Domesticating the Transported Felon

Following five years of stay on the Andamans, he was noticed by the Governor for his industry and attentiveness. The Governor inquired of the convict whether he desired to get married and, on receiving an affirmative reply, instructed the convict to await him in his office. As the convict squatted in the verandah of the Governor's office, a buxom young woman joined him. She was also going to be rewarded for her industry and good behaviour by a partner for life. She squatted in the verandah with her back to him. On his return, the Governor queried the woman whether she would accept the convict as her husband. On hearing this the woman drew the corner of her chudder across her face and held her head down and replied, 'Ha Khudawand!' Thus, the two became man and wife and settled into happy domesticity.

After five years, they were informed that the 'Maharanee of the Sabib Log' had been proclaimed the Empress of India and in commemoration of the event, two thousand prisoners were to be pardoned and set free. The husband was to be one of them. The convict literally jumped out of his skin with delight and his wife shed copious tears of joy. After the initial expression of joy, a change came over the countenance of the wife. She confessed, much to the horror of her husband, that she had been married before and even had two children. Scorpion stings of jealousy stung the convict. He was alarmed about his and his children's fate lest her first husband claimed his wife. The very thought was maddening. Would she forsake her convict husband and his children for her first love? The wife smoothened the ruffled feathers and assured that she would never leave the side of her convict husband.

The day after landing both sat in the compound of the jail with their children playing with pebbles beside them, knitting blissful plans for their future. Suddenly their reverie was broken by a cry of pain emanating from the direction of the entrance. The wife jumped to her feet like a flash of lightning and ran to that spot. The convict husband looked on with a beating heart and in the next instant saw her with a crying child in her arms, smothering it with caresses. His worst fears had come true, this was her own child. Her first husband had come to take her away. The moment the
woman cast her eyes on her first husband, her convict husband knew that she had decided never to return to him. It was a scene that would forever remain etched in his memory.

But as she began to move away, the cries of her children from the convict husband tugged at her heart’s strings. They called upon her in despair to return to them. She stood for a moment irresolute how to act, and as their cries became louder she turned and flew back to them. She would have taken them in her arms and carried them off had she not been restrained by the convict. She then sat down with her children and refused to move without them. The Deputy Superintendent who was a witness to this scene decided that the woman was free to go with either husband but she had no claim to the children of the man she refused. On hearing this, she rose slowly, and after embracing her children hurried away from the spot with her first husband. That was the last that the convict ever saw his wife and the mother of his children.

Introduction

The sentencing of the convict and the subsequent sea voyage as a ritual of marginalization marked the final severing of the criminal’s familial ties. The rehabilitation of the convict, which began with his participation in the labour regime, was brought to fruition with his domestication. Domestication involved letting the convict marry, earn his own livelihood, start a family, and acquire some property. It was a form of ‘fictive rebirth’ that the convict was subjected to. The significant aspect of this social rebirth was that while it brought back the convict to life, the convict did not find himself exonerated of his criminal status. As a householder, the convict was positioned between two overlapping yet distinct worlds. One was where he rebuilt his social cosmos, with an independent house, a wife, children and some property, and thereby regaining in some measure all that he had lost in being transported. He was not merely a convict in this world but a husband, a father, and responsible community member. The other world was one where he was still a denominator within the state-sponsored political and labour hierarchy. The passage through the latter world and his accomplishment as a dutiful and attentive convict determined the attainment of the status of a householder. This triumphal and fortuitous transition in the convict’s life was solemnized and celebrated by the State. Notwithstanding the honorifics, the State

1 This is a paraphrased story from ‘Confessions of a Dacoit’ in the ‘Police Service Magazine’. It is preserved as a newspaper clipping in the archival documents. In Home, Port Blair, Dec 1914, 3, Deposit, NAI.
sought to keep the convict in a marginal condition by never actually redeeming him of his original crime. This chapter examines the process of the domestication of the convict, the system of convict marriages and the location of convict women and male convicts within this world.

Regulating Sexual Union – Convict Family Migration

The first step towards the domestication of the convict was his acquisition of the self-supporter status. The inauguration of the self-supporter system aimed at reforming the convict and also at relieving the Government of his maintenance cost and making the Settlement self-sustaining. Self-supporters were first-class prisoners who had been granted a ticket-of-leave and allowed to take up any profession of their choice for a living. They were in the beginning supported by the State but once settled into the new occupation had to pay taxes and cesses. These convicts lived in villages around the settlement, cultivated land, kept cattle, became shopkeepers, dhobies, shoe-makers, tailors, barbers or entered into domestic or government service as clerks, compounders, orderlies, daftaries or munshis. The ones engaged in agriculture or manufacturing sold their products to the Commissariat Department and also to other convicts. And, most importantly, they were also permitted to get married and start a family. While these privileges and indulgences made the life of self-supporter infinitely comfortable, it was circumscribed by absence of any civil rights, prohibition on leaving the settlement and political opprobrium on remaining idle. If, the self-supporter convict was unable to sustain himself after the initial grace period, he was demoted to a lower grade. The convict had to earn the privilege of becoming a self-supporter and continue exerting himself thereafter for remaining solvent, lest, he be degraded. The system did not pay immediate financial and economic dividends to the State.

2 In the initial years of the Settlement's inception, the convicts were given tickets after a short probation and those who brought money with them were made self-supporters almost on arrival. There were twelve divisions of convicts whom the self-supporters constituted the twelfth division with headquarters on Ross. In 1871, the number of divisions was reduced to six of which the first consisted of self-supporters. By 1874, a more rigorous classification was introduced and no ticket was given until the convict had been resident for twelve years, a period which was subsequently reduced to ten years. In 1901, out of the population of 11,947 convicts, there were 2,115 self-supporter convicts.

3 Home, Port Blair, Proceedings Volume, January 1919, 61, NAI.
but was, nevertheless, upheld for its reforming tendencies right down to the twentieth century.\(^4\)

A necessary concomitant of the domestication of the convict was the privilege that the convict had of setting up a household. The domestic unit of the convict was believed to be incomplete without female partners. However, no female convicts had been sent to the Andamans in the initials years following the commencement of the Settlement. The officials realizing the exigency resolved that 'the provision of more women for self-supporters is one of the chief needs of the Settlement'. The absence of women was also seen as stimulating homosexual unions, and most of the cases of murder in the Settlement were hypothesized to be related to this 'crime'. Homosexuality till today is seen across the continent as threatening the civilized social order and the nineteenth century in this respect was no different. And since the State was not very enthusiastic about being accused of promoting prostitution, it decided to import convict families. The convict family emigration was thus being encouraged to 'prevent convicts from becoming desperate and to prevent them from losing hope and indulging in unnatural vice' and second, it was seen as helping in raising an indigenous population for the purpose of colonization. The officials felt that:

the impossibility of building up a home and family deters many male convicts from settling in the Andamans who would, if they get their wives, contentedly stay there and add to the productive powers of the colony.... Convicts with families would be the only men with real interest in the colony.\(^5\)

The importation of the convict families, therefore, came to be seen as the best mode of ensuring the stability of the convict households and providing permanency to the labour arrangements.

In the initial years of the Settlement's existence the question of family emigration 'was treated practically, as if, the Settlement was rather a colony of emigrants, than a penal settlement' and 'so long as the political convicts were detained at Port Blair there was little

\(^4\) Home, Port Blair, Nov 1908, 48-52, A.

\(^5\) Home, Judicial, 7 May 1858, 24-26, NAI.
further object in subjecting them to any greater discipline than was necessary to preserve order. The inducement offered to the family of the convicts for emigration was primarily the permission to reclaim and cultivate land free of rent during their own and wife’s lifetime. They were to be given assistance during the first three years by the Settlement administration. Soon after the arrival of the first batch of convicts, in 1858, they were asked to send for their families.

Importation of families and the grant of land were, however, not an absolute or unreserved right. It was a ‘boon’ that was granted by the administration only to the convict with good behaviour as was the protagonist in the ‘Confessions of a Dacoit’ who was asked by the Governor, impressed by his years of hard work and diligence, whether he would like to get married. Not every convict who wished to send for his family was allowed to do so. Thanesari was one such convict whose requests for the migration of his family were never granted. He recounts that at the time of his arrival in the Andamans, he was twenty-seven years old and bursting with physical and spiritual desires. He, therefore, contemplated fetching his wife from the ‘mulk’ but the government turned him down. Thanesari inspite of being in a responsible position of a munsfi in the Chief Commissioner’s office, was continually refused the permission to import his family because of being a well-known Wahabi leader. As a result, he married a newly arrived Kashmiri woman who, much to his despair, died after some time. A repeated appeal for importing his wife was again rebuffed, forcing him to contract a second local marriage.

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6 Home, Judicial, 18 Nov 1864, 14-18, A, NAI.
7 Home, Judicial, 7 May 1858, 24-26, NAI.
8 For the purpose, two ‘Convict Family Emigration Agents’ were recruited. They were Lalla Mundan Singh for Bengal and Lalla Ram Dayal for the North-West Provinces and Oudh, each on a salary of Rupees fifty, with a bonus of Rupees two for each female and juvenile member of a family dispatched from Calcutta. They were both put under the orders of the Cooly Emigration Agent in Calcutta. Home, Judicial, 24 Sep 1858, 7-9, NAI and Home, Judicial, 7 May 1858, 24-26, NAI.
9 Home, Judicial, 29 July 1859, 55-58, NAI.
10 The Wahabi movement was considered one of the most seditious movements of the nineteenth century and Sher Ali, the murderer of Lord Mayo in 1871 was also a Wahabi. The British officials were rather cautious in granting privileges to the Wahabis.
The convicts, on their part, were not totally convinced about the government's intentions. Some desisted because of fear for their families but some nevertheless agreed to apply.\textsuperscript{12} It was seen that the convicts for whom the sentence of transportation had entailed a loss of their properties in their native place were more desirous of sending for their families. Such an example was one Oodit Narayan Singh, the erstwhile Rajah of Satasi in Gorakhpur, North West Province, who had been sentenced to ten years in transportation without labour, confessed that he wished to send for his family because all his property had been confiscated. He felt that his dispossessed family could spend a tranquil life with him in Port Blair rather than lead a life of penury and misery in his country.\textsuperscript{13} Like Oodit Narayan Singh, there were nearly two hundred convicts, who were willing to take a chance, made such applications.\textsuperscript{14} These letters were sent to the local officers of the various districts for delivery and the emigration agents in Bengal were instructed to carry out these orders.\textsuperscript{15} In order to encourage the scheme, the government went as far as to give sanction to servants and family members of the convicts to be shipped to the Andamans for a preliminary visit. A good account of the Settlement, by the visitors, it was hoped would persuade the families of the convicts to join them in accordance with the Government's wishes.\textsuperscript{16}

The responses of the families of the convicts were not very encouraging. Most of them sent back negative replies. Out of the 266 letters dispatched there were only twelve cases in which the females acquiesced to join their relations. Ironically, only in two cases did the woman ultimately travel to Port Blair and these were the mothers of the two convicts, and 'very aged women'.\textsuperscript{17} The officials concluded that the families of the convicts objected principally on account of caste taboos, as Hindu families hesitated to embark in a British vessel fearing loss of caste. The families of the convicts also felt, in view of the British, that their relations

\textsuperscript{12} Home, Judicial, 29 July 1859, 55-58, NAI.
\textsuperscript{13} Home, Judicial, 22 Aug 1860, 62-64, B, NAI.
\textsuperscript{14} Home, Judicial, 12 Nov 1858, 6-16, NAI.
\textsuperscript{15} Home, Judicial, 18 June 1858, 1-2, NAI.
\textsuperscript{16} The visit of one such woman named Sazgar, the maid servant to the family of one Abdul Latif Khan of Kanpur, who was desirous of coming to the Settlement preliminary to her arranging to send for his family, was sanctioned by the Government of India. Home, Judicial, 11 March 1859, 34-37, NAI.
\textsuperscript{17} Home, Public, 30 Nov 1860, 37-38, A, NAI.
would not re-admit the convicts into their society, if ever, they returned from the Andamans. Given the circumstances, they recoiled at the idea of crossing the seas. Some families also refrained, as they doubted the genuineness of the letters. Secondly, most women had replied that they were either waiting for their husbands to return or had remarried. Settlement officials felt that some of the beleaguered women had taken to prostitution, and some that were mere concubines had changed masters.\(^{18}\)

By 1860, the Settlement officers acknowledged that all efforts to ‘induce the families of the convicts to join them at the Andamans have entirely failed’. J.P. Walker, the Superintendent of Andamans, nevertheless wished to persist with the scheme and suggested that the wives of the convicts be allowed to migrate with the convicts instead of being called after them. But he admitted, in the same breath, that it was difficult to ascertain who the wife of the convict was as the supposed wives were at times actually the concubines. The idea of convict-family migration was never absolutely abandoned even with the beginning of female transportation.\(^{19}\) When Major Ford, who became the Superintendent of the Andamans in May 1864, was asked about the convict-family emigration scheme, he responded extremely favourably. He saw it as ‘very expedient and quite practicable’, and that it would be ‘the first step to colonization’.\(^{20}\) The only objection, he observed, would be on grounds of increased expenses. It was felt that accommodation, sustenance, and clothing of convict families would immensely augment the expenditure of the Settlement. Further, it was felt that there was little chance of convict families joining the convict after deportation unless they accompanied the convict. Nevertheless, the Superintendent was hopeful because he felt many convicts had returned from Port Blair, which made it a ‘better known place’. And with postal communication, letters from convicts were dispersed in every corner of India and this would ease the unwillingness of the families to sail to the Andamans.\(^{21}\) In some way, the scheme of convict-family migration was a complete non-starter from the very beginning. The officials had a paradoxical situation on their hands. For them, the refusal of the convict families to cross the unholy waters was the empirical evidence of the deterrent character of

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18 Home, Judicial, 13 July 1860, 8-14, A, NAI; Home, Public, 30 Nov 1860, 37-38, A, NAI.
19 Home, Judicial, 2 Dec 1862, 1-2, A, NAI.
20 Home, Judicial, 18 Nov 1864, 14-18, A, NAI.
21 Home, Judicial, 18 Nov 1864, 14-18, A, NAI; Home, Judicial, 17 Aug 1865, 47-50, A, NAI.
transportation, which made its retention in the penal statutes a wise decision. However, this much-exulted deterrent character was thwarting the success of the family migration scheme.

**Contracting Matrimony**

The reform that was associated with self-supporter system was not complete without the convict acquiring a wife and a home. And since the convict families showed reluctance to migrate, the household of the convict was to be organized by providing him with new marriage partners. The transportation of female convicts was grudgingly begun in 1860. The experiment of allowing certain prisoners to marry female convicts in Moulmein had yielded satisfactory results and, therefore, there was a greater willingness to attempt it in the Andamans. The marriage of the deported female convicts was sanctioned after five years of stay in the Settlement. Marriage in the Andamans became an expression of the male convict's liminality, a phase of his life, where he was coerced into cohabiting two overlapping worlds. One was the world where he was at the top of the labour and penal hierarchy and the other where he was the master of his household. These two worlds overlapped because the entry into, or for that matter exit from, the social world of marriage was mediated by State regulations. Moreover, it was the ability of the householder to keep himself solvent, to remain in happy conjugal union and to remain out of reach of any harm and mischief, which kept him out of the ambit of the penal life. The moment he defaulted on any of the above conditions his status as a 'convict' reasserted itself, occasioning state intervention into his life. As one official stated:

> The law being that no convict can marry without the Chief Commissioner's consent and the conditions being that the Government can absolutely control the life and social relations of the convicts.

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22 Home, Judicial, 19 May 1860, 41-48, A, NAI.
24 Home, Port Blair, Jan 1896, 109-110, NAI.
The system of marriage as it took shape in the Andamans was both a legal construct and a socio-cultural entity. The self-supporter convict had to make an application in order to be considered for marriage. He had to be in possession of a house, ten bighas of land, one pair bullocks and fifty rupees in cash in the Savings Bank before his application could be considered. The female agents who visited the jail and negotiated on behalf of both the parties did the preliminaries of partner hunting. The Superintendent counterchecked the female convict’s legal position in terms of her marriage in India before sanctioning the application. Following which both the parties:

Appear before the Superintendent and formally signify their desire to be married. The parties are then permitted to leave and solemnize the actual ceremony according to the provisions of the personal law applicable to both in India and after marriage they appear before the Superintendent and affirm that they have done so. The Superintendent thereon issues a marriage certificate which is evidence at law of the facts certified until the contrary is proved. Finally the marriage is published in the Settlement Orders. ²⁵

From the perspective of the State, regulating the sexual life, social interaction and leisure time of the convict and making him self-reliant were crucial for the stability and efficacy of the penal and the labour regime. Marriage provided the Colonial State with a licit form of sexual union in the face of prevalence of that high degree of homosexuality, which was perceived as threatening the social order. The conjugal unit also formed a distinct labouring unit, which took the burden of sustenance off from the state and also contributed towards the self-sufficiency of the Settlement. ²⁶

²⁵ Home, Port Blair, Proceedings Volume, August 1915, 66, NAI.

²⁶ Marriage, as a social institution, was favoured in this period of history in most of the plantation colonies as well. The works of Marina Carter and Prabhu Mohapatra show the way it provided the much-needed social stability to the labour force and also aided in local reproduction of labour once the shift in the international migration of labour began to take place. Another very important reason for indenture system favouring marriage was to fob off any criticism by the colonial authorities because negative press regarding the social life of the indentured labour had the potential of leading to its discontinuance, as it had in the case of slave slavery. Marina Carter, Servants, Sirdars and Settlers: Indians in Mauritius, 1834-74, Oxford, 1995; Prabhu Mohapatra, “‘Restoring the Family’: Wife Murders and the Making of a Sexual Contract for Indian Immigrant Labor in the British Caribbean Colonies, 1860-1920”, in Studies in History, Vol. 11, No. 2, New Series, 1995, pp. 227-260.

212
setting up boundaries and norms against which transgression of social and moral mores could be measured. And the definitions of what constituted transgression and normative was prescribed by the Colonial State. As defined by the colonial state, monogamy, chastity and economic autarchy were the indices in the configuration of the marriage. And the convict inspite of being at the top of the labour hierarchy, forever remained in a marginal and a subordinate position and susceptible to the rules and regulations of the penal regime.

At another level, marriage was a social and cultural fulcrum in the convict's life. It helped the convict rebuild his life and regain the social ties that he had lost by virtue of being transported. In this sphere, the convict displayed greater autonomy to reject, discard, reproduce or adapt his natal social customs. For instance, the baggage of social taboos and mores revolving around caste and religion, that the convicts carried to the Andamans from the mother country were not the points around which the formalization of marriages was structured. Some historians have characterized this manifestation of subaltern autonomy as an act of resistance. Marina Carter, for instance, depicts the struggle of the indentured labourers to maintain an autonomous personal and cultural life as the most 'enduring form of resistance'. This characterization has been challenged by Clare Anderson who claims that attempts to retain and adapt certain cultural practices was not really an evidence of resistance per se. In her view, the subaltern was not always struggling against the State but at most times 'particular aspects of convict social autonomy were ignored, tolerated or even encouraged by the authorities'. In her account, the State and the convict were complicit in the latter's efforts to rebuild his social life. In the Andamans, also, the autonomy of the convict was defined by the State's complicity in the fashioning and restructuring his life.

27 Clare Anderson, *Convicts in the Indian Ocean Transportation from South Asia to Mauritius 1815-53*, Macmillan, 2000, p. 85. Clare Anderson has shown that while the Mauritian officials encouraged marriage, it was concubinage with the local Mauritian women and the convicts, which formed the most dominant form of social organization.

28 This issue of the complicity of the state has also been brought up in the work of Satadru Sen. He provides a much more Foucauldian reading of the institution of the marriage. In his view, marriage in the penal settlement in Andamans besides being used for the rehabilitation of the male convicts was really a way of garnering political collaboration and co-operation of the convicts. He suggests that the initial scheme of importation of convict families was intended to hold the families as 'hostages' to ensure the co-operation and subservience of the convict population. While the point that marriage was a form of rehabilitation of the convicts comes forth
Thus, what one finds in the Andamans was that, given the limited nature of choices available, marriages between convicts belonging to different castes, regions, communities, and religions, were contracted. Till today, the Andamans has families with husband and wives belonging to different religion or caste, and their children also choosing partners irrespective of these factors. Such marriages, in general, are a feature of most island societies, where limited choices force people to give up social taboos and enter into such unions. Thanesari furnishes a testimony in his memoir regarding the issue of inter-caste marriages. He comments that the rigid caste system, ‘which was the bane of Indian society’ had been done away with in the Andamans, and for Hindus it was enough to be a Hindu, and it was not necessary to belong to one caste. However, in the self-supporter villages, the convicts continued to practice many of the social taboos of their natal society. As one official report confirmed:

It is amusing if nothing else to find peculiar failings of the native of Hindustan already reproduced in miniature at Port Blair - Convict Buniahs cheating convict customers and convict ayahs and chupprases taking their fees from convict applicants for justice – not a single complaint, however, has yet been made against any of the convict gangsmen.

The State, on its part, had an indeterminate attitude towards caste and religion. At one level, it refused to recognize caste taboos, and another, it was forced to reckon with them as they formed an integral part of an Indian convict’s existence. As one official remarked:

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29 This was a norm in the Andamans until a few decades ago when the local people, in response to electoral and reservation politics and influences from the mainland Indian society began to practice religious and caste endogamy.

30 Thanesari, Kalapari, pp. 107.

31 Home, Judicial, 29 July 1859, 1-20, NAI.

32 This comes through in other studies on prisons and colonial law of the nineteenth century India. David Skuy, “Macaulay and the Indian Penal Code of 1862: The Myth of the Inherent Superiority and Modernity of
All lose their caste from the moment they come on board the convict ship as they get no water but from the common pump or from the hands of the European guard. In the settlement they still keep up caste among themselves. It is never allowed as an excuse for non-compliance with any order of the Superintendent; or in their relations with him, but he has not thought it necessary to take any steps for eradicating it in their relations with one another.\textsuperscript{33}

And, the rules for the management of convicts framed in 1865 also stated that while caste prejudices were no way allowed to breach rules of discipline, concessions were, nevertheless, made whenever possible:

A transported felon has no caste, and transmarine Jail Discipline does not contemplate caste prejudices; but as a general rule, men of the same religion may, when convenient be allowed to mess and sleep together but messes once formed no objections on caste grounds are permitted... Brahmins and other higher castes are generally accustomed to such menial offices as sweeping... necessary arrangements... according to the customs of the country [were to be made].\textsuperscript{34}

However, shifts in policies were a constant feature. A regulation was passed in 1881 whereby convicts were not allowed to marry unless they belonged to the same caste. A reversal soon came in 1884, when Colonel Cadell, urged that the Hindus be allowed to marry Hindus and Muslims to marry their co-religionists irrespective of caste, as the crossing of waters already entailed the loss of caste for many. The Government of India's position on the matter remained an ambivalent one and replied that the courts were hesitant to prohibit such

\textsuperscript{33} Home, Judicial, 29 July 1859, 1-20, NAI.

\textsuperscript{34} Home, Judicial, 4 Oct 1865, 22-23, A, NAI.
Inter-religious marriages were also not infrequent. Most of the marriages contracted between Hindus and Muslims entailed the conversion of Hindu male or female convict to the religion of their spouse. This occurred mostly because of the ostracization of the Hindu spouses by their own community and the resultant disenchantment leading to conversion. The testimony of the convict descendants living in Port Blair about the issue provides significant insights. Most of the Muslim families have had a history of being disowned by the community of the Hindu parent on his/her marriage with a Muslim. One example was of Khairunissa, popularly known as Khairun madam, who taught in the local school for many years. Her son through the interview celebrated the 'communal harmony', in the Andamans, but on closer questioning revealed that his father was a Hindu when he married his mother. The social ostracization of his father, by his paternal uncles, had led to his father's conversion. Another case was of F. S. Riyazuddin, whose father had held a high government position in the 1920s and whose elder brother had distinguished himself in the field of education. He also eulogized the fact there was no difference amongst Hindus and Muslims in Port Blair but failed to mention, throughout his two-hour conversation while I interviewed him, that his mother was a Hindu who had converted. Another lady, Mutiyal Amna who was born and brought up in Port Blair was quite candid and admitted that while inter-religion and inter-caste marriages were common, the Hindus kept up the religious and caste taboos. For instance, when the clothes washed by a Muslim washerwoman were brought back, they were sprinkled with water to purify them before being taken inside the house. At public functions, when the Hindus went to dine at the house of a Muslim friend, separate eating arrangements were made for the former.

Thanesari's second marriage in the Settlement after his wife's death was also to a Hindu Brahmin from Almora. He mentions that his wife, while she lived in the female jail, or 'barrack-e-aurat', did not wish to stand close to a Muslim woman or to even have them touch her clothes. Most of the Muslim women inmates of the female jail were reportedly

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35 Home, Port Blair, Oct 1884, 81 to 82, NAI.
quite upset with her. On her marriage with Thanesari he asked her to convert, promising her heavens in the life after death. He discloses that at first she was quite surprised at his request but apparently did end up converting. It is, however, unclear whether Thanesari had placed his request before or after his marriage with her. While it did not cause much anguish to Thanesari to take on Hindu wives such inter-religious marriages did not mean that he forsook his antipathy towards Hindus. Thanesari devotes an entire chapter to the description of his animus towards Hindus. He describes the way Hindus always tried to disrupt the celebration of Muslim festivals and connived to implicate him in a case of embezzlement.\footnote{Thanesari, \textit{Kalapani}, pp. 79-80. This chapter is titled 'Hindus\textsubscript{a} ki Nakaam Chotein', which roughly translates as 'The Failed Attempts of Hindus to Hurt'. This title is itself quite suggestive about Thanesari's outlook.} These examples show that inter-religious marriages did not dissolve the communitarian distinctions in the Andamans and, the converts, quite interestingly sought to distance themselves from their pre-conversion past in the face of social prejudice. These marriages were undertaken by the convicts as a measure of expediency and tolerated by the State, as they were important for the social health of the Settlement.

While such marriages had their supporters, they were also not free of criticism in the official circles. When Colonel R.C. Temple took over as the Superintendent of the Settlement in 1895, he decided to prohibit such marriages between a Hindu convert and a Muslim convict. He felt that such conversions were 'fraught with danger to discipline and open a door to all sorts of fraud and deception'. This prohibition remained in force for nearly nine years when the issue, as the result of a particular case, once again became a point of official discussion. A Muslim self-supporter convict wished to marry a female convict who was otherwise eligible for marriage but 'on conviction, was a Hindu, a Chamarin by caste'. The woman in question had converted to Islam about four years ago and wished to marry the Muslim convict. The local order of Temple prohibited such a marriage. The then Superintendent, Merk, rescinded this order because he felt it to be legally untenable. Temple's decision also received much criticism from the Governor-General's Council for being 'arbitrary' and 'unreasonable'.

H. S. Stokes, one of the members of the council made a very cogent case for continuation of the practice of marriage between Muslims and Hindu converts.\footnote{Home, Port Blair, Dec 1904, 22-23, A, NAI.} According to him, the
conditions in the Indian jails were very different from those in Port Blair and the convicts in the Andamans had complete freedom to celebrate religious festivals as they did in their villages in India. Religion, therefore, meant 'a great deal more under the conditions of transportation than under those of confinement in an Indian jail'. And the social position of a person who had converted was extremely precarious as he had been forsaken by his community and stood to lose out completely, if not, recognized and adopted by the recipient community. Non-recognition of such conversions and marriages had the danger of rendering the convert an outright social outcaste. Most of the officials believed that it was not wrong to extend recognition to such conversions and marriages because 'the commonest motive for conversion to Islam in civil life is to marry a particular woman or to legalize an irregular relation with her', which made them 'unquestionably valid'.

Thus, inter-caste and inter-religion convict marriages were accepted as a lesser evil than homosexuality.

After some time, marriages between convicts and free persons living in the Settlement also began to be contracted. This became an important feature with the rise of first-generation convict children. The ex-convicts desired their children to be married with free persons. This was especially the case with convict daughters. The only grooms available in the Settlement for them were the convict self-supporters, who also displayed preference for convict daughters over female convicts. In relation to female convicts, the convict daughters had a much more clearly defined social and religious profile. Such marriages between convict self-supporters and convict daughters were given sanction on an experimental basis in 1876.

These marriages did not become very common and most were not very successful. For instance, there was the case of convict no. 12875, Hira, who was permitted to marry on 28 Nov 1876 a free girl, Lali, the daughter of a convict. On 31 Jan 1880, Hira was convicted of embezzling Government money and cheating, and was awarded twelve stripes and one year's chain-gang. Under the Settlement rules this convict was not eligible to support himself again until eighteen months had elapsed after his release from the chain-gang. His free wife as a result was dependent for support for two and a half years on friends, or else, remained 'a pauper on Government'.

While the daughters of the convicts got a raw deal in case their...

38 ibid.
39 Home, Port Blair, June 1876, 41 and 42, NAI.
40 Home, Port Blair, March 1882, 45 to 51, NAI.
convict husbands were demoted, the convicts themselves were also not an advantage when they contracted such a union. The self-supporters were, in the view of the Settlement officials, often subjected to exploitation by the free girl on the behest of the convict parents. The exploitation mainly occurred over the property that the self-supporter convict possessed. Also, these marriages were reported to have degenerated into cohabitation.

There was a divergence of opinion with regard to marriages between free people and convicts. The Norman Report of 1874 favoured this system of marriages. W. H. Norman felt they were extremely important from the view of the moral condition of the Settlement. But he also admitted the impossibility of laying down satisfactory and exhaustive rules for such marriages. All that could be done, on the part of Superintendent, was to ensure that advantage was not taken by any partner to abandon the other when one of them was allowed to leave the Settlement. Following the dismal results of the experiment, Major Protheroe, in 1882, favoured the abolition of marriage between convicts and free persons. He showed, with the help of statistics, that there were a number of free persons in the Settlement with whom girls of convicts could contract marriages and once a rule in this regard would be made, people would automatically look for free people as eligible husbands. He also felt that such marriages affected convict discipline. Most convicts, in his opinion contracted such marriages as this enabled them to subvert convict discipline. The officials also feared that the convicts usually used their wives for prostitution because even if they were caught they would not be sent to the female jail. In 1895, some new rules were formulated such as a deposit of a security of 100 rupees before marriage by the convict. In case a convict was remanded to labour, his property was to be handed over to his wife. The government also refused to recognize any case of divorce. And the woman was expected to leave the Settlement with her husband on his release. Notwithstanding the criticism levelled against them, the lack of social alternatives meant the continuation of such marriages.

41 Norman’s Report, in Home, Port Blair, August 1874, 75, NAI.
42 Home, Port Blair, March 1882, 45 to 51, NAI.
43 Home, Port Blair, Jan 1896, 109-110, NAL.
Representing Female Convicts

While women convicts were an important component of the penal regime in the Andamans their characterization and portrayal has been quite misanthropic. It is quite similar to their depiction in Australia where women convicts were described as ‘disobedient, refractory, untalented, abandoned, vice-ridden creatures’ and ‘disreputable whores’.

Resonance of such a unsociable representation can be detected in the following description of female convicts by an official visiting the Andamans:

To my mind the women seemed to me of a more criminal type that the men. They struck me as murderers of the most abandoned nature and obviously addicted to lustful excesses. They are all practically in for murder; but there is a distinction between the murder committed by the woman and the murder committed by the man. The man as a rule has found his wife in adultery and in his immediate passion of jealousy has slain here paramour; but the woman on the contrary has murdered her husband deliberately in conspiracy with her paramour.

The nineteenth century Victorian sensibility, woven around particular notions of crime, criminality and womanhood, was central to this representation. It incriminated the convict women for having transgressed the high standards of social and moral behaviour conjoined upon by them by the contemporary social mores. Women were seen as the keepers of the social and moral fabric of the society. It was a very serious threat to the social order when they themselves violated and transgressed the moral code they were assumed to preserve.

This perception of the white convict women was paralleled by the rising tide of middle-class cultural nationalism in the Indian subcontinent, which cast the nineteenth century Indian woman in a particular mythical and ahistorical mould, epitomizing immortal values.

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45 Mr. Gwyne’s Deputation to Andamans in July 1921. This paragraph is from the notes in his diary, in Home, Jails, 1922, 8, NAI.

46 See Deborah Oxley for an excellent exposition of the Victorian class and moral prejudices circumscribing the characterization of female convicts in *The Convict Maids*. 
Cocooning of the women within the domestic womb, recreation of the notions of ‘Sugrahini’ and ‘Bhadramahila’ and the movements for their emancipation, especially of high caste Hindu women, were all tied up with a new nationalist self-definition. 47 Female convicts, especially those convicted of murder, in this context, were an anomaly, a dangerous exception as they rescinded any claim to respectability, honour, modesty and morality. Most of the convict women who were deported to the Andamans were convicted for murdering husbands, paramours or infants, which was considered to be the most heinous crime. In Colonial penology such a crime deserved the penalty of capital punishment, seconded only by permanent incarceration or transportation.

Another baggage than the convict women eternally carried with them was regarding their sexuality. A variety of issues related to women concerning their intellect, habits and conduct were being raised and debated in the nineteenth century. The superintendence of their sexuality was at the centre of these emerging trends. It was postulated that male relatives had to be appointed as custodians in order to safeguard women from their own failings and to save men from the latter’s carnal charms. The female convicts, contrary to this supposition, were bereft of any guardians and had gaolers of questionable reputation as their only custodians. This instinctively led to their characterization as wanton women with uncontrolled sexuality. This was the general picture, of the female convicts, prevalent in the mainland jails. The ‘fictive rebirth’ of the convict women on the Islands might have held out some hope of deliverance from this misogynic characterization. But the life in the Andamans also cast them in an essentially sexual mould. The primary raison d’être of females on the Andamans Islands was the need for legitimate sexual partners in the form of wives to service the male convicts. Unlike their male counterparts, they were not transported to the Islands to fulfil the labour requirements of developing a frontier colony or for punishing the recalcitrant political subject but to render sexual services for the cause of the Empire.

The transportation of convict women, thus, made the circle of their social outcasting and misogynic characterization complete. The return to the natal society was rendered near

impossible after having traversed the seas. The status of the female convict, therefore, came with paraphernalia that could not be shaken off even after the expiry of their sentence. There was a general opinion amongst the officials that most of the female convicts had no desire to return home and once free they ‘were certain to relapse into a life of shame’. Transporting them to the Andamans was a better option because at least in Port Blair they had a chance of marrying and beginning a new life. On the other hand, in the Andamans, the absence of female sexual partners was raising the spectre of the Norfolk Island, which in popular mythology had been likened to ‘hell on earth’ because of the widespread prevalence of homosexuality. As a result, notwithstanding the fallen character of the female convicts, the officials saw their transportation to the Andamans as opportune, for them and the male convicts alike. Moreover, it was not simply the sexual health of the convicts but of the free police as well that the administration was worried about. A proposal was once made to provide public women for the Port Blair Free Police. The Settlement Superintendent was loath to undertake such an exercise was nevertheless nettled by the problem. Consequently, as a mid-way, it was decided to grant free passage to the families of Port Blair Free Police.

Although female convicts were needed in great numbers their presence on the Andamans remained limited. The male convicts outnumbered them with a ratio of one is to ten. The ‘numerical scarcity’ of female convicts and labourers in the British penal and plantation colonies, in the latter half of the nineteenth century, was a common feature. This issue of paucity of women has had an interesting impact on the contemporary perception of the social life of the colonies and also on the study of the social history of convict women and indentured female labourers alike. The official machinery often invoked the ‘scarcity’ of

48 The Superintendent of the Alipore Jail, F. J. Mouat, who was asked to send the descriptive rolls of all the female prisoners who would be willing to go to Port Blair in Jan 1860, responded, ‘It is true that they have all been convicted of the atrocious crime of murder, with such extenuating circumstances as caused them to escape the highest penalty of law... it is painful to contemplate the prolonged misery, without hope or mitigation of any kind, to which they are of necessity at present subjected; and it is reasonable to presume that in the less unhappy circumstances of a penal colony they will not again relapse into crime. On the other hand it is nearly as painful, and far more forceful, to regard a Penal Settlement like that of Port Blair without women of any kind. The revelations of Norfolk Island show that such a system produces a most hideous vices, and it is utterly inefficacious in reclaiming hardened criminals.’ in Home, Judicial, 19 May 1860, 41-48, A, NAI.

49 Home, Port Blair, Oct 1873, 60-62, A, NAI; Home, Port Blair, April 1874, 17-18, B, NAI.
females to justify the local crime rate and the prevalence of prostitution or homosexuality in the colonies. Most of the early historical works on the plantation colonies failed to problematize the notion of scarcity and held it up as the reason for the exploitation of the female population. It was felt that the competition over limited sexual resources created jealousies and rivalries, which led to instances of crime and subjected women to corruption 'by male labourers and sirdars', and led to 'polyandry and extra-marital liaisons'. These views became popular mythology because the murder of wives was a common occurrence in the indentured plantation.

Recent works have attempted to deconstruct this discourse on 'scarcity'. Prabhu Mohapatra in his work on plantations of British Guiana shows that this 'scarcity value' actually camouflaged and exonerated the local penal and labour regime of producing circumstances, that created social anomalies, within the local society, that contributed to the exploitation of women. Marina Carter in her work on the Indian indentured labour in Mauritius also demonstrates that the scarcity of the females was an artificial creation of the State as transportation of female labourers was not cost-effective and, therefore, low in demand. The female workers, Carter shows were not able to contribute substantially on the plantations and became a financial liability once they became pregnant. In the Andamans, evidence for 'artificially created' scarcity of females, as in the plantation colonies, is difficult to come by. The Settlement officials had no real interest in keeping the female population low. In fact, the effort on their part was to maximize the intake of female convicts into the Settlement. Though the Settlement officials would have liked to be more discriminating with regard to age and physical ability of the female convicts they received at the Settlement, however, this was a condition that could not always be fulfilled. The transportation of

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50 See Marina Carter for the historical representations of the scarcity of indentured women in plantation colonies, Servants, pp. 236-239.


52 As one report stated, 'provision of more women as wives for self-supporters is one of the chief needs of the Settlement; and they have accordingly recommended that women sentenced to transportation for seven years and upwards, who are either unmarried, widows, or have been divorced or repudiated by their husbands and are thus free to marry, should be sent to Port Blair, and they should be allowed to marry, upon the same conditions as female life-convicts, after five years' good conduct in jail'. Foreign, Internal, Sep 1891, 35-6, B, NAI.
female convicts to the Andamans was really very much determined by the forces at work in the Indian penal system, where the sentence of transportation, especially for deportation overseas, was seldom passed on the women.

Moreover, in a situation where the presence of convict women was primarily defined by a need for conjugal partners, there was a greater emphasis on their sexual ability than on their reproductive and productive capacities. The reproductive capacity of the female convicts was of limited consequence for the Colonial State because the labour regime in the Andamans fundamentally depended on the importation of the labour force instead of local regeneration. Domestication of the convicts for providing stability and permanency to the male labour force was definitely one of the avowed aims and production of progeny was a part of that. However, any substantial increase in the non-productive child population was not something that the officials desired. It had the potential of threatening the survival of the precarious economic infrastructure of the island colony. For instance, the Settlement administration was compelled, in the year 1868, to annul all convict marriages with a few exceptions, as a result of an 'alarming growth in the child population'. Both the marriage partners, consequently, were remanded back to the barracks.53 Therefore, the reproductive capacity of the female convict was appreciated but was something that had to be limited. It was mostly in their roles as legitimate sexual partners of the male convicts that the administration wished to see them.

Further, there was a subordination of the productive capacity of the female convicts. The women were not seen as contributing to the labour pool that was in demand on the Islands. Physically strenuous work of clearing the jungles and draining the swamps or agricultural labour in the self-supporting villages was seen as out of the purview of the labour works that the female could undertake. The female convicts were mostly employed in cotton growing, cotton weaving, and blanket weaving.54 And as the wives of the self-supporters they were mostly engaged in looking after the household. This alleviated the cost of running the Settlement to a very little extent and, therefore, depreciated the demand of convict women as a labour source. As Deborah Oxley has rightly pointed out, in work 'skill was a category

53 Home, Port Blair, Proceedings Volume, August 1915, 66, NAI.
54 Home, Public, 7 June 1865, 11-13, A, NAI.
constructed according to political and economic power, rather than some objective and absolute proficiency. The informal training that a woman got in the various skills while staying at home, tending the hearth, raising the children, or assisting her family members in the fields, in weaving, basket-making and various other caste-based economic activities and subsistence crafts had no recognition or value in this scheme of things. The State subscribing to the notions of market economy inherently derecognized the worth of the female labourer, and especially that of the convict women, as a ‘potential worker’. The sexual labour that they performed was seen as the sum total of skill possessed by them, obliterating any other skill that they may have possessed.

Notwithstanding, the marginalization of the reproductive and productive capacities of the convict women and the ascribing of a sexual role to them, the recent historiography has sought to establish that their numerical shortage did not have a wholly negative impact on the women. In Mauritius, for instance, marriages amongst Indian labour force, contrary to practices on the mainland, began to be contracted on payment of bride price rather than dowry, and it also enabled both Hindu and Muslim widows to remarry. Some women even rose on the socio-economic and political scale to become the sirdars of some estates. Satadru Sen, in relation to female convicts has illustrated that scarcity, in fact, empowered the females and gave them bargaining power. This was, in his view, mainly in the form of choosing husbands from among the male prisoners, not being subjected to hard labour and having to spend lesser number of years in the lower grades. At a later date, they were also encouraged to volunteer for transportation to the Andamans, which devolved upon them the choice to accept or refuse.

On a close reading of the available evidence, in the case of the Andamans, it is rather difficult to establish that the female convicts were in a position to use the imbalance in the

sex ratio to their advantage. The empowerment of the female convicts, as argued by Sen, is overstated because the privileges enjoyed by the female convicts, which Sen enumerates as being occasioned by the numerical scarcity, were the privileges given to them to actually facilitate their early marriage to the male convicts. While the female convicts did have the right to refuse contracting marriage if they did not wish to ‘venture on the life which local matrimony’ offered, this choice in choosing the partner in the marriage was not absolute. This was because the male convicts also exercised their right to refuse or accept. Neither did the convict women always have a choice in their deportation. There were several cases of indiscriminate transportation of female convicts to the Andamans, especially the instances of numerous young girls with crimes that did not merit the sentence of transportation to Port Blair. One such case was of Thanesari’s second wife who had been accused of causing the death of a playmate by pushing her into a well. As a result of a family feud, her acquittal inspite of the playmate’s recovery, was made impossible. Similar was the case of an eleven-year-old girl called Jhaboo Moosalmanee (father’s name Sheikh Muthi) from Birbhum, accused of pushing her sister child into a well, was sent to the Andamans to atone her crime. Her case was significant as it incurred the ire of the Superintendent who made sure that the deportation of under-age girls was stopped. Therefore, to slot the experience of empowerment, choice, or victimization of female convicts merely to their numbers is to overlook the variety of other factors that impinged upon the experience of convict women.

The misogynist and essentially sexual characterization of the female convicts had significant repercussions for the system of convict marriages. The Settlement officials were seeking to domesticate the male convict, and the female convict was to be an instrument in the process. The domestication of the female convicts mainly took the form of quarantining them in the

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59 Home, Port Blair, Proceeding Volume, August 1915, 66, NAI.
60 Thanesari, Kalapani, p. 74.
61 The then Superintendent of the Settlement, D. M. Stewart, expressed his outrage at such a young child being sentenced to transportation for life, where ‘transportation is simply a piece of brutal cruelty’. He felt that the place of the child was in some reformatory, in Home, Judicial, April 1872, 235-36, B, NAI. It was urged that juvenile convicts be kept in reformatory or penitentiaries in India till they were at least twenty years of age. Finally, in 1875, the Government of India decided that juvenile convicts if sentenced to transportation were to be detained by the local governments until they attained the age of eighteen, in Home, Port Blair, April 1875, 30-33, NAI.
jail or within the confines of a household as the sexual mates of the male convicts. They were seen as naturally promiscuous and fickle not simply by the British officials but by the Asian convicts as well. In popular parlance, the female barracks were known as Randi Barrik, or barracks of whores. For instance, Thanesari recounts in his memoir that he worked as a munshi in the Chief Commissioner’s office and was regularly visited by women for official work. He described the way many of them attempted to ‘prey’ upon him and each time he was saved only by God’s mercy.

Thanesari’s memoir was a product of his own sexual proclivities and a narcissist self-perception of himself as an object of female desire. Nevertheless, it does provide an inkling of the way the convict women were viewed by the male convicts. The female convicts were perceived as non-virginal and sullied women. The convict hero of the ‘Confessions’ took pains to show the way his wife had pulled her chudder over her face and held her head down on being questioned whether she would like to get married. An expression of shame and timidity by the woman was a sign of her innocence and virtuous character. The fact that she sat with her back to the convict in the furthest corner of the verandah, instead of beckoning or courting him, had also won a place for her in the convict’s heart. No convict who got married would admit in public that he had contracted a union with a wanton lady. Thanesari, in his account, also narrated the way he finally decided to get married in order to lead an honourable life and put an end to women preying upon him. He did not opt for any of the inmates of the female jail but finally tied the knot with a newly arrived female convict. Thus, the ubiquity of a misogynic characterization of female convicts contributed to the exploitation of the women and lent a high degree of instability to the institution of marriage. Though it was seen as the only legitimate form of sexual union, convict marriage failed in stubbing out other kinds of ‘unnatural’ sexual unions in the Settlement. Fears regarding the omnipresence of homosexuality and prostitution remained at the heart of the British attempts to regulate the social life of the convicts.

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63 I shall return to a discussion on prostitution and homosexuality in the chapter on abolition.
The Moment of Reckoning – Marital Encounter

The day of the release of the convict served as a point of catharsis, a moment of reckoning when the convict was forced to face up to his past life in his home country and the present one that he had built in the Andamans. The heroine of the ‘Confessions’ also reaches such a moment when she hears from her husband that they are being released. After the initial expression of delight, confusion and dread inflame her being. Her past had finally caught up with her and she confesses in front of her convict-husband that she had a husband and two children waiting for her back home. Heartache, tears and misery follow. And the woman, on being confronted by her first husband and wailing children who had come to fetch her, is morally torn. She had to choose one over the other. Inspite of repeated assurances that she had given him, she abandons her convict-husband and his children. What makes her choose her first husband? What makes her leave behind a man who had been her partner and mate in an unknown land? The answers can perhaps be found in the view that convict took of the marriage in the Andamans. This marriage was contracted without any rituals and formal rites. No community members, friends, relatives or family elders were witnesses to the wedding. Therefore, such a union contracted by putting a thumb impression on a parchment in front of a ‘Gora Sahib’ did not hold the social authenticity or the authority that her first marriage did. Traditions and norms did not bind the social space in a foreign land. When the moment of reckoning came, it was the marital union sanctified by proper sacraments, which was honoured.

The view that the convicts took of the marriages that they contracted in the Andamans is, thus, revealed in the moment of their release and voyage back to their homeland. The convicts viewed these marriages, performed without the orthodox rituals, as informal and many a times failed to accord to it the morality of a formal marriage. Thanesari forms an exception to the general rule. On his return to India, Thanesari took his wife whom he had married in the Andamans along with his ten children back to India. Perhaps his being a Muslim gave him the necessary social sanction for his marriage. There were primarily two features, which testified the fact that convicts seldom honoured, on their release, the marriages that they contracted in the Andamans. First was the high rate of abandonment of the convict-wives by the male convicts when the latter were released from the Andamans.
Second, the pains that the officials took to educate the convicts regarding the formal, permanent and sanctimonious character of these marriages.

The female convicts were eligible for marriage after five years' of stay in the Settlement, whereas the male convicts became eligible after ten years' of stay. As a result, the male convicts were eligible for release after ten years of marriage while the female convicts did not become eligible until after fifteen years. This mostly led to the abandonment of the wife by the released convict. The problem of abandonment was most exacerbated in the case of marriages between term-convicts and lifers. These marriages had been sanctioned by the state in view of the scarcity in the numbers of female convicts. When the term of one of the partners in the marriage expired, they could either choose to stay on or return to their country. Most of them would leave the Settlement ignoring their spouses who were still serving their term. This occurred largely with female convicts who were left behind by their husbands at the mercy of the State. The convicts who did leave the Andamans with their local wives were reported to abandon them on embarking in the port towns. The officials were of the strong belief that most of them found their way to brothels in Rangoon or Calcutta.

The year 1877 was quite significant in this regard, as Her Majesty granted pardon to many life-convicts, on the assumption of the title of Empress. And, many female convicts were left behind in the Settlement when their life partners were released and set sail for the subcontinent. There were about sixty such women with their children whose husbands had abandoned them on release. Earlier, when the husband died or left the Settlement, the female convict was sent back to the barracks. However, this time considering their numerical strength, it was decided that they would be allowed to keep their accommodations, if they behaved well. The general opinion was that spouses, thus abandoned, should be allowed to contract marriage once again. And, it was suggested that the convict who had left the Settlement on his or her release should not be allowed to return as that would lead to new claims which might be difficult to dispose off. This event sheds light on the perception of

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64 J.S. Campbell's Report, written in April 1872, reference in Home, Port Blair, August 1874, 52, NAI.
65 Home, Port Blair, Proceedings Volume, August 1915, 66, NAI.
66 Home, Port Blair, April 1877, 5 and 6, NAI.
these marriages amongst the convicts. For most convicts, such marriages were not as sacrosanct as the ones they had in their homes and within their social groups. These marriages were treated as a bonus that they received for their services and as an impermanent arrangement, until the time they returned to their lives in India, as was the case of the protagonist of the 'Confessions'. However, this view can not be generalized because for those who did not ever return to their homes, such marriages acquired permanency becoming a source of succour for the rest of their lives.

Satadru Sen has seen the issue of release as 'the most significant legal obstacle to ensuring permanent marriages for convicts'. The release of the convicts, contrary to what Sen argues, was not really an a priori legal problem but became one because of the failure of the convicts to accord the local marriages a formal sanctity generally attached to the social institution. Abandonment of their locally obtained convict-wives by the male convicts and their failure to take them along to their home countries occasioned the intervention of the State in the private domain of the convicts. What the convicts and officials were seeking out of this social institution was at cross-purposes. While the convicts saw these marriages as temporary cohabitation, the officials accorded it greater permanency, 'The Superintendent warns them that they are contracting a permanent obligation and not entering into a mere temporary cohabitation and records his permission to the marriage'.

A few years later, the officials made sure that a clause regarding staying together after release be inserted in the rules of marriage. But the government failed to ensure that the convicts stayed together even after release. This marriage clause was omitted after June 1873 and not enforced even when it was decided to release the life-convicts in July 1874, on sustained course of good behaviour over twenty years. However, following the problems that the officials faced in 1877, the then Superintendent Major Protheroe refused consent to marriages in which the petitioner applied for release before his wife. General Barwell also followed this policy and took care to explain it to the convicts before they contracted marriages. The Government of India, in reply to this problem, felt that the convicts should be allowed to contract marriages and it was unnecessary to insist on the stipulation that the

68 Home, Port Blair, Proceedings Volume, August 1915, 66, NAI.
male convict not apply for release until his partner was also eligible. Instead, on the application for release, the individual cases be examined and there was a possibility that the remaining term of the female convict be remissioned.69

What life and marriage in the Andamans meant for the female convicts hardly finds documentation in the contemporary records. There exists a deafening silence regarding their personal lives or their experience as convicts.70 Even Thanesari's memoir presents a taciturn picture of the women's reaction to marriage. He, in a self-justifying mode, proclaims that his second marriage was pre-destined and that his wife would become the mother of his children. He spins an apocryphal story to vindicate his rather irrational belief. In April 1868, he narrates, his first locally acquired Kashmiri wife died and that was also the month when his second and current wife was caught in a case and sentenced to transportation to the Andamans. The girl, who his wife was supposed to have hurt, was fine after a few days but by that time his wife had left for Port Blair as it was her destiny to come there and become his wife.71 Thanesari's narrative is written in a way to inspire sympathy and to justify her marriage to him as God's will but the woman's side of story of her marriage to a Muslim and the subsequent conversion is completely lost in his narration.

The experience of marriage for the female convicts was generally a mixed bag and defies the characterization of married convict women as 'victims' or 'damned whores'.72 Dichotomous

69 Home, Port Blair, October 1881, 8 to 9, NAI.

70 The notion of 'silence' is borrowed here from the anthropological theory of 'muted groups', which was first proposed by Edwin Ardener. 'Muteness', according to this theory, was the result of power relations between the dominant and sub-dominant groups. By muteness he did not simply imply silence or neglect but a failure to document the lives of the mute groups based on their versions of reality and their ways of structuring and understanding the world. See M. C. Moore, Feminism and Anthropology, Polity Press.

71 Thanesari, Kalapiri, pp. 74-76.

categories fail to capture the variegated character of their experience in the Andamans. Freedom, in one aspect of their lives, did not guard against servility and exploitation in other and similarly, agency in a certain sphere did not prevent victimization in another. Marriage for many became a means of acquiring a limited form of freedom within the confines of the domestic sanctuary. Even the Hindu widows got an opportunity for remarriage when the Settlement officials modified the marriage rules to remove legal obstacles to facilitate their marriage. The convict-wives had complete freedom in keeping their house, birthing and raising their children and generally rebuilding their personal lives, but limited choice in choosing with whom they lived. Additionally, the married female convicts could also hope for an early release. The married women, however heinous their crime or irrespective of their conduct, were usually granted remission when their husbands applied for release. On the other hand, the female convicts who did not tie the knot were forced to complete their term of twenty years. With time there grew resentment amongst the unmarried female convicts who were well behaved and had even served as petty officers. The system of granting remissions to female convict wives, which had been brought into force to facilitate the marriages of life-term convicts, was found to be inequitable. But the system was, nevertheless, continued because it would have jeopardized, in the long term, the already unstable system of convict marriages.

While contracting marriage with male convicts, and especially with term-convicts, had its advantages, it also opened up avenues for the exploitation of female convicts. The high rate of abandonment of convict-wives on the release of male convicts was one such feature that put the lives of the former in considerable peril. The British officials noted that most of the female convicts, on their release, preferred to remain in the Settlement instead of returning to their home country or accompanying their spouse. The desire for social security and acceptance were the main driving force behind such a choice. In fact, many female convicts had come to dread the time of their husband’s release following the abandonment of many.

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73 Home, Port Blair, March 1882, 45 to 51, NAI.
74 Home, Port Blair, Oct 1884, 81 to 82, NAI.
other convict-wives. Some female convicts who had been released along with their husbands on the occasion of the Jubilee had, in fact, applied to return to the Andamans where they had left married children. Life, in the Settlement, for them held much more security than the return to the home country. Lack of social acceptance was obviously the major reason behind their unwillingness to return. The female protagonist of the 'Confessions' forms an exception to the general rule. It is rather surprising that her first husband actually came all the way to the jail with his children to fetch their mother, who had spent nearly ten years in an unknown land and had lived and borne children of another man. For the male convicts on the other hand, the Settlement held out promises for a secure future, but it could not keep them forever on the Islands. The general view that the male convicts took of the female convicts and of the marriages with them rendered the position of the female convicts extremely vulnerable.

There were other factors that also exposed the female convicts to exploitation. The law did not prevent the male convicts from tying the knot even though they might already be married. However, the marital status of female convicts was ascertained before they became eligible for marriage. The female convicts, whose husbands were alive in India, had the most difficult time. The Settlement officials refused to sanction the marriage of such convict women. When local magistrates in India were approached regarding this matter, most of them were of the opinion that a Hindu could under no circumstances be divorced. They invoked their own particular view of Hindu traditions, which, in comparison to Islam, had no provision for a divorce or annulment of a marriage. The only way married female convicts could remarry in the Andamans was when their husbands back home agreed to repudiate them as wives, setting them free to marry whoever they wished. Repudiation by the original marriage partner, therefore, was crucial if married female convicts were to be

75 Home, Port Blair, Proceedings Volumes, August 1887, 68 and 69, NAI. Superintendent Cadell remarked that the married convict women who looked upon release with apprehension were mainly those, 'who have families and whose husbands owned huts and may have acquired cattle and other property'.

76 Home, Port Blair, Oct 1884, 81 to 82, NAI.

77 The convict marriages involved a range of contradictions which the colonial officials either sought to deal with or ignore. This was also the case with convict marriages in Australia, see D. A. Kent and N. Townsend, "Colonial Marriage: A Case Study of the Swing Protestors", Labour History, No. 74, May 1998, pp. 40-53.
considered for remarriage in the Andamans. However, the matter was, at times, further complicated if the husband back home refused to repudiate the wife but sanctioned her remarriage. For instance, a resident of Gurdaspur belonging to the 'Changa' caste stated, 'I have no objection to my wife marrying again. She may do so if she likes, but as long as I live I will not divorce her'. Not in every region of India were the local attitudes to marriage and remarriage the same. However, in regions where sanctions against divorce and remarriage did exist, they created legal tangles for the Settlement officials who were at a loss for possible solutions to the problem. 

Conclusion

Domestication of the convicts was seen as a way out of the myriad problems of homosexuality, insubordination, out-migration of convicts after their release, and the general despondency amongst the convicts because of lack of personal and social ties. However, domestication of the convicts was not easily achieved. Enforcement of monogamy, fidelity and autarchy amongst the convicts was made difficult as the convicts did not necessarily at all times take a similar view of the situation, as did the officials. It is interesting to note the way the study of convict marriage in the Andamans presents a completely different picture from what was there in Australia. In Australia, it was the convicts who subscribed to a rather informal form of exchanging vows and the upper class officials valued church marriages and certification. Unlike the Andamans, in Australia, it was the gaolers who saw the convict marriages more as concubinage than formal marital arrangement. In the Andamans, the officials took pains to not only educate but also enforce the sanctity of the marriage that the convicts contracted. While the convicts, in the Andamans, on the other hand, took a much

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78 Caught on a sticky wicket, the Superintendent was inclined to give permission to a woman whose husband replied in this manner but did not do so and escaped by referring the matter to the Government of India who was asked to take the decision in the matter. The Government of India also evaded taking a decision by asking the Superintendent to use his discretion in most matters and by replying that in the higher castes divorce and remarriage were not prevalent but it was not the case in all Hindu castes. Therefore, the Superintendent before sanctioning or refusing permission, was asked to ascertain the customary practices of the community to which the female convict belonged as no such difficulty had been found amongst the Muslim women for their religion permitted divorce. Such tangles were ever-present in the Settlement and the Settlement officers were continually forced to jog their wits to find suitable ways out, in Home, Port Blair, Aug 1891, 92 and 94, NAI.

79 Oxley, The Convict.
more informal view their marriage in the foreign land. Thus, this 'difference in the cultural capital of the convicts and their gaolers', was significant in determining the contours of social and political rehabilitation of the convicts in penal societies. The efforts to domesticate floundered, at one level, because of this difference in perceptions. The social practices of the convicts disrupted the official intent. Moreover, the official critique of the view that the convict took of their marriages in the Andamans was also, in some ways, a recognition of a social practice that could not be tolerated and also something that subverted the official intent.
The First-Class and the Self-Supporter convicts appeared like villagers, roaming free on the streets.

The Preface of Mohammad Jafar Thanesari’s Kalapani Ya Tarikh-I-Ajeeb