

**A Colonial Haunting: Prostitution and the Politics of Sex Trafficking in  
British India, 1917-1939**

by

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B.A., The University of British Columbia, 2007

A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF  
THE REQUIREMENTS FOR THE DEGREE OF

MASTER OF ARTS

in

THE FACULTY OF GRADUATE STUDIES

(History)

THE UNIVERSITY OF BRITISH COLUMBIA

(Vancouver)

August 2012

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## **Abstract**

Following the murder of a Bombay prostitute in 1917, the Government of India launched a series of investigations and commissions of inquiry in order to determine the scope of prostitution and extent of sex trafficking across British India. Between 1917 and 1939, these colonial projects produced a vast archive of ethnographic and statistical information about those women whose lives were intricately tied to brothels in the Indian subcontinent. In this paper, I examine the politics behind these projects of knowledge production and the colonial desire to make these women “known.” By situating this colonial history within the international climate of the interwar period – a time when the legitimacy of the British Empire was increasingly challenged by Indian nationalists and subject to scrutiny by the League of Nations – this study argues that colonial administrators appropriated the highly publicized death of an Indian prostitute to elicit emotions of shock and pity and in turn, preserve the ideological legitimacy of “enlightened” British rule by fashioning themselves as “modernizers of indigenous patriarchy” in India. The death of the prostitute, much like the controversy around *sati* and child marriage in the nineteenth century, became a metonym for the social ills of India which justified colonial intervention as a form of benevolent paternalism. However, these knowledge production projects rarely materialized into tangible social reforms for the women at question. They were, instead, a public relations exercise meant to bolster the international image of British rule India and create an illusion of the success of the colonial technologies of surveillance. Sustaining commonsense assumptions about colonial prostitutes required an ongoing effort to produce statistics, social “facts,” and tropes about them. By scrutinizing these colonial reports and the context of their production, this study attempts to illuminate both the illogical and unpredictable nature of state commissions of inquiry and the ulterior motives of imperial legitimacy behind seemingly benevolent colonial social reforms for Indian women.

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## Acknowledgements

This project would not have been possible without the generous support and guidance I have received from the History Department at the University of British Columbia over the past two years.

First and foremost, I am indebted to my advisor John Roosa, who first piqued my interest in South Asian history when I was an undergraduate student in his class. His insights over the years have been invaluable and his help and advice have been instrumental in shaping this project. I thank Joy Dixon for being my second reader and providing me with extremely useful suggestions in the final stages of my writing. Steven Lee, Carla Nappi, and Alejandra Bronfman have all commented on earlier drafts and recommended relevant readings that have inspired my work in new directions. I am immensely grateful. I also thank Gloria Lees for all her assistance in helping me graduate on time!

Research for this project was funded by the Social Sciences and Humanities Research Council of Canada. During my stay in New Delhi last summer, the staff at the National Archive of India went above and beyond the call of duty in making a first-time researcher in the archive feel at ease. I thank them for their assistance and hospitality.

I have learned so much from my friends and colleagues in the department during my graduate studies. In particular, I thank Mel Garipoglu, Stefanie Ickert, Mea Geizhals, Soma Banerjee, and John Dingle for the good food, great fun, and invigorating conversations that have enriched my love for history.

Finally, my family has offered unwavering support, love, and encouragement all these years. Thank you, in more ways than I can name. And to Gloria – you are the coolest mom and best friend a daughter can have.

## **Introduction: A Tale of Murder and Sex Trafficking in Colonial Bombay, 1917**

On the evening of February 20, 1917, Vithoo Jagoji, an off-duty police constable, by chance intercepted three men carrying a corpse out of a brothel situated along the open sewers and unpaved dirt paths in the heart of Bombay's red light district on Hajam Lane. Beneath the bamboo-bound white cloth there was a deceased prostitute, her body draped in a yellow *sari* and her limbs darkened with bruises. The corpse bearers, along with half a dozen prostitutes in the building, were immediately taken to the local Mharbavdi Police Station for further interrogation.<sup>1</sup> Police investigations subsequently unraveled a gruesome murder of a young woman, known as Akootai, who had been sold months earlier into a brothel, owned and operated by Mirza Syed Khan and his "wife" Gungabai.<sup>2</sup> Following a failed escape from the brothel, Akootai was brutally tortured by her brothel keepers – beaten with a curry stone, deliberately starved, and burned.<sup>3</sup> Succumbing to her injuries two days later, Akootai died in the most deplorable circumstances.<sup>4</sup>

As news of the murder spread in Bombay, a flurry of editorials appeared in local newspapers, condemning the conditions of brothel life in the city. What distinguished this particular case from previous crimes against prostitutes was the degree to which it caught the attention of colonial administrators, sparking a torrent of official government correspondence

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<sup>1</sup>Home Department, 1917. *Report on the Condition of Brothels in Bombay and of the Murder of a Prostitute in That City*. Police-A, December, Nos.128-130. New Delhi: National Archives of India.

<sup>2</sup>Although the local press referred to Gungabai as Mirza Syed Khan's wife, from the witness testimonies in the 1917 police report, the two were never legally married. Rather, they cohabitated and ran the brothel similar to a familial structure. See also: Ashwini Tambe, "Brothels as Families: Reflections on the History of Bombay's *Kothas*," *The International Journal of Feminist Politics* 6, no. 2 (2006): 219-242.

<sup>3</sup>In the police reports, a curry stone was listed as one of the murder weapons. A curry stone is a heavy tool used for grinding spices.

<sup>4</sup>For a more detailed discussion of the circumstances surrounding Akootai's murder, see: Ashwini Tambe's *Codes of Misconduct: Regulating Prostitution in Late Colonial Bombay* (Minneapolis: University of Minnesota Press, 2009), especially Chapter 3 "Akootai's Death: Subaltern Indian Brothel Workers." Tambe's work focuses on the social history of subaltern prostitutes in colonial Bombay by using Akootai's case to illustrate the conditions of brothel life. My work takes a slightly different approach by analyzing how the controversy surrounding Akootai's murder became the grounds on which colonial officials articulated the social ills of India and justified the need for reform.

that sought to determine whether similar conditions existed in brothels outside of Bombay. In short, the tale of Akootai's death quickly trickled outside the city into far-flung regions of British India. If prostitution, pimping, and trafficking had previously been an "open secret" amongst its residents and colonial officials, as one commentator wryly suggested in *The Times of India*, then its lurid details were no longer containable within the city walls of Bombay.<sup>5</sup> Instead, a concerted effort was made by the colonial government to determine the scope of prostitution and the prevalence of brothel abuses in major urban centers across British India.

Between 1917 and 1939, the Government of India launched a series of colony-wide investigations and commissions of inquiry that produced an archive of ethnographic and statistical knowledges about prostitutes residing within the subcontinent, taking notable interest in documenting the private, intimate lives of these women. These colonial reports focused intensely, for the first time, on the state protection and rehabilitation of prostitutes, treating them as victims of Indian depravity rather than as sources of disease and contagion. Akootai's murder was continuously referenced in colonial documents concerning social reforms for prostitutes until almost a decade after its occurrence. So, why did the murder of one prostitute, in a city where crimes in brothel houses were previously glossed over in police reports and acknowledged in hushed voices and whispers, suddenly garner so much attention and provoke such fervent reactions from colonial officials? It was almost as if the ghost of Akootai haunted the colonial archive, inciting the official government documents to return over and over again to that fateful winter evening in 1917.<sup>6</sup>

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<sup>5</sup>"The Duncan Road Tragedy," *The Times of India*, April 9, 1917, 7.

<sup>6</sup>A haunting is not the same as trauma, exploitation, or oppression, but rather, as sociologist Avery Gordon has proposed, it is an animated state where unresolved social violence makes itself known through the meeting of the living and the deceased, where the ghosts of violent pasts serve as a constant reminder that the histories of social injustice are sometimes never fully buried or concealed. A haunting, thus, is a sociopolitical and psychological state of disturbance, where the temporal divisions of time become blurred – it conjures up past violence, seeps into the present, and alters our perceptions of the future, which may help begin to elucidate why the colonial government became fixated on the death of Akootai. In this light, the archival haunting I describe alludes to a repetitive

This study is concerned with the haunting of the colonial archive in British India and the underlying anxieties that animated the colonial desire to launch a project of knowledge retrieval of prostitutes during the interwar period. Why did the death of one prostitute come to signify the depravity of prostitutes in general across British India for the colonial administrators? And what does the abundance of colonial files reveal about the motivations behind these investigative projects? After all, heated legislative debates regarding venereal diseases and the regulation of prostitution had gradually ceased by the late nineteenth century with the repeal of the Indian Contagious Disease Act in 1888.<sup>7</sup> Why then did the colonial government resume its preoccupation with prostitution reforms with newfound rigor during the interwar period? Following Gayatri Spivak's observation that the knowledge collection of subalterns is never a neutral nor benign political project, this work interrogates why certain questions regarding prostitutes – from their backgrounds to their malleability for rehabilitation – were so intriguing for colonial administrators during this time.

Prostitution reforms in colonial India have generally been examined as a regional legal or social history.<sup>8</sup> This study suggests, however, that the colonial state's preoccupation with the

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encounter between colonial administrators and a deceased prostitute, that generated an abundance of texts that attempted to propose remedial measures to prevent brothel abuses for the future, but was never quite able to escape the horrors of the murder nor failures of past reforms. See: Avery Gordon, *Ghostly Matters: Haunting and the Sociological Imagination* (Minneapolis: University of Minnesota Press, 2008).

<sup>7</sup>Despite the repeal of the Act in 1888 and subsequent amendment of the Cantonment Acts in 1897, military authorities in British India continued the practice of forced registration and medical examinations of prostitutes until the 1900s. See: Kenneth Ballhatchet, *Race, Sex, and Class Under the British Raj: Imperial Attitudes and Policies and their Critics, 1793-1905* (London: Weidenfield & Nicolson, 1980), in particular chapters 2 and 3.

<sup>8</sup>For a social history of prostitution in colonial Bengal, see Sumanta Banerjee, *Under the Raj: The Prostitute in Nineteenth Century Bengal* (New York: Monthly Review Press, 1998). For an earlier colonial history of courtesans, see Veena Talwar Oldenburg's influential article "Lifestyle as Resistance: The Case of the Courtesans of Lucknow" in Douglas Haynes and Gyan Prakash (ed.), *Contesting Power: Resistance and Everyday Social Relations in South Asia* (Berkeley: University of California Press, 1992). For a legal history of prostitution in late colonial Bombay, see Ashwini Tambe, *Codes of Misconduct: Regulating Prostitution in Late Colonial Bombay* (Minneapolis: University of Minnesota Press, 2009). Stephen Legg also writes on the regulation of prostitution in colonial Delhi in "Governing Prostitution in Colonial Delhi: From Cantonment Regulations to International Hygiene (1864-1939)," *Social History* 34 no.4(2009): 447-467. For a study of prostitution in colonial south India, see Priyadarshi Vijaisri, "Contending Identities: Sacred Prostitution and Reform in Colonial South India," *Journal of South Asian Studies* 28, no.3 (2005): 287-411. Philippa Levine's study of the controversial Contagious Diseases Act across four colonial

knowledge collection of prostitutes needs to be understood within the international political climate of the post-First World War period – a time when the legitimacy of the British Empire was increasingly challenged and subject to public scrutiny by international organizations, such as the League of Nations and its affiliated bodies, and the burgeoning Indian nationalist movement. The controversy surrounding Akootai’s murder, spilling quickly from the city of Bombay to the rest of British India, became a metonym for the social ills of the subcontinent, where helpless women turned to prostitution with tragic consequences. I argue that this metonym became the grounds on which the colonial administration justified its continued presence in British India by relying on the rhetoric of social reforms for indigenous prostitutes. Reforming prostitution during the interwar period, much like legislative interventions in *sati* and widow remarriage in the nineteenth century, and the ongoing age of consent debates in the early twentieth century, relied on the familiar trope of “white men saving brown women,” in order to rally unwavering support in the metropole and abroad to preserve the status quo of British rule in India.<sup>9</sup>

While the rhetoric of benevolent colonial rule produced a vast archive of information concerning prostitutes, the proposed social reforms for rehabilitation rarely materialized into tangible results. This study argues that the call for social reforms was, to a large extent, a public relations exercise meant to appease growing international scrutiny over the legitimacy of colonial rule in India by paying lip service to the need for improving the social conditions of Indian women “lured” into prostitution. By the 1920s and 1930s, however, the crisscrossing concerns of the League of Nations in curtailing sex trafficking gradually seeped into these official knowledge production projects, which led to a diverted colonial gaze on foreign

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sites offers a notable exception to the regional history of prostitution mentioned above. See: Philippa Levine, *Prostitution, Race, and Politics: Policing Venereal Disease in the British Empire* (New York: Routledge, 2003).

<sup>9</sup>Gayatri Spivak uses this now oft-cited phrase of “white men saving brown women from brown men” in her article “Can the Subaltern Speak?” in Cary Nelson and Lawrence Grossberg (ed.), *Marxism and the Interpretation of Culture* (Urbana: University of Illinois Press, 1988).



European prostitutes working in the major seaports of the subcontinent, instead. Anxieties about the erosion of the British *memsahibs*' prestige with the presence of "white" prostitutes in India and the conflation of the "problem" of prostitution with one of international sex trafficking, eventually resulted in the colonial state's discrepant process of surveillance between indigenous and foreign prostitutes.<sup>10</sup> By the end of the interwar period, in an ironic twist, indigenous prostitutes, who accounted for the majority of trafficked women in British India and whom the colonial state had initially sought to protect, became relegated to the background of colonial concerns.

Theoretically, this study builds off Mrinalini Sinha's framework of imperial social formation, which enables historians to anchor their analyses of specific historical situations within a global imperial structure.<sup>11</sup> The use of a "multiply scaled mode of analysis" – the merging of the local, colonial, and international – protects historians from a teleological analysis that views the events of colonialism as inevitable outcomes and forces us to engage, with required humility and flexibility, in the historical contingencies and unintended consequences in the aftermath of a historical event.<sup>12</sup> In this paper, the controversy over Akootai's murder serves as the starting point – the transformative local event – that escalated from the city of Bombay to the rest of British India, where the death of one prostitute came to represent all the horrors of indigenous prostitution. In following the trajectory of the controversy across multiple scales, a new development within the international arena emerges. By the mid-1920s, international anti-

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<sup>10</sup>*Memsahib* was a term used in colonial India to connote respect for a white and / or upper-class woman, usually married. For an interesting and related work on the status of European prostitutes in colonial Bombay and their relations with the colonial state, see: Ashwini Tambe, "The Elusive Ingenue: A Transnational Feminist Analysis of European Prostitution in Colonial Bombay," *Gender & Society* 19, no.2 (2005): 160-179.

<sup>11</sup>Mrinalini Sinha argues that the "imperial social formation" is meant to emphasize the historical role of imperialism in "assembling different societies into a system of interdependencies." In order to write an intricate global narrative of intersecting histories, Sinha suggests moving across multiple scales of analysis that effectively balance the local, the colonial, and international within the same historiographical space. See: Mrinalini Sinha, *Specters of Mother India: The Global Restructuring of an Empire* (Durham: Duke University Press, 2006).

<sup>12</sup>*Ibid.*, 16.

sex trafficking discourses, spearheaded by the League of Nations, began to permeate the colonial archive and increasingly, the issue of prostitution in British India was framed within a broader context of global trafficking. This new preoccupation with foreign prostitutes and monitoring sex trafficking across national borders thus became an off-shoot investigation, derailing the original investigative projects, aimed at the knowledge collection of indigenous prostitutes.

Ann Laura Stoler's work on the ethnography of the archives is also immensely influential in my analysis of the puzzling and at times, illogical nature of these state commissions of inquiry.<sup>13</sup> It brings to light to how colonial anxieties regarding prostitution in the archival records lacked any clear, consensual articulation. At times defined as a problem of procuring or pimping and at others, as one of "immoral vice," the colonial project of rehabilitation was from the outset riddled with inconsistencies. These reports produced a wealth of information on prostitutes, but were rarely ever utilized for social reforms. Rather, colonial officials repeatedly lamented the difficulty of policing traffickers and the unpreparedness of the Indian public for the social welfare of "fallen" women. By the beginning of the Second World War, the reports on the conditions of prostitution suggested that little had changed since 1917, despite the colonial efforts of surveillance and the stacks of paperwork they produced. As Stoler has astutely observed, colonial investigative projects were often launched with specific "interpretive, historical, and epistemic frames" already in place, where the information sought after was merely in conformity with "what people in power already knew."<sup>14</sup> With no real intention of implementing social change for prostitutes, the very statistics and vignettes about these women that the colonial state had retrieved were, in the end, dismissed, its findings placed aside and now collecting dust in the vaults of the National Archives of India.

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<sup>13</sup>Ann Stoler urges historians to be attentive to the "pulse of the archive" – the natural grooves of the archival form and structure, its shifting vocabulary, and the epistemic uncertainties written into colonial records. See: Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton: Princeton University Press, 2009).

<sup>14</sup>Ibid., 169 & 173.

The first part of this paper examines the political climate of the interwar period in colonial India to elucidate why Akootai's murder activated the archival production of investigative reports on prostitution. I argue that the projects of knowledge retrieval served two purposes. They provided the colonial government with the illusion of the success of its technologies of surveillance, whereby even the intimate lives of this marginalized group of women could be observed and recorded. The projects also generated discussions about the rehabilitation of prostitutes, enabling the colonial state to pose in a stance of benevolent paternalism. The second section situates this colonial project within an international history of the League of Nations. I suggest that the Government of India's active participation in the League's campaigns to prevent sex trafficking was meant to promote an "enlightened" colonial rule on the global front and thus bolster the ideological legitimacy of British rule in India by demonstrating that its colonial policies on prostitution were on par with international standards. But, while both the Government of India and the League of Nations vowed their commitment to the equal protection of women and children from sex trafficking, irrespective of "race" or nationality, in reality, the "protection" they offered was circumscribed by a series of preconditions, such as age and prior sexual history. Guided by new international influences, the colonial government's eventual privileging of foreign European prostitutes in their investigative reports marks an interesting and unexpected twist of "white men saving white women" in the colonial management of prostitution.<sup>15</sup>

The case of Akootai's murder did not receive closure, even as the case subsequently convicted both brothel keepers of murder in the highly sensationalized trial, *Mirza Syed Khan vs.*

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<sup>15</sup>For an earlier history of the colonial state's preoccupation with European prostitutes, see: Harald Fischer-Tine, "White Women Degrading Themselves to the Lowest Depths: European Networks of Prostitution and Colonial Anxieties in British India and Ceylon, ca. 1880-1914," *Indian Economic and Social History Review* 40, no.2 (2003): 163-190. While the colonial government was certainly influenced by the international concerns of the "white slave traffic" in the period leading up to the First World War, I suggest that during the interwar period, the Government of India intensified its surveillance on European prostitutes, in response to growing international pressures exerted by the League of Nations.

*the Crown*, in the Bombay High Court in the spring of 1917. The judge sentenced both Mirza Syed Khan and his “wife” to death by judicial hanging. An appeal was made for a commutation of the sentence, but in the end, it was denied by the Government of India in Delhi. On the morning of May 17, 1917, less than three months after Akootai’s death, both the accused were executed at Umercarry Jail.<sup>16</sup> The hanging of Akootai’s murderers, however, did little to bury the colonial anxieties that informed the subsequent investigative reports into the conditions of prostitution. Nor, it seemed, did the local residents of Bombay want it to. In an editorial featured in *The Times of India*, one commentator cautioned, “This case *cannot* end with the punishment of the guilty partners.”<sup>17</sup> And it did not. It is to this uncertain aftermath of the Duncan Road murder case that I now turn.

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<sup>16</sup>“Execution in Bombay,” *The Times of India*, May 7, 1917, 5.

<sup>17</sup>“A Dreadful Case,” *The Times of India*, April 16, 1917, 8.

## An “Absent Presence”: The Knowledge Production on Colonial Prostitutes

On April 6, 1917, a Bombay resident, R.P. Masani, commenting on the Duncan Road murder case in *The Times of India*, expressed his disgust over the “conditions under which such social enormities are perpetrated and allowed to grow too strong for law or shame.”<sup>18</sup> This perception of lawlessness in colonial Bombay was in part, due to a profound shift in prostitution laws at the turn of the century. Although prostitution was not illegal in colonial India, soliciting, procurement, and pimping were rendered criminal offences by various provincial laws. A major legislative change, however, came with the repeal of the colonial system of state-regulated brothels in 1888 and the move towards a system of gradual abolition. Despite the legal repeal of the state sanctioned brothel houses, unofficial red light districts continued to flourish across major city hubs in British India and the sale of women persisted, ungoverned, in vast underground sex trafficking networks in the early twentieth century.<sup>19</sup> The confidence with which the colonial authorities planned for the spatial management and containment of prostitution in the mid-nineteenth century yielded to a shaken conviction in the state’s ability to effectively manage the sex trade by the interwar period.<sup>20</sup>

In the mid-nineteenth century, attempts to regulate prostitution in colonial India were motivated primarily by a medical concern for the physical and social health of British subalterns residing in military cantonments within the vicinity of *lal bazaars*.<sup>21</sup> These red light districts conjured up notions of filth, diseases, and sexual laxity. Deeply troubled by the bodily and

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<sup>18</sup>“The Duncan Road Tragedy,” *The Times of India*, April 16, 1917, 8.

<sup>19</sup>Various police reports between 1902-1910 suggest the proliferation of trafficking networks, particularly within the city of Colombo, whereby foreign prostitutes eventually made their way to British India. See for example: Home Department, 1903. *Use of Colombo as Head-quarters of Certain Foreigners Engaged in Promoting Prostitution in India*. Police-A, November, Nos. 40-41. New Delhi: National Archives of India.

<sup>20</sup>Janaki Nair, “Imperial Reason’, National Honour and New Patriarchal Compacts in Early Twentieth-Century India,” *History Workshop Journal*, Issue 66 (2008): 208-226.

<sup>21</sup>*Lal bazaar* means, literally, “red market.” It was a term used by colonial officials to refer to the red light districts of British India. This medical concern was in part generated by the rumor that more British soldiers died from venereal diseases in the Indian subcontinent than from combat. See: Anjali Arondekar, *For the Record: On Sexuality and the Colonial Archive* (Durham: Duke University Press, 2009), 152.

perceived moral degeneration of British troops, the Government of India implemented the 1864 Cantonment Acts, followed by the 1868 Indian Contagious Diseases Act.<sup>22</sup> Enacted in the decades following the bloody 1857 Indian Mutiny, these laws reveal that concerns over the health of the British army and the security of imperial holdings in the subcontinent were paramount amidst a climate of paranoia. The political rationale for the state regulation of prostitution was meant to promote a system of “safe” sexual recreation for British soldiers in lieu of what the colonial state deemed dangerous alternatives, such as cohabitation with indigenous women, homosexual male relations, and masturbation.<sup>23</sup> This intense preoccupation over prostitution management by the colonial government has led several historians to argue that the whole imperial British army was organized around issues of sexuality and domesticity.<sup>24</sup>

The enforcement of state-sanctioned brothel houses was, however, short-lived in colonial India due to mounting political pressures from a growing abolitionist movement in the metropole.<sup>25</sup> But, while the Government of India formally repealed the Indian Contagious Diseases Act in 1888, ongoing unofficial toleration of brothel houses and street prostitution was recorded in colonial police reports into the early twentieth century, signaling the profound disjuncture between prostitution laws and their execution in the post-Contagious Diseases era.<sup>26</sup>

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<sup>22</sup>The Cantonment Act required the registration of public prostitutes and prohibited unregistered ones from practicing their trade within cantonment camps. It also subjected brothel houses to random inspections in order to keep venereal diseases in check. The Contagious Diseases Act made both registration and medical examinations of prostitutes compulsory. It further segregated prostitutes into specific neighborhoods and obliged brothel keepers to supply police officers with detailed information on each prostitute. See: Philippa Levine, “Venereal Disease, Prostitution, and the Politics of Empire: The Case of British India,” *Journal of the History of Sexuality* 4, No.4 (1994): 579-602.

<sup>23</sup>Ballhatchet, *Race, Sex, and Class Under the Raj: Imperial Attitudes and Policies and Their Critics, 1793-1905*; David Pivar, “The Military, Prostitution, and Colonial Peoples,” *Journal of Sex Research* 17, No.3 (1981): 256-269.

<sup>24</sup>See: Cynthia Enloe, *Bananas, Beaches, and Bases: Making Feminist Sense of International Politics* (Berkeley: University of California Press, 2000), 195; Levine, “Venereal Disease, Prostitution, and the Politics of Empire: The Case of British India,” 579-602.

<sup>25</sup>The pressure from abolitionists in Britain created a tension between the colonial and metropolitan governments over the efficacy and morality of the Contagious Diseases Act, culminating in what Philippa Levine has labeled as a “constitutional crisis.” See: Philippa Levine, “Rereading the 1890s: Venereal Diseases as “Constitutional Crisis” in Britain and British India,” *The Journal of Asian Studies* 55, No.3 (1996): 585-612.

<sup>26</sup>Ashwini Tambe points out this gap between prostitution laws and practice in colonial Bombay in the early twentieth century. See: Tambe, *Codes of Misconduct*, 122-130.

Furthermore, the punitive tone of earlier legislative debates concerning prostitutes, portrayed as carriers of disease and symbols of vice, was gradually replaced with the rhetoric of benevolence and reform, whereby the colonial government in collaboration with philanthropic organizations, such as the League of Mercy, the Association of Moral and Social Hygiene, and the Salvation Army, advocated for the rehabilitation of these women back to the realm of “respectability.” This ideological shift in the colonial state’s perception of prostitutes, from the lens of criminality to that of victimhood, raises interesting questions about the political stakes that prompted this transition during the interwar period.

Akootai’s death in 1917, decades after the failed system of state regulation, uncovered both the complexities and difficulties in the task of managing prostitution in colonial India. The murder unraveled the embarrassing reality of brothel houses in colonial Bombay, long after their official abolition across British India. The exposure of the gap between prostitution laws and their enforcement, coupled with the inefficacy of colonial strategies to “protect” trafficked women provided potential material for Indian reformers and social organizations to critique the colonial government in the local press. In one newspaper editorial, the author, writing in heated reaction to the Duncan Road murder, urged, “We trust that the Government of India will...institute a searching inquiry...and at once adopt the measures necessary to guard against their occurrence.”<sup>27</sup> Faced with tremendous public pressures, the colonial government had no choice but to initiate a stream of official correspondence in order to discuss the implications of Akootai’s murder. With the burgeoning public awareness of the murder and the increased feelings of insecurity about colonial governance, the Government of India produced a series of colonial reports that aimed at determining the scope of prostitution across British India and

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<sup>27</sup>“A Dreadful Case,” *The Times of India*, April 16, 1917, 8.

assessing whether the various provincial laws concerning sex trafficking and brothel abuses were sufficient.

In December 1917, the Government of India sent out a request to provincial governments to report on whether similar conditions of debt bondage and sale of young women existed in their jurisdiction and to evaluate whether additional legislative measures were needed to prevent abuses against prostitutes. In a fervent response, Commissioner F. Booth Tucker wrote on September 16, 1918,

In reference to the case of the little girls who are now practically sold in slavery to the brothels in Calcutta, Bombay and other cities, I would earnestly call your attention to the existence of this evil... It seems quite on par with the evils of *Sati* [and] girl infanticide... It is undoubtedly a blot upon this land which needs to be removed, and I cannot help feeling that every right-minded Indian, be he Hindu, Muhammadan, Parsi, or any other religion, would wish that blot to be removed, and the girls of India protected from the iniquitous traffic, which is now being carried on in such a brazen manner.<sup>28</sup>

By drawing a comparison between sex trafficking and the practice of *sati* and girl infanticide, Tucker was situating the problem of prostitution within a broader set of “women’s questions” that had dominated colonial social reforms in nineteenth century British India. Prostitution in this instance was used to showcase the social ills of the subcontinent in much the same way that *sati* and child marriage were utilized in the nineteenth century as proof of Indian barbarity. Akootai’s case, similar to the 1884-8 trial of Rukhmabai and the 1890 scandal of Phulmonee’s death, placed the so-called plight of Indian women under a spotlight, in order to demonstrate the need for social reforms.<sup>29</sup>

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<sup>28</sup>Home Department, 1919. *Proposed Adoption of Measures for the Prevention of Inhuman Practices Obtaining Brothels & Proposal of the Appointment of Women Police Officers to Aid in the Suppression of Brothels*. Police-A, Aril, Nos. 173-189. New Delhi: National Archives of India.

<sup>29</sup>In 1890, an eleven-year old Phulmonee was violently raped by her thirty-year old husband, Hari Mohan Maiti and died as a result of her injuries. Because the age of consent was set at ten years old for girls at the time, Maiti could not be tried for rape. Instead, he was sentenced to twelve months of hard labor for manslaughter. The case was circulated widely in the Indian press, triggering new discussions about reforming the legal age of consent and providing the colonial government with “proof” of Indian savagery. For a detailed discussion of Phulmonee’s death,



At the same time, an emerging Indian elite saw the modernization of women's conditions in India as its pathway to national legitimacy. In an intricate "process of contest and collusion," debates over social reform legislations for women were hashed out between colonial officials and Indian reformers, where colonial and patriarchal interests often converged.<sup>30</sup> But, in these legislative reforms concerning women's social conditions, according to Lata Mani, women themselves featured neither as the subject nor object of the debate; instead, they merely functioned as the metonym for tradition and culture.<sup>31</sup> The status of women, thus, became an index to measure civilizational progress in colonial India.

Towards the end of the nineteenth century, however, the "women's question" had gradually disappeared from legislative debates between colonial officials and Indian elites. Partha Chatterjee has suggested that this was not because questions of "progress" and social reforms for Indian women had ceased to be significant, but rather, it was the result of a new development in Indian nationalism, which was increasingly hinged on the dichotomy between the "public" or "material and the "private" or "spiritual" realm.<sup>32</sup> While nationalists acknowledged the superiority of colonial institutions in the public realm, they nurtured the private spheres of the home – a space symbolizing the true essence of Indian culture and national

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see: Tanika Sarkar's "A Prehistory of Rights: The Age of Consent Debate in Colonial Bengal," *Feminist Studies* 26, No.3 (2000): 601-622. In the 1880s, Rukhmabai's husband filed a suit against her for the "restitution of his conjugal rights" after she refused to cohabit with him. The lower court decided in favor of Rukhmabai, but on appeal, she was ordered to live with her husband or face prison time. Eventually, Rukhmabai and her husband reached a settlement outside the court, where he agreed to relinquish conjugal rights in favor of a share of her property in 1888. Rukhmabai's case was taken up by several British imperialists, feminist organizations, and missionaries to rally against the backwardness of the Indian arranged child marriage. While the case brought questions about consent and compatibility to the topic of marriage in colonial India, orthodox Hindus saw Rukhmabai's case as an example of how the "Westernization" of Indian women could destroy the Hindu family ideal. See: Antoinette Burton, "From Child Bride to Hindoo Lady: Rukhmabai and the Debate on Sexual Respectability in Imperial Britain," *The American Historical Review* 103, No.4 (1998): 1119-1146; Mytheli Sreenivas, *Wives, Widows, Concubines: The Conjugal Family Ideal in India* (Bloomington: Indiana University Press, 2008), 70-77.

<sup>30</sup>Kumkum Sangari and Sudesh Vaid (ed.), *Recasting Women: Essays in Indian Colonial History* (New York: Rutgers University press, 1990), 7.

<sup>31</sup>Lata Mani, "Contentious Traditions: the Debate on Sati in Colonial India," in Kumkum Sangari and Sudesh Vaid (ed.), *Recasting Women: Essays in Indian Colonial History* (New York: Rutgers University press, 1990), 88-126.

<sup>32</sup>Partha Chatterjee, "The Nationalist Resolution of the Women's Question," in Kumkum Sangari and Sudesh Vaid (ed.), *Recasting Women: Essays in Indian Colonial History* (New York: Rutgers University press, 1990): 233-253.

identity – that remained free from colonial intervention. It was in this inner realm that Indian nationalists were able to exert cultural autonomy over Indian women, by refusing to engage in debates pertaining to the “women’s question” with colonial officials. However, the nationalist resolution of the “women’s question” was, in reality, a much more complicated affair than this simplistic division between the home and the world.<sup>33</sup> After all, just as social reforms for women receded, concerns regarding prostitutes were thrust to the forefront of legislative debates in the early twentieth century. How do we account for this simultaneous process of the disappearance of the “women’s question” and the reemergence of prostitution concerns during the interwar period?

The colonial prostitute conveniently served as a foil for nationalist representations of the ideal Indian female citizen, which were heavily influenced by the emergent middle-class rhetoric of domesticity and respectability. It was precisely because prostitution threatened the nationalist discourses of conjugality and family life, seen as foundational to Indian national identity, that indigenous social reformers were keen to publicly support colonial efforts to rehabilitate women in the sex trade. An unprecedented number of middle-class women also became active participants in Indian nationalist politics during the 1920s, forming organizations such as the Women’s Indian Association and the National Council of Women in India, which enthusiastically took up prostitution reforms as one of its causes.<sup>34</sup> These women’s organizations, like their nationalist male counterparts, did not perceive prostitutes themselves to be legitimate nationalist actors, but rather, only as objects of rescue.<sup>35</sup> A 1921 episode, in which Mohandas Gandhi refused the request of a large group of prostitutes who had donated to his Tilak Swaraj Fund to meet with him and seek positions in the Congress Party, is revealing of the

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<sup>33</sup>Sinha, *Specters of Mother India: the Global Restructuring of an Empire*, 29.

<sup>34</sup>Tambe, *Codes of Misconduct*, 104-107.

<sup>35</sup>Ibid.

ways that the emergent Indian nationalism circumscribed women's political participation on the basis of their "respectability" or lack thereof.<sup>36</sup> Thus, while Indian nationalists remained resistant to colonial intervention over the "women's question," they could quite comfortably invoke the authority of the colonial state in "disciplining" prostitutes who, unlike the middle-class Indian women, fell outside the purview of the cultural traditions of the "inner" realm.

This sentiment of collaboration between Indian reformers and colonial officials is evident in Tucker's letter, when he expresses that "every right-minded Indian" would wish to support the Government of India's efforts to prevent brothel abuses.<sup>37</sup> A year earlier, the Commissioner of Police of Calcutta also echoed a similar desire, writing optimistically that unlike a century ago, a "new standard in public decency exists...and enlightened Indian opinion seeks the cooperation of the Government."<sup>38</sup> Such phrasing hinted that the success of curbing sex trafficking and brothel abuses ultimately rested on the readiness and willingness of an enlightened Indian public. So while colonial officials acknowledged the necessity of social reforms for prostitutes, they were also eager to make its successful implementation conditional on the cooperation of the indigenous population. By placing the burden of reform on an "enlightened" local population, colonial officials could discount any accountability for whether these recommended measures were ever materialized into legislative change or social reform.

In response to the colonial government's 1917 inquiry, most local governments, with the exception of Punjab and North-West Frontier, indicated that "conditions similar to the desperate plight of the Bombay prostitute Akootai" were non-existent in their jurisdiction.<sup>39</sup> While reports

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<sup>36</sup>Ibid, 105-107. For more details on Gandhi's attitudes towards prostitution in colonial India, see: Ashwini Tambe, "Gandhi's 'Fallen' Sisters: Difference and the National Body Politic," *Social Scientist* 37, No.1/2 (2009): 21-38.

<sup>37</sup>Home Department, 1919. *Proposed Adoption of Measures for the Prevention of Inhuman Practices Obtaining Brothels & Proposal of the Appointment of Women Police Officers to Aid in the Suppression of Brothels*. Police-A, April, Nos. 173-189. New Delhi: National Archives of India.

<sup>38</sup>Ibid.

<sup>39</sup>Ibid.

from Punjab and the North-West Frontier documented the rowdy brothels of Rawalpindi City, referred to as the *Challa Kothis* and infamous brothel practices in the city of Peshawar, respectively, most other provincial Governments appeared less than enthusiastic about the adoption of further remedial measures targeting brothel management and sex trafficking. The Governments of Bengal, Burma, Central Provinces, Assam, and Delhi all urged that such legislative interventions were not necessary, while the Governments of Madras and the Central Provinces cautioned against further police interference in matters regarding prostitution for fear that granting too much power to police officers would lead to corruption within the force and drive the trade underground. The confidence with which the local Governments declared the nonexistence of brothel abuses and sex traffic in their area of rule is curiously odd, especially given that numerous colonial reports from the earlier twentieth century had attested to the widespread trade of young girls for immoral purposes in British India.<sup>40</sup> The outright denial by these colonial officials thus raises the question: what political purpose did their refusal to acknowledge sex trafficking and debt bondage in brothels serve?

The unwillingness on the part of provincial governments to acknowledge the sale of minor girls into brothels in the 1917 inquiry was strangely reminiscent of a similar investigation conducted in 1903. Writing on the extent of pimping and procuring in British India, the Governor of India simultaneously disclosed the existence of sex trafficking, while also lamenting the challenges of obtaining legal proof for such crimes. He wrote,

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<sup>40</sup>For a few examples of colonial reports that reference sex trafficking in the early twentieth century, see: Home Department, 1902. *Acquittal, on appeal, of a Woman Who Was Convicted and Sentenced to A Year's Rigorous Imprisonment for Keeping Girls for Immoral Purposes*. Police-A, February, No.15. New Delhi: National Archives of India; Home Department, 1903. *Use of Colombo as Headquarters of Certain Foreigners Engaged in Promoting Prostitution in India*. Police-A, November, Nos. 40-41. New Delhi: National Archives of India; Home Department, 1913. *Trial of Khwaja Muhammad Khan of Hoti-Mardan on a Charge of Abetting the Abduction of Two European Girls From Bombay*. Police-A, September, Nos.91-131. New Delhi: National Archives of India; Home Department, 1913. *Question and Answer in Parliament Regarding the Proposed Legislation to Suppress Traffic in Native Girls for Immoral Purposes*. Judicial, March, No.11. New Delhi: National Archives of India.

In the Town of Bombay and in other localities there are numbers of girls, minors of tender age, known to be living in brothels under such circumstances as to leave no doubt that the said girls have been procured for immoral purposes. But legal proofs...being unobtainable, it is impossible to save these girls from the life of shame or degradation for which they are destined.<sup>41</sup>

With a sense of resignation, the inquiry of 1903 was temporarily closed, until over a decade later, when the Duncan Road murder case reactivated the issue once again. In both the 1903 and 1917 reports, rumors of rampant sexuality and atrocious brothel practices circulated within the colonial archive in abundance, but exact details remained elusive and difficult to document. These reports illuminate the illogic of the colonial exercises of surveillance and information collection: anxieties over high crime rates and immoral vice were remedied with a fervor to make brothel life visible and thus, manageable, but while these surveillance exercises created a temporary illusion of the success of the colonial technologies of rule, they were almost always followed by a dismissal of the proposed remedial measures. Over time, the lack of change would once again provoke more commissions of inquiry, allowing the colonial state to identify the problem over and over again.<sup>42</sup>

Unsatisfied with the reports provided by the provincial Governments, in 1919 the Government of India commissioned E.C. Shuttleworth, the Police Commissioner of Rangoon, to tour the cities of Madras, Calcutta, Bombay, Colombo, and Rangoon in order to undertake a thorough reassessment of the social conditions of prostitutes in each city. The colonial government's attempt to commission another inquiry and reproduce its findings accentuates its intent on eliciting a particular response that would satisfy their investigative curiosities. On November 22, 1919, two years after the *Mirza Syed Khan vs. the Crown* trial, Shuttleworth

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<sup>41</sup>Home Department, 1903. *Use of Colombo as Headquarters of Certain Foreigners Engaged in Promoting Prostitution in India*. Police-A, November, Nos. 40-41. New Delhi: National Archives of India.

<sup>42</sup>Stoler, *Along the Archival Grain*, 178.

compiled his findings in a report titled, “Extent, Distribution, and Regulation of ‘Social Evil.’”<sup>43</sup> The report took great pains to record meticulous details about the background of prostitutes in British India, ranging from their religion, caste, and nationality to their annual earnings and the average number of clients they received daily. Painting a harrowing picture of the red light enclaves in each city, Shuttleworth described the “seething mass of Indian prostitutes,” soliciting by voice and gestures along the balconies of brothel houses of Sonagachi, and the “festering” hordes of prostitutes behind “barred doors and windows...looking out like caged animals in a zoo” in colonial Bombay.<sup>44</sup>

These voyeuristic illustrations in Shuttleworth’s report invoked a colonial hygienic nightmare of disease, filth, and destitution. The images of prostitutes as victims called on the colonial state to act, with benevolent paternalism, and offer protection to these women. In his assessment, Shuttleworth concluded that, “prostitution was merely a symptom of a disease, an effect of a cause,” which required the colonial government to work zealously to eradicate its causes.<sup>45</sup> He proposed three legislative recommendations to the Government of India: to criminalize any person living off the earnings of a prostitute, enforce deportation of all foreign prostitutes in British India, and to implement a mandatory requirement for indigenous prostitutes to practice in designated city quarters across the subcontinent. The Lieutenant-Governor, upon receipt of Shuttleworth’s report, noted that the first two proposals were already incorporated in the Indian Penal Code. He continued, predictably, that collecting sufficient evidence to make criminal charges or issue deportation was cumbersome and thus, these legislative policies were more or less ineffective. Furthermore, the Lieutenant-Governor rejected the third recommendation on the basis that it “amounts in effect to a reversion to the old system of

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<sup>43</sup>Home Department, 1920. *Report of Mr. E.C. Shuttleworth, Superintendent of Police, Rangoon, on the Extent, Distribution, and Regulation of Prostitution in the Cities of Calcutta, Madras, Bombay, Colombo, and Rangoon.* January, Police-A, No. 24-29. New Delhi: National Archives of India.

<sup>44</sup>Ibid.

<sup>45</sup>Ibid.

segregation which previous experience has proved to be a failure.”<sup>46</sup> The unwillingness, on the part of the colonial government, to act on the advice of a report it enthusiastically funded is striking and telling of the ways that obsessive preoccupation and deliberate neglect functioned as dual processes in the colonial project of surveillance over prostitutes. Once again, after two rounds of inquiries, the proposed remedial measures for preventing brothel abuses were deemed inconclusive.

By the early decades of the twentieth century, in the major colonial cities of Bombay and Calcutta, public prostitutes were estimated to number between 15,000 and 20,000.<sup>47</sup> In addition to indigenous prostitutes, women from various parts of Europe, the Middle East, and East Asia also made up the prostitution population in colonial India. The sheer range of women from diverse ethnic, linguistic, and geographic backgrounds further complicated the colonial search to organize a body of information on them. Prostitution as a profession was, however, challenging for the colonial government to define with precision. In reality, it was an “amalgamation of a number of varied practices, beliefs, and professions, which spanned the social and economic spectrum,” which resisted official attempts to paint a singular image of the colonial prostitute.<sup>48</sup> Despite the failure of Shuttleworth’s investigation to persuade the colonial government to enact any changes, his confidential report offers some interesting details on the meticulous divisions employed to make sense of the categorical complexities of prostitution.

In his report, Shuttleworth classified prostitutes in the cities he observed into foreign and indigenous, arguing that the “radical differences not only in the mode of living...but also the

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<sup>46</sup>Ibid.

<sup>47</sup>Ibid.

<sup>48</sup>Erica Wald suggests that historians, too often, accept the category of prostitution without question and urges further studies that examine the motivations which prompt both the imperial state and Indian elites to advocate the inclusion of certain groups of women (ie. Courtesans, *nautch* girls, *devadasis*, etc.) into this category. See: Erica Wald, “Defining Prostitution and Redefining Women’s Roles: The Colonial State and Society in Early 19<sup>th</sup> Century India”, *History Compass*, Vol. 7, No.6 (November 2009): 1470-1483.

methods and degree of control exercised over them” required this analytical distinction.<sup>49</sup> Interestingly, he subdivided foreign prostitutes into two groups: foreign European and foreign Asiatic, highlighting that in addition to being foreign, the geographical origins of the prostitute *mattered* in determining the degree of surveillance they were subjected to. He continued, writing that “the number of foreign European and foreign Asiatic [prostitutes] being relatively so small as to be negligible.”<sup>50</sup> Indeed, in his investigation, Shuttleworth found no prostitutes of European-descent in the cities of Madras and Colombo. Furthermore, according to the report, in colonial Bombay, a city with a population just short of one million by the 1920s, European prostitutes accounted for just sixty-seven out of 15,000 prostitutes. Yet, despite their insignificant numbers, the majority of the document was devoted to lengthy reports of the backgrounds and activities of European brothel workers, from their nationality to their relations with local authorities. The spotlight on European prostitutes, who represented a tiny fraction of women working in colonial brothels, is difficult to overlook. While the original purpose of the report was to assess whether tragedies like Akootai’s death were prevalent in other regions of colonial India, the investigation concluded by oddly devoting the bulk of its attention to the lives of foreign prostitutes. So, why was this distinction between foreign and indigenous and the taxonomy of “race” deemed so important?

In her study of European prostitution in colonial Bombay, Ashwini Tambe has argued that European prostitutes occupied an intermediary status, granting them an unusually complicated position as privileged subalterns in British India.<sup>51</sup> Their unique position in colonial

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<sup>49</sup>Home Department, 1920. *Report of Mr. E.C. Shuttleworth, Superintendent of Police, Rangoon, on the Extent, Distribution, and Regulation of Prostitution in the Cities of Calcutta, Madras, Bombay, Colombo, and Rangoon*. January, Police-A, No. 24-29. New Delhi: National Archives of India.

<sup>50</sup>Ibid.

<sup>51</sup>Complicating our understanding of “whiteness” in colonial India, Ashwini Tambe argues that the colonial government cast the majority of European brothel workers as Jewish and / or of Eastern European descent and consequently, depicted them as less “white.” Operating under an Anglo-Saxon hierarchy and a growing anti-Semitism in Europe, the colonial officials adopted a scale to measure the gradation of “whiteness” in order to



society helps to clarify why the colonial government was trained to individuate them under its gaze, while Indian prostitutes, in this particular report, received relatively scant attention. Certainly, the presence of European prostitutes in colonial India evoked fears of the erosion of white prestige and threatened the respectability of *memsahibs*. Eager to establish a gradation in “whiteness,” Shuttleworth was quick to preserve the reputation of women of British descent by placing them at the apex of that hierarchy. The majority of European prostitutes in British India, he pointed out, were recruited from the “Balkans, viz. Serbians, Romanians, and Greeks and Russian Poles and Slavs from Southern Russia.”<sup>52</sup> Writing with the arrogance of the assumption of an Anglo-Saxon superiority, Shuttleworth’s report used distinctions of “race” to interpret the greater presence of “lesser” European prostitutes in British India, as an indication of British civilizational superiority.<sup>53</sup>

Yet, the categories of race in these reports were never set in stone; instead, “race” was used as an extremely fluid and malleable concept. In one instance, Egyptians and Arabs were classified as “Europeans for all intents and purposes, as regards to their dress and style of living.”<sup>54</sup> In another, “Jewishness” was conflated with the Eastern European “race.”<sup>55</sup> These racial taxonomies were created at random, sometimes dictated by dress and at other times, collapsed with nationalities. As Bernard Cohn has pointed out, the processes of classifying people and their attributes with censuses, surveys, and ethnographies were not merely politically benign activities, but rather, through the very logic of their practice, these acts created new forms

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preserve the prestige of British women in colonies by making the distinction between respectable British *memsahibs* and “less white” European prostitutes. See: Tambe, “The Elusive Ingenue: A Transnational Feminist Analysis of European Prostitution in Colonial Bombay,” 160-79.

<sup>52</sup>Home Department, 1920. *Report of Mr. E.C. Shuttleworth, Superintendent of Police, Rangoon, on the Extent, Distribution, and Regulation of Prostitution in the Cities of Calcutta, Madras, Bombay, Colombo, and Rangoon*. January, Police-A, No. 24-29. New Delhi: National Archives of India.

<sup>53</sup>Tambe, “The Elusive Ingenue: A Transnational Feminist Analysis of European Prostitution in Colonial Bombay,” 160-79.

<sup>54</sup>Home Department, 1920. *Report of Mr. E.C. Shuttleworth, Superintendent of Police, Rangoon, on the Extent, Distribution, and Regulation of Prostitution in the Cities of Calcutta, Madras, Bombay, Colombo, and Rangoon*. January, Police-A, No. 24-29. New Delhi: National Archives of India.

<sup>55</sup>Ibid

of identity categories in colonial India.<sup>56</sup> Thus, the practice of racial classifications in these commissions of inquiry reaffirmed a racialized sexual order in British India, where prostitutes were subject to discrepant modes of surveillance. Shuttleworth's report glossed over "foreign Asiatic" prostitutes, and condensed information on indigenous ones into numbers and figures, while concentrating its attention on foreign European women. This individuated gaze towards European prostitutes, which eventually took precedence over concerns regarding indigenous prostitutes, will be explored in greater depth in the second half of this paper.

Subsequent efforts to enact legislative reforms over the next few years, to a large extent, proved to be futile. In 1923, a published report by the Prostitution Committee on the conditions of brothels in Bombay adopted a conservative view that "public opinion was not ready to support the position" of abolition, despite indicating that amongst local residents, prostitution was largely considered to be an undesirable vice.<sup>57</sup> That same year, local governments responded to *The Brothels Suppression Bill*, which recommended the more rigorous enforcement of police surveillance in the red light enclaves of urban centers, with unsurprising hesitation by cautioning against the desire to "over-legislate India on the subject of morality."<sup>58</sup> The contradictions of the colonial state's management of sexuality and its ambivalent stance on "legislating morality" was also evident in the nineteenth century, when the government's urgency to reform social practices, such as *sati* and child marriage, coexisted with its avowed non-interference in personal law. The debates on *sati*, child marriage, and prostitution helped to endorse the image of enlightened colonial rule in the Indian subcontinent, but by attributing the lack of concrete resolutions to the unpreparedness of the Indian public and the resistance of "age-old traditions" to change, the colonial government was able to also distance itself from the actual implementation of the legal

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<sup>56</sup>Bernard Cohn, *Colonialism and Its Forms of Knowledge: The British in India* (New Jersey: Princeton University Press, 1996), 3-15.

<sup>57</sup>Home Department, 1923. *Report of the Prostitution Committee*. Police, Nos.75/II. New Delhi: National Archives of India.

<sup>58</sup>Home Department, 1923. *The Brothels Suppression Bill*. Police, Nos.22. New Delhi: National Archives of India.

strategies and social work it proposed. Thus, for colonial officials, the execution of social reforms for prostitutes was less important than the publicity that the lawmaking processes and the state commissions of inquiry generated.

By the 1930s, the Government of India had carried its rhetoric on the rehabilitation of prostitutes to the international arena, submitting annual reports to the League of Nations' Committee on Traffic in Women and Children. In a 1935 questionnaire distributed by the League of Nations, the colonial government was asked to conduct interviews with a sampling of prostitutes, residing in the cities of Calcutta, Bombay, and Madras, in order to assess official efforts to reinstate these women into the "normal life of the community."<sup>59</sup> The Secretary to the Government of Bengal, reporting on one particular prostitute, wrote,

*Bimala Chatrin*, aged about thirty years, a native of Bearipara, Benares City... Her husband died when she was aged about twenty years and finding it difficult to live without any means of livelihood, she became a town woman. She is quite content with her present condition. She was not convicted for prostitution and no social service helped her in any way. Her mental condition is perverted.<sup>60</sup>

The biographical summaries in this report brought the lives of a handful of colonial prostitutes temporarily into view, but once their openness to rehabilitation was evaluated and their mental conditions assessed accordingly, colonial officials were quite content to cast them aside and close the investigations. The sparse biographies of just a few sentences reiterated the same stories – of desperation and youthful naïveté, widowhood and betrayals. In the end, these collected ethnographies of indigenous prostitutes were merely meant to reaffirm what colonial officials had presupposed all along, a type of "commonsense currency" about victimized

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<sup>59</sup>Home Department, 1935. *League of Nations: Questionnaire Regarding Method of Rehabilitation in Connection with Traffic in Women and Children*. Judicial, no.47/6. New Delhi: National Archives of India.

<sup>60</sup>Ibid.

prostitutes, which authorized a range of legal debates, social work, and further commissions of inquiry.<sup>61</sup>

Anjali Arondekar's insights on sexuality's ambivalent relationship to the colonial archive are particularly fruitful here to elucidate the many contradictions in the official reports on prostitution. Pointing scholars of colonialism towards the ways that questions of sexuality were continuously rendered highly visible by the colonial archive, Arondekar challenges the common assumption that sexuality was an item lost in colonial record keeping.<sup>62</sup> The Government of India, in its search to gather ethnographic and statistical knowledges about prostitutes, actively inquired, documented, and reviewed their collected materials in hopes of discovering the "truth" about prostitution in British India. Riddled with numbers and figures and tantalizing anecdotes of the sex trade, these reports appeared to verify the success of the colonial technologies of rule, whereby even the intimate details of brothel life could be infiltrated and recorded. The illusions of success also provided the promise that prostitutes, who dwelled in the margins of colonial society, could be easily managed and governed.

Yet, as this section has shown, hard facts, rumours, and speculative conclusions all coexisted as "truths" in these commissions of inquiry. The colonial effort to make prostitution knowable was itself an uneven process, as evident in the random racial categorizations employed in Shuttleworth's report and the sparse biographical accounts of select prostitutes in the 1935 Rehabilitation Report. Despite these investigative attempts to secure the "truth" about prostitution, the incompleteness of these reports uncovered infinite gaps in the colonial knowledge about of women and, consequently, produced an ongoing, insatiable desire to fill

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<sup>61</sup>Renisa Mawani uses the term "commonsense currency" about the myth of white slavery as a "Chinese problem"—as a result of anti-Chinese racism in late nineteenth / early twentieth century British Columbia. See: Renisa Mawani, *Colonial Proximities: Crossracial Encounters and Juridical Truths in British Columbia, 1871-1921* (Vancouver: University of British Columbia Press, 2009), 119.

<sup>62</sup>Arondekar, *For the Record: Sexuality in the Colonial Archive*, 1-26.

those gaps with more surveillance exercises and reports. Thus, as Arondekar has aptly suggested, the process of making questions of sexuality visible in the colonial archives also “paradoxically disclose[d] the very limits of that visibility.”<sup>63</sup> In other words, the colonial government’s pursuit of making the lives of prostitutes accessible also, ironically, exposed the impossibility of the colonial state’s totalizing gaze. Indeed, even as these commissions of inquiry were launched throughout the interwar period, colonial authorities simultaneously conceded the limitations of their knowledge on brothel abuses and sex trafficking networks prevented them from ever legislating effective social change.

Colonial prostitutes, like the ghost of Akootai, functioned as an “absent presence” – their traces slipping elusively in and out of sight – in these knowledge retrieval projects and the reports they produced during the interwar period.<sup>64</sup> The sensationalized nature of these commissions of inquiry and the publicity they generated were, in many ways, sustained by the tantalizing incompleteness of these reports, their “absences” haunting the colonial project of knowledge production, inciting even more investigations. But, the futility of these projects can be observed in the colonial state’s consistent dismissal of recommended measures and the unwillingness on the part of many provincial governments to initiate any legislative change. Instead, by the mid-1920s, the Government of India became heavily involved in international campaigns to curtail sex trafficking, guided by the League of Nations. Over time, debates around the presence of European prostitutes in British India came to overshadow colonial concerns regarding indigenous prostitutes and their vulnerability to brothel abuses and sex trafficking.

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<sup>63</sup>Ibid., 3.

<sup>64</sup>Ibid., 102.

## **An Unexpected Twist: The League of Nations and the Discourse of Sex Trafficking in British India**

In 1925, the Government of India submitted a report to the League of Nations' Committee on Traffic in Women and Children (hereinafter CTWC) summarizing twenty-two sex trafficking cases tried that year in British India. Reporting on the city of Bombay, the file included a description of one particular case:

A Hindoo woman aged 40 sold her daughter aged 15 for Rs. 100 to another Hindoo woman aged 35 in order that her daughter might practise prostitution in the house belonging to the buyer. The mother was sentenced to four months' rigorous imprisonment and the other woman to three months.<sup>65</sup>

The remainder of the report was replete with anecdotes of crimes of procurement and prostitution, providing a telling example of the colonial government's attempt to showcase to the international community the expediency and effectiveness of British Indian law and enforcement in combating sex trafficking. Throughout the 1920s and 1930s, the colonial government sent annual reports detailing ongoing investigations on such cases, even hosting a group of League-appointed delegates on tour in the subcontinent in 1931. This section foregrounds the Government of India's heavy involvement during the interwar period in the League's agenda to curb sex trafficking in order to raise the following questions: What interests did the colonial state have in its active participation in the League of Nations' anti-sex trafficking campaigns? How did its involvement in these campaigns affect, if at all, its initial investigative interests in brothel abuses following Akootai's murder? And finally, how did the League's emphasis on the international dimension of sex traffic shape colonial policies towards domestic prostitution and sex trafficking?

Cross-national collaboration on sex traffic prevention was not a new phenomenon during the interwar period; instead, its roots can be traced to the mid-nineteenth century Victorian

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<sup>65</sup>Home Department, 1927. *Report of the Sixth Session of the Traffic in Women and Children Committee*. Judicial. No. 700. New Delhi: National Archives of India.

crusade to abolish the export of European women and children into colonial brothels, or what was more commonly referred to as the white slave trade.<sup>66</sup> Influenced by Josephine Butler and her feminist abolitionist organization, the Ladies' National Association, the anti-white slavery campaign targeted the Contagious Diseases Act in Great Britain and the rest of the British Empire, arguing that the state regulation of prostitution was the primary motivating factor behind the white slave traffic.<sup>67</sup> The abolitionist movement gathered momentum towards the end of the century, with the formation of the Society for the International Suppression of White Traffic, which convened in 1899, 1904, 1910, and 1913 to oversee cross-national efforts to monitor the trafficking of European women.<sup>68</sup> Its work was soon interrupted by the outbreak of the First World War in 1914, but the organization laid the foundation for renewed international interests in policing sex traffic in the post-war era.

The end of the First World War saw the formation of the League of Nations in 1919, a new international organization aimed at the resolution of territorial disputes and the prevention of war. Influenced by various non-government reformist agencies, such as the Association of Moral and Social Hygiene and the Jewish Association for the Protection of Girls and Women, the League of Nations also adopted several social issues on its agenda, including slavery and sex trafficking.<sup>69</sup> In June of 1921, thirty-four participating states in the League of Nations convened in Geneva to establish an Advisory Committee on Traffic in Women and Children. Its main goals were to universalize the age of sexual consent, discourage state-sanctioned brothels, and to

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<sup>66</sup>For more detailed work on prostitution in Victorian Britain, see Judith Walkowitz's seminal work: Judith Walkowitz, *Prostitution and Victorian Society: Women, Class and State* (Cambridge: Cambridge University Press, 1980).

<sup>67</sup>Barbara Metzger, "Towards an International Human Rights Regime During the Inter-War Years: The League of Nations' Combat on Traffic in Women and Children," in *Beyond Sovereignty: Britain, Empire and Transnationalism, c.1880-1950*, ed. Kevin Grant, Philippa Levine, and Frank Trentmann (New York: Palgrave Macmillan, 2007): 55-56.

<sup>68</sup>Tambe, "The Elusive Ingenue: A Transnational Feminist Analysis of European Prostitution in Colonial Bombay," 170.

<sup>69</sup>Ashwini Tambe, "Climate, Race Science, and the Age of Consent in the League of Nations," *Theory, Culture & Society* 8, No. 2 (2011): 111.

monitor cross-border sale and movement of women and children. Participating governments, including India's, were obliged to submit annual reports. At the 1921 Committee meeting, participating members agreed to drop the earlier idiom of "white slave traffic," in order to highlight that the measures adopted would be "applied to all races alike."<sup>70</sup> In other words, the CTWC sought to consolidate a more global cooperation to prevent sex trafficking by articulating the promise of universal protection, irrespective of "race." Yet, despite the shift in terminology from "white slavery" to the more generic "traffic in women and children," the continued use of racialized language in the reports coupled with the emphasis on the crossing of national borders as a prerequisite for determining what constituted as sex traffic suggest that in reality, this promise of universal protection rang hollow.<sup>71</sup> As this section will demonstrate, there was a profound disjuncture between the anti-sex trafficking rhetoric of the League of Nations and the implementation of protective measures in colonial India.

The 1921 CTWC meeting in Geneva adopted a Convention that defined traffic as the sale and movement of people and commodities across *national* borders. The League's stress on national boundaries was meant to honor territorial sovereignty by vowing non-interference in the domestic affairs of prostitution while focusing on the international sale of girls and women for prostitution purposes. This limited definition of sex traffic in the 1921 Convention stunted its seemingly broad claims of universal protection. It conveniently allowed the Government of India to sweep aside most colonial cases dealing with internal sex trafficking from within both British India and the princely states in the subcontinent by shifting its attention to foreign prostitutes residing in the major cities of British India. Furthermore, it enabled the colonial

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<sup>70</sup>Home Department, 1922. *Legislation Passed to Give Effect to India's Adherence to the International Convention for the Suppression of Traffic in Women and Children*. Judicial. No. 580. New Delhi: National Archives of India

<sup>71</sup>Sarah Paddle has similarly argued that the continued distinction between "Oriental" and "Occidental" girls and women in the CTWC's annual reports sustained the racist undertones of the League of Nations' sex trafficking campaigns. See: Sarah Paddle, "The Limits of Sympathy: International Feminists and the Chinese 'Slave Girl' Campaigns of the 1920s and 1930s," *Journal of Colonialism and Colonial History* 4, No. 3 (2003): 1-22.



government to deprioritize any legislative discussions to limit domestic traffic, such as the unsuccessful attempt to amend the Indian Penal Code to include the importation of Indian girls from princely states into British India for prostitution as an offence in 1929.<sup>72</sup> It is crucial to note, however, that although the League of Nations was quick to distinguish between matters of national and international concern in matters pertaining to sex trafficking, in reality, the investigative curiosities of the CTWC into local practices of prostitution disturbed the League's simplistic division between the national and the international. Interestingly, wherever this distinction was blurred, it became a source of anxiety for British colonial officials.

Part of the reason for this anxiety lay in India's contradictory membership status within the League of Nations. The entry of India as a non-self-governing member of the League, along with the Dominions, marks a complicated postwar reorganization of political power within British India that merits some elaboration. The 1919 Government of India Act signaled the start of the devolution of power, whereby the colonial state declared a "progressive realization of responsible government in India" with the implementation of political reforms under the principle of "dyarchy."<sup>73</sup> India's seat in the League thus represented its introduction on the world stage as a colony on the brink of national maturity, whose aptitude for self-rule still required the guiding hands of the British administrators in the subcontinent.<sup>74</sup> Its contribution to the League's debates on a host of social issues and more specifically, prostitution and sex trafficking is a remarkable site to observe the tensions between British administrators, orthodox religious sects, and Indian reformers, all competing to demonstrate either the social "progress" or

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<sup>72</sup>Home Department, 1929. *Proposed Amendment of the Indian Penal Code and the Criminal Procedure Code So As to Penalize the Importation of Girls From Indian States Into British India For Prostitution*. Judicial-A, Nos, 1107. New Delhi: National Archives of India.

<sup>73</sup>The principle of political dyarchy transferred certain responsibilities of the provincial government, such as education and health to Indian ministers, while leaving the more politically "sensitive" areas of rule under the direct responsibility of the governor and his executive council. Mrinalini Sinha has suggested that the constitutional devolution in the aftermath of the First World War points to the unresolved tensions in the postwar restructuring of the British Empire. See: Sinha, *Specters of Mother India: The Global Restructuring of an Empire*, p. 28-9.

<sup>74</sup>*Ibid.*, 26-37.

“backwardness” of the subcontinent as a means to legitimize self-rule or justify continued colonial presence. In this context, India’s stance on issues related to sex traffic, such as debates on the age of consent and brothel regulation, became a measure of her fitness for self-rule and the stakes were high for the parties involved.

In 1923, the CTWC appointed a Body of Experts responsible for enquiring into the extent of international traffic in women and children, in order to collect “reliable data” it considered lacking in national reports.<sup>75</sup> After presenting its findings on North, Central, and South America in 1926 in Geneva, the Body of Experts shifted its focus to the “Far East” – an area including Japan, China, and India. Anticipating reluctance from local Governments, Committee member Mr. S.W. Harris, in a 1925 letter to the Government of India, assured them that the enquiry would relate primarily to “traffic in women as an international question and not to internal moral problems.”<sup>76</sup> Four years later, the Secretary General of the League of Nations officially proposed an investigation into the Far East, soliciting various governments to give their consent and offer cooperation. Despite the colonial government’s own domestic investigations on brothel abuses conducted throughout the 1920s after Akootai’s murder, they were reluctant to share their collected information with the League’s Body of Experts. The Government of Bengal, in response to the proposed enquiry, wrote in a confidential letter, “Present conditions continue most undesirable that Commission of enquiry should visit India, as it would be a source of embarrassment to the Government.”<sup>77</sup> He continued by suggesting that the League-appointed team would have to,

acquaint themselves with conditions under which foreign women live, they would have to visit slums and some of the lowest and most disreputable quarters of the cities. Furthermore, the Commission’s enquiries might receive attention in press

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<sup>75</sup>Metzger, “Towards an International Human Rights Regime During the Inter-war Years,” 66-71.

<sup>76</sup>Home Department, 1926. *Proposed Enquiry into the Question of Prostitution in India Led by a Committee Appointed Under the Auspices of the League of Nations*. Police. No. 36. New Delhi: National Archives of India.

<sup>77</sup>Home Department, 1929. *Proposed Extension of the League of Nations’ Enquiry Into Traffic in Women and Children to India and Other Western Countries*. Judicial, No.775. New Delhi: National Archives of India.

and furnish material for attacks on western civilization and morals for which may result in further embitterment of racial feeling [*sic*].<sup>78</sup>

The concerns voiced by the Government of Bengal were fitting of the time, when the Indian nationalist movement strengthened with the Indian National Congress' mobilization of mass struggle in opposition to colonial rule, under the leadership of Mohandas Gandhi and others.<sup>79</sup>

The mounting Indian nationalist movement in the 1920s exposed the increasingly precarious position the colonial government found itself in. In 1927, the publication of Katherine Mayo's *Mother India*, a social critique of child marriages and the conditions of indigenous women in the subcontinent more broadly, propelled the nationalist movement forward in unexpected ways.<sup>80</sup> Initially meant to denounce India's capacity for self-rule, *Mother India* was appropriated by Indian reformers in alliance with the emerging Indian women's organizations to illustrate the social stagnation under colonial rule and utilized to make a case for a national state. The controversy eroded public confidence in the colonial government, setting the stage for Indian nationalists and colonial officials to vie for the legitimacy of a national and colonial state, respectively. The *Mother India* scandal subsequently resulted in the passing of the Sarda Act of 1929, also known as the Child Marriage Restraint Act, which raised the age of marital consent to fourteen for girls and sixteen for boys.<sup>81</sup> The active support from Indian nationalists and women's organizations, such as the WIA, for the Sarda Act ironically chipped

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<sup>78</sup>Ibid.

<sup>79</sup>Janaki Nair has argued that by the interwar period, Indian nationalists began claiming a more assertive national honor, particularly when it came to the social reforms concerning Indian women. See: Nair, "'Imperial Reason,' National Honour, and New Patriarchal Compacts in Twentieth Century India," 208-266. See also: Ashwini Tambe, "Colluding Patriarchies: The Colonial Reform of Sexual Relations in India," *International Feminist Journal of Politics* 8, No.2 (2000): 587-602.

<sup>80</sup>Sinha, *Specters of Mother India: The Global Restructuring of an Empire*, 1-22.

<sup>81</sup>The Sarda Act was passed on October 1, 1929, becoming the first legislation against child marriage in British India. The ideological significance of the Act lay in its universal applicability, trumping "personal laws" of marriage that governed different religious communities. Nationalists saw this as a step closer to claiming a modernized national state of India, while the widespread mobilization of women in support of this law led to re-imagining of a collective political identity for Indian women. See: Sreenivas, *Wives, Widows, Concubines: The Conjugal Family Ideal in Colonial India*, 67-93.

away claims of colonial rule in India as “modernizers of indigenous patriarchy.”<sup>82</sup> Thus, while the Act temporarily placed aside the issue of child marriage, the new political transformations meant that the politics of Indian women increasingly gained traction in nationalist rhetoric to delegitimize the British Raj.<sup>83</sup>

In this context, the prostitute, like the Indian child bride, represented the “barbarity” of Indian tradition, at the same time, the potential for rehabilitation also signified the redemptive power of Indian nationalism. A League-sponsored enquiry threatened to expose new “embarrassing” materials on the conditions of prostitutes, an already marginalized group of women in British-ruled India, for the Indian nationalists to use to justify self-rule, exacerbating the already tense relations between British administrators and Indian reformers. For the colonial government, the issue of social reforms concerning prostitution was a delicate business – after all, there existed a fine line between using the metonym of Akootai’s death to justify the need for the benevolent paternalism of colonial rule and offering it to Indian nationalists as evidence of colonial misrule.

Meanwhile, as various provincial Governments fretted over the potential inconveniences of a League commission of inquiry in the Far East, a crime of internal trafficking in the subcontinent came to dominate the talk of Calcutta. On March 9, 1927, *The Times of India* reported a crime of “extraordinary romance,” which involved the kidnapping of a young Nepalese girl and the murder of a Marwari merchant.<sup>84</sup> The case is worth recounting in detail because it is illustrative of the highly selective protection that the colonial government offered to trafficked indigenous women. On February 26, 1927 Kharag Bahadur Singh, a male Nepalese student, entered the office of Hiralal Agarwalla, a wealthy Marwari merchant in Calcutta, and

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<sup>82</sup>Sinha, *Specters of Mother India: The Global Restructuring of an Empire*, 153.

<sup>83</sup>Ibid., 196.

<sup>84</sup>“Romance and Crime: Calcutta Murder – Nepalese Avenges Insult to Young Girl,” *The Times of India*, March 9, 1927, 12.

assaulted the merchant with a *kukri*.<sup>85</sup> Succumbing to his neck and chest injuries, Hiralal died two days after the attack. Upon Bahadur Singh's arrest, he claimed to have committed the crime to uphold the honor of Nepalese women and more specifically, his cousin Raj Kumari, a Nepalese girl who was sold to Hiralal as a concubine for thirteen hundred rupees. Media attention and investigations subsequently centered around Raj Kumari, whose beauty was cited in newspapers, police reports, and official government correspondence. Raj Kumari alleged that she had been abducted from her native village, Janakpur by Padma Parshad Upadhyaya, a well-known broker in the trade of Nepalese girls in Benares, and sold to Hiralal. Kumari escaped from Hiralal's residence and sought police protection after repeated harassment from Hiralal's men. Failing to secure their assistance, she appealed to the Gurkha Association of Calcutta, which had drafted a suggested resolution to the Police Commissioner in Calcutta before the murder took place.<sup>86</sup>

The case attracted the attention of the Criminal Investigation Department, which made enquiries into the reported "well-known" center of the Nepalese traffic in Benares. In a March 1927 report by the Assistant Investigation Branch to the Government of India, it stated that "there is no doubt that Benares is the center of a brisk trade in Nepali girls of marriageable age who are either sold in marriage with the consent of their parents or are seduced and sold as mistresses by regular brokers in this line of business."<sup>87</sup> Yet, instead of focusing its attention on the trafficking of Nepalese girls in Benares, the government reports and official trial proceedings on Padma Pershad, the alleged broker in the trade, directed their investigation towards gathering information on Raj Kumari. The crux of their concern revolved around Kumari's age, character, and the nature of the transaction between Padma Pershad and Hiralal Agarwalla – factors which

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<sup>85</sup>A *kukri* is a curved Nepalese knife, similar to a machete.

<sup>86</sup>"Romance and Crime: Calcutta Murder – Nepalese Avenges Insult to Young Girl," *The Times of India*, March 9, 1927, 12.

<sup>87</sup>Home Department, 1927. *Enquiries into the Alleged Traffic in Nepali Girls in the United Province*. Police, No. 785/II. New Delhi: National Archives of India.

proved critical to both the verdict of the trial and the subsequent laws pertaining to the trafficking of indigenous women within the Indian subcontinent.

On March 21, 1927, the Assistant Investigative Branch wrote in a letter to Scott O'Connor, Deputy Director of the Criminal Investigation Department,

Raj Kumari is extremely beautiful but by no means as young as she is rumoured to be. She is about eighteen years of age, and is said to have been pregnant before she left her father's village in the Nepal Terai to visit Benares to visit her grandmother.<sup>88</sup>

The contention over Kumari's age is particularly significant. Debates over her actual age coincided with the heated legislative debates in the 1920s about raising the age of consent for non-marital sex from fourteen to sixteen, in a series of proposed bills.<sup>89</sup> In local newspapers, Kumari was reported to be merely thirteen years old, but official investigations claimed her age to be approximately eighteen. While the consensus over her age was never reached, official attempts to increase her age above the age of non-marital consent ensured that if the defense could prove that Kumari was sold to Hiralal without intimidation, then the colonial state did not have legislative responsibility to protect Kumari. Furthermore, in choosing to include rumors of Kumari's pregnancy prior to her abduction, the report intentionally undermined the reputation of her character by painting Kumari as a non-virginal and consenting adult whose sexual honor did not need to be "upheld" by Bahadur Singh nor protected by the colonial state.

The Raj Kumari trial ended with the acquittal of Padma Parshad who, according to Mr. P.C. Bamord, the Deputy Director of Central Intelligence in British India, appeared to have

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<sup>88</sup>Ibid.

<sup>89</sup>The 1911 Dadabhoy Bill was the first bill to introduce a distinct age of consent for non-marital sex. When the age of marital consent was raised from twelve to fourteen for girls in 1929, the legal age of consent for non-marital sex also increased from fourteen to sixteen for girls. The inconsistency between laws governing the age of consent inside and outside marriage has drawn attention from Ashwini Tambe, who argues that the rise in the legal age of non-marital sex acted as a "safety valve" in response to the corresponding rise in marital consent. It allowed the colonial state to act as a "surrogate parent" to monitor the sexual maturity of these girls, in response to the erosion of parental control that came with the passing of the Sarda Act in 1929. See: Tambe, "The State as a Surrogate Parent: Legislating Non-Marital Sex in Colonial India, 1911-1929," *Journal of the History of Childhood and Youth* 2, No.3 (2009): 393-427.

“considerable influence among the Police in Benares.”<sup>90</sup> Mr. A.Z. Khan, the Chief Presidency Magistrate presiding over the case argued that “from her general appearance,” Kumari was above eighteen years and therefore Parshad could not be charged for procuring a minor girl. While the prosecution sought to prove that Kumari was sold for immoral purposes, the defense argued that it was a marriage arrangement with which the state could not interfere. Khan argued that neither the defense nor prosecution could gather sufficient evidence to demonstrate the nature of the sale and therefore, dismissed the case.<sup>91</sup> The trial thus pivoted on two issues: Kumari’s age and the nature of her sexual relations to Hiralal, revealing that the process in determining whether a trafficked victim qualified for state protection was fraught with a series of preconditions. Finally, while colonial officials recognized the trade of Nepalese girls in Benares was a lucrative one, it simultaneously dismissed this particular case on the basis of Kumari’s age and character and also by relying on the fuzzy distinctions between concubinage and prostitution.

The Raj Kumari episode set the tone for legislative discussions concerning the amendment of the Indian Penal Code, which took place two years later in 1929. A point of debate was whether to include a clause that would penalize the importation of indigenous girls from Indian states into British India for the purposes of prostitution. Under section 366-B of the 1860 Indian Penal Code, it was a criminal offense to import girls under eighteen years of age for purposes of prostitution from foreign countries into British India, whether directly or via an Indian state.<sup>92</sup> In 1929, the Government of Bombay proposed to also criminalize the importation of indigenous girls below the age of twenty-one from Indian states. Despite the backing for the

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<sup>90</sup>Home Department, 1927. *Enquiries into the Alleged Traffic in Nepali Girls in the United Province*. Police. No. 785/II. New Delhi: National Archives of India.

<sup>91</sup>“Improbable Story: Alleged Sale of Nepali Girl,” *The Times of India*, August 8, 1927, 7.

<sup>92</sup>Home Department, 1929. *Proposed Amendment of the Indian Penal Code and the Criminal Procedure Code So As to Penalise the Importation of Girls From Indian States Into British India For Prostitution*. Judicial. No. 1107. New Delhi: National Archives of India.

amendment from various social reform organizations such as the League of Mercy, Women's Council, and the Salvation Army, the proposal was met with only lukewarm responses from various British administrators. Citing the case of Raj Kumari as an example, one official argued that in the case of Nepal, no new legislation was necessary despite the acknowledged lucrative trade of Nepalese girls and women in Benares two years earlier.<sup>93</sup>

In reviewing the 1929 draft amendment, the Legislative Department argued that an added clause would be redundant since the procurement of girls for prostitution was a continuing offence; therefore, the traffickers of underage girls in British India could be tried for abduction under colonial law regardless of the original destination of abduction. The Government of India's reluctance to further legislate on the issue of sex trafficking from princely states into British India was particularly odd, given that prostitution laws in colonial India were often redundant, drawing on repeated and overlapping legislations for crimes of soliciting, procuring, and brothel keeping.<sup>94</sup> Part of the reason for the abundance of these legislations, argues Ashwini Tambe in her study of prostitution in colonial Bombay, was because laws were often formulated to function as rhetoric rather than with consideration of the "practicalities of enforcement."<sup>95</sup> The Government of India's reticence on the 1929 draft amendment attests to the ways colonial officials came increasingly to regard indigenous sex trafficking as a public relations liability, which could be appropriated by Indian nationalists to discredit colonial rule. While the colonial state was eager to sponsor numerous commissions of inquiry on brothel abuses and prostitution regulation immediately after Akootai's death, its unwillingness to amend the Indian Penal Code in light of evidence pointing to the trade of girls from princely states into British India for

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<sup>93</sup>Ibid.

<sup>94</sup>Prostitution laws in colonial India often appeared to reiterate themselves within a span of only a few years, such as the 1920 Bombay Police Act and the 1923 BPPA. See: Tambe, *Codes of Misconduct*, 123.

<sup>95</sup>Ibid. Ashwini Tambe argues that the ambitious legislations such as the Contagious Diseases Act often times exceeded the practical capabilities of the state to ensure effective enforcement. Thus, laws often generated their own evasion due to the stringency of legal language and as a result, incited further legislation.



prostitution underscores that these commissions were meant to create the illusion of change rather than implementing any concrete reforms. The dismissal of the findings of these 1920s commissions in legislative discussions reaffirms Ann Stoler's writings on state commissions of inquiry as "curious beasts" – designed to investigate questions in which the causes were often already known and their answers already "evident and ready at hand."<sup>96</sup> Instead, by the late 1920s, the colonial government shifted its focus on the League of Nations' campaign of curtailing international sex traffic.

In spite of the earlier unease voiced by various provincial governments, in 1929 the Government of India formally extended its invitation to the League of Nations' Commission of Enquiry on Traffic in Women and Children in the Far East to travel to the subcontinent on the condition that it would direct its attention to trafficked women in British India and not to the local conditions there. Funded generously by the American Association of Social Hygiene and led by a three-person Body of Experts from Persia, Japan, and Britain, the delegates travelled extensively across British India, meeting with local officials from the cities of Calcutta, Madras, Bombay, and Karachi, between November 1931 and January 1932.<sup>97</sup> Its findings were predictable, citing the abundance of licensed brothels in various nation-states of the Far East as the direct cause of the "existence of international traffic in oriental women and girls," and reiterating the necessity for abolition of state-sanctioned brothel houses.<sup>98</sup>

The report was riddled with sweeping generalizations about the social conditions of British India that rendered it conducive to prostitution, including more generic explanations of

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<sup>96</sup>Stoler, *Along the Archival Grain*, 143 & 173.

<sup>97</sup>The AASH donated \$125,000 to the League of Nations for its official tour of the "Far East" between October 1930 and March 1932. See: Home Department, 1929. *Proposed Extension of the League of Nations' Enquiry Into Traffic in Women and Children to India and Other Western Countries*. Judicial, No. 736. New Delhi: National Archives of India.

<sup>98</sup>Home Department, 1932. *League of Nations: Report of the Committee of Enquiry Into Traffic in Women and Children of the East*. Judicial, No. 914. New Delhi: National Archives of India.

low wages and uneven sex ratios in urban centers as well as more culturally-specific claims about caste, “Hindu sexual practices,” and even purdah as key contributors to the flourishing of the profession.<sup>99</sup> The report’s generalizations about India’s “deeply rooted tradition” as one of the key reasons for the resistance to reform and rehabilitation for these women were penned by delegates who had little working knowledge of the subcontinent, attesting to the arrogance of the League of Nations’ project to render prostitutes across the globe as objects of surveillance, as both knowable and governable.<sup>100</sup> These delegates drew their sources from local commissioners of police, missionary organizations, and representatives of social reform organizations, such as The Women’s Indian Association and the Vigilance Society, and were curiously not permitted to speak with local prostitutes. Speaking for these women instead, local officials and representatives painted harrowing images of the destitute and helpless young victims, reminiscent of Akootai’s portrayal in local newspapers more than a decade earlier. The Body of Experts was initially appointed to collect more “reliable” data from the League’s participating nation-states on prostitution; yet their report merely reiterated official government knowledge regarding local practices, making it difficult to observe whether its version of trafficking in the Far East presented a more “accurate” assessment than the ones provided by the annual reports submitted by participating members, including the Government of India.

In her study of these large-scale enquiries of 1926 and 1932, Barbara Metzger commends the “extraordinary” itinerary and the unprecedented “weight of factual evidence” on which the League of Nations could initiate action, paving the way for the institutionalization of human

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<sup>99</sup>Ibid.

<sup>100</sup>Antony Anghie has been critical of the imperialist origins of international law, particularly the League of Nations’ mandate system. He argues that the League of Nations embarked on a biopolitical project, whereby it collected copious amounts of information from the peripheries of the globe, interpreting and processing this information in order to create a “social science” in which all societies could be analyzed and assessed. See: Antony Anghie, *Imperialism, Sovereignty, and the Making of International Law* (Cambridge: Cambridge University Press, 2004), especially ch. 3 “Colonialism and the Birth of International Institutions: The Mandate System of the League of Nations.”

rights in the post-1945 era.<sup>101</sup> Yet, the Body of Experts' uncritical adoption of official views, its exclusion of the perspectives of women who served as the object of their reports, and its short-term voyeuristic journeys through various nation-states across the globe, problematizes the reliability of the "factual evidence" that Metzger has optimistically privileged.<sup>102</sup> A more critical examination of what constituted "evidence" – which statistics and data were prized and which were filtered – helps illuminate the motivating forces behind the Government of India's sponsorship of the League's tour within the subcontinent. These surveillance exercises conducted by the Body of Experts were justified as information sharing amongst various nation-states by the League of Nations, but they can also be viewed as a practice of "public shaming," where governments were pressured to adhere to universal standards on sex trafficking-related issues determined by the League.<sup>103</sup> The deliberate display of "favorable" evidence, suggesting to a decrease in sex traffic cases and an improvement of social conditions for prostitutes, thus helped the colonial government gain international validation for its rule in India.

It is, then, no surprise that the 1932 Report on the Second Enquiry omitted pertinent information concerning the trafficking of indigenous women from independent states of the subcontinent, choosing instead to focus heavily on European prostitutes in British India. Specific cases of the trafficking of European women by Frenchmen in 1927 and 1931 were detailed, but the report also suggested that there was in fact a decrease in demand for European prostitutes in British India in recent years, due to the increasing presence of European wives in the colony and the presence of Anglo-Indian prostitutes.<sup>104</sup> While there was mention of

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<sup>101</sup> Metzger, "Towards an International Human Rights Regime During the Inter-War Period," 71-73.

<sup>102</sup>In his study of prostitution in Shanghai, Christian Henriot is also critical the League of Nations' unproblematic adoption of the official government opinions in investigation in the "Far East," calling it "naïve." See: Christian Henriot, *Prostitution and Sexuality in Shanghai: A Social History, 1849-1949* (Cambridge: Cambridge University Press), 319.

<sup>103</sup>Tambe, "Climate, Race Science, and the Age of Consent in the League of Nations," 123.

<sup>104</sup>Home Department, 1932. *League of Nations: Report of the Committee of Enquiry Into Traffic in Women and Children of the East*. Judicial, No. 914. New Delhi: National Archives of India.

trafficking of girls and women from Goa, the officials provided only vague details, attributing the exportation of these females to “old religious institutions” which could not be interfered with. Perhaps, most intriguing of all, is a reference to the Raj Kumari case, of which the enquiry reported, “Incoming traffic to British India from Nepal was said to have existed some four or five years ago but had been stopped as soon as it was discovered.”<sup>105</sup> In fact, there was never any investigative follow-up after the Raj Kumari case ended with the acquittal of Padma Parshad. The colonial government’s eagerness to dispel or at the very least, downplay rumors of sex trafficking within the Indian subcontinent in the League of Nations’ report only reaffirms the dubious nature of this “factual evidence” on sex trafficking and prostitution that historians like Metzger have so prized.

On December 14, 1932, Henry Wheeler, a member of the Council of India, circulated a draft of the Body of Experts’ report to various official representatives in British India for approval and suggestions before its official publication. In a letter to the Secretary of State for India, Wheeler cheerfully noted that the report contained “little adverse criticism of anything done or not done by the authorities” in the areas visited and that the proposed measures of abolishing licensed houses were “in conformity with British practice.”<sup>106</sup> He continued by noting that within Asia, the trade of Russian women in Manchuria and Chinese women in various nation-states were documented in the Second Enquiry report, but that it was not a “British responsibility” and did not require any action on the part of the colonial government.<sup>107</sup> The self-congratulatory tone of Wheeler’s letter betrays the colonial government’s underlying preoccupation with securing international approval and recognition of its policies to effectively manage and control sex traffic within British India. In dodging international criticism of its

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<sup>105</sup>Ibid.

<sup>106</sup>Ibid.

<sup>107</sup>Ibid.

efforts to limit sex traffic and prostitution, the Government of India was able to showcase that its colonial policies on this particular social issue adhered to international standards set by the League of Nations. In presenting to the Body of Experts both the challenges of social reforms in a colony steeped in so-called “deeply rooted traditions” and also, the fruits of colonial efforts to curtail “immoral practices,” the colonial government was able to polish its tarnished reputation in face of the rise in anti-colonial Indian nationalism and reaffirm its political authority in British India.

The trope of “white men saving brown women from brown men” that the colonial state had relied on in the aftermath of Akootai’s death in 1917 for the ideological legitimacy of British rule in India came under intense scrutiny in the political climate of in the postwar era. Pressured by the surveillance interests of the League of Nations and rivaled by other philanthropic organizations with a social reformist agenda, such as the American Rockefeller Foundation, the rhetoric of Britain’s civilizing mission to maintain the status quo of its colonial rule in India became vulnerable to erosion. The involvement of the international community in rehabilitating prostitutes and curtailing sex traffic in India raised the stakes for the colonial government to demonstrate both its responsibility and capability in initiating improved social conditions for these group of women and children. Thus, on the public front, the colonial government’s active participation in the League’s CTWC was meant to promote the benevolent paternalism of British colonial rule in India and its urgent response to the issues of brothel abuses and sex trafficking: by launching its own widely publicized commissions of inquiry in the 1920s, providing cases of successful prosecution of traffickers and pimps, and demonstrating to the Body of Experts that its colonial policies were on par with international standards. Yet, in private confidential letters, colonial officials admitted their anxieties about exposing potentially embarrassing evidence on

brothel conditions that threatened to prompt criticism of the government's social neglect and further erode the ideological legitimacy of colonial rule.

The League of Nations' emphasis on the international dimension of sex trafficking and its heavily weighted focus on European women, however, ensured that the colonial government was able to conveniently divert its attention to foreign European women in the red light districts of British India without having to address trafficked indigenous women from the subcontinent through concrete legislative changes or the implementation of social programs for their benefit. Guided by the trends of the League's CTWC, the late 1920s and 1930s saw a shift in the colonial government's focus onto primarily European prostitutes residing in the subcontinent and an interesting twist of "white men saving white women" in colonial India. This diversion enabled the colonial state to deprioritize government initiatives to implement tangible resolutions to prevent brothel abuses and the trafficking of indigenous women and, ultimately, draw attention away from the social ills of British India's red light districts that it had no genuine intention or practical capacity to reform in the first place.

The ghost of Akootai was initially invoked by the colonial state to illuminate the depraved conditions of women driven into prostitution in order to justify the necessity of "enlightened" colonial rule. Once that rhetoric gained currency amongst the international community and triggered competing humanitarian interests from the League and other social reformist organizations within India, however, the colonial government was eager to exhibit its success in curtailing sex traffic and improving brothel conditions publicly, and was subsequently quick to abandon the cause of bettering the livelihood of indigenous prostitutes altogether. Its heightened surveillance exercises on European prostitutes conveniently helped to dodge criticism for its neglect in executing tangible social reforms for Indian prostitutes. By the mid-1930s, Akootai had gradually faded from colonial discourses on prostitution reforms for India.

## Conclusion

This study began with the death of a Bombay prostitute in 1917 which haunted colonial administrators and consequently prompted the production of knowledge about those women whose lives were intricately tied to brothels across British India. If haunting, as sociologist Avery Gordon suggests, is a way in which social violence and systems of abusive power that are supposedly over and “done with” make themselves known, then Akootai’s death served as that eerie reminder to colonial officials that what was concealed – brothel abuses and the underground trade of girls and women for sex – was, in fact, very much alive in the early twentieth century, despite the stringent language of colonial laws that criminalized those practices.<sup>108</sup> Fearing potential public backlash, the colonial government appropriated the ghost of Akootai to elicit emotions of shock and pity and in turn, bolster the ideological legitimacy of British rule in India by fashioning themselves as protectors of Indian women and “modernizers of indigenous patriarchy.”

By the late 1930s, countless commissions of inquiry and colonial reports had successfully cemented the image of the colonial prostitute – depraved, ignorant, and in need of state “rescue” – as an undeniable fact, an indisputable “truth” of the social conditions of the Indian subcontinent. The rhetoric of the necessity of rehabilitation for both indigenous and foreign prostitutes had become a form of “commonsense currency” exchanged amongst colonial officials, Indian nationalists, and social purity organizations.<sup>109</sup> The outbreak of the Second World War, however, swiftly interrupted discussions of prostitution reforms and halted further cross-national collaboration on anti-sex trafficking campaigns, which had gradually eclipsed colonial concern with indigenous prostitution during this period. By the start of 1940, prostitutes in British India had all but disappeared from the pages of government reports in the colonial archive.

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<sup>108</sup>Gordon, *Ghostly Matters: Haunting and the Sociological Imagination*, xvi.

<sup>109</sup>Mawani, *Colonial Proximities*, 119.

But there is also, in a sense, a second haunting at work – one by which the echoes, murmurs, and abrupt silences about the women in these colonial reports – alert us to the lingering effects of the colonial project of knowledge construction. The specters of these colonial prostitutes can be found in the commissions of inquiry that led nowhere, the references to crimes of sex trafficking with no investigative follow-ups, and the scant biographical excerpts that thrust these women into temporary visibility. Their ghosts also haunt historians working in the colonial archives. Following in the footsteps of historian Laura Briggs, I have refrained from recovering their voices or experiences from the archives, choosing instead to scrutinize the ways in which colonial officials muted these women and at other times, forcibly “made them speak” for their own imperialist ambitions.<sup>110</sup>

One of the inherent shortcomings of a study based on the archival production of the colonial government is that it leaves out a potentially rich analysis of the subjectivity and agency of colonial prostitutes. However, in choosing to make the authors behind these colonial texts rather than the women they wrote about as its primary subject, this study has attempted to elucidate the politics behind the colonial desire to make these women “known.” Sustaining commonsense assumptions about colonial prostitutes required an ongoing effort to generate social “facts,” statistics, and tropes, with all their inconsistencies and ambiguities, through the numerous commissions of inquiry and investigative reports initiated during the interwar period. Scrutinizing these discrepancies and the contexts of their production helps to delineate the illogicality and unpredictability of colonial projects of knowledge production. The archive is, in

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<sup>110</sup>In her work on US imperialism in Puerto Rico, Laura Briggs, building on the writings of Gayatri Spivak, cautions against a desire to naively “recover” the voices or experiences of women, which has become popular in the “new” social history and feminist and ethnic scholarship, by suggesting that this task may not always be possible nor is it always “a good thing.” By making the oppressed “speak for themselves,” the historian risks hiding behind their historical subjects without being held accountable for their own academic positions in authoring these texts and without recognizing the ways that the disciplines of social sciences and humanities have often been complicit in these imperialist projects as well. Furthermore, Briggs reminds us that both colonial and nationalist projects also sought to retrieve these women’s stories for their own agendas. See: Laura Briggs, *Reproducing Empire: Race, Sex, Science, and US Imperialism in Puerto Rico* (Berkeley: University of California Press, 2002), epilogue, “Ghosts, Cyborgs, and Why Puerto Rico is the Most Important Place in the World.”



Tony Ballantyne's words, a "site of saturated power, ... [where] an uneven body of knowledge is scarred by cultural struggles and the violence of colonialism."<sup>111</sup> These scars in the colonial archive are one way this second haunting makes itself known to historians. Pausing at the very formation of these "scarred" knowledges about colonial prostitutes serves as a telling reminder of the colonial state's ulterior motives of imperial legitimacy and international approval hidden behind seemingly benevolent colonial social projects that ceaselessly appropriated the lives and stories of these women.

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<sup>111</sup>Tony Ballantyne, "Rereading the Archive and Opening up the Nation-State: Colonial Knowledge in South Asia (and Beyond)," in Antoinette Burton (ed.) *After the Imperial Turn: Thinking With and Through the Nation* (Durham: Duke University Press, 2003): 102.

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