

Transportation of Female Convicts to the Andamans during British Raj

KAUSHLENDRA KUMAR TIWARI

Ph.D Scholar

Department of African Studies, University of Delhi, New Delhi (India)

ABSTRACT

Penal transportation, a form of colonial punishment reveals a lot about the colonial structure and law making. The study of penal transportation allows one to peek in the colonial laws which were immensely modified to suit the purpose of the government. With the passage of time the colonial authorities felt the need of establishing settlements in Andaman Islands and for this purpose, women were needed. This paper, therefore, not only attempts to demonstrate how women were used by colonial authorities in their bid to establish colonies in Andaman islands but also how laws in penal transportation were modified by the authorities to strengthen the British Raj in India. This paper takes the Andaman Islands (Andamans) into account to narrate and analyze the complexities of penal transportation in the colonial regime.

Key Words : Penal, Ticket of leave, Mai-Baap, Homosexuality, Andamans

INTRODUCTION

After the revolt of 1857, the British government took drastic measures to crush every sign of resistance and re-imposed their authority in the name of the crown. In order to strengthen their power, the colonial government tried to perpetuate fear in the minds of native people so that they never dare to speak against the British Raj. The colonial authorities began to punish Indians through various methods such as hanging, life imprisonment, tortures, burning villages but one of the most notorious method of punishment was penal transportation to Andamans which was also known as Kala Pani. The transportation was a substitute to capital punishment and the British viewed it extremely harsh punishment for the reason that it not only invoked the fear of unknown but also that of transgressing caste taboo. As a result, the transportation was an extremely effective hindrance to crime.

From the very beginning of the British rule across the globe, the idea of penal transportation and settlement of criminals was employed in which convicts were transported to foreign lands across the sea. However, a change in the penal transportation system was witnessed when after the year 1857, the British Raj acted on the suggestion of using convicts for their own colonial interests, and thus, penal settlement became an important part of the colonial regime. After 1857,

convicts were transported to distant lands within their own country, for instance, Indian convicts were transported to Andaman Islands which were very far from their own homelands.

The idea of establishing a penal colony in Andaman Islands by disposing a large number of convicts there was given by F.J. Mouat and this proposal was quickly picked up by Governor-General Canning who found this idea very promising. Thus in the beginning of the year 1858 an attempt was made to establish Andamans as the principal transportation destination for penal settlement. By 10 March 1858, a batch of 1000 convicts reached Andamans and this started a new chapter in the history of penal transportation in India.

It is evident that the number of female convicts was far less than their male counter parts. Women were crucial in establishing a permanent and stable penal settlement in Andamans. Therefore, there arose a need to transport female convicts to Andamans. Thus, this paper analyses that how women were used by the colonial authorities to establish settlement in Andamans and to domesticate male convicts.

Women convicts who had already spent many years in prison in provinces such as Madras, Bengal Bombay, NWP and Oudh, Punjab were transported to Andamans. Women were an important method of British authorities to control and rehabilitate male convicts by domesticating them. The right to marriage and production were markers of happy and settled life in the loneliness of Andamans and this would also contribute to the wealth and success of British government but the problem was that there was a huge gap between the male and female population. To cope with this problem, the British authorities in Andamans invited the families of male convicts to settle in the Andamans. Most of the times, wives of convicts rejected this proposal to follow their husbands to Andamans probably because they feared that they would lose their caste identities by crossing the sea. Many male convicts also refused this option because they feared for the safety of their wives in such settings.

The arrangements were also made to transport female convicts from mainland jails to Andamans so that they could be married to their male counterparts in Andamans because the British government was trying hard to establish settlement in Andamans. In 1860, only thirty-five female convicts were sent from Bengal to Port Blair but the number of female convicts was rapidly decreasing in Andamans and it made the Superintendent of Port Blair to write a letter to the Government of India, Home Department on 1st November 1886 in which he wrote;

“The number of convicts in the female jails at Port Blair is decreasing, and that, if a larger number of females are not transported than has been done during the past three years, it will be impossible to carry out the system of permitting female convicts to marry, after five years imprisonment, convicts who have obtained tickets as self-supporters, and to carry on the weaving manufactory which is productive of large savings to Government.”¹

The decreasing number of female convicts in the Andamans alarmed the British authorities and for this purpose A.P. Mac Donnell, the Secretary to the Government of India wrote to the Commissioners, Residents and Governor of Bengal, Madras, Bombay, NWP and Oudh, Punjab, Central Provinces, Assam, Coorg and Hyderabad that “It will, however, be observed that the Government of Bombay and Bengal have referred to the difficulty caused by existing orders, which permit only female convicts under sentence of transportation for life to be transported to the Andamans. The inference to be drawn from the remarks made by these Governments is that, so long as the transportation of females is restricted by these orders, it will be impossible to send to the Andamans females sufficient for your purpose. It is, however, to be observed that under Rule 379 of the Andaman and Nicobar Manual no term convicts are allowed to contract local marriages,

while, if the operation of this rule was modified, the modification would place female term convicts at disadvantages as compared with convicts under sentence of transportation for life. If in the interests of settlement it be desirable to send it more female convicts, the Government of India would be glad to learn your views in detail, firstly, on the question of transporting to the Andamans female term convicts; and, secondly, as to the desirability, in the event of it being determined to send such convicts to the Andamans, of so far modifying Rule 379 of the Andaman and Nicobar Manual as to permit them to contract local marriages, if they have not been previously married in India.”²

From the very beginning of the penal colony, authorities had made several attempts to bring women to the Andamans in order to use the convicts as the nucleus for a free community in the Andamans. Recruiting free person to settle in the Andamans was very difficult because the islands had acquired a sinister reputation as a place of banishment. Men of ticket leave were encouraged to marry local women or to import their wives but some refused the option fearing the safety of their wives. Therefore, the authorities encouraged female volunteers in mainland Indian jails to move to Andamans on the pretext of giving them better lives. Such volunteer female convicts were either unmarried or widowed and they were expected to select a husband from amongst the male convicts in the Andamans. Taylor C. Sherman wrote that “given the stigma attached to an ex-prisoner especially a female one, women convicts may have reckoned that their best chance of escaping the grim conditions in Indian jails and finding a stable life was in the Andamans.”³

It was a choice between two evils. However the ‘voluntary’ clause was soon removed and female convicts were regularly sent to the Andamans and served the transportation for life but the crisis still continued. Around this time, in the beginning of 1890, Lyall and Lethbridge went to Andamans and were asked to give their opinions on the transportation of female convicts in the islands. Both of them believed that the female convicts in Indian jails had no desire to go their homes so it would be better to send them to the Andamans where they would have a chance to marry and commence a fresh life. Thus the social degradation inherit in women’s imprisonment gave the colonial authority a valid excuse for the transportation of female convicts to Andamans.

All female convicts transported to Andamans were categorized into two classes;

- (i) 1st class- self supporters, Grades A and B
- (ii) 2nd class- punishment ward.

All female convicts, on their arrival, were directed to join the second class in which they were supposed to live for three years. Like their male counterparts, their previous years in other Indian jails were also counted under section 14.

The female convicts were eligible for domestic employment only after spending five years in the settlement and they were also allowed to marry after five years in Andaman prison. On an appointed day, female prisoners (who were allowed to marry) were introduced to male counterparts. If both male and female convicts gave consent to each other, they were subsequently married and shortly thereafter they settled in one of the self-supporting village. The marriage was legally acknowledged through registration. The married convicts were given the status of self-supporters.

The female convicts in Andamans were used as a tool by the British colonial authority for its own purpose which was the rehabilitation of male convicts and the development of a sustainable society of rehabilitated prisoners.⁴ In order to get the cooperation of women, the regime speeded up the preliminary stages of imprisonment and almost guaranteed husbands to them. Elaborate marriage parades were held to give women the chance to select husbands from among male prisoners. In the later history of the settlement, senior administrators even toured mainland jails to persuade female convicts to join Andamans.

One of the reasons that jails in Andamans were important for colonial government was that the British government was not able to relocate the prisoners in mainland jails as those prisons were nearing their capacity and besides this, the British government wanted convicts to settle on the islands. In all these situations women and marriages were just means of colonial government by which male prisoners could be rehabilitated. In order to get a wife the prisoner had to demonstrate his compliance with the rules and regulations of the penal law. Women and marriages were used as incentives and rewards to domesticate and control male convicts. The female convicts were viewed as sources of sex and domestication and they symbolized reward bestowed by the colonial government, which would uplift the status of male convicts in the society of prisoners. In the context of Port Blair, Lt. Colonel F.A. Barker, inspector general of prisons noted that “They (male convicts) must be young and able bodied and have been well-behaved during their probationary period in Indian jails. If married so much the better; if ready to take their wives with them or to send for them after arrival better still.”⁵

Besides political consideration, female convicts were transported into Andamans to curb social and moral disorder in the penal colonies. The disorder which the state wanted to counter was homosexuality and colonial administration acknowledged their responsibility in this matter. Colonel H. Man, one of the superintendents wrote to the Secretary of the Government of India, E.C. Bayley about the danger of an all-male penal settlement and proposed to provide women for the settlement. From time to time observers also noted that violence and murders in the Andamans were connected to intrigues and jealousies in homosexual relationships, for instance, a convict named Asper Afsar Ali was transported to Port Blair in 1907 under section 303 of the Indian Penal Code. He even rose to the rank of a petty officer but was sentenced to death as he killed another Burmese convict named San Byu as the Burmese refused him to perform sodomy with him. The colonial accounts were full of such narratives in which crimes were related to homosexuality.⁶

Convict Population			
Year	Male	Female	Total
1874	6,733	836	7,569
1881	10,325	1,127	11,452
1891	10,874	864	11,738
1901	11,217	730	11,947
1905-06	13,981	715	14,696

Source: Imperial Gazetteers of India (1909:64)⁷

The Indian jails committee of 1920 criticized the penal settlement on the Andamans mainly on the ground of ‘unnatural vice’ and its connection to murder cases. The report prepared by the Indian jail committee was called for immediate reaction and the Superintendent of Port Blair named M. W. Dougals proposed three temporary reforms;

(i) No practitioner of sodomy is to be sent in the settlement.

The Government of India acted on this proposal.

(ii) The second suggestion was not to send young convicts (age 25 to 45) because the Superintendent believed that the homosexuality is mainly practiced by younger people.

The British authority did not accept this suggestion as it might have reduced the labour force on the Andamans.

(iii) The third suggestion was related to colonial sense of categorization of homosexuality. The

superintendent suggested to transfer all undesirable Pathans and Sindhis from the penal settlement because they were viewed as the main culprits in the practice of homosexuality and addicted to unnatural vice.⁸

The central government was responsive to this suggestion but ended up transferring one single convict to a mainland jail for the sake of immediate reform.

The argument that the Pathans and Sindhis are the culprits of sodomy is reflected in the reports of the commission, which went on saying that ‘the Pathans enjoy a bad preeminence as the active agents in the matter, while the Burmese is generally reputed to be the passive agent.’⁹ This categorization of homosexuals given by the Port Blair officials is reminiscent of Richard Francis Burton’s sexual mapping of the world. In his book ‘The Book of the Thousand Nights and a Night’ (1886), Burton wrote about the Sotadic Zone, in which sodomy is popular and endemic. The regions from which the three groups were stemmed were all part of the Sotadic Zone. It is very likely that Burton’s work must have influenced the thinking of officers in the matter of sodomy.

It seems that the narratives of sodomy were evoked to hide deficiency and failure of the British judicial system. The angle of jealousy was taken into account so that the authority could determine the guilt of the convicts in murder case. The scandal of penal settlements was evoked to veil the deficiencies in the judicial procedures and the failure of the penal system as such. Further, the scholars of sexuality have argued that the division of East and West in sexual terms was a part of the English sexual imagination and it gave colonial authorities a sphere to study sexual deviance. Thus the Andamans could be understood as a laboratory for sexual theories.¹⁰

Apart from all this the penal world that women were supposed to repair was beyond homosexuality. Wives were also seen vulnerable to corruption. The threat was seen not from male convicts but from the free police who were state directed instruments for control. These free guards were subject to minimal control. In 1873, W.B. Birch, Assistant Superintendent feared that the self-supporters’ wives could mingle with these free police and this might encourage prostitution and it would also minimize the impact of self-supporter family as an instrument of rehabilitation. It is perhaps due to all this concern that Birch suggested to Superintendent D.M. Stewart, the importation of ‘public women’ from the mainland to provide sexual outlet for the policemen. Birch feared that unless the authorities provided prostitutes, either the policemen would indulge in sodomy or clandestine prostitution will prevail in the penal settlement. In either scenario, Birch feared for the administrative discipline in the settlement. It is evident that Birch had no believe in the moral character of ticket of leave wives as he expected that given the opportunity they would indulge in prostitution. On the other hand Stewart suggested a compromise in which a limited number of female convict who acquired self-supporters status were allowed to work as prostitutes provided that their earning in this matter would depend upon their conduct and conduct of the persons associated with them. This system allowed the state to decide which women became prostitute. In general women were often viewed a source of corruption but the authorities believed that if properly managed, women would become a source for the building of a viable society.

The other objective of Birch-Stewart scheme was to distinguish prostitutes and good convict wives. The prostitutes were stationed by the state to safeguard the morality of other female convicts who were now wives and it further protected the discipline of penal colonies of the Andamans. In the government’s opinion the families and women served to restrain the male convicts as a male convict with wife and children was less likely to escape. “Convict marriages, which are described below under caste, are carefully controlled to prevent degeneration into concubine or irregular alliances.”¹¹

The family also functioned particularly in the case of hereditary criminals such as dacoits who were kept in the islands for the duration of their lives. In one case, a dacoit named Shewsurrin the authorities faced dilemma as they could either release both man and wife, or only wife, or keep both in the islands permanently. Shewsurrin filed a petition asking authorities to allow both him and his wife to live in the Andamans, he under a conditional release (limiting him to the islands), and his wife with an absolute release. However the Port Blair regime did not favour this idea and a new approach was adopted in this case in which Shewsurrin's wife was given an extended self-supporter status and she was permitted to stay in the settlement after her original sentence had expired. Shewsurrin was given neither conditional nor absolute release and his marriage made him to stay on the island both physically and legally. The fact is that the state allowed him to marry and gave the life of a self-supporter further curtailed his independence and he was not allowed freedom.

In 1895, R.C. Temple observed that through marriages state can control the life and social relations of the convicts and for this purpose Temple suggested some provisions to authorities before the marriage be allowed to proceed. These were;

- (i) The husband must be a man of substance
- (ii) The state would administer his property if he forfeited his ticket of leave
- (iii) The state would ensure that the marriage was not a cloak for temporary cohabitation
- (iv) The state would ensure that the man did not abandon his wife
- (v) The state would make sure that the woman understood that the marriage was permanent
- (vi) The state would not recognize any divorce.¹²

On another occasion in 1895, R.C. Temple wrote to the Government of India about the marriage between the self-supporter men and locally born women in which he described women as deceiving and manipulative to their husbands and the regime as these women always try to get their hands on the self-supporters property through fraudulent divorces. Temple wrote that the girls sometimes themselves or on the connivance of their parents deliberately enters the marriage for temporary cohabitation. She deserts the Self-Supporter after squeezing his money and the husband is not ready to recover the girl as he has had enough of her. This reporting by Temple makes it clear that he and others were less concerned that pure might be corrupted but there main concern was the disorder created by more independent women and this threat revealed the vulnerability of the colonial penal system.

In reality despite the vigorous attempts of the government, local marriages were not working very effectively. When a particular convict got release, the authorities hold on him ended automatically and so did his obligation to local contracted marriage. This created problem in the penal settlement as government needed to deal with the social and financial problems of women who were left behind by their spouses as it was a clear challenge to the 'Mai-Baap' regime, the arranger of marriages and keeper of moral order.

In the early 1877, M. Protheroe, the superintendent, asked the regime about the remarriage of convicts who were estranged by their spouses in the Andamans but at the same time Protheroe also feared the return of convicts to Andamans might give a rise to the claims on their estranged spouses. The divorce and remarriage debate had multiple complexities and therefore the agency in remarriage was largely left to the women.

It should not be assume that female convicts were enjoying certain autonomy in their penal life. The regime gave the choice to women only because it was not able to come up with a clear solution. Besides these social complexities in penal colonies, there were also several restrictions which were imposed on the female convicts. The orders regulated their conversation with their

families, for instance; no locally unmarried female laboring convicts of the second class imprisoned in the South Point female jail were allowed to have conversation with friends from outside the jail, except the cases where the near relationship of the parties was established. If the conduct of the convict was good, she was allowed to have conversation with relatives at intervals of not less than six months.

First class female convicts of grade A were allowed to have interview female friends who possess passes. The unmarried female convicts of Grade A, first class were also permitted to interview suitors for marriage duly provided with passes. Locally married female convicts were allowed to have interview with their husband and children (at intervals of not less than six months) only after their promotion to the first class. For interview they had to take a written permission from the officer in charge, Eastern Division and the particulars of each interview were recorded in a register kept by the overseer of the jail. Interviews were supposed to take place only on Saturdays between the hours of 12 noon and 2 p.m., in the presence of the overseer or jail Jamedar and senior female petty officer.¹³

The female convicts were kept in female jails enclosure consisting of separate sleeping wards and work shed. They were dealt very similar to their male counterparts. Like male convicts female convicts too underwent severe punishments, for example if she was found guilty of misconduct, she might be transferred to punishment ward and her hair was chopped. One can assume the severity of penal jails from the fact that the female convicts often died because of the diseases in the Andaman islands, for instance; the average death rate of per 1000 female convicts from the period 1882 to 1887 was 9.63 per cent.

Thus, the women transported to Andamans were not treated very kindly. The marriages performed in the Andamans were not for the upliftment of female lives but to contribute to colonial motive of rehabilitation. The declining number of female convicts alarmed the colonial authorities as female and families were crucial for drawing male convicts into active collaboration with the Andamans regime. Hence, the colonial government modified several regulations for the smooth arrival of the female convicts.

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