

Frontier as Resource: Law, Crime, and Sovereignty on the Margins of Empire

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In March of 1887, Ahmednagar District Superintendent of Police R. H. Vincent requested sanction to offer a special reward to capture a bandit, “the notorious Bhil dacoit Daji walad Malhari,” who was wreaking havoc in his district. Daji had escaped from police in his native Hyderabad State the previous May after being extradited from British-ruled Bombay Presidency. He had already absconded from police forces of the Nizam—the sovereign Muslim ruler of Hyderabad—or the British Raj thrice previously. According to the commissioner of the Criminal Department, Daji’s activities threatened to undo colonial progress in remaking agrarian society in the frontier district: “The outlaw had actually recommenced his depredations in the [Ahmed]Nagar District. The Bhils on the British frontier, as he lately found have fairly settled down as labourers and cultivators, but the presence of a reckless leader will soon unsettle them, and Government may have endless trouble in the monsoon if the man is not caught speedily by the offer of a substantial reward.”¹

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¹ “Ahmadnagar, Daji Walad Malhari. Offer of a reward of Rs 500 for the capture of the dacoit. Recapture of—by the Ahmadnagar Police,” Bombay Judicial Department, 21 Mar. 1887. Maharashtra State Archives, Mumbai (MSA), Political Dept, Hyderabad, 55/924. British colonial texts used the term dacoit to cast certain South Asian groups as hereditary thieves. Acute colonial concerns and policies for addressing dacoity, and related modes of criminality known as *thagi*, were central to the early-nineteenth-century colonial project. Whether hereditary criminality was an effect of the social and economic history of colonialism or an imaginative figure of colonial

Dacoit activity was constructed as a direct affront to British colonial policies of peasantization and sedentarization. As such, Bombay sought to induce Hyderabad to imprison figures such as Daji, a subject of the Nizam over whom the Raj had no jurisdiction.² Daji, to whom we shall return, continued for the next several years to dog colonial police with his border-hopping antics. His case underscores the indeterminate character of colonial legal sovereignty in frontier regions and the fragmented nature of sovereignty in an imperial era.

The liminal spaces of modern empires were many. They represented major challenges to officials and provided invaluable resources for people subjected to imperialism. The turn of the nineteenth century is often associated with the culmination of imperial consolidation in Asia and Africa, but in fact empires remained heterogeneous entities unsettled by contested external frontiers and subordinated by sovereign polities within their domains. The fragmenting of sovereignty and proliferation of jurisdictions produced possibilities for marginal people across imperial space.³ Extraterritorial judicial initiatives of colonial empires were limited by subordinated states' attempts to safeguard their legal sovereignty. The productivity of fissures within imperial space can be illuminated by happenings on the internal frontiers of the chief colony within the world's largest empire during the height of European global political dominance. As I will show here, the productivity of the frontier depended on the incompleteness of states' control over space. I consider this relationship through an examination of developments along the border between Hyderabad, a formally autonomous state, and Bombay Presidency, a unit of British India. I will argue that contestations over jurisdiction between the Nizam of Hyderabad and the British Raj, and the Nizam's assertion of legal sovereignty over his subjects, rendered the frontier zone a critical social and political resource for

discourse is a matter of continuing scholarly debate (see note 19). On the colonial use of monetary rewards to capture criminals, and their limited effectiveness during the early nineteenth century, see Martine van Wærkens and Catherine Tihanyi, *The Strangled Traveler: Colonial Imaginings and the Thugs of India* (Chicago: University of Chicago Press, 2002), 51–52; Tom Lloyd, "Acting in the 'Theatre of Anarchy': The Anti-Thug Campaign and Elaborations of Colonial Rule in Early Nineteenth-Century India," *Edinburgh Papers in South Asian Studies* 19 (2006): 1–50, here 2–3; *idem.*, "Thuggee, Marginality and the State Effect in Colonial India, circa 1770–1840," *Indian Economic & Social History Review* 45, 2 (2008): 201–37, here 208. Bhils were a non-settled community, primarily of central and western South Asia, which colonial sociology regarded as dacoits.

² I use the term "Raj" here as shorthand for both the Bombay Presidency administration and the Government of British India as a whole. This is not to deny the considerable internal fissures between and within the different levels of colonial administration.

³ By "marginal" I refer both to the geographical location and political irregularity of the frontier zone, as a margin between two states, and the social and economic statuses of the populations considered here.

officials of both the Raj and the Nizam and, crucially, for populations in the frontier zone. People in the region availed themselves of the possibilities produced by the proximity of borders to pursue livelihoods despite imperial pressure. Although I draw examples primarily from the last two decades of the nineteenth century, a period characterized by extensive extraterritorial colonial policing, the historical scope of these developments was considerably longer. Colonial encroachments and debates over international laws relating to jurisdiction between British India, Hyderabad, and other imperial territories or princely states spanned the nineteenth century and continued well into the twentieth.

The formulation “frontier zone” serves as both an empirical description, and an analytical concept that indicates the ambivalent and productive character of particular spaces. Empirically, frontier means a borderline separating two countries (Hyderabad and British India).⁴ It also signifies a limitation or edge, marking what is beyond the purview of the dominant (in this case colonial) state, and this second meaning is often connected to the frontier as a source of creativity and power.⁵ In prominent historical accounts of places from North America to eastern Asia, however, the productivity of frontier zones disappears by a particular time, owing to successful political consolidation and other factors.⁶

Against prevailing models that emphasize closure of frontiers, I contend that the Hyderabad-Bombay frontier both remained open and retained its productive capacity well into the twentieth century, and indeed, the frontier zone’s differential character endured throughout the high colonial period and beyond. While it had some characteristics of areas scholars have described and theorized as “borderlands,” such as enabling negotiations and framing cross-border mobility, the frontier zone was not centered on an impregnable border.⁷ In normative legal and institutional terms, the frontier represented a clearly demarcated edge rather than a space of fluidity, but in social and political practice, the proximity of multiple, often conflicting judicial authorities made the frontier a

⁴ This departs from a view of “frontiers as *borderless* lands” or “empty” terrain. See Jeremy Adelman and Stephen Aron, “From Borderlands to Borders: Empires, Nation-States, and the Peoples in between in North American History,” *American Historical Review* 104, 3 (1999): 814–41, here 816; and Michiel Baud and Willem van Schendel, “Towards a Comparative History of Borderlands,” *Journal of World History* 8, 2 (1997): 211–42, here 213–14.

⁵ Frederick Jackson Turner, “The Significance of the Frontier in American History,” in *The Frontier in American History* (New York: Holt, 1920 [1894]), 1–38.

⁶ On the United States, see *ibid.*; William Cronon, *Nature’s Metropolis: Chicago and the Great West* (New York: Norton, 1991); and Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650–1815* (Cambridge: Cambridge University Press, 1991). On Asia, see Peter Perdue, *China Marches West: The Qing Conquest of Central Eurasia* (Cambridge, Mass.: Belknap, 2005); and Eric Tagliacozzo, *Secret Trades, Porous Borders: Smuggling and States along a Southeast Asian Frontier* (New Haven: Yale University Press, 2005).

⁷ On the borderlands concept in historical scholarship, see Adelman and Aron, “Borderlands to Borders”; and Baud and van Schendel, “Towards a Comparative History.” For an application of the concept to South Asian Princely States as “arenas of multi-tiered negotiations among a variety of actors,” see Chitralakha Zutshi, “Rethinking Kashmir’s History from a Borderlands Perspective,” *History Compass* 8, 7 (2010): 594–608, here 597.

“zone”: a particular space differentiated from nearby areas in terms of the rules that applied or were suspended there. The Hyderabad-Bombay frontier resembles the “zones of anomaly” that K. Sivaramakrishnan described as “blank spots in the cultivated vistas of British sovereignty.”⁸ In the context examined here, and in many other places in a world where expansive imperial geographic visions masked configurations of fragmented sovereignty, jurisdictional complexity made the frontier zone a key resource for marginal people. Of vital importance here were sovereign states and peoples’ ability to play them against one another; in other words, the frontier zone was neither a “zomia” outside of state authority nor a patch of “lumpiness” hierarchically integrated within a dominant, unitary colonial state sovereignty.⁹

Shifting legal arrangements between the Nizam and the Raj shaped the social and political world of the frontier. This empirical setting provides a lens through which we can examine meanings of sovereignty in colonial South Asia, not only for competing states but also, and crucially, for people living on the frontier. I begin by sketching the complicated relationship between the two governments over policing and legal jurisdictions. I develop the picture by examining cases involving people who used the frontier as a resource to pursue livelihoods. Finally, engaging with scholarship on the question of “social banditry,” I reflect on the implications of lawlessness for states and subjects along the frontier. Existing scholarship on the relationship between legal consolidation and the making of modern states on the global scale is useful for framing some of these concerns.

CRIME, LAW AND STATE SOVEREIGNTY

In a comparative history of law in the colonial world, Lauren Benton described a global trajectory in which consolidating empires leveled early modern legal flexibility over the nineteenth century, and “formally plural legal orders were transformed into state-dominated legal orders.”¹⁰ At the core of Benton’s argument is the notion—cast as irony—that colonized individuals seeking to

⁸ K. Sivaramakrishnan, *Modern Forests: Statemaking and Environmental Change in Colonial Eastern India* (New Delhi: Oxford University Press, 1999), 38.

⁹ Zomia refers to the areas of highland Southeast Asia defined by lack of effective integration into states. For an elaboration of the concept, see Willem van Schendel, “Geographies of Knowing, Geographies of Ignorance: Jumping Scale in Southeast Asia,” *Environment and Planning D: Society and Space* 20 (2002): 647–68. For a detailed argument about zomias as a result of deliberate avoidance of state power, see James C. Scott, *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia* (New Haven: Yale University Press, 2009). On the “peculiar and enduring lumpiness of imperial legal space” produced by “the layering of overlapping, semi-sovereign authorities within empires,” see Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400–1900* (Cambridge: Cambridge University Press, 2009), xiii, 290.

¹⁰ Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400–1900* (Cambridge: Cambridge University Press, 2002), 209. Benton’s study attempts to describe thoroughgoing global changes in the working of legal regimes, not merely colonial contexts.

advance their own agendas in court contributed to the liquidation of legal pluralism and imperial consolidation. In a key example, litigants at East India Company courts in early colonial Bengal “helped to create a space for the colonial state.” Reifying the notion of colonizers’ “special relationship to truth” by participating in these forums, subjects unwittingly precipitated colonial legal hegemony, culminating in increasingly aggressive British claims to paramountcy during the nineteenth century.¹¹

For Benton, the ascent of state-ordered legal regimes elaborates the meteoric rise of consolidated sovereignty during the long nineteenth century. What was visible in late-eighteenth-century British India was manifest in Africa, Australia, and the Americas by the twentieth. In late-nineteenth-century Uruguay, she argues, Brazilian and imperial European claims to extraterritorial jurisdiction gave rise to the formalization and aggressive assertion of state law over alternative forums. “Constructing sovereignty” and asserting control over national territory, as in colonial settings, meant establishing and upholding state law against other authorities: “The challenge to the state was not so much repressing ‘lawlessness’ as controlling ‘other’ law—the legal authority of caudillos [local strongmen], other states’ claims to extraterritoriality, and litigants’ recourse to legal strategies that placed them outside state control.”¹²

Benton’s history describes similar processes constitutive of imperial consolidation and nation-state development. In both cases the state, viewed through the lens of the legal institution, became the sole sovereign entity in any given place. The victory of the centralized state with its consolidated and hierarchical legal order meant the loss of multiple forums that subjects could employ. As I will suggest in my conclusion, Benton’s tidy trajectory, in which legal regimes are consolidated worldwide by 1900, is questionable if the scenario is viewed from any of a number of frontier cases, such as the one considered here. One of her central methodological insights, however, is useful in pushing further the analysis here.

The relationship between sovereignty and law in imperial contexts, as Benton points out, is often clearest when viewed in terms of the experience of subordinated people: “This process [transformation of “formally plural” into “state-dominated” legal orders] involved everywhere an extended historical moment in which the question of the legal standing of the most marginal people in the colonial order became symbolically central to the developing legal culture and the broader realignment of the political order.”¹³ Corresponding to this dynamic, the regulation of marginal populations was a primary concern of the Raj throughout the nineteenth century. Colonial officials suggested that endemic banditry had a deleterious effect on settled peasants,

¹¹ *Ibid.*, 129, 131.

¹² *Ibid.*, 210, 216.

¹³ *Ibid.*, 209.

and in doing so they presumed a fundamental difference between criminals and an ostensibly normative, law-abiding peasantry. This presumed relationship was invoked to justify cross-border policing in Hyderabad and other non-colonized regions of the subcontinent from the early part of the century. Bombay Presidency and Hyderabad State archives bear ample evidence of colonial attempts to encourage cooperation. In spite of, and partly due to, the multiplication of legal authorities in the area, resourceful subjects managed to manipulate the legal scenario on both sides of the Bombay-Hyderabad frontier.

The political context of the frontier zone was a product of the complex historical process of early modern state-building in South Asia and the steady but geographically uneven expansion of the British colonial state circa 1750–1850. Starting in the early eighteenth century with the political dissolution of the centralizing Mughal Empire, the subcontinent began an era of decentralization in which smaller, regional states proliferated. Wide-ranging social ties were central to the articulation of political authority.¹⁴ Establishing the loyalty and security of subject populations, wielding authority over agrarian and commercial revenues, and patronage of specific sites of symbolic power and material accumulation were all constitutive elements of state-building and governance. These characteristics of South Asian state practice made borders between states fluid. The spread of British power entailed a distinctly territorialized geography of sovereignty, as reflected in the centrality of surveying and mapping projects to colonial governance.¹⁵ Raj officials demarcated precise boundaries around their territories and sought to pacify fluid frontier zones.

Distinctions between conceptions of political sovereignty in South Asia were dramatized by the means and limits of colonial political expansion. The Raj expanded their domains by wresting power away from some established sovereigns by a combination of force and coerced negotiation. This process often involved entering into treaties with South Asian rulers and developing alibis to seize states and formally incorporate them into imperial territory. By the mid-nineteenth century, the Raj ruled the majority of the subcontinent, and the remainder was formally subject to sovereigns—derisively dubbed “native princes”—who maintained treaty relations with the British. The process of colonial seizure and formal incorporation of territories ceased in the wake of the 1857 uprising, and the map of sovereign power was essentially frozen in shape for the remainder of the colonial era. The remaining non-colonized polities were dubbed Princely States, and the larger and more

¹⁴ Nicholas B. Dirks, *The Hollow Crown: Ethnohistory of an Indian Kingdom*, 2d ed. (Ann Arbor: University of Michigan Press, 1993); Norbert Peabody, *Hindu Kingship and Polity in Pre-colonial India* (Cambridge: Cambridge University Press, 2003).

¹⁵ Matthew H. Edney, *Mapping an Empire: The Geographical Construction of British India, 1765–1843* (Chicago: University of Chicago Press, 1997).

powerful among them, such as Hyderabad, retained control over internal governance, despite constant colonial oversight, embodied in the figure of a high official posted in the state known as the “resident.” Hyderabad’s autonomy entailed considerable internal political fragmentation, with numerous nobles, land grant holders, and state officials exercising police and judicial powers.¹⁶

The broader, subcontinental (and empire-wide) condition of fragmented sovereignty during the colonial period provided the stage for a productive engagement between a British project and conception of territorialized sovereignty, and other notions of state practice.¹⁷ The cases I present below from Hyderabad are suggestive of this encounter. Official intransigence with respect to colonial boundary-regulation, the enduring political importance of bonds of personal loyalty, insistence on the responsibility of the state to safeguard the livelihoods of the subject population—these features of Hyderabad governance frame and underscore the story I will sketch here of frontier-dwellers’ use of the resources of the frontier zone.

POLICING IMPERIAL BORDERS

Colonial officials employed ideas of civilizational hierarchy to justify extra-legal cross-border interventions. The Raj, functioning largely by coercion in directly ruled areas, was circumscribed by the formal sovereignty of Princely States. In this context, Hyderabad officials presented themselves as responsive to the same concerns as a colonial state increasingly vigilant about maintaining “law and order.” An early-twentieth-century Urdu narrative celebrated the advanced character of the Nizam’s police force:

The treasurer of Mysore [Princely State], Sev Rāo ... committed a great embezzlement and hastily fled ... but for a great while he evaded capture. Since this man had great riches and was under the protection of influential people, his capture was widely considered impossible. However, it was completely impossible to evade ... Nawāb Akbar Jang Bahādur [the *kotwāl*, police chief, of Hyderabad].... One day in 1886 after Sev Rāo took on a new disguise, he was captured ... [Prime Minister] Sālār Jang pronounced a *farmān* [declaration]: “For the part he played in the detection, capture and pacification of the famous dacoit, I am honoring Nawāb Akbar Jang with this sword and seals of honor, given as a reward by my own hand.” The sovereign’s reassurance planted seeds of courage and manliness in Akbar Jang Bahādur’s heart. He ... brought the importance of the office of the *kotwāl* and responsibility to its precepts onto par with British India. Akbar Jang Bahādur’s courage and reassurance grew owing to the sovereign’s esteem of his work and heartfelt liberality.¹⁸

¹⁶ On Hindu-ruled Samasthan statelets in Hyderabad, see Benjamin B. Cohen, *Kingship and Colonialism in India’s Deccan, 1850–1948* (New York: Palgrave Macmillan, 2007).

¹⁷ On comparable developments in Southeast Asia, see Thongchai Winichakul, *Siam Mapped: A History of the Geo-Body of a Nation* (Honolulu: University of Hawaii Press, 1994).

¹⁸ “Ek mashhūr ḍākū kī giriftārī a’lā-ḥazrat bandigān-’ālī kā aẓhār khūshnudi [The capture of a famous dacoit and the visible pleasure of the sovereign],” in Muḥammad Aḥmadullāh Khān, *Savānih-yi ‘umrī: Navvāb Akbar Jang Akbaruddaullah Akbarulmulk bahādur marḥūm Sī. Es. Ī.*

This section from a Hyderabad police chief's biography emphasizes the great prestige to be gained by assisting the Raj in combating dacoity. As the text put it, such work by officials put Hyderabad "onto par with British India" in terms of policing.

It is somewhat incongruous, however, that the treasurer of nearby Mysore would be referred to as a dacoit. Indeed, colonial officials invoked the designation "dacoit," like "thug," an earlier term for alleged hereditary criminals, to describe putatively lawless, economically marginal mobile groups.¹⁹ Consolidating agricultural production and trade were vital aspects of the colonial project. Mobile groups not integrated into the sedentary agrarian world were tagged as criminals in colonial sociology. And dacoits were said to abound in Hyderabad.²⁰ The colonial state addressed this threatening presence in their borderlands by extending the work of the Thagi and Dakaiti Department (henceforth T&DD) into the Princely States from the 1830s onward.²¹ The T&DD was an agency whose "special jurisdiction" functioned in parallel to British Indian law, and served through the nineteenth century as a proxy for extending colonial police power across frontiers. In Hyderabad during the decades around the turn of the century, the British resident presided over a special tribunal for cases raised by the extraterritorial jurisdiction of the

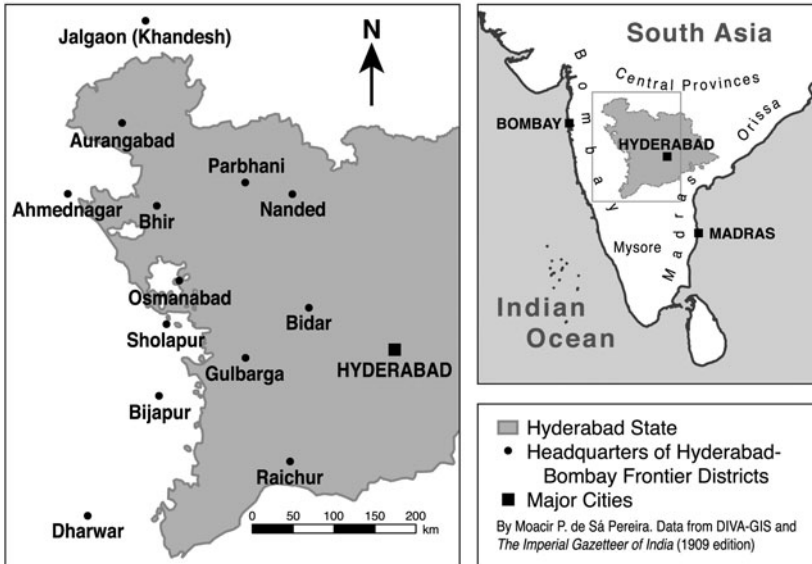
Sābiq kotvāl-i Ḥaidarābād Dakan, jismen kotvāl sāhib marhūm ke ḥālāt-i zindagī ibtidā se intihā tak daraj ki'e gā'e haiñ (Āgrah: Matba'-yi Shamsī, 1907).

¹⁹ On the contexts and moral panics produced by pre-1857 anti-Thagi campaigns, see Radhika Singha, "Providential Circumstances: The Thuggee Campaign of the 1830s and Legal Innovation," *Modern Asian Studies* 27, 1 (1993): 83–146; *idem*, *A Despotism of Law: Crime and Justice in Early Colonial India* (Delhi: Oxford University Press, 1998), ch. 5; Parama Roy, "Discovering India, Imagining Thuggee," *Yale Journal of Criticism* 9, 1 (1996): 121–45; Lloyd, "Thuggee"; and Kim A. Wagner, "The Deconstructed Strangler: A Reassessment of Thuggee," *Modern Asian Studies* 38, 4 (2004): 931–63. On post-1857 developments in Thagi, Dacoity, and Criminal Tribes legislation and enforcement, see Sanjay Nigam, "Disciplining and Policing the 'Criminals by Birth,' Part 1: The Making of a Colonial Stereotype—The Criminal Tribes and Castes of North India"; and "Part 2: The Development of a Disciplinary System, 1871–1900," *Indian Economic & Social History Review* 27, 2 & 3 (1990): 131–64, 257–87; and Meena Radhakrishna, *Dishonoured by History: 'Criminal Tribes' and British Colonial Policy* (Hyderabad: Orient Longman, 2001).

²⁰ A classic fictionalized account of a criminal community in nineteenth-century Hyderabad State is Phillip Meadows Taylor, *Confessions of a Thug* (London: Bentley, 1839). The novel's author resided in Hyderabad under the employ of the Nizam's civil administration for much of his professional life. For a discussion of the key role of Princely States in sheltering bandit gangs during the mid-nineteenth century, see Sandria Freitag, "Sansiahs and the State: The Changing Nature of 'Crime' and 'Justice' in Nineteenth-Century British India," in Michael R. Anderson and Sumit Guha, eds., *Changing Concepts of Rights and Justice in South Asia* (Delhi: Oxford University Press, 1998).

²¹ On British Indian T&DD officers in Hyderabad, see R. Jayaram, *Administrative System under the Nizams (1853–1935)* (Bangalore: Ultra, 1998). For the ambivalence of T&DD jurisdiction in late-1830s Hyderabad, see Singha, *Despotism of Law*, 221–22. Regarding the later nineteenth century, see Freitag, "Sansiahs and the State." My larger work on Hyderabad State during this period (currently under revision) treats in detail colonial attempts to secure the frontier, within which Thagi and Dakaiti policing was key.

Hyderabad State-Bombay Presidency Frontier Zone c. 1900



T&DD. Despite the systematic character of colonial legal encroachment, Raj borders with the Nizam's territories continued to be a flashpoint of criminal activity over the next several decades. As we shall see, Hyderabad's reluctance to surrender or prosecute state subjects identified or handed over by the T&DD limited the effectiveness of colonial extraterritorial policing.

The celebration of Nawab Akbar Jang Bahādur's capture of "a famous dacoit" belied the fact that dacoity policing was a major bone of contention between the Raj and the Nizam around the turn of the twentieth century. Nevertheless, this incident was situated alongside accounts of the late *kotwāl's* life of accomplishments in Hyderabad and overseas.²² Contributions to law and order on behalf of the Nizam and the empire were interwoven in the policeman's biography, implying that the methods and goals of both polities were broadly in confluence. However, extant evidence contradicts this portrayal of extraterritorial policing, and reveals instead much friction between the state apparatuses of Hyderabad and British India.

Frontier political relations were characterized by moments of limited collaboration amidst protracted Nizam-Raj disagreements. The legal scene was

²² Aḥmadullāh Khān, *Savānih-yi 'umrī*, ch. 4 (trip to Arabistan to procure horses), ch. 5 (suppression of the 1857 uprising), chs. 6–8 (Abyssinia campaign), chs. 15, 16, 21 (pacifying urban and rural gangs and local toughs), and ch. 22 (organizing public meetings).

fragmented and pluralist around the frontier: splintered between different forums within Hyderabad, and between the Nizam's and the Raj's territory. This legal indeterminacy was in large part engendered by Hyderabad's strategic "failure" to consolidate state sovereignty, often through the tactic of interminable delays in following up on Raj requests. While the ambivalence of the frontier zone was also a resource for the Nizam's officials at the central and local levels, the fragmentary character of the Nizam's disciplinary institutions served to justify colonial cross-border interventions. Beneath the story of states and their claims to sovereignty, frontier conditions served as a vital political and social resource for people who ran afoul of the colonial legal regime, such as "hereditary criminals," fugitives, sex workers, bootleggers, and carrying traders. Their lives were bound up with contestations between the two governments, and ongoing institutional unevenness. A tangled configuration of fragmented sovereignties framed the frontier, but states and their policies did not completely circumscribe developments there.

"VERY DIFFICULT TO OBTAIN ANY CLUE": THE LIMITS OF COLLABORATION

Exchanges between Bombay and Hyderabad testify to colonial expectations of collaboration in frontier policing. The Raj often found Hyderabad a reluctant partner in this endeavor, and initiative for policing the frontier zone came largely from Bombay, whose police captured Hyderabad subjects under suspicion and provided Hyderabad with information on fugitives in Bombay. The Nizam's officials tended to respond only after long delays, and they rarely pursued colonial initiatives and requests, citing alleged lack of evidence or problems identifying fugitives. Frequently, suspects apprehended by Bombay and extradited to Hyderabad were released upon arrival.

In 1887, some unnamed subjects of the Nizam were captured and tried for dacoity in Ahmednagar (Bombay).²³ However, since the crime in question was committed in Hyderabad territory, they were acquitted, "because the Court has no jurisdiction over Foreign subjects for an offense committed in Foreign territory."²⁴ In another case, colonial authorities demanded rapid extradition of ten accused persons, witnesses, and stolen property from a theft committed in the frontier district of Sholapur.²⁵ Hyderabad complied with the demand after great delay, ostensibly because the suspects resided within the jurisdiction of a noble's estate that was under indirect Hyderabad administration. The

²³ MSA, Political Department, Hyderabad 55/633, 1887.

²⁴ Secretary, Government of India to Chief Secretary, Government of Bombay, 22 Mar. 1887, MSA, Political Department, Hyderabad 55/633, 1887.

²⁵ "Extradition. Delay in the extradition of certain persons accused of having committed theft in Sholapur," MSA, Political Department, Hyderabad, vol. III, 59/141, 1888.

Nizam's criminal jurisdiction over state subjects, and delays related to internal legal pluralism, impeded the efficient exercise of colonial justice.

Bombay authorities were generally vigilant in capturing and extraditing Hyderabad subjects on the British side of the frontier, ranging from jail-breakers to petty thieves to dacoits.²⁶ Often in such instances Hyderabad was neither grateful for assistance nor prompt in responding. In 1900, the district magistrate of Sholapur offered to extradite Bali wald [son of] Gangu Mahar, for a theft committed in Lohara in Hyderabad's Osmanabad District.²⁷ Hyderabad's Judicial Secretary M. Aziz Mirza requested further information, since it appeared to him "very difficult, in the absence of fuller details, to obtain any clue in the case."²⁸ The district magistrate replied the next month to clarify that "some clothes were found which he (the accused) admitted to have obtained by theft at Lakdeshwar Bargaon [in Lohara]. These clothes, he said, belonged to a chati (cloth merchant) of that place."²⁹ The following January, Mirza replied that an investigation had revealed, "no case of theft was committed in Boregaon in Lohara."³⁰ Numerous case files record similar communications from the British, with reminders to Hyderabad of extradition offers and, almost invariably, complaints regarding delays.

Tukaram Jiwaji's 1900 case illustrates coordination problems between colonial and princely officials. Jiwaji, a Kunbi (low-caste Maratha agriculturalist), was arrested at Khandesh (Bombay) for cattle theft in Aurangabad (Hyderabad).³¹ Two complainants, Budhan and Gaupat, informed Bombay Police that he had stolen their cattle and fled across the border to sell them. Jiwaji was captured by Bombay officials and held pending transfer to Hyderabad for trial. During the six months before Hyderabad replied, Tukaram Jiwaji managed to escape and fled "to his native place in His Highness' [the Nizam's] territory."³² There, as in other places, irrespective of actual jurisdiction, Bombay did most of the frontier policing. Despite colonial expectations of rapid extradition or prosecution of suspects, cases frequently broke down after being passed to Hyderabad. From Bombay's perspective, the Nizam's claim to legal authority over his subjects and territories was an impediment to the

²⁶ For the Raichore jailbreak, see Andhra Pradesh State Archives, Hyderabad (APSA), 71/31/1, 1886. Citations for other cases are below.

²⁷ "Bali wald Gangu Mahar (theft)," Judicial, Political, and General Secretary (M. Aziz Mirza) to Private Secretary, 17 Oct. 1900, APSA, 71/32/34, 1901.

²⁸ His Highness' Minister (Private Secretary) to Mr. Jardine (Resident's Office), 18 Oct. 1900, APSA, 71/32/34, 1901.

²⁹ District Magistrate, Sholapur to Assistant Resident, Secunderabad, 15 Nov. 1900, APSA, 71/32/34, 1901.

³⁰ Judicial Secretary M. Aziz Mirza to the Private Secretary of the Minister, 1 Jan. 1901, APSA, 71/32/34, 1901.

³¹ "Tukaram Jiwaji Kunbi (Theft of Bullocks)," APSA, 71/32/36, 1901.

³² District Magistrate, Khandesh to First Assistant Resident, 24 Nov. 1900; Resident W. Haig to Vikarul Umara Bahadur, 18 Apr. 1901, both in APSA, 71/32/36, 1901.

smooth and efficient operation of colonial justice. In Jiwaji's case this caused a delay of several months but in others, such as that of Bali referred to earlier, trials never occurred at all.

The proximity of multiple sovereign territories to one another, and the ease of crossing borders to flee the reach of the law (or to bring rustled cattle to market), created leeway for subjects of either state whose livelihoods involved crime. If Tukaram Jiwaji could cross the border to delay his imprisonment, established figures in the rural scene, such as the cattle-owners Budhan and Gaupat, could direct complaints to multiple police forces and increase chances of regaining property and punishing offenders. Frontier legal pluralism provided structures that enabled some subjects to outwit the law and others to call it into play. Hyderabad-Bombay collaboration was hindered by both the flexibility of the legal situation and impediments such as Hyderabad delays or refusals to prosecute. This institutional situation enabled a high capacity for lawlessness, which Hyderabad's staunch claims to legal sovereignty exacerbated.

INTERESTS OF JUSTICE VERSUS THE PROTECTION OF SOVEREIGNTY

In May 1869, three Banjara women, all Hyderabad subjects, were taken into custody in British Bombay on the charge of stealing cattle. They were held for eight months and British officials neither brought them to trial nor addressed the Nizam's government, to whose jurisdiction the women belonged.³³ When one woman became "very ill and in a dying state" the others managed to get a petition to Hyderabad requesting that action be taken. The incident precipitated a lengthy correspondence between the two governments in which Hyderabad railed against lengthy imprisonments without trial of subjects "arrested at the instances of Authorities in the British Government"³⁴: "British Authorities in many instances cause the apprehensions of persons and take no notice of them afterwards for lengthened periods, and the cost of their subsistence falls upon His Highness' Government while these unfortunate wretches after suffering prolonged imprisonment, in some instances die."³⁵ Hyderabad insisted that detaining prisoners on suspicion cease immediately, and that if state subjects were imprisoned, "the requisite evidence of criminality from the British Authorities" be immediately forwarded to the Nizam's minister.³⁶ While they objected to

³³ "Complaint of instances having occurred in which subjects of His Highness have been arrested and have been suffered to remain for indefinite periods in prison," MSA, Political Department, Hyderabad, 26/277, 1870-1. On the unnamed Banjara women, see "Purport of Roobakaree to the Talookdar NW Division at the 14th Ramzan, 1286 H," 18 Dec. 1869, MSA, Political Department, Hyderabad, 26/277, 1870-1.

³⁴ First Assistant Resident to Chief Secretary, Government of Bombay, 4 Feb. 1870, MSA, Political Department, Hyderabad, 26/277, 1870-1.

³⁵ "Purport of Roobakaree to the Talookdar NW Division at the 14th Ramzan 1286 H," 18 Dec. 1869, MSA, Political Department, Hyderabad, 26/277, 1870-1.

³⁶ Translation of letter from His Highness the Nizam's Minister to Resident, 17 Feb. 1870, MSA, Political Department, Hyderabad, 26/277, 1870-1. The last item in this file, an internal

state funds being spent on prisoners languishing in British Indian jails, Hyderabad officials underscored colonial mistreatment of the Nizam's subjects as a significant problem. Hyderabad's concern to protect their legal sovereignty provided the context for such exchanges and was decisive in the making of the frontier scene.

In Benton's account, extraterritoriality in Uruguay and elsewhere was seen "as an attack on state sovereignty," and such jurisdictions were opposed. In Uruguay, "exclusive control of the administration of justice in the country was a condition of sovereignty."³⁷ For the Nizam the stakes were high, and he continually reasserted his legal sovereignty against colonial encroachment. Frontier problems were an empire-wide concern for the British, who dealt with intra-imperial flight from jurisdiction across the Indian Ocean region and beyond. The protection of state sovereignty was a key factor that shaped the legal landscape and, in turn, the social world, on the frontier and across imperial space. The high politics of law in the late British Empire demonstrate the ongoing fragmentation of sovereignty and colonial attempts to address it.

Debates over the applicability of the 1881 Fugitive Offenders Act (FOA) to Princely States simmered well into the twentieth century. They reveal the systemic jurisdictional complexity of Greater British India, from Southeast Asia to East Africa.³⁸ The FOA stipulated provisions for the transfer of fugitives between different portions of the Empire "*in the interests of justice.*"³⁹ Consolidating police and judicial institutions across Greater British India was a central imperative of colonial officials throughout the nineteenth century and through to the empire's end, and Hyderabad's frontier policy in particular was a constant concern.

In Benton's formulation, the end of the nineteenth century signaled the victory of state sovereignty in empires (British, French, Ottoman) and fledgling nation-states (Uruguay). The evidence from South Asia suggests, however, that colonial and formally sovereign polities possessed different degrees of influence and autonomy.⁴⁰ Subordinated states like Hyderabad, despite British paramountcy, exercised legal authority and discretion. As one exchange over the

communication between Bombay officials, suggested the case be subjected to inquiry, but it is unclear whether this took place. Political Department to Resident, 2 Mar. 1870, MSA, Political Department, Hyderabad, 26/277, 1870–1.

³⁷ Benton, *Law and Colonial Cultures*, 245, 251, and 240.

³⁸ "Fugitive Offenders Act 1881, Application to Indian States," Oriental and India Office Collection, British Library, London, L/P&S/13/523, 1924–1937.

³⁹ "Memorandum explanatory of Agendum No. 6. Extension of the provisions for the Fugitive Offenders Act, 1881, to Indian States and Administered Areas," 1923, Oriental and India Office Collection, British Library, London, L/P&S/13/523, 1924–1937, my emphasis.

⁴⁰ This scenario also worked in reverse. Britain assumed territorial control in the subcontinent based on agreements with established sovereigns, such as the Mughals. Colonial military cantonments in Hyderabad and elsewhere were granted on temporary leases, and remained under princely sovereignty until the end of the empire.

constitution of the T&DD in Hyderabad State suggested, the Nizam's jurisdiction could be overstepped in certain instances by negotiation: "It may be assumed that the British authorities would apply for extradition [of Hyderabad dacoits captured in British territory], and the Hyderabad Government, though undoubtedly chary of surrendering Hyderabad subjects, have agreed to surrender them if *the interests of justice* so require."⁴¹

Notwithstanding colonial expectations, the Nizam retained sovereignty over Hyderabad subjects, even if colonial persuasion or coercion could occasionally wrest it away. Nonetheless, the power to mete out justice was jealously guarded and remained a primary condition of sovereignty in Hyderabad well into the twentieth century. The complex legal architecture of South Asia during the height of British colonial dominance suggests a more heterogeneous scene than Benton's picture of victorious colonial state sovereignty and legal consolidation.⁴² Although imperial hierarchies sought to subjugate alternative law forums, subordinated yet sovereign states fragmented the political terrain of greater British India. Such cases were not merely exceptions but rather served to unsettle the entire imagined edifice of imperial "law and order." Colonial attempts to force the hand of Princely States and other polities on extradition policy continued into the twentieth century, with only limited success. We cannot take the end of the nineteenth century as the moment when imperial or national entities eclipsed all other legal forms in their ascent to state sovereignty.

C. H. Alexandrowicz's depiction of an earlier period is useful for framing the multifarious character of high colonial sovereignty. In pre-1800 international law, the "Family of Nations" was not the European and Christian configuration it was to become—Ceylon, Burma, Siam, and the Marathas stood "to a considerable extent on a footing of equality" with Portugal, the Netherlands, and England.⁴³ Alexandrowicz concluded his study of the foundations of international law with the eighteenth century, since the beginning of the nineteenth brought the contraction of the law of nations: "European egocentricity left the Sovereigns of the East Indies, which had largely contributed to the prosperity of the European economy, outside the confines of 'civilization' and international

⁴¹ Resident Trevor Chichele-Plowden, esq., CSI to Secretary of Government of India, Foreign Department, Hyderabad Residency, 16 Nov. 1897, "Working of the Rules in the Manual of the Thagi and Dakaiti Dept and Trial of Cases Prosecuted by the Dept in Hyderabad," Letters from India 1898, 153–423, Oriental and India Office Collection, L/P&S/7/381, my emphasis.

⁴² Benton accounts for "legal anomalies" in empires as part of a colonialist geographical logic of enclaves and corridors within a larger sovereign imperial terrain. Within her framework, the likes of Princely States and inaccessible mountainous regions under colonial rule are analogous. Benton, *Search for Sovereignty*, ch. 5.

⁴³ C. H. Alexandrowicz, *An Introduction to the History of the Law of Nations in the East Indies (16th, 17th, and 18th Centuries)* (Oxford: Clarendon, 1967), 1. On postcolonial implications of this alternative legal history, see his article, "New and Original States: The Issue of Reversion to Sovereignty," *International Affairs* 45, 3 (1969): 465–80.

law shrank to regional dimensions though it still carried the label of universality.”⁴⁴ Had Alexandrowicz extended his timeframe, he might have noted the continuing tension between recognition of formal princely sovereignty and the fact of brute colonial power.⁴⁵ This fragmentary global framework produced frontier zones that allowed people at many levels of society to wield power within, across, and between, and not necessarily contained by, state sovereignties. On frontiers that were never fully consolidated, multiple legalities and temporalities jostled one another. Ensembles of overlapping institutions provided access to state power for those able to navigate complex legal terrain.

YELLAMMA'S FLIGHT: FRONTIER AS FIELD OF POSSIBILITY

If the frontier was a transitional space crosscut by multiple jurisdictions, it was also a destination for flight from patriarchal legal and social structures in Bombay Presidency. This is not to say there were no patriarchal institutions in Hyderabad territory,⁴⁶ but rather that the jurisdictional externality and physical distancing achieved by border crossing opened up a field of possibilities.

This was particularly so for women marginalized within the domestic world of the Bombay Deccan. In one 1886 case, which I will consider in detail, colonial authorities demanded the arrest and extradition of a woman accused of kidnapping a child bride in Bombay and absconding with her to Hyderabad territory. Nagapa, a resident of Sholapur, petitioned the Bombay police, demanding action to recover his wife and her possessions and punish her abductor. The district magistrate communicated the situation to the Hyderabad resident: “In about January last a woman named Narsa Saji, who was living near Nagapa’s house at Sholapur, enticed away his wife by name of Yelama [Yellamma] about 11 years old out of the keeping of her lawful guardian [Nagapa] and carried her with property consisting of ornaments of the values of Rs 33-8-0 to a village Kongale [Kodangal] in the Gulbarga District in H. H. the Nizam’s territory and thereby committed the offences of theft and kidnapping punishable under Sections 379 and 366 of the Indian Penal Code.” Whether her departure was voluntary or not, Yellamma figured into the case as her ornaments did: as property. The district magistrate went on to suggest that they had a sound *prima facie* case against Narsa Saji, a British subject, and prevailed upon the resident to put the wheels of justice in

⁴⁴ Alexandrowicz, *Introduction to the History*, 2.

⁴⁵ On the ongoing instability of the concept of sovereignty in emerging regimes of modern international law, see Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law, 1870–1960* (Cambridge: Cambridge University Press, 2002).

⁴⁶ On the official legal recognition, and in some cases regulation and sponsorship, of some varieties of sex work in the nineteenth-century Hyderabad State, see Karen Leonard, “Courtesans of Hyderabad and Beyond: Claiming Significance,” MS, University of California, Irvine, 2012.

motion in Hyderabad so that Saji might be apprehended and sent to Sholapur for trial.⁴⁷

Throughout the nineteenth century, in colonial and metropolitan locations, the role of the law in enforcing wives' obligations to their husbands was hotly debated. This was particularly controversial in South Asia in the decades leading up to the incident in question. The 1884 Rukhmabai case in Bombay, which reified the role of wives as property of their husbands, would have served as an important legal precedent here.⁴⁸ Yellamma's young age would have made the case also relevant to another, contemporaneous controversy in Bombay: the region's conservative Marathi Brahman elites staunchly opposed attempts to raise the marriage age for females in British India, and the related 1891 Age of Consent Act.⁴⁹ In Yellamma's case, Bombay officials, under pressure to defend patriarchal prerogatives, acted at the behest of her husband Nagapa to see that she was returned and that Narsa Saji felt the full force of the law.⁵⁰ The colonial legal system was stacked against Narsa from the start, but other elements of the case made her position still more difficult.

The abstract of evidence consisted of a number of brief testimonies from various parties, some of whom had significant stakes in the case:

Sayana wd. Sayana of Pacha peith Sholapur states: I know the complainant; his house is near mine; I know Narsa who lived in Timana's house. She was a public woman; about 3 1/2 months ago I and Chinaya saw Narsa with Yelama go out in the evening; Yelama had ornaments on her person.... Yelama had been living with her husband since her marriage up to the time she was taken away. Narsa was in the habit of frequently visiting the house of the complainant and had a great intimacy with Yelama. 2. Chinaya wd. Sayana, a neighbour of the complainant, states as above. 3. Sayana wd. Timana, also a neighbor of the complainant, states to the same effect. 4. Basaya wd. Bapaya who lives in the same peth [locality] in which the complainant resides, states the same as above. 5 and 6. Narsapa wd. Yelapa and Jaglapa wd. Yelapa, brothers of Yelama, of Maugalya peith, state: Narsa had been living in the house of Sayana and was a public woman. Narsa enticed away our Sister Yelama, who has been living with her husband.⁵¹

The testimony reveals the social and physical proximity of each of the testifying males—the first four resided in the same locality, including a father

⁴⁷ J. F. Fleet, District Magistrate to First Assistant, Resident of Hyderabad, 16 June 1886, "Complaint by the District Magistrate of Sholapur of delay in surrendering accused persons on the part of His Highness the Nizam's Govt.," MSA, Political Department, Hyderabad 55/1676, 1887.

⁴⁸ Sudhir Chandra, *Enslaved Women: Colonialism, Law and Women's Rights* (Delhi: Oxford University Press, 1998), 15–41.

⁴⁹ Janaki Nair, *Women and Law in Colonial India: A Social History* (New Delhi: Kali for Women, 1996), 73–75; Radha Kumar, *The History of Doing: An Illustrated Account of Movements for Women's Rights and Feminism in India, 1800–1990* (New Delhi: Zubaan, 1993), 24–27.

⁵⁰ On collusion between the colonial state and established patriarchies, see Prem Chowdhry, "Private Lives, State Intervention: Cases of Runaway Marriage in Rural North India," *Modern Asian Studies* 38, 1 (2004): 55–84.

⁵¹ Abstract of Evidence, enclosure in Fleet to Assistant to Resident, 2 July 1886, MSA, Political Department, Hyderabad, 55/1676, 1887.

(Sayana) and his two sons (Sayana Jr. and Chinaya), and the latter two were brothers of the missing child wife. More striking still is that all of the statements, many of which were identical, referred to Narsa as a “public woman.” This would have been the Victorian English equivalent of “whore” (*raṇḍī*) or “courtesan” (*baījī*, *tawā’if*) in the vernacular depositions (not preserved in the record). While the deposed did not attach a clear stigma to Narsa’s profession—indeed, she resided in the house of the first four—clearly all of them thought it highly relevant. I shall consider the potential meanings of Narsa Saji’s occupation below.

Raj officials sent a request for cooperation and an abstract of evidence, and six months later Hyderabad replied that arrests had been made. The Nizam’s judiciary, however, released the detainees, based on “difficulty in identifying the accused, who, it is said, seems to have no connection with the information furnished by you, and has, therefore, been released on bail.”⁵² As in other cases, communication and policing across borders were hindered by delays and requests for additional information from Hyderabad. A subsequent communication by the district magistrate of Sholapur, who had sent a police constable on Narsa’s trail, clarified the situation: “Narsa Saji was arrested by the Tahsildar of Kalinjā [Kodangal, Gulbarga District, Hyderabad]; she had with her the wife of the complainant who has been kidnapped; both these persons were identified by the complainant and a Police Constable who has visited the place on purpose. Narsa Saji was then released on bail by the said Tahsildar. It will thus be seen that there is no difficulty in identifying the accused. I therefore request that you will be good enough to issue order for her surrender together with the girl kidnapped and the property stolen.”⁵³ Despite being identified in Hyderabad by the husband Nagapa and the British Indian police, Narsa Saji and her “captive” Yellamma remained at large in Hyderabad State, sheltered from the long arm of the Raj’s law.

The women remained at large owing in part to the obstinacy of the Hyderabad police and judiciary. Evidently, the word of a Bombay constable was insufficient to convince the Nizam’s officials to extradite Narsa Saji and repatriate Yellamma and her property. The case file ends with a note from colonial official M. S. Wadia consisting of a timeline of what he called “a really bad case.” Wadia noted with clear frustration, “More than 14 months delay has therefore taken place in the case which seems very simple and in which only one accused person is concerned.”⁵⁴ Records of the case do not reveal if

⁵² A. H. Martindale, First Assistant Resident to District Magistrate, Sholapur, 11 Feb. 1887, MSA, Political Department, Hyderabad, 55/1676, 1887.

⁵³ Fleet to First Assistant to Resident, 28 Mar. 1887, MSA, Political Department, Hyderabad, 55/1676, 1887.

⁵⁴ Note by M. S. Wadia, 16 Oct. 1887, MSA, Political Department, Hyderabad, 55/1676, 1887.

Yellamma was ever returned to her husband, or what became of the kidnapper with whom she shared “great intimacy.”⁵⁵

The subjectivity of a figure such as Yellamma, whose voice is absent in these materials, is impossible to definitively reconstruct. She is mentioned only after her passage into Hyderabad occasioned official communication across borders and legal systems. The archive speaks clearly in the voice of the colonial state, certain segments of Sholapur society, and more indirectly the machinery of state in Hyderabad. What this archival fragment does indicate are the alternative social worlds made possible by the proximity of the frontier, which divided the Raj’s judicial regime from the externality of Hyderabad. The intervening space of the frontier zone presented a field of possibility for Narsa Saji and Yellamma, and the remainder of this section will elaborate on what this may have meant.

Sholapur Maratha and British colonial moral and legal codes defined Yellamma’s liberation as state-initiated return (as property) to her socially mandated position as child bride of Nagapa. There are other discourses of liberation that Yellamma’s flight, and possible initiation as sex worker under the tutelage of Narsa Saji, could be seen to enact. What it meant to be a “public woman” in South Asia changed considerably during the colonial period. The erudite social value ascribed to the *tawā’if* (courtesan) in South Asian Islamic culture was at loggerheads with the view implied by paradigms of regulation and prohibition of “immoral activity.”⁵⁶ There was no evident initiative by Hyderabad officials to safeguard the livelihoods of prostitutes, but the productivity of the frontier zone provided conditions for Narsa Saji’s successful “abduction” of Yellamma. If one of Yellamma’s possible social worlds was as a child bride, beholden to her husband and invested in the patriarchal social expectations that characterized much of South Asia, another would have been the life of a “public woman.”⁵⁷

Veena Talwar Oldenburg has argued that, for many women, taking up the occupation of a *tawā’if* was a path to liberation from oppressive social structures: “It would be no exaggeration to say that their ‘life-style’ is *resistance to rather than a perpetuation of patriarchal values.*”⁵⁸ She further claimed

⁵⁵ Abstract of Evidence, enclosure in Fleet to Assistant to Resident, 2 July 1886, MSA, Political Department, Hyderabad, 55/1676, 1887.

⁵⁶ On the demeaning of the courtesan figure in colonial law and Urdu literary imagination, see Sarah Waheed, “Literary Ethics, Radical Politics: Muslim Society in the Era of South Asian Nationalism,” PhD diss., Tufts University, 2010, ch. 2.

⁵⁷ On gender relations in Maratha country, see Rosalind O’Hanlon, *A Comparison between Women and Men: Tarabai Shinde and the Critique of Gender Relations in Colonial India* (Delhi: Oxford University Press, 2000).

⁵⁸ Veena Talwar Oldenburg, “Lifestyle as Resistance: The Case of the Courtesans of Lucknow, India,” *Feminist Studies* 16, 2 (1990): 259–87, original emphasis. Oldenburg’s data comes primarily from fieldwork carried out in the 1970s and 1980s, but encompasses both the colonial and postcolonial periods.

that stories about women entering the profession via abduction were largely fabrications traceable to the stigmatization of prostitution in British Indian and Urdu literature, discourse, and social practice. Oldenburg contends that sex work in South Asia signified a novel form of womanhood offering liberation from the oppressions of community, gender roles, and class.

Other factors suggest that the specter of sex work in the depositions masked what may have seemed an even greater threat to Bombay Deccan patriarchal structures: Narsa Saji and Yellamma's possible status as *devadāsīs*. Referred to in colonial sources as "dancing girls" or temple prostitutes, *devadāsīs* are females dedicated to a temple and its deity, who forsake human marriage. The *devadāsī* status of the characters in this case is implied by the name of the abducted child wife, since Yellamma is the name of the patron deity at whose temple *devadāsīs* are dedicated and also a common name for initiates.⁵⁹

Distinctive features of the institution made *devadāsīs* a prime target of colonial and Brahminical reform movements.⁶⁰ Legislation placed increasing pressure on the institution in British India, starting with the 1860 de-recognition of *devadāsī* social institutions and continuing with the criminalization of the community from 1880 onward.⁶¹ According to the British Indian courts' codified version of Hindu Law, *devadāsīs*, unlike most women in patriarchal caste Hindu society, had the right to adopt children, own property, and inherit matrilineally.⁶² The common mode of initiation—adoption of girls—provided continuity to women without female offspring, but also made *devadāsīs*

⁵⁹ Ashwini Tambe suggested to me that the name Yellamma would imply a connection with the *devadāsī* institution (2009 personal communication). For a consideration of the empowerment of women dedicated to the goddess Yellamma within an alternative sexual order, see Lucinda Ramberg, "Magical Hair as Dirt: Ecstatic Bodies and Postcolonial Reform in South India," *Culture, Medicine and Psychiatry* 33 (2009): 501–22. Ramberg notes in particular the prominence of the institution in the present states of Karnataka, Maharashtra, and Andhra Pradesh. Hyderabad State comprised adjacent portions of each of these regions.

⁶⁰ On anti-*devadāsī* developments, see Kay Jordan, "Devadasi Reform: Driving the Priestess of the Prostitutes out of Hindu Temples?" in R. D. Baird, ed., *Religion and Law in Independent India* (Delhi: Manohar, 1993); Kalpana Kannabiran, "Judiciary, Social Reform and Debate on 'Religious Prostitution' in Colonial India," *Economic and Political Weekly* 30, 43 (1995): WS59–69; Janaki Nair, "The Devadasi, Dharma and the State," *Economic and Political Weekly* 29, 50 (1994): 3157–67; *idem.*, "'Imperial Reason,' National Honour and New Patriarchal Compacts in Early Twentieth-Century India," *History Workshop Journal* 66 (2008): 208–26; Kunal M. Parker, "'A Corporation of Superior Prostitutes': Anglo-Indian Legal Conceptions of Temple Dancing Girls, 1800–1914," *Modern Asian Studies* 32, 3 (1998): 559–633; Amrit Srinivasan, "Reform and Revival: The Devadasi and Her Dance," *Economic and Political Weekly* 20, 44 (1985): 1869–76; M. Sundara Raj, *Prostitution in Madras: A Historical Perspective* (Konark: Delhi, 1993), ch. 6; Priyadarshini Vijaisri, "Sacred Prostitution and Reform in Colonial South India," *South Asia: Journal of South Asian Studies* (n.s.) 28, 3 (2005): 387–411.

⁶¹ Parker, "Corporation of Superior Prostitutes," 589, 607.

⁶² Jordan, "Devadasi Reform"; Nair, "The Devadasi"; Parker "Corporation of Superior Prostitutes"; Sundara Raj also notes, of early-nineteenth-century Madras, that "education of females was only known among devadasis" (*Prostitution in Madras*, 117).

particularly susceptible to colonial legislation. A clause in the 1861 Indian Penal Code banning “procurement” of minors for prostitution was frequently used to prosecute *devadāsīs* who adopted females.⁶³ In applying this law, officials invoked the rhetoric of “enticement into prostitution” to describe *devadāsī* adoptions, and this appears in testimonies about Narsa Saji and Yellamma.⁶⁴ The language of the 1861 law allowed judges to apply criminal penalties in ambiguous situations, and strengthened the tools patriarchal society and the state used against *devadāsīs*.⁶⁵

The legal and social offensive in British India against *devadāsīs* put women who sought to maintain control of property and adopt female heirs in a difficult situation. To carry out adoptions, they often crossed borders beyond Raj jurisdiction into Princely States and other non-British territories such as French Pondicherry.⁶⁶ This, along with the fact that the anti-*devadāsī* movement in Hyderabad remained relatively weak into the twentieth century, suggests that flight to the Nizam’s territory would have provided refuge to Narsa Saji and her young protégé if they chose to live as *devadāsīs*.⁶⁷

As scholars of colonialism and nationalism have pointed out, South Asian women tended to be cast as instrumental objects rather than active subjects of liberation and improvement.⁶⁸ The history of *devadāsī* legislation proves no exception: a confluence of interests between colonial officials and upper-caste patriarchies, and a tendency to value textual precept over practice, helped normalize regimes of sexuality and marriage, patrilineal inheritance, and male property ownership.⁶⁹ In the process, *devadāsīs* were stripped of property rights and “reduced to the status of proletarianised sex workers.”⁷⁰ In a process spanning much of the nineteenth century, *devadāsīs* were disempowered and pushed to the margins of British Indian society, the latter quite literally since they fled to frontier zones and utilized them as resources to continue their livelihoods.

⁶³ Kannabiran, “Judiciary,” WS59.

⁶⁴ On post-1861 legal references to “enticement” or “carrying away” of girls or women into prostitution, see Ashwini Tambe, *Codes of Misconduct: Regulating Prostitution in Late Colonial Bombay* (Minneapolis: University of Minnesota Press, 2009), 28. On the language of “seduction” in 1819 statutes, see Singha, *Despotism of Law*, 146–47.

⁶⁵ Jordan, “Devadasi Reform,” 328.

⁶⁶ Parker notes that many were accused of taking minors outside of colonial territory for initiation (“Corporation of Superior Prostitutes,” 627). On flight to “native states” and European territories from Madras Presidency, see Sundara Raj, *Prostitution in Madras*, 123.

⁶⁷ On the anti-*devadāsī* movement in Hyderabad, see Vijaisri, “Sacred Prostitution,” 406–8.

⁶⁸ Lata Mani, “Contentious Traditions: The Debate on Sati in Colonial India,” in K. Sangari and S. Vaid, eds., *Recasting Women: Essays in Colonial History* (New Delhi: Kali for Women, 1989).

⁶⁹ Kannabiran, “Judiciary”; Nair, *Women and Law*; Parker, “Corporation of Superior Prostitutes.” On colonial law’s strengthening of caste Hindu property claims in early-twentieth-century Bombay Presidency, see Anupama Rao, *The Caste Question: Dalits and the Politics of Modern India* (Berkeley: University of California Press, 2009), ch. 2.

⁷⁰ Nair, “The Devadasi,” 3165.

Available sources provide little sense of the perspectives of either long-time *devadāsīs* or recent inductees. In British India, “there was no instance of a court examining whether a minor had acted as a ‘free agent’ in consenting to dedication as a temple dancing girl.”⁷¹ The case at hand bears out this point; both the depositions and the initial case description by the district magistrate, quoted above, describe Narsa’s “enticement” of her intimate friend Yellamma rather than specifying coercion. The word choice would have been deliberate, and the depositions were likely pruned in the process of translation and compilation to assure an effective prosecution.

While scholarship on *devadāsīs* and courtesans suggest that these practices could provide women relief from patriarchal structures in British India, I do not mean to imply that Yellamma’s departure to Gulbarga with Narsa necessarily represented freedom from the bondage of domesticity. We have no clear evidence detailing their experiences after crossing the frontier. Patriarchal colonial and upper-caste Hindu discourses constructed Yellamma’s necessary return to her husband as liberation. Her potential participation in sex work or *devadāsī* initiation could just as well be cast as liberation from other, perhaps more profound forms of oppression.⁷² Throughout all of this, young Yellamma—whether figured as bride-property, prostitute-criminal, or *devadāsī*-victim—is rendered instrumental by colonial officials seeking to uphold justice, her kinfolk attempting to recover her, and perhaps by Narsa Saji seeking to induct her into a different livelihood.

The case does, however, bring into view the field of possibilities that the proximity of colonial and princely territory offered British subjects such as Narsa and Yellamma. The nascent state system Raj officials sought to consolidate ordered social worlds just as it produced pressures for flight and geographies of alterity. In the frontier zone, the reach and applicability of various canons of law and modes of social practice were indeterminate. This flexibility was a potential resource for those who could cross the frontier, perhaps to participate in alternative regimes of labor and sexuality.⁷³ If legal ambivalence allowed some, like Yellamma and Narsa, to avoid colonial law, the proximity of jurisdictions also provided opportunities for rural people to invoke state power for their own purposes.

⁷¹ Parker, “Corporation of Superior Prostitutes,” 625.

⁷² Work on the Partition of British India has suggested that the violence and rupture created by the abduction of women has been overemphasized, and that the state’s acts to “return” women to their previous communities fortified patriarchal structures. Urvashi Butalia, *The other Side of Silence: Voices from the Partition of India* (Delhi: Penguin, 1998); Veena Das, *Critical Events: An Anthropological Perspective on Contemporary India* (Delhi: Oxford University Press, 1996).

⁷³ Ramberg describes “Yellamma women,” or *devadāsīs*, as being “implicated in a different sexual order” (“Magical Hair,” 518), and Oldenburg suggests that courtesans taught community members a “new meaning of being an aurat [woman]” (“Lifestyle as Resistance,” 271).

BEYOND STATE SOVEREIGNTY: INFORMERS AND THIEVES IN RURAL SOCIETY

The year 1888 saw a proliferation of requests for remission of sentence from Hyderabad subjects imprisoned for dacoity in the notorious British Indian prison of Yerawada in Pune, nearly a hundred miles from the Hyderabad frontier. These materials—English translations of vernacular letters addressed to Bombay officials—reveal extensive extraterritorial T&DD activity in late-nineteenth-century Hyderabad. Colonial policing was based on a treaty that required the Nizam to surrender suspects in “the interests of justice.”⁷⁴ The petitions document contestations within marginal Hyderabadi social groups, and state tactics that employed denizens of the frontier zone.

The 1887 remission request of Bhika Jamal and Sultan Dewa illuminates the workings of the Hyderabad T&DD. The petitioners claim can be summarized as follows: The actions of the resident were unjust. They were innocent of the charges. Two *gurundas* (“approvers,” or informants), Rupchand and Balram, fabricated evidence. The *gurundas* were members of the same [Multani] caste as the petitioners, and themselves convicted of dacoity and sentenced to transportation for life and/or imprisonment. In exchange for their freedom, the *gurundas* turned witness for the T&DD, and caused the wrongful conviction of their fellow community members.⁷⁵ Jamal and Dewa concluded their indictment of the corrupt system with what was an important structural element in remission requests: appeal to superior British justice: “Our belief is that no oppression is exercised under British rule in connection with the administration of justice. We do not know, however, whether any special laws besides those in force in British India are made for the use of the Hyderabad Residency. We pray that your Excellency-in-Council will be pleased to call for all the papers in our case, to ascertain whether there was any other evidence against us besides the statement of the Gurundas and whether any stolen

⁷⁴ Hyderabad Resident Trevor Chichele-Plowden to Secretary of Government of India, Foreign Department, 16 Nov. 1897, “Working of the rules in the Manual of the Thagi and Dakaiti Dept and trial of cases prosecuted by the Dept in Hyderabad,” Letters from India 1898, 153–423, Oriental and India Office Collection, L/P&S/7/381.

⁷⁵ “Bhika Jamal and Sultan Dewa, prisoners in the Central Jail Yerowda, Praying for the remission of the sentence passed upon them on a charge of dacoity,” 21 Apr. 1888, Oriental Translation Department “translation of the vernacular petition” submitted by appellants 6 Apr. 1888 to Governor-General of India in Council, MSA, Political Department, Hyderabad, vol. I, 57/214, 1888. The term *gurunda* (informant, or approver) is likely a variant of the Persian term *goinda* or *goyanda* (literally, “one who talks”) commonly used in the subcontinent. On the Central Indian use of *goranda* for *goyanda*, see Robert V. Russell and Rai Bahadur Hira Lal, *The Tribes and Castes of the Central Provinces of India*, vol. I (London: Macmillan, 1916), 365. The social roles of these convicts-turned-informers in Hyderabad will be considered in detail presently. On *goindas* in the early nineteenth century, see Lloyd, “Thuggee,” 208; and Singha, “Providential Circumstances,” 110.

property was found with us, and to remit the sentence which we, innocent persons, have been unjustly undergoing.” These petitioners overestimated Bombay’s willingness to regulate extraterritorial Raj jurisdiction in Hyderabad, and officials declined to intervene in their case, but the source nonetheless documents savvy frontier-dwellers navigating a plural legal terrain.⁷⁶

Another petition from the same era provides further detail on the social conditions marginal people negotiated. In April 1888, three Hyderabadis in Yerawada Central Jail (Sekh Gutki, Sekh Lal, and Sekh Chand) requested remission of sentence. The petitioners implied corruption on the part of the Residency and the approvers who had offered evidence, caustically inquiring as to whether the colonial government had ordered the Thagi Department at Hyderabad “to act independently of the law and purely on the statements of Gurundas irrespective of any other evidence.” They described their circumstances: “We are Multanis by caste. We used to support ourselves by traveling from place to place and dealing in wood. Rupchand and Balram [the same informants named in Jamal and Dewa’s petition], two men belonging to our caste had been convicted and sentenced for some offence committed by them. To benefit themselves they accepted places of Gurundas. They falsely mention the names of poor people in connection with any dacoities that may have been committed, admitting at the same time that they were their own accomplices in those dacoities.”⁷⁷

These *gurundas*, the same pair involved in the previous case, were apparently quite busy incriminating members of their caste. As itinerants, Multanis fit neatly colonial sociology’s profile of dacoits by dint of their mobility and lack of integration into the settled agrarian economy.⁷⁸ The machineries of colonial justice criminalized these marginal populations, and the imprisonment of members of any given community tended, through the institution of the *gurunda*, to produce cycles of incrimination.⁷⁹

⁷⁶ Assistant Secretary, Government of India to Resident, Hyderabad, 14 June 1888, MSA, Political Department, Hyderabad, vol. I, 57/214, 1888.

⁷⁷ “Petition to the address of the Government of India. From Sekh Gutki walad Sekh Mahabub and two others convicts in the Central Jail at Yerowda, praying for the remission of the sentence passed upon them by the Sessions Court at—on a charge of dacoity,” 7 Apr. 1888, from Oriental Translation Department, MSA, Political Department, Hyderabad, vol. I, 57/1068, 1888.

⁷⁸ A roughly contemporaneous colonial text glosses Multanis as Muslim Banjaras (also known as Kanjars) as “professional dacoits, highway robbers, and cattle-lifters, but not burglars” who ranged from Rajputana and Gujarat to the northern reaches of Hyderabad State. The text notes two distinct groups of Multanis: the just-noted itinerant criminal-tribe, and a settled non-criminal group that dealt in timber and firewood. The people considered here seem to combine elements of both groups. E. J. Gunthorpe, *Notes on Criminal Tribes Residing in or Frequenting the Bombay Presidency, Berar and the Central Provinces* (Bombay: Times of India, 1882), ch. 7.

⁷⁹ On the “approver” figure in colonial law, see Shahid Amin, “Approver’s Testimony, Judicial Discourse: The Case of Chauri Chaura,” in Ranajit Guha, ed., *Subaltern Studies V* (New Delhi: Oxford University Press, 1987).

The T&DD penetrated deep into Hyderabad rural society and its victims employed a variety of tactics to gain the upper hand.⁸⁰ Another 1888 petition, from Kamiya Valad Tuliya, says that he served the Nizam's government as a watchman, and was convicted based on *gurunda* testimony despite the intervention of the village *kulkarnī* (rural accounting officer).⁸¹ Even low-level state employees were not exempted from dacoity persecution. Kamiya claimed he did not know his accuser, but other dacoity cases reveal *gurundas* taking revenge on rivals. Ravya valad Balya Mang claimed he was imprisoned in Nanded District with his fellow villagers Chinya, Pochu, and Garibya (all Kaikadis), and subsequently: "A quarrel took place between these persons and myself in connection with our work, and they bore a grudge against me for this. On [Pochu's] going to Hyderabad he became *gurunda* (approver) and at a time when there were only ten months wanting to complete the period of my sentence, he to take revenge upon me came to the jail and on the expiry of the period of my sentence arrested me and took me to Hyderabad."⁸²

The position of *gurunda* was an important resource for criminalized members of frontier society. Not only could they exchange information for commutation of sentences, but they could also settle grudges with fellow villagers by initiating dacoity persecutions. Ravya, a Mang, and Pochu, a Kaikadi, were members of castes on the margins of Hyderabad rural society.⁸³ It was Ravya's misfortune that his offer "to produce [criminal] evidence of my fellow villagers" came only after Pochu had fingered him as a dacoit.⁸⁴

Like Rupchand and Balram Multani, Pochu Kaikadi was prolific in his informant work. According to another petition, Chandu valad Arjuna Kaikadi was arrested by Pochu, tried over the course of a year, found innocent,

⁸⁰ "Hyderabad. Petitions from Kamia walad Tuljia, Bijou Chandy walad Arjoon Bania Batia and Bhagia walad Bapu, convicts in the Yerowda Central Jail praying for the remission of the sentences passed on them by Criminal Courts in—on charges of dacoity," Oriental Translator's Department, 26 June 1888, MSA, Political Department, Hyderabad, vol. II, 58/1494, 1888.

⁸¹ "Translation of a petition from Kamiya valad Tuliya [of] Bandhallir, Taluka Udgir, zilla Bedar in His Highness the Nizam's territory, to His Excellency the Viceroy and Governor-General of India-in-Council," dated 30 Apr. 1888, received for translation 19 June 1888, MSA, Political Department, Hyderabad, vol. II, 58/1494, 1888.

⁸² "Translation of a petition from Ravya valad Balya Mang, inhabitant of Dongargaon, Taluka Halgaon, Zilla Nanded, in His Highness the Nizam's territory, to His Excellency the Viceroy and Governor-General of India-in-Council," dated 30 Apr. 1888, received for translation 19 June 1888, MSA, Political Department, Hyderabad, vol. II, 58/1494, 1888.

⁸³ Mangs are described as an unclean and superstitious caste with "a tendency towards crime," in Syed Siraj ul Hassan, *Castes and Tribes of the Nizam's Dominions*, vol. 2. (Gurgaon: Vintage Books, 1990 [1920]), 462. The Kaikadis are glossed as a "wandering tribe" of "notorious highway robbers," in *Imperial Gazetteer of India*, v. 7 (Oxford: Clarendon, 1908), 149.

⁸⁴ "Translation of a petition from Ravya valad Balya Mang, inhabitant of Dongargaon, Taluka Halgaon, Zilla Nanded, in His Highness the Nizam's territory, to His Excellency the Viceroy and Governor-General of India-in-Council," dated 30 Apr. 1888, received for translation 19 June 1888, MSA, Political Department, Hyderabad, vol. II, 58/1494, 1888.

and released. Some time later he was arrested again by Pochu for the same crime, found guilty after a two-year-long trial and sentenced to ten years rigorous imprisonment at Yerawada.⁸⁵ Chandu questioned the veracity of the *gurunda's* testimony and the legality of trying him for the same case twice, since double jeopardy was illegal in British Indian law. Operating as a parallel legal order, T&DD in Hyderabad functioned by providing institutional shelter for state illegality. This means of splintering colonial sovereignty subjected marginal frontier figures to arbitrary and corrupt colonial judicial practices. But it also allowed members of rural society, as *gurundas*, to enact the colonial state's extraterritorial sovereignty. They did so by manipulating the very instruments of governmentality that criminalized them in the first place: social identification of depressed or mobile castes and tribes.⁸⁶ However, the power that approvers had to carry out vendettas by informing on their enemies was not without its costs.

Frontier society in Hyderabad responded to *gurunda* activity by drawing lines between good and bad neighbors. Pilu valad Raghu Mahar described his case in a petition:

The Resident at Hyderabad passed upon me a sentence of five years on a charge of robbery. I pray that the sentence may be remitted for the following reasons. I did not commit the offence with which I was charged. No stolen property etc was found in my possession. Sidu Dhangar, one of the Gurundas (approvers), has a quarrel with me under the following circumstances: The Dhangar [shepherd caste] Gurunda had once come to our village for drinking *Shindi* liquor. Knowing him to be a Gurunda, myself and some others told him not to come any more to our village. For our having said this to him, the Gurunda some days afterwards arrested and took me [to Hyderabad] and caused the sentence to be passed upon me.⁸⁷

If turning *gurunda* allowed the accused to empower themselves using the frontier's political resources, this act came at a certain social price: as Sidu Dhangar found, his status as a colonial informer rendered him unwelcome in Hyderabad rural society. It is unclear from the record whether his banishment from the village and access to its liquor ceased after he incriminated Pilu, but it is likely that the *gurunda* stigma remained.

As the above examples demonstrate, *gurundas* used their powers to imprison marginal rural people (often of their own castes), agriculturalists, and even

⁸⁵ "Translation of a petition from Chandu valad Arjuna Kaikadi at present a convict at the Yerowda Central Jail, to His Excellency the Viceroy and Governor-General of India-in-Council," dated 30 Apr. 1888, received for translation 19 June 1888, MSA, Political Department, Hyderabad, vol. II, 58/1494, 1888.

⁸⁶ On similar trends in British India, see Amin, "Approver's Testimony"; Nigam, "Disciplining and Policing."

⁸⁷ "Translation of a petition from Pilu valad Raghu Mhar, inhabitant of Hunasval, Taluka Dubalgandi, zilla Hyderabad (Deccan) and at present a convict in the Central Jail at Yerowda, to His Excellency the Viceroy and Governor-General of India-in-Council," dated 30 Aug. 1888, Oriental Translations Department, 3 Oct. 1888, MSA, Political Department, Hyderabad, vol. II, 58/1749, 1888.

state employees.⁸⁸ Those who became representatives of extraterritorial colonial sovereignty were in response ostracized in the rural social world of Hyderabad. For all parties—from petitioners in Yerawada who cast aspersions on informers and the T&DD to *gurundas* themselves—and for frontier society at large, the legal pluralism of the borderlands was a vital resource for negotiating the circumstances in which they found themselves.

BANDITRY, SOCIETY, AND STATECRAFT

The Hyderabad-Bombay frontier's jurisdictional complexity reveals the lasting incompleteness of colonial attempts to consolidate legal sovereignty. Frontier developments elaborate the productive relationship between political authority and crime and lawlessness in modern South Asia. Following Eric Hobsbawm's work on "social banditry," historians have attempted to understand how putative criminals fit into rural societies. Hobsbawm's argument ran as follows:

Social bandits ... are peasant outlaws whom the lord and state regard as criminals, but who remain within peasant society, and are considered by their people as heroes, as champions, avengers, fighters for justice, perhaps even leaders of liberation, and in any case as men to be admired, helped and supported. This relation between the ordinary peasant and the rebel, outlaw and robber is what makes social banditry interesting and significant. It also distinguishes it from two other kinds of rural crime: from the activities and gangs drawn from the professional 'underworld' or from mere freebooters ('common robbers'), and from communities for whom raiding is part of the normal way of life.⁸⁹

He further specified that these brigands and the visions of liberation they gave to peasants embodied the last gasp of a precapitalist agrarian world in which extant modes of social ordering (kinship, tribal loyalties) were rapidly disintegrating. Social bandits—or "primitive rebels" as he called them elsewhere—belonged to the realm of the pre-political and were nostalgic figures upon whom peasants projected political desires.⁹⁰

In contesting the teleological language that framed Hobsbawm's presentation, critics have questioned the liberatory implications he ascribed to social banditry. Anton Blok argued that brigandage in peasant societies advanced agendas of nobles and officials by keeping peasants docile.⁹¹ Assessing banditry in nineteenth-century Egypt, Nathan Brown argued, "The *idea* of a crisis of

⁸⁸ For petitions from Koli agriculturalists accused by Sidu Dhangar, *gurunda*, see "Petitions from Mansing walad Malhari Koli and Marpali, son of Saheboo, convicts in the C. J. at Yerowda, praying for the remission of the sentences passed upon them by the Sessions Court at Hyderabad on a charge of dacoity," MSA, Political Department, Hyderabad, vol. II, 58/1559, 1888.

⁸⁹ Eric Hobsbawm, *Bandits* (n.p.: Delacorte, 1969), 13–14.

⁹⁰ For a critique of the concept of "pre-political" in Hobsbawm, see Ranajit Guha *Elementary Aspects of Peasant Insurgency in Colonial India* (Delhi: Oxford University Press, 1983).

⁹¹ Anton Blok, "The Peasant and the Brigand: Social Banditry Reconsidered," *Comparative Studies in Society and History* 14, 4 (1972): 495–503. See also Hobsbawm's response, "Social Bandits: Reply," in the same issue, 503–5.

banditry was a powerful tool, though not one that peasants could use.” Rather, “Banditry as a national problem was invented as a political weapon by Egypt’s rulers as a part of the process of creating a stronger, centralized state apparatus and as an effort to keep that apparatus out of British hands.”⁹² Contrary to the Egyptian state’s intentions in making banditry policing an autonomous institutional domain outside the purview of the encroaching British, the perceived epidemic of brigandage precipitated colonial conquest. For Brown, banditry in this context was not a practice supported by the rural masses, but rather part of the tripartite plague visited upon the Egyptian peasantry of “bandits, rulers, and occupiers.”⁹³

All of these accounts share the presumption that banditry, or criminality in general, was a domain related to, but analytically distinct from, stable categories of peasantry, nobility, and state. Hobsbawm, Blok, and Brown strove to clarify the relationship between the idea and practice of lawlessness and other discrete domains.⁹⁴ Evidence from the Hyderabad-Bombay frontier suggests, however, that criminality—whether figured as dacoity, simple theft, kidnapping, or otherwise—was deeply intertwined with frontier peasant society. Rather than categorically distinguishing bandits from peasants, evidence here suggests that lawlessness was a constituent feature of rural society. What the Raj treated as criminality was in fact coterminous with the everyday life and livelihoods of many marginal people in the frontier zone.

Lawlessness was not only an integral aspect of peasant society, but also bore a close relationship with political sovereignty. The connection between, first, raiding, crime, and what appeared as anti-state insurgency, and second, the process of state building, has been elaborated in scholarship on politics in early modern South Asia. Stewart Gordon’s work on eighteenth-century central Malwa argued that the raiding which later colonial commentators criminalized as “thuggee” was an effective strategy to mobilize the popular support and resources necessary to establishing political authority. In his estimation, banditry and state-formation occupied the same continuum.⁹⁵

⁹² Nathan Brown “Brigands and State Building: The Invention of Banditry in Modern Egypt,” *Comparative Studies in Society and History* 32, 2 (1990): 259–60. The parallel with Hyderabad is striking, where a similar panic over dacoity authorized British cross-border policing in the Princely State.

⁹³ *Ibid.*, 279, 280.

⁹⁴ On social banditry in modern South Asia, see Malavika Kasturi, *Embattled Identities: Rajput Lineages and the Colonial State in Nineteenth-Century North India* (New Delhi: Oxford University Press, 2002), ch. 6; Shail Mayaram, “Kings versus Bandits: Anti-Colonialism in a Bandit Narrative,” *Journal of the Royal Asiatic Society of Great Britain & Ireland* 13, 3 (2003): 315–38; Kim A. Wagner, “Thuggee and Social Banditry Reconsidered,” *Historical Journal* 50, 2 (2007): 353–76.

⁹⁵ Stewart Gordon *Marathas, Marauders and State-Formation in Eighteenth-Century India* (Delhi: Oxford University Press, 1998), ch. 1.

If raiding was a path to political authority in South Asia, particularly in the Deccan and central India, just before the rise of the Raj, then an imperative of the expansive colonial state was to shut down these avenues to power. This was an essential stage in the British move to liquidate competition and seize political authority. The early stages of the campaign against Thagi and Dakaiti during the first half of the nineteenth century can be seen in this light.⁹⁶ In the century's second half, the Raj began to represent their consolidation of authority by framing British paramountcy within a doctrine of suzerainty, an integrative political language that carved out domains of power for Princely States within a hierarchy of sovereign polities. This image both masked and fed jurisdictional tensions. Colonial state sovereignty was consistently undercut by alternative legalities of Princely States such as Hyderabad, amidst territories that comprised British India. Lauren Benton's argument suggests an untrammled rise of unitary state sovereignty through the global consolidation of legal regimes by the end of the nineteenth century. In South Asia, however, contradictions posed by the Princely States and other sovereign polities, or anomalous zones, reveal a contingent trajectory in which flexible and multifarious legal arrangements were incorporated into high-colonial political geography.

FRAGMENTED SOVEREIGNTIES, UNRULY STATES

C. H. Alexandrowicz and Lauren Benton both detailed legal arrangements prior to the nineteenth century where legal authority was not yet concentrated in European hands. Benton describes the simultaneous presence of multiple legalities in any given place, before the rise of state sovereignties linked to clearly demarcated territories by 1900.⁹⁷ Alexandrowicz's complementary argument emphasizes the multifarious character of political sovereignty before the nineteenth century.⁹⁸ Both histories end with the consolidation of European colonialism and the consequent end of legal and political sovereignty for non-European states and subjects. The scenario I have described here is difficult to fit into such a teleology.

In a world of splintered and often functionally overlapping sovereignties such as that of South Asia in the colonial period (and much of the world circa 1900), the putatively early modern global legal order, with all of the resources it offered to subjects, was never completely liquidated. Bombay territory may have been under a cohesive colonial legal regime, while the Raj penetrated Hyderabad through extraterritorial illegalities. But the frontier provided

⁹⁶ Singha, "Providential Circumstances"; and *Despotism of Law*, ch. 5.

⁹⁷ "The familiar fluidity of legal orders in the early modern world provided institutional continuity that itself gave legal politics a certain similarity across widely disparate legal systems. The territories for which this condition of jurisdictional fluidity was true are so vast and diverse that they can be described as encompassing a *global legal regime*" (Benton, *Law and Colonial Cultures*, 261).

⁹⁸ Alexandrowicz, *Introduction to the History*.

access to jurisdictional difference and spatial distance from the colonial state's disciplinary apparatuses. As Yellamma's alternative roles as child bride, sex worker, or *devadāsī* suggest, these political and social resources were not necessarily liberating. Nevertheless, the frontier zone was productive of possibilities, different in degree if not in kind from those available in spaces firmly within British Indian terrain.⁹⁹

The legal environment of the Hyderabad-Bombay frontier was distinct from the early modern scenario in two decisive ways. First, early modern legal pluralism often occurred in the same places at the same time. In the modern context, multiple legal orders were in close proximity with some overlap, but jurisdictional maps theoretically corresponded to clear territorial demarcations. Second, the modern period witnessed increasingly systemic attempts by dominant states, such as the Raj, to regulate social worlds by means of disciplinary apparatuses such as policing and surveillance. This point is borne out by colonial forays into Hyderabad—a foreign territory—in the form of cross-border policing, often relying on local informers, and extra-territorial jurisdictional arrangements such as the T&DD. Even as the Raj refined its techniques for transgressing frontiers, subjects practiced creative and effective tactics to manipulate the contradictions of colonial sovereignty and stay one step ahead of the law.

This essay began with the late-1880s confrontation between Daji the notorious Bhil and the Bombay frontier police official R. H. Vincent. It is to Daji that I now return by way of conclusion. In a letter of April 1887, Vincent summarized Daji's history, starting with his rise to notoriety in 1883 and continuing with his flight across the border into Bombay, and his apprehension the next year by colonial police in Ahmednagar (Bombay). Daji escaped, but was caught by a joint Raj-Nizam task force in Gangapur (Aurangabad District, Hyderabad). However, "He again escaped from custody some months afterwards and ... several [Bombay] Detectives were deputed to search for him and one of them found him, *dressed in the uniform of the Nizam's Police*, near the village of Holkar [Rahuri Taluka, Ahmednagar District, Bombay Presidency]. The detective was unarmed and Daji Bhil perceiving this agreed to quietly accompany the Police officer but suddenly drew a sword, which he had hidden behind him, rushed at the Head Constable and made good his escape."¹⁰⁰ In addition to border-hopping, then, Daji masqueraded as a member of the Nizam's Police to outwit the joint task force.

⁹⁹ Benton, in *Search for Sovereignty*, elaborates the key role of geography in producing anomalous legal spaces within empire. For her consideration of South Asian Princely States within this framework, see 236–64.

¹⁰⁰ R. H. Vincent (DSOP [District Superintendent of Police], Ahmednagar) to A. T. Crawford (Commissioner, CD, Poona), 4 Apr. 1887, MSA, Political Department, Hyderabad 55/924, my emphasis.

This tactic not only endowed him with the cloak of officialdom but also provided him a ready excuse for carrying a weapon.

After making good his escape, Daji went on to commit more crimes in Ahmednagar, and was once more captured by British Indian police who intended to pass him to the Nizam's authorities for trial. While still in Vincent's custody, he agreed to give evidence on previous crimes, and implied a familiarity and allegiance with a Bombay police Patil. Evidence of this was never provided, however, since without a guarantee of pardon Daji "would never come to the point." Lacking a sound case to pass over to Hyderabad police, a regretful Vincent was compelled to set Daji free. In classic outlaw fashion, the notorious Bhil assured the police officer that he would "soon hear from him again."¹⁰¹ Bombay returned to Daji Malhari's case in 1889, and officials criticized Hyderabad for the "inadequacy of [his] punishment."¹⁰² Apparently, after all of Bombay's efforts in apprehending Daji and the many crimes he allegedly committed, the Hyderabad judiciary sentenced him to a mere three-months imprisonment.¹⁰³ According to the police docket on the matter, the only possible solution was to press Hyderabad officials to mete out stricter punishment.¹⁰⁴ The docket also diagnosed the root problem: "The position is quite clear! The Bhil is in league with the officials. He gets caught when a large reward is offered and he gets off to recommence his tricks."¹⁰⁵ Jurisdiction over such figures—"now on this, now on that side of the frontier"—lay with the state of whom they were subjects; in Daji's case, Hyderabad.¹⁰⁶ And if Daji and his ilk could continue their activities and avoid significant legal consequences, this was in part a result of their ability to forge allegiances with police officials in Bombay, and no doubt some in Hyderabad. This was not a simple matter of corruption—the multiple sovereignties clustered around the frontier splintered the reach and availability of state power.

¹⁰¹ Vincent to Crawford, 4 Apr. 1887, MSA, Political Department, Hyderabad 55/924.

¹⁰² J. G. Moore, Officiating Commissioner to the Secretary of Government, Poona, 15 Jan. 1889, "Hyderabad. Dacoit Daji walad Malhari Bhil trial and punishment by the authorities of His Highness the Nizam's Government of," MSA, Political Department, Hyderabad, vol. II, 64/541, 1889.

¹⁰³ E. A. Bulkey, Acting DSOP, Ahmednagar to Waddington, 8 Nov. 1888, MSA, Political Department, Hyderabad, vol. II, 64/541, 1889.

¹⁰⁴ Docket entry for 26 Jan. 1889, MSA, Political Department, Hyderabad, vol. II, 64/541, 1889.

¹⁰⁵ Docket entry for 28 Jan. 1889, MSA, Political Department, Hyderabad, vol. II, 64/541, 1889. See also Vincent's gloss: "Daji Bhil has, I know, some very good friends among the Patils and Sowkars of this District and I strongly suspect that some of my own men are not over anxious either to catch him," 28 Sept. 1888," MSA, Political Department, Hyderabad, vol. II, 64/541, 1889.

¹⁰⁶ See Vincent's description of Daji and his gang, in DSOP, Ahmednagar to G. Waddington, District Magistrate, Ahmednagar. 28 Sept. 1888, MSA, Political Department, Hyderabad, vol. II, 64/541, 1889.

As I have suggested, it was the proximity of multiple legal regimes that made possible the putatively illegal livelihoods of the “notorious Bhil” Daji Malhari, the “public woman” and kidnapper Narsa Saji, the cattle rustler Tukaram Jiwaji, various *gurundas*, and countless others. Near the frontier, Raj officials (Bombay, Central Provinces, T&DD), the Nizam’s Police, and internal Hyderabad authorities all exercised jurisdictions over different subjects in different places. Cross-border policing and judicial collaboration functioned to a degree, but were severely circumscribed by logistical matters. Moreover, the Nizam’s claim to sovereignty over his own subjects made collaborations uneasy. All of these factors undermined the efficiency of colonial attempts to pacify the Hyderabad border.

In varied historical settings in South Asia and elsewhere, subjects manipulated the powerfully substantiated authority of colonial courts. In colonial Sri Lanka, as John Rogers has shown, British courts never functioned according to design, and through them subjects were able to summon state power to serve their needs. Indigenous legal cultures wherein subjects made instrumental use of colonial institutions underscored courts’ lack of popular moral authority.¹⁰⁷ On the Hyderabad-Bombay frontier, as in much of Greater British India, instrumental use of courts was supplemented by the resource of judicial difference across space. Both provided avenues for subjects within the enormous penumbra of empire to carry out livelihoods inimical to colonial visions. Hyderabad, and state officials such as Kotwāl Nawab Akbar Jang Bahādur, clearly did not condone such livelihoods. Indeed, the Nizam’s statist imperatives, together with colonial expectations, impelled Hyderabad to affect the appearance of emulating the British in identifying and stamping out “crime.” However, persistent institutional underdevelopment in the frontier zone enabled the ways of life of Daji and others. Although conditions of lawlessness and sheltering of fugitives there were not a product of state design, Hyderabad’s attempts to retain judicial and police sovereignty over subjects produced friction and played a major role in maintaining the situation. It is impossible to say with certainty how Daji the notorious Bhil obtained the Nizam’s Police uniform he wore on the day colonial officials tried to arrest him, but it is not inappropriate that he clad himself in a symbol of Hyderabad sovereignty.

¹⁰⁷ John D. Rogers, *Crime, Justice and Society in Colonial Sri Lanka* (London: Curzon, 1987).

Abstract: Nineteenth-century European colonialism produced a textured and uneven legal terrain rather than homogeneous imperial units. The fragmentation of sovereignty between empires and subordinated states created frontier zones that unsettled the workings of governance. This article views the developing landscape of power in high colonial South Asia from the loosely controlled frontier zone between Hyderabad, a Princely State ruled by sovereign Muslim dynasts titled Nizams, and the Bombay Presidency, part of Britain's Indian Empire, or Raj. I argue that the heterogeneous legal terrain along the border was a useful resource for administrators and subjects. State officials of both Hyderabad and Bombay justified various projects there; subjects of the two states shopped forums in a legal pluralist environment; and populations on either side of the border whose livelihoods and political agendas ran afoul of social pressures or the economic and cultural imperatives of state projects fled there from adversity. I examine cases of alleged cattle rustlers, bandits, and prostitutes and their engagements with police and courts to explore the political challenges and possibilities the frontier offered different groups. Colonial attempts to extend racialized policing practices across the frontier were frequently met by machinations of marginal people trying to avoid imprisonment or extricate themselves from oppressive social structures. Such figures could use the ambiguity of frontier legal authority to their advantage. The picture that emerges is one of a brute and often-arbitrary colonial power offset by alternative malleable sovereignties that resourceful subjects could play against one another.