-10 August 2012).

[86] NAI/HD/PB 19/08/1870 12-9: E.C. Bayley, Home Department Memorandum, 2 July 1870; NAI/HD/PB 19/08/1871 12-9: C.A. Elliot, Officiating Secretary, NWP, to Officiating Secretary, Government of India, 18 July 1870; BL/IOR/P/92: C.A. Elliot, Secretary to Government, NWP, to Secretary, Government of India, 5 September 1870; BL/IOR/P/92: Joint Magistrate of Etah to Commissioner of Agra, 14 January 1870; BL/IOR/P/706 64: G. Hutchinson, Inspector-General of Police, Punjab, to Officiating Secretary, Punjab, 5 August 1872.

[87] W.H. Sleeman, *A Report on the System of Megpunnaism, or: The Murder of Indigent Parents for Their Young Children (Who are Sold as Slaves) as it Prevails in the Delhie Territories, and the Native States of Rajpootana, Ulwar and Bhurtpore* (Srirampur: Serampore Press, 1839).

[88] NAI/FD/JB 11/1863 9-15: C. Hervey, General Superintendent of Operations for the Suppression of Thugee and Dacoity, 'Extract, paras X and XXXIV, from a General report of the Operations of the

kidnapping of children.[89] The mobility of *hijras* in the countryside and the inability of the government to control their activities was a point of considerable anxiety for officials.[90] *Hijras* thus provoked broader concerns with 'the destabilising influence of unregulated movement within and across borders.'[91]

In the context of the proposed project of child removal, the association of the *hijra* community with kidnapping served three purposes. First, the emphasis on kidnapping provided an account of *hijra* criminality in which grey areas such as the possible complicity of parents or the agency of the *hijra* initiate were erased, leaving black and white images of eunuch criminals, on the one hand, and child victims, on the other, and portraying *hijra* initiation as an entirely coercive event.[92] Second, the *hijra* constructed as kidnapper and emasculator could not be considered a legitimate guardian of children, discursively orphaning the children who lived within *hijra* households.[93] Finally, adult *hijras* were construed as a threat to the 'respectable' familial home and the colonial government's intervention was characterised as the restoration of 'lost' children to both respectability and childhood. Officials consciously adopted the language of child rescue literature, which was prominent in evangelical circles in the late nineteenth century, utilising a moralistic language of the 'loss' of childhood and the salvation of children from a life of 'vice' and criminality.[94]

Sexually 'corrupt' childhoods

In colonial accounts, boys who resided with *hijras* were simultaneously viewed as both victimised and corrupting, as helpless children and as unnaturally premature adults, who

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Thugee and Dacoity Department for the year 1862 ...,' 15 September 1863; NAI/FD/PB 04/1869 224-31: H.D. Daly, Officiating Agent, Central India, to Secretary, Government of India, 31 March 1869.
[89] Officials often referred to Sleeman's earlier tract in making these claims. NAI/HD/PB 19/08/1871 12-9: Bayley, Memo, 2 Jul 1870; NAI/FD/JB 11/1863 9-15: C. Hervey, General Superintendent of Operations for the Suppression of Thugee and Dacoity, to Judicial Commissioner, Central Provinces, 9 March 1863.
[90] BL/IOR/P/438/61: R. Drummond, Officiating Commissioner of Allahabad, to Secretary, NWP, 9 August 1865; UPSA/A/COM/29/8: H.D. Willock, Magistrate of Bulandshahr, to Commissioner of Meerut, 9 January 1873.
[91] Andrea Major, 'Enslaving Spaces: Domestic Slavery and the Spatial, Ideological and Practical Limits of Colonial Control in the Nineteenth-Century Rajput and Maratha States,' *Indian Economic and Social History Review* 46, no. 3 (2009): 323-9. See also, Nitin Sinha, 'Mobility, Control and Criminality in Early Colonial India, 1760s-1850s,' *Indian Economic and Social History Review* 45, no. 1 (2008): 1-33; Sandria B. Freitag, 'Crime in the Social Order of Colonial North India,' *Modern Asian Studies* 25, no. 2 (1991): 227-61.
[92] BL/IOR/V/9/11: W. Stokes, Secretary, Government of India, Abstract of the proceedings of the Council of the Governor-General of India, 3 October 1870.
[93] BL/IOR/P/438/61: Sapte to Sec, NWP, 16 Sep 1865; Court quoted in BL/IOR/P/438/62: Simson 'Replies,' 20 Apr 1866.
[94] Shurlee Swain, 'Sweet Childhood Lost: Idealized Images of Childhood in the British Child Rescue Literature,' *Journal of the History of Childhood and Youth* 2, no. 2 (2009): 199-200, 203, 208.

were both in need of protection and also considered to be a threat. Colonial discourses of child sexual 'corruption' allow us to analyse how judicial and police officials believed the adult 'suspicious eunuch' came into being and expose several fractures in colonial attempts to discipline the gender and sexuality of children in *hijra* households. While colonial officials regarded the removal of children to be imperative, they were divided on whether such children were capable of reform.

When officials considered the question of how child 'victims' were transformed into adult 'criminal' *hijras*, their answers generally focused on the socialisation of children within the environment of the *hijra* household. In the colonial view, *hijra* domesticities were contaminating environments, conduits of sexual 'corruption' and criminalisation. For Drummond, the Sessions Judge of Shahjahanpur, the *hijra* household was a mere brothel, an environment in which children were 'trained' to become 'professional sodomites.'[95] Tyrwhitt, the Inspector-General of Police reported in 1874: '[P]upils ... were not at once emasculated, but were taught to dance and sing and commit offences under Section 377 of [the] Indian Penal Code [the sodomy law].'[96] The exact content of the training that children received from adult *hijras* was never described in British accounts, leaving the precise nature of this sexual education to the imagination.

While the dominant explanation of *hijra* deviance was thus an environmental one and administrators rejected a biologically determinist view of *hijra* deviance, most conceived the deviance of the adult *hijras* as biologically grounded to a certain extent. It was assumed that certain biological changes in boys rendered them no longer malleable, giving their deviance permanence into adulthood. First, British officials argued the biological transition from childhood to adulthood made the corruption of boys permanent. Childhood was generally conceived as a malleable state, in which the individual could be socialised either positively or negatively, but this plasticity had limits. Past a certain age, the child was no longer capable of positive influence.[97]

[95] BL/IOR/P/438/61: Drummond, 'General Remarks,' circa 1865. See also, BL/IOR/P/438/61: Simson to IG Police, NWP, 9 Jun 1865; BL/IOR/P/92: Elliot, 'Abstract,' 21 Apr 1871; BL/IOR/P/438/61: C.A. Dodd, Officiating Personal Assistant to Inspector-General of Police, NWP, to all District Superintendents of Police, NWP, circular no. 11, 30 June 1865; A.O. Hume, Magistrate of Etawah, quoted in BL/IOR/P/438/62: Simson, 'Replies,' 20 Apr 1866. Early ethnologists gave a slightly more sophisticated account, though one that was underlined by anxieties about sexual corruption. They highlighted the training that initiates underwent prior to their emasculation, which involved the erasure of any traces of masculinity and the testing of the impotence of the initiate. Enthoven, *Tribes and Castes*, 227; Kirparam, 'Pavávás,' 506-8; Rose, *Glossary*, 332.
[96] BL/IOR/P/96: E. Tyrwhitt, Inspector-General of Police, NWP, to Secretary, NWP, 26 June 1874.
[97] Sen has noticed a similar discourse in relation to boys in the reformatory. Sen, *Colonial Childhoods*, 55. Although the sexual majority of Indian boys was sixteen, their intellectual majority was reached at

British officials disputed the precise age which divided victimised childhood from deviant adulthood prior to the enactment of the CTA. Above which age could an individual exercise agency in their emasculation and below which age was the 'reform' of children possible? While Court, the Inspector-General of Police, proposed a very high upper limit of youth-hood of twenty years old,[98] A.O. Hume, the Magistrate of Etawah, placed the age at which a child was capable of reform in the mid-teens.[99] Under the CTA, boys of sixteen or under were to be removed from *hijra* households,[100] suggesting that boys under sixteen were victims, not agents in their initiation, and that sixteen was the age at which the nature of the boy congealed and could not be reformed. Second, colonial commentators claimed the emasculation of children resulted in innate deviance. According to W.G. Probyn, the Magistrate of Shahjahanpur, emasculation rendered the individual a habitual criminal, and it was inevitable that the child victim of emasculation would become 'addicted' to kidnapping and emasculating children in adulthood. [101] Although emasculation was equivocally equated with deviance in colonial discourse, since some eunuchs were classified as 'respectable' (notably *khwajasarais*), British officials claimed the emasculated *hijra* initiate had lost the malleability of childhood and had limited prospects for reform.

British administrators discussed the extent to which children in *hijra* households were capable of reform in 1865-6 when the NWP government proposed a 'reformatory asylum' for the care of children who were found with eunuchs,[102] which the central government subsequently rejected.[103] The Commissioner of Meerut, F. Williams, was optimistic that even emasculated boys could be 'saved' if an appropriate institution was established. Whether or not they were emasculated, children in *hijra* households,

the age of eighteen. Pande, 'Coming of Age,' 207-19; Tambe, 'State as Surrogate Parent,' 402; BL/IOR/P/92: H.B. Henderson, Judge of Shahjahanpur, to Secretary, NWP, 26 March 1873.
[98] Court quoted in BL/IOR/P/438/62: Simson, 'Replies,' 20 Apr 1866. See also, BL/IOR/P/438/62: Robertson to. Sec, NWP, 27 Jun 1866.
[99] Hume quoted in BL/IOR/P/438/62: Simson, 'Replies,' 20 Apr 1866.
[100] BL/IOR/V/8/42: 'An Act for the Registration of Criminal Tribes and Eunuchs,' Act No. XXVII of 1871 Passed by the Governor-General of India in Council.
[101] BL/IOR/P/438/61: Probyn to Sess Judge Shahjahanpur, 12 Dec 1864.
[102] Court quoted in BL/IOR/P/438/62: Simson, 'Replies,' 20 Apr 1866. Since there was also a perceived need for a reformatory for juvenile offenders, the two proposals were combined. BL/IOR/P/438/62: W. Tyrell, Under-Secretary, NWP, to Register, NWP Nizamut Adawlut, 9 December 1865; BL/IOR/P/438/62: S. Clark, Inspector-General of Prisons, NWP, to Under-Secretary, NWP, 23 January 1866; BL/IOR/P/438/62: J.D. Sandford, Junior Secretary, NWP, to Inspector-General of Prisons, NWP, 23 February 1866; BL/IOR/P/438/62: R. Simson, Secretary, NWP, to Secretary, Government of India, 3 September 1866.
[103] BL/IOR/P/438/62: A.P. Howell, Under-Secretary, Government of India, to Secretary, NWP, 27 September 1866. Instead of a reformatory for juvenile prisoners, the NWP&O government therefore introduced reforms within existing prisons. BL/IOR/P/438/62: S. Clark, Inspector-General of Prisons, NWP, Memorandum, circa 1866-7; BL/IOR/P/438/62: R. Simson, Secretary, NWP, to Secretary, Government of India, 8 April 1867; BL/IOR/P/438/62: Clark to Sec, NWP, 27 Jun 1867.

... may safely be reckoned as having become acquainted with the vicious habits of the [*hijra*] order ... [Y]et, as minors, there are hopes of recovering them from ... degrading prostitution ... and by teaching them some useful trade or occupation, the means of livelihood will be secured to them. ... [I]t is incumbent upon [the government] to separate the children [from adult *hijras*] ... and place them in some establishment and under surveillance where they get to be ashamed of the lives they were being brought up to.[104]

According to Williams, boys in the *hijra* community were capable 'as minors' of reform through labour and moral inculcation, which would make these children 'ashamed' of their own deviance.

Court, the Inspector-General of Police, concurred with William's proposal, but considered the emasculated child *hijra* a contaminating agent. Court proposed that,

... reformatory asylums should be provided for all ... [orphaned] children who may be found with eunuchs. ... [R]eformatory asylums, separate for eunuch children and separate for "foundlings," [unemascualted boys who resided with eunuchs] are necessary to prevent the first from spreading and continuing "contamination," and for the proper care of the last. Both classes might and should be taught some trade ... and whereas eunuchs should never by allowed to leave such asylum, entire males might, when full of age, be ... allowed liberty to depart.[105]

According to Court, emasculated boys were agents of 'contamination' who needed to be indefinitely detained to prevent threats to public morality and separated from 'entire' boys so as to not jeopardise their reform. Some NWP officials, for instance Drummond, suggested that any efforts to reform removed boys, emasculated or not, would be futile: 'though perhaps rescued for a time, they will eventually join the degraded class for which they were intended.'[106] Whether the sexual deviance of children in *hijra* communities was innate was a matter of debate, demonstrating that colonial understandings of sexual deviance were often contested from within. However, doubts about the capacity of children to change ultimately won out and the agenda of reform was, by and large, abandoned.

The limits of paternalist governance

According to the NWP government, the removal of children residing with *hijras* had two components: first, their forced removal and surveillance; and second, their rehabilitation and reform. However, the education and upbringing of these boys was

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[104] BL/IOR/P/438/62: F. Williams, Commissioner of Meerut, to Secretary, NWP, 20 November 1865.
[105] Court quoted in BL/IOR/P/438/62: Simson, 'Replies,' 20 Apr 1866.
[106] BL/IOR/P/438/61: Drummond, 'General Remarks,' circa 1865.

given little attention in practice, while the government stressed the more overtly coercive aspects of removal.[107] Government intervention in the lives of boys following their removal was limited to police surveillance to sever all contact between *hijras* and children. The agenda of reform was deprioritised in favour of causing *hijras* to 'die out' through the control of boys' bodies, highlighting the limits of colonial interventions into Indian childhoods. Colonial child removal demonstrates the uneven and fractured nature of projects to police indigenous morality, manage problem populations and micro-manage domestic arrangements.

The removal of children, 1865-1871

From 1865, district authorities removed children from *hijra* households and prosecuted eunuchs for kidnapping and emasculation.[108] The first point that is significant about child removal prior to the implementation of the CTA is that it was circumscribed in practice. On the one hand, this was due to the reluctance of many British officials at the district level to assume responsibility for the re-parenting of children. Many colonial administrators were disinterested in, deprioritised or opposed paternalist colonial governance. On the other hand, the practical difficulties involved in finding new guardians limited the numbers removed. Police found approximately 60 boys from 1865-1871, yet dozens of children were allowed to continue living with eunuchs. Authorities often kept children in *hijra* households under surveillance and required *hijras* to sign agreements binding them not to emasculate the boys.[109] In all, only fifteen children were removed from *hijra* households and temporarily came into state custody between 1865 and 1871.[110] Amongst the small number of children who were

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[107] The scope of governmental responsibility towards removed boys was restricted to the basic provision of food and clothing by one Judge in Farrukhabad, who wrote that the important question was, 'Who is to take charge of boys under 16 years found with registered eunuchs? They must be fed and clothed.' Officiating Judge of Farrukhabad quoted in BL/IOR/P/92: Elliot, 'Abstract,' 21 Apr 1871.

[108] The government acknowledged that this policy was 'not strictly legal.' BL/IOR/P/92: C.P. Carmichael, Inspector-General of Police, NWP, to Officiating Secretary, NWP, 29 August 1871. Nonetheless, the discursive orphaning of the child opened up a space for colonial intervention, and the NWP government put aside matters of legality. Sen has noted that orphaning was a 'linguistic strategy' which allowed colonial governments to 'bypass ... questions of legal custody.' Sen, 'The Orphaned Colony,' 465.

[109] BL/IOR/P/92: C.A. Elliot, Officiating Secretary, NWP, to Commissioner of Agra, 27 March 1871; BL/IOR/P/92: Carmichael to Sec, NWP, 29 Aug 1871; BL/IOR/P/95: 1873 NWP Judicial Proceedings, Part B Matters of Routine, July, no. 11; UPSA/A/COV/119/12: Lumsden to Comm Benares, 15 Apr 1873.

[110] In 1871, the administration reported that the order to remove children 'was made operative in only 15 out of 61 cases.' BL/IOR/P/92: Carmichael to Sec, NWP, 29 Aug 1871. Of these, there are only surviving records for ten. Aside from the five children analysed in this section, we have records for the removal of six others. Two boys, one emasculated and one unemasculated, were removed in Etah district in 1865. BL/IOR/P/438/61: Sapte to Sec, NWP, 16 Sep 1865. In Meerut, two child eunuchs of nine years old were registered and then removed. UPSA/A/COM/9/2: W.A. Forbes, Magistrate of Meerut,

removed, one of three actions were taken: first, if the parents or relatives of the child could be found and were deemed responsible, the child was restored to them; second, some children were 'made over to respectable people, who [would] watch over and bring them up respectably';[111] finally, others were placed in the Sikandra Orphanage at Agra, which was run by the Church Missionary Society.

In this section, I examine the stories of children who were removed from *hijra* households. It is important to analyse not only the discourses and projects that surrounded nineteenth century Indian childhoods, but also the experiences of children themselves.[112] The archival records of individual cases are more detailed for this earlier period, allowing an examination of children's stories. Yet the official narratives of children's lives expose the presences and silences of the colonial archive: on the one hand, only the statements of kidnapped, emasculated and exploited children were included in the records; on the other hand, children frequently disappear from the records when they were no longer of interest to the colonial government, frustrating attempts to tell their stories. Above all, the colonial archive obscured the agency of children, who were portrayed as either 'victims' or deviant agents of corruption. While the lack of agency of removed children in the colonial archive is not necessarily surprising, considering the marginalisation of such children in both Indian and British colonial society, the erasure of these children's agency makes it difficult to write a history of their lives. Nevertheless, the provincial government considered the potential resistance of children to colonial projects as a threat that necessitated ongoing police surveillance over children following their removal, highlighting the agency of removed children.

Often, removed children were treated as unwanted burdens by the colonial state, their parents and relatives, and other prospective guardians. The re-parenting of removed children presented several problems to colonial authorities. On the one hand, concerns about the potential threat of moral and sexual contagion from children in *hijra* households, was central to administrative decisions about the appointment of guardians. On the other hand, prospective Indian guardians—including both their biological

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'Register of Eunuchs in the District of Meerut,' 5 December 1865. In Muzaffarnagar, the two boys referred to at the beginning of this chapter were removed. UPSA/A/COM/9/2: Martin to Comm Meerut, 15 Jul 1865.

[111] BL/IOR/P/438/61: Sapte to Sec, NWP, 16 Sep 1865.

[112] As noted above, there have been several studies of nineteenth century political and social debates about childhood, but the emphasis has generally been on constructs of childhood, rather than the experiences of children.

parents and 'respectable' Indians—were often unwilling to take in children from *hijra* households due to the child's loss of caste.

In 1864, two eunuchs in Etawah district were sentenced to 12 years imprisonment for the selling, buying and emasculation of two boys, whom the *hijras* called Choonee and Motee, but whom were originally named Agbega and Makhun (I use the latter to avoid confusion). After a tip-off from a eunuch in Mainpuri, police found two emasculated boys with a group of *buggutteeas*, who 'taught boys to sing and dance' and 'represent[ed] Hindoo deities, travelling about the district' of Etawah.[113] The oldest child, Agbega, was around twelve years old in 1865. According to the British record, in 1857, two Chamar men kidnapped Agbega while he was sleeping beside his mother and sold him to a *hijra* named Peer Buksh for ten rupees. Agbega was then sold to a *fakir* with whom he lived for two years and subsequently sold to another *hijra*, Ameer Buksh, for 20 rupees.[114] Agbega recalled that five or six days after Ameer Buksh bought him, he was emasculated at midnight in the presence of several *hijras*.[115] Agbega travelled with Ameer Buksh for a time, before he was sent to the *buggutteas*, who taught him to sing and dance, and provided him with food and clothing.[116] The younger boy, Makhun, was thought to be six or seven in 1865 and told of the death of his parents and his sale by a relative:

> My father and mother died, and I then went to my mother's brother in Muddoopore. One day at noon my uncle's son Murdan Singh fetched me … and sold me to Ameera Eunuch for a handful of Rupees. … The Eunuchs took me to their village in Mynpoory and I was made a Eunuch there. Three or four days after purchasing me, at night, Ameera and Zohura, after worshipping, castrated me. … I remained in the house until I was better, and then I was made over to the Bugguttea Koondon, in Omereyree. The Bugguttea called me Motee, and said I was a Jat.[117]

These statements, given in a legal context in response to specific questions and subsequently translated into English—there is no record of the vernacular original—are by no means examples of an unmediated, pure subaltern 'voice.' Nevertheless, Agbega's and Makhun's stories suggest the sale, enslavement and forced emasculation

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[113] The *buggutteas* had 'concealed the fact [of the boys' emasculation], because it would have spoilt their trade to have it known that they were employing Eunuchs to represent Hindoo deities,' and officials did not allege that the *hijras* emasculated the boys for 'immoral purposes.' BL/IOR/P/438/61: Dalmahoy, 'Report,' 9 Dec 1865.

[114] BL/IOR/P/438/61: P.C. Dalmahoy, Superintendent of Police, Etawah, 'Statement of Choonee Eunuch, aged about 12 years,' circa 1865.

[115] Ibid.

[116] Ibid.

[117] BL/IOR/P/438/61: P.C. Dalmahoy, Superintendent of Police, Etawah, 'Statement of Makhun Eunuch, 6 or 7 years old,' circa 1865.

of some children by *hijras*, as well as several other groups including relatives, within a wider trade in children.

The colonial government removed Agbega and Makhun, although the perception that they were outcaste presented difficulties in their re-parenting.[118] Agbega's mother, Mussumat Mutheria, wanted to take her son back, although he was 'put off all caste by being castrated.'[119] The district authorities decided to restore Mussumat's authority over her child, because she had no part in Agbega's initiation into the *hijra* community and had attempted to recover him when he went missing. She was, in other words, thought to be a decent mother.[120] Makhun presented a more difficult problem for the district authorities. Makhun's surviving uncle had refused to assume the child's guardianship.[121] In any case, according to colonial authorities, two characteristics disqualified Makhun's uncle from being an appropriate guardian: first, his son's apparent complicity in Makhun's sale to a *hijra*; and second, the inability of the NWP police to keep the family, who lived in Gwalior, a territory nominally under Indian rule, under adequate police surveillance. As such, Makhun was declared an orphan, opening up the possibility of his incarceration in an orphanage where he would be watched and his movements controlled. Officials proposed to send Makhun to the Sikandra Orphanage at Agra, yet there is no record of whether the orphanage accepted Makhun.[122] He is one of several children who disappear from the colonial record after the moment of initial government intervention, and about his future we know nothing.

Turning to our second case study, in 1865, authorities in Aligarh district decided two children should be removed from *hijra* households. However, prospective Indian guardians were unwilling to assume responsibility for the children due to their perceived loss of caste, highlighting the position of such children outside the patriarchal structures of caste and family, on the very margins of Indian society. The first child was around six and is unnamed in the surviving records. The colonial records state that the boy had been 'stolen' two years earlier, but his 'father, on satisfying himself of his boy's emasculation, refus[ed] to have anything further to do with the boy' because 'his

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[118] BL/IOR/P/438/61: Dalmahoy, 'Report,' 9 Dec 1865.
[119] BL/IOR/P/438/61: P.C. Dalmahoy, Superintendent of Police, Etawah, 'Statement of Mussumat Mutheria,' circa 1865.
[120] Ibid.; BL/IOR/P/438/61: Dalmahoy, 'Report,' 9 Dec 1865.
[121] BL/IOR/P/438/61: Dalmahoy, 'Report,' 9 Dec 1865.
[122] Ibid.; BL/IOR/P/438/61: A.O. Hume, Magistrate of Etawah, to Commissioner of Agra, 14 December 1865; BL/IOR/P/438/61: J.H. Batten, Commissioner of Agra, to Secretary, NWP, 23 December 1865; BL/IOR/P/438/61: J.D. Sandford, Junior-Secretary, NWP to Inspector-General of Police, NWP, 13 January 1866.

services were lost forever to perpetuate the family name'[123] and he was 'out of caste, and a disgrace.'[124] The second child, whose name was Khyratee, was thought to be seven or eight in 1865, was unemasculated and lived with 'an old eunuch' named Rae.[125] Rae had 'stated that, the boy was given to him 5 or 6 years ago by a Soldier ... belonging to some Infantry Regiment which was marching through this District'[126] and the police were unable to find any of Khyratee's relatives.[127] At the end of 1865, the unnamed child eunuch disappears from the colonial archive and we have no knowledge of whether his parents were persuaded to take him back. Khyratee was deemed an orphan[128] and the Magistrate, proposed that 'some native ... of respectability' should be his guardian.[129] Yet a month later, F. Williams, the Commissioner of Meerut, reported that 'no Native gentleman [had been] found willing to take charge [of Khyratee], even as a temporary arrangement,' since 'the inference might be drawn by natives that ... [he was] taken for immoral purpose.'[130] Having been rejected by the 'respectable' persons of Aligarh, the Sikandra Orphanage eventually admitted Khyratee.

The final child whose story will be told here, Moola, became a 'specimen' for the study of deviance and a site for the production of colonial knowledge, like many other Indian orphans.[131] Moola was around fourteen in 1871 and had been adopted during the famine of 1860-1 by a eunuch named Fyeman, who lived in Mathura district.[132] From 1865 to 1871, authorities allowed Moola to continue living with Fyeman, since he was not emasculated,[133] and they believed the orphaning of children merely on the basis that they resided with a *hijra* was unjustified.[134] Clearly, some officials were reluctant to assume the governmental stance of surrogate parent. However, in 1871 the Magistrate of Mathura became concerned since '[e]nquiries proved that the boy sang and danced in

[123] BL/IOR/P/438/62: Williams to Sec, NWP, 20 Nov 1865.

[124] Court quoted in BL/IOR/P/438/62: Simson 'Replies,' 20 Apr 1866.

[125] UPSA/A/COM/9/2: C. Mellor, Officiating Magistrate of Aligarh, to Commissioner of Meerut, 9 October 1865.

[126] UPSA/A/COM/9/2: J.H. Prinsep, Magistrate of Aligarh, to Commissioner of Meerut, 10 November 1865.

[127] UPSA/A/COM/9/2: Mellor to Comm Meerut, 9 Oct 1865.

[128] Originally, the district authorities suggested 'that he be sent to some reformatory where he may be taught some trade by which to earn his living.' However, at that time, there were no juvenile reformatories in the NWP. Ibid.

[129] UPSA/A/COM/9/2: F. Williams, Commissioner of Meerut, to Officiating Magistrate of Aligarh, 9 October 1865.

[130] BL/IOR/P/438/62: Williams to Sec, NWP, 20 Nov 1865.

[131] Sen, 'The Orphaned Colony,' 464.

[132] BL/IOR/P/92: Mag Mathura to Comm Agra, 26 Jan 1871.

[133] Ibid.; BL/IOR/P/92: Carmichael to Sec, NWP, 29 Aug 1871.

[134] Throughout the 1860s, the 'magisterial authorities' had not 'consider[ed] interference justifiable under the present state of the law, unless an attempt at emasculation could be proved.' BL/IOR/P/92: Carmichael to Sec, NWP, 29 Aug 1871.

women's clothes,' and 'grave suspicion arose' that he had been emasculated.[135] The Agra Commissioner, F.M. Lind, called in two doctors to examine Moola.[136]

Moola was not the only child who was subjected to the medical gaze following his removal, since the state of the child's body was essential to decision-making about their future.[137] In Moola's case, two doctors, Pain and Playfair, examined the boy's body for evidence of whether he had anal sex and whether he was emasculated, 'impotent' or sexually 'deformed.' On the first point, Moola admitted 'with great difficulty' that 'the offence' of sodomy had been committed on him twice, but the doctors concluded 'the act must *frequently* have been committed from the peculiar appearances of the part examined.'[138] Moola was therefore deemed a 'habitual sodomite' with contagious potential.[139] On the matter of Moola's genitals, Dr. Pain concluded that 'the boy [was] only backward in development, but still uninjured.'[140] The Magistrate expressed surprise, since Moola was fourteen and '[t]he boy certainly is *unusually* backward.'[141] Due to this uncertainty about Moola's genitals, the Magistrate suggested Moola be sent to the Boys' Reformatory at Agra for two years as an interim arrangement. On discharge, he should be medically examined, 'for if he is ever to have sexual development, it will have taken place by that time, and all doubt will be removed.'[142] However, Lind opined that it was 'inadvisable' to send Moola to the Reformatory, since it was located in Agra Jail.[143] As we have seen, the jail/reformatory was seen as a sexualised environment and officials complained that sodomy was rife even amongst the younger prisoners. As such, the CMS missionaries at Sikandra were suggested as suitable guardians.

Although the Sikandra Orphanage was not British administrators' first choice for the re-parenting of removed children, a number of factors were thought to make missionaries appropriate guardians. First, the marginality of the removed children, and the unwillingness of elite Indians to become their surrogate parents, facilitated their placement in a Christian institution, which may have been controversial in other

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[135] BL/IOR/P/92: Mag Mathura to Comm Agra, 26 Jan 1871.
[136] BL/IOR/P/92: F.M. Lind, Commissioner of Agra, to Officiating Secretary, NWP, 6 March 1871.
[137] The Civil Surgeon in Meerut district also examined two boys named Chootun and Achpul. UPSA/A/COM/9/2: Forbes, 'Register,' 5 Dec 1865. See Chapter 7 for a discussion of medical knowledge of *hijras*, sodomy and impotence.
[138] Italics added. BL/IOR/P/92: Mag Mathura to Comm Agra, 26 Jan 1871.
[139] However, this did not constitute sufficient evidence to secure Fyeman's conviction under section 377 of the Penal Code, and the CTA was not yet enacted. Ibid.
[140] Ibid.
[141] Italics in original. Ibid.
[142] Ibid.
[143] BL/IOR/P/92: Lind to Sec, NWP, 6 Mar 1871.

circumstances. Second, removed children's placement in an orphanage would stem any potential threats of moral contagion by facilitating their surveillance, permanently separating them from the *hijra* community, and providing a moral education.[144]

What would Khyratee's and Moola's lives at Sikandra have been like? The missionary Rev. John Barton described Sikandra (or 'Secundra') in the early 1860s as such:

> All the children, boys and girls, were seated in long lines!—such long lines—in front of the bungalow; the boys at one end, and the girls at the other. ... [O]ne of the boys, a little fellow ... stepped forth into the midst, and asked God's blessing, as they do every day. Truly that is a happy child who has found its way to Secundra.[145]

Of course, Barton's description of the orderly, devout and happy children at Sikandra, intended for a metropolitan missionary audience, probably deviated from the experiences of children. Studies of orphanages and missionary schools have highlighted the missionaries' articulation of racial difference.[146] Karen Vallgårda has also highlighted the ideological purposes of the daily routine of mission children who: worked long hours, since 'labour was considered to have an intrinsic value'; were made to wear uniforms 'to eliminate potential bodily signs of heathenism'; in the case of boys, played sport to inculcate 'real masculinity'; and were sometimes subjected to corporal punishment.[147]

The Sikandra orphanage would have enforced an entirely new set of norms of behaviour than the homes of the *hijras* Rae and Fyeman. Khyratee and Moola would have been subjected to the discipline and surveillance of the missionaries and the orderly segregation of pupils spatially manifest in straight lines. Considering the designation of gendered spaces, missionaries would have enforced and fostered strict standards of masculine dress and normative gendered behaviour. Moreover, Khyratee and Moola would have received a Christian education, and may have been subsequently converted. While this environment of different gender expectations and Christian proselytising was intended to make Khyratee and Moola 'ashamed' of the lives they had been 'being brought up to' in the *hijra* community,[148] there is nonetheless the possibility

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[144] Ibid.

[145] Italics added. Mary Ann S. Barber, *Sweet Childhood, and its Helpers in Heathen Lands; Being a Record of Church Missionary Work Among the Young, in Africa, the East, and Prince Rupert's Land* (London: James Nisbet & Co., 1864), 256.

[146] Sen, 'The Orphaned Colony,' 464.

[147] Vallgårda also highlights that resistance to this regime was evident amongst the children, but this was a 'necessary failure,' allowing the 'fundamental difference between colonizer and colonized' to be continually reiterated. Vallgårda, 'Adam's Escape,' 302-7, 311.

[148] BL/IOR/P/438/62: Williams to Sec, NWP, 20 Nov 1865.

that like other children in mission schools and orphanages, they resisted the missionary regime.[149]

These fragmented narratives demonstrate how removed children's lives were often marked by repeated upheavals. Some children were passed from purchaser to purchaser, while others had lived with *hijras* for most of their lives. In either case, their removal and re-parenting resulted in further dramatic changes, perhaps particularly when they were placed with missionaries. Children in *hijra* households were often perceived as either threats of moral and sexual contagion, from the colonial perspective, or as outcastes, by their biological parents and others in Indian society. Despite the obscuring of their agency in the official records, the threat that children would wilfully return to *hijras* and resist colonial intervention underlined colonial efforts to ensure their continued separation from the *hijra* community through police surveillance.

The limits of the program of removal under the CTA

After the CTA was enacted in 1871, interventions into the lives of children in *hijra* households were in practice fractured. The colonial government did not generally assume responsibility for the education or upbringing of children, despite rhetoric of the 'rescue' of 'lost' and 'corrupted' children. Moreover, some British officials did not see assuming paternalist responsibility for children, disciplining domestic arrangements, and regulating morality as imperatives of colonial administration. The circumscribed colonial project of child 'rescue' demonstrates the limits of colonial governmentality.[150] Administrators prioritised the agenda of extermination—achieved through the removal and surveillance of children to sever all contact with *hijras*, prevent the child's emasculation and cause *hijras* to 'die out'—over the agenda of 'reform.' The need to watch children and their new guardians to ensure continued separation from the *hijra* community suggests continued colonial anxieties about children's possible resistance to removal. Moreover, the inadequacies of Indian parenting necessitated ongoing supervision of the parent-child relationship following removal to prevent the child's sexual 'corruption.' Thus, the colonial government took a paternalist stance towards Indian parents.

The CTA provided that any registered eunuch who 'has in his charge, or keeps in the house in which he resides, or under his control,' a 'boy' of sixteen or under could be

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[149] See Vallgårda, 'Adam's Escape.'
[150] See the Introduction for a discussion of this literature.

punished with up to two years imprisonment and/or a fine.[151] Magistrates were empowered to return boys to their parents or guardians if they could be found, or otherwise, to make arrangements 'for the maintenance and education of such boy.'[152] Between 1874 and 1885, police found only two boys who were emasculated and only 30 boys in total in *hijra* households.[153] Government policy mandated 'the removal of minors from the care of eunuchs *under any circumstances*,'[154] even when the provincial government did not consider the motives of *hijras* to be 'immoral.' Police removed one fifteen-year-old boy who had been taken in by a *hijra* in Bara Banki during a recent 'scarcity,'[155] as well as a boy in Sultanpur who was 'friendless and a leper,' even though the government acknowledged the motives of the *hijras* were charitable.[156] The provincial government also ordered the removal of children who, according to the assumptions of colonial discourse, could not have been acquired for the 'immoral' purposes of emasculation and 'unnatural' prostitution, for instance girls and married boys.[157] Police also illegally removed children who resided with unregistered eunuchs.[158] Even though these eunuchs had been deemed 'respectable,' their contact with children was viewed as potentially dangerous and such children were discursively orphaned to justify their removal, which was not provided for under law.[159]

Yet there was some ambivalence amongst British officials about government interventions to 'rescue' these children. Robertson, the Magistrate of Mirzapur, and Amson, his counterpart in Azamgarh, reported that the *hijras* in their districts had not reared children to a 'life of vice,' as per the expectations of the NWP government.[160] Other British administrators simply did not view the removal of children as a moral imperative. In Gorakhpur, Lumsden, the Magistrate, allowed fourteen boys to remain

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[151] The CTA also prohibited any eunuchs from 'being or acting as a guardian to any minor' or 'adopting a son.' BL/IOR/V/8/42: Act XXVII of 1871.

[152] Ibid.

[153] These were the years when annual reports were compiled. See above, this chapter.

[154] BL/IOR/P/1281: Tyrwhitt to Sec, NWP&O, 5 Jul 1879.

[155] BL/IOR/P/1467: C. Robertson, Secretary, NWP&O, to Inspector-General of Police, NWP&O, 12 July 1880.

[156] Ibid.; BL/IOR/P/1467: Webster to Sec, NWP&O, 31 May 1880.

[157] For instance, the NWP Secretary demanded that two minors who were found with eunuchs in Gonda district should be removed and the eunuchs prosecuted under section 27, 'though one of the boys [was] said to have been married' by the eunuchs. BL/IOR/P/1281: C. Robertson, Secretary, NWP&O, to Inspector-General of Police, NWP&O, 25 July 1879. In 1883, the Deputy Inspector-General of Police ordered that a girl who lived with a eunuch in Bara Banki should be kept under strict surveillance, though there was presumably no threat of her being emasculated or 'hired out' as a 'professional sodomite.' BL/IOR/P/2002: Smith to IG Police, NWP&O, 4 Jun 1883.

[158] BL/IOR/P/97: A. Colvin, Secretary, NWP, to Inspector-General of Police, NWP, 12 August 1875; BL/IOR/P/1816: Smith to IG Police, NWP&O, 15 May 1882.

[159] BL/IOR/P/96: C.A. Elliot, Secretary, NWP, to Inspector-General of Police, NWP, 21 July 1874.

[160] UPSA/A/COV/119/12: C. Robertson, Officiating Magistrate of Mirzapur, to Commissioner of Benares, 3 November 1872; UPSA/A/COV/119/12: Amson to Comm Benares, 16 Nov 1872.

with the *hijras* who employed their parents.[161] Similarly, two years after the CTA was introduced, authorities had not removed any children in Basti.[162] In 1879, the NWP government was incensed that the Bahraich authorities had 'restored' one child to a eunuch, 'security [having been] taken that he should not be emasculated.'[163] The provincial government was dissatisfied that some district authorities were reluctant to adopt the role of surrogate parent.[164] Nonetheless, the majority of male children who resided with eunuchs were eventually removed.

How were these children re-parented and what was the role of the colonial government subsequent to removal? Although several children removed prior to 1871 were admitted to the Sikandra Orphanage, there were proportionately fewer cases in which Christian missionaries were appointed the surrogate parent of removed children following the enactment of the CTA, revealing the limits of government-missionary co-operation.[165] Despite the evangelical leanings of many NWP district administrators, missionaries had never been a first choice as guardians for removed children. Placing children with missionaries stretched the limits of the official policy of religious 'neutrality.' A memo of children residing with eunuchs in Ghazipur district suggests the first preference of district officials was to appoint parents or relatives as the guardians of removed children or failing this, to appoint a 'respectable native' as surrogate parent. Eleven 'minors' were living with eunuchs in Ghazipur prior to 1871.[166] By 1873, three children had left the district: one became a coolie and was sent to Sylhet in modern north-eastern Bangladesh; another had gone to Calcutta 'in service'; while a third had gone to Surun in Kashmir with his mother and a eunuch. The district

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[161] In total, only two boys were removed in this district. UPSA/A/COV/119/12: C.A. Elliot, Secretary, NWP, to Commissioner of Benares, 19 March 1873; UPSA/A/COV/119/12: Lumsden to Comm Benares, 15 Apr 1873.

[162] UPSA/A/COV/119/12: Elliot to Comm Benares, 19 Mar 1873; UPSA/A/COV/119/12: P. Wigram, Officiating Magistrate of Basti, to Commissioner of Benares, 21 September 1872; UPSA/A/COV/119/12: R. Waddington, Superintendent of Police, Basti, to the Office of the Inspector-General of Police, NWP, 15 February 1873; UPSA/A/COV/119/12: R. Waddington, Superintendent of Police, Basti, 'List of Eunuchs in the Bustee District on the 1st September 1872,' circa 1872. Eventually, the Magistrate agreed to remove two ten-year-old boys who were emasculated, but two unemasculated boys and several children who resided with both their parents and eunuchs were not removed. UPSA/A/COV/119/12: F.E. Elliot, Officiating Magistrate of Basti, to Officiating Commissioner of Benares, 19 May 1873.

[163] BL/IOR/P/1281: Tyrwhitt to Sec, NWP&O, 5 Jul 1879.

[164] BL/IOR/P/1281: Robertson to IG Police, NWP&O, 25 Jul 1879.

[165] When the Act was first introduced in Gorakhpur, two boys were 'made over to the Mission as no relatives were forthcoming,' while a boy in Ghazipur was 'made over' to a Reverend. UPSA/A/COV/119/12: Lumsden to Comm Benares, 15 Apr 1873; UPSA/A/COV/119/12: R.L.F. McMullin, Officiating Superintendent of Police, Ghazipur, 'Memo regarding 11 Minors who were said to be living with Eunuchs previous to enforcement of Act XXVII of 1871,' 5 May 1873.

[166] McMullin stated in another letter that the eleven children were 'taken away from the Eunuchs,' but it appears from the correspondence that some left the district. UPSA/A/COV/119/12: R.L.F. McMullin, Officiating Superintendent of Police, Ghazipur, to Magistrate of Ghazipur, 5 May 1873.

authorities appointed an 'Akhund' (Muslim cleric) guardian of one boy, while another was placed with a Christian Reverend. Five were living with one or both of their parents, and the remaining boy was living with his brother.[167]

However, there is a pervasive silence in the colonial archive on the fate of removed boys. The moment of removal marks the disappearance of these (usually unnamed) children from the colonial archive, frustrating any attempts to tell their stories. Moreover, the silences of the official records on the future lives of removed children is revealing of government priorities. The provincial government's interest in these boys was largely confined to the separation of children from eunuchs by means of removal and surveillance. In contrast, details of the child's subsequent care are rarely mentioned in the records and their reform was not a key government concern in practice.[168] Although the CTA empowered Magistrates 'to make such arrangements as may be necessary for [children's] education and maintenance,'[169] the colonial government did not consider this imperative. Indeed, the archive suggests that officials assumed almost no responsibility for the education or welfare of children following their removal.[170] The presence of the colonial government in these children's lives following removal took the form of police surveillance, rather than providing for their 'maintenance and education,' since the continued separation of the child from the deviant domestic context of the *hijra* household was considered crucial to the gradual extinction of the *hijra* community. Surveillance would ensure that 'no young boys are ever allowed to remain in the company of any Eunuch,'[171] stemming this threat of moral 'contamination.' Although much of the rhetorical value of the boy *hijra* victim derived from the apparent severance of the parent-child relationship, the restoration of parental rights to the relatives of removed children was only partial and the attitude towards both children and parents was paternal. Parents and guardians were required to sign agreements 'expressing their willingness to receive and to maintain the boys' and to ensure the separation of the children from *hijras*.[172] One child's uncle 'formally took

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[167] UPSA/A/COV/119/12: McMullin, 'Memo,' 5 May 1873.

[168] This was reflected in the classificatory system adopted for the annual reports, which required information on the 'Presence of boys under 16, with eunuchs.' BL/IOR/P/839: Hobart to IG Police, NWP, 28 Jun 1876.

[169] BL/IOR/V/8/42: Act XXVII of 1871.

[170] The annual reports mention a rare case of two 'emasculated youth of ten years' age' in Basti in 1877, in which a Magistrate 'promised to endeavour to procure for [boys'] some means of honest livelihood.' BL/IOR/P/840: Hobart to IG Police, NWP&O, 11 Sep 1877.

[171] BL/IOR/P/438/61: Sapte to Sec, NWP, 16 Sep 1865.

[172] UPSA/A/COV/119/12: C.P. Carmichael, Officiating Commissioner of Benares, to Inspector-General of Police, NWP, 7 April 1874.

charge of him, to prevent him returning to the Eunuchs' and 'filed an agreement ... binding himself down not to let the boy return to his old associates.'[173]

The preoccupation with ensuring the spatial separation of *hijras* and children through surveillance is evidence of the threat of these children's agency. The colonial government was not only concerned that *hijras* might attempt to maintain their ties to these children, but also that children might return to *hijras* of their own accord. Written agreements between the government and new guardians acknowledged that the child in question would need to be forcibly prevented from returning to *hijras* by a combination of parental and state power. Although colonial administrators interpreted the wilfulness of removed children as evidence of their 'deviance' and 'corruption' and the coercive power of the *hijra*-child relationship, the need to spatially separate children and *hijras* is perhaps evidence that these relationships could have affective aspects. The resistance of removed children threatened to undermine the colonial project of the gradual extinction of the *hijra* community.

Although the project of removal was premised on a discourse of the 'rescue' of children from a deviant domestic environment, their 'reform' and the restoration of their 'lost' childhoods, the colonial government deprioritised the agenda of reform and did not assume responsibility for the education or upbringing of children. Instead, the government prioritised the continued separation of children from *hijra* households to prevent their emasculation and thus cause *hijras* to 'die out.' There was a disjuncture between the idea of the state as a paternalist government and the priorities and capacities of the colonial government on the ground. This reveals not only the limits of colonial child 'rescue' projects, but also the circumscribed nature of colonial attempts to manage 'problem' populations and their domestic arrangements more broadly.

Concepts of childhood and hijra *domesticity*

Two of the key concepts upon which colonial child removal was based—childhood and deviant domesticity—were destabilised when the CTA was implemented. Colonial interventions were uneven because the boundaries of childhood were shifting and emasculated children were considered habitual criminals, rather than children per se. Moreover, the colonial understanding of the relationships between *hijras* and children in *hijra* households was called into question after 1871.

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[173] UPSA/A/COV/119/12: C.P. Carmichael, Officiating Commissioner of Benares, to Inspector-General of Police, NWP, 24 March 1875.

Although the CTA defined a child as a person under sixteen, the boundaries of this category were malleable and porous. Emasculated boys below the age of sixteen were often treated as quasi-adults, rather than as children. The position of child eunuchs on the boundary between adulthood and childhood is suggested by their simultaneous removal *and* registration under the CTA. Registration was a legal status which entailed penalties and legally defined the child as a person suspected of sodomy, kidnapping and/or emasculation, that is, as a habitual criminal and sexual deviant. A ten year-old eunuch named Dipia who lived in Basti district was removed from his residence, and therefore regarded as a child under the CTA, but also entered on the district register, and thus regarded under law as an adult.[174] Local authorities even registered a two year-old 'born eunuch' in Gonda district, although as the provincial government pointed out, '[t]his was premature, as the child could not as yet be reasonably suspected of any of the offences mentioned in section 24,' that is, sodomy, kidnapping and emasculation.[175] The Commissioner of Benares, H.B. Webster, simultaneously described child eunuchs as children and quasi-adults.[176] In contrast, British administrators often treated unemasculated youths as children even after the age of sixteen, reflecting the anxieties provoked by the 'corruption' of these possibly malleable individuals. In 1879, the Magistrate of Azamgarh reported that an eighteen year-old 'youth' would be removed, but as Hobart, the Deputy Inspector-General of Police, noticed, the 'law only extends to youths of age 16 and under.'[177] Nonetheless, it is significant that the district authorities defined an unemasculated eighteen year-old as an orphan, though he was legally an adult. The definition of child under this project of child-removal depended crucially on the child's body. The shifting and malleable boundaries of childhood under the CTA demonstrate that this was a moral, embodied *and* numerical category.

The colonial conceptualisation of the *hijra* household as a deviant domestic context in which only 'unnatural' relationships, rather than biological or conjugal relationships, prevailed was undermined when the colonial government found that many of the children in question lived with *both* eunuchs and their parents. These living arrangements undermined the assumption that children in *hijra* households were permanently cut-off from their families. The line between the *hijra* household, characterised as a deviant form of domesticity, and conjugal, procreative domesticities

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[174] UPSA/A/COV/119/12: Elliot to Comm Benares, 19 May 1873.

[175] BL/IOR/P/1467: Robertson to IG Police, NWP&O, 12 Jul 1880.

[176] UPSA/A/COV/119/12: H.B. Webster, Officiating Commissioner of Benares, to Secretary, NWP, 13 March 1877.

[177] BL/IOR/P/839: Hobart to IG Police, NWP, 28 Jun 1876.

proved to be blurred in some cases. Several parents were the servants of *hijras*[178] or musicians who accompanied *hijras* when they performed, yet officials reinscribed these reproductive, conjugal domesticities as deviant. W.A. Forbes, the Magistrate of Meerut, argued these musicians were 'no doubt the abettors and encouragers of the system of castration and all uncleanness, and in all probability the greatest child-stealers in the country.'[179] Tiernan, a 2nd Grade Inspector of Police in Gorakhpur, claimed the children of musicians were 'used' for 'immoral purposes,' despite the fact they were still under parental authority.[180] Several cases also emerged in which children and widows were taken in by *hijras* 'in destitute circumstances.'[181] The stories of two boys in Mirzapur—eleven year-old Sultan Dhunia and ten year-old Mathuri Jalaha—were typical of these children's experiences:

> Sultan has a mother named Subhaji who, when she was in destitute circumstances some years ago made the boy over to the Eunuchs Sunput and Salaru. ... The other boy, Mathuri, has no surviving relatives traceable. He and his mother were taken in and cared for by the Eunuch Phatingan. The mother afterwards died.[182]

British officials did not characterise the motives of the *hijras* in such cases as 'immoral' or the means by which the children were acquired as coercive.

From the perspective of the colonial government, cases of eunuch-child-parent cohabitation complicated the question of parental rights. Was a parent who permitted their child to live in a deviant domestic environment a responsible guardian? In the 1870s, the provincial government demanded the removal of entire families from *hijra* households,[183] including the removal of the offspring of widows who had been taken in by *hijras*, which seems especially harsh in light of the marginal position of widows in north Indian society.[184] According to British officials, such parents could not be trusted and the authority of widows over their children was limited by written agreements and by ongoing surveillance.[185] However, in the 1880s the NWP government relaxed its position, allowing children who were not emasculated and lived with their parents to be

[178] Several parents and children were merely described as the servants of *hijras*. BL/IOR/P/1816: Smith to IG Police, NWP&O, 15 May 1882.
[179] W.A. Forbes, Magistrate of Meerut, quoted in BL/IOR/P/438/62: Simson, 'Replies,' 20 Apr 1866.
[180] BL/IOR/P/92: Tiernan to SI Police, Gorakhpur, 26 May 1871.
[181] UPSA/A/COM/29/8: Short, 'List,' circa Jan 1873; BL/IOR/P/839: Hobart to IG Police, NWP, 28 Jun 1876; UPSA/A/COV/119/12: Comm Benares, 'Abstract,' 23 Nov 1875.
[182] UPSA/A/COV/119/12: Comm Benares, 'Abstract,' 23 Nov 1875.
[183] UPSA/A/COV/119/12: Lumsden to Comm Benares, 15 Apr 1873; UPSA/A/COV/119/12: A. Shakespeare, Commissioner of Benares, to Secretary, NWP, circa 1873; UPSA/A/COV/119/12: C.A. Elliot, Secretary, NWP, to Commissioner of Benares, 20 June 1873.
[184] BL/IOR/P/839: Hobart to IG Police, NWP, 28 Jun 1876.
[185] UPSA/A/COV/119/12: Comm Benares, 'Abstract,' 23 Nov 1875.

kept under surveillance, but not removed. [186] This perhaps represents an official concession that parent-child-*hijra* cohabitation demonstrated that *hijra* domesticities were more complex than the colonial narrative of the *hijra* household as a deviant form of domesticity would suggest.

Conclusion

This chapter has shown how the *hijra* household, and in particular the presence of children therein, became subject to colonial intervention in the late nineteenth century. The intimate lives of *hijras* were thus at the centre of colonial projects to manage the *hijra* population. Through an examination of *hijra* domestic arrangements and relationships, this chapter has further contributed to our understanding of the everyday lives of *hijras*. Power was organised along multiple axes of age, gender, positions of authority and economic status in *hijra* households, illuminating the webs of power relations in which *hijras* were situated. Various relationships existed in the *hijra* household, between *gurus* and *chelas*; *hijras* who were described as mothers, aunts, nieces and daughters; adopted non-*hijra* children; employees; and, sometimes, male lovers. *Hijras* were located on the peripheries of reproductive and conjugal sexualities, as infertile persons who could not biologically reproduce, but were nevertheless were an important presence at marriages and births and sometimes themselves engaged in marriage economies as the parents of adopted children. The kinship-making practices and domestic arrangements of *hijras* suggest the diversity of historical South Asian kinship and domestic patterns. It may be productive to decentre the history of family and domesticity in South Asia from conjugality and biological reproduction so that the 'dead weight of the present' does not obscure the complexities of historical domestic arrangements. [187]

In the nineteenth century, the British characterised the *hijra* household as a deviant form of domesticity. Thus, around the same time that *khwajasarais*' kinship and *guru-chela* networks were characterised as a means of political 'corruption' in Awadh, the British saw *hijra* domestic relationships and kinship-making as sexually 'corrupt,' reflecting the broader colonial and elite Indian marginalisation of diverse domestic arrangements in the nineteenth century. *Hijra* kinship and domestic

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[186] BL/IOR/P/1816: J.R. Reid, Officiating Secretary, NWP&O, to Inspector-General of Police, NWP&O, 14 August 1882; BL/IOR/P/2208: Smith to IG Police, NWP&O, 26 Jun 1884.
[186] BL/IOR/P/2460: Smith to IG Police, NWP&O, 27 Apr 1885.
[187] Chatterjee, 'Introduction,' 10.

relationships were seen as perverse sites for the reproduction of the *hijra* community, while the *hijra* household was viewed as an environment in which children were transformed into criminals and sexual deviants. Much of the effectiveness of the moral panic over *hijras* was derived from a discourse of lost and exploited childhood, and the characterisation of *hijras* as kidnappers. Children who were prematurely sexualised were regarded as victims and yet were thought to hold contagious potential and were easily converted into a moral danger.

Colonial officials presented the removal of children from *hijras* as a measure for their 'rescue' from a 'life of infamy,' yet the government program of removal and reform was in practice circumscribed. Many British officials were disinterested in, or opposed to, adopting a paternalist stance towards children in *hijra* communities. Even the provincial government limited the project of child removal in practice by deemphasising the stated aim of reforming children. Few efforts were made to provide for the education or wellbeing of removed children. Instead, British officials focused their efforts on the surveillance of children and their new guardians to ensure continued spatial separation from *hijras* and prevent their emasculation. The agenda of 'reform' was thus deprioritised in favour of the project to cause *hijras* to 'die out.' Reflecting this lack of official interest in the 'reform' and education of children following their removal, there is a pervasive silence surrounding most removed children, who disappear from the archive following their removal. The emphasis on the surveillance of children, rather than their reform, was also a result of official anxieties that removed children would wilfully return to *hijras*. Although the colonial archive consistently portrayed children in *hijra* households as victims, their attempts to resist removal are nonetheless hinted at in the colonial records.

Despite these limits to the project of child removal, its success was ultimately judged on the prevention of emasculation and the numerical decline in registered eunuchs.[188] Throughout the 1870s and 1880s, officials such as Tyrwhitt, the Inspector-General of Police, argued that 'the gradual expiration of the eunuch class' was imminent due to 'the impossibility of adding to their numbers.'[189] The project of removal was thus declared a success. In the following chapter, we turn to concerns about public morality that arose from the 'obscene' presence of cross-dressing and performing *hijras*

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[188] UPSA/A/COV/119/12: R. Annesley, Officiating Superintendent of Police, Benares, to Magistrate of Benares, 12 April 1873.
[189] BL/IOR/P/840: E. Tyrwhitt, Inspector-General of Police, NWP&O, to Secretary, NWP&O, 17 September 1877. By the 1890s, around a third of the eunuchs originally registered remained on the register, though this was for a variety of reasons. UPSA/A/COA/18/5: Berrill to IG Police, NWP&O, 1 May 1896.

in public space. Here too, the aim of government was to eradicate eunuchs. Whereas the removal of children aimed to prevent emasculation and cause eunuchs to gradually 'die out,' the goal of officials in relation to *hijra* cross-dressing and performance was more immediate—to erase *hijras* as a visible socio-cultural category in public space in the short-term.

Chapter 6

Obscenity and Contagion: Policing *Hijra* Bodies in Public Space

In the nineteenth century, each day, *hijras* wandered their neighbourhoods asking the sweepers and playing children, *'Hua beta?'* ('Has a child been born?'). At those households where marriages and births had recently occurred, *hijras* performed songs and dances and made jokes at the expense of the family, asking for alms in return.[1] *Hijras* also performed in markets, fairs and religious festivals,[2] in private homes,[3] and for the entertainment of Indian courts, such as the Awadh court in the 1830s.[4] Aside from their bawdy performances and transgressive feminine dress, *hijras* in public space also offended colonial sensibilities by asking for alms, construed as 'begging'; through their 'wanderings' and 'vagrancy'; by their 'rude' talk and talent in dealing out insults; and by exposing their (lack of) genitals when they were refused alms. From 1871 in the North-Western Provinces & Oudh, Part II of the Criminal Tribes Act prohibited public performance and cross-dressing by registered eunuchs, who could be punished with imprisonment for up to two years and/or a fine.[5] The CTA thus aimed to suppress 'obscenity,' to order and 'clean' public space, to erase bodily difference and enforce normative masculinity by removing the visible, sartorial marks of *hijra*-hood.

Colonial discourses defining *hijras* as a threat to public order have had a significant impact upon attitudes towards *hijras* in public space in contemporary India.[6] Yet the project to control *hijra* obscenity was ambiguous, uneven and limited in certain ways, in both its ideology and enforcement. This chapter further demonstrates the

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[1] H.A. Rose, 'Muhammadan Birth Observances in the Punjab,' *The Journal of the Anthropological Institute of Great Britain and Ireland* 37 (July-December 1907): 243. See also UPSA/A/COV/119/12: James Amson, Magistrate of Azamgarh, to Commissioner of Benares, 16 November 1872.
[2] BL/IOR/P/438/62: C. Robertson, Commissioner of Allahabad, to Secretary, NWP, 27 June 1866; UPSA/A/COV/119/12: Amson to Comm Benares, 16 Nov 1872.
[3] R. Spankie, Sessions Judge of Jaunpur, 11 September 1865, quoted in BL/IOR/P/438/62: J. Simson, Register to Nizamut Adalwut, NWP, 'Replies to the Court's Circular letter, No. 4, dated the 2nd September, 1865,' 20 April 1866.
[4] NAI/FD/PC 6/03/1837 92: J. Low, Resident at Lucknow, to W.H. Macnaghten, Political Secretary to the Government of India, Secret Department, 23 September 1836.
[5] BL/IOR/V/8/42: 'An Act for the Registration of Criminal Tribes and Eunuchs,' Act No. XXVII of 1871 Passed by the Governor-General of India in Council.
[6] On attitudes towards *hijras* and their visibility in public space see Gayatri Reddy, 'Geographies of Contagion: *Hijras, Kothis*, and the Politics of Sexual Marginality in Hyderabad,' *Anthropology & Medicine* 12, no. 3 (2005): 259.

argument of this thesis that the colonial governance of *hijras* varied between local contexts, ranging from the excessive application of the Criminal Tribes Act, to its strict implementation in accordance with provincial government policy, to lax enforcement that provided opportunities for *hijra* evasion. The CTA was an experiment in policing the morals of Indian society through the criminal law, but this project was in practice fractured because many British judicial and police officials thought that the government should not regulate indigenous morals, while the actual capacity of the colonial state to do so was also limited. That British police and judicial officials disputed the extent to which the colonial government should discipline *hijras'* bodies and behaviours adds to our understanding of the limits and fissures of colonial projects to regulate gender and sexuality. While this chapter examines fractures *within* the colonial legal establishment, the following chapter analyses tensions between legal and medical concepts and forms of knowledge of gender and sexuality.

The ideology of the project to control *hijra* obscenity was paradoxical, since British officials considered *hijras'* feminine dress 'obscene,' yet neither the colonisers, nor Indian elites, defined transvestism generally as an obscenity. *Hijras'* public performances were situated in a broader context of several forms of indigenous popular culture, mythology and folklore in north Indian society that involved gender crossing. Much of north Indian society did not consider the performances of *hijras* to be 'obscene,' though elites, who in response to British attitudes, were increasingly embarrassed by bawdy forms of popular entertainment, reinforced colonial perceptions of *hijra* obscenity and deviance. Colonial and elite Indian disinterest in prosecuting ritual and theatrical transvestism in general, raises the question of why *hijras'* feminine dress was defined as obscene.

On the one hand, to a greater extent than other theatrical or ritual cross-dressers, British and elite Indian commentators linked *hijras'* gender embodiment and bawdy public presence to innate sexual deviance. On the other hand, British colonial officials considered the public presence of *hijras* to be obscene in multiple ways, including but not limited to non-normative gender and sexuality. The public presence of *hijras* evoked concerns with: 'begging' and 'extortion'; the uncontrolled movements of 'wandering' people; 'rude' talk; unruly and loud public behaviour; actions that drew attention to the body and its functions (such as *hijras* exposing their lack of genitals and urinating on houses when alms were refused); and the 'defilement' of public space. The issue of *hijra* obscenity thus intersected with a number of broader issues, including notions of criminality, the purity of public space, proper 'civic' behaviour and

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productive work. This chapter thus extends my argument that colonial moral panics about *hijras* can only be understood through an analysis of how gender and sexuality intersected with a range of diverse colonial concerns.

The British characterised *hijras'* public presence as a threat of moral and physical contagion: the Criminal Tribes Act thus had the ambitious aim of ordering and 'cleaning' public space and dovetailed with projects of 'imperial hygiene,' to use Alison Bashford's term.[7] The colonial project of controlling *hijra* obscenity aimed to discipline deviant bodies and demarcate spatial boundaries between the 'private' and 'public,' and between colonial and 'native' space, in order to stem threats of contagion. On the one hand, colonial officials argued that the performances and feminine dress of *hijras* directly engendered 'unnatural' sexual behaviour, and was thus both a moral and physical threat of contamination. On the other hand, colonial officials claimed that *hijras'* public presence corrupted the public spaces of British India and it was necessary to 'clean' or 'sweep' colonial space of the multifaceted 'pollutant' of *hijras* by erasing them as a visible public presence. This effort to purify public space of *hijras* also required the reinforcement of political boundaries between colonial and 'native' territory, since the colonial government viewed the latter as the ultimate source of the contaminating agent of the *hijra*. The prosecution of *hijra* obscenity thus intersects with broader projects to 'cleanse' public space, erect spatial barriers and reinforce political borders in order to prevent contamination from physical and social disease, such as sanitation and public health campaigns.

Despite the broad aims of the prohibition on *hijra* obscenity, colonial efforts to control *hijra* bodies and their spatial location were inconsistent between districts, revealing the limits of the colonial government's ability to order public space and the disjuncture between the ideology of obscenity and its regulation. The enforcement of the prohibition on transvestism and performance, and its impacts upon *hijras*, varied between districts, and even within different local police jurisdictions. In some contexts, local police and judicial authorities exercised an excess of coercive power, beyond the boundaries of the law, while in other contexts, local enforcement was lax and did not meet the expectations of the provincial government. The regulation of *hijras* varied between different sites, highlighting the fractures of 'colonial governmentality'[8] at the

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[7] Alison Bashford, *Imperial Hygiene: A Critical History of Colonialism, Nationalism and Public Health* (New York: Palgrave Macmillan, 2004).
[8] See the introduction for a discussion of this literature. On theorisations of Foucault's concept of governmentality—a specific form of power, the target of which is population—in colonial contexts see: Michel Foucault, 'Governmentality,' in *The Foucault Effect: Studies in Governmentality, with Two*

local level. I suggest three reasons for the uneven governance of *hijras* in the districts: first, the fissures of colonial power at the local level and the pragmatic compromises of colonial rule; second, *hijras'* resistance to the regime of control; and third, varying attitudes amongst British legal administrators towards *hijras'* public presence and the extent to which colonial regulation was warranted. Some *hijras* succeeded in illegally performing and cross-dressing and most *hijras* probably continued to have a raucous public presence, regardless of whether they broke the law.[9] Nevertheless, the CTA restricted *hijras'* sources of income and defined their public presence as criminal and a 'public nuisance,' an association which has had significant post-colonial effects.

Even though transvestism was not defined as obscene in other ritual and theatrical contexts—and although colonial commentators labelled numerous aspects of *hijras'* public presence obscene—in many districts, the definition of *hijra* obscenity was reduced to transvestism when the CTA was enforced. Many British officials at the district level did not prosecute *hijras* for their performances, but only for wearing feminine clothing, limiting the scope of government intervention to police the gendered embodiment of *hijras*. Although this might suggest that non-normative gender embodiment was ultimately at the heart of the colonial concern with *hijras* in public space, the provincial government continued to insist that *hijra* performances were 'obscene' and should be prosecuted. Thus, I argue that British police and judicial officials at different levels of the colonial government disagreed on the conceptualisation of obscenity, the ways that *hijras* threatened public order and the extent to which the colonisers should police indigenous morality. Colonial projects to discipline gender and sexuality were internally fissured and British colonial officials' conceptualisations of the moral threat of *hijras* were not homogenous.

This chapter contributes to our understanding of the colonial regulation of obscenity. The project to suppress *hijra* obscenity sheds light on how colonial notions of obscenity connected to concepts of public order, contagion and hygiene and thus intersects with the recent work of Deana Heath on literary obscenity in the British

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Lectures and an Interview by Michel Foucault, ed. Graham Burchell, Colin Gordon and Peter Miller, 87-104 (Hertfordshire: Harvester Wheatsheaf, 1991); Gyan Prakash, 'The Colonial Genealogy of Society: Community and Political Modernity in India,' in *The Social in Question: New Bearings in History and the Social Sciences*, ed. Patrick Joyce, 87-90 (London: Routledge, 2002); David Scott, 'Colonial Governmentality,' *Social Text*, no. 43 (Autumn 1995): 191-220; Stephen Legg, *Spaces of Colonialism: Delhi's Urban Governmentalities* (Oxford: Blackwell Publishing, 2007), 8-28; Deana Heath, *Purifying Empire: Obscenity and the Politics of Moral Regulation in Britain, India and Australia* (Cambridge: Cambridge University Press, 2010), 8-24.
[9] See Chapter 4.

Empire.[10] Studies of the colonial regulation of literary obscenity have also shown the limits of colonial projects and the proliferation of prohibited materials.[11] Similarly, *hijras* remained a bawdy presence in public space while colonial concepts of obscenity and projects of regulation were often inconsistent and fractured. This chapter additionally contributes to studies of colonial public space—for instance, works by Stephen Legg and Prashant Kidambi—which have shown that colonial projects of governing cities were limited in practice, for instance, in the context of policing, sanitation campaigns, and town planning 'improvement' schemes.[12] Finally, this study of *hijra* obscenity adds to our understanding of colonial attempts to discipline gender and sexuality, showing that colonial projects were often 'precarious' and 'unfinished.'[13]

Crossing genders in myth, religious practice and popular culture

Hijras' bawdy performances and feminine embodiment were situated in a broader context of changes of sex in mythology and gender-reversals and cross-dressing in religious traditions and popular culture. The gendered and sexual meanings of these forms of sex- and gender-crossing were often ambiguous and scholars have interpreted them as variously reinforcing or destabilising dichotomous conceptions of gender. Mythology and folklore in the Hindu tradition contains numerous examples of mythological figures who change sex, usually (though not exclusively) from male-to-female. One such tale is that of King Ila, who was turned into a woman by Shiva after Ila accidently interrupted the love-making of Shiva and his goddess wife while out hunting.[14] In other myths, a change of sex allows a man to fulfil desire for another man, as in the *gopas'* wish to become women so that they could experience 'eroticized bliss,'

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[10] Heath situates the regulation of literary obscenity in the context of other projects to 'purify' empire such as sanitation, the white slave trade and contagious disease regulation and also draws upon Alison Bashford's work. Heath, *Purifying Empire*, 3.

[11] Charu Gupta, *Sexuality, Obscenity, Community: Women, Muslims, and the Hindu Public in Colonial India* (New York: Palgrave, 2002); Charu Gupta, '"Dirty" Hindi Literature: Contests About Obscenity in Late Colonial North India,' *South Asia Research* 20, no. 2 (2000): 89-118.

[12] For a review of this literature see Janaki Nair, 'Beyond Nationalism: Modernity, Governance and a New Urban History for India,' *Urban History* 36, no. 2 (August 2009): 327-41. See in particular, Legg, *Spaces of Colonialism*; Prashant Kidambi, *The Making of an Indian Metropolis: Colonial Governance and Public Culture in Bombay, 1890-1920* (Aldershot, Hampshire: Ashgate Publishing, 2007).

[13] Antoinette Burton, 'Introduction: The Unfinished Business of Colonial Modernities,' in *Gender, Sexuality and Colonial Modernities*, ed. Antoinette Burton, 1 (London: Routledge, 1999).

[14] The goddess granted this curse would only be for six months duration, in which time Ila became pregnant. Robert P. Goldman, 'Transsexualism, Gender, and Anxiety in Traditional India,' *Journal of the American Oriental Society* 113, no. 3 (July-September 1993): 379; Wendy Doniger O'Flaherty, *Women, Androgynes, and Other Mythical Beasts* (Chicago: Chicago University Press, 1980), 303-6.

the highest form of *bhakti* or religious devotion, with the adolescent Krishna. [15] Although Serena Nanda argues that such tales demonstrate a degree of tolerance to gender ambiguity, [16] Robert Goldman argues that 'at the heart' of these myths is a 'rigorous definition of gender appropriate roles and ... profound disquiet when such roles are questioned.'[17]

Several Hindu religious traditions involve gender-crossing in behaviour or dress as a form of worship. For instance, the *rasiks* or *sakhis* ('female companions') of the Ramanandi monastic order of Aydohya are male devotees who perform feminine behaviours, dress as women and observe the taboos of the menstruation period in the course of their devotion to Sita and Ram. This is because male devotees cannot ritually serve Sita, for instance through bathing her. [18] There is evidence of *sakhis* in the nineteenth century[19] and they still exist today. In some cases, *sakhis* perform a part of the marriage ceremony with Ram, who is 'not officially married with "her," [the *sakhi* devotee] but could enjoy "her" body' in a *parakiya* sexual relationship, outside of marriage. [20] However, anthropologist Peter Van der Veer highlights that there are 'personal differences' between *sakhis* today in the extent of their feminine identification, and the 'front stage' view is that they do not 'enjoy real erotic love for Ram.'[21] Another instance of ritual gender-crossing is the cult of the goddess Yellamma in South India. Some men who are possessed by the goddess are transformed into 'sacred female men' and not only adopt feminine dress, but like *hijras*, perform exaggerated and overtly sexual feminine behaviours.[22]

In the nineteenth century, there were also diverse forms of female impersonation in theatre. There are various forms of popular performance in north India and elsewhere in which adolescent boys play female deities and mythological characters, such as

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[15] Goldman, 'Transsexualism,' 383.

[16] Serena Nanda, *Neither Man nor Woman: The Hijras of India* (Belmont, California: Wadsworth Publishing Co., 1989), 21-3.

[17] Goldman, 'Transsexualism,' 392. O'Flaherty is more inclined to view Hindu traditions as nonexclusive, but argues that while androgynous mythical figures might offer the 'promise of equality and balance, symbiosis and mutuality, the androgyne, under closer analysis, often furnishes bitter testimony to conflict and aggression, tension and disequilibrium, between male and female and between the human and the divine.' O'Flaherty, *Women*, 334.

[18] Peter van der Veer, *Gods on Earth: The Management of Religious Experience and Identity in a North Indian Pilgrimage Centre* (London: Athlone Press, 1988), 162.

[19] BL/IOR/P/1816: O.L. Smith, Deputy Inspector-General of Police, NWP&O, to Officiating Inspector-General of Police, NWP&O, 15 May 1882; BL/IOR/P/1614: O.L. Smith, Deputy Inspector-General of Police, NWP&O, to Personal Assistant to Inspector-General of Police, NWP&O, 6 July 1881; BL/IOR/P/2002: G.J. Low, Superintendent of Police, Lucknow, 'Eunuchs: Working of Part II of Act XXVII of 1871 during the Year 1881,' 14 September 1882.

[20] Van der Veer, *Gods on Earth*, 167-9.

[21] Ibid., 169.

[22] Goldman mentions the term *jogappa* for these devotees, while Reddy refers to them as *jogin*. Goldman, 'Transsexualism,' 390; Reddy, *With Respect to Sex*, 67-72.

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Krishna's 'love-maddened' *gopis*, with exaggerated feminine behaviours.[23] Colonial officials in the NWP&O mentioned one such group, the '*bhuggatuahs*,' who performed Hindu myths, sometimes as feminine impersonators.[24] Theatrical transvestism was not only common in popular forms of drama, but also in urban middle-class entertainment in the nineteenth century. Although theatrical transvestism was often seen as a moral alternative to the employment of female actors, Katherine Hansen has argued that 'transgender masquerades … introduced new possibilities for homoerotic pleasure and expression' for male audiences.[25] On balance, the evidence suggests that changes of biological sex in myth and gender in ritual and performance were, and are, ambiguous in relation to hegemonic ideologies of gender and do not wholly destabilise, but may partly reinforce, dual gender. Similarly, *hijras*' gendered practices and mythologies could reinforce aspects of dominant ideologies, even as they destabilised gender boundaries (see Chapter 4). Nevertheless, it is important to note that *hijras* were one of several groups who crossed gender boundaries in north India.

How, then, did north Indian society view *hijras*? The official records suggest that the songs and dances of *hijras* were inoffensive to a significant proportion of rural and urban society. In early 1871, the Magistrate of Farrukhabad reported that the performances of *hijras* were not considered obscene by most Indians. While north Indian society disapproved of 'unnatural crime,' to most there was 'nothing offensive in seeing an eunuch or impotent male dancing or singing in public in female attire.'[26] Local authorities found that the inhabitants of many towns and villages stated *hijras* were not 'criminals,' but merely musicians and dancers who performed at weddings and births, acts that they did not consider 'obscene,' nor a reflection of the deviance of the performer.[27] The customs surrounding marriages often involved gender reversals, ribaldry and erotic jokes[28] and much of north Indian society probably viewed *hijra* performance and transvestism as merely a part of such bawdy celebrations. One British

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[23] Ibid., 383.

[24] UPSA/A/COV/119/12: R.T. Hobart, Deputy Inspector-General of Police, NWP, to Inspector-General of Police, NWP, 21 June 1876; BL/IOR/P/438/61: P.C. Dalmahoy, Superintendent of Police, Etawah, 'Report on a case of kidnapping and emasculation of two boys, named Agbega and Makhun, in the Etawah district,' 9 December 1865.

[25] Female performers were associated with prostitution in elite Indian and colonial discourse. Kathryn Hansen, 'Theatrical Transvestism in the Parsi, Gujarati and Marathi Theatres (1850-1940),' in *Sexual Sites, Seminal Attitudes: Sexualities, Masculinities and Culture in South Asia*, ed. Sanjay Srivastava, 111 (New Delhi: Sage Publications, 2004).

[26] BL/IOR/P/92: C.A. Elliot, Officiating Secretary, NWP, to Secretary, Government of India, 'Abstract of Replies,' 21 April 1871.

[27] UPSA/A/COM/29/8: H.D. Willock, Magistrate of Bulandshahr, to Commissioner of Meerut, 9 January 1873.

[28] William Crooke, *Religion and Folklore of Northern India* (New Delhi: S. Chand & Co., 1972 [1926]), 279-80.

district Magistrate, G. Palmer, reported that even the 'respectable Residents' of his district insisted that the local eunuchs were 'well behaved.'[29]

Although *hijras* may have been associated with gender difference, their performances had a wider range of religious and cultural associations to local communities. Whereas *hijras* were socially and economically marginal and were often considered outcastes, *hijras* and their neighbours were linked through local ritual economies.[30] When *hijras* performed and asked for alms, they evoked their identity as asexual spiritual ascetics by giving the alms-giver a blessing on behalf of a deity, as well as alluding to the creative power of such infertile persons to bless or curse fertility.[31]

However, it is evident that elite Indian opinion was increasingly embarrassed by *hijras* from the mid-nineteenth century, as Indian elites began to imbibe British concepts of obscenity. To the prominent Muslim intellectual Syed Ahmed Khan, performing in female clothing was 'an occupation which might be deemed excusable did [*hijras*] not eke it out by lending themselves to practices as abhorrent to our feelings as they are unmentionable,' by implication sodomy and prostitution.[32] To Khan, the deviance of the *hijra* performer rendered the performance morally problematic, even if theatrical transvestism was not obscene in general. In 1889, a Delhi lawyer named Mahtab Rai wrote to the Government of India to 'expose' the habits of eunuchs, whom he characterised as 'extremely obscene' due to their 'effeminate speech, deportment, and movements,' their addiction to the 'abominable' crime of sodomy and the loud public spectacle of their 'very obscene and filthy language.' Mahtab Rai described how *hijras* competed with each other in the use of the most 'immoral and indecent talk' at annual gatherings wherein they would split into teams and hurl abuse at each other.[33]

The views of these elites represent a shift during the nineteenth century in attitudes towards popular culture and religion, which elites increasingly criticised as

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[29] UPSA/A/COM/29/8: G. Palmer, Magistrate of Muzaffarnagar, to Superintendent of Police, Muzaffarnagar, 6 January 1873.

[30] As we saw in Chapter 3, *hijras*' neighbours were able to give detailed accounts of *hijras*' personal histories, suggesting that *hijras* were conversant with their neighbours.

[31] Nineteenth and early twentieth century ethnologies which mention the *hijra* practice of blessing alms-givers, as well as the threat of *hijras* cursing those who refused to give alms, include: R.E. Enthoven, *The Tribes and Castes of Bombay*, vol. 3 (New Delhi: D.K. Publishers Distributors, 1997 [1922]), 226-8; R.V. Russell, *The Tribes and Castes of the Central Provinces of India*, vol. 3 (London: Macmillan and Co., Limited, 1916), 209; Bhimbai Kirparam, 'Pavávás,' in *Hindu Castes and Tribes of Gujarat*, ed. James Campbell, vol. 2, 506-8 (Haryana: Vintage Books, 1988).

[32] NAI/HD/JB 30/07/1870 53-4: Saiyid Ahmad Khan to John Strachey, 14 April 1870.

[33] NAI/HD/JB 02/1890 110-112: Mahtab Rai, Pleader, Delhi, to Private Secretary to Governor-General of India, 1 November 1889.

obscene.[34] Moreover, these elite views are evidence of the indigenous appropriation and reinterpretation of colonial concepts of public space. Early modern concepts of common space in north Indian society differed significantly from the colonial construction of the rules of public space. To generalise, the European idea of public space is premised upon a rhetoric of universality of access to spaces defined as public, as well as a distinction from private space. In contrast, the dominant indigenous conceptualisation of space in the early modern period was a distinction between the 'inside' and the 'outside.'[35] Sandria Freitag has articulated the inside/outside distinction as such: 'the 'inside' ... is viewed as familiar, safe, under the control of those involved. ... The 'outside,' by contrast, contained strangers ... as well as the unexpected.'[36] Sudipta Kaviraj adds that '...the outside ... did not constitute a different kind of valued space, a *civic* space with norms and rules of use of its own,' rather, '[t]he exterior is abandoned to an intrinsic disorderliness.'[37] Concerns with *hijras*' public presence, appearance and behaviours make sense in a civic conception of space, and not in a context where the 'outside' is conceived as an intrinsically disorderly space that is not of the self. Kaviraj and William Glover note that in the nineteenth century the notion of public space was creatively adapted and mapped onto pre-existing indigenous interpretations of space.[38] Elite informants combined local knowledge of *hijras*' performances and modes of speech with appropriated and reinterpreted paradigms of obscenity and public order to provide the colonisers with troubling details of the extent of *hijra* 'deviance.' Thus, while *hijras* were situated in a wider context of ritual and theatrical gender-crossing, and *hijras*' performances were not deemed 'obscene' by many in north Indian society, Indian elites increasingly labelled *hijras*' public presence as sexually 'corrupting.'

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[34] By the late nineteenth century, elite reformers in Bengal criticised popular forms of culture and religion in which bodily functions and sex were the subject of humour. Sumanta Banerjee, 'Bogey of the Bawdy: Changing Concepts of "Obscenity" in 19th Century Bengali Culture,' *Economic and Political Weekly* 22, no. 29 (18 July 1987): 1199, 1202. Charu Gupta has also shown that in the case of north India, despite an important sub-culture of erotic literature and popular sex manuals, amongst nationalist elite Hindus there 'was a growing fear of romance, of sexual and bodily pleasure, seen as a transgression of the ideals of the nation itself,' resulting in efforts to purge the Hindi literary canon of 'obscene' works. Gupta, '"Dirty" Hindi Literature,' 98. See also, Gupta, *Sexuality, Obscenity, Community*.

[35] The historical literature on conceptions of common space I quote below examines north India and Bengal.

[36] Sandria B. Freitag, 'Introduction,' in special issue, 'Aspects of "the Public" in Colonial South Asia,' *South Asia* 14, no. 1 (June 1991): 7-8.

[37] Sudipta Kaviraj, 'Filth and the Public Sphere: Concepts and Practices about Space in Calcutta,' *Public Culture* 10, no. 1 (1997): 98, 101.

[38] Ibid., 94; William J. Glover, 'Constructing Urban Space as "Public" in Colonial India: Some Notes from the Punjab,' *Journal of Punjab Studies* 14, no. 2 (Fall 2007): 211-24. See also William J. Glover, *Making Lahore Modern: Constructing and Imagining a Colonial City* (Minneapolis: University of Minnesota Press, 2007).

Colonial concepts of obscenity, public space and contagion

Colonial moral anxiety about the presence of *hijras* in the public sphere resonated with a strong association between performance, sexual immorality and criminality. However, the colonisers did not define transvestism in general as obscene and did not seek to prosecute the various forms of theatrical and ritual gender-crossing in which *hijras* were situated. Differential colonial policies towards *hijra* cross-dressing and other forms of transvestism demonstrate that the colonial control of obscenity was inconsistent and fractured.

Colonial commentators linked performance, sexual immorality and criminality in several contexts. In criminal tribes discourse, there was an association between performance, sexual immorality and habitual criminality. Several of the groups defined as criminal tribes were itinerant groups of performers, the female members of which were labelled 'prostitutes.'[39] These associations were also evident in the regulation of female prostitution: while the prostitute was positioned in colonial law as a habitual criminal in the second half of the nineteenth century,[40] female performers such as *nautch* (dancing) girls, *ta'waifs* (courtesans) and *devadasis* (dancing girls symbolically married to Hindu deities) were often labelled as 'prostitutes.'[41] Although colonial officials characterised dancing boys as figures of failed masculinity,[42] and British judges assumed that dancing boys were 'habitual sodomites,'[43] the CTA was not intended to apply to them.[44] Although the colonial concern with *hijra* performance and

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[39] Henry Schwarz, *Constructing the Criminal Tribe in India: Acting like a Thief* (Hoboken, New Jersey: Wiley-Blackwell, 2010), 1.

[40] Tambe, *Codes of Misconduct*, 118.

[41] Veena Talwar Oldenburg, 'Lifestyle as Resistance: The Case of the Courtesans of Lucknow,' in *Contesting Power: Resistance and Everyday Social Relations in South Asia*, ed. Douglas Haynes and Gyan Prakash, 23-61 (Berkeley: University of California Press, 1991); Erica Wald, 'Defining Prostitution and Redefining Women's Roles: The Colonial State and Society in Early Nineteenth Century India,' *History Compass* 7, no. 6 (2009):1472-4; Philippa Levine, *Prostitution, Race, and Politics: Policing Venereal Disease in the British Empire* (New York: Routledge, 2003), 191-3; Kunal M. Parker, '"A Corporation of Superior Prostitutes": Anglo-Indian Legal Conceptions of Temple Dancing Girls, 1800-1914,' *Modern Asian Studies* 32, no. 3 (1998): 559-600.

[42] For travel accounts of dancing boys, whose gender was usually a source of some confusion for the European observer, see: Thomas Duer Broughton, *Letters Written in a Mahratta Camp During the Year 1809: Descriptive of the Character, Manners, Domestic Habits and Religious Ceremonies of the Mahrattas* (Westminster: Archibald Constable and Company, 1892), 71; Maria Graham, *Journal of a Residence in India* (Edinburgh: George Ramsay and Company, 1813), 136.

[43] 'Government *v.* Sonepaul, Nowal and Ryeah,' *DNA NWP* 5 (1855): 396-8.

[44] In the debates over the draft CTA in official circles from 1870-1, there was only one suggestion that the legislation should encompass dancing boys. BL/IOR/P/1871: J.W.H. Johnstone, Deputy Commissioner, Bunnoo, to Officiating Commissioner and Superintendent, Derajat, 30 October 1871. This was despite the fact that the dancing boy was increasingly an object of colonial knowledge, for instance in the 1871

transvestism resonated with a general association between performance, immorality and 'deviant' sexuality, the project to control *hijra* cultural forms was somewhat unusual.

The British were generally more concerned with seditious than sexually explicit or 'immoral' theatre. In 1861, the Penal Code provided under section 294 for the punishment of any person who '[d]oes any obscene act in public' or '[s]ings, recites or utters any obscene song, ballad or words, in or near any public place.'[45] Yet in 1876, when the Dramatic Performances Act provided the colonial government with strong powers to prosecute objectionable theatrical performances, the concern was not with performances considered immoral, although 'obscene' performances could be prosecuted under the Act, but rather with theatre that was critical of British rule.[46] The legislation was prompted by several plays performed in Bengal which, in the words of the Lieutenant-Governor, R. Temple, were intended 'to excite ill feeling against the British name and nation, against the tendency of British civilization and institutions, and against the result of British rule.'[47] Officials specifically noted different standards of 'decorum or indecorum' in relation to dress and bawdy content.[48] As in the context of literary obscenity, there was a concern with 'charges of both hypocrisy and moral prudery' if the 'cultures of the colonised' were regulated.[49] In sum, the colonial regulation of theatre focused on political theatre, rather than sexually explicit or 'immoral' theatre.

Colonial officials and ethnologists were aware that there were various forms of cross-dressing and gender-reversal in north Indian society—including feminine impersonators in popular theatre and ritual cross-dressers such as *sakhis*—but they did not generally define these acts as obscene. Female impersonation, for instance,

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NWP Census, which showed numbers of 'dancing boys' in several districts. W.C. Plowden, *Census of the N.-W. Provinces, 1872. Vol I General Report, Statements and Tables...* (Allahabad: North-Western Provinces Press, 1873), Table No. IX.

[44] BL/IOR/P/1871: A.A. Munro, Officiating Commissioner and Superintendent, Derajat, to Officiating Secretary, Punjab, 6 November 1871; BL/IOR/P/1871: L.H. Griffin, Officiating Secretary, Punjab, to Officiating Commissioner and Superintendent, Derajat, 16 November 1871; BL/IOR/P/1871: Johnstone to Comm and SI, Derajat, 30 Oct 1871.

[45] Government of India Legislative Department, *The Indian Penal Code (Act XLV of 1860), as Modified up to the 1st May, 1896* (Calcutta, Superintendent Government Print: 1896).

[46] On the Dramatic Performances Act and political theatre see: Rakesh H. Solomon, 'Culture, Imperialism, and Nationalist Resistance: Performance in Colonial India,' *Theatre Journal* 46, no. 3 (October 1994): 323-47.

[47] NAI/HD/PB 08/1876 97-112: R. Temple, Lieutenant-Governor of Beagal, Minute on the Dramatic Performances Bill, 13 June 1876. See also, NAI/HD/PB 08/1876 97-112: E.C. Bayley, Home Department Memorandum, 14 July 1876; NAI/HD/PB 08/1876 97-112: K.N.S., Home Department Memorandum, 12 July 1876; NAI/HD/PB 08/1876 97-112: C.W. Street, Officiating Secretary, British Burma, to Officiating Secretary, Government of India, 12 June 1876.

[48] NAI/HD/PB 08/1876 97-112: Temple, Minute, 13 Jun 1876. See also, NAI/HD/PB 08/1876 97-112: R.L. Mangles, Officiating Secretary, Bengal, to Officiating Secretary, Government of India, 13 June 1876.

[49] Heath, *Purifying Empire*, 24.

remained common in both popular and elite Indian theatre throughout the nineteenth century and was not characterised as 'obscene,' either by Indian elites or by the colonial government.[50] British administrators and ethnologists also noted gender reversals and cross-dressing—both male-to-female and female-to-male—in the context of religious ritual and custom, which they considered evidence of native superstition, rather than obscenity.[51] When officials in the NWP discussed legislative proposals to suppress *hijras'* performance and cross-dressing, several administrators noted the wide range of forms of transvestism in north Indian society and labelled such religious and cultural forms 'innocent.'[52]

In the period that the CTA was enforced, there was potential for such groups to be conflated with *hijras*. Male actors who performed female roles were sometimes confused with *hijras*,[53] yet the colonial government did not contemplate the registration of female theatrical impersonators. Occasionally, male religious devotees who wore feminine clothing, such as *sakhis*, were thought to be *hijras*. While O.L. Smith, the Deputy Inspector-General, claimed that 'sakhies by repute in no way differ from hijras in their habits,'[54] colonial intelligence showed that *sakhis'* feminine dress had religious significance[55] and the provincial government did not order their registration. Although ritual and theatrical cross-dressers were sometimes confused for *hijras*, the colonisers did not consider these forms of transvestism obscene or in need of regulation.

So why was the performance and feminine dress of *hijras* classified as obscene under law, when other forms of transvestism in north Indian society were not? First, according to colonial officials, the feminine embodiment of *hijras* was evidence of innate sexual and gendered deviance—it was not merely a superficial outer appearance, but reflected the inner nature of the person. In the nineteenth century, the regulation of obscenity in Britain, India and elsewhere often turned upon the character of the audience. Certain works defined as 'literature' in the hands of an educated, male audience were defined as 'obscene' if available to women, the working classes or

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[50] Hansen, 'Theatrical Transvestism,' 99-122; Kathryn Hansen, 'Stri Bhumika: Female Impersonators and Actresses on the Parsi Stage,' *Economic and Political Weekly* 33, no. 35 (August 29-September 4 1998): 2291-300; Kathryn Hansen, 'Making Women Visible: Gender and Race Cross-Dressing in the Parsi Theatre,' *Theatre Journal* 51, no. 2 (1999): 127-47.

[51] See for instance, Crooke, *Religion*, 279-80.

[52] BL/IOR/P/438/62: W. Roberts, Judge, and R. Spankie, Officiating Judge, Nizamut Adawlut, NWP, 'Draft Act,' 24 March 1866; A.O. Hume, Magistrate of Etawah, quoted in BL/IOR/P/438/62: Simson, 'Replies,' 20 Apr 1866.

[53] In 1882, the Commissioner of Lucknow 'heard of a eunuch in the Lucknow district who danced and sang in female attire,' yet it turned out that 'this man was no eunuch, but a "bhand" or professional actor.' BL/IOR/P/1816: Smith to IG Police, NWP&O, 15 May 1882.

[54] Ibid. See also, BL/IOR/P/1614: Smith to PA IG Police, NWP&O, 6 Jul 1881.

[55] BL/IOR/P/2002: Low, 'Eunuchs,' 14 Sep1882.

children.[56] In contrast, the definition of obscenity adopted in the case of *hijras* turned upon the character of the performer. According to colonial commentators, *hijras*' transvestism was not due to a lack of available feminine performers or religious belief, as in other cases of theatrical and ritual transvestism. Rather, administrators like W.A. Forbes, the Magistrate of Meerut, argued there was an inherent link between *hijras*' outward violation of gender norms and innate 'perversity,' which rendered generally 'innocent' acts obscene.[57]

Second, according to the NWP&O government, the threat *hijras* posed to 'public decency and morals' was multifaceted.[58] Non-normative gender and sexual embodiment, the overtly sexual dances of *hijras*, 'rude' and defaming talk, public allusions to and exposure of the body and its functions, concepts of 'begging' and 'vagrancy,' uncontrolled mobility and the 'defilement' of public space intersected in the colonial conceptualisation of *hijra* obscenity. One of the earliest European accounts of *hijras* demonstrates the various ways in which *hijras* did not conform to expectations of appropriate public behaviour. In 1810, Baltazar Solvyns, a Flemish artist who worked in India, accompanied an illustration of a *hijra* wearing feminine clothing with the following description:

> It is doing justice to this vile class of beings, to place them as I do here among the commonest women, whose dress even they affect to adopt. ... Could it be believed, that there is a country in the world which tolerates a set of men, whose whole life is an outrage to morality and common decency, by the ostentatious display which they continually make of the privation of the marks of their sex? ... [T]hese Hidgras ... infest as vagabonds [in] the streets and bazaars, soliciting the charity of the passengers. ... When they hear of the birth of a child in a family, they come and sing at the door, for which they expect their pay: if it is refused they endeavor to be revenged, and in a singular way; they climb to the roof of the house, and make water upon it. ... Their debauchery is carried to that degree, that they ... offer themselves in the public houses of prostitution.[59]

In Solvyn's account we see several aspects of *hijras*' public presence that Europeans disparaged throughout the nineteenth century. Not only did *hijras* dress as 'common women,' and thus provoke colonial disparagement as gender 'deviants,' they evoked anxieties about overt sexuality in public space, because the public presence of *hijras* was associated with prostitution.[60] Solvyn also viewed *hijras* as 'beggars' and 'vagabonds' who extorted money from householders, shoppers in the *bazaar*. Although

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[56] Heath, *Purifying Empire*, 41-2.
[57] W.A. Forbes, Magistrate of Meerut, quoted in BL/IOR/P/438/62: Simson, 'Replies,' 20 Apr 1866.
[58] Italics added. BL/IOR/P/438/62: Roberts and Spankie, 'Draft Act,' 24 Mar 1866.
[59] Balthazar Solvyns, *Les Hindoos*, vol. 2 (Paris: Chez l'auteur; Chez H. Nicolle, 1808-1812), plate IV.
[60] Levine, *Prostitution, Race, and Politics*, 297-9, 321.

colonial commentators were aware of the religious and cultural significance of *hijra* alms-collection, [61] they often labeled such actions as mere 'begging.' [62] Colonial accounts often depicted *hijras* loitering outside peoples' houses and in the *bazaar*,[63] and *hijras* were thus associated with 'loafers,' 'vagrants' and 'unproductive' forms of labour. *Hijras'* mobility in public space and their seemingly aimless 'wanderings' also served to connect the community to non-sedentary populations the colonial government labeled 'criminal.'[64]

Hijras' actions and talk drew attention to the body and its functions in ways that were considered rude and obscene. In the context of Bengal, Sumanta Banerjee has highlighted the nineteenth century marginalisation of forms of popular culture that depicted the ordinary, 'gross' and 'grotesque' aspects of the human body.[65] *Hijras* not only spoke of the body in grotesque ways but also exposed their lack of genitals in public space[66] and, according to Solvyn, threatened to urinate on the houses of those who refused alms, displaying both their bodies and bodily functions in public space. Colonial administrators viewed this exposure of the grotesque aspects of the body as a literal and symbolic 'defilement' of public space. For instance, H. Unwin, the Sessions Judge of Mainpuri, viewed *hijras* as 'filthy' and 'dirty,' conflating moral and physical notions of pollution.[67] In sum, the colonial conceptualisation of *hijras'* public presence as obscene was not only related to their gendered embodiment and the content of their performances, but also to notions of dirt and pollution, unproductive labour and populations, public nuisance, vagrancy and the exposure of the body and its functions. While the CTA provided district authorities with powers to prosecute performance and transvestism, the provincial government suggested that district authorities use public

[61] Enthoven, *Tribes and Castes*, 226-8; Russell, *Tribes and Castes*, 209; Kirparam, 'Pavávás,' 506-8.

[62] UPSA/A/COA/18/5: T.W. Holderness, Secretary, NWP&O, to Inspector-General of Police, NWP&O, 7 August 1896.

[63] BL/IOR/P/1816: Smith to IG Police, NWP&O, 15 May 1882.

[64] For instance, BL/IOR/P/438/61: R. Drummond, Officiating Commissioner of Allahabad, to Secretary, NWP, 9 August 1865; UPSA/A/COM/29/8: H.D. Willock, Magistrate of Bulandshahr, to Commissioner of Meerut, 6 January 1873.

[65] Banerjee, 'Bogey of the Bawdy,' 1199.

[66] From the colonial perspective, *hijras'* exposure of their bodies constituted the obscene display of the grotesque aspects of the human body. However, Laurence Cohen also highlights that violence is central to the *hijra* act of pulling up their *saris*: 'The violence of the gesture recreates the violence of castration, but—in revealing the site of the operation and in causing impotence [in the onlooker], the simultaneous cause and effect of the operation—it displaces the violence onto the other, here the householder, the male shopkeeper [who refuses to give money].' Laurence Cohen, 'The Pleasures of Castration: The Postoperative Status of Hijras, Jankhas, and Academics,' in *Sexual Nature, Sexual Culture*, ed. Paul R. Abramson, 297 (Chicago: Chicago University Press, 1995).

[67] 'Government *v.* Ali Buksh,' *DNA NWP* 2 (1852): 1314-6. See also, BL/IOR/P/438/61: Drummond to Sec, NWP, 9 Aug 1865.

nuisance laws to prosecute this wider range of acts that apparently disrupted public order and morality.[68]

Throughout the nineteenth century, the colonisers characterised *hijras* as a problem of contagion, infection and disease. The registration of eunuchs was characterised as an exercise in containing the spread of certain 'infections,' 'contaminations' and 'pollutants.' Contagion was thus central to the concern with the obscenity of *hijras* in public space. Alison Bashford and Claire Hooker have highlighted that contagion 'implies absorption, invasion, vulnerability, the breaking of a boundary assumed to be secure ... a process of contact and transmission, and a susbstantive, self-replicating *agent*.'[69] Colonial officers were particularly concerned with two threats from *hijra* agents of contagion. On the one hand, the deviant bodies of eunuchs apparently posed a threat of contamination to other bodies, through the 'spread' of sexual vice. British officials feared that some Indian men were aroused by the transvestism and overtly sexual performances of *hijras* and that their performances would directly engender sodomy. On the other hand, *hijras* engendered fears of the infection of public space, the spectacle of their bawdy performances, deviant bodies and raucous behaviour threatening to contaminate the streets, markets and meeting places of the Empire and destabilise its political borders. Controlling obscenity was a matter of controlling bodies—reorganising their relationship to public space, erasing bodily difference and preventing the 'infection' of individuals.

Between deviant bodies: Stopping the spread of sodomy

The visible public presence of *hijras* directly led to the spread of sodomy, according to British administrators. The threat of contagion that *hijras* posed was thus both moral and physical: *hijras* were conceived as agents of sexual contagion who literally 'contaminated' Indian men with 'unnatural' sexual behaviour. Thus, the perceived threat of contagion from *hijras* went beyond metaphorical pollution to also implicate direct sexual contact between bodies. The logic behind the prosecution of cross-dressing and performing eunuchs was—as A.O. Hume, the Magistrate of Etawah,

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[68] BL/IOR/P/1816: Smith to IG Police, NWP&O, 15 May 1882; BL/IOR/P/1816: J.R. Reid, Officiating Secretary, NWP&O, to Inspector-General of Police, NWP&O, 14 August 1882.
[69] Italics in original. Alison Bashford and Claire Hooker, 'Introduction: Contagion, Modernity and Postmodernity,' in *Contagion: Historical and Cultural Studies*, ed. Alison Bashford and Claire Hooker, 4 (London: Routledge, 2001).

succinctly put it in the mid-1860s—'[b]ecause the dancing in public of eunuchs in female clothing *afterwards leads to sodomy*, therefore it should be prohibited.'[70]

Hijras' performances were apparently advertising for *hijra* prostitution and sexually aroused Indian men of dubious morals, therefore directly engendering sodomy. The possibility that the cross-dressing, sexually explicit banter, 'obscene songs and lascivious movements'[71] of *hijras* would 'excite' the 'lusts' of Indian men[72] was a cause of anxiety. British officials often interpreted the cross-dressing and performances of *hijras* as an explicit form of advertising for sexual services, rather than as a performance with social and religious significance that was connected to fertility. In 1871, L.H. Griffin, an Under-Secretary to the Punjab government, wrote:

> In Delhi, and I have no doubt in every considerable town in Upper India, there are regular brothels where eunuchs practice unnatural prostitution. ... If the wearing the garb of women in the streets, or whilst dancing, is only made an offence, these wretched creatures can still disport themselves, and solicit from the flat roofs of their houses or from balconies. Known as these brothels are, it is no easy matter to get a conviction under Section 377, Indian Penal Code [the sodomy law]; but the minor offence [transvestism and performance], I contemplate, will be easily proved, and probably be an effectual means of checking this disgusting crime [of sodomy].[73]

Griffin described the performances and transvestism of *hijras* as a mode of advertising for 'unnatural prostitution,' necessitating the complete erasure of eunuchs from public space, even from roofs and balconies.[74] The occupations of public performance and prostitution were thus collapsed so that they appeared to British officials to be one and the same 'trade.'[75]

The potential of *hijra* transvestism and performance to spread sodomy was also related to the mobility of *hijras* in public space, demonstrating how notions of vagrancy, non-sedentary lifestyles and public disorder intersected with gender and sexuality in colonial concepts of *hijra* obscenity. According to the Commissioner of Allahabad, R. Drummond, the mobility of performing *hijras* who travelled throughout the countryside

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[70] Italics added. Hume quoted in BL/IOR/P/438/62: Simson, 'Replies,' 20 Apr 1866.

[71] James Wise, *Notes on the Races, Castes and Trades of Eastern Bengal* (London: Harrison and Sons, 1883), 39.

[72] BL/IOR/P/1816: R.T. Hobart, Officiating Inspector-General of Police, NWP&O, to Officiating Secretary to Government, NWP&O, circa 1882.

[73] BL/IOR/P/147: L.H. Griffin, Under-Secretary, Punjab, to Secretary, Government of India, 25 February 1870.

[74] However, some officials questioned the assumption that prohibiting public performances and transvestism would prevent sodomy due to the perceived commonality of sodomy in Indian society. BL/IOR/P/438/62: Simson, 'Replies,' 20 Apr 1866.

[75] Thomas, Superintendent of Police, Mainpuri, quoted in BL/IOR/P/438/61: B. Sapte, Officiating Commissioner of Agra, to Secretary, NWP, 16 September 1865. See also, BL/IOR/P/438/62: Robertson to Sec, NWP, 27 Jun 1866; BL/IOR/P/438/62: Roberts and Spankie, 'Draft Act,' 24 Mar 1866.

threatened the spread of non-normative sexual behaviour. The potential for the contamination of Indian men was heightened since the *hijra* community was 'not confined to large cities where vice may be expected, but is a system which carries contamination far and wide amongst the agricultural population.' As such, there was a dangerous potential for the moral and sexual corruption of Indian men, requiring measures to 'prevent them [*hijras*] from roaming about, spreading the poison of vice throughout the country.'[76]

The NWP&O government explicitly envisaged the prohibition of eunuchs' transvestite performances as a measure to prevent sodomy. In 1874, Tyrwhitt, the Inspector-General of Police, warned that though the suppression of 'unnatural crime' in India might be a lost cause due to its epic proportions—for it was apparently 'a practice much indulged by all classes high and low throughout India'—the first step in the prevention of sodomy would be the erasure of *hijras* in public space and 'so long as these creatures are allowed to go about singing and dancing in women's clothes it [sodomy] will not be put a stop to.'[77]

According to the colonisers, the public presence of *hijras* not only posed a general threat of moral corruption to north Indian society, but also directly engendered 'unnatural' sexual activity. In the colonial view, the display of deviant bodies and acts in public space was directly linked to the occurrence of deviant sexual behaviours beyond the colonial gaze.[78] The prevention of sexual 'contamination' through the

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[76] Italics added. BL/IOR/P/438/61: Drummond to Sec, NWP, 9 Aug 1865.

[77] BL/IOR/P/96: E. Tyrwhitt, Inspector-General of Police, NWP, to Secretary, NWP, 26 June 1874.

[78] The prohibition of public performance and transvestism resonates with contemporaneous cases in which the colonial government sought to reorganise spatial relations to prevent sexual and moral contagion. The demarcation of spatial boundaries was central to the control of prostitution. See for instance, Philippa Levine, 'Venereal Disease, Prostitution, and the Politics of Empire: The Case of British India,' *Journal of the History of Sexuality* 4, no. 4 (April 1994): 579-602; Kokila Dang, 'Prostitutes, Patrons and the State: Nineteenth Century Awadh,' *Social Scientist* 21, no. 9/11 (September-October 1993): 173-96; Veena Talwar Oldenburg, *The Making of Colonial Lucknow: 1856-1877* (Princeton: Princeton University Press, 1984), 132-44; Judy Whitehead, 'Bodies Clean and Unclean: Prostitution, Sanitary Legislation, and Respectable Femininity in Colonial North India,' *Gender & History* 7, no. 1 (April 1995): 41-63; Kenneth Ballhatchet, *Race, Sex and Class Under the Raj: Imperial Attitudes and Policies and Their Critics, 1793-1905* (London: Wiedenfield and Nicolson, 1980); Tambe, *Codes of Misconduct*, 58-63. Moreover, in the 1860s and 1870s, officials proposed to reorganise space in jails due to fears of contagion from disease, criminality, and 'unnatural' sexuality. See for example, A.A. Roberts et al., *Report of the Indian Jail Committee Assembled in Calcutta, in March-April 1864, Under the Orders of His Excellency the Governor-General in Council. With Notes.* (Calcutta: P.M. Cranenburgh Printer, Bengal Printing Company Limited, 1864), 5; NAI/HD/JB 4/04/1868 52-60: Napier, Memorandum, 3 November 1867; BL/IOR/P/438/62: G. Hutchinson, Inspector-General of Police, Punjab, Memorandum, circa December 1865 (enclosure of G. Hutchinson to Secretary, Punjab, 28 December 1865); BL/IOR/P/438/62: Dallas, Inspector-General of Prisons, Punjab, Memorandum, 23 December 1865. For a discussion of the concern with sodomy in reformatory schools, see Satadru Sen, *Colonial Childhoods: The Juvenile Periphery of India, 1850-1945* (London: Anthem Press, 2005), 69-72.

demarcation of boundaries between private and public space was crucial to the colonial regulation of sexuality.

Hijras and the pollution of public space

Hijra performance and transvestism also posed a potential for the infection of colonial public space. The colonial government in north India sought to erase *hijras* from public space as a visible socio-cultural category and thus rid public space of contamination. The control of *hijra* obscenity was thus linked to other projects which aimed to 'clean' public space of physical and metaphorical 'pollution' by regulating spatial relations and boundaries, such as sanitation, public health and urban 'improvement' campaigns. Colonial administrators conceptualised the political entity of the 'native state' as the 'source' of the *hijra* 'contaminant.' As such, the regulation of *hijra* obscenity was connected to British anxieties about the boundaries between colonial and 'native' states. As Alison Bashford highlights, 'many boundaries of colonial rule manifested as and through lines of hygiene,' and the spatial strategies of public health campaigns, or projects of 'imperial hygiene,' dovetailed with 'real boundaries of rule.'[79] The project to prohibit *hijra* obscenity had ambitious aims: to 'cleanse' and therefore redefine public space and to reinforce political boundaries between British and 'native' territories.

The notion of public-ness was central to the concern with *hijra* performance and transvestism.[80] The major concern of the NWP&O government was with the public location of eunuchs[81] and performances in 'public houses' (or brothels) would only be prohibited when they were for payment. The provision of the CTA in question clearly demonstrates that it was the public spectacle and visibility of eunuchs that engendered anxiety, since not only the public location of performing and cross-dressing eunuchs, but also 'the intention of *being seen* from a public street or place,' was criminalised.[82] Gayatri Reddy notes a similar discourse in contemporary India and argues, 'it is the *visible* fear of moral contagion that constructs *hijra* sexual stigma and social marginality

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[79] Bashford, *Imperial Hygeine*, 1.
[80] The boundaries of 'colonial space,' a term I have taken from Sara Mills, were shifting depending on the context. Mills, *Gender and Colonial Space*, 2, 28-9. In the case of eunuchs, the primary spatial dichotomy was between 'colonial space' and the 'native state,' as is elaborated below. As such, spaces which in some contexts would have been described as 'native' in contradistinction to the 'colonial' space of the Civil Lines, such as *bazaars*, fair grounds and *bastis* (neighbourhoods), were defined as colonial public space.
[81] BL/IOR/P/92: Elliot, 'Abstract,' 21 Apr 1871.
[82] BL/IOR/V/8/42: Act XXVII of 1871.

in the public domain.'[83] Similarly, the aim of the NWP&O government was to 'to fix a public stigma ... on the eunuchs who display themselves in public in female clothes, and sing and dance for hire.'[84] Yet this public stigmatisation would occur not through enforcing a visible stigma *upon* the body, but by *erasing* visible bodily difference and public presence.

The colonial government in north India saw *hijras* as a 'pollutant' that needed to be 'cleaned' from public space. In the 1852 case of 'Ali Buksh *v*. Government,' the first criminal case to provoke moral panic concerning eunuchs, Unwin, the Sessions Judge of Mainpuri wrote:

> I trust that no time will be lost in passing some penal enactment which shall effectually rid the Company's dominions ... of such *pollutions*. There can be no difficulty in ferreting out and *clearing* the land of wretches who, though dressed as women, are yet easily distinguishable from them. ... Nothing but authority to interfere is required to enable any Magistrate to *sweep* his district of such a reproach to any country under Christian rulers.[85]

Unwin used the language of dirt and pollution to describe *hijras* and characterised the proper British intervention as one of 'clearing' or 'sweeping' colonial space and, in the process, erasing *hijras* as a visible social category and public presence. Around this time there is evidence that British officials made ad-hoc efforts to control the relationship of *hijras* to colonial space. For instance, in the 1850s, an army doctor stationed in modern Rajasthan, Dr. J.C. Bow, 'forcibly expelled' from the Company cantonments 'all the Eunuchs and their companions' and noted with satisfaction that they later 'lived at some distance.'[86] Since the proximity of *hijras* to the army cantonment[87]—a key institution of British rule of the subcontinent—could not be tolerated, *hijras* were pushed deeper into the territory of the surrounding Rajput principalities. *Hijras* needed to be expelled, or at the very least erased as a visible public presence, from colonial space. In addition to such ad-hoc efforts, officials also used public nuisance laws to control *hijras*' relationship to public space prior to the introduction of the CTA.[88] The use of the public nuisance sections of the Penal Code

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[83] Italics in original. Reddy, 'Geographies of Contagion,' 259.

[84] BL/IOR/P/92: Elliot, 'Abstract,' 21 Apr 1871.

[85] 'Govt *v*. Ali Buksh,' 1314-6.

[86] H. Ebden, 'A Few Notes, with Reference to "the Eunuchs," to be Found in the Large Households of the State of Rajpootana,' *Indian Annals of Medical Science* 3, no. 6 (April 1856): 522.

[87] In 1872, several eunuchs were discovered in the European Infantry Bazaar and Artillery Bazaar of the Meerut Cantonment, suggesting that *hijras* and other registered 'eunuchs' were sometimes attached to military *bazaars*, including those frequented by European troops. UPSA/A/COM/29/8: Officiating Superintendent of Police, Meerut (signature illegible), 'Register of the Eunuchs in the District of Meerut Coming Under Section 24 of Act 27 of 1871,' 23 April 1872.

[88] C.R. Lindsay, Sessions Judge of Moradabad, quoted in BL/IOR/P/438/62: Simson, 'Replies,' 20 Apr 1866.

against *hijras* is significant, since public nuisance laws were a key instrument for the ordering and remoulding of public space in British India from the 1860s.[89] In 1865, R. Spankie, the Sessions Judge of Jaunpur argued that *hijras*' 'appearance in a town in public, in female apparel, and dancing and singing, considering their acknowledged profligacy and profession, would constitute them a public nuisance, and bring them under Section 290 of the Penal Code.'[90]

In calling for the 'cleaning' or 'sweeping' of *hijras* from public space and the quarantining of them from particular spaces, colonial officials used the language of sanitation campaigns, public health and urban 'improvement' schemes that aimed to create hygienic public spaces. Projects of hygiene and the regulation of *hijra* obscenity had much in common, in terms of both their discourses (the language of dirt and pollution) and their ends (the reorganisation of spatial relations and the purification of public space). Veena Talwar Oldenburg has shown how the colonial government attempted after 1857 to transform Lucknow from a 'sinister and dangerous city' into a safe, orderly and clean city.[91] Oldenburg demonstrates how the effort to 'clean' the city involved not only new sanitation and garbage removal procedures and efforts to build 'healthy' streetscapes, but also the control of 'social diseases' in public space, such as intemperance and prostitution.[92] The regulation of *hijra* obscenity occurred in this context and was similarly envisaged as a means to purify public space from troubling 'pollutants.'

My analysis resonates with Deana Heath's argument that the colonial regulation of obscene literature was not merely a discursive or legal project, but was a project of 'imperial hygiene.' Heath argues that efforts to regulate obscene literature were underlined by concepts of 'impurity and pollution' since, '[l]ike the emissions of the body,' obscenity is about 'marginal stuff ... the representation of matter that is beyond representation.' Moreover, the imperial regulation of literary obscenity was a biopolitical project, '*coterminous with* and a *product of* drives to discipline bodies through regulating sanitation, contagious diseases and the white slave trade,' for instance.[93] Similarly, efforts to suppress *hijra* obscenity were connected to the ideologies of hygiene and projects of sanitation, not only through metaphors of the

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[89] Michael Anderson, 'Public Nuisance and Private Purpose: Policed Environments in British India, 1860-1947,' *SOAS School of Law Legal Studies Research Paper Series*, no. 5 (2011): 6-11.
[90] R. Spankie, Sessions Judge of Jaunpur, quoted in BL/IOR/P/438/62: Simson, 'Replies,' 20 Apr 1866.
[91] Oldenburg, *Colonial Lucknow*, 27.
[92] Ibid., 96-144.
[93] Italics in original. Heath, *Purifying Empire*, 3.

contamination and purification of public space and efforts to 'discipline bodies,' but I would also add, through the reorganisation of spatial relations to prevent 'infection.'

These efforts to 'clean' public space of the 'pollutant' of *hijra* obscenity were also aimed at reinforcing the political boundaries of British territory, highlighting how notions of hygiene and 'material lines, edges, borders, displacements and enclosures,' including actual political borders, were connected.[94] Officials characterised *hijras* as relics of the 'immoral' socio-cultural structures of Indian government that infected the presumably purified public space of British India. The colonial understanding of the geography of northern India was divided between colonial space, which was governed, according to colonial discourse, by the liberal and moral British government, and the remaining Indian-ruled states, where the British claimed debauchery, tyranny and immorality reigned. In the colonial view, the presence of *hijras* in colonial public space destabilised political boundaries and therefore undermined British authority in northern India. This partly explains the repeated and hyperbolic descriptions of *hijras* as an affront and a threat to British authority from the 1850s.[95]

Principalities which remained under the nominal authority of Indian rulers were, according to the police official T. Dennehy, the primary supply of newly emasculated eunuchs.[96] The 'native state' was thus the literal 'source' of the contaminating 'agent' of eunuchs in colonial territory. The Magistrate of Farrukhabad also perceived *hijras* as an integral part of the culture of the 'native state,' since *hijras* apparently catered to the 'debaucherous' inclinations of Indian princes.[97] The Indian principality was a more appropriate location for the transgressive gender and 'unnatural' sexuality of *hijras*, since in the view of Prinsep, another judge in Farrukhabad, the culture of the Indian principality was at best effete, and at worst downright deviant.[98] The political and moral geography of Empire was thus gendered in important ways. Whereas the native state was viewed as effeminate and sexually immoral, Levine highlights that colonial public space was gendered masculine and demarcated in its public nature from the

[94] Bashford, *Imperial Hygiene*, 1, 6.
[95] Italics added. BL/IOR/P/235/33: G. Couper, Secretary, NWP, to Member of the Legislative Council of India for the NWP, 12 February 1861. As Chapter 3 and 5 highlighted, the construction of the *hijra* community as a criminal community with a subversive parallel 'government' and the inability to know and control the mobility of *hijras*, also undermined colonial concepts of political authority.
[96] According to British colonial officials, kidnapped boys were taken to Indian-ruled states to be operated upon. BL/IOR/P/92: T. Dennehy, Officiating Deputy Inspector-General of Police, NWP, to Officiating Personal Assistant to Inspector-General of Police, NWP, 15 August 1871.
[97] Magistrate of Farrukhabad quoted in BL/IOR/P/92: Elliot, 'Abstract,' 21 Apr 1871.
[98] Prinsep, Officiating Judge of Farrukhabad, quoted in Ibid.; BL/IOR/P/438/62: Robertson to Sec, NWP, 27 Jun 1866. Despite this concern with the maintenance of boundaries with the 'native states,' the NWP&O government made no attempt to stop migrations of *hijras* out of the province into Indian principalities after the CTA was enacted (see Chapter 4).

feminised private domain.[99] The visibility of femininely-dressed *hijras* in the colonial public domain undermined the masculine status of that space, as well as the social and spatial boundaries between the masculine and the feminine, and the colonial and 'native.'

According to many British officials, the physical and cultural boundaries between the native state and British territory needed to be reinforced. E.C. Bayley, the Secretary to the Government of India, claimed the infiltration of 'our territories' by eunuchs posed a 'great danger.'[100] The boundaries of British India—political, cultural and sexual— were thus seen as dangerously porous. In the 1852 case of 'Govt *v.* Ali Buksh' quoted above, Unwin, the Sessions Judge, argued that *hijras* should be 'kept within … [the] *more congenial limits*' of Indian-ruled territories.[101] However, this was a difficult task due to the cultural and geographic proximity of parts of the NWP&O to the 'native states,' which appeared to bleed into colonial space.[102] In the 1880s, the British territory of Lucknow was considered a source of contamination almost 30 years after its annexation: it was expected that there would be large numbers of *hijras* in areas of 'proximity' to Lucknow, which according to Smith, the Deputy Inspector-General of Police, 'was so long and perchance still is the notorious head-quarters of unnatural crime.'[103] British officials' claims that *hijras* were a calculated threat to British authority are comprehensible in this light: the moral and political geography which was articulated as a justification of British rule of the subcontinent was undermined by the infiltration, and very public display, of the 'deviant' culture of the 'native state' in the public space of British India.

In sum, in the British view, *hijras* were an agent of contamination that destabilised or collapsed several boundaries between people and spaces.[104] *Hijras* posed a threat to the sexual morality of Indian men, since their obscene public presence would engender 'unnatural' sexual contact amongst men, and between men and *hijras*, and thus further the 'corruption' of the indigenous male population. The possibility that European men might be similarly corrupted was so troubling as to be unspeakable. *Hijras* were also envisaged as a 'pollutant' in public space that needed to be 'swept' or 'cleaned' through their erasure as a visible public presence. The boundaries between

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[99] Levine, *Prostitution, Race, and Politics*, 308.
[100] Italics in original. NAI/HD/PB 19/08/1871 12-9: E.C. Bayley, Secretary, Government of India, Memorandum, 2 July 1871.
[101] 'Govt *v.* Ali Buksh,' 1314-6.
[102] For instance, see BL/IOR/P/92: F.M. Lind, Commissioner of Agra, to Secretary, NWP, 12 March 1870.
[103] BL/IOR/P/2460: O.L. Smith, Deputy-Inspector General of Police, NWP&O, to Inspector-General of Police, NWP&O, 27 April 1885.
[104] Heath also argues that obscenity provoked a 'crisis of boundary order,' though she points specifically to boundaries 'between the mind and the body, the inside and the outside, and the self and the other.' Heath, *Purifying Empire*, 36.

public and private space needed to be reinforced and the location (or at least, visibility) of 'deviant' bodies in public space needed to be regulated. However, *hijras* in colonial public space also undermined the political boundaries between 'native states,' which were seen as the source of the *hijra* contaminant, and British territories, a space that needed to be purified. Not only was the *language* of nineteenth century sanitation, public health and town planning, with its emphasis on contagion and purification, evident, but the project to control *hijra* obscenity also involved strategies of demarcating spatial boundaries to prevent contamination.[105] Although the colonial government articulated an ideology of the norms and boundaries of public space through the project to regulate *hijra* obscenity, it was unable to enforce this vision in practice. At the district level, both the ideology and the regulation of *hijra* obscenity were fractured and inconsistent.

The uneven prohibition of *hijra* performance and transvestism

The provincial government considered the prohibition of *hijra* performance and cross-dressing a key task of local policing from the 1860s until at least the 1890s. Tyrwhitt, an Inspector-General of Police, implored British officials at the district level not to let moral revulsion or prudery hinder the implementation of this important measure: 'It is not a pleasant [subject], but it is *work* and it must be done.'[106] Another Inspector-General, R.T. Hobart, opined, 'It is not common sense to suppose that eunuchs will, except with extreme difficulty, be forced to abandon a means of living to which they have been accustomed all their lives.' Punishment 'liberally dealt out' was thus necessary.[107] Yet some British police and judicial officials at the district level did not envisage the control of *hijras*' public acts as a moral imperative and deprioritised implementation. The colonial archive suggests an uneven pattern of enforcement, with relatively strict enforcement in some districts—and even excessive applications of the CTA that widened its scope well beyond the letter of the law—and lacunas in prosecution in other districts. This was due to lax surveillance and enforcement, disinterest in, or opposition to, the regulation of obscenity amongst British police and judicial officials, and *hijra* resistance and evasion of the police. This section does not

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[105] Legg, *Spaces of Colonialism*, 149-209; Kidambi, *Making of an Indian Metropolis*, 49-70.

[106] Italics in original. BL/IOR/P/1281: E. Tyrwhitt, Inspector-General of Police, NWP&O, to Secretary, NWP&O, 5 July 1879.

[107] BL/IOR/P/839: R.T. Hobart, Deputy Inspector-General of Police, NWP, to Inspector-General of Police, NWP, 28 June 1876.

examine at length *hijras'* negotiation and subversion of colonial projects, which was discussed in Chapter 4, but it is important to recall that *hijras* succeeded in limiting and frustrating colonial projects to some extent. The uneven prohibition of *hijras'* bawdy performances and feminine embodiment demonstrates that the colonial disciplining of gender and sexuality had varied impacts and was internally fractured.

The implementation of the CTA did not have the immediate impact the NWP&O government hoped for. In the first year that the CTA was enforced, only two eunuchs were 'sent up' for infractions in Mirzapur, one receiving 32 days imprisonment while the other was acquitted because he was found not to be a eunuch, like dozens of other registered 'eunuchs' (see Chapter 7).[108] The following year, there was an increase in the number of prosecutions, with nine in total, but this was regarded by the provincial government as 'extremely few' and a result of 'laxity' in enforcement.[109] Registered eunuchs in several districts were listed as dancing and singing for a living and had not been prosecuted. Nonetheless, in some districts, local authorities immediately prioritised the prosecution of eunuchs, limiting their ability to earn a living. In Hamirpur district, where the eunuchs were reported to 'follow honest pursuits,' the Magistrate assured the provincial government that 'in consequence of dancing and singing having been forbidden there, the creatures hardly know what to do.'[110] Although the provincial government noticed 'decided improvement' in the prosecution of performance and cross-dressing from the late 1870s, this continued to be uneven between districts.[111]

Lax enforcement

Police headquarters and the provincial government complained throughout the 1880s that there was 'much laxity' in enforcement since the numbers of prosecutions were relatively small, generally under a dozen per year.[112] The NWP&O government

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[108] BL/IOR/P/96: Tyrwhitt to Sec, NWP, 26 Jun 1874.

[109] BL/IOR/P/97: R.T. Hobart, Deputy Inspector-General of Police, NWP, to Inspector-General of Police, NWP, 4 May 1875; BL/IOR/P/97: A. Colvin, Secretary, NWP, to Inspector-General of Police, NWP, 12 August 1875.

[110] BL/IOR/P/97: Hobart to IG Police, NWP, 4 May 1875.

[111] BL/IOR/P/840: R.T. Hobart, Deputy Inspector-General of Police, NWP&O, to Inspector-General of Police, NWP&O, 11 September 1877; BL/IOR/P/1281: Tyrwhitt to Sec, NWP&O, 5 Jul 1879.

[112] In 1877, there were twelve prosecutions and eight convictions; in 1878, sixteen prosecutions and eleven convictions; in 1879, eight prosecutions and seven convictions; in 1880, eight prosecutions and six convictions; in 1881, fourteen prosecutions and thirteen convictions; in 1882, two prosecutions, both with convictions; in 1883, nine prosecutions and five convictions; and in 1885, four prosecutions, all convicted. BL/IOR/P/840: Hobart to IG Police, NWP&O, 11 Sep 1877; BL/IOR/P/1138: E. Tyrwhitt, Inspector-General of Police, NWP&O, to Secretary, NWP&O, 28 May 1878; BL/IOR/P/1281: Tyrwhitt to Sec,

repeatedly sent circular orders to district authorities, reminding them that the punishment of public performance and cross-dressing was a government priority.[113] In some districts in the 1880s, the occupations of dozens of eunuchs were still listed in the statistical returns as performing in public.[114] In 1881, 'in Muzaffarnagar and Kheri the occupation of some registered eunuchs [was] given as dancing and singing in male attire, though such conduct [was] expressly made penal in the Act.' In Unao too, registered eunuchs 'still dress[ed] as women,' while in Hardoi 'registered eunuchs play[ed] in public in male attire.' The Secretary concluded that the 'police, both in Hardoi and elsewhere, appear inclined to wink at offences against the Act.'[115] Although several eunuchs were prosecuted for performance and transvestism annually, the NWP&O government continued to criticise individual districts for laxity in enforcement,[116] suggesting that the prosecution of *hijra* 'obscenity' varied considerably between different local contexts.

This was the result of: lax surveillance and enforcement; the fact that some British officials did not view the policing of *hijra* obscenity as a priority; and eunuch evasion of the CTA.[117] District authorities often complained that it was difficult to detect the illegal performances and cross-dressing of eunuchs. In Banda, although authorities had intelligence that the eunuchs continued to perform in public, the police had been unable to catch performing and cross-dressing eunuchs in the act.[118] *Hijras* were more likely to be arrested for performing and cross-dressing in some public spaces than in others, highlighting that even within the one district or local police jurisdiction, police surveillance had points of greater and lesser intensity. The records suggest that *hijras*

NWP&O, 5 Jul 1879; BL/IOR/P/1467: H.B. Webster, Inspector-General of Police, NWP&O, to Secretary, NWP&O, 31 May 1880; BL/IOR/P/1614: Smith to PA IG Police, NWP&O, 6 Jul 1881; BL/IOR/P/1816: Smith to IG Police, NWP&O, 15 May 1882; BL/IOR/P/2002: O.L. Smith, Deputy Inspector-General of Police, NWP&O, to Inspector-General of Police, NWP&O, 4 June 1883; BL/IOR/P/2208: O.L. Smith, Deputy Inspector-General of Police, NWP&O, to Inspector-General of Police, NWP&O, 26 June 1884; BL/IOR/P/246: Smith to IG Police, NWP&O, 27 Apr 1885.

[113] BL/IOR/P/840: H.J. Sparks, Officiating Secretary, NWP&O, to all Deputy Commissioners, Oudh, circular no. 81, 19 November 1877. See also, BL/IOR/P/1138: C. Robertson, Secretary, NWP&O, to all Magistrates and Deputy Commissioners, NWP&O, circular no. 66A, 17 June 1878.

[114] For instance 22 registered eunuchs in Banda and 15 in Unao were still listed as performing for a living in 1879. BL/IOR/P/1281: C. Robertson, Secretary, NWP&O, to Inspector-General of Police, NWP&O, 25 July 1879.

[115] BL/IOR/P/1614: C. Robertson, Secretary, NWP&O, to Inspector-General of Police, NWP&O, 19 September 1881.

[116] BL/IOR/P/1816: Reid to IG Police, NWP&O, 14 Aug 1882; BL/IOR/P/2002: Smith to IG Police, NWP&O, 4 Jun 1883. However, by 1885 it was believed that 'the great majority of the eunuchs residing in these provinces lead harmless lives.' BL/IOR/P/2460: H.B. Webster, Inspector-General of Police, NWP&O, to Secretary, NWP&O, 22 May 1885.

[117] On *hijra* resistance, see Chapter 4.

[118] BL/IOR/P/1138: C. Robertson, Secretary, NWP&O, to Inspector-General of Police, NWP&O, 17 June 1878.

often got away with performing in streets and *bazaars* on a daily basis and were more likely to be apprehended at religious fairs.[119] In the late nineteenth century, British officials were concerned with various potential threats to public order from religious fairs, and as such there would be a greater police presence at such events than in other public spaces on a day-to-day basis.[120] Thus, police surveillance of *hijras* was uneven between particular public spaces even within the same local area.

In some cases, eunuchs were given explicit permission by district authorities to perform in public,[121] suggesting that some British officials believed the prosecution of *hijra* 'obscenity,' and more broadly the policing of indigenous 'immorality,' was unnecessary or unwarranted. For instance, in Mirzapur in 1881, the Superintendent of Police discovered that the 'eunuchs of some stations [were] allowed to dance and sing' under a 'vernacular proceeding issued by a Magistrate permitting it.'[122] Like the Magistrate of Mirzapur, many British officials at the district level did not view *hijras'* public presence as a moral problem in need of government action, highlighting that British officials held varying views of *hijra* 'deviance' and 'immorality.'

Strict and excessive enforcement

In contrast to the lax prosecution in some districts, elsewhere administrators applied the CTA strictly, with devastating impacts upon eunuchs who were denied their primary means of cultural expression, a key aspect of their social role and their primary source of income. For instance, in 1876, Hobart, the Deputy Inspector-General, reported that eunuchs in fifteen districts had 'been forced to abandon their former calling and to pursue honest and legitimate menial pursuits' (although in seven districts, eunuchs still

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[119] There are several references in the records to eunuchs who were apprehended at religious festivals and fairs. UPSA/A/COV/119/12: C. Robertson, Officiating Magistrate of Mirzapur, to Commissioner of Benares, 28 March 1873; BL/IOR/P/1467: Webster to Sec, NWP&O, 31 May 1880; BL/IOR/P/1614: Smith to PA IG Police, NWP&O, 6 Jul 1881.

[120] On the administration of *melas*, in particular the Kumbh Mela in Allahabad, see Kama Maclean, 'Making the Colonial State Work for You: The Modern Beginnings of the Ancient Kumbh Mela in Allahabad,' *The Journal of Asian Studies* 62, no. 3 (August 2003): 893-4; Kama Maclean, *Pilgrimage and Power: The Kumbh Mela in Allahabad, 1765-1954* (New York : Oxford University Press, 2008).

[121] BL/IOR/P/1467: Webster to Sec, NWP&O, 31 May 1880; BL/IOR/P/1467: C. Robertson, Secretary, NWP&O, to Inspector-General of Police, NWP&O, 12 July 1880; BL/IOR/P/1816: Smith to IG Police, NWP&O, 15 May 1882; BL/IOR/P/2208: Smith to IG Police, NWP&O, 26 Jun 1884. In other districts, officials took a sympathetic approach and warned eunuchs of the consequences of performing and cross-dressing, rather than immediately enforcing the CTA. BL/IOR/P/839: Hobart to IG Police, NWP, 28 Jun 1876; BL/IOR/P/1281: Robertson to IG Police, NWP&O, 25 Jul 1879.

[122] The Superintendent cancelled the written permission and took measures to 'stop the dancing and singing.' BL/IOR/P/1816: Smith to IG Police, NWP&O, 15 May 1882.

performed).[123] Not only registered eunuchs, but also unregistered eunuchs, were forced to abstain from public performance and transvestism in some districts in order to prove their 'respectability' and avoid registration.[124] The penal provisions of the CTA thus had a wider ranging impact in some areas than the number of prosecutions would suggest.

In several districts, the law was applied illegally in ways that exceeded the powers of the CTA. The prohibition of performance and cross-dressing to registered eunuchs sometimes gave the impression that *unregistered* eunuchs could also be prosecuted for these acts. In 1879, an unregistered eunuch who was found wearing female clothing was 'arrested, convicted, and sentenced to six months' imprisonment,' though according to Robertson, the NWP&O Secretary, it was 'by no means clear that this conviction was legal,' since the eunuch was not registered prior to arrest.[125] Several similar cases are mentioned in the annual reports. Although judges dismissed some cases against unregistered eunuchs, for instance in Lucknow in 1880,[126] authorities in several districts, including Allahabad and Faizabad, illegally used the CTA to convict unregistered persons for public performance or cross-dressing.[127] The prohibition against public performance and transvestism tended to paint all persons who appeared to be *hijras* as an obscene and deviant public presence and facilitated police harassment and the use of technically illegal measures.

Prior to the introduction of the CTA, illegal police methods had been used against *hijras* and other 'eunuchs' to erase their public presence and punish their differently gendered bodies. For instance, colonial police had earlier forcibly stripped *hijras* and *zananas* of their clothes. In 1876, Hobart, the Deputy Inspector-General, lamented that local authorities no longer had,

> ... recourse to the summary but very efficient procedure formerly much favoured; that is to say, they would cut off their long hair, strip off their female attire and ornaments, and selling them fit these people out with a set of men's clothes.[128]

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[123] BL/IOR/P/839: Hobart to IG Police, NWP, 28 Jun 1876.

[124] This was because the policy of the NWP government held that all eunuchs who performed or cross-dressed could be 'reasonably suspected' of sodomy, kidnapping and castration, and thus should be registered (see Chapter 3).

[125] BL/IOR/P/1467: Robertson to IG Police, NWP&O, 12 Jul 1880.

[126] In Lucknow in 1880, the attempted prosecution of four eunuchs who were not registered was dismissed in court. BL/IOR/P/1467: Robertson to IG Police, NWP&O, 12 Jul 1880.

[127] In Allahabad in 1875 'a few men who were prosecuted ... for public dancing had their names entered on the eunuchs' register,' implying they were prosecuted under the CTA *prior* to their registration. BL/IOR/P/839: Hobart to IG Police, NWP, 28 Jun 1876. In Fyzabad, another eunuch was prosecuted under the CTA, but was not registered. BL/IOR/P/1614: Smith to PA IG Police, NWP&O, 6 Jul 1881.

[128] UPSA/A/COV/119/12: Hobart to IG Police, NWP, 21 Jun 1876.

Nevertheless, Hobart hinted that such methods may have been used under the CTA, writing that 'as a rule' police no longer stripped *hijras* and *zananas*, but suggesting that there may have been exceptions. In any case, district British officials thought their jobs would be easier if government sanctioned such measures.[129]

The judiciary and uneven regulation

The uneven regulation of *hijra* obscenity is also evident in the judiciary's handling of the prohibition on performance and cross-dressing. The punishments given to convicted eunuchs usually consisted of imprisonment for several months, although there was significant variation in sentences. In 1881, Robertson, the NWP&O Secretary, remarked that in the case of Agra division the 'difference in the punishments awarded' was 'striking': five eunuchs had received imprisonment for one month; two for four months; and two were sentenced to one year of rigorous imprisonment. Moreover, in Jhansi district a convicted eunuch had received only eight days of imprisonment, a punishment which seemed to the Secretary to have 'been very inadequate.'[130] In 1882, the punishments reported across the NWP&O ranged from a fine of ten rupees to six months rigorous imprisonment.[131] The conviction of a eunuch arrested under the CTA was not assured, and there were several unsuccessful prosecutions every year. Although there are no surviving records of these court cases, and the reasons for acquittal are unknown, attitudes amongst the judiciary towards *hijras*' public acts and the need for prosecution evidently varied.

The impacts of prohibition

Although the implementation of the prohibition on performance and transvestism was uneven between districts, by the 1890s, few registered eunuchs were listed as performers in the annual statistics of occupations. By 1896, over 90% of registered eunuchs were classified as 'beggars.'[132] The persons classified as 'beggars' probably included *hijras* who asked for alms in return for a blessing, as well as impoverished

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[129] Ibid.

[130] BL/IOR/P/1614: Robertson to IG Police, NWP&O, 19 Sep 1881.

[131] Two eunuchs received fines of Rs. 10, two were sentenced to imprisonment for two months, four received three months, and one was sentenced to six months. BL/IOR/P/2002: Smith to IG Police, NWP&O, 4 Jun 1883.

[132] In 1896, of 594 eunuchs remaining on the registers, only 52—that is, below 10%—had 'some definite occupation without resort to beggary.' UPSA/A/COA/18/5: Holderness to IG Police, NWP&O, 7 Aug 1896.

persons. This statistic is an indication of both the continuation of an aspect of the *hijra* socio-ritual role—alms-collection in return for a blessing—as well as their increasingly restricted sources of income with the prohibition on performance. By the 1890s, prohibition had led to a decrease in the proportion of registered eunuchs who were still 'said' to perform or cross-dress in public. However, by this time the interest of the provincial government in the 'eunuch problem' had decreased, and it is probable that *hijras* continued to perform and wear feminine clothing while evading detection by police.

The uneven governance of *hijras* in public space echoes the findings of several recent studies of urban India under colonial rule, which have shown that colonial attempts to govern and remould public space were in practice limited by the pragmatic compromises of colonial rule, in particular the imperative of resource extraction. The capacity and willingness of colonial officials to govern public space was often circumscribed in practice, highlighting the limits of colonial governmentality. [133] Colonial administrators in many districts deprioritised the prosecution of *hijras* and the 'cleaning' of public space in favour of other areas of police work considered more imperative. Moreover, some British police and judicial officials at the district level argued against the policing of indigenous morality and did not perceive *hijras*' public presence as an obscenity that needed to be suppressed. This suggests that colonial projects to discipline Indian gender and sexuality were often internally fractured, as well as contested by populations deemed 'deviant,' notwithstanding their long-term repercussions.

Defining the obscene

Even in those districts where the CTA was enforced to govern *hijras* in public space, the boundaries of the obscene were sometimes contested, revealing the fissures and contradictions of colonial obscenity policy. From the point of view of the provincial government, officials at the local level often misunderstood the moral threat posed by *hijras*' obscene songs and dances and failed to prosecute performing eunuchs. When the CTA was enforced, many local officials adopted a policy of allowing masculinely

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[133] Janaki Nair highlights that several historians studying the history of urban India have concluded that 'colonialism as a mode of power could never fulfil the promise of transferring the techniques of modern governance, whether these were systems of sanitation, sewage, public health or town planning, in their entirety, because, despite their declared objectives of "improvement," the primary goal was extraction.' Nair, 'Beyond Nationalism,' 331.

dressed eunuchs to perform in public, and only prosecuting cross-dressing *hijras*. There was thus ongoing disagreement between officials—in the judicial as well as the police establishment, and at various levels of the provincial government—over the definition of obscenity.

In 1875, Hobart, the Deputy Inspector-General of Police, noted that local authorities had implemented differing policies towards the performances of male-dressed eunuchs and asked for clarification from the Secretary to the NWP&O government. 'The point is important,' wrote Hobart,

> ... as in some districts eunuchs, who sing dressed as men, have been brought on the list ... and such singing prohibited in future, and their means of living cut off; while in other districts eunuchs who formerly dressed as women, now dress as men, and sing and dance with impunity. It has been argued that it seems hard to lay down a rule that an impotent person who dresses as a man, and earns his livelihood by singing, should be ... prohibited from singing ... [134]

While the prosecution of male-dressed eunuchs seemed a harsh policy to many officials, the Secretary argued the performances of eunuchs were for a 'criminal object' and their erasure from public space was thus necessary.[135] This disagreement between officials about which public actions of *hijras* were obscene and required regulation remerged repeatedly throughout the implementation of the CTA.

The fact that *hijra* obscenity was reduced to feminine embodiment in some districts highlights, firstly, the contradictions of colonial obscenity policy. In many districts the definition of *hijra* obscenity was limited to transvestism, even though British officials did not deem transvestism obscene in general. Secondly, the 'failure' of many district authorities to prosecute performing *hijras* highlights the contested boundaries of the obscene. The provincial government continued to insist that the performances of *hijras* were an affront to 'public morality' which needed to be suppressed. British district officials who did not prosecute masculinely dressed performing eunuchs thus challenged the policy of the provincial government, suggesting differing attitudes towards *hijra* obscenity at various levels of the colonial government.

District British officials chose not prosecute masculinely dressed *hijra* performers for several reasons. Partly, this was due to the limits of the colonial government's capacity to control and watch *hijras* and the pragmatic compromises of colonial rule at the local level—femininely dressed *hijras* were easier to identify than those who performed in male clothing. Yet many British officials at the district level were not

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[134] BL/IOR/P/97: Hobart to IG Police, NWP, 4 May 1875.
[135] BL/IOR/P/97: Colvin to IG Police, NWP, 12 Aug 1875.

concerned with the bawdy content of *hijras*' performances, the suppression of which they did not see as a moral or administrative imperative. Awareness that performing at births, weddings and in public spaces was the primary occupation of *hijras* led some officials to bend the rules, so long as the eunuchs in question wore male clothing.[136] Some officials explicitly rejected the view that *hijras*' performances were obscene and a threat of contagion. For instance, the authorities in Kheri district justified their failure to prosecute eunuch performers on the basis that these performances were 'harmless.'[137] Moreover, some officials, such as the Magistrate of Muzaffarnagar, were under the impression that performance was not itself illegal, unless the eunuch was 'dancing in female attire.'[138] Many British officials at the district level either did not perceive *hijra* performance as obscene, or did not think it warranted regulation—they were not interested in policing *hijra* 'immorality.' The records also suggest that Indian subordinate police were also unlikely to arrest *hijras* for performing in public in male clothing, which may reflect local attitudes towards *hijra* performance.[139]

According to many British colonial officials, the spectacle of eunuchs—characterised as figures of failed masculinity—dressed as women required regulation, rather than 'obscene' performances. The vast majority of convictions under the CTA were for wearing feminine clothing in public, rather than for public performances. For instance, in 1880 all thirteen convictions were for 'wearing female attire' or 'appearing as women' in public.[140] Whereas F.B. Pearson, a Nizamut Adawlut judge, had suggested in the mid-1860s that the cross-dressing of *hijras* could be 'decent' so long as their clothing adhered to Indian standards of 'decent' feminine dress,[141] by the time the CTA was on the books, colonial attitudes against the cross-dressing of *hijras* had hardened. Some NWP&O officials even argued that a blanket prohibition on transvestism would make the job of local police easier and be a more effective means of erasing the public spectacle of eunuchs and other 'habitual' sexual deviants. In 1874, Daniell, a British administrator in Azamgarh, suggested 'it would be much easier' to suppress the transvestism of eunuchs 'if the law made it criminal for any man to appear in public in women's clothes.' Daniell even proposed government make 'the wearing

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[136] BL/IOR/P/96: Tyrwhitt to Sec, NWP, 26 Jun 1874.

[137] BL/IOR/P/1281: Tyrwhitt to Sec, NWP&O, 5 Jul 1879.

[138] BL/IOR/P/1467: Robertson to IG Police, NWP&O, 12 Jul 1880.

[139] BL/IOR/P/1614: Robertson to IG Police, NWP&O, 19 Sep 1881. In Chapter 4, I argue that *hijras* often cooperated with masculine embodiment in order to prevent their prosecution for performance and maintain this source of income.

[140] BL/IOR/P/1614: Smith to PA IG Police, NWP&O, 6 Jul 1881; BL/IOR/P/1614: Robertson to IG Police, NWP&O, 19 Sep 1881.

[141] BL/IOR/P/438/62: Simson, 'Replies,' 20 Apr 1866; BL/IOR/P/438/62: F.B. Pearson, Nizamut Adawlut Judge, NWP, Minute, 28 March 1866.

of women's clothes and dancing … sufficient grounds for enforcing the law under Section 377,' the sodomy law.[142] There were only a handful of reported instances in which registered eunuchs were given tacit or explicit permission to continue to wear feminine clothing in public and there was a general consensus amongst British officials on the obscenity of *hijra* transvestism.[143]

Absolute adherence to local conventions of male dress was required. In 1879, the Secretary ordered that 'if the only ground for holding [eunuchs] suspected is the wearing of female attire,' they could be exempted from registration 'if they will *uniformly* wear men's clothes.'[144] The following year, the authorities in Unao district near Lucknow were singled out for not ensuring eunuchs had '*fully*' adopted male dress.[145] The tropes of feminine clothing needed to be entirely erased from the bodies of eunuchs, since the visibility of femininely clothed *hijras* in public space was thought to have a greater contagious potential than their bawdy performances. In 1884, Smith, the Inspector-General, described feminine clothing as a device or 'appliance' for the spread of sodomy, highlighting the extent to which the transvestism of *hijras* was connected in the colonial imagination to their 'unnatural' sexuality.[146]

Thus, although British police and judicial officials were divided on the extent to which the content of *hijras'* bawdy performances was obscene and required control— indicating that both the definition of obscenity and the proper scope of government regulation were disputed—the erasure of the physical bodily difference of *hijras* was a priority for many officials. This could suggest that the transgression of normative gender was the most significant factor in colonial anxieties about *hijra* obscenity in public space. However, the provincial government, and some district officials, defined *hijra* performances as 'obscene' and argued that such bawdy and sexually explicit displays needed to be erased from public space. Legal administrators at various levels of government thus disagreed on the precise limits of the obscene in the case of *hijras*,

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[142] Quoted in BL/IOR/P/96: Tyrwhitt to Sec, NWP, 26 Jun 1874.

[143] BL/IOR/P/97: Hobart to IG Police, NWP, 4 May 1875; BL/IOR/P/1614: Smith to PA IG Police, NWP&O, 6 Jul 1881.

[144] Italics added. BL/IOR/P/1281: Robertson to IG Police, NWP&O, 25 Jul 1879.

[145] Italics added. BL/IOR/P/1467: Robertson to IG Police, NWP&O, 12 Jul 1880. The Superintendent of Police in Hardoi district argued in 1881 that eunuchs who 'sail very close to the wind in the manner of dress' could not be tolerated. Quoted in BL/IOR/P/1614: Smith to PA IG Police, NWP&O, 6 Jul 1881.

[146] When one Inspector-General of Police reported to government in 1884 that it had been 'proved that some registered eunuchs [in Moradabad] do dress in women's clothes in their own homes,' he concluded that they 'undoubtedly habitually commit unnatural offences.' The female clothing found in their homes was characterised by another police official as 'the appliances of their unnatural habits.' BL/IOR/P/2208: Smith to IG Police, NWP&O, 26 Jun 1884.

highlighting the disputed colonial definition of obscenity, as well as the internally fractured nature of colonial attempts to discipline gender and sexuality.

Conclusion

This chapter has shown how the inconsistencies and fissures of colonial efforts to regulate *hijra* 'obscenity' in public space illuminate the limits, points of concentration and impacts of colonialism on public space, gender and sexuality. The North-Western Provinces and Oudh government's attempts to erase *hijras*' public presence through the prohibition of feminine dress and performance were somewhat unusual in the broader context of colonial policy towards obscenity. Generally speaking, the colonisers were concerned with political theatre, rather than sexually 'immoral' forms of popular performance. Moreover, neither the colonisers, nor Indian elites, defined transvestism in theatrical and ritual contexts as obscene. Yet in the case of the *hijras*, feminine embodiment reflected an innate 'perversity,' according to colonial officials. The presence of *hijras* in public space also provoked a wider range of colonial concerns with the norms of public behaviour, uncontrolled mobility and criminality, concepts of 'begging,' unproductive labour and the exposure of the body and its functions. Concepts of contagion and concerns about the cleanliness and purity of colonial public space intersected with colonial anxieties about the gendered embodiment of *hijras* and their overtly sexual performances. Colonial attitudes towards indigenous gender and sexuality were thus contingent upon a variety of broader colonial preoccupations.

Hijras' public presence was characterised as a threat of both moral and physical contagion to the bodies of Indian men and to colonial public space itself, and thus destabilised boundaries between bodies and spaces. According to colonial commentators, the performances and feminine dress of *hijras* in public space would 'excite' the 'lusts' of Indian men of dubious morality and thus directly lead to the occurrence of sodomy. Colonial officials also envisaged *hijras* as a contamination of public space itself, which needed to be 'swept' and 'cleaned' by the erasure of *hijras* as a visible public presence. According to NWP&O officials, the 'source' of the *hijra* contaminant, in both a physical and cultural sense, was the 'native state.' *Hijras* in public space thus destabilised not only public/private boundaries through behaviours and embodiment 'beyond the accepted norms of public display,'[147] but also undermined

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[147] Heath, *Purifying Empire*, 3.

the political boundaries between British territory and principalities under Indian rule. Like other perceived threats to the cleanliness and hygiene of public space and populations—such as contagious disease—*hijras* showed the boundaries of colonial rule to be precarious and porous.[148]

However, the capacity of the colonial government to 'clean' public space of *hijras* and enforce the obscenity provisions of the Criminal Tribes Act differed between local contexts. Whereas *hijras* in many districts were no longer able to perform or wear feminine clothing without significant risk of prosecution—and some district officials even sanctioned illegal applications of the CTA that widened its scope—in many cases, *hijras* were able to continue performing and cross-dressing in public. Lax enforcement was a result of three factors: first, pragmatic compromises in light of limited policing resources; second, British officials' disinterest in or opposition to the policing of indigenous 'immorality'; and third, *hijra* resistance and evasion (which was discussed in Chapter 4). This highlights that the ability of the colonial government to control public space, manage populations and discipline indigenous bodies was often uneven and limited in practice, with points of concentrated and less acute impact. Nevertheless, by the 1890s, few *hijras* were listed in the annual statistical reports as singing and dancing for a living. Moreover, the characterisation of *hijras* as a public nuisance, a threat to public order and a source of contagion is, as anthropologist Gayatri Reddy argues, evident in post-colonial India,[149] demonstrating the lasting impact of the CTA on modern Indian attitudes to *hijras*.

Yet even when *hijras* were prosecuted under the CTA, they were more likely to be arrested for transvestism than performance. Partly, this was due to the practicalities of identifying and prosecuting *hijras* who were breaking the law—*hijras* wearing feminine clothing were easier to distinguish from other public performers. However, some British officials' deprioritisation of the prosecution of performance suggests that non-normative gender embodiment was seen as more obscene and in need of regulation than bawdy *hijra* performances. This was somewhat paradoxical, since theatrical transvestism was not defined as obscene in general. Nevertheless, the provincial government's policy called for the strict prosecution of *hijra* performance, which was apparently for 'immoral' and 'criminal' purposes. Attitudes towards *hijras*' public presence, and the definition of *hijra* 'obscenity,' therefore varied amongst British

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[148] Bashford, *Imperial Hygiene*, 6.
[149] Reddy, 'Geographies of Contagion,' 259.

officials at different levels of the colonial administration, highlighting the inconsistencies in colonial ideologies and projects to control obscenity.

This chapter has demonstrated that colonial efforts to discipline *hijras'* gendered practices were internally fractured and contested. The following chapter extends our analysis of projects to govern *hijra* bodies by turning to encounters between *hijras* and European physicians in the eighteenth and nineteenth centuries. Whereas colonial attempts to suppress *hijra* obscenity demonstrate a lack of homogeneity *amongst* British judicial and police officials on the moral threat that *hijras* posed, the following chapter demonstrates the fractures between, on the one hand, legal administrators, and on the other hand, medical officials.

Chapter 7

Of Doctors and Deviants: Medical Knowledge and the Regulation of 'Eunuchs'

The European medical profession in eighteenth and nineteenth century India speculated upon the peculiar Indian manifestations of sexual and gendered 'deviance.' 'Habitual sodomites' and sexually exhausted, impotent Indian men featured in texts of colonial medical knowledge as figures that demarcated lines of sexual, gendered and racial difference. Eunuchs, hermaphrodites and other sexual exotica simultaneously provoked fascination, curiosity and revulsion for European doctors in India. By the mid-nineteenth century, colonial physicians claimed to have authoritative knowledge of *hijras*, *khwajasarais* and other 'eunuchs,' knowledge that encompassed not merely the body itself, but also socio-cultural customs and practices. Physicians also claimed to be knowledgeable about indigenous sexual practices and to be able to identify 'habitual sodomites' through medical examination of their genitals.

The registration of eunuchs under Part II of the Criminal Tribes Act was predicated upon knowledge of the sexual nature of individuals, in particular, whether they were emasculated, impotent or 'habitually' committed sodomy. The 'eunuch' was defined under law as an 'impotent man,' so that non-emasculated, femininely dressed persons, such as *zananas*, could be regulated. 'Impotence,' according to the CTA, could be established by the admission of the individual in question or by the examination of a physician. Despite physicians' claims to have useful and authoritative knowledge of sexual 'deviance,' the North-Western Provinces and Oudh government limited the role of physicians in determining whether individuals were impotent.

This chapter shifts the focus from the regulation of eunuchs by police and judicial officials to British medical officials' encounters with *hijras* and *zananas*, in order to examine the fractures of the colonial disciplining of gender and sexuality. There was a disjuncture between biomedical and legal forms of knowledge about, and concepts of, *hijra* deviance, exposing the slippages between the medical and legal aspects of the colonial administration. This chapter examines how colonial medical knowledge was

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produced, how it was circulated and how it interacted with other forms of knowledge about gender and sexuality. These included not only British legal administrators' knowledge, but also the continental European and metropolitan medical professions, plural Indian medical and healing traditions, and vernacular folk traditions. I thus analyse colonial medical knowledge of *hijras* and other 'eunuchs' in the context of colonial governance, global networks of communication and plural medical systems, both European and Indian.

This chapter examines three particular types of knowledge about the bodies and behaviours of *hijras* and other 'suspicious eunuchs' such as *zananas*: emasculation, sodomy and impotence. I make four broad arguments about colonial medicine and the regulation of gender and sexuality. First, I argue that multiple indigenous medical concepts, folk traditions and mythologies relating to gender and sexuality were in an asymmetrical dialogue with metropolitan medical paradigms in the construction of colonial pathologies of gender and sexuality. Local, vernacular forms of knowledge were incorporated into the corpus of colonial medical knowledge in a selective and power-laden process of translation with multiple slippages and obfuscations. Although indigenous concepts of *hijra* and *zanana* gender and sexuality were interpreted through the lens of Victorian pathologies—often obscuring the complex meanings of Indian informants' knowledge—metropolitan paradigms were often modified in the process of this dialogue. *Hijras*, for instance, were the primary source for colonial medical knowledge of the emasculation procedure, while plural Indian concepts of impotence were evoked by elite and subaltern Indian informants in their representations of *hijras* and *zananas*. This process of selective dialogue produced a colonial pathology of the 'eunuch' as sodomite, incurable impotent and effeminate.

Second, I argue that colonial medical knowledge of *hijras* and other 'eunuchs' was not pre-determined by metropolitan medical concepts of gender and sexuality. The relationship between colonial and metropolitan medical knowledge is demonstrated by the mid-nineteenth century colonial literature on sodomy, in which *hijras* often featured. British physicians in India developed a literature on the sodomite body more than two decades prior to their counterparts in the metropole, and soon after the emergence of a similar literature in continental Europe. This suggests that the flow of medical knowledge of sexuality within imperial networks was not simply from 'centre' to 'periphery.' British physicians could more explicitly discuss and theorise about sexuality in the colonies, which were an important site for the production of early sexology. Colonial medical knowledge was thus produced *in the colonial context*, in an

asymmetrical dialogue with plural indigenous forms of knowledge about the body, rather than simply pre-determined by metropolitan medical paradigms.

Yet when it came to applying colonial medical discourses in the context of the regulation of eunuchs, the slippages in translation that resulted from the intersection of multiple forms of Indian and European medical knowledge became evident. This leads me to my third argument: when the colonisers sought to classify various indigenous social roles under English-language categories that were assumed to have universal applicability (such as 'eunuch' or 'impotent man'), the boundaries of the English-language and vernacular categories did not easily align. In colonial discourse, impotence, an addiction to sodomy and effeminate embodiment were linked in a triangular causal relationship, in which each characteristic was seen as potentially leading to the production of the other two. However, the category of eunuch-as-impotent-man could not contain the multiple indigenous groups it was intended to encapsulate. The provincial government 'discovered' in the 1870s that many *zananas* who had stated they were impotent, were in fact the fathers of children and could not be termed 'impotent.' On the one hand, the intimate association between notions of impotence, sodomy and effeminacy in colonial medical knowledge was ruptured. On the other hand, the 'non-impotence' of *zananas* who had claimed to be 'impotent' highlighted the slippages in translation that occurred when indigenous terms for social roles and gendered practices were subsumed under English-language terms. The boundaries of the category 'eunuch' needed to be repeatedly redrawn.

Finally, non-medical and medical colonial concepts of *hijra* and *zanana* deviance were often in tension and non-medical sections of the colonial administration challenged the authority and accuracy of medical knowledge. Police and judicial officials disputed the usefulness of medical knowledge in identifying the deviant eunuch. The provincial government rejected medical examination as a useful means to determine an individual's 'addiction' to sodomy, and whether they should be registered under the Criminal Tribes Act. Whereas the CTA envisaged a role for physicians in determining whether non-emasculated 'eunuchs' were 'impotent,' non-medical officials did not use medical techniques to determine impotence. For British magistrates and police superintendents, impotence was less a biomedical condition than a form of gendered personhood, that could be identified by gendered self-presentation and social role. In the early 1880s, the problems encountered in classifying *zananas* as 'impotent' or 'virile' prompted the North-Western Provinces and Oudh government to order their medical examination. Yet colonial physicians were generally unable to diagnose

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whether individuals were impotent and many district police and judicial officials continued to question the usefulness of medical knowledge. Legal and medical techniques of knowing *zananas*' gender and sexuality remained in tension throughout the period of the CTA.

My analysis of colonial medical knowledge of *hijras* and *zananas* contributes to the three questions that animate this thesis as a whole: the daily lives of *hijras* and other 'eunuchs'; the deployment of colonial power; and the impacts of the colonial regulation of gender and sexuality. This chapter adds to our understanding of the history of groups classified as 'eunuchs' in the context of colonial modernity by examining the transmission of medical and ritual knowledge within the *hijra* community; *zananas*' lives as persons on the boundary between reproductive and non-reproductive sexualities; and the agency of both groups in their encounters with physicians. This case study of medical knowledge further contributes to this study's analysis of colonial power by, first, examining the fractures between different sections of the colonial administration, and second, analysing the processes by which colonial knowledge was constructed 'on the ground' and circulated through global imperial networks of communication. Finally, this chapter contributes to our understanding of the colonial disciplining of gender and sexuality. Although colonialism had significant impacts on gender and sexual norms, a narrative of straightforward 'importation' of Victorian idioms to India is inadequate to understand the production and circulation of knowledge about gender and sexuality in the nineteenth century.

This chapter addresses a significant gap in the literature on colonial medicine in India, which has not paid significant attention to sexuality outside of female reproductive contexts, or to the intersection of colonial medicine with concepts of masculinity.[1] Moreover, this chapter contributes to literature on European medical pathologies of sexuality by demonstrating the importance of the colonies to the production of medical theories of sexuality and techniques of knowing the body. While studies of sexology in nineteenth century Europe have compared various national medical professions—particularly the German, French and British—they have generally neglected the elaboration of a proto-sexology in the colonies.[2] This chapter therefore

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[1] On reproductive health see Sarah Hodges (ed.), *Reproductive Health in India: History, Politics, Controversies* (New Delhi: Orient Longman, 2006).
[2] Ivan Crozier, in particular has compared European medical literature on sodomy. Ivan Crozier, "'All the Appearances Were Perfectly Natural": The Anus of the Sodomite in Nineteenth-Century Medical Discourse,' in *Body Parts: Critical Explorations in Corporeality*, ed. Christopher R. Forth and Ivan Crozier, 65-83 (Lanham: Lexington Books, 2005); Ivan Crozier, 'The Medical Construction of Homosexuality and its Relation to the Law in Nineteenth-Century England,' *Medical History* 45 (2001):

clarifies our understanding of the history of British medical knowledge of sexuality, as well as the history of medicine and masculinity in India. Finally, the colonial categorisation of *hijra* and *zanana* sexuality contributes to literature on sexuality in contemporary India, in particular projects of classification in the context of the HIV/AIDS epidemic. The 'epidemiological knowledge' produced in HIV/AIDS prevention through mapping, surveillance, enumeration and classification, has highlighted the tensions between categories of sexuality of more recent origin and older social roles and gender categories.[3] In the colonial case too, we see the slippages that emerged from the classification of numerous indigenous gendered practices and social roles under the English-language, colonial idiom of 'eunuch.'

Colonial medicine, knowledge and law

The first British physicians arrived in India in the 1600s, but it was not until 1763 that the British medical presence had an institutional base in the Bengal Medical Service. The British medical profession in India was closely tied to the military.[4] When European physicians first arrived in India, Indians and Europeans shared a similar humoral conception of the body. The demise of the humoral system in Europe in the late 17th century resulted in increasingly negative British attitudes towards Indian medicine.[5] By the nineteenth century, British physicians confidently asserted the superiority of Western medical knowledge over indigenous medicine[6] and there was a

61-82; Ivan Crozier, 'Nineteenth-Century British Psychiatric Writing about Homosexuality before Havelock Ellis: The Missing Story,' *Journal of the History of Medicine and Allied Sciences* 63, no. 1 (January 2008): 65-102. On nineteenth century pathologies of sodomy and, later in the nineteenth century, homosexuality see H.G. Cocks, *Nameless Offences: Homosexual Desire in the 19th Century* (London: I.B. Tauris Publishers, 2003); Charles Upchurch, *Before Wilde: Sex Between Men in Britain's Age of Reform* (Berkeley: University of California Press, 2009); Alan Sinfield, *The Wilde Century: Effeminacy, Oscar Wilde and the Queer Movement* (London: Cassell, 1994); Jeffrey Weeks, *Coming Out: Homosexual Politics in Britain, From the Nineteenth Century to the Present* (London: Quartet Books, 1977), 9-44.
[3] The term 'epidemiological knowledge' is Akshay Khanna's. Akshay Khanna, 'Taming the Shrewd *Meyeli Chhele*: A Political Economy of Development's Sexual Subject,' *Development* 52, no. 1 (2009): 48-9. See also, Paul Boyce and Akshay Khanna, 'Rights and Representations: Querying the Male-to-Male Sexual Subject in India,' *Culture, Health & Sexuality* 13, no. 1 (2011): 89-100; Paul Boyce, '"Conceiving Kothis": Men Who Have Sex with Men in India and the Cultural Subject of HIV Prevention,' *Medical Anthropology: Cross-Cultural Studies in Health and Illness* 26, no. 2 (2007): 175-203.
[4] The Bengal Medical Service was soon followed by medical services in Bombay and Madras. Mark Harrison, *Public Health in British India: Anglo-Indian Preventive Medicine, 1859-1914* (Cambridge: Cambridge University Press, 1994), 7-8.
[5] Mark Harrison, 'Medicine and Orientalism: Perspectives on Europe's Encounter with Indian Medical Systems,' in *Health, Medicine and Empire: Perspectives on Colonial India*, ed. Biswamoy Pati and Mark Harrison, 40-1 (Hyderabad: Orient Longman, 2001).
[6] Although in the early nineteenth century Europeans utilised the empirical insights of Indian medical knowledge, particularly Indian pharmacopeia, the study of Indian medicinal substances, 'might be more

close relationship between European medicine and imperial power.[7] European physicians 'were in a unique position to act as information gatherers among Europeans and Indians'[8] and the medical 'gaze' extended beyond the body itself to encompass culture, 'custom' and religion.[9] Colonial physicians in the nineteenth century were often amateur ethnologists.[10] Anglo-Indian medical knowledge also encapsulated medical or embodied conditions considered bizarre, exotic and sensational.[11]

Despite the authoritative claims of Anglo-Indian medical knowledge, legal administrators circumscribed the role of medical officials in the broader colonial administration until the 1860s, when physicians eventually gained roles in the judicial and police branches. From the 1850s physicians were appointed jail superintendents and became prominent in discussions of prison reform.[12] The post-1857 preoccupation with sanitation also resulted in the establishment of the medical post of 'Sanitary Commissioner' in the provincial governments in 1868.[13] In this period, the judiciary attributed increasing importance to medical evidence and in the 1860s, a formal legal framework for medical testimony was established.[14] Hence, by the time the CTA was enacted, Anglo-Indian doctors had roles in various aspects of judicial and police administration.

British physicians in India also played a significant part in the regulation of sexuality in colonial India through the inspection of female prostitutes in 'lock hospitals' from the late eighteenth century. A legal framework for the medical inspection of

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accurately termed an "appropriation" of indigenous knowledge for the purpose of imperial rule, than a dialogue in any meaningful sense.' David Arnold, *Colonizing the Body: State Medicine and Epidemic Disease in Nineteenth-Century India* (Berkeley: University of California Press, 1993), 43-50. See also C.A. Bayly, *Empire & Information: Intelligence Gathering and Social Communication in India, 1780-1870* (New Delhi: Cambridge University Press, 1999), 53-4, 271-5; Harrison, 'Medicine and Orientalism,' 69.

[7] Harrison, 'Medicine and Orientalism,' 42, 76.

[8] Bayly, *Empire & Information*, 267.

[9] Elizabeth Kolsky, 'The Body Evidencing the Crime: Gender, Law and Medicine in Colonial India,' (PhD diss., Columbia University, 2002), 320-33.

[10] On medicine and concepts of race see: Mark Harrison, 'Differences of Degree: Representations of India in British Medical Topography, 1820-c.1870,' in *Medical Geography in Historical Perspective*, ed. Nicolaas A. Rupke, 51-69 (London: Wellcome Trust Centre for the History of Medicine, 2000); David Arnold, 'Race, Place and Bodily Difference in Early Nineteenth-Century India,' *Historical Research* 77, no. 196 (May 2004): 254-73.

[11] This is particularly evident in the voyeuristic tone in colonial medical knowledge of hermaphrodites. 'Had this Man a Vagina?' *The Indian Lancet* 10 (1 September 1897): 241; 'Ill-Assorted Marriages of Hermaphrodites,' *The Indian Lancet* 16 (16 November 1899): 430; Saropp Narain, 'An Hermaphrodite,' *Indian Medical Gazette* 39 (December 1904): 476.

[12] Physicians were appointed to positions in jails in lieu of a professional prison service. Arnold, *Colonizing the Body*, 98-102.

[13] Harrison, *Public Health*, 8-9.

[14] From the 1860s, police were required to attain a medical opinion in cases of unnatural death, and from the 1870s, medical evidence had the status of expert testimony in the courts. Kolsky, 'The Body,' 278-347.

prostitutes was established in the 1860s.[15] Medical examinations of prostitutes were carried out weekly and diseased women could be indefinitely committed to a 'lock hospital.'[16] 'The insistence that doctors examine (and record) every part of the vagina,' was according to Ashwini Tambe, 'an acceptable means to uncover knowledge about sex.'[17] In sum, by the 1860s, medical expertise had gained recognition from judicial and police officials, while medicine was considered an authoritative form of knowledge about sex and the body. Yet as we will see, the role of physicians in the registration of eunuchs was circumscribed by non-medical officials.

Fascination and revulsion: Medico-ethnological knowledge of *hijras*

European doctors in India considered 'eunuchs' and 'hermaphrodites' medical curiosities and disturbing abnormalities. Prior to the mid-nineteenth century, medical accounts were marked by uncertainty as to the sexual nature and proper classification of *hijras*, who were described variously as 'hermaphrodites,' 'female eunuchs' and 'emasculated males.' Indeed, it was only in the latter half of the nineteenth century that European doctors generally labelled *hijras* as 'eunuchs,' and considered them alongside other emasculates, such as the *khwajasarais*. By the 1850s, physicians claimed to be knowledgeable about *hijras* and were involved in informal efforts to control the community, demonstrating how medical practice, ethnology and the regulation of gender and sexuality could intersect.

In one of the earliest European accounts of persons who appear to be *hijras*, which dates from around 1780, the Bombay merchant James Forbes viewed 'a considerable number of human beings called hermaphrodites' who wore 'the habit of a female and the turban of a man.'[18] These 'hermaphrodites' were the subject of medical

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[15] This legal framework was established with the 1864 Cantonment Act and the Indian Contagious Diseases Act of 1868. Kenneth Ballhatchet, *Race, Sex and Class Under the Raj: Imperial Attitudes and Policies and Their Critics, 1793-1905* (London: Wiedenfield and Nicolson, 1980), 10-39; Philippa Levine, *Prostitution, Race, and Politics: Policing Venereal Disease in the British Empire* (London: Routledge, 2003), 39-40.

[16] The term 'lock hospital' refers to hospitals that specialised in the treatment of venereal disease. Levine, *Prostitution, Race, and Politics*, 44-6; Ballhatchet, *Race, Sex, and Class*, 19-20; Ashwini Tambe, *Codes of Misconduct: Regulating Prostitution in Colonial Bombay* (New Delhi: Zubaan, 2009), 31-4.

[17] Tambe, *Codes of Misconduct*, 34. Phillipa Levine highlights that doctors saw themselves 'as arbiters of a cleanly, ... rational and, above all, ... modern civilisation with medical rationalism at its very heart.' Levine, *Prostitution, Race and Politics*, 90.

[18] This was the army of Raghunathrav, the British-supported pretender to the Maratha throne. James Forbes, *Oriental Memoirs: A Narrative of Seventeen Years Residence in India,* vol. 1 (London: Richard

fascination. Forbes 'was called into a private tent to a meeting between ... several medical gentlemen of the army, to examine some of these people.'[19] Despite the ostensible context of scientific and rational observation, Forbes highlighted the uncertainty surrounding these individuals and the inadequacy of medical knowledge. Forbes could not 'solve doubts and difficulties' and would not 'enter into particulars surrounding' the 'hermaphrodites.'[20]

These twin themes of fascination and uncertainty are also evident in nineteenth century medical accounts of *hijras*. In 1842, the apparent existence of 'female eunuchs' in India provoked some confusion in the British medical journal *Lancet*. The journal reported the findings of a Dr. Roberts, who on a trip from Bombay to Delhi had encountered a group of 'female eunuchs,' who were 'subject to a process, not of emasculation, but (if we may coin a word) *efoemination*.'[21] When Roberts met with the 'three singing girls' near Faridabad, he was surprised by their 'lofty stature, harsh voices, and bold masculine movements' and bribed them with 'sundry rupees' to 'exhibit their physical peculiarities.' Roberts described the women's 'large, robust, and muscular' bodies and their genitals: the 'vaginal orifice was obliterated without even a trace of a scar, while the meatus urinarius [opening of the urethra] ... was salient and exposed.'[22] The women claimed to have never undergone any operation, and Robert concurred through his medical examination that this was the case. An 'old Brahmin' at Indore later informed Roberts that 'these women, called *hedgirahs*, are punctured in the ovaries with needles, dipped in the green fruity juice of the tree called *bhel-poul*.'[23] In a subsequent issue of *Lancet*, an anonymous contributor, who signed 'A Bengal Surgeon,' challenged the accuracy of Robert's report. The Bengal Surgeon suggested that 'Dr. Roberts was misinformed, and that the persons were males who had been *entirely* emasculated.' The Bengal Surgeon had earlier examined 'a particular description of eunuch,' who had 'much more the appearance of a woman than that of a man' and also 'had the *exact* local and general appearance described by Dr. Roberts.'[24] The

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Bentley, 1834), 359. It is unclear whether the 'hermaphrodites' Forbes described were in fact *hijras* or another group, though at least two historians have associated his account with the *hijra* community. Laurence Preston, 'A Right to Exist: Eunuchs and the State in Nineteenth-Century India,' *Modern Asian Studies* 21, no. 2 (1987): 373; Shane Patrick Gannon, 'Translating the *Hijra*: The Symbolic Reconstruction of the British Empire in India' (PhD diss., University of Alberta, 2009), 128.

[19] Forbes added that his 'visit was short, and the objects disgusting.' Forbes, *Oriental Memoirs*, vol. 1, 359.

[20] Ibid.

[21] Anon., 'Female Eunuchs in India,' *Lancet* 40, no. 1029 (20 May 1843): 262.

[22] Ibid.

[23] Ibid.

[24] A Bengal Surgeon, 'Supposed Female Eunuchs,' *Lancet* 40, no. 1031 (3 June 1843): 343.

anonymous surgeon thus challenged the conclusion that the persons Robert examined were 'female eunuchs.'[25] This professional disagreement demonstrates that slippages in the translation of terms and idioms produced differences in European physicians' classification of *hijras*. While colonial physicians later categorised *hijras* as biological males, at this time, Roberts could still 'mistake' *hijras* for infertile biological females on the basis of their physical appearance, their own self-description and the information provided by Indian informants. Colonial physicians struggled to classify indigenous social roles and identities under English-language categories.

However, from the 1850s, European physicians in India were generally in agreement that *hijras* were a sub-category of 'eunuchs.' In 1856, H. Ebden published an article in the *Indian Medical Gazette* that presented the findings of four medical practitioners (one Indian and three Europeans) who were stationed in Rajasthan. By the 1850s, *hijras* and *khwajasarais* were the subject of inquiry and discussion amongst 'professional brethren,' both in informal correspondence and medical publications.[26] Western-trained physicians claimed to have authoritative knowledge of both eunuchs' bodies and 'customs.' T.B. Wright, Surgeon to the British Political Agent at Jaipur, organised eunuchs into various typologies of indigenous social roles, identities and sexual types.[27] Bharatpur's Sub-Assistant Surgeon, Bholonauth Das, also recorded details of the rituals and customs of the *hijra* community.[28] Physicians provided information about the sexual behaviours of individual eunuchs and their 'experience' of 'sexual desire.' The collection of ethnological knowledge about *hijras* also sometimes resulted in ad hoc efforts by physicians to regulate the group. As we saw in the previous chapter, one of Ebden's contributors, J.C. Bow, an army doctor stationed near Udaipur, expelled all the *hijras* from the army cantonment after he 'discovered' that men visited *hijras* for sex.[29]

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[25] 'Unless Dr. Roberts should have had the opportunity,' the Bengal Surgeon wrote, 'of inspecting the internal organs of the persons he describes by a post-mortem examination ... I must remain sceptical to their being female eunuchs.' Ibid.

[26] H. Ebden, 'A Few Notes, with Reference to "the Eunuchs," to be Found in the Large Households of the State of Rajpootana,' *Indian Annals of Medical Science* 3, no. 6 (April 1856): 520.

[27] For instance, T.B. Wright, Surgeon to the Political Agent at Jaipur, divided eunuchs into two classes, the 'Khojas' (also known as *khwajasarais*), who were 'naturally born so,' and the 'Hegiras,' who had 'been artificially ... rendered so by operation.' Ibid., 522. In contrast to Wright's claim that *khwajasarais* or *khojas* were generally 'born so,' evidence from Awadh examined in Chapter 1 shows that *khwajasarais* were usually emasculated (although some were described as eunuchs 'from birth'). Wright's definition was later questioned by Norman Chevers. Norman Chevers, *A Manual of Medical Jurisprudence for India* (Calcutta: Thacker, Spink & Co., 1870), 708.

[28] Ebden, 'A Few Notes,' 521-5.

[29] Ibid., 520-1.

Hijras and others labeled 'eunuchs' and 'hermaphrodites' were simultaneously objects of fascination and revulsion for European doctors in India. Despite the use of medical techniques of observing the body, there was significant confusion about their classification prior to the mid-nineteenth century. Were *hijras* hermaphrodites or eunuchs, male or female? The task of assimilating indigenous social roles and gender categories to English-language terms produced disagreement amongst physicians. While 'doubts and difficulties' had plagued earlier attempts to classify and know *hijras*, by the time the Criminal Tribes Act was enacted in 1871, medical officials claimed to have authoritative knowledge of the community.

The emasculated body:
Colonial medicine and *hijra* medical knowledge

The emasculation operation and the post-operative appearance of the emasculated body was a focus of most medical accounts of *hijras* from mid-century. I argue, firstly, that *hijra* medical knowledge was an important source of colonial medical knowledge of the community, highlighting the construction of colonial knowledge through a process of asymmetrical dialogue with multiple Indian informants. Second, I reconstruct a necessarily fragmented picture of *hijra* medical practice in the nineteenth century and thus further elaborate the history of the nineteenth century *hijra* community.

In most colonial medical accounts, the emasculation procedure was performed by either a *hijra* or some another proficient person, such as a barber.[30] Colonial physicians did not witness the emasculation procedure themselves, and their first-hand observation was limited to the post-operative appearance of the *hijra* body. Physicians often acknowledged the *hijra* informant who was the source of their account: J.C. Bow acquired his description from a 35 year-old *hijra* named Ladoo; Bholonauth Dass' 'principal informant' was a 26 year-old recently emasculated eunuch;[31] and Norman Chever's account was derived from the statement of a *hijra* named Khurrugjeet or Pyuzoo.[32] Although the personal experience and medical knowledge of *hijra* emasculates was central to colonial knowledge of the emasculation procedure,

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[30] John Shortt, 'The *Kojahs* of Southern India,' *The Journal of the Anthropological Institute of Great Britain and Ireland* 2 (1873): 403-4; Ebden, 'A Few Notes,' 524; Chevers, *Medical Jurisprudence*, 497. An ethnology of Bombay claimed, 'Behind a screen set up for the purpose the cutting is performed with a razor by the person himself without any assistance.' R.E. Enthoven, *The Tribes and Castes of Bombay*, vol. 3 (New Delhi: D.K. Publishers Distributors, 1997 [1922]), 227.
[31] Ebden, 'A Few Notes,' 520, 523.
[32] Chevers, *Medical Jurisprudence*, 497.

physicians questioned the accuracy of their informants' knowledge, even as they cited it, [33] and criticised *hijra* medical methods as barbaric and ineffective. [34] Colonial criticism aside, *hijras* were folk medical practitioners who held a marginal form of medical knowledge and expertise.

The interaction between colonial physicians and *hijras* was not merely between scientific observer and specimen, but was also a power-laden dialogue between different forms of medical knowledge. We have limited historical information about the *hijras* who performed the emasculation operation, despite colonial physicians' lengthy descriptions of the procedure. From recent anthropological work we know that they are known as *dai ma* or *daiamma* (midwives), while the operation is known as *nirvan*. [35] Studies of colonialism, modernity and medicine in India have until recently conceptualised the interaction between colonial and indigenous medicine in a dichotomous manner, without adequate acknowledgement of the complexities of Indian medical practices. [36] However, recent work on the medical knowledge of women highlights that medical expertise was possessed by a wider spectrum of persons than merely formally trained practitioners, such as *ayurveda vaids* and *unani hakims*, including female *dais* (midwives) and other women informally trained in healing. [37] *Hijra dais* should also be counted amongst these knowledgeable people who possessed medical skills, while *hijra* accounts of the emasculation operation represent a form of folk medical practice.

An 1873 report on the implementation of the CTA in Benares district suggests that several *hijras* in an area would be trained by their guru or a senior *hijra* to perform the emasculation operation on *hijras* of their own house and those of other houses that they periodically visited. The expertise of *hijra dais* was thus recognised beyond their

[33] Chevers, for instance, included the following footnote to Pyuzoo's description of the emasculation procedure: 'It is evident that this statement is not accurate in some of its details.' Ibid.

[34] Ebden, 'A Few Notes,' 521.

[35] Serena Nanda, *Neither Man nor Woman: The Hijras of India* (Belmont, California: Wadsworth Publishing Co., 1990), 26-7; Gayatri Reddy, *With Respect to Sex: Negotiating Hijra Identity in South India* (Chicago: University of Chicago Press, 2005), 94, 124.

[36] Biswamoy Pati and Mark Harrison, 'Social History of Health and Medicine: Colonial India,' in *The Social History of Health and Medicine in Colonial India*, eds. Biswamoy Pati and Mark Harrison, 8-10 (Abingdon, Oxon: Routledge, 2009).

[37] Ashnu Malhotra, 'Of *Dais* and Midwives: "Middle-Class" Interventions in the Management of Women's Reproductive Health—A Study from Colonial Punjab,' *Indian Journal of Gender Studies* 10, no. 2 (2003): 229-59; Charu Gupta, 'Procreation and Pleasure: Writings of a Woman Ayurvedic Practitioner in Colonial North India,' *Studies in History* 21, no. 1 (2005): 38. Martha Ann Selby argues that even classical Sanskrit ayurvedic texts demonstrate the medical knowledge of women in households. In elite male texts, 'there was a dialogue between experienced women' and medical men in the context of childbirth. Selby highlights the role of *apta striyah*, or 'accomplished women,' in both the medical care of women in labour and the production of medical knowledge. Martha Ann Selby, 'Narratives of Conception, Gestation, and Labour in Sanskrit Āyurvedic Texts,' *Asian Medicine* 1, no. 2 (2005): 271-3.

own household and could be known amongst *hijras* of other provinces. In Benares, the 'most skilful and best known operator' was named Koosme, who regularly travelled between Benares and Sasaram in modern Bihar with her *chela* Sugoonah.[38] According to the Benares police, *hijra dais* were 'reputed skilful in their mode of operation.'[39] *Hijra dais* had devised methods to numb the patient's genitals, such as binding them with string, desensitising the patient with cold water and administering *bhang*.[40] The entire operation was reported to take approximately an hour and was usually performed with a razor or sharp knife.[41] To stop hemorrhage and treat the wound, *hijra dais* applied natural substances, such as hot sesame oil, poultices of boiled rice mixed with other substances, finely powdered peepal tree bark, milk, soft clay, ashes, warm water, '*bor* (Zizphus jujube) [Indian date] and *bábul* (Acacua Arabica) bark.'[42] Although physicians often disparaged *hijra dais*' failure to prevent urine retention, it is evident that *hijra dais* took precautions against urological complications. One *hijra* mentioned the daily application of warm water as a method 'to prevent ... the urinal orifice from closing up,'[43] a method very similar, in fact, to one colonial physician's use of 'diuretics and a hot bath' to relieve retention of urine.[44] The prominent physician John Shortt concluded that *hijra* emasculates 'generally do well, and the cicatrix of the wound is scarcely perceptible, except by the fringing of the skin around the urethral orifice, when the operation is resorted to at an early age.'[45] Whether *hijra dais*' medical practice was limited to the *hijra* community and the emasculation operation is unclear: we have one account from the 1840s of *hijras* performing circumcisions of infants, but this may be a mistranslation of terms.[46] Nonetheless, persons outside the *hijra* community considered *hijra dais* proficient in the emasculation operation. Bow, for instance, was told by 'an old Mussulman ... that he has only heard of one man having died, out of fully a thousand operated [upon].'[47]

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[38] UPSA/A/COV/119/12: R. Annesley, Officiating Superintendent of Police, Benares, to Magistrate of Benares, 12 April 1873.
[39] Ibid.
[40] Ibid.; Ebden, 'A Few Notes,' 523; Chevers, *Medical Jurisprudence*, 497; Shortt, 'The *Kojahs*,' 403-4.
[41] Ebden, 'A Few Notes,' 524; Chevers, *Medical Jurisprudence*, 497.
[42] Shortt, 'The *Kojahs*,' 404; Ebden, 'A Few Notes,' 521, 523-4; Chevers, *Medical Jurisprudence*, 497; Enthoven, *Tribes and Castes*, 227.
[43] Chevers, *Medical Jurisprudence*, 497.
[44] Ebden, 'A Few Notes,' 521.
[45] Shortt, 'The *Kojahs*,' 404.
[46] The '*hedgirahs*' whom Roberts mistook for 'female eunuchs' in the 1840s stated that they were employed in 'circumcising the male infants of the native population'; however, this is the only account I have found of *hijra* skill in circumcision and may have been a mistranslation of terms or merely an isolated instance. Anon., 'Female Eunuchs,' 262.
[47] Ebden, 'A Few Notes,' 521.

Hijra dais were also considered ritual specialists within the *hijra* community. The *nirvan* operation resonates with broader Hindu cultural themes of creative asceticism, or *tapas*, wherein the sacrifice of individual fertility produces a '"universal" procreative power.'[48] Nanda explains that the *nirvan* operation represents the rebirth of the initiate into an 'authentic' *hijra*, 'endowed with sacred power (shakti),' explaining why those who perform the procedure are known as *dais* or midwives.[49] Similarly, a nineteenth century ethnology mentioned that the emasculation operation was 'held to correspond to a birth ceremony which makes the patient a member of the caste.'[50] Since the procedure was loaded with ritual significance, the *hijra dai* was responsible for the performance of important rituals. In Benares,

> On the night of the operation, the emasculator brings some earth from a Suttee Tomb and in the appointed room, he builds an imitation of the Tomb. Then putting red ochre on the patient's forehead, he ties a yellow cloth round his head and places lighted chirags [lights] in both his hands, directing them towards the imitation Suttee Tomb. The patient is then blindfolded and stripped. His hands are tied to the roof and his private parts are secured by a thread. They are then cut off, with a thin sharp knife and thrown into a fire, the operator muttering [or rather, chanting] some words during the time.[51]

While the Benares *hijras* worshiped a local *sati* (a widow who had sacrificed herself on her husband's funeral pyre and was subsequently worshiped as a local deity), the precise *hijra* rituals varied depending on local religious practices. In sum, *hijras* who specialised in the emasculation procedure and its rituals were one of many groups of folk medical practitioners in north Indian society, and their knowledge was central to colonial medical accounts of emasculation.

However, on what terms was *hijra* medical knowledge recontextualised in colonial medical accounts and what ideological purposes did these accounts serve? The concern of colonial physicians in India was not with the implications of the emasculation procedure for their clinical practice,[52] unlike in China, where Western physicians' accounts focused on the treatment of conditions such as the retention of

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[48] For example, the power to bless and curse fertility or produce rain. Reddy, *With Respect*, 91-6. See also Nanda, *Neither Man nor Woman*, 29-32.

[49] Nanda, *Neither Man nor Woman*, 26.

[50] Enthoven, *Tribes and Castes*, 227.

[51] UPSA/A/COV/19/12: Annesley to Mag, Benares, 12 Apr 1873.

[52] Medical publications on Indian eunuchs rarely addressed the medical treatment of eunuchs. The only instance I have found is in J.C. Bow's contribution to Ebden's 1856 article, though Bow's description of his patient's case of urine retention and the treatment he prescribed consisted of three short sentences. Bow wrote, 'The urethral opening was so small as to prevent my introducing the smallest-sized catheter. I sent him to hospital, purposing to dilate the urethral meatus, if no relief were obtained in a few hours' time. Diuretic and a hot bath however soon relieved him, and the urine passed.' Ebden, 'A Few Notes,' 521.

urine in order to highlight the superiority of Western medicine.[53] Nevertheless, the ethnological accounts in which the emasculation procedure was positioned legitimized colonial rule of India by emphasising the 'superstitious credulity,' 'gross ignorance'[54] and uncivilized nature of Indian society.[55] Moreover, an attitude of medical voyeurism and a desire for intimate knowledge of the *hijra* body pervades colonial medical accounts of emasculation, with the use of 'scientific' language facilitating explicit and vivid description. Physicians described the violence and gore of the sudden cutting of the genitals with one swoop, the hemorrhaging of blood and the painful pouring of hot oil over the open wound in scientific language and technical medical terms, as well as sensationalist language.   Despite the voyeuristic tone of medical accounts, it is noteworthy that no visual depictions of emasculated Indian bodies were published during the nineteenth or early twentieth centuries.   The lack of visual depictions of emasculation in the Indian context suggests that emasculation was a particularly troubling sexual condition, one which even the ostensibly scientific and rational context of the Anglo-Indian medical journal could not accommodate in visual form.[56] European medical accounts of the emasculation procedure appropriated the medical knowledge of the *hijra dai*, a specialist folk medical practitioner, in an account which promoted colonial ideologies, portraying Indian society as barbaric, as well as satisfying the desires of the colonial medical audience for intimate knowledge of different bodies.

Knowing the body of the sodomite

From the mid-nineteenth century, Anglo-Indian physicians claimed to be experts in the detection of deviant sexual behavior from physical signs left on the body. Knowledge about *hijras* and knowledge about male-male sexual practices were overlapping corpuses of colonial medical knowledge, since physicians regarded *hijras* as an exotic example of sexual deviance.   Meanwhile, *hijras*, as well as other groups labeled 'eunuchs' such as *zananas*, were defined in law and government policy as 'habitual

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[53] Melissa S. Dale, 'Understanding Emasculation: Western Medical Perspectives on Chinese Eunuchs,' *Social History of Medicine* 23, no. 1 (2010): 42-6.
[54] Ebden, 'A Few Notes,' 520.
[55] Shortt, 'The *Kojahs*,' 404.
[56] In the Chinese context, the sole published photograph of an undressed eunuch was Matignon's famous 1899 photograph, 'Un eunuque du Palais imperial de Pékin.' Dale points out that the singularity of this instance of the visual depiction of emasculation is 'striking,' and suggests that 'the sexual nature of the content of the eunuch photograph may have made it off-limits for publication among the general public.' Dale, 'Understanding Emasculation,' 51.

sodomites.' The following section expands our understanding of colonial knowledge of indigenous sexuality and the impact of colonialism on understandings of gender and sexuality in India—one of the key questions of this thesis. On the one hand, I analyse colonial medical knowledge of the sodomite body in relation to European medical literature and demonstrate that the flow of medical knowledge was not necessarily *from* the metropole *to* the colonies and cannot be explained by a simple centre/periphery model. I demonstrate that a literature on techniques of identifying 'habitual sodomites' through the medical examination of the body emerged in British India more than two decades before similar literature was published in Britain. Thus, colonial medical knowledge of sexuality was formed in the colonial context, rather than pre-determined by metropolitan medical knowledge, suggesting that the history of sexology in the colonies is central to its history in Europe. Yet on the other hand, colonial understandings of Indian gender and sexuality were not unified or coherent. In fact, legal officials doubted the usefulness of medical techniques of knowing the sodomite body. In the context of the Criminal Tribes Act, the provincial government did not use medical expertise to identify eunuchs who were 'reasonably suspected' of sodomy— one of the characteristics that rendered a eunuchs' registration necessary under law— and rejected the use of medical examination in the policing of 'habitual sodomites.' The colonial production of knowledge about *hijras* and other sexual 'deviants' was thus splintered and medicalised techniques of knowing sexuality were contested by the legal establishment. Whereas the previous chapter demonstrated that notions of *hijra* deviance were debated *amongst* British administrators involved in law enforcement (in the judicial and police branches), this chapter demonstrates fractures *between* legal and medical colonial projects to discipline gender and sexuality.

The 'signs' of sodomy and the circulation of medical knowledge

In the 1850s, two prominent continental European physicians attempted to found a 'science' of identifying sodomites through physical examination. The two authorities on the subject—the German physician J.L. Casper and the French physician Ambroise-Auguste Tardieu—both claimed to have expertise in reading the sodomite body, but disagreed on the circumstances in which medical examination was conclusive. In

publications in 1852 and 1857,[57] Casper concluded that two factors were instructive in establishing whether sodomy had been committed upon the 'passive party': first, a 'trumpet-like depression of nates towards the anus'; and second, a 'smooth condition of the skin in the neighborhood of the anus.'[58] However, Casper warned that medical examination was often inconclusive[59] and rejected altogether the capacity of medical examination to determine the sexual behavior of the 'active party.'[60] Tardieu claimed in 1857 that a person addicted to passive pederasty possessed flaccid buttocks, a funnel-shaped anus, and a relaxation of the anal sphincter. Active pederasts had peculiarly-shaped penises, which were either: thin and pointy; long and tapered with 'large muzzlelike glans';[61] or 'twisted on itself, so that the urinary stream flows towards the left or right.'[62] Casper and Tardieu thus disagreed on the extent to which medical examination could offer evidence of past sexual behavior, yet in the 1850s both claimed to have established a science of the determination of sodomy.[63]

In contrast, the earliest digest of British medical jurisprudence, Alfred Swaine Taylor's *Medical Jurisprudence* (1844), provided only a short discussion of the British law on sodomy and bestiality.[64] Taylor avoided all anatomical description, or even naming the 'part' which was penetrated, and circumscribed the role of medical expertise.[65] All in all, Taylor concluded, sodomy was 'rather a legal than a medical question.'[66] Nor did subsequent revisions of Taylor's text in the following three decades provide any opinion on the possible physical signs of sodomy. British physicians' disavowal of medical expertise in questions of sodomy continued well into the second half of the nineteenth century. In 1871, seven physicians, including Taylor,

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[57] Casper published an article titled, 'On rape and pederasty and their determination on behalf of the court doctor,' which was followed by a chapter on 'Disputed Unnatural Lewdness' in Casper's 1857 *Handbook for the Practice of Forensic Medicine.* Crozier, 'The Anus,' 67.

[58] In cases where force had been used, particularly against a child, 'local appearances, such as lacerations, inflammation, bruises, prolapse of the anus, &c., may probably be expected to be found.' Johann Ludwig Casper, *A Handbook of the Practice of Forensic Medicine, Based Upon Personal Experience*, vol. 3 (London, New Sydenham Society, 1864 [1857]), 334.

[59] Neither of these signs might be present, even in the case of men who frequently had sex with men, while such signs might be apparent in men who were 'wholly free from suspicion.' Ibid., 333, 338.

[60] He also rejected the 'subjective diagnosis' of the general physical appearance of the accused, such as a 'somewhat womanish exterior.' Ibid., 331-2.

[61] Vernon A. Rosario, *The Erotic Imagination: French Histories of Perversity* (New York: Oxford University Press, 1997), 74.

[62] Quoted in Casper, *Handbook*, vol. 3, 329.

[63] Casper subsequently highlighted the small number of cases cited by Tardieu and the wide range of signs of pederasty he proposed, concluding, '[s]uch descriptions may cause the hair of non-medical people to stand on end, but medical men know better how to estimate such observations!' Ibid.

[64] Alfred S. Taylor, *Medical Jurisprudence* (London: John Churchill, 1848 [1844]), 643.

[65] Taylor wrote, 'The act must be in the part where it is usually committed in the victim or associate of the crime, and if done elsewhere it is not sodomy.' Ibid., 643.

[66] Ibid.

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provided evidence in 'R. *v*. Boulton and Park,' a famous case in which two men were accused of sodomy after their arrest in feminine clothing. Six of the seven physicians claimed that they had little knowledge of the physical signs of sodomy and could not make a definite conclusion on the basis of medical examination.[67] The Attorney General expressed his relief that 'there is little learning or knowledge upon this subject in this country,' in contrast to 'other countries' where 'learned treatises' were written on sodomy.[68] It was not until 1883 that discussion of the physical signs of sodomy appeared in British medical jurisprudence in Thomas Stevenson's posthumous revision of Taylor's work.[69]

Ivan Crozier has concluded on the basis of a comparison between French, German and British medical jurisprudence that '[i]f there is a single cultural manifestation in the writing of English court doctors' on sodomy, it was the disavowal of expertise in this area and the 'denial that sodomy existed to any large extent in England.'[70] However, historians have not examined the extent to which India—and other parts of the British Empire—provided a domain for the production of British medical knowledge of homosexuality. British India was, in fact, amongst those countries in which 'learned treatises' were written on sodomy in the mid-nineteenth century. In India, British doctors could explicitly discuss and circulate knowledge about deviant sexualities to a greater extent that in Britain. Thus, colonial medical knowledge was not simply determined by metropolitan discourse but was constructed in the colonial context. The flow of knowledge between metropole and colony was not a straightforward radiation of knowledge outwards from the 'centre' to the 'periphery.'

As early as the 1850s, in the same period that medico-legal theories of sodomy were elaborated in continental Europe, colonial medical officials in India claimed to be experts on the sodomite body. A survey of sodomy cases in the NWP Nizamut Adawlut in the 1850s[71] demonstrates that Civil Surgeons in India routinely provided medical

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[67] Crozier, 'Medical Construction,' 66-73; Crozier, 'The Anus,' 74-7.

[68] Crozier, 'Medical Construction,' 68.

[69] Stevenson significantly extended the original section on 'unnatural crime' and included a summary of the physical signs exhibited by those 'long habituated' to sodomy, including a 'funnel-shaped state of parts,' dilation or stretching of the anus, a 'destruction' of the usual folded appearance of the skin around the anus, marks of laceration or the presence of syphilis. In 'the recent or acute form, fissure and laceration of the sphincter ani, with bruising and effusion of blood, would be found.' Alfred S. Taylor, *A Manual of Medical Jurisprudence*, ed. Thomas Stevenson (London: J & A Churchill, 1886 [1883]), 718.

[70] Crozier, 'The Anus,' 77.

[71] This was prior to the enactment of the Penal Code in 1860 and the criminalisation of 'unnatural' sexual intercourse under section 377. The literature on the criminalisation of homosexuality in India has focused on the post-1860 cases, rather than this earlier period. However, there are a greater number of sodomy cases in the 1850s, making them an important source for understanding the criminalisation of non-normative sexuality. Prior to 1860, sodomy was criminalised under Regulation LIII of 1803, Regulation

evidence. While Nizamut Adawlut judges did not consider the depositions of Civil Surgeons alone sufficient to justify conviction,[72] medical testimony was usually a significant part of the evidence in sodomy cases.[73] Unfortunately, only the judges' summaries of physicians' evidence survive. Traces of 'old' injuries to the anuses of adults were regarded as proof that the person habitually committed sodomy. In an 1853 case of a man who claimed to have been raped by three men, 'The Civil Surgeon reported that no recent injury had been sustained by him, [and] that there were signs of old standing injury on his person which could be relied on as showing that he was addicted to the practice of sodomy.'[74] In the case of children, physicians argued that injury to the anus was proof that sodomy had been forcibly committed. In an 1855 case of accused forced sodomy on an eight year-old boy, 'The Civil Surgeon depose[d], that the boy's anus exhibited abrasion of the skin on the inside, with slight redness and appearance of matter.'[75] In contrast, a lack of discernible injury to the anus of a child was considered evidence that the child was a 'habitual sodomite.' In 1855, the Sessions Judge of Benares concluded that the alleged forced sodomy of a twelve year-old boy was consensual, partly because the Civil Surgeon deposed that the boy was 'was used to this sort of intercourse, and that it left very slight effects on him.'[76]

In 1866, the *Indian Medical Gazette* published an article by Dr. J. Wilson Johnstone on the 'Physical Evidences of Sodomy,' which was the first published summary of the corporeal signs of sodomy in colonial India. Johnstone had acquired 'considerable experience' with diagnosis of the past sexual behavior of men, and had

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XVII of 1817 and Regulation XII of 1834. Gannon, 'Translating the *Hijra*,' 320. On section 377 see: Arvind Narrain, '"That Despicable Specimen of Humanity": Policing of Homosexuality in India,' in *Challenging the Rule(s) of Law: Colonialism, Criminology and Human Rights in India*, ed. Kalpana Kannabiran and Ranbir Singh, 48-77 (New Delhi: Sage India, 2008); Arvind Narrain, *Queer: 'Despised Sexuality,' Law and Social Change* (Bangalore, India: Books for Change, 2004); Suparna Bhaskaran, 'The Politics of Penetration: Section 377 of the Indian Penal Code,' in *Queering India: Same-Sex Love and Eroticism in Indian Culture & Society*, ed. Ruth Vanita, 15-29 (Routledge: New York, 2002); Anjali Arondekar, *For the Record: On Sexuality and the Colonial Archive in India* (New Delhi: Orient Blackswan, 2009), 76-85; Douglas E. Sanders, '377 and the Unnatural Afterlife of British Colonialism in Asia,' *Asian Journal of Comparative Law* 4, no. 1 (2009): 1-49.
[72] 'Government *v*. Ramdial (Appellant),' *DNA NWP* 10 (1860): 604-09.
[73] Nonetheless, some subordinate judges convicted accused sodomites purely on the basis of medical evidence, demonstrating the importance attributed to clinical examination by many judicial officials. 'Government *v*. Khurukgir, Muha Singh, Popee, Holgass, and Chutta (Appellants),' *DNA NWP* 3 (1853): 178-81.
[74] Ibid., 179.
[75] 'Government *v*. Bunsee (Appellant),' *DNA NWP* 5 (1855): 445. See also, 'Case of Abdoolruzak,' *DNA NWP* 5 (1855): 465-6; 'Government *v*. Gheesa, Shoojayut Ulee, Mulhun, Mehee Lol, and Dwarka (Appellants),' *DNA NWP* 6 (1856): 789; 'Government *v*. Buldeo (Appellant),' *DNA NWP* 9 (1860): 512.
[76] 'Case of Bidree and Others,' *DNA NWP* 5 (1855): 165-6. It is also notable that in at least one case an Indian physician, described as a 'native doctor,' provided evidence, although the judges disputed the reliability of his evidence. We do not know if he was a Western-trained physician, *hakim* or *vaid* and the basis for his conclusion was not mentioned. 'Govt *v*. Ramdial,' 605-8.

come to rely exclusively upon the appearance of the mucous membrane. He described in detail the normal appearance of the 'semi-lunar folds' of the skin at the opening of the anus and the impact of penetration upon this area. According to Johnstone, 'A true sodomy wound is triangular; the base external, with the sides of the triangle retreating into the fundament.'[77] When sodomy was forcibly committed, a horizontally directed rupture could be found, while in cases of 'systematic sodomy,' the mucous membrane lost its rugae (folds) and the sphincters lost their 'contractible power.'[78] Johnstone's article summarising the 'physical evidences of sodomy' appeared seventeen years earlier than medical jurisprudence literature on the physical signs of sodomy was first published in Britain.

Following Johnstone, several colonial physicians published tracts on the physical signs of sodomy. For instance, in 1870, Norman Chevers not only provided a summary of the medical techniques used to determine sodomy, but also provided several pages of titillating details of varieties of Indian sodomites and put forth a causal theory of 'habitual sodomy' which linked this 'addiction' to both incurable impotence and physical effeminacy.[79] In 1875, Robert Harvey provided a digest of the approaches to the determination of sodomy taken by Civil Surgeons in India. Harvey's report demonstrates that physicians in India were able to explicitly discuss non-normative sexuality to a greater degree than in Britain. If the aim was 'the extirpation of the crime [of sodomy] by making its detection easy,' Harvey wrote that physicians needed to know the sodomite body in all its details and 'a reticence which savours of squeamishness' was unacceptable.[80] This highlights how prohibitions on sexual behaviours 'force' them 'into hiding' and therefore enable their 'discovery.'[81] Rather than being merely a barrier to prohibited acts, laws against sodomy allowed British physicians to explicitly discuss non-normative sexuality. According to Harvey, colonial physicians possessed a more rigorous scientific knowledge of sodomy than either their European or metropolitan counterparts.[82] Harvey noted that colonial Civil Surgeons

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[77] J. Wilson Johnston, 'Strictures on Sodomy,' *Indian Medical Gazette* (1 August 1866): 213.

[78] According to Johnstone, wounds were generally not perceptible on those who frequently committed sodomy. Ibid.

[79] Chevers, *Medical Jurisprudence*, 708-9.

[80] Robert Harvey, 'Report on the Medico-Legal Returns Received from the Civil Surgeons in the Bengal Presidency during the Years 1870, 1871, and 1872,' *Indian Medical Gazette* 10 (1 December 1875): 309.

[81] Michel Foucault, *The History of Sexuality: Volume I: An Introduction*, trans. Robert Hurley (New York: Vintage Books, 1990), 41-2. Although Foucault highlights that the nineteenth century in Europe was characterised by an 'incitement' to discourse about sex, rather than the 'repression' of discussion of sex, colonial India was a site where this discourse was more explicit and less couched in euphemism than in the metropole.

[82] Harvey argued that the physical appearance of the accused and 'similar vices are too subjective ... to be trusted' and claimed colonial medical officials overwhelmingly based their evidence in court on

had identified several 'very useful' and 'objective' signs on the active partner, including 'syphilitic' scars on the penis, an abrasion of the anal mucous membrane, and rupture of the fraenum. In contrast, Harvey wrote, the 'fanciful signs said by Tardieu to be characteristic of the Paiderastus or active agent, … are, as might be expected, conspicuous by their absence.' [83] In sum, Harvey claimed Anglo-Indian medical knowledge was more advanced than that of the European profession and made no reference to British medical jurisprudence as a source of colonial knowledge.

Thus, between the 1850s and the 1870s, British physicians in India elaborated a corpus of literature outlining 'scientific' techniques of classifying and examining sodomite bodies. This body of knowledge was in conversation with the continental European medical profession—though British physicians in India often claimed to be more knowledgeable than European physicians—but was not determined by metropolitan medical literature, which disavowed knowledge of sodomy in this period. This suggests that one cannot explain changing European medical technologies of knowing sexuality without examining medicine in colonial contexts. As Ann Stoler has argued, 'you cannot get from eighteenth- to nineteenth-century technologies of sex in Europe without tracking them across colonial ground.' [84]

Medical knowledge of sodomy and non-medical officials

When the CTA was introduced in 1871, the NWP&O Government did not enlist medical knowledge as a tool for determining the sexual behavior of eunuchs. Under the Criminal Tribes Act, those eunuchs who were 'reasonably suspected' of committing sodomy were to be registered. To identify eunuchs suspected of sodomy who should be registered, the provincial government used external embodied characteristics which could be observed by the non-medical eye, namely transvestism and performance, rather than medical evidence. In contrast, colonial physicians claimed that medical observation of the genitals could be used to determine the sexual behaviors of *hijras*, and thus provide authoritative knowledge of individual eunuchs' sexual nature. Hence, medical and legal sections of the colonial administration proposed the use of different

'objective' physical aspects. For instance, in cases of repeated sodomy, '[t]he converging folds leading to the anus disappear, a trumpet-like hollow is observed ... and in extreme cases a partial dilation of the sphincter gives a funnel-shaped appearance to the lower part of the rectum.' Like Casper, Harvey regarded the body of the 'passive' sexual partner more reliable than that of the 'active' partner in determining the occurrence of sodomy. Harvey, 'Report,' 309-10.
[83] Ibid., 310.
[84] Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule* (Berkeley: University of California Press, 2002), 145.

techniques to classify eunuchs: whereas judicial and police officials determined the 'addiction' of individual eunuchs to sodomy through social and gendered characteristics, physicians claimed they had expert biomedical knowledge of the sodomite body that could determine whether an individual was 'reasonably suspected' of sodomy.

The NWP&O Government's attitude towards medical knowledge of sodomy is evident in the official discussion surrounding a court case in Moradabad in 1883, in which three eunuchs registered under the CTA were tried for sodomy. In 'Queen Empress *v.* Khairati' (1884),[85] the Allahabad High Court dismissed the evidence in this case, which 'was to the effect that [the eunuchs] had habitually subjected themselves to unnatural offences,' since no specific offences were alleged.[86] Spedding, the Magistrate of Moradabad, felt that the High Court's ruling left local authorities with inadequate powers to prevent the deviant sexual practices of *hijras* and proposed 'that the *proved habitual commission* of unnatural offences ought to be made punishable under Part II. of the Criminal Tribes' Act.'[87]

Officials in the central government rejected this proposal on several grounds, including that it was unnecessary[88] and would only apply to eunuchs and thus be too restricted in scope to have an impact.[89] However, these officials also rejected Spedding's proposal due to their doubts about the accuracy of medical techniques in determining a person's 'addiction' to sodomy.[90] One official wrote that medical evidence was inadequate to determine an 'addiction' to sodomy: 'even the best Civil Surgeons may make mistakes' and physicians could not determine the date on which sodomy occurred, meaning that 'a repentant eunuch might be punished for long abandoned vices.'[91] C.J. Connell, the Secretary to the NWP&O government, argued the proposal would violate proper legal principles due to the inadequacies of medical evidence:

> To punish persons who showed marks of commission or abetment of unnatural crime merely on medical evidence that the marks, &c., proved the commission would be always very dangerous. You must, for safety, have proof, direct or

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[85] Anjali Arondekar suggests in her discussion of this case that a reference in the judgement to Khairati having been 'previously under police supervision' may relate to *hijras*' rights to property or title deeds awarded by pre-colonial states, which Laurence Preston has discussed in the eighteenth century Maratha state. However, the colonial government records show that Khairati was registered under the CTA and was under police supervision for this reason. Arondekar, *For the Record*, 72-3; Preston, 'A Right to Exist.'

[86] UPSA/L/J/C/61/456: J.O.M, Judicial Department Memorandum, 23 August 1884.

[87] Italics added. Ibid.

[88] UPSA/L/J/C/61/456: C.J. Connell, Secretary, NWP&O, Judicial Department Memorandum, 27 August 1884.

[89] UPSA/L/J/C/61/456: J.O.M., Memo, 23 Aug 1884.

[90] Ibid.

[91] Ibid.

circumstantial, of the commission of the offence with a particular person or persons known or unknown, and if the law were so altered, it would have to apply, in justice, not only to eunuchs, but to every one class.[92]

This was a prospect at which Connell and the other officials baulked—it was akin to convicting a person of murder 'because human blood was found on his clothes and a bloody weapon' on his person.[93] In distinguishing between 'respectable' and 'suspicious' sub-categories of eunuchs, the provincial government continued to rely upon occupation and gendered behavior to identify eunuchs who were suspected 'habitual sodomites' and rejected medical techniques in determining past sexual behavior.[94] Therefore, techniques of classifying and knowing sexuality were contested between the medical and legal sections of the colonial administration, highlighting the internal fractures of colonial projects to discipline indigenous gender and sexuality.

The latter half of the nineteenth century saw the elaboration of a distinct Anglo-Indian medical jurisprudence of sodomy, which claimed to be more scientific and objective than Continental and British medical knowledge. In fact, whereas medical discussion of male-male sex was restricted and euphemised in the metropolitan context, British India provided a space for the explicit discussion of sodomy and other 'deviant' sexual behaviors. The colonial context is central to the history of nineteenth century European medical knowledge of sexuality. In fact, nineteenth century British sexology may have emerged earlier in the colonies than the metropole.[95] Yet the authority of medicalised views of Indian sexual deviance was often undermined outside medical contexts. In the case of the CTA, judicial and police officials preferred a social and gendered definition of 'addiction' to sodomy, which used embodied characteristics easily visible to the non-medical eye. Colonial discourses on deviant sexualities were therefore contested from within. Whereas the previous chapter demonstrated the fissures within the legal establishment's attitudes towards *hijra* deviance, this chapter demonstrates that colonial knowledge of sexuality was further fractured between medical and legal officials. Colonial officials were divided on the techniques by which *hijras* and other sexual 'deviants' should be known, classified and governed, highlighting fissures within the colonial regulation of gender and sexuality.

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[92] UPSA/L/J/C/61/456: Connell, Memo, 27 Aug 1884.
[93] Ibid.
[94] See Chapter 3 on the classification of eunuchs.
[95] More research is necessary on the flows of knowledge and ideas between Britain and various colonies to determine to what extent this was the case.

The 'eunuch' as 'impotent man' and the intimate inspection of *zanana* bodies

Under the CTA, eunuchs were defined as 'all persons of the male sex who admit themselves, *or on medical inspection clearly appear*, to be impotent.'[96] First, this section analyses the boundaries of the 'eunuch' category, which were drawn and repeatedly redrawn throughout the late nineteenth century. The inclusions and exclusions of this category shifted as the definition of 'eunuch' was broadened to incorporate sexual and gender 'deviants' who were not emasculated and contracted when the category 'eunuch' failed to encapsulate plural indigenous social roles and gendered practices. Second, I examine how colonial medical and non-medical understandings of impotence were produced in a selective dialogue between historically contingent European and Indian concepts of impotence. Although multiple Indian discourses surrounding impotence are evident in colonial knowledge, there were various slippages involved in the translation of indigenous and English-language categories. On the one hand, this resulted in a modification of the meaning of the English-language term 'eunuch' following the CTA, with the 'eunuch' subsequently defined under law as an 'impotent man,' yet on the other hand, the nuances of indigenous concepts of impotence and infertility were obscured in their incorporation into colonial knowledge. Third, I analyse the attitudes of colonial legal officials to the determination of impotence through clinical observation. The NWP&O Government initially circumscribed the role of physicians and privileged externally visible social and gendered, rather than medical, definitions of impotence, highlighting once again the fissures between medical and legal sections of the imperial project in the disciplining of gender and sexuality. From the late 1870s, the provincial government called upon the knowledge of medical officials, yet police and judicial officials continued to question the utility of medical understandings of sexuality in the implementation of the CTA. There was not a straightforward trend towards the increased authority of medicalised conceptions of eunuch deviance, highlighting the fractured nature of colonial medical and legal projects to regulate gender and sexuality.

The need to introduce a definition of 'eunuch'—and the question of which groups it might include—arose in 1865, when officials advocated for the regulation of

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[96] Italics added. BL/IOR/V/8/42: 'An Act for the Registration of Criminal Tribes and Eunuchs,' Act No. XXVII of 1871 Passed by the Governor-General of India in Council.

femininely-dressed performers, such as *zananas*.[97] British officials found it difficult to classify *zananas*: while they outwardly appeared to be similar to *hijras* and were also believed to be 'habitual sodomites,' they were not emasculated. The word *zanana*, which can refer to either the female quarters of households or 'effeminate' men, also caused confusion and was sometimes mistakenly applied to harem eunuchs.[98] In 1871, Claremont Daniell, the Magistrate of Farrukhabad, wrote that *zananas* were rather,

> almost always impotent from an early addiction to vice, and giving themselves up to unnatural prostitution, dress as women, and sing and dance in public and private, sometimes paying money for the services of others to gratify their unnatural lust, and in other cases receiving money for similar services. They are called '*zanana*' as distinguished from '*hijra*,' a castrated male, and being in many places as numerous as the latter class, contribute quite as much as eunuchs do to the prevalence of sodomy.[99]

According to colonial officials, *zananas* were on the boundary of the category 'eunuch' and required action from the colonial government.

Translating impotence

In 1871, the boundaries of the category 'eunuch' were expanded to incorporate *zananas* and the 'eunuch' was defined under law as an 'impotent man.' Attempts to classify indigenous genders under English-language terms thus resulted in the contextual redefinition of those idioms of European origin. In order to understand why the eunuch was defined as an 'impotent man' under colonial law, we need to analyse both European and Indian medical and non-medical concepts of impotence. I argue that plural indigenous and European discourses intersected in the definition of the deviant eunuch as an impotent man. Yet this involved multiple slippages in translation, since Indian concepts were interpreted and understood in light of colonial paradigms.

Turning first to the metropolitan context, impotence was an important marker of failed masculinity in Victorian Britain. According to Angus McLaren, from the mid-nineteenth century, impotence, understood as an incapacity for procreative sex, was

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[97] *Zananas* were first mentioned in the colonial archive in February 1865. BL/IOR/P/438/61: R. Drummond, Sessions Judge of Shahjahanpur, to Nizamut Adawlut, NWP, 24 February 1865.
[98] C.A. Dodd incorrectly defined the 'Zananah' as a harem guard. BL/IOR/P/438/61: C.A. Dodd, Officiating Personal Assistant to Inspector-General of Police, NWP, to all District Superintendents of Police, NWP, circular no. 11, 30 June 1865. Drummond corrected this mistake: '*Zananahs*' were called such because they were men who wore female clothes and not because they were employed in the *zanana* (the female quarters) as 'erroneously supposed.' BL/IOR/P/438/61: R. Drummond, Officiating Commissioner of Allahabad, to Secretary, NWP, 9 August 1865.
[99] BL/IOR/P/92: C.A. Elliot, Officiating Secretary, NWP, to Secretary, Government of India, 21 April 1871.

associated with effeminacy and by late century, with homosexuality. Those who were addicted to sexual 'perversities' were thought to suffer from incurable impotence. According to the early sexologists, homosexuality was either the last resort of the incurably impotent man or conversely, same-sex desire was the most obvious cause of impotence. Hence, by the 1880s, homosexuality and impotence were thought to exist in a causal relationship. McLaren argues the incurably impotent male 'represented all that was unmanly' and was 'central to the maintaining of nineteenth-century gender boundaries.'[100] In the 1890s, effeminacy was also increasingly associated with homosexuality, a link that was not necessarily evident prior to the end of the nineteenth century.[101]

Impotence often featured as part of the colonial criticism of Indian masculinity, rule and medicine. In the colonial context, impotence particularly referred to Indian men who were sexually exhausted in adulthood due to youthful sexual excess and the counter-productive 'cures' prescribed by Indian doctors. Physicians like John Shortt disparaged Indian rulers as impotent as a result of their 'debauched' lifestyle.[102] According to William Sleeman, the Resident at Lucknow, generations of Awadh rulers were incurable impotents due to sexual excess.[103]

In colonial accounts, impotence referred not only to the sexually exhausted Indian male, but was also specifically linked to sodomy and effeminacy from at least the early 1870s. In 1870, Norman Chevers conceptualised impotence as a possible result of 'habitual' sodomy, as well as a cause of effeminate physical appearance. Chevers thus linked impotence, sodomy and effeminacy in a triangular causal relationship. First, habitual sodomy could result in incurable impotence and 'prostitution of the body in Sodomy, for several years before or about the period of puberty, would unquestionably cause impotence.'[104] Second, impotence, from either emasculation or 'natural' causes, resulted in effeminate embodiment. And finally, completing this triangular relationship, habitual sodomy would produce an effeminate physical condition.[105] Hence, impotence,

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[100] However, it is worth noting that during the nineteenth century, the period of medical professionalization in Britain, physicians failed to establish a speciality in male sexual dysfunction because 'in competing with quacks, doctors found it difficult to distinguish themselves from their opponents.' Angus McLaren, *Impotence: A Cultural History* (Chicago: University of Chicago Press, 2007), 112.

[101] Sinfield, *The Wilde Century*.

[102] John Shortt, 'Medical Topography of Modern Orissa Extending Between 19° & 22° Latitude North and Between 83° and 88° East Longitude,' *Indian Annals of Medical Science* 4, no. 9 (1854): 177.

[103] NAI/FD/PC 24/11/1849 165: W.H. Sleeman, Resident at Lucknow, to Secretary, Government of India, 30 October 1849; NAI/FD/PC 06/03/1837 92: J. Low, Resident at Lucknow, to Political Secretary, Government of India, Secret Department, 23 September 1836.

[104] Chevers, *Medical Jurisprudence*, 707.

[105] Ibid., 706-7.

sodomy and effeminate physicality were causally related: impotence and sodomy both resulted in effeminate embodiment, while habitual sodomy caused permanent impotence. Chevers' explanation of how sodomy, impotence and effeminacy were causally linked was not as sophisticated as the sexological theories of impotence published in Britain from the 1880s. Nevertheless, it is notable that physicians in India articulated this triangular association between sodomy, impotence and effeminacy in the 1870s, when these links were still in the process of formation in metropolitan medicine.

Turning to Indian conceptions of impotence, classical Sanskritic *ayurveda* theories viewed impotence as a problem of humoral imbalance and identified several causes of impotence including: looking at defiled or despicable women; diet; excessive sex; injury; a congenital condition; and celibacy.[106] Classical *unani* medicine in the Graeco-Arabic tradition also saw impotence as a humoral rather than moral problem. In *unani* medicine, it was essential that bodily equilibrium between the four humours was maintained and sex was neither too frequent, nor infrequent.[107] Although impotence was not specifically associated with male-male sex in Indian medical traditions prior to the nineteenth century, impotence was associated with various 'gender variants' in classical *ayurveda* literature. The term for impotence in the *ayurveda* literature is *klaibya*, which refers to the neuter gender. *Ayurveda* literature featured lists of gender variant people—including what Zwilling and Sweet describe as a 'motley aggregation of physical sexual anomalies and dysfunctions … ; atypical gender-role behaviour … ; and sexual behaviour variations or paraphilias'—who were collectively described as *tritya prakrti*, or 'third nature.'[108] Zwilling and Sweet argue that 'a lack or limitation of procreative ability or inclination' underlines the various third gender conditions.[109] However, there is a disjuncture between the nineteenth century European understanding of 'impotence' and the *ayurveda* understanding. The third gender was linked to 'procreative inability *or disinterest*,' and many of the third gender types were physically

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[106] Joseph Alter has identified a paradox in the *ayurveda* conceptualisation of virility: while celibacy and the preservation of semen produces *ojas* (energy) and therefore virility, two branches of *ayurveda* learning are concerned with maximising sexual potency for the purposes of reproduction. According to Alter, celibacy and virility are 'hydraulic and biochemical problem[s]—an issue of fluid balance and flow.' Impotence is therefore the want of semen. Joseph S. Alter, '*Ayurveda* and Sexuality: Sex therapy and the "Paradox of Virility",' in *Modern and Global Ayurveda: Pluralisms and Paradigms*, ed. Dagman Wujastyk and Frederick M. Smith, 182-3, 186-9 (Albany: State University of New York Press, 2008).

[107] Guy N.A. Attewell, *Refiguring Unani Tibb: Plural Healing in Late Colonial India* (New Delhi: Orient Longman, 2007), 248-9, 252.

[108] Michael J. Sweet and Leonard Zwilling, 'The First Medicalization: The Taxonomy and Etiology of Queerness in Classical Indian Medicine,' *Journal of the History of Sexuality* 3, no. 4 (April 1993): 593-7, 599-600, 602-3. See also Michael J. Sweet and Leonard Zwilling, '"Like a City Ablaze": The Third Sex and the Creation of Sexuality in Jain Religious Literature,' *Journal of the History of Sexuality* 6, no. 3 (January 1996): 333-336.

[109] Sweet and Zwilling, 'The First Medicalization,' 602.

capable of sexual potency.[110] It is likely that nineteenth century Indian informants may have drawn upon the links between inability or disinclination in procreative sex and 'gender variance' in *ayurveda* medical discourse.[111]

However, from the late-nineteenth century, *ayurveda* and *unani* practitioners increasingly emphasised sexual deviance as a cause of impotence. Late nineteenth and early twentieth century *ayurveda* practitioners argued that the preservation of semen through *brahmacharya* (celibacy) would produce a virile nation and identified night-time seminal emissions, masturbation, homosexuality and fornication as causes of impotence.[112] Similarly, by the end of the nineteenth century, *unani* discussion of impotence took 'on a moral dimension,' as sodomy, masturbation and prostitution were identified as causes of impotence.[113] Thus, by the late nineteenth century, *unani* and *ayurveda* literature positioned impotence as a direct result of sodomy and other 'deviant' behaviours. Elite informants of the colonial government characterised *hijras* and *zananas* as both sexually deviant and impotent[114] and may have been influenced by the emerging association between impotence and sexual deviance in both *ayurveda* and *unani* literature, as well as by older associations between gender variance and procreative disinclination or inability.

The colonial archive also mentions nineteenth century folk beliefs that linked *hijras* to congenital impotence, though these English-language texts obscure the vernacular words used for 'impotence,' making it difficult to unpack its meanings in this context. Court, the Inspector-General of Police, reported in 1867 that 'in almost every instance' of voluntary emasculation, 'the origin of such desire … [was] impotence.'[115] Ethnological accounts,[116] such as that of John Shortt, reported that some biological men 'finding themselves naturally impotent, consider it necessary to undergo

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[110] Ibid.

[111] Unfortunately, there is no existing scholarly analysis of the association between impotence and the 'third gender' in nineteenth or twentieth century *ayurveda* medical literature.

[112] Swami Vivekananda and others argued *brahmacharya* (celibacy) and the preservation of semen would produce healthy Indian (Hindu) bodies and a strong nation. Anxieties concerning male sexuality and impotence are also evident in aphrodisiac advertisements in north Indian Hindi publications, which according to Charu Gupta, 'can … be viewed as desperate attempts to allay fears of effeminacy and impotence' provoked at least partially by colonial stereotypes of Indian men. Charu Gupta, *Sexuality, Obscenity, Community: Women, Muslims, and the Hindu Public in Colonial India* (New York: Palgrave, 2002), 66-72, 79.

[113] Attewell, *Refiguring Unani*, 244-7, 250, 256-8.

[114] NAI/HD/JB 30/07/1870 53-4: Saiyid Ahmad Khan to John Strachey, 14 April 1870.

[115] Court, Inspector-General of Police, NWP, quoted in BL/IOR/P/438/62: J. Simson, Register to Nizamut Adalwut, NWP, 'Replies to the Court's Circular letter, No. 4, dated the 2nd September, 1865,' 20 April 1866.

[116] Enthoven, *Tribes and Castes*, 228. On southern India see: Fred Fawcett, 'On Basivis: Women, Who, Through Dedication to a Deity, Assume Masculine Privileges,' *The Journal of the Anthropological Society of Bombay* 2, no. 6 (1892): 343-5.

the [emasculation] operation to avoid being born again at a future birth in the same helpless state.'[117]   Another ethnologist, Enthoven, reported that 'impotence' was 'an indispensible qualification for admission into the caste.'[118]   *Hijras* retold myths in which emasculation was a divinely sanctioned solution to impotence.[119]   *Hijra* impotence and infertility following emasculation was imbued with spiritual power within the community, and was associated with the ability to curse or bless fertility and with asceticism.[120]   It is also notable that many nineteenth century *zananas* also described themselves as 'impotent,' even though they had offspring,[121] suggesting not only that impotence was central to *zanana* notions of authenticity, but also that the vernacular terms translated as 'impotence' did not necessarily refer to a physical sexual incapacity, but might refer to a contextual disinclination towards procreative sex.[122]

It is significant that there was a process of translation, albeit it a fractured one, involved in the construction of colonial knowledge of *hijra* and *zanana* 'impotence.' It is likely that *hijras* and *zananas*, as well as 'respectable' Indian informants and Indian subordinate police,[123] would have drawn upon associations between 'third gender' persons and impotence in their descriptions of these groups to British officials.   The definition of the 'eunuch' as an 'impotent man' under the CTA thus arose out of the slippages of translation between plural Indian and European concepts.   The process of interaction between multiple indigenous and metropolitan ideas resulted in modifications of meaning on both sides, but this process was asymmetrical in its power dynamic.   On the one hand, while the term 'eunuch' was detached from its metropolitan associations (with emasculation or castration) and equated with incurable impotence, *contextually* modifying European paradigms, this created an umbrella term for indigenous gender and sexual difference and resulted in the criminalisation of several indigenous gendered practices.   On the other hand, the definition of the 'eunuch' as

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[117] Shortt, 'The *Kojahs*,' 403.

[118] Enthoven, *Tribes and Castes*, 227. See also, H.A. Rose, *A Glossary of the Tribes and Castes of the Punjab and North-West Frontier Province* (Lahore: The Civil and Military Gazette Press, 1911), 332.

[119] Enthoven, *Tribes and Castes*, 227. Gayatri Reddy's anthropology of contemporary Hyderabadi *hijras* also shows that most claim to be impotent prior to castration, demonstrating the importance of impotence to *hijra* authenticity and identity. Reddy, *With Respect*, 91-2, 96-8.

[120] NAI/HD/JB 02/1890 111: Mahtab Rai, Pleader, Delhi, to Private Secretary to Governor-General and Viceroy of India, 1 November 1889; Enthoven, *Tribes and Castes*, 226-7; R.V. Russell, *The Tribes and Castes of the Central Provinces of India*, vol. 3 (London: Macmillan and Co., Limited, 1916), 209.

[121] BL/IOR/P/2002: G.J. Low, Superintendent of Police, Lucknow, 'Eunuchs: Working of Part II of Act XXVII of 1871 during the Year 1881,' 14 September 1882.

[122] This would confirm Zwilling and Sweet's findings on the basis of *ayurveda* literature.

[123] In one case, subordinate police had registered as 'eunuchs' several men who were 'uninjured' but 'dresse[ed] like Eunuchs,' possibly suggesting that Indian police often classed non-emasculated groups such as *zananas* with *hijras*. UPSA/A/COM/9/2: W.A. Forbes, Magistrate of Meerut, to Commissioner of Meerut, 4 December 1865.

'impotent'—which linked impotence, sodomy and effeminate embodiment—obscured the association of impotence with procreative disinclination, infertility and asceticism in Indian medicine, folk traditions and mythology. For instance, the assimilation of various north Indian concepts of impotence to Victorian pathologies of impotence obfuscated associations between a lack of procreative ability and power over fertility. The nuances of local north Indian meanings of 'impotence' were often lost in translation.

The 'non-impotent' zanana

From the 1870s, the eunuch-as-impotent-man was a medical pathology and legal category which was intended to classify indigenous gendered and sexual difference. This was a pathology that was related to, but in some ways distinct from, contemporaneous metropolitan pathologies. Yet British officials' assumption that *zananas* were impotent was challenged when police discovered that some persons who appeared to be 'eunuchs,' and had even admitted to being 'impotent,' had fathered children. Despite doctors' claims to have authoritative knowledge of eunuchs, impotence and male sexuality, and despite the provision for medical determination of impotence under the CTA, the NWP&O government initially circumscribed the role of medical officials. Police and judicial officials rejected medical evidence of impotence as a means to distinguish eunuchs and non-eunuchs, and more broadly, as a way to categorise indigenous genders and sexualities. Although both medical and non-medical British officials linked sodomy and effeminate embodiment to impotence, they disputed the means and techniques by which the impotent man/deviant eunuch would be identified.

When the CTA was first introduced, government policy mandated that the gendered appearance and social role of the individual would determine their impotence and rejected biomedicine as a means to determine the sexual nature of the individual. In Mirzapur, the Magistrate, C. Robertson, initially registered three 'impotent persons' who were 'in the habit of dressing like women' and were 'suspected' of sodomy.[124] When doubts were raised about their impotence, Robertson ordered a medical examination by the Civil Surgeon, who concluded that their 'masculine power seemed intact,' though all three 'had admitted being impotent.'[125] Despite the provision for

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[124] It is not mentioned in the records whether they were *zananas* or another group. UPSA/A/COV/119/12: C. Robertson, Officiating Magistrate of Mirzapur, to Commissioner of Benares, 3 November 1872.
[125] When one of these 'impotent persons' was prosecuted for performing and cross-dressing, the judge who tried the case was not satisfied that the man was impotent and ordered a medical examination. The

medical determination of impotence under the CTA, Elliot, the NWP Secretary, reprimanded Robertson and claimed he had 'acted wrongly,' since a 'medical examination … is neither prescribed nor contemplated by the law.'[126] Robertson re-registered the three persons, but protested the position of the provincial government on the basis that under the CTA, he could not legally register 'a person who is neither a eunuch nor impotent.'[127] Yet the NWP&O government rejected the usefulness of medical expertise and ordered that '[t]he fact of these individuals dressing like women & otherwise comporting themselves like Eunuchs is perfectly sufficient' for them to be defined as 'impotent men.'[128]

In the following years, scores more *zananas* who had stated they were 'impotent,' were found to be 'non-impotent' when district authorities discovered that they had fathered children and were thus capable of procreative sex.[129] Although *zananas* were the focus of concern, the *bhaguttuahs*, who performed Hindu myths, sometimes as female impersonators, and *sakhis*, who enacted feminine behaviours and wore female dress as a form of devotion, were also assumed to be impotent.[130] Two points are significant about the 'non-impotence' of *zananas* and these other groups. First, the boundaries of the 'eunuch' category were called into question and the perceived association between effeminate embodiment, sodomy and impotence was undermined. *Zananas* were a concern because they were an indigenous group on the boundary of the colonial category of 'eunuch.' While they could not be entirely subsumed under this category, neither could they be simply visually differentiated from *hijras*. The apparent location of several indigenous groups on the boundary between virility and impotence undermined these categories and called into question colonial knowledge of 'eunuchs,' as well as colonial conceptions of impotence. Second, the fact that many *zananas* had

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Civil Surgeon concluded that 'the man did not appear to be impotent.' The Magistrate then ordered that the two others be examined by the Civil Surgeon. UPSA/A/COV/119/12: C. Robertson, Officiating Magistrate of Mirzapur, to Commissioner of Benares, 28 March 1873. See also, UPSA/A/COV/119/12: C. Robertson, Officiating Magistrate of Mirzapur, to Commissioner of Benares, 9 June 1873.

[126] UPSA/A/COV/119/12: C.A. Elliot, Secretary, NWP, to Commissioner of Benares, 20 June 1873.

[127] UPSA/A/COV/119/12: C. Robertson, Officiating Magistrate of Mirzapur, to Officiating Commissioner of Benares, 1 July 1873.

[128] UPSA/A/COV/119/12: Elliot to Comm Benares, 20 Jun 1873.

[129] BL/IOR/P/840: R.T. Hobart, Deputy Inspector-General of Police, NWP&O, to Inspector-General of Police, NWP&O, 11 September 1877; BL/IOR/P/2002: O.L. Smith, Deputy Inspector-General of Police, NWP&O, to Inspector-General of Police, NWP&O, 4 June 1883; BL/IOR/P/1281: E. Tyrwhitt, Inspector-General of Police, NWP&O, to Secretary, NWP&O, 5 July 1879; BL/IOR/P/1467: H.B. Webster, Inspector-General of Police, NWP&O, to Secretary, NWP&O, 31 May 1880; UPSA/A/COA/18/5: T.W. Holderness, Secretary, NWP&O, to Inspector-General of Police, NWP&O, 7 August 1896.

[130] BL/IOR/P/97: A. Colvin, Secretary, NWP, to Inspector-General of Police, NWP, 12 August 1875; BL/IOR/P/2002: Low, 'Eunuchs,' 14 Sep 1882. On *sakhis* also see, Robert P. Goldman, 'Transsexualism, Gender, and Anxiety in Traditional India,' *Journal of the American Oriental Society* 113, no. 3 (July-September 1993): 388-90; Peter van der Veer, *Gods on Earth: The Management of Religious Experience and Identity in a North Indian Pilgrimage Centre* (London: Athlone Press, 1988), 162-9.

admitted to being impotent, but had families, highlights the slippages between Indian and British understandings of 'impotence' that occurred in translation. The English-language category 'eunuch' could not contain the multiple indigenous groups classified under it and was repeatedly redrawn to exclude or include *zananas* and others who resembled *hijras*, but were not in fact 'impotent.'

In 1876, Hobart, the Deputy Inspector-General, compiled a report on *zananas* that concluded that they were not categorically impotent:

> They [*zananas*] dress as women, many have wives and families, dance and sing at weddings, fairs and public gatherings, and may or may not be addicted to unnatural crime, but are commonly reputed to be addicted to bestiality, and are certainly always in the way of falling into temptation.[131]

Colonial assumptions were obviously undermined by the fact that *zananas*—who were femininely dressed and assumed to be 'habitual sodomites'—were linked to procreative sexualities as householders and fathers.[132] The provincial government ordered that *zananas* and other 'non-impotent men' should be removed from the registers and the Penal Code should be used against 'habitual sodomites' who could not be defined as 'eunuchs' under the CTA.[133]

Yet this policy did not resolve the problem of classifying *zananas*. In Sitapur, the difficulties of categorising *zananas* who did not 'differ from *hijras* in their habits,' but were not 'impotent,' resulted in their repeated deregistration and registration on several occasions between 1882 and 1884.[134] The District Superintendent of Lucknow, G.J. Low, was also unable to classify *zananas* as either impotent or virile:

> Zanána is one whose male organs have been rendered impotent by rubbing, or whose virility has been taken away by drugs or potions. The term also includes males, not impotent, who adopt female attire, wear women's jewels, make use

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[131] Hobart also found that the caste profile of *zananas* was diverse—'in one district they consist of no less than 29 castes.' Although fourteen districts reported that no such groups existed, 253 *zananas* and *bhagattuahs* were enumerated in thirteen districts. However, Hobart, the Deputy Inspector-General of Police, estimated at least one thousand existed in the province. UPSA/A/COV/119/12: R.T. Hobart, Deputy Inspector-General of Police, NWP, to Inspector-General of Police, NWP, 21 June 1876.

[132] Moreover, district reports that *zananas* could be both 'passive' and 'active' sexual partners with men challenged the colonial assumption of their 'passive' sexual behaviours. Hobart thus dismissed such reports as 'peculiar and local.' Ibid; UPSA/A/COV/119/12: R.T. Hobart, Deputy Inspector-General of Police, NWP, 'Appendix: Bestiality Practiced by other than Eunuchs,' 21 June 1876.

[133] Special legislation was proposed to make the appearance of *zananas* 'as singers and dancers in female attire' punishable by whipping, yet the NWP Government decided that 'in the present state of native morality' the proposed legislation was inadvisable. UPSA/A/COV/119/12: C. Robertson, Secretary, NWP&O, to Inspector-General of Police, NWP&O, 17 July 1877.

[134] Between 1882 and 1884, the Sitapur *zananas* were registered, and then removed from the register, before the Deputy Inspector-General again recommended their registration. BL/IOR/P/1816: O.L. Smith, Deputy Inspector-General of Police, NWP&O, to Officiating Inspector-General of Police, NWP&O, 15 May 1882; BL/IOR/P/2208: O.L. Smith, Deputy Inspector-General of Police, NWP&O, to Inspector-General of Police, NWP&O, 26 June 1884.

of feminine gestures and expressions, apply *misi* [a powder] … to their teeth, and *kajal* (lamp black) to their eyelids, and wear their hair long.[135]

Due to difficulties in classifying *zananas*, the matter of their registration remained undecided in Lucknow between 1879 and 1882.[136] Thus, into the 1880s, the boundaries of the 'eunuch' category continued to shift, as *zananas* were repeatedly included and excluded from this category.

Due to the difficulties encountered in applying the colonial understanding of impotence to classify Indian society, from the early 1880s, the NWP&O government ordered the medical examination of registered 'eunuchs' who were not emasculated.[137] David Arnold has argued '[p]hysical examination of the body' in colonial India signified the 'rationality and clinical objectivity of Western medicine' in colonial discourse.[138] Despite the ideology of clinical objectivity, colonial physicians often admitted their inability to definitively diagnose the sexual nature of *zananas*. Moreover, non-medical officials continued to regard clinical observation as an imprecise and inconclusive knowledge of impotence, despite the repeated recourse to medical knowledge. Judicial and police officials continued to define impotence in social and gendered, rather than biomedical, terms. Tension between medical and legal conceptions of gender and sexuality remained even after physicians were incorporated into the project of registering eunuchs. Meanwhile, the porous and shifting boundaries of the eunuch category continued to pose a problem for the provincial government.

The medical examination of *zananas* in Lucknow highlights this uncertainty, as well as the repeated resort to medical knowledge, despite its apparent failures. In 1879, Low, the Superintendent of Police whose report on Lucknow *zananas* was quoted above, found it impossible to distinguish between impotent and virile *zananas* and sent five *zananas* who claimed to be to be impotent to the Civil Surgeon.[139] Yet the Assistant Civil-Surgeon could not definitively pronounce any of the five *zananas* he inspected to be impotent—or conclusively 'virile,' for that matter. For example, Sajad Husain

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[135] BL/IOR/P/2002: Low, 'Eunuchs,' 14 Sep 1882.

[136] The Lucknow police discovered fifty-six *zananas* in 1879: eighteen were 'attendants in female apartments' (it is not clear whether they described themselves as *zananas* or *khwajasarais*); fifteen were 'of the male sex, not impotent, but fond of female society and feminine habits'; nine were said to be impotent but denied this; and fourteen admitted to impotence. The registration of the Lucknow *zananas* remained undecided in 1882, despite several investigations. Ibid.

[137] BL/IOR/P/2208: Smith to IG Police, NWP&O, 26 Jun 1884. By the 1890s, medical examination had become a pre-requisite for new additions to the register. UPSA/A/COA/18/5: E. Berril, Deputy Inspector-General of Police, NWP&O, to Inspector-General of Police, NWP&O, 1 May 1896.

[138] Arnold, *Colonizing the Body*, 53-4.

[139] It appeared to Low that *zananas* preferred to represent themselves as impotent, rather than virile, and so he took the word of *zananas* who denied their impotence. BL/IOR/P/2002: Low, 'Eunuchs,' 14 Sep 1882.

'[a]dmitted he was impotent,' but the Assistant Civil Surgeon thought he was probably virile, while Kalu, who '[d]enied he was impotent,' was suspicious but '[t]o the best of the Assistant Civil Surgeon's judgement' not impotent. [140] Since medical evidence had failed to distinguish between the impotent and virile, Low dropped the issue of *zananas* and their registration remained undecided. In 1882, Low compiled a new list of seven 'suspicious' individuals who claimed they were 'impotent from birth' and wore their hair 'like a woman.' Low was inclined to register *zananas* on the basis of their gendered performance and embodiment, rather than medical impotence, yet despite the failure of medical evidence in 1879, the Deputy Commissioner of Lucknow ordered another medical examination. [141] Notwithstanding the increased role of physicians in determining impotence from the 1880s, legal officials considered clinical observation unreliable and inconclusive. Many non-medical officials continued to define the sexual nature of the individual in terms of gendered appearance and social role, rather than in terms of the biomedical condition of their genitals. Although medical conceptions of impotence gained greater currency in the NWP&O government in the 1880s, there was not a straightforward trajectory towards the medicalisation of colonial views of 'eunuch' sexual deviance.

The question remains, how did doctors determine the impotence of an individual? Unfortunately, no original reports from medical officials survive. The surviving colonial records are vague on the clinical methods physicians used to determine impotence, and this vague tone perhaps reflects the imprecise character of the physicians' 'evidence.' However, there are several hints in the surviving records. First, the 'normal' or 'abnormal' appearance of the genitals may have been significant. Two physicians asked to examine a fourteen-year old to determine if he was emasculated or impotent stated that he appeared to be 'backwards in development.' [142] The determination of impotence appears to have depended upon what could be visually 'read' from the body, yet the records suggest that not a lot could be garnered through merely observing the body, since most physicians were inconclusive on the impotence or virility of individuals. Second, medical officers' conclusions on whether registered 'eunuchs' were impotent were influenced by their opinions on whether the individual was 'addicted' to sodomy. In the Lucknow Assistant Civil Surgeon's report on *zananas*, the physician's judgement on whether an individual was impotent and on whether they

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[140] Ibid.
[141] Ibid.
[142] BL/IOR/P/92: Magistrate of Muttra to Commissioner of Agra, 26 January 1871.

were 'addicted' to sodomy were mutually reinforcing.[143] Colonial physicians regarded deviant sexual behaviours (proven through medical examination) as evidence of impotence, even though the association between transgressive gender embodiment, deviant sexual behaviour and impotence had been called into question. Finally, physicians assumed elderly men to be impotent. For instance, the Lucknow Assistant Civil Surgeon concluded that an elderly Pathan named Ghulami was impotent merely on the basis of his age.[144] In sum, colonial doctors paid as much attention to age and sexual behaviour (apparently clinically determined) as they did to the functioning of the genitals, and repeatedly expressed their inability to make definitive conclusions. There is no indication that physicians tested the sexual function of the individual through manual stimulation, perhaps accounting for the uncertain tone of medical reports.[145]

How did registered 'eunuchs' respond to the intimate inspections of their bodies? Medical inspections were not compulsory and some simply refused medical examination, yet refusal usually resulted in the registration of the individual, the assumption being that they must be impotent. For instance, a man named Janki who was thought to be an impotent *zanana* was promptly registered by the Lucknow police on his refusal of medical examination.[146] In fact, since doctors were usually unable to conclude that uncastrated individuals were impotent, medical observation was often a means for *zananas* to avoid registration, circumvent police surveillance and reclaim their occupation as femininely-dressed performers.[147] Refusing medical observation often had negative consequences, while subjecting oneself to inspection could result in deregistration, precisely because of the uncertainties and inconclusiveness of clinical examination.

In sum, the colonial conception of impotence arose out of a dialogue between multiple European and Indian ideas about impotence, infertility and procreative disinclination. This process of dialogue was characterised by both asymmetrical power relations and slippages in translation, out of which arose the colonial definition of the eunuch as an 'impotent man.' Initially, the colonial government defined impotence in terms of gendered appearance and social role, rather in biomedical terms of the

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[143] In the case of one man named Idu, the medical officer's conclusion on his impotence merely stated 'Probably not addicted to the commission of unnatural offence,' as if impotence and an 'addiction' to sodomy were one and the same. BL/IOR/P/2002: Low, 'Eunuchs,' 14 Sep 1882.
[144] Ibid.
[145] Of course, Victorian medical knowledge and 'treatment' of impotence was premised on restoring potency to a man who complained of impotence, not determining whether men were impotent. On Victorian methods of treating impotence see McLaren, *Impotence*, 126-48.
[146] BL/IOR/P/2002: Low, 'Eunuchs,' 14 Sep 1882.
[147] Ibid.

functioning of the genitals, highlighting how different colonial techniques of knowing indigenous gender and sexuality were in tension. However, the category of 'eunuch' and the condition of 'impotence' could not contain the multiple indigenous groups that were categorised under these English-language terms. The 'non-impotence' of *zananas*, many of whom had stated they were 'impotent' but were found to have fathered children, highlighted the porous boundaries of the colonial category 'eunuch,' as well as the disjuncture between the complex meanings of impotence in north Indian society and the colonial conceptualisation of the impotent/effeminate/sodomite. The need to reinforce and redefine the boundaries of the category 'eunuch,' and its alignment with indigenous identities, prompted the provincial government to call upon medical expertise. And yet colonial physicians were generally unable to come to definitive conclusions about the impotence or potency of *zananas*. Many non-medical officials continued to define impotence in gendered and social ways, rather than in biomedical terms. The colonial project to discipline gender and sexuality was thus fractured between medical and legal concepts of deviance and forms of knowledge.

Conclusion

This chapter has explored various colonial techniques and discourses used to know, map, pathologise and discipline gender and sexuality. I have analysed the production of medical knowledge about *hijras* and other sexual 'deviants' in the broader contexts of the fissures of colonial governance, flows of knowledge between metropole and colony and plural European and Indian medical discourses. Through an examination of the colonial medical knowledge of emasculation, sodomy and impotence, this chapter has nuanced our understanding of the colonial pathologisation of indigenous gender and sexuality. In the production of knowledge about *hijras* and *zananas*, and Indian gender and sexuality more broadly, plural indigenous discourses intersected with metropolitan paradigms. Moreover, colonial medical knowledge was not simply pre-determined or derived from metropolitan medicine. In fact, the colony was a site where British physicians could theorise and speculate about non-normative sexuality more explicitly than in the metropole. British physicians in India developed a literature on the sodomite body almost two decades before their counterparts in Britain. Colonial knowledge of gender and sexuality was thus *formed in* the colonial context and colonial discourses about gender and sexuality arose out of the colonial encounter. The history of the

medical pathologisation of sexuality in the colonies is therefore central to the history of medicine and sexuality in nineteenth century Europe.

However, this process of translation between indigenous and English-language categories and discourses involved multiple slippages. The disjunctures between various Indian and European concepts were productive of specific colonial categories and pathologies of gender and sexuality, in particular the eunuch-as-impotent-man. Yet the category of 'eunuch' could not contain the multiple indigenous identities and social roles which it was intended to describe. In particular, the 'non-impotence' of *zananas*, many of whom had described themselves as impotent but had fathered children, led to the repeated drawing and redrawing of the boundaries of the 'eunuch' category.

In addition to examining the process by which classifications and pathologies of sexuality were produced in the colonial context, this chapter has examined the relationship between medical and legal modes of knowing bodies, genders and sexualities. In the determining whether 'eunuchs' were sodomites and whether they were impotent—and thus whether they should be registered under the CTA—the provincial government initially rejected medical knowledge as a useful basis for categorisation. Although the problems encountered in making the boundaries of the 'eunuch' category align to various Indian social roles and gendered practices prompted the provincial government to call upon medical expertise, police and judicial officials continued to question the usefulness of medicine. The legal and medical components of the colonial administration disputed the techniques through which indigenous gender and sexuality should be known. As such, colonial projects to discipline sexuality were fractured.

This chapter has also told the story of nineteenth century medical encounters between doctors and 'deviants' from the *hijra* and *zanana* perspective, adding to our understanding of the lives of 'eunuchs' under conditions of colonial modernity. I have shown how medical knowledge was transmitted amongst *hijras*, the significance of *hijra* medical practice within the community and the role of the *hijra dai* as a medical and ritual specialist. This further expands our understanding of folk medical practices in nineteenth century India, as well as our knowledge of power relations and knowledge production within the *hijra* community. I have also shown that both *hijras* and *zananas* were agents in their interactions with European physicians, even as they were objectified by the medical gaze.

Conclusion

By the early twentieth century, the North-Western Provinces government no longer viewed *hijras* as a threat to British imperial authority in north India and agreed to the repeal of the second part of the Criminal Tribes Act when it was amended in 1911, thereby dismantling the system of registration and surveillance over eunuchs. The gradual decline in the NWP&O government's concern with *hijras* is suggested by its record-keeping practices. From the mid-1880s, the annual reports on the registration of eunuchs were no longer classified as a 'Matter of Importance,' but rather a 'Matter of Routine.' By the mid-1890s, the provincial government viewed a less intense level of police surveillance over eunuchs as acceptable.[1] When the Government of India proposed to extend Part I of the CTA to all of British India in 1908, the NWP&O government agreed to the repeal of the second part of the CTA, since it was 'framed solely for the benefit of these provinces.'[2] One high-ranking official, C.B.H. Kendall, argued that since the number of eunuchs had decreased in the previous year from 261 to 207, 'the number [of eunuchs] could still be reduced' and it would be 'premature' to repeal the law.[3] However, most British officials agreed that since '[e]unuchs must be dying out,'[4] the registration of eunuchs was 'quite unnecessary.'[5] The confidence of British administrators that the extinction of *hijras* was inevitable and irreversible partly accounts for why the NWP&O government no longer viewed the surveillance and prosecution of eunuchs as a priority. However, by the early twentieth century, the British were also preoccupied with the challenge to colonial rule posed by the growing nationalist movement. In this context, it is likely that the *hijra* community no longer appeared to be a significant threat to colonial dominance. However, contrary to the expectations of NWP&O officials, the *hijra* community did not 'die out' as a social role and gendered category in north Indian society and is still evident today across many parts of South Asia.[6]

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[1] UPSA/A/COA/18/5: E. Berril, Deputy Inspector-General of Police, NWP&O, to Inspector-General of Police, NWP&O, 1 May 1896; UPSA/A/COA/18/5: T.W. Holderness, Secretary, NWP&O, to Inspector-General of Police, NWP&O, 7 August 1896.

[2] UPSA/L/Police/93/308: C.J.J., Memorandum, 31 July 1908.

[3] UPSA/L/Police/93/308: C.B.H. Kendall, Memorandum, 3 August 1908.

[4] UPSA/L/Police/93/308: J.P. Hewett, Memorandum, 6 August 1908.

[5] UPSA/L/Police/93/308: R.H. Brereton, Memorandum, 11 August 1908.

[6] On *hijras* in Pakistan see Claire Pamment, 'Hijraism: Jostling for a Third Space in Pakistani Politics,' *TDR: The Drama Review* 54, no. 2 (Summer 2010): 29-50. On *hijras* in Bangladesh see Adnan Hossain, 'Beyond Emasculation: Being Muslim and Becoming *Hijra* in South Asia,' *Asian Studies Review* 36, no. 4 (December 2012): 495-513.

In marked contrast, over the course of the twentieth century, the *khwajasarai* social role eventually disappeared. Although it is outside the scope of this thesis to trace these historical processes in detail, I would suggest that this was due to two primary factors. First, *khwajasarais* experienced a decline in political patronage. The fall of two major Indian-ruled states in north India, Awadh and Delhi, in 1856 and 1857, respectively, reduced the employment opportunities for *khwajasarais*, as well as the demand for eunuch slaves, although *khwajasarais* may have found employment in Indian-ruled states in other parts of the subcontinent, such as Murshidabad and Hyderabad, until a later date.[7] Second, I speculate that changes in elite Indian family formations led to a decline in the demand for eunuch slaves amongst the upper stratas of Indian society. In 1870, the prominent Muslim intellectual Syed Ahmed Khan had characterised the employment of *khwajasarais* in elite Muslim homes as morally unproblematic.[8] However, Avrill Powell has shown that in the late nineteenth century, Muslim modernists like Khan did nonetheless respond to British criticism of 'Islamic' slavery by arguing there was no Quranic basis for slavery, and Muslim modernists additionally viewed slavery as against 'the spirit of the times.'[9] Eunuchs did not fit modernist redefinitions of domesticity and across the late nineteenth and early twentieth centuries, the presence of *khwajasarais* in elite households declined as a mark of prestige.

This dissertation has examined colonial projects targeted at the internally diverse colonial category of the 'eunuch' and the impacts of colonial regulation upon *khwajasarais, hijras* and others labelled as 'eunuchs.' The colonial category of the 'eunuch' encompassed groups with different gendered practices, social functions, socio-economic positions, and sexual embodiments. In order to unpack the internal multiplicity of the category of the eunuch, this thesis has used several analytical frameworks. First, this study examined the webs of power relationships in which *khwajasarais, hijras* and others classified as 'eunuchs' were embedded in order to understand their everyday lives, their experiences of colonial modernity and the ways they negotiated and challenged colonial regulation. Second, colonial projects targeting eunuchs were examined in light of broader questions about colonial modes of governance and knowledge processes. Third, I have analysed the colonial concern with

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[7] On slavery in Murshidabad see Indrani Chatterjee, *Gender, Slavery and Law in Colonial India* (New Delhi: Oxford University Press, 1999).
[8] NAI/HD/JB 30/07/1870 53-4: Saiyid Ahmad Khan to John Strachey, 14 April 1870.
[9] Avril A. Powell, 'Indian Muslim Modernists and the Issue of Slavery in Islam,' in *Slavery & South Asian History*, ed. Indrani Chatterjee and Richard M. Eaton, 279-80 (Bloomington, Indiana: Indiana University Press, 2006).

eunuchs in the context of colonial efforts to discipline gender and sexuality. This study has argued that, notwithstanding the significant long-term impacts of colonial regulation upon *khwajasarais, hijras* and others labelled as 'eunuchs,' colonial projects were uneven and fissured in their implementation, providing spaces for eunuchs to negotiate colonial modernity. Below, I summarise each of the three questions this thesis has analysed.

First, what were the everyday lives of groups classed as 'eunuchs' like in the eighteenth and nineteenth century; how did colonial projects impact upon eunuchs; and how did they attempt to mitigate or challenge colonial regulation? I have conceptualised power and the struggles of subordinated groups as part of the same field of power relations, rather than as polar opposites. While I have drawn upon the approaches of the Subaltern Studies collective and, in particular, James Scott's work on everyday resistance,[10] unlike these approaches, I have not conceived of subordinated groups as autonomous, but rather as embedded within structures of hegemony.[11] Eunuchs grasped, expanded and created 'cracks' in colonial power to evade, resist and cope with colonial regulation. At the same time, the ability of *khwajasarais, hijras* and others labelled 'eunuchs' to negotiate or challenge power was also contingent upon structures of power *within* these groups themselves.

When the British sought to regulate *khwajasarai* labour in Awadh in 1848, *khwajasarais* managed to evade and subvert the prohibition on their 'official' employment largely through manipulating the webs of power relationships in which they were situated (see Chapter 2). *Khwajasarais* used their networks of adopted kin and dependents and their close physical proximity to the Awadh ruler, to maintain influence in the state administration. Yet British annexation of Awadh in 1856 resulted in the dismantling of the political structures in which *khwasjarais* were embedded and

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[10] James C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven: Yale University Press, 1985); James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven: Yale University Press, 1990); Ranajit Guha, 'On Some Aspects of the Historiography of Colonial India,' in *Subaltern Studies I: Writings on South Asian History and Society*, ed. Ranajit Guha, 1-8 (Delhi: Oxford University Press, 1982).

[11] I have particularly drawn upon the following works: Douglas Haynes and Gyan Prakash, 'Introduction: The Entanglement of Power and Resistance,' in *Contesting Power: Resistance and Everyday Social Relations in South Asia*, ed. Douglas Haynes and Gyan Prakash, 1-22 (Berkeley: University of California Press, 1991); Rosalind O'Hanlon, 'Recovering the Subject: *Subaltern Studies* and Histories of Resistance in Colonial South Asia,' *Modern Asian Studies* 22, no. 1 (1988): 189-224; Sherry B. Ortner, 'Resistance and the Problem of Ethnographic Refusal,' *Comparative Studies in Society and History* 37, no. 1 (January 1995): 173-93; Anindita Ghosh, 'Introduction,' in *Behind the Veil: Resistance, Women and the Everyday in Colonial South Asia*, ed. Anindita Ghosh, 1-20 (Ranikhet, India: Permanent Black, 2007); Nita Verma Prasad, 'The Litigious Widow: Inheritance Disputes in Colonial North India, 1875-1911,' in *Behind the Veil: Resistance, Women and the Everyday in Colonial South Asia*, ed. Anindita Ghosh, 161-90 (Ranikhet, India: Permanent Black, 2007); Gloria Goodwin Raheja and Ann Grodzins Gold, *Reimagining Gender and Kinship in North India* (Berkeley: University of California Press, 1994).

their loss of the Padshah's patronage, resulting in a steady decline in their status. Under colonial rule, *khwajasarais* sought to negotiate and cope with the new political situation through various means, in particular through petitioning the colonial government, though with limited success. It is nevertheless significant that under indirect rule, *khwajsarais* were able to frustrate colonial agendas by retaining their control over aspects of the state administration.

Hijras also used various strategies to mitigate the impacts of colonial regulation under the CTA. Chapter 4 examined the ways that the everyday activities of *hijras*, such as alms-collection and ritual, constituted meaning-making practices that subverted colonial as well as elite Indian discourses and projects. The inability of the colonial government to control the movements of registered eunuchs provided opportunities for *hijras* to evade police surveillance by migrating, disappearing or keeping on the move. *Hijras* took advantage of fissures in colonial power to evade the police and illegally perform and cross-dress. In some cases, *hijras* exposed significant gaps in police surveillance and enforcement and undermined colonial agendas. Yet often, their evasion and resistance was only short-lived or partial.

In addition to analysing the power relationships in eunuchs' interactions with the colonial state, I have also examined structures of power and agency in their closest inter-personal interactions. *Hijras'* and *khwajasarais'* kinship and close social relationships impacted upon their ability to negotiate colonial power, while domestic space was an important site of evasion, resistance and coping. More broadly, the 'intimate sphere' of domestic arrangements, kinship, and networks of social relations is crucial to our understanding of the history of *khwajasarais* and *hijras* and their experiences of colonial modernity. This study has demonstrated the historical diversity of South Asian forms of domestic arrangements and kinship and has therefore built upon the work of Indrani Chatterjee and other historians who have begun to rethink the history of the family in South Asia.[12] Whereas kinship-making practices were apparent amongst *hijras* of relatively low socio-economic status, non-biological kinship relationships were also evident amongst the relatively elite *khwajasarais*, as well as non-slaves who were embedded in structures of affinal and biological kinship. Thus,

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[12] See for instance: Indrani Chatterjee, 'Introduction,' in *Unfamiliar Relations: Family & History in South Asia*, ed. Indrani Chatterjee, 1-59 (Delhi: Permanent Black, 2004); Sumit Guha, 'The Family Feud as Political Resource in Eighteenth-Century India,' in *Unfamiliar Relations: Family & History in South Asia*, ed. Indrani Chatterjee, 73-94 (Delhi: Permanent Black, 2004); Indrani Chatterjee, 'A Slave's Quest for Selfhood in Eighteenth-Century Hindustan,' *Indian Economic and Social History Review* 37, no. 1 (2000): 53-86; Michael H. Fisher, 'Becoming and Making "Family" in Hindustan,' in *Unfamiliar Relations: Family & History in South Asia*, ed. Indrani Chatterjee, 95-121 (Delhi: Permanent Black, 2004).

non-biological kinship links could be invested with considerable social and political capital. This requires us to rethink our conception of kinship in historical contexts. The prevailing conceptual idiom used in the literature to describe non-biological kinship, 'fictive kinship,' is inadequate, since it sets up a dichotomy between 'real' (biological) and 'fictive' (non-biological) relationships.[13] I have instead used the term 'constructed kinship' to emphasise the embedding of non-biological kinship relationships in wider social structures and the enactment of these relationships through various practices. The colonial regulation of eunuchs demonstrates the nineteenth century marginalisation of diverse historical forms of kinship and domesticity by both the British colonisers and Indian elites (see Chapters 2 and 5). While the British labelled *khwajasarais*' and *hijras*' kinship and domestic formations as 'corrupt' (politically in the former case and sexually in the latter), domestic space and intimate relationships were central to colonial projects of regulation, enumeration and classification.[14]

The second broad question this study has addressed is: what do attempts to regulate eunuchs from the middle of the nineteenth century tell us about colonial modes of governance and knowledge construction? The British were concerned with eunuchs because both *khwajasarais* and *hijras* evoked a broader set of issues and colonial anxieties. While British criticism of *khwajasarais* and efforts to regulate their labour in Awadh were motivated by the imperative of colonial territorial expansion, the British were also concerned with *khwajasarais* due to: the apparent collapse of boundaries between the 'public' and 'private' spheres in *khwajasarais*' diverse roles; notions of

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[13] For examples of anthropological studies that address forms of non-biological kinship in India see: Helen Lambert, 'Sentiment and Substance in North Indian Forms of Relatedness,' in *Cultures of Relatedness: New Approaches to the Study of Kinship*, ed. Janet Carsten, 73-89 (Cambridge: Cambridge University Press, 2000); Helen Lambert, 'Village Bodies? Reflections on Locality, Constitution, and Affect in Rajasthani Kinship,' in *Culture, Creation, and Procreation: Concepts of Kinship in South Asian Practice*, ed. Monika Böck and Aparna Rao, 81-100 (New York: Berghahn Books, 2000); Geert de Neve, '"We Are All *Sondukarar* (Relatives)!": Kinship and its Morality in an Urban Industry of Tamilnadu, South India,' *Modern Asian Studies* 42, no. 1 (2008): 211-46; Amrita Pande, '"It May Be Her Eggs But It's My Blood": Surrogates and Everyday Forms of Kinship in India,' *Qualitative Sociology* 32, no. 4 (2009): 387, 393. See also Douglas Haynes' oral history: Douglas E. Haynes, 'Just Like a Family? Recalling the Relations of Production in the Textile Industries of Surat and Bhiwandi, 1940-1960,' in *The Worlds of Indian Industrial Labour*, ed. Jonathan P. Parry, Jan Breman, and Karin Kapadia, 141-70 (New Delhi: Sage Publications India, 1999).

[14] Several historians of gender and colonial modernity have drawn attention to the significance of domestic arrangements and intimate relationships to colonial governance and categorisation of both European and indigenous populations. Durba Ghosh, *Sex and the Family in Colonial India: The Making of Empire* (Cambridge: Cambridge University Press, 2006); Kathleen Wilson, 'Rethinking the Colonial State: Family, Gender, and Governmentality in Eighteenth-Century British Frontiers,' *American Historical Review* 116, no. 5 (December 2011): 1294-322; Antoinette Burton, 'Introduction: The Unfinished Business of Colonial Modernities,' in *Gender, Sexuality and Colonial Modernities*, ed. Antoinette Burton, 1-16 (London: Routledge, 1999); Radhika Singha, *A Despotism of Law: Crime and Justice in Early Colonial India* (Delhi: Oxford University Press, 1998), Chapter 4; Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule* (Berkeley: University of California Press, 2002).

innate Indian political 'corruption' that justified British rule; British criticism of the political power of slaves in Indian-ruled states; and colonial ideologies of masculinity (see Chapter 2). Colonial moral panics about *hijras* intersected with several broader issues that were of particular concern following 1857, including: colonial projects to control communities viewed as 'habitual criminals'; changing colonial and elite Indian concepts of domesticity; concerns with 'corrupted' and 'criminal' Indian childhoods; concepts of hygiene, sanitation and public order; and the pathologisation of male sexual deviance (see Chapters 3, 5, 6 and 7).

The regulation of *khwajasarais* and *hijras* was part of a broader context of transitions in modern governance in Europe in the late eighteenth and nineteenth centuries, when states aimed to manage populations and transform their conditions of life through statistics, classification and forms of discipline, a form of power that, following Foucault, has been termed 'governmental.'[15] This thesis has contributed to literature on 'colonial governmentality' and resonates with the findings of other historians that colonial projects to count and classify populations, discipline indigenous bodies and regulate behaviours were often limited in practice by the need to maintain colonial dominance.[16] In Awadh, the ability of the Company to regulate *khwajasarais'* labour—and thereby transform the nature of Awadhi royal domestic space and reinforce public/private boundaries—was limited. Yet even under direct colonial rule, the regulation of eunuchs was uneven. This study has focused on the localised impacts of the CTA, in particular in interactions between eunuchs and the local agents of the colonial state, such as subordinate Indian police.[17] Enforcement ranged from the control of eunuchs beyond the bounds of the CTA, to the stringent implementation of the law, to lax police enforcement that allowed eunuchs to evade the police (see Chapter 3).

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[15] Michel Foucault, 'Governmentality,' in *The Foucault Effect: Studies in Governmentality, with Two Lectures and an Interview by Michel Foucault*, ed. Graham Burchell, Colin Gordon and Peter Miller, 87-104 (Hertfordshire: Harvester Wheatsheaf, 1991).

[16] David Scott, 'Colonial Governmentality,' *Social Text* 43 (Autumn 1995): 191-220; Gyan Prakash, 'The Colonial Genealogy of Society: Community and Political Modernity in India,' in *The Social in Question: New Bearings in History and the Social Sciences*, ed. Patrick Joyce, 81-96 (London: Routledge, 2002); Deana Heath, *Purifying Empire: Obscenity and the Politics of Moral Regulation in Britain, India and Australia* (Cambridge: Cambridge University Press, 2010); Stephen Legg, *Spaces of Colonialism: Delhi's Urban Governmentalities* (Oxford: Blackwell Publishing, 2007); Janaki Nair, 'Beyond Nationalism: Modernity, Governance and a New Urban History for India,' *Urban History* 36, no. 2 (August 2009): 327-41; Prashant Kidambi, *The Making of an Indian Metropolis: Colonial Governance and Public Culture in Bombay, 1890-1920* (Aldershot, Hampshire: Ashgate Publishing, 2007).

[17] This approach has been informed by literature on the anthropology of the state in India: C.J. Fuller and John Harris, 'For An Anthropology of the Modern Indian State,' in *The Everyday State & Society in Modern India*, ed. C.J. Fuller and Véronique Bénéï, 1-30 (London: Hurst & Company, 2001); Akhil Gupta, 'Blurred Boundaries: The Discourse of Corruption, the Culture of Politics, and the Imagined State,' *American Ethnologist* 22, no. 2 (May 1995): 375-402; Begona Aretxaga, 'Maddening States,' *Annual Review of Anthropology* 32 (2003): 393-410.

Gaps in enforcement were due to a number of factors including: a lack of adequate policing and bureaucratic resources; the prioritisation of other areas of policing; British district administrators' lack of interest in policing eunuchs or opposition to the registration of eunuchs; and the evasion and resistance of eunuchs who widened gaps in surveillance.

Localised encounters between the state and north Indian society are also crucial to our understanding of how the colonisers came to 'know' eunuchs. Like Phillip Wagoner and Norbert Peabody, I have argued that colonial knowledge emerged out of power-laden dialogues between colonial agents and differing groups of Indian informants.[18] Official information was in an ongoing process of construction and reconstruction.[19] Local, vernacular knowledge often challenged British administrators' assumptions and sometimes produced modifications of official knowledge at the district and (less commonly) at the provincial level. British officials' understandings of eunuchs were not, therefore, unified or coherent.[20]

Third, what does the criminalisation of the eunuch in nineteenth century India tell us about colonial gender and sexual regimes and the multiple impacts of colonialism on practices, attitudes and norms in India? This study has demonstrated that colonial rule, and colonial modernity more broadly, had important repercussions for attitudes towards, and norms of, gender and sexuality in India. However, this dissertation has sought to clarify our understanding of these processes by analysing the relationship between the metropole and the colony, the fractures within the colonial administration, the role of indigenous knowledge forms and the impacts of colonial attempts to discipline eunuch bodies. Centrifugal explanations of the colonial regulation of gender and sexuality—which view colonial projects and pathologies as the result of Victorian sexual morality

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[18] However, Peabody and Wagoner focus on the role of elite Indian 'informants' or 'collaborators.' While analysing power relationships between different groups of Indian informants, I have also examined the role of relative subalterns. Phillip B. Wagoner, 'Precolonial Intellectuals and the Production of Colonial Knowledge,' *Comparative Study of Society and History* 45, no. 4 (2003): 783-814; Norbert Peabody, 'Cents, Sense, Census: Human Inventories in Late Precolonial and Early Colonial India,' *Comparative Study of Society and History* 43, no. 4 (2001): 819-50.

[19] Christopher Bayly has also emphasised the *processes* of knowledge construction and information transmission. C.A. Bayly, *Empire & Information: Intelligence Gathering and Social Communication in India, 1780-1870* (New Delhi: Cambridge University Press, 1999).

[20] By focusing upon the forms of colonial knowledge constructed at the local level, this study has nuanced the view of colonial representations of *hijras* put forward in Shane Gannon's recent dissertation, which focused on published colonial texts and higher level government correspondence and argued that 1871 was a moment of 'consensus' in colonial representations of *hijras*. Shane Patrick Gannon, 'Translating the *Hijra*: The Symbolic Reconstruction of the British Empire in India' (PhD diss., University of Alberta, 2009).

introduced to the colonies—oversimplify the metropole-colony relationship.[21] Rather, discussions of gendered and sexual deviance in colonial settings are an important aspect of the history of the emergence of nineteenth century European pathologies.[22] On the one hand, colonial views of indigenous gender and sexual practices were not only a product of metropolitan discourses. Rather, plural Indian concepts of gender and sexuality were selectively incorporated into colonial knowledge in a process which involved multiple slippages in translation. On the other hand, the categories of gender and sexuality elaborated in colonial India were *part of* the process by which nineteenth century European pathologies were formed, rather than an *outcome* of metropolitan processes. Both legal and medical colonial officials linked sodomy, impotence and effeminacy in their understanding of *hijras* and *zananas* by the 1870s, a period in which historians have shown these associations were still in formation in Europe.[23] For British physicians, India was a site where they could speculate upon the sensitive topic of sexual deviance more openly than in Britain itself, as a consequence of the imperial objectification of 'native' bodies. The power dynamics of the colonial gaze meant that a body of medical literature on the physical signs of sodomy emerged in British India almost two decades prior to Britain (see Chapter 7).

However, the colonial classification of Indian gender and sexuality was tenuous, ambiguous and often fractured. This study has built upon several existing histories of colonial masculinity[24] to examine how classifications of masculinity were used as a

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[21] For examples see: Alok Gupta, 'Section 377 and the Dignity of Indian Homosexuals,' *Economic and Political Weekly* (November 18 2006): 4815-823; Suparna Bhaskaran, 'The Politics of Penetration: Section 377 of the Indian Penal Code,' in *Queering India: Same-Sex Love and Eroticism in Indian Culture & Society*, ed. Ruth Vanita, 15-29 (Routledge: New York, 2002); Arvind Narrain, '"That Despicable Specimen of Humanity": Policing of Homosexuality in India,' in *Challenging the Rule(s) of Law: Colonialism, Criminology and Human Rights in India*, ed. Kalpana Kannabiran and Ranbir Singh, 48-77 (New Delhi: Sage India, 2008); Ruth Vanita and Saleem Kidwai, 'Introduction: Modern Indian Materials,' in *Same-Sex Love in India: A Literary History*, ed. Ruth Vanita and Saleem Kidwai, 225-33 (New Delhi: Penguin Books, 2008); Judy Whitehead, 'Bodies Clean and Unclean: Prostitution, Sanitary Legislation, and Respectable Femininity in Colonial North India,' *Gender & History* 7, no. 1 (April 1995): 41-63.
[22] Ann Stoler makes a similar argument. Stoler, *Carnal Knowledge*, 145.
[23] Angus McLaren, *Impotence: A Cultural History* (Chicago: University of Chicago Press, 2007); Alan Sinfield, *The Wilde Century: Effeminacy, Oscar Wilde and the Queer Movement* (London: Cassell, 1994). On nineteenth century understandings of male-male sex, also see: H.G. Cocks, *Nameless Offences: Homosexual Desire in the 19th Century* (London: I.B. Tauris Publishers, 2003); Charles Upchurch, *Before Wilde: Sex Between Men in Britain's Age of Reform* (Berkeley: University of California Press, 2009).
[24] Mrinalini Sinha, *Colonial Masculinity: The 'Manly Englishman' and the 'Effeminate Bengali' in the Late Nineteenth Century* (Manchester: Manchester University Press, 1995); Mrinalini Sinha, 'Giving Masculinity a History: Some Contributions from the Historiography of Colonial India,' *Gender & History* 11, no. 3 (1999): 445-60; Sikata Banerjee, *Make Me a Man! Masculinity, Hinduism, and Nationalism in India* (Albany: State University of New York, 2005); Charu Gupta, 'Feminine, Criminal or Manly?: Imagining Dalit Masculinities in Colonial North India,' *Indian Economic and Social History Review* 47, no. 3 (2010): 309-42; Charu Gupta, 'Anxious Hindu Masculinities in Colonial North India: *Shuddi* and *Sangathan* Movements,' *CrossCurrents* 61, no. 4 (December 2011): 441-54; Charu Gupta, *Sexuality,*

means to police certain 'problem' populations. The tenuousness of colonial classifications is evidenced by the repeated redrawing of the boundaries of the 'eunuch' category as various social roles and gendered practices that had been classed as 'eunuchs' appeared to exceed earlier definitions of the eunuch category. This was particularly the case with groups who were deemed gender and sexual deviants, but were not emasculated, such as *zananas*. British administrators adopted a range of definitions of *hijra* deviance, while some did not view eunuchs as a threat of moral or sexual corruption (see Chapters 3 and 6). Classifications and forms of knowledge of gender and sexuality were also disputed between the legal and medical sections of the colonial administration (see Chapter 7). Despite the significant impacts of criminalisation on the *hijra* community, the colonial government was not able to totally erase the deviant gendered appearance of *hijras*, or to regulate their transgressive emasculated embodiment. Chapters 4 and 6 demonstrated that *hijras* continued to perform their social role and gender both in 'public' and 'private' spaces, despite the risk of prosecution.

This study is in many ways a 'history of the present.' The historical relationships of *hijras* to the state and north Indian society are an important part of the backdrop to their present social marginalisation and continued criminalisation in the discourses surrounding the anti-sodomy law, section 377 of the Penal Code.[25] Aspects of mainstream discourses surrounding *hijras* today can be traced at least in part to the knowledge of *hijras* constructed by the colonial government out of asymmetrical dialogues with various groups of Indian informants in the nineteenth century. For instance, the continued stereotypical association in twenty-first century India between *hijras* and the kidnapping of children, as well as the perception of the community as a threat of moral and sexual contamination, in part echo colonial understandings of the

Obscenity, Community: Women, Muslims, and the Hindu Public in Colonial India (New York: Palgrave, 2002).

[25] For studies of the contemporary *hijra* community see: Serena Nanda, *Neither Man nor Woman: The Hijras of India* (Belmont, California: Wadsworth Publishing Co., 1989); Gayatri Reddy, *With Respect to Sex: Negotiating Hijra Identity in South Asia* (Chicago: Chicago University Press, 2005); Laurence Cohen, 'The Pleasures of Castration: The Postoperative Status of Hijras, Jankhas, and Academics,' in *Sexual Nature, Sexual Culture*, ed. Paul R. Abramson, 276-305 (Chicago: Chicago University Press, 1995); Vinay Lal, 'Not This, Not That: The Hijras of India and the Cultural Politics of Sexuality,' *Social Text* 17, no. 4 (Winter 1999): 119-40; Gayatri Reddy, 'Crossing "Lines" of Subjectivity: The Negotiation of Sexual Identity in Hyderabad, India,' in *Sexual Sites, Seminal Attitudes: Sexualities, Masculinities, and Culture in South Asia*, ed. Sanjay Srivastava, 147-64 (New Delhi: Sage, 2004); Hossain, 'Beyond Emasculation'; Kira Hall and Veronica O'Donovan, 'Shifting Gender Positions among Hindi-Speaking Hijras,' in *Rethinking Language and Gender Research: Theory and Practice*, ed. Victoria Lee Bergvall, Janet Muelle Bing, Alice F. Freed, 228-66 (London: Longman, 1996); Kira Hall, '"Go Suck Your Husband's Sugarcane!": Hijras and the Use of Sexual Insult,' in *Queerly Phrased: Language, Gender, and Sexuality*, ed. Anna Livia and Kira Hall, 430-60 (New York: Oxford University Press, 1997).

hijra community.[26] The criminalisation of *hijras* under the CTA thus had a lasting impact beyond the NWP&O, where it was enforced. The registration of eunuchs under the CTA in north India is also an important context to the police abuse and torture of *hijras* in post-Independence India.[27] The CTA established a pattern of *hijra*-police interactions that was premised on the criminality and deviance of the *hijra* community and the legitimacy of police measures considered excessive or illegal in other circumstances. Above all, the story of the colonial regulation of *hijras* is significant in the contemporary context because the *hijra* as a socio-cultural and gender category survived colonial attempts to suppress the community and cause it to 'die out.' Notwithstanding the significant repercussions of colonialism on the *hijra* community, *hijras* resisted and evaded the efforts of the colonial government to passively exterminate them.

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[26] Reddy, *With Respect to Sex*, 94-6; Gayatri Reddy, 'Geographies of Contagion: *Hijras, Kothis,* and the Politics of Sexual Marginality in Hyderabad,' *Anthropology & Medicine* 12, no. 3 (2005): 255-70.
[27] 'Human Rights Violations Against the Transgender Community: A Study of *Kothi* and *Hijra* Sex Workers in Bangalore, India – September 2003),' People's Union for Civil Liberties, Karnataka, accessed 24 August 2012, http://ai.eecs.umich.edu/people/conway/TS/PUCL/PUCL%20Report.html; 'Ongoing police violence against *hijras* in India,' International Lesbian, Gay, Bisexual, Trans and Intersex Association, accessed 24 August 2012, http://ilga.org/ilga/en/article/233.

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