



Prostitutes, Patrons and the State: Nineteenth Century Awadh

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KOKILA DANG\*

## *Prostitutes, Patrons and the State: Nineteenth Century Awadh*

The Contagious Diseases Acts of 1864, 1866 and 1869 were introduced in England as legislation to control the spread of venereal disease among enlisted men in garrison towns and ports. Under the Acts, a woman could be identified as a 'common prostitute' by a special plain clothes policeman and then subjected to fortnightly internal examination. The prostitute if found suffering was to be interned in a certified lock hospital for a period not exceeding nine months.<sup>1</sup>

Organised public agitation against these regulations first came about in England in 1869. Till 1886, when the Act was repealed, an impressive campaign was conducted, which encouraged public discussions on a wide range of social, medical and political questions. Britain in the 1880s saw the emergence and advancement of the 'Social Purity Movement' that brought into its ambit a large number of men and women. The elimination of prostitution and the sexual abuse of girls were the primary aims of the movement. There were two streams which contributed to the movement. One was 'religious revivalism' and the other the agitation against the Contagious Diseases Acts.<sup>2</sup> In England, significantly, it was the first public issue around which all women's groups organised. In Victorian codes sexual depravity was seen as a threat to the moral and, potentially, the political order. The upper and middle classes saw the behaviour of the poor as blatantly violating the principles of the dominant moral order. The labouring classes as a whole were suspected of sexual licence and immorality that were sought to be justified by their appearance, manners, customs and life styles.<sup>3</sup> For these reasons in Britain, the emphasis fell on moral change, reform and reintegration of prostitutes into society.

In India prostitution had its own peculiarities. The institutions invested with powers to regulate had their own problems. Control and reform seemed impossible as there was an underlying fear both of excesses being committed by the administrative personnel and of the resultant discontent. In India, the question was based less on morality or immorality and more on governing the lives of colonized people.

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This group of women though powerless and degraded was potentially threatening, striking at the very roots of the strength of the British empire: the army. 1857 was a consistent reminder of Indian disloyalty and the need for a strong British army now seemed almost essential. After the Mutiny the strength of the British army was increased and British soldiers seemed less outnumbered; side by side the need to control both the army and the 'fallen' women increased. The Mutiny also necessitated control of all elements in Awadh since it was the focal point of rebellion. It then seems only logical that prostitutes, and other 'outcast' groups, like destitutes and vagrants, were sought to be efficiently regulated and controlled.

The discussion that follows, focuses on the region of Awadh and the North Western Provinces from the passing of the legislation in 1868 till the end of the century. It seeks to emphasize that prostitution was affected both by immediate legislation and by the wider changes taking place in this region. The lack of a coherent narrative is due to the uneven and fragmentary nature of archival sources available.

Though there is an abundance of work done on the region of Awadh and the North Western Provinces on a number of themes, none seeks to explain the institution of prostitution with reference to its regional peculiarities or the changes being brought about by colonial rule, whether subtle or apparent. Kenneth Ballhatchet's *Race, Sex and Class under the Raj (1793–1905)* focuses primarily on the working of the Contagious Diseases Acts, British policy, the institution of the lock hospitals and their relationship with the Lal Bazaars, racial attitudes, and also raises a large number of interesting questions. Though the first of its kind, it fails to highlight regional specificities and the regional implementation of the Acts as distinct from policy measures. Further, his emphasis is more on the Bengal, Bombay and Madras Presidencies, with only occasional references to the region under study.<sup>4</sup> Veena Oldenberg's study, *The Making of Colonial Lucknow 1856–1877*, seeks to study the changes in Lucknow's political and social structures in the post-Mutiny period.<sup>5</sup> She highlights the transformation of Nawabi Lucknow and the aftermath of the Mutiny where essential aspects of policy and legislation were safety, sanitation and loyalty to the British state. She points out how social disease was dealt with chiefly as a medical problem by the British authorities. She also traces to some extent the displacement of the old courtesan by a new kind of prostitute who could meet the demands of the new ruling elite. Significant questions, however, remain. What was the contemporary perception of these women? Who were the women who took to prostitution? What were the reactions of these women to British legislation?

## A CHANGING INSTITUTION

This section attempts to focus on the institution of prostitution, which functioned on a hierarchical basis, marked by peculiar forms of vulnerability and subject to its own internal changes as well as to external pressures. Veena Oldenberg's work points out the complexities and the hierarchical divisions among the courtesans of Lucknow. The *tawa'ifs* were the highest in rank, accomplished in music and dance patronized by the ruling classes and the gentry. They were trained from an early age and excelled in a politeness characteristic of Nawabi times. They were followed in rank by the women known as *thakahi* and *randi*, both of whom lived in the same bazaar areas and catered to the labouring classes and the common citizens. Next there were the *khangis*, or women who observed *pardah* but for economic reasons took to this profession secretly.<sup>6</sup>

British intervention in Awadh and the exile of Wajid Ali Shah after 1857 resulted in major changes which also affected the world of the dancing girls and other women belonging to this group. Though loss of court patronage was compensated by the new taluqdars and other noble families, for whom access to courtesans was a matter of prestige, it did change the status of the *tawa'ifs*; their position was no longer as commanding as in the older days. A large number of them no longer lived in royal households but were only visited by the nawabs who could no longer afford to maintain them. Sons of the gentry were not sent anymore for lessons on etiquette,<sup>7</sup> perhaps, also because the language more useful for them now was English. The *tawa'ifs* thus found themselves living in the same bazaar areas with other regular prostitutes. *Umrao Jan 'Ada'* a novel written by Mirza Mohammad Hadi Ruswa<sup>8</sup> in 1899 is set both in the pre and post-Mutiny period. His protagonist Umrao Jan, a *tawa'if*, notices the changes being brought about in the post-Mutiny era. Her friend Khurshid Jan, a publicly available *tawa'if* like Umrao Jan moves up in hierarchy when she is taken away from a fair by a Raja Saheb, who maintains her as part of his household. However, the fact that she returns after the Mutiny is specified by Umrao Jan, the reasons are not mentioned. It is possible that this Raja lost his estates after the Mutiny and could no longer afford to maintain her, so Khurshid was forced to come back to Lucknow. Umrao Jan too does not return immediately after the Mutiny from the fear of being listed as a traitor, as she was at the time associated with Mirza Birjis Qadir, a rebel leader of Lucknow who later escaped to Nepal. It thus seems possible that there would have been a corresponding shift in the position of the other women belonging to this group. Veena Oldenberg points out that the profession became tougher and more competitive, tracing the decline of the courtesan into a common prostitute.<sup>9</sup>

Colonial presence and resulting changes had their effects on this institution: they redefined this group of women in terms of their economic stability, patronizing agencies as well as their social status. The growth of cities and the emergence of new social classes changed the nature of prostitution. It became more widespread and conspicuous. The attitudes towards prostitution also changed with economic growth, population increase, labour intensive industrial expansion and the growth of a money economy. Prostitution, a form of social exploitation, also increased as did general exploitation under the British. Thus colonial presence altered the framework in which this group of women operated, though earlier frameworks too were characterised by their own peculiarities, oppressions and insecurities. Changes would have occurred inevitably with the coming of the British and this group would have been redefined in relation to new elites but legislation resulted in a state enforced redefinition. In the post-Mutiny period the existing social evaluation of this group continued but the previous distinctions and hierarchies among them changed. Legislation must have also accelerated the changing relationships of trust, sympathy and old age protection between patrons and clients. Prostitution thus emerged solely as a labour oriented service. The colonial state's formalization of the institution of prostitution resulted in corresponding changes in the mode of oppression; the state's civilizing mission on the one hand and its increasing dependence on the army on the other, resulted in a contradictory and uneasy fusion of 'morality' and politics.

That the line between prostitution and destitution was in fact very thin, and evident to some administrators, can be seen in the suggestion made by the Sanitary Commissioner in 1874.<sup>10</sup> He proposed that a special fund be maintained from the money realised out of the fines inflicted on the prostitutes, from which destitute women were to receive assistance. The acceptance of the above proposal by the higher authorities meant that they were either unaware of the financial constraints faced by the lock hospitals or else this was tokenist legislation passed to secure a reputation of colonial goodwill. The most significant fact is that destitute women and widows were *always* suspected and if possible kept under scrutiny.

The alternative provided by the lock hospital was equally problematic, and the destitute women's difficulties increased under the new regulations. These are highlighted in the Commissioner's report. In relation to women living in Kanpur and Allahabad he wrote '... the requirements are very moderate. However, I would impress upon the government the necessity of losing no time in erecting a suitable hospital, as, if the prostitutes are not properly housed and cared for when under treatment, the hardships they are compelled to endure under the existing arrangements will spread alarm amongst their class

and eventually. . . [it] will be impossible to induce them either to register or submit to treatment.'<sup>11</sup>

With the shifts in the position of this group of women, combined with major financial constraints, a new situation arose. Since a large number of these women were now homeless it became imperative for the British to maintain a safe distance between them and the soldiers roving in the city. However, the geographically unrestricted display of soldiers as symbols of authority and forms of surveillance was considered more necessary after the Mutiny. The Commander-in-Chief approvingly cited one of his officials as follows:

He does not wish to restrict troops to the limit of the cantonments. He holds it to be of importance that the native population should be accustomed to the unrestricted circulation of British soldiers in towns and other places. The country generally and the towns in India cannot in his opinion; be closed to our soldiers whose familiarity with the neighbourhood of the cantonments in which they reside is of an important advantage in the case of disturbance.<sup>12</sup>

The most apparent change resulting from British legislation and the need for displaying soldiers was the spatial and geographical divisions amongst registered and unregistered prostitutes. Ballhatchet informs us that the Lal Kurti was a synonym for the British cantonment, while the term Lal Bazaar came to signify the brothel area where registered prostitutes of the regimental bazaar resided.<sup>13</sup> What, however, seems significant is that though registered prostitutes were forbidden to mix with the general public, the soldiers could go further into the city. Thus while the non-military clientele of the registered prostitutes got severely restricted, the soldiers had even wider choices; this is borne out by evidence that disease was spreading via unregistered prostitutes.<sup>14</sup> The separation of the public prostitutes and cantonment prostitutes was also perhaps an attempt by the authorities to prevent immorality from becoming a public spectacle as in London.

British patronage of 'dancing girls' also underwent major changes in the post-Mutiny period. Older forms of British administration were closer to the Nawabi culture and more Indianized. *Nashtar*, a novel written in 1790 by Hasan Shah,<sup>15</sup> a resident of Kanpur, is a story of a 'dancing girl' Khanum Jan who has to entertain, though reluctantly, English officers of the East India Company. The social and economic collapse of the old order is the backdrop of Hasan Shah's novel. The old order in this novel coincides with the period of the initial changes brought by British presence whereas Ruswa's novel corresponds to the pre and post-Mutiny upheavals in Awadh. Hasan Shah's work highlights the fact that the relationship of the British with the 'dancing girls' was formed on individual bases and carried streaks of

friendship and freedom; this is evident from the numerous instances of conversation between the British officer Ming and Khanum Jan. It must be pointed out that this was an era when the British interacted with these women not as persons under direct control of the state but perhaps as members of the civil society. However, after the Mutiny this relationship underwent a drastic change; these women were now under the control of the British state and the elements of freedom and independence were replaced by those of fear, control and in 1868, by the control of state sponsored legal authority. Speculatively, it can be argued that the areas which were ceded early to the British saw changes sooner than the others. What British rule did was to distance both the British officers and the old Awadh elite from the *tawa'ifs*, thus altering the nature of relationships. The changing relationship with the British was a gradual result of the early nineteenth century moral pressure exerted on the British service groups while with the Awadh elite it was a result of the pre and post-Mutiny dislocation. The *tawa'ifs* perhaps also lost certain forms of companionship and friendship because nawabi children were no longer sent to them. It was popularly felt that those women of this group who were uppermost in hierarchy were better off during the time of nawabi Awadh. It is probably for this reason that the element of nostalgia is so evident in the works of Shah and Ruswa.

Another significant aspect evident from these two novels are the continuing vulnerabilities of women within this institution in different periods. The profession of *tawa'ifs* was never fully secure. Patronage was not steady and the profession did not assure them of a source of steady income. In *Nashtar* Khanum Jan's troupe is displaced three times in about two years. Even though it seems that by general standards and in comparison with other occupations they earned a fair amount, their personal safety was always at stake. At the point of the second displacement, when Khanum Jan's troupe patron, a British officer, left and their main dancer Gulbadan also ran away, not only was there an economic crisis, but Khanum Jan, hitherto protected, was pressurised into joining the troupe as an active member. Later when the British officer, Ming, is transferred, Khanum Jan, who is by now married, is in constant fear of being unable to maintain her honour and can foresee troubled times ahead. Umrao Jan, with all her accomplishments is equally vulnerable; the man who she runs away with, in search of a more satisfying life, is a dacoit and is finally caught. Umrao Jan has to set up a household three times after this episode, first in Kanpur, then in Faizabad and then in Lucknow. Umrao Jan also narrates a large number of episodes about men who took advantage of the wealth of women of this group and then deserted them.

Both Khanum Jan and Umrao Jan find it suffocating to live amongst people of their profession. While Khanum Jan wants to break free in

order to lead a life like other women from good families, Umrao Jan wants freedom from the owner of the *kotha* (brothel), so that she can have the freedom of selecting her own clientele and control her own earnings. Both Khanum Jan and Umrao Jan want to settle down with *one* man. Ironically, even though Khanum Jan marries Hasan Shah nobody knows about her marriage, even after her death, while Umrao Jan reconciles herself to the fact that no man would want to live with her permanently. It thus seems that no alternative is open for them and even if they do get married it is difficult or nearly impossible to reveal the fact. Though it was not below the dignity of rich men to visit these women and to fall in love, it was definitely degrading to marry one. Fate plays a major role in the lives of these women. Khanum Jan reconciles to her unconsummated marriage as part of her fate, and so does Umrao Jan to the fact that she is a victim of family enmity. The narrators of both novels use the idea of fate to avoid any systematic questioning of prostitution. The failure of Khanum Jan's marriage is clearly due to the narrator's own indecision.

Both Khanum Jan and Umrao Jan are aware of their status in society and of the fact that they are not in a position to demand anything at all from it. What also emerges from the novels are the perceptions of both the writers and the protagonists about women who are 'good'. Khanum Jan can only think of getting married to Hasan Shah because her chastity and honour are still intact. And Hasan Shah can take her as his wife because she is polite, chaste, modest and has a sense of honour. In short she is everything that is *not* characteristic of 'fallen women'. Umrao Jan too is regretful about her life but is aware of the fact that once a prostitute, she is stigmatized for ever. Curiously, when Umrao Jan reads the story of her life as written by the author/narrator she finds it remote and perhaps even somewhat fictive. Her response to his novel is that her true feelings are between her and God, and that, why should anybody ever believe her.

*Purdah* is seen as the most characteristic and distinguishing mark of the good and the bad woman. It is also synonymous with the safety of a woman. Khanum Jan explains—'As God is my witness, I find it distressing to go about unveiled, especially if somebody apart from Ming speaks to me, I feel like dying.'<sup>16</sup> Umrao Jan, however, can no longer even think about living in *purdah*, as that would kill her, perhaps because she has got this privilege of being unveiled. Ironically, the privilege gained by Umrao Jan is at the cost of losing her 'honour'. Interestingly, Umrao Jan, unlike anyone in *Nashtar*, questions marriage as an embodiment of 'honour' for both men and women. She is sceptical about marriage as defining all that is 'good' because she senses hypocrisy in all married men who visit her and other such *tawa'ifs*. But in her mind too the notion of *purdah* is related with honour and is symbolic of women belonging to good families, so she prays for the happiness of the women safe in *purdah*.



## ENTERING PROSTITUTION

Immensely significant in any attempt to study prostitution is the background of this group of women. It is evident that this group had a varied composition. At one level there were women in need of additional incomes, and those who were victims of social and economic distress, like widows and destitutes. At another level were women who themselves were professional prostitutes and trained younger girls. This group included children of prostitutes and those girls who were bought by them. For this and other reasons it must be kept in mind that these two groups, however, were not well demarcated and there were overlaps. The former partly supported the latter in terms of the supply of women. Further, a distinction has to be maintained between rural and urban women. The urban women were also divided into women from the city proper and those from the cantonments.

In both *Nashtar* and *Umrao Jan* there is evidence of the popular perceptions about women belonging to this profession. Hasan Shah's dancing girl is an orphaned child brought into the profession by her grandmother. Though the family had promised her a very different life, she is forced by circumstances to join this group as an active member, because of economic constraints. Khanum Jan, who manages to save her honour through cunning as well as assure the family some income, is still determined to free herself from the kind of life she is living. Umrao Jan on the other hand is the victim of kidnapping and has no choice but to enter the profession as she is sold to a *kotha* keeper. Thus both girls are victims of circumstance, the only difference being that Khanum Jan is maintained by some British officers and Umrao Jan is a public *tawa'if*, but her clients are men from the moneyed class. The difference in their patrons is, however, of significance. While Khanum Jan could resist the British officer who was kind enough to let her go, Umrao Jan had no such choice and was under the control of the *kotha* manager. Both novels centre on the lives of only professional prostitutes patronized by local elites.

Significantly, though Umrao Jan mentions post-Mutiny changes she does not mention disease, which suggests that either this local elite group was unaffected by British legislation or that disease was not a preoccupation. Though all classes of prostitutes were vulnerable, the ones who qualified as *tawa'ifs* or those catering to the elites had some security in terms of an institutional fall back. This security was also accompanied by constraints restricting their individual independence. Thus there was a whole range of prostitutes, though lack of archival material does not make specific discussion of each one possible.

Prostitution, it is being argued here, is not marginal or aberrant, but economically rational behaviour and that labour forms can be determined by specific crises in rural society and women's relationships with their society and with towns.<sup>17</sup> There is also a

great difference between prostitution for additional income and prostitution as the only source of income.

It seems important at this point to highlight some economic aspects of this region. By the end of the century population pressure resulted in fragmentation and subdivision of holdings at the lower levels. Economic and social differentiation which became apparent was a result of relative stability of larger holdings and the morcellation of smaller cultivating holdings. The social gaps widened mainly because of the slow impoverishment of the masses, rather than the enrichment of a few. The period after 1870 saw an increase in rent for cultivators. From 1840 to 1870 the prices of staple produce had increased by 25%. The disturbances of 1857 were followed by the famine of 1860. The decade between 1893–1903 witnessed a series of crop failures. The famine of 1896–97 was quite severe in the N.W.P. and Awadh. Prices rose sharply and caused much suffering, particularly among poorer classes. The last decade of the nineteenth century also saw an increase in indebtedness.<sup>18</sup>

On the other hand urbanization resulted in increasing construction activity like canal building, railways, road building etc. which provided labour opportunities of all kinds. There was also a slow increase in the population of this region upto 1911. Industrial towns like Kanpur saw the establishment of factories in 1860. Kanpur became the major centre for the production of hides and skin.

Industrial and other development alongside mass impoverishment, however, did not create a demand for labour large enough to compensate for such impoverishment and the economic displacement of the poor was quite evident. It must be remembered that during times of crises women labourers are the first to be displaced and pushed out of employment. However, they are at all times expected to contribute to family income either for subsistence or in order to maintain standards of living. Shrinking employment opportunities and relatively higher income from prostitution then makes the links between the two logical.

In the region under study some women who resorted to prostitution were the *coolie* women, *punkha* women and the milk-sellers, all of whom were unregistered. These women also had economic relationships with the towns and cities. The milk-sellers and *punkha* women visited the towns to sell their products. These women, who visited the areas adjoining the cantonments, were seen as a major threat by the cantonment officials. British officials pointed out that the soldiers acquired disease as a result of the 'diseased state of the coolie women population . . . who roam about the station and are mostly unregistered,'<sup>19</sup> rather than through the women living in towns. For in Bengal, Nirmala Banerjee points out that respectable Bengali women did not undertake industrial work and practically all such women who worked were prostitutes. There was open prostitution near worker's homes and most of the workers did not bring their women folk

to town for that reason.<sup>20</sup> Industrial activities in Awadh perhaps, like those in Bengal also meant the concentration of labouring classes in the new areas under development. These women labourers may have engaged themselves in relationships with a similar class of men in order to earn more. Speculatively, it can be argued, that where prostitution meant additional income for rural women who went to towns and cities, it may also have kept their social standing unaffected in the village. For instance Veena Oldenberg writes of 'women who observed strict purdah and were married but who for financial or other reasons were forced into clandestine relations with men *equally desirous of discretion and secrecy*'<sup>21</sup> (emphasis mine). Questions of importance that are not within the scope of this paper remain. How was this form of social labour viewed by the families of these women? What was the additional income being used for? Statistically, what was the percentage of increase in prostitution of different kinds during times of crop failures or famine?

From British records it appears that both Hindus and Muslims were found in equal numbers, though regional patterns varied. Indicating the numerical distribution of prostitutes in different areas the Chief Commissioner of Hazaribagh wrote, 'the number of professional Mohammedan prostitutes in Hazaribagh is more than double that of the Hindus, those of the latter class seem to be hereditary prostitutes.' While the Chief Commissioner of Lucknow was of the view that amongst 'the prostitutes in the provinces, Hindus predominated, as the population of the Hindus was more, but the brothel keepers were mostly Muslims. This however did not hinder the acquiring and bringing up of Hindu girls. Also the men who frequented these brothels had no prejudices regarding the caste of the prostitute.'<sup>22</sup>

Kidnapping and abduction were major methods of forcing women into prostitution. At the level of policy and to a small extent in practice, attempts were made by officials to discover the source of supply. That a market existed with constant demand for such an organized trade was all too evident. It was argued that a stolen child was easily disposed off to prostitutes and brothel keepers, who 'especially in larger cities, pay highly for a good looking girl. . . Infact the number of girls found in large towns was consistent with the idea that they came there innocently [victims of kidnapping].'<sup>23</sup>

Interestingly, though the colonial authorities were seeing the links between destitution, kidnapping and prostitution, they took recourse to the ideology of lower classes as immoral like their counterparts in Britain. At the level of generalization it was confirmed for most officials that the morality of native women of the lower castes and classes was not very high. For instances the main practioners of infanticide according to officials, were Rajputs and widows and wives who gave birth to illegitimate children. While Rajputs, it was

believed, never gave their children into prostitution, the others, that is widows and wives with illegitimate children 'rarely let a child be born, or else the woman along with the child, swell the ranks of prostitution. The poor classes practice infanticide because they are poor.'<sup>24</sup>

#### STATE, CLASS AND HIERARCHIES

The colonial state it must be remembered did not speak with one voice, or act with a single motivation. It mediated between different and competing interests—the government at home, the settlers it had to protect, the classes which made ruling easier, and in this case the prostitutes who were expected to make control of the army and thereby the functioning of the colonial state easier—but in ways that did not antagonize any of these groups. The state in practice thus found these women more of service to the army than of any moral offense.

British class alliances also played a role when it came to the question of supervision and treatment of prostitutes. Officials emphasize that these women in India were far less degraded than their British counterparts and their influence was considerable in the community; they were convinced that 'unwise interference would be frequently resented even by the influential classes of people.'<sup>25</sup> It must be noted that it was perhaps this same fear that prevented the British from regulating all prostitutes. *Tawa'ifs* catering to the needs of the gentry and noble families were never brought under these regulations.

The question of the education of the children of prostitutes also reveals how structures of power operated as well as contradictions at the levels of both policy making and implementation. While on the one hand it was considered necessary to educate these children in order to ensure better opportunities, on the other hand it was considered equally expedient to abide by popular opinion. The missionaries continued to believe that education would do the necessary to eradicate the evil of prostitution. Rev J.E. Marks was of the opinion that the British could trust greatly the 'results of the Christian education'<sup>26</sup> which they endeavoured to impart. British administrator's own reports time and again pointed out that these children had 'a right to be educated as other girls, and that perhaps education may wean them from the life of vice'.<sup>27</sup> Both these views were in practice dismissed by the regime as the 'British' point of view, while it was maintained that the majority of the Hindus consulted were in favour of excluding these girls from schools.<sup>28</sup>

The reasons for this expediency were many. Firstly it was felt, as the collector of Kurnool pointed out, that 'except among the dancing girls caste female education does not exist'.<sup>29</sup> For the officials the argument was supported by the fact that the group of 'dancing girls'

was not too poor to provide the instruction in reading and writing that was necessary for the trade and that existing religious institutions were wealthy enough to meet those requirements. Secondly, it was reasoned that to get 'natives' to patronize girl schools was in any case difficult and that this class of children would contaminate innocent little children as 'innocency is gone with them at a very early age and . . . that public reasons justify and demand the exclusion to which the feelings of the people will heartily respond.'<sup>30</sup> Thirdly, the question of education also indicates the fear of popular reaction which to some extent coincided with British class alliances.

In essence what the colonial regime meant was that high ranking prostitutes did not need education as they had their own institutions, while the rest of them could be excluded from the general policy on education. This shows the contradictions in an educational policy which otherwise claimed that the education of 'natives' would automatically result in ending immorality. British educational policy was in practice thus meant for the upper classes despite the pressure for educating the entire population.<sup>31</sup>

Some officials were of the view that material improvements should be brought about in the condition of all native women throughout India for which a large and sustained effort of an 'unsectarian and national character should be made to organize and stimulate female medical education, and to provide facilities for treatment of native women by women.'<sup>32</sup> There were apprehensions, even regarding such education of women. It was thought that women of other than good, thoroughly respectable families would be most dangerous, undesirable and likely to turn medical knowledge to criminal purposes. In other words they feared that women from such backgrounds would either be partial to some prostitutes by keeping disease a secret or even indulge in regulating trade in prostitution. Respectable families it was argued had an aversion to such work. The threat to and by missionaries was also real. Missionaries argued that if it was known that female hospital assistants were liable to be employed in such work, Christian students would be withdrawn from their schools. It must be noted that it was considered essential for practical reasons to have trained women, in order to mitigate the adverse reactions against the Acts as well as to ensure some institutional discipline. However, by 1899 there were only eight women who had joined this medical section.<sup>33</sup>

Those women who were registered resided near the cantonment and the others in the city proper. The latter with the exception of a few were examined twice a week in their own houses by trained local midwives (*dhais*), while the former in addition to their being examined by *dhais*, were required to attend the lock hospital. Structures of power seem to have emerged from bottom upwards. While the colonial regime supervised from above, the *dhais* below acquired

special powers.<sup>34</sup> It was often seen that the *dhais* were partial and made life easier for some.

The new divisions amongst public prostitutes took the form of registered and unregistered prostitutes. It is, however, questionable whether those women who were registered and kept for soldiers were in any way assured of a steady income, or even if they were ensured of one, whether it was worth losing so much of their independence and being kept under such stringent restrictions and regulations. There is evidence of visiting officers who saw them in ragged conditions.<sup>35</sup> Whereas registered women seem to have acquired a privileged status but were under the complete control of the colonial regime, the less privileged, public prostitutes were not under strict government control but even they were no longer independent enough. What their position was in the free market is not known, but since they were spatially restricted to certain areas their clients and income may have declined.

Racial distinctions were also maintained between Indian and European prostitutes<sup>36</sup> and extended to hospital employees. The *bheestie* and other workers employed in the hospital were given extra allowances for serving the Europeans and Eurasians in comparison to the Indians. The rooms of the Europeans were also furnished. Indian women serving in lock hospitals were paid fifty rupees less than those of other than Indian origin.<sup>37</sup>

#### CONTROLLING PROSTITUTES, INSTITUTIONS AND PUBLIC DISCONTENT

The main local issues which predominated in official circles were the welfare of soldiers, the implementation of legislation, the extension of the Acts to the villages and the tensions between the military and civil authorities. All these issues reveal the sensitive aspects of the Contagious Diseases Acts as well as the practical difficulties occurring from them for the authorities concerned.

The government caution in extending the scope of the Acts or the fear that the public would be discontented if the Contagious Diseases Acts were extended to the far flung areas, especially the villages is evident from the following views expressed in this report:

. . . It would be most inadvisable to bring rural areas and villages under the rules as it might lead to grave hardships for the individual; it might lead to serious disturbances of villages surrounding the cantonment if they were subjected to prying interference of cantonment subordinates. Let us by all means protect the private soldier, but let us also by all means protect the general rights of the Indian villagers and his womankind.<sup>38</sup>

What, however, is of importance is the fact that the reluctance of the British to move into this area was probably linked with the larger problem of being unable to classify women in the villages, who visited

the towns as labouring women and for whom prostitution was not the sole source of livelihood but a supplementary source.

It must be remembered that while on the one hand the colonial state pushed towards surveillance, on the other hand, it found it extremely difficult to control the institutions for surveillance it had set up. The setting up of institutions was a formidable task and so was controlling them.

The post-Mutiny period saw the state re-gearing itself to meet the new challenges and difficulties it faced. This is evident even in its efforts at controlling prostitution. Police and hospitals both became punitive institutions and were moving beyond their provenance. Thus two major aspects of colonial functioning were to control the institutions it set up and then to get them to control civil society. The proliferation of surveillance to other areas was a result of the failure to control institutions.

That the institution of the lock hospital was very oppressive is highlighted by a Lucknow Municipal Committee report of 1876 which points out that the '. . . the general regulation gives an opening for tyranny and oppression to the lock hospital.'<sup>39</sup>

Though speculatively, it can be assumed that incidents of police excesses must have been common. In one case a young widow of eighteen or twenty years of age committed suicide due to ill-treatment meted out by the police. The case was reported in all newspapers of north India. The report prepared by the government in relation to this case admits that it could not establish the accusations levied against the deceased widow. It further admits that 'there was no ground for "ill-treatment" on the part of the police towards the girl but the course taken by the police was illegal.'<sup>40</sup> Veena Oldenberg on the basis of interviews points out that 'women were abused, insulted, and beaten' by policemen and that there was an increase in disease among women in the profession after the European soldiers began visiting them.<sup>41</sup> An administrator—Cunningham's reply to a question regarding the registration of brothels to check the inflow of children highlights the powers of the police. He wrote 'It is just this sort of interference by the police that people hate and which no doubt gives rise to all sorts of oppression.'<sup>42</sup>

Sanitation was perhaps a pretext for controlling fairs where people congregated in large numbers. What authorities feared on such occasions was people including women camping near the site and cantonment areas. Fairs it must be noted were public gatherings as well as places of opportunity for this group of women to choose their clientele like markets and bazaars. On a larger canvas fairs were important events for other 'outcast groups' like vagrants and destitutes. In *Umrao Jan* a fair is a significant event to which all *tawa'ifs* dressed up and went. Khrushid Jan was chosen and taken away by Raja Saheb from one such fair.

An annual fair which took place at Guptar Ghat in Faizabad was stopped in 1860–61 by the commanding officer of the region who feared that health would suffer.<sup>43</sup> This controversy came up again in 1873 and was brought to the notice of the government of India through the newspapers. It seems that the military officials were more interested in closing the fair. The Chief Commissioner of Awadh was, however, against the prohibition of the fair on the grounds that the risk of disease had been greatly exaggerated and may cause public discontent. He somewhat subtly remarked that 'Sir George Couper [a military officer] would be able to devise some further means to make Cantonment regulations no more unpalatable to the people than absolutely necessary.'<sup>44</sup>

This instance also highlights the tension that existed between the military officials who were attempting to extend the cantonment regulations to as many areas as possible and the Commissioner for whom maintaining peace was essential. The contest for controlling the institution of prostitution is evident from the following argument put forward by the Governor General in Council that the lock hospitals should be kept under the Inspector General-Indian Medical Services, instead of being handed over to the military administration as it was 'in the general administration of the rules that the difficulty of diminishing the amount of venereal disease among the soldiers really lies. The real obstacle lies in the fact that the greatest number of these women are not registered.'<sup>45</sup> Another report prepared by the Deputy Commissioner of Lucknow states: 'Instead of dealing with the whole question of Prostitution as it affects British soldiers, they are limited to the registered women and the extent of disease among them. Unlicensed Prostitution is complained of as the great evil, but little or nothing is said of what attempts are being made to bring prostitution under control.'<sup>46</sup>

In England the movement for controlling prostitution was for the civil society in general. While in India, British benevolence was restricted to soldiers and not extended to the rest of the civil population. British policy on this issue in India was full of contradictions. If controls were necessary for the welfare of the people, then it was essential to extend them to all, as in Britain. In reality, however, the British were unable to universalize it because state could not bear the cost and also because there was no consensus on this issue between the state and civil society. However, medical officers of the government were asked to 'give their attention to overcoming the disease, as being one which is not only injuring the Army, but the country at large.'<sup>47</sup>

As early as 1868 it was pointed out that '. . . it is only because the government is interested in protecting European soldiers and sailors that it is warranted in spending public money this way. Towns that desire to protect their civil population ought to pay for it from



municipal funds and no municipal body in India would agree to do this.<sup>48</sup>

It must however be reiterated that though the Acts were abolished in 1888, rules and regulations continued as before and perhaps colonial control became even more specific. Thus while gestures were made by the government nothing could actually be done. The reason was not only because the government could not set up an efficient apparatus but because of the difficulties of effectively penetrating family boundaries, solving local problems, deciding on the issue of unregistered prostitutes etc.

#### FINANCING INSTITUTIONS

The financing of state surveillance and the financial maintenance of the hospitals which was to regulate the lives of these women was, in my view, partly being met by the prostitutes themselves. A careful study of all 'outcast' groups like destitutes, vagrants, orphans, lunatics and prostitutes suggests that a system of cost accounting was systematically adhered to, with detailed calculations informing the government of even the loss of an anna to the gain of one. Most of these institutions were self sufficient and got very little help from the government. In 1868 the Secretary to the Government of India, E.C. Bayly wrote to the Chief Commissioner of Awadh, R.H. Davis:

'I am to point out that at present, under the rules mentioned, fees are levied from prostitutes which in the case of Lucknow at least, are believed to meet to a great extent the cost of lock hospitals both for the Cantonment and the city. If those rules be superceded by the Act XIV of 1868 as proposed, it will apparently be impossible to continue to levy fees and a large additional expenditure will be the result.'<sup>49</sup>

Thus every registered prostitute was to pay a fee of rupees two per mensem, whereas, every brothel keeper paid a fee not exceeding rupees five. In September 1873 the Government of India abolished the fees on the grounds that the payment made from the wages of the prostitutes was not a legitimate source from which the expenditure of lock hospitals could be met according to the regulations of 1868.<sup>50</sup> It was considered illegitimate on the grounds that any fees levied and utilized for purposes of maintaining an institution from such an immoral act as prostitution would in essence mean legitimizing prostitution.

Though the fee was abolished in 1873, in actual practice the maintenance of the lock hospitals and the crises of funds faced by authorities made fees and fines imperative. The Lucknow authorities maintained that fees had always been taken and that it was 'not unreasonable to require women when well to subscribe towards the expenses of the hospitals where they are treated when ill. The cost of the hospital is a great drain on the municipal funds.'<sup>51</sup>

Despite the urgency and the need for increasing the number of hospitals, financial constraints resulted in the closing of a number of lock hospitals. The lock hospital at Bareilly was closed in 1871 due to the inability of the cantonment or the municipality to bear the cost. In 1877 the Lucknow city lock hospital was closed and the city prostitutes brought on the cantonment register.<sup>52</sup>

The other source of income from this group of women for the government was from the fines levied from time to time. All persons of this profession who did not register the birth of their children were liable to a fine. The brothel keeper as well as the prostitute had to have prima facie evidence under Section 373 of the Penal Code for children under their possession.<sup>53</sup> Further any prostitute convicted for breach of any of the rules laid down by the Acts was to pay a fine of rupees fifty or suffer imprisonment for eight days with or without labour.<sup>54</sup>

The colonial regime not only taxed<sup>55</sup> prostitutes but also fined them and made fees necessary. Thus not only were the prostitutes services, in terms of social labour and conditions of services, dictated by the colonial regime, it also had control over their income. Interestingly enough fines were also taken for non-attendance in the case of registered prostitutes who consorted with European soldiers. Prostitution was thus treated as a form of labour service by the colonial state and to that extent, fined in terms of wage cuts for evading necessary service as in any other form of labour. At another level the extraction of 'surplus' from this group of women was perhaps seen as essential to make the group feel continually deprived and dependent. Some significant questions remain: were these monetary impositions and carefully worked out regulations, which continued even after the repeal of the Acts, perhaps with the same force, responsible for the lack of any kind of resistance from amongst the ranks of the prostitutes? It was pointed out in 1871, that since July 1870 a fine of rupees two had 'been imposed for non-attendance', but only rupees eighteen were realised of rupees sixty, and eleven women were committed to jail for non-payment. 'The ordinary class of prostitutes' according to the cantonment magistrate, 'are so miserably poor, that fines can only be realized with great difficulty.'<sup>56</sup> Did this economically and organisationally weak group of women then manage to offer non-cooperation in the form of breaking rules, non-attendance and evasion of fine payments? At another level the constant fear amongst British officials of discontent amongst persons of this group may itself indicate its ability to offer resistance, however, ineffectual.

#### THE NATURE OF DEBATES: IN BRITAIN AND INDIA

In Britain the agitators organizing for the repeal of the Contagious Diseases Acts were able to garner public support and opinion,

challenging the act as immoral and unconstitutional. The 'Ladies Manifesto' denouncing the Acts as a blatant example of class and sex discrimination argued that the 'Acts not only deprived poor women of their constitutional rights and forced them to submit to a degrading internal examination, but they officially sanctioned male vice.'<sup>57</sup> The campaign also drew a large number of women into the political arena for the first time, who challenged centres of power like the police, parliament, medical and military establishments.

British popular opinion about prostitution in India found its expression in a lengthy letter addressed to His Excellency the Marquis of Lansdowne, Viceroy and Governor General of India, before he left Britain to assume office in India. It expressed the concern of the people about the colonial states' legitimising of prostitution by legislation. It requested the Government of India to repeal the cantonment regulations under which the Acts continued to operate. It pointed out that prostitution which had been regulated and licensed in more than 70 places in the country continued unchanged even after the repeal of the Act of 1868. It also requested the Government to amend the penal code to ensure the protection of girls till the age of sixteen as in England. This letter was signed by a large number of people ranging from members of parliament, recorders of London, lecturers, a rural dean of Child Welfare, town councillors, gentlemen, bankers, confectioners, grocers, clerks, clergymen, merchants, chemists, bakers etc.<sup>58</sup>

In India however, the entire debate was carried on by and amongst officials, with the missionaries occasionally making their contributions. Humane attitudes were not completely missing and efforts were made, in spite of pragmatic interests, to control and if possible end the institution of prostitution. The missionaries were not concerned with making concessions for the soldiers. Rev J.E. Marks wrote:

I speak as a missionary, clergyman and a school master. I offer no palliation for the indulgence of lust, for sins of flesh. I do not desire that the government should smoothen the path of the sinner or legalize sin. We would still use every argument that our holy religion indicates, every persuasion that we can employ, to deter people from this sin.<sup>59</sup>

Educated Indian opinion, which does find reflection in some British debates over the methods and the extent of application of these regulations, was dismissed as 'inauthentic'. There is, however, a marked contradiction in British policy: though they were guarding some of the interests of the landed gentry and middle classes they discarded educated Indian opinion as not representing popular views, even though this educated section was part of their system of making class alliances. The British reactions to the debate which was carried

out in the native press was peculiar. They felt that journalists in India, as elsewhere, were very dangerous political advisers and hypocritical. In official circles it was often quoted that the journalists had 'just learnt enough of our principles to throw them into our face and they in no way represent real native opinion.'<sup>60</sup>

In England the institution of prostitution was seen as a product of social problems including poverty, unemployment, low wages and so the need was felt to rehabilitate this group of women. In India, however, British administrators saw the prostitute as having a place in society and so felt the institution could be maintained. The basic difference between prostitution in England and India, which formed the backbone of colonial policy on this issue is best highlighted in this report prepared by government officials:

In arranging for the supervision and treatment of the women of the town in India, an amount of carefulness is required, i.e. perhaps not required in England. The popular feeling towards them is very different in the two countries. In England they are outcasts and separated by a wide moral as well as social gulf from the rest of the community. In India, however, though there is a distinct line of separation, the condition of these women is far less degraded and their influence in the community often considerable.'<sup>61</sup>

Thus in India the British primarily concentrated only on eradicating disease.

The reason for British apprehension lay in their conviction that in Awadh, prostitution was an accepted institution and so they had to maintain it. Evidence of popular reactions can be derived from the following report prepared by the Deputy Commissioner of Awadh in relation to the regulations necessary for controlling the children of prostitutes. He wrote: 'I have the honour to inform you that the result of the enquiries I have made, lead one to believe that public opinion is not sufficiently advanced to call on its own part for any interference with so long established a practice as that under consideration, and circumstances, if they were enforced would do more harm politically than good socially.'<sup>62</sup> One Mr Cunningham further added 'not only would there be practical difficulty in dealing with prostitutes who have children in their houses but that any interference would be far from popular.'<sup>63</sup>

There were arguments and counter arguments regarding the lives of prostitutes and whether they should be allowed to have and keep their children.<sup>64</sup> While some British officials felt that regulations were essential as prostitution was a life of misery, conscious self degradation, ill-treatment and loneliness, the argument used against any interference was that a child provided a companion and some support to the unfortunate prostitute in her old age. The government, however, felt that children should be given an opportunity for judging

on their own before entering upon such a life. The Deputy Commissioner of Awadh thought that 'before the state interferes by legislation, it is bound to satisfy itself that in preventing these evils it will not be substituting far greater evils.'<sup>65</sup> It was felt that unless prostitution was regulated, it would penetrate and corrupt respectable domestic circles as soldiers would find other outlets for their lust.<sup>66</sup> This argument was based on the fact that there is a certain amount of 'vicious inclination' among men which if not satisfied would be channelled into other and more dangerous directions.<sup>67</sup> It must be noted that in Victorian England too, such notions prevailed and were later attacked by social movements pressuring the state to repeal the Acts and accusing the state of maintaining double standards.<sup>68</sup>

Another objection to any form of interference was based on the argument that any control of prostitutes or of female children of an immature age would tend to encourage infanticide. It was also believed, according to one official, that Hindu law recognized the adoption of a daughter by a dancing girl but not a son, though no such evidence was available in the texts in their possession. For those girls who were attached to temples, some control like registration of temples and a limit to the number of women were thought essential. It was, however, seen as a social custom where the training of girls at a young age seemed necessary to attain skill and perfection.<sup>69</sup>

There is thus not one but several notions of prostitution in the administrators debates. One emphasized its functional necessity; the second saw it as immoral, hence argued for its complete eradication; the third tried to mediate between the two by emphasising legislation and prostitution as immoral, while at the same time legitimising its existence. Yet another line of thought emphasized the more socially conscious linkages between poverty and prostitution but was unable to solve the problem. At a very basic level what remained unsolved was the question of morality. The argument centred on what was moral and what was immoral and what was the nature of the dividing line. Was this group of women immoral or did circumstance define their immorality? Was a government enforcing legislation less moral than one not doing so?

#### IN CONCLUSION: THE CONTRADICTIONS

It is thus evident that the British were not ready to tamper with customs or practices for fear of popular reactions. The British tried to introduce similar notions of prostitution as in their country defining it in terms of either immorality or social problems, all the while, however, maintaining a distinction because in India they saw it as an integral part of society. Yet they failed to either control prostitution or to themselves accord prostitutes the status and position which they believed were accorded to them by Indians.

Though the British were using some similar categories as in England, the contradictions were obvious, as throughout they were also noticing the differences in the institution as it existed in England and in India. The combination of fear of popular reactions and the need to control prostitution led to contradictions and there was a gap between policy and practice. It must also be emphasized that at all times alongside regulations the British were talking about their failure to control disease. What was perhaps lacking in terms of successful policy implementation, was a sizeable public opinion and the failure of the authorities, consciously or unconsciously, to unravel the factors causing prostitution.

The contradictions and apprehensions of the British officials are numerous. The belief that sexual appetite was uncontrollable stood in direct opposition to their perception of it as a moral problem; the emphasis on sexuality being part of the private domain contradicted its being continuously made public via colonial regulations and debates; while the fear that any systematic intrusion would change the complexion of the issue into an explosive one remained constant. These are all evident in the following citation from an unnamed administrator in a printed, official report on prostitution:

I . . . do not think that it is either necessary or expedient wholly to put a stop to the practice. I must confess to an almost invincible repugnance to a further treatment of this subject by law. When law intrudes into the domain of morals they are sure to fail unless they are provided by a strong prevailing sentiment in society, which is not the case here. Next to laws passed for punishing erroneous persons none have produced more pernicious effects than those passed, from the most benevolent of motives, for the purpose of curbing the bodily appetite. And of all bodily laws the least amenable to the fetters of positive law are the sexual . . . Moreover though there is much discussion in the papers about the treatment of girls under ten, I find no stress laid on the fact that a man is guilty of rape. I cannot help thinking that either they [laws] will be merely inefficacious or being worked together by fallible instruments will produce an amount of intrusion into matters on which people are justly sensitive which will be absolutely intolerable. Mere legislation not followed by action would be simply giving legal sanction to the prostitutes. If followed by further action it would give an enormous power to the whole class whom it effects. It would cause an irritating interference with many transactions of private life.<sup>70</sup>

The debate on prostitution in India then reflects what has been described as the 'movement of a complex and shifting ideological configuration centred on reform and altruism', a result of colonial rule, marked with varied intentionalities,<sup>71</sup> and a product of class

alliances. Encapsulated within the ideological configuration were some of the characteristic relations of colonialism—sectoralization of knowledge, power and subjection. These ideological configurations resulted from 'the material conditions of colonial expansion and consolidation, as also from the contradictions, affiliations and differences between colonial rulers and the indigenous elites'.<sup>72</sup>

Even if it failed, the colonial state believed that it had a duty to deal with the problem of prostitution. Both in Britain and Germany,<sup>73</sup> movements against legislation saw state regulation as an official endorsement of a dual standard of morality for men and women, and beyond this as a symbol for sexual enslavement of the female sex as a whole. In Awadh what emerged was the notion of the dominance of an effete and immoral aristocratic order which was to be replaced by a new order as part of its civilizing mission. The British legal system in India was an instrument of coercion. Its underlying principle was 'modernity' which in actual practice was repeatedly compromised yet it did bring about a fundamental change in the existing system. Legislation on prostitution ended up entailing an extension of patriarchy by the state.

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