

The Malabar Hill murder trial of 1925: Sovereignty, law and sexual politics in colonial princely India

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This article seeks to address issues relating to sovereignty, law and sexual politics in colonial princely India through an examination of the Malabar Hill Murder Trial of 1925 in the Bombay High Court. In this particular case, the Hindu Maratha Maharaja of Indore was charged with the murder of his Muslim courtesan's lover. The ensuing trial illuminates two important developments in late colonial Indian law. First, it reveals how British courts empowered some Indian women as individual agents before the law, despite the restrictions of pardah (or seclusion), to contest and resist indigenous patriarchies. Second, it exposes the complex relationship between Indian kingship and British paramountcy. Due to their position as semi-autonomous rulers, who were not under the restrictions of British Indian law, native princes were exempt from being tried in British Indian courts on the basis of their treaty regulations. This case discusses the extent to which the sexual desires and love unions of the Indian kings were affected by the princely state's fraught relationship with the colonial regime. In this instance, the Malabar Hill Murder trial cost the ruler his gaddi (throne) when he was compelled to abdicate.

In 1926, at the age of 36, H.H. Maharadhiraja Raja Rajeshwar Sawai Shri Tukoji Rao III Holkar XIII Bahadur of Indore, GCIE, formally signed his abdication papers. The preceding year had been a traumatic one for the ruler. In January 1925, a Muslim businessman by the name of Bawla was murdered on a dimly lit street in

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Bombay's affluent Malabar Hill, and his lover, Mumtaz Begum, who had accompanied him that night, was severely injured with knife wounds to her head. The begum had, at one time, been a palace dancer at Indore, and a favourite of the Maharaja. Moreover, it was soon discovered, from eyewitness accounts and police inquiries, that the assailants were linked to the Indore royal household, and had been sent under the directions of Maharaja Tukojirao himself. The murder case dominated national and international headlines when it came to trial in the Bombay High Court. The trial and its key witness, Mumtaz Begum, who gave a compelling account of her life as a concubine in the Indore zenana and her eventual escape to Bombay, resonated with a range of colonial and Indian reformist debates about the practices concealed within the supposedly archaic institution of the zenana. Moreover, the insinuation at the trial that the Indore royal house had been directly involved compelled the young ruler to choose between facing trial as a commoner in the British Indian courts and relinquishing his sovereign powers through the act of abdication.

The Malabar Hill case was an unusual and sensational event, but it also reflected the myriad social and political realities of late colonial India. Several of the criminal misdemeanours introduced in the trial evidence, including murder, female infanticide, childhood prostitution and the trafficking of women, were extremely topical in the 1920s, speaking, as they did, to a wider debate between Indian and British jurists, social reformers and missionaries about Indian women's legal rights,¹ which had begun in the early nineteenth century and had intensified in the twentieth century with the emergence of both Indian Nationalism and Indian feminism.² The case also acted as a site of contest between the internal sovereignty of the Indian princely ruler and the judicial authority of the colonial state. It was both a domestic dispute between a Hindu ruler and his Muslim courtesan, a member of his royal household, and a serious criminal offence that, having taken place in British India, came under the purview of British colonial law and jurisprudence. The murder occurred in a very public location—a major urban thoroughfare where there were several witnesses—and involved such high-profile public figures as a Maharaja, his courtesan and a prominent Bombay businessman, as well as a panoply of other more minor characters: palace retainers, maids, policemen, the families of princely concubines, British army officers, colonial political officials and Viceregal staff. As a result, perhaps unsurprisingly, the trial immediately became a highly politicised event, with relevance that extended beyond the immediate vicinities of Bombay and Indore. Trial statements came from various locations across princely and British India, as the case raised issues not only of law and

¹ Refer to the work of Agnes, 'Law and Gender Inequality'; Basu, 'Hindu Women and Marriage Law'; Edwardes, *Crime in British India*, pp. 24–27, 59–82; Nair, *Women and Law in Colonial India*; Mukhopadhyay, *Behind the Mask*; Anagol, *The Emergence of Feminism in India 1850–1920*.

² See Anagol, *The Emergence of Feminism*.

legal prosecution, but also of the nature and limits of colonial political intervention more generally. The investigation, which revolved around a *pardah* woman and a semi-autonomous ruler, introduced a number of explosive questions on the nature of colonial interference, both in the domestic lives of indigenous women and the separate political sphere of princely India. This article will explore these wider ramifications of the case. It will first set the social and political context in which the Malabar Hill case must be viewed and the historiographical framework through which it is interpreted, before going on to explore the specific details of the case and their implications for our understanding of the relationship between the colonial regime and the colonised woman, and between British India and the princely states.

Spaces of Imperial and Princely Power: The Zenana, the Indian Prince and the Colonial State

For the British, zenana women and Indian princely rulers had long been apposite subjects for social reform. Many of the 600 or so semi-autonomous kingdoms, or 'princely states' as they were dubbed by the Raj, practised the traditions of the zenana. The zenana was both an architectural space and a socio-political institution. The word directly translates as the 'female quarters of the palace' where women lived behind *pardah* ('the curtain'), but it also refers to the women's sphere of power, as distinct from a male arena of governance, within the Indic kingdom.³

As Janaki Nair points out, colonial administrators had long 'painted the subject Indian population as weak, effeminate and morally lax', and much emphasis was laid on 'unveiling the mysteries of the zenana and ridding Indian society of [its] evils'.⁴ The British saw the mothers, sisters, wives and mistresses of royal families as corrupting influences on the impressionable minds of young princely males. The zenana came to represent a dark, impenetrable sanctum of internecine intrigue, sexual divergence and murderous intent, and those Indian women who practised the customs of the zenana and the veil were believed to be 'confined to a life of languid idleness in closed rooms, hidden from view ... suffused with an unhealthy sexuality and a disabling passivity'.⁵ For the colonial administration, issues of sexuality were closely tied to ideas about sovereignty; sexual aberration of any kind reflected a prince's 'unfitness' to govern.⁶ Princes who spent too much time in their zenanas were seen as weak-willed, prey to excessive uxoriousness,

³ For a broader history of the zenana, see Jhala, *Courtly Indian Women*; Joshi, *Polygamy and Purdah, Women and Society among Rajputs*.

⁴ Nair, *Women and Law*, p. 150.

⁵ Metcalf, *Ideologies of the Raj*, p. 94.

⁶ For a fascinating exposition on the colonial regulation of Indian princely sexuality, see Kapila, 'Masculinity and Madness'.

childishness or madness, and thus as ineffectual rulers and upholders of the law.⁷ Concubines, courtesans and mistresses, all terms for the lover of choice, were particularly abhorred as they contrasted sharply with Victorian ideals of companionate, monogamous conjugality, as well as British legal assumptions about legitimacy and succession. As Indrani Chatterjee points out, during early colonial rule British administrators were acutely aware of concubinage systems in princely households, and used this knowledge to manipulate successions and finances to their own commercial or political advantage, and even to annex princely territories or to justify the overthrow of a particular ruler or dynasty.⁸ Under these circumstances, who Indian princes chose as wives, lovers and companions was of vital concern to the colonial regime. The British actively engaged themselves in the private affairs of indigenous rulers and, at times, local British political officers (and even members of the English royal family) arranged marriages of state between different princely families, oversaw the education of young princely males, and proffered a European ideal of family and the home.⁹

To counteract the corrupting influences of the zenana, colonial administrators sent Indian princes to British-styled boarding schools in India or Europe as part of a larger project of cultural assimilation. Indian princes not only pursued a 'modern' education in such institutions, but also imbibed Victorian ideals of manliness and moral conduct.¹⁰ Regulating Indian princely sexuality, therefore, went hand in hand with 'refashioning' indigenous rulers as model English gentlemen, who understood both the values of Victorian domesticity and the creed of 'enlightened' imperialism. Colonial officials believed that young princes acquired a restrained, but robust, masculinity through the disciplined rigour of public school life. This training would provide them with a more 'progressive' outlook on a whole range of socio-political reform issues, particularly those concerning women, such as *sati* (widow immolation), widow remarriage, child marriage and the age of consent.

Just as the British had made a concerted effort to depoliticise the zenana by separating Indian princely males from its influences, they were also actively engaged in reforming it from within. Colonial debates on gender issues in British India produced various pieces of legislation tending towards gender-oriented social change (such as the prohibition of *sati*, 1829, the legalisation of widow remarriage 1856, and the Age of Consent Act 1891), but they must also be read as subtle (and not so subtle) critiques of indigenous society, whether that of religious orthodoxy, patriarchal tradition, or native kingship. The British used the subjugated status of Indian women to 'rationalize the political subjugation of India as a civilizing

⁷ *Ibid.*, p. 144.

⁸ Chatterjee, *Gender, Slavery and Law*, p. 21.

⁹ For greater detail on colonial engagement in princely marriages, refer to Ch. 3 in Jhala, *Courtly Indian Women*.

¹⁰ Kapila, 'Masculinity and Madness', p. 126.

mission'.¹¹ The dynamics of this process were complicated in princely India by the British colonial state's lack of direct authority over domestic issues. As a result, the 'native states' were often portrayed as the last bastions of 'anachronistic' customs, and British political agents were encouraged to bring their influence to bear on Indian rulers to effect change.¹² In fact, several princely states passed legislation relating to divorce, child marriage and women's right to property during the late nineteenth and early twentieth centuries, often with greater ease and less public resistance than in British India.¹³ This was in many cases due to the personal involvement and exertion of the ruler in promoting such legislation.

At the same time that colonial attitudes prescribed the regulation of the Indian princely body in a larger process of political, social and psychological restructuring, colonised subjects themselves resisted and renegotiated such identities. Tukoji Rao himself pursued his personal proclivities and sexual desires despite the threat of political reprisal, well aware of colonial sentiments towards his flagrant 'indulgence' in the pleasures of his zenana. Such actions might be interpreted as an act of resistance or a blatant disregard for the authority of the colonial regime, a position possible for the princely subject due to the nature of the power relationship between the princely and the colonial state. Although obviously weighted in favour of the British, this relationship also allowed the Indian rulers space to challenge, rather than be overawed, by British Indian law.

After the conquest of Bengal in the mid-eighteenth century and the subsequent defeat of the Marathas and the Pindaris, the East India Company had emerged as the single paramount power in the Indian subcontinent. The British aim, however, was not to directly govern the whole of India, but rather only those areas that were financially profitable and politically expedient, such as Bengal and the presidencies of Bombay and Madras. In the remaining 'terra incognita', which comprised the 600 or so former Indian kingdoms, the British implemented a policy of 'subsidiary alliance' or 'indirect rule'.¹⁴ Under this system, the princes retained their authority in matters of domestic policy and state governance, such as taxation, state revenue collection, criminal and judicial law, and the development of educational and cultural institutions,¹⁵ as well as the management of private and public buildings, the funding and orchestration of public festivities, and the maintenance of the ruler's zenana.¹⁶ Internally autonomous, many rarely felt the presence of the paramount power within their borders. As William Lee-Warner noted: 'In a Native State, large or small, the Queen's writ does not run; that is the main point:

¹¹ Agnes, 'Law and Gender Inequality', pp. 64–65.

¹² See Major, *Sati, Sovereignty and Social Reform*.

¹³ Nair, *Women and Law*, p. 42.

¹⁴ Ashton, *British Policy towards the Indian States*, p. 7.

¹⁵ Ramusack, *The Indian Princes*, p. 2.

¹⁶ *Ibid.*, p. 173.

it is foreign territory in the midst of the Queen's dominions.'¹⁷ In several princely states, the ruler was the highest court of appeal for civil and criminal trials, and could impose or commute death sentences. Under these circumstances, it is not surprising that the Maharaja should have seen Mumtaz Begum, a member of his household, as being under his suzerainty.

In addition to internal authority within his own state, an Indian ruler also held various privileges within the colonial system. Significantly, an Indian prince could not be sued as an 'Ordinary Individual' in a British Indian court.¹⁸ According to the original stipulations of the treaty between Indore and the British, Tukoji Rao could not be tried by a British Indian jury or judge, and he himself maintained that as Indore held a position as a 'sister' nation to British India, beneath the larger umbrella of the British Crown, his legal status was correlative to what we might today describe as diplomatic immunity. These rights, due to Tukoji Rao's singular status as a Holkar prince, meant that although he might be subject to British pressure through political channels, he could not be legally tried for murder in a British court. Since the Malabar Hill murder had taken place in British India, however, it did not come under the jurisdiction of Indore's own legal courts. For this reason, Mumtaz Begum received all the benefits of Anglo-Indian law, not to mention the attention of the Indian and international media, and she in turn successfully manipulated the intervention of the colonial legal courts to serve her own interests. Mumtaz Begum was a young *pardah* woman, poor, largely illiterate and sexually compromised, but through her damning oral evidence as lead witness in the case, she threatened and ultimately dethroned a reigning prince. A member of the Indore zenana who was not herself a member of the elite, she was able to use the authority of colonial judicial courts and administrative officers to counteract the alleged abuses of her legal keeper.

The Malabar Hill case both demonstrated the possibilities that the colonial system created for female agency and expression, and exposed the complex relationship of power sharing and negotiation between Indian native rulers and British paramountcy. As the actors and events involved in the Malabar Hill case straddled both British and princely India, its adjudication became a site of complex negotiation between the colonial regime and the princely state. Could a prince be tried for a murder that incriminated him? What did it mean to try a king before his people? What were the political ramifications of putting a prince on trial as a commoner? Was it better to abdicate than take the stand? Furthermore, indicting the prince in such a public manner played into a larger colonial project regarding the regulation of princely sexuality and the reformation of the zenana. Tukoji Rao's case acted as a cautionary tale for other socially 'indiscreet' princes, who challenged British codes of propriety and morality. It may have also have furthered arguments

¹⁷ Lee-Warner, 'The Native States of India', p. 271.

¹⁸ Chatterjee, *Gender, Slavery and Law*, p. 146.

regarding the 'sanitising' and delegitimising of traditional groups, like hereditary courtesans or powerful regent mothers, in aristocratic households. Lastly, it would have continued prescriptions, which remained in place until 1947, that Indian princes ascribe to a European concept of domesticity and family (acquired through an English education or a Western-educated, high-caste Indian bride), in contrast to the degenerate morality of the 'eastern' zenana. In this manner, this article explores the role of the Malabar Hill Murder in a larger discussion on indigenous sovereignty, law and sexual politics in colonial India, and the role of women in this debate.

Public and Private Spaces of Agency: Women, Law and the Colonial Courts

Mumtaz Begum's account of her own experiences, and those of women like her, contests the subaltern critique that indigenous women were suppressed from speaking, or that they were confined solely to the private, domestic sphere of the home. During the nineteenth and twentieth centuries, *pardah* women had largely been seen as politically disenfranchised and shut out from the public sphere of colonial governance or socio-political debate. While much colonial literature had portrayed the Eastern secluded woman as a sexually dangerous influence on the oriental prince, it often simultaneously and paradoxically depicted her as a silent and passive figure with little or no political agency. She was seen as the mere sexual object of male desire and conquest, European or Indian.¹⁹ Gayatri Spivak has argued in 'Can the Subaltern Speak?' that the colonised woman literally 'disappears' and is written out of the text or the lived historical experience. Spivak maintains that 'between patriarchy and imperialism, subject-constitution and object-formation, the figure of the woman disappears, not into a pristine nothingness, but into a violent shuttling which is the displaced figuration of the "third-world woman" caught between tradition and modernity'.²⁰ Yet, the historical record reveals that colonised women did speak and sometimes quite effectively. Rosalind O'Hanlon notes, 'Whatever formal seclusion there was in the zenana, then, it did not cut women ... off from politics, but rather the opposite.'²¹ Indeed, *pardah* women of the pre-colonial and colonial periods, from the Ottoman and Mughal harems to the zenanas of Bhopal, Rajputana and Saurashtra, were powerful players in indigenous state politics and in relationships with external hegemonic forces.²²

¹⁹ Refer to Barton, *The Princes of India*; Kabbani, *Imperial Fictions*; Lewis, *Rethinking Orientalism*; Loomba, *Colonialism/Postcolonialism*; and Morrow, *Highness: The Maharajas of India*.

²⁰ Spivak, 'Can the Subaltern Speak?', p. 306.

²¹ O'Hanlon, *A Comparison between Women and Men*, pp. 49–50.

²² Refer to Jhala, *Courtly Indian Women*; Joshi, *Polygamy and Purdah*; Khan, *The Begums of Bhopal*; Lal, *Domesticity and Power*; Lambert-Hurley, *Muslim Women*; and Peirce, *The Imperial Harem*.

Aristocratic and royal courtesans resisted colonial interference in the affairs of princely states and survived competition from rival indigenous males. *Pardah* women arranged political marriages of alliance for their children, settled disputed dynastic successions, received counsel from legal courts (colonial and customary) to adjudicate matters of state, and used colonial policies and British officials for their own ends.²³ Even in British India during the nineteenth century, legal trials in Bengal often relied on the evidence of *pardahnashin* women from *Bhadralok* families.²⁴ Such references suggest a historical precedent for Mumtaz Begum's role in the Malabar Hill Murder trial. She was one in a long line of *pardah* women who had been active political agents in colonial India.

The experience of women like Mumtaz Begum in moving between the private world of the *zenana* and the very public one of the British courts complicates the dichotomy set up by Partha Chatterjee in *The Nation and Its Fragments*. Chatterjee argues that Indian nationalists attempted to mitigate the imposition of Westernised values by imagining separate gendered spheres of *ghar* (home) and *bahir* (world), where *bahir* symbolised the public, material, rationalist and masculine world of governance, while *ghar* represented the feminine, spiritual integrity of the nation, epitomised by women, family and religion.²⁵ The preservation of the 'traditional' woman was equated with the protection of Indian values from the impurities of the West, and was an expression of Indian authority over the 'uncolonised' space of the home.²⁶ In this nationalist construction, women's issues were imagined as existing largely within the uncolonised domestic sphere, the feminised realm of the family, divorced from an outer space of state governance, *realpolitik* strategy, or resistance to local or colonial patriarchies. In reality, however, colonised women like Mumtaz Begum were crossing between several locations, contesting their status, treatment and rights in the public space of the courts, and thus blurring the boundaries between the gendered public and private spheres. In the case of Mumtaz Begum, the *pardah* woman crossed the additional boundary between the political spheres of colonial and indigenous authority in British and princely India. Mumtaz moved back and forth from the inner domestic world of the *zenana* to the external realm of courtly politics within Indore state; from the semi-autonomous princely state to the cosmopolitan British Indian metropolis of Bombay; and finally between the colony and the metropole. Her life was a constant movement from 'inner' to 'outer' spaces, the complexities of which serve to illustrate how limited rigid binary paradigms are.

²³ Fitze, *Twilight of the Maharajas*, p. 28; Le Grand Jacob, *Western India*, p. 18; Khan, *The Begums of Bhopal*.

²⁴ Mukhopadhyay, *Behind the Mask*, pp. 163–66.

²⁵ Chatterjee, *The Nation and Its Fragments*, p. 120.

²⁶ Chatterjee, 'The Nationalist Resolution of the Women's Question', p. 249.

This interpretation of Mumtaz Begum's moment on the national judicial stage must be contextualised within wider processes of colonial law and criminality, as explored in the works of Indrani Chatterjee, Janaki Nair and Anindita Mukhopadhyay, among others. In particular, the analysis in this article builds upon narrative histories of colonial legal trials such as Sudhir Chandra's *Enslaved Daughters* and Partha Chatterjee's *A Princely Imposter*. Chandra provides a lively legal history of the Rukhmabai case of the 1880s, in which the eponymous 22-year-old woman defied indigenous social authority and challenged colonial law by 'refus[ing] to be obligated' to an unconsummated child marriage that had been solemnised when she was 11.²⁷ Rukhmabai argued her case through the colonial courts, simultaneously igniting a controversy that involved colonial jurists, the British public, Indian social reformers and the representatives of Hindu orthodoxy, and demonstrated how significant and wide-ranging an impact the 'speaking' subaltern woman could have.

Partha Chatterjee presents a similarly engrossing narrative of a legal trial centred on a case of disputed identity in early twentieth-century Bengal. The second *kumar* (prince) of Bhawal zamindar, near Dacca, was taken ill in 1909 and believed dead soon after, until he inexplicably reappeared as a penniless *sanyasi* in 1921. The case to prove (or disprove) the *kumar*'s identity became a contentious one, involving Anglo-Indian law courts, popular opinion, and the wider news media of the day. Chatterjee reveals how the seemingly marginal women of the Bhawal Raj *antahpur*, or *zenana*, including the second *kumar*'s former wife, sisters, sisters-in-law, grandmother and courtesan, became key figures in this very public (and politicised) trial, providing the vital evidence used to determine proof of identity, and thus entering the domain of external politics and law.²⁸ Chatterjee writes that Bibhabati, the prince's wife, who vociferously denied the *sanyasi*'s claims, was 'firm, unfazed, and supremely dignified in the face of a quite vicious cross-examination' during the trial proceedings. Even after she lost in the High Court, she was relentless in pressing her lawyers to take up her case in the Privy Council, despite not having the support of the government.²⁹

Events such as the Malabar Hill case, and those discussed by Chandra and Chatterjee, reveal that indigenous women, even those in *pardah*, did speak out against patriarchal elites and tradition in colonial India, and in that most public of places—the trial courtroom. Moreover, incidents like the Malabar Hill murder trial illuminate important developments in late colonial Indian law. It reveals how British courts empowered some Indian women as individual agents before the law, allowing them to resist indigenous patriarchies despite the seeming limitations of *pardah*. Empowered by Anglo-Indian courts and colonial opinion, Mumtaz

²⁷ Chandra, *Enslaved Daughters*.

²⁸ Chatterjee, *A Princely Imposter*, pp. 382–83.

²⁹ *Ibid.*, p. 383.

exposed the social inequities and vices of the Indore zenana, and those of her princely master, eventually succeeding in dethroning the Maharaja and safeguarding her own personal freedom. While pre-colonial zenana women historically held agency from behind *pardah*, women like Mumtaz were successfully able to manipulate the new mechanisms of a colonial legal apparatus to exert their influence in the public sphere.

The Case for Mumtaz Begum: Law and Religion in Colonial India

According to Hindu law, varying castes of men, and certainly women, were not considered equal or afforded equal rights.³⁰ The British legal principle of upholding the equality of individuals before the law, however, created a legal space where the grievances of women like Mumtaz Begum could be heard. As Pamela Price argues in her research on princely south India, an emphasis on individual rights allowed courtly women to find legal redress from traditional systems of privilege and hierarchy through the British Indian courts. Zenana women, royal and otherwise, often found Anglo-Indian courts sympathetic to their position in succession, property and marriage disputes. As individuals before the law, these women successfully used the system of litigation to gain not only voice and symbolic influence, but also tangible benefits in the form of property and capital.³¹ Colonial legal courts, which privileged individual representation and agency over collective social grouping, thus enabled an otherwise displaced woman to give evidence against a male political elite. The story of Mumtaz Begum serves not only to reveal how Anglo-Indian law provided agency to *pardah*, zenana women, but also how women themselves had become catalysts in refashioning their own destinies.

The legal provisions for Indian women were hotly debated in nineteenth-century India, and the 'woman's question' came to symbolise the conflict between British administrators and their Indian subjects over the 'subcontinent's fitness for self-rule'.³² British and Indian social reformers and Christian missionaries all put pressure on the colonial state to introduce legislation improving the position of women. These social reformers focused primarily on the position of disenfranchised Hindu women, whose lack of legal rights with regard to property, divorce, or customary practices forced them into a state of dependency on the male members of their families.³³ While Muslim women enjoyed stronger legal provisions relating to property inheritance and divorce under Islamic law, cultural norms based on region

³⁰ Cohn, 'Some Notes on Law and Change in North India', p. 569.

³¹ Price, *Kingship and Political Practice*, p. 66.

³² Lambert-Hurley, *Muslim Women*, p. 146.

³³ Lateef, *Muslim Women in India*, p. 56.

and socio-economic class meant that many faced similar limitations as their Hindu counterparts. The social patterns of late colonial Muslim communities in India highlight the dominance of familial interests over individual desires, and Muslim women were particularly affected by the maintenance of regional customary practices, such as early marriage and inflexible inheritance laws. Shahida Lateef notes that 'the status and role of Muslim women in India before Independence could not be significantly differentiated from the status and role of women in other communities; the difference was a matter of region, class and caste, more than religion',³⁴ and that legal provisions for Muslim women at this time were based less on religious law than on local customs and traditions that had similarities with Hindu customary practice.³⁵ Such similarities were noted at the time; the census of India in 1872 reported that 'indeed, except for the rules of inheritance, in her occupation and mode of life the Mohammedan female does not differ much from the Hindu',³⁶ while the 1901 Census observed that while divorce was permitted for Muslim women, it was rare in Indian provinces. Reform-minded Muslim communities emphasised that the 'laws and rights of Muslim women had been eroded' through their close proximity to non-Islamic Indian communities. Male reformers actively argued for a modernist reinterpretation of Islamic personal law that awarded Indian Muslim women legal entitlements.³⁷

By the early twentieth century, Muslim women had joined male reformers in calling for an improvement in their position and the removal of customary accretions to religious law that were detrimental to their position. In 1932, for example, Mrs Hamid Ali, leader of the All India Women's Conference (AIWC), argued for the reinstatement of Muslim law, which was 'more equitable' than customary practice.³⁸ Muslim women, empowered by the growing women's movement in the early twentieth century, were particularly critical of the practice of seclusion; and anti-*pardah* movements grew after 1900.³⁹ As the Maharani of Travancore, President of the AIWC, noted:

Under Mohammedan law the property and marital relations are safeguarded, yet seclusion of home [has] led to serious difficulties. Indeed in many regions the strictness of *pardah* is regarded proportionate to the status of the family, and much patient work needs to be done to eradicate such ideas.⁴⁰

³⁴ *Ibid.*, p. 75.

³⁵ *Ibid.*, p. 59.

³⁶ *Ibid.*, p. 62.

³⁷ Lambert-Hurley, *Muslim Women*, p. 146.

³⁸ Lateef, *Muslim Women in India*, p. 90.

³⁹ *Ibid.*, p. 78.

⁴⁰ *Ibid.*, p. 84.

In addition to social reform, the Indian women's movement, aided by European suffragism and British female members of Parliament, sought political enfranchisement. Women soon after gained the right to vote, first in Travencore in 1920, then in Madras in 1921, and thereafter across India.⁴¹ The experiences of Mumtaz Begum, as presented through her trial evidence, resonated strongly with these larger debates about women's education, suffrage, *pardah* and family law, by both colonial administrators and indigenous reformers. They also coincided with the colonial regime's tireless efforts to detect 'degeneracy' within princely Indian governments. Mumtaz's damning critique of zenana life reflects her astute awareness of how her testimony related to this larger drama between ruler and ruled, reformer and traditionalist. Her trial evidence not only reinforced the British perception of the debauched princely household with its sexual excesses, but also served to support reformist critiques of the archaic, outmoded practices of palace life, such as *pardah*, polygamy, child prostitution, early marriage, and lack of education for young girls. It is no surprise, therefore, that it dominated the news media of its day.

The Malabar Hill Murder Trial⁴²

The Malabar Hill murder trial began on Monday, 27 April 1925 and went on until 7 May. Mumtaz's evidence, given in Urdu, opened the proceedings. Although she could not read Urdu, she read some Marathi, and her oral evidence was translated into English.⁴³ As she explained to the court, long before the fateful night on Malabar Hill, she had been a concubine in Tukoji Rao's zenana.⁴⁴ She had first arrived in Indore at the age of 11 or 12 from her original home in Hyderabad, and was introduced to the Maharaja as a singing girl. This was not an unusual occurrence. As Indrani Chatterjee notes for the Nizamat of Murshidabad, concubines were generally trained in the arts of music and dance, while later serving as sexual partners for men of the household or as servants to the matriarchal heads of the zenana.⁴⁵ As a resident of the Indore zenana, she would have entered a uniquely female world. In addition to the wives, mothers, sisters, and other female relations of the dynastic family, the zenana would have included courtesans like herself (who often exceeded the number of royal wives) and women in service capacities such as maids, cooks, dyers, tailors, genealogists, female priests, seamstresses,

⁴¹ *Ibid.*, p. 86.

⁴² Bawla Murder Trial, Part I. From Monday 27 April 1925 to Thursday, 7 May 1925, 1-206 in R/2 (418/14). Crown Representative's Residency Reports, India Office Library, London. (Hereafter Bawla Murder Trial, Part 1.)

⁴³ *Ibid.*, p. 53.

⁴⁴ *Ibid.*, p. 3.

⁴⁵ Chatterjee, I., *Slavery, Gender and Law*, p. 66.

preparers of hookahs, wet nurses, midwives, musicians and singers.⁴⁶ Mumtaz Begum did not become Tukoji Rao's mistress until her third visit,⁴⁷ and thereafter she lived with him in Indore.

There is a long history regarding princely courtesans in the Indian kingdoms. As the Maharaja of Dhrangadhra remembers of the mistresses of his grandfather, there were several gradations of 'kept women'. There was the *Marzidan*, 'a favourite, who could come and go as she pleased and wasn't a kept woman', and the *Padadayatji* (Persian) or *Avarodha* (Sanskrit), who 'took the veil and wore gold on her ankles [a distinction once the equivalent of a knighthood for men] ... whose children became charges on the State and the public exchequer'.⁴⁸ The *Padadayatji* had her own privileges, and the *zenana* Maharanis and daughters-in-law of the house would have to curtsy before her in certain circumstances. Lastly, there was the *Paswanji*, who wore jewellery and 'sat on equality with the wives'. These ladies were not legitimate wives because they belonged to different castes from the ruler, as the Maharaja of Dhrangadhra explains. In the region of Saurashtra, most royal mistresses were Muslim.⁴⁹ Indrani Chatterjee also notes that fine clothes and jewellery were worn to denote the status of individual courtesans or that of their masters.⁵⁰ As these classifications reveal, mistresses often had their own jewels, monies and properties given from the state treasury, as well as forms of privilege and respectful address. Like the wives of the Maharaja, they shared in the running of the *zenana*, and in some instances indirectly governed the state. Mumtaz must at one point have ranked relatively high in the Indore *zenana*, as she travelled to England as part of Tukoji Rao's entourage along with the Senior Maharani, under the alias of Kamlabai. After staying in England for a year, she returned home pregnant with the Maharaja's child.⁵¹

Throughout the proceedings, Mumtaz Begum presented herself as the victim of various forms of coercion at Indore. She alleged that Tukoji Rao had used force from the very beginning of their relationship, recounting as evidence the fact that, six years prior to her escape, her mother had made a complaint that two men had taken her 'forcibly to Indore', a fact which her grandmother corroborated.⁵² On several occasions, Mumtaz claimed, she had been compelled to lie about her age on the orders of the palace; when a lady doctor came to examine her, presumably for gynaecological reasons, she told her she was 17, when in actuality she was only 13 years old.⁵³ Her relationship with her own relatives, as described in the

⁴⁶ Joshi, *Polygamy and Purdah*, pp. 115, 158–59; Chatterjee, *Slavery, Gender and Law*, p. 67.

⁴⁷ Bawla Murder Trial, Part 1, p. 12.

⁴⁸ Maharaja of Dhrangadhra, personal correspondence with the author, via letter, 16 March 2005.

⁴⁹ *Ibid.*

⁵⁰ Chatterjee, *Slavery, Gender and Law*, p. 130.

⁵¹ Bawla Murder Trial, Part 1, p. 3.

⁵² *Ibid.*, p. 12.

⁵³ *Ibid.*, p. 13.

court deposition, appears to have been strained, with insinuations of assault and psychological abuse. Mumtaz revealed that it was her mother who had facilitated her meeting with the Maharaja as a young girl, and who kept all the jewellery given by Tukoji Rao. When she became the prince's mistress, Mumtaz's family lived with her in a bungalow within the palace compound, and were given the use of three to four servants.

Mumtaz lived in the bungalow for two-and-a-half years, after which a senior maid by the name of Shankerrao took her to the Maharaja's old palace, where she remained until she finally ran away. Tukoji Rao treated her relatively well for the first three years. After that, however, things began to deteriorate: her actions became circumscribed and she was placed under virtual house arrest. She was not allowed free movement or access: 'there were guards round the palaces where the Ranis lived. There were watchmen round the house and also inside the house.'⁵⁴ She described her life in Indore as one of confinement: 'During those 10 years I was not allowed to go where I liked. I was not allowed to see my relations. I moved about with the Maharaja. My relations were called when my child was born. At first I was not allowed to see them.'⁵⁵ She later portrayed this situation as synonymous with being under house arrest: 'I was kept as a prisoner all the time.'⁵⁶ As she told the court, 'he ill-treated me in ordinary manner. He did not allow me to feed or wear whatever I liked. I would have left Indore before I went to England but I did not get an opportunity.'⁵⁷ At various times, she wanted to solicit help from the police, but was forced to lie and state that she was travelling of her free will when she was not. Moreover, the Maharaja was not monetarily generous. He gave her jewels to wear but no money, although her mother received a salary. At the beginning of their affair she had a car and house, but later these were taken from her and her family. In addition, the jewellery she wore was never hers, but part of the Indore treasury, to be borrowed and then returned.⁵⁸

Mumtaz's most damning allegations were directed against the Indore zenana, where, she claimed, the Indore nurses had murdered her baby. 'After my child was born,' she said, 'I was unwilling to stay at Indore. I was unwilling because the nurses killed the female child that was born.'⁵⁹ The death of her baby was the last straw, and her desperation to leave the Maharaja emboldened her. While on the train between Bhanpura and Delhi, she hastily wrote off letters to the Police Commissioner in Delhi and the Viceroy seeking assistance, a move made on the advice of her stepfather.⁶⁰

⁵⁴ *Ibid.*, p. 14.

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*, p. 16.

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*, pp. 15–16.

⁵⁹ *Ibid.*, p. 41.

⁶⁰ *Ibid.*

The British law courts were predisposed to believe such depictions of the colonial zenana, and Mumtaz painted the courtly household in the familiar language of social deviance and barbarism, representing the Indore zenana as an archaic institution where inhumane practices regularly occurred. British colonial magistrates and courts, as well as British-trained Indian lawyers, sympathetic to the arguments of Indian reformers and the nationalist cause, would thus have seen Mumtaz's testimony as illustrative of all that was evil in 'feudal' states and domestic households. Moreover, her testimony suggests that either she or her legal counsel were well aware of how her words would resonate with these wider discourses. Mumtaz vividly portrays a zenana governed by the practices of polygamy, concubinage and *pardah*, where coerced underage sexual relations took place. These were institutions to which both indigenous Indian reformers and colonial legislators were opposed, and Mumtaz's evidence would have been sympathetically received by colonial officials concerned with recreating Indian society according to Victorian definitions of sexual propriety, good governance and transparency. Moreover, in her indictment, she makes the controversial charge of female infanticide, invoking a longstanding colonial concern with the perpetration of this crime within a domestic sphere that was largely beyond the reach of their laws. As Malavika Kasturi points out, British labelling of certain groups, in particular Rajput clans in northwest India, as 'infanticidal' both reflected the colonial discourse on Indian barbarism and provided a pretext for the colonial state to use draconian measures to survey and control turbulent populations by gaining access to the previously inaccessible space of the Indian household.⁶¹ For the colonial observer, female infanticide, a crime that took place in the impenetrable recesses of the home, came to symbolise the dark workings of the Indian zenana, and its potential as an amoral and subversive space which colonial law struggled to penetrate. Mumtaz thus adroitly situated herself as the inhabitant of a licentious household and the victim of a deranged crime: the Eastern woman at the mercy of the Oriental oligarch, whose only hope appears in the form of the Westernised man, either as physical saviour, legislator, or social reformer.

Mumtaz first met the Muslim Bombay businessman Bawla in August 1924 through her maternal uncles. In contrast to Tukoji Rao Holkar, Mumtaz described Abdul Kadir Bawla as a generous caretaker and lover. Bawla gave her ornaments and jewels.⁶² He also paid her an allowance. As she noted, 'While I was with my mother, Bawla paid me Rs. 1000/ per month. Afterwards he gave me whatever I wanted, i.e. food, clothing and allowance: no money.' She continued: 'I enjoyed more luxuries in Bawla's house than I had at Indore.'⁶³ Furthermore, she was

⁶¹ See Kasturi, *Embattled Identities*.

⁶² Bawla Murder Trial, Part 1, p. 27.

⁶³ *Ibid.*, p. 34.

happy with him, and at the time of the murder was pregnant with his daughter. As she remembered him: 'I had once gone to the Poona Races with Bawla. I was quite happy with Bawla. I never had any intention to leave him.' Her aunt, Nathajan Mahomed Badiud Jamankhan, corroborated that 'He and Mumtaz were inseparable, any warning given to one was given to the other.'⁶⁴ Moreover, Bawla had provided legal support for her when she discovered the Maharaja of Indore was going to issue a warrant for her arrest,⁶⁵ and it is clear that Mumtaz saw Bawla both as the object of her affections and as an instrument towards economic freedom and independence of a kind not achievable within the Indore court.

At the time that she met Bawla, Mumtaz knew the Indore 'people' were after her, and never travelled or went anywhere alone. The Indore Durbar had issued a warrant for her extradition on the trumped-up charge of stealing jewellery from the treasury, which she denied.⁶⁶ Mumtaz claimed that she had wanted to leave Indore long before her trip to England,⁶⁷ and at one point the Maharaja had even told her that she could leave if she wished, although Mumtaz believed the Maharaja's avowal of freedom was disingenuous:

I made that petition to the Commissioner of Police in spite of the Maharaja having told me to go wherever I liked. I did not get any opportunity to go away before. He made these statements without any meaning in it. I did not make any attempt to go. He was not sincere. I sent this letter to the Commissioner of Police, Bombay, because if I was ordered to go back to Indore I intended to go to Rutlam and from Rutlam to Bombay. I understood that I was being sent to Mussoorie, but I did not know that the Maharaja would change his mind and order me back to Indore.⁶⁸

Mumtaz's stepfather, Mahomedali Mohamed Yusuf, reported that Tukoji had longed to see her after she left him. The Maharaja's aide, Zakaualla, visited Mumtaz in Amritsar and told her stepfather 'that the Maharaja was weeping and he was anxious that she should go to him.' Yusef added that 'Mumtaz absolutely refused to go to Indore. Then Zakaualla said they would take her any way they liked under the orders of the Maharaja and they left in anger.'⁶⁹ Throughout this period, Mumtaz maintained strict *pardah*. As she informed the court, 'since I went to Indore I was a Purda Lady. I continued the Purda after I left Indore and after I came to Bombay.'⁷⁰

⁶⁴ *Ibid.*, p. 91.

⁶⁵ *Ibid.*, p. 40.

⁶⁶ *Ibid.*, p. 27.

⁶⁷ *Ibid.*, p. 36.

⁶⁸ *Ibid.*, p. 37.

⁶⁹ *Ibid.*, p. 48.

⁷⁰ *Ibid.*, p. 39.

At first her family was ambivalent about her becoming the mistress of a wealthy man, and Mumtaz maintained that she had not met any men in Bombay before Bawla and that she continued to practice *pardah*.⁷¹ While her parents ultimately permitted her to see Bawla, she was not allowed to go out late at night. 'In Bombay,' she told the court, 'my parents did not prevent me from going about with Bawla, but they asked me not to move about late at night because the Indore people were after me.'⁷²

Her trial evidence makes it clear that Mumtaz Begum was part of a larger, more complex world than the confines of *pardah* might suggest. Ever since her childhood, she had been bartered between her family and male lovers as a sexual object. While living as the Maharaja's mistress in Indore, she was also in the company of her mother and stepfather, who had their own house on the palace grounds. It is also apparent that she had since been hiding from the Maharaja, and this was in part her motivation for becoming the mistress of her second lover, Bawla. Bawla, who she had met through her maternal uncles, Allabux and Alladin,⁷³ provided her with a house and enough financial resources to look after her mother and stepfather, as well as several other extended relations. At one point in their relationship, she requested money from Bawla in order to give it to her aunt, Nathajan Mahomed Badiud Jamankhan.⁷⁴ What remains ambiguous is whether Mumtaz resented her family's behaviour. At some points in her narrative, it seems that she is gently chiding them, alluding, for example, to the fact that her mother kept her jewels under lock and key and encouraged her into a life of sexual service as a young girl. Indeed, at one point, she claimed that her mother and stepfather were after the jewellery that her grandmother had given her. These pieces were originally gifts from Maharaja Ranjitsinhji, who had been her grandmother's lover, and had not come from Tukoji Rao.⁷⁵ At the same time, however, she notes that her parents protected or supported her. They encouraged her to run away from Indore, for example, and wrote petitions for her safety to the Police Commissioner and the Viceroy. In their oral depositions her family members denied charges of manipulation; her mother's brother, Allabux Wazir, refuted the fact that he was acting as a pimp or purveyor of sexual partners for Mumtaz,⁷⁶ while her stepfather emphasised the fact that the family was getting on well with each other. As he said in court: 'We had no quarrel with Mumtaz. She had no quarrel with her mother, but her mother used to warn her against going out at night and remaining out late at night. There was no other difference between them.'⁷⁷ In addition, when Mumtaz

⁷¹ *Ibid.*

⁷² *Ibid.*, p. 40.

⁷³ *Ibid.*, p. 6.

⁷⁴ *Ibid.*, p. 85.

⁷⁵ *Ibid.*, p. 16.

⁷⁶ *Ibid.*, p. 74.

⁷⁷ *Ibid.*, p. 57.

contended that Bawla had maintained her well, her stepfather questioned that assertion, suggesting that he only paid her a lump sum of Rs 1,000 once or twice and did not give her any ornaments.⁷⁸ Thus, it is apparent that Mumtaz provided income for the entire family to subsist through her sexual relationships, and her testimony suggests that she was at least somewhat ambivalent towards her family's actions.

On the night of Bawla's murder, the household went for a typical evening drive in Bombay. The car contained Mumtaz, Bawla, the driver Mahomed Sharif, and a retainer by the name of Mathews. They drove to Apollo Bunder, then Colaba, Chowpatty, Mahaluxmi Battery, through Walkeshwar and the Hanging Gardens. As they neared the Hanging Gardens, they heard the car horn of a vehicle behind them. They had been driving fast, but the driver slowed down, and the second car drew up to them on one side. There was a quick altercation; Mumtaz told the court: 'I heard abusive words directed against Mr. Bawla and someone saying "Put down our Bai."' ⁷⁹ Both cars stopped, and men leaped out of the pursuing vehicle. They were soon surrounded on all sides. She describes the ensuing mayhem:

I cannot say how many were there. Then someone put his head into the car and fired a pistol. They did that on both sides One man dragged me out of the Car, and stabbed me on the forehead. I had three wounds. Someone lifted me up and carried me away towards the other side of the road.⁸⁰

Mumtaz's rescuer was one of three British army officers who had arrived on the scene of the crime. They took quick action, which saved her life, and later allowed Mumtaz to give the evidence that subsequently endangered the Maharaja's throne. She recalled:

In the meanwhile the European who rescued us came in a car. As soon as that Car came I shouted out: 'For god's sake, help me' Then.... I was made to sit in the Car by the man who struck me with the knife ... I was again struck on the forehead. Then that Sahib rescued me ... [he] who rescued me bound the man who had struck with the knife hand and foot.⁸¹

The three English officers had just returned from a round of golf at the Willingdon Club and were heading back to the Taj Mahal Hotel for evening drinks, when they came across the mayhem.⁸² Unprepared, they used golf clubs as weapons in the

⁷⁸ *Ibid.*, p. 58.

⁷⁹ *Ibid.*, p. 9.

⁸⁰ *Ibid.*, pp. 9–10.

⁸¹ *Ibid.*, p. 10.

⁸² *Ibid.*, p. 125.

skirmish. John Malcolm Saegert, one of the three, described the scene, which they encountered after they had driven down Gibbs Road and then up the Ridge Road:

I saw two cars draw up to the right side of the road. Just as we came around the corner about 30 yards away we saw some figures getting out of the leading car and then we saw some flashes. Directly after the flashes there were loud screams from the second car. The flashes were the flashes of a pistol. I did not hear the report. When I heard the screams I stopped my car and we all got out.... When I got to the car I saw three men trying to drag a woman out of the car and two men standing level with the chauffeur's seat ... three men were threatening the woman with knives and she had already been cut with the knife. I shouted and ran up when one of the two men near the chauffeur's seat turned round and fired at me with a pistol on the right shoulder and the other man stabbed me with a knife as I ran past. I pulled off two of the men who were attacking the woman and threw them into the road....

As I closed with the man who first fired at me I heard loud screams from the directions of my car. I left the man who was attacking me and turned round and now two men again were attacking the woman. I went back and called out these people and we fought together and as we fought we got round to the front of my car...

I got up then and saw that somebody had put the woman in my car. She was bleeding sitting on the back seat....⁸³

It was Saegert's co-officer, Francis Batley, who carried Mumtaz to the back seat of their car. As Batley told the court:

Next thing I remember clearly is an Indian lady running over to the other car and making to be taken away. She was bleeding profusely and there were three cuts on her forehead. I put her into our own car, put her out of the way of the struggle.⁸⁴

He then also joined the tussle armed with a golf club. These images of protection classically reinforce the imperial fantasy of the European as saviour of the brown woman from the vices of the native man.⁸⁵ At the trial, the two Englishmen described in some detail the faces of Mumtaz's assailants, and recounted how they had spotted the murderers in a police line-up at Indore. The culpability of the

⁸³ *Ibid.*, pp. 126–28.

⁸⁴ *Ibid.*, p. 136.

⁸⁵ Refer to Gayatri Spivak's famous line on *sati*: 'white men saving brown women from brown men', Spivak, 'Can the Subaltern Speak?', p. 297.

palace was thus fully established. How close the conspiracy had been to the Maharaja was not spelt out, but it was near enough to sufficiently damage Tukoji Rao's reputation.

Above the Law: Maharaja Tukoji Rao's Abdication as a Question of Treaty

After the trial, Mumtaz, who was then pregnant with Bawla's baby, went off to Hollywood to make her fortune.⁸⁶ A film of the story, *Kulinkanta*, was later produced in Bollywood.⁸⁷ Tukoji Rao, on the other hand, was left to stand trial or face the Commission, but chose abdication. The post-trial climate was dangerous for the Maharaja. In a letter to the Political Secretary to the Government of India, R.I.R. Glancy, Agent to the Governor-General in Central India, pointed out the effects of the trial on the Maharaja's safety. The Bawla family was personally involved in a vendetta against the Maharaja:

The Prime Minister Indore State informed me that information had been received to the effect that the Bawla family contemplated taking their revenge by assassinating His Highness and had engaged a noted 'badmash' of Bombay named Ali Aliya. He asked that arrivals of suspicious persons, especially Pathans, should be watched and that if such persons entered the Residency bazaars, information should be given to him. The guards on the Palace have been increased and armed guards will in future follow the Durbar motor in another car.⁸⁸

As Glancy suggests, the implications of the crime not only besmirched the reputation of the Holkar ruler, but also affected his physical safety. 'This is purely inference,' Glancy wrote, 'but it is obviously thought that the crime has been brought near enough to the Ruler and that to bring it nearer could do him no good. I imagine too that the individuals concerned are too dangerous for the Prime Minister to tackle.'⁸⁹ In addition, the Maharaja had become a target for all sorts of criminal types. 'Blackmailers' from all over India, including the Rana of Barwani,

⁸⁶ Younger, *Wicked Women of the Raj*, p. 150.

⁸⁷ Bhaumik, K. 'The Emergence of the Bombay Film Industry, 1913–1936', Unpublished D.Phil. thesis, University of Oxford, 2001, p. 88.

⁸⁸ Political Report from R.I.R. Glancy, Confidential Branch, Central India, on 31 January 1925, p. 35. 'Malabar Hill Outrage (murder of Mr. Bawla) and the Alleged Connection of H.H. the Maharaja Holkar with it', in R/2 (421/15), Crown Representative's Residency Reports, India Office Library, London.

⁸⁹ *Ibid.*

requested money from the Indore ruler.⁹⁰ The prince's sexual proclivities and jealousies had got him into deep waters.

Tukojirao wrote his official letter of abdication in a communication with Glancy, sent nearly a year after the murder was committed. It is a brief, but telling correspondence, which articulates the Maharaja's reasons for relinquishing his *gaddi* rather than taking the stand in the Bombay High Court. Tukojirao's letter outlined the precedent behind the original treaty or *sanad* between the crown government and his ancestor. Specifically, Tukojirao asserted that, as a sovereign indigenous prince, he was not under the jurisdiction of British Indian law, and that this was stipulated in the precepts of the original *sanad* between Indore and the British. As he explained to Glancy, 'Rightly or wrongly, I have all along adhered to the belief that neither on the analogy of International Law nor as a matter resting upon treaty is a Prince of my position liable to be tried.'⁹¹ The letter also specifically referred to an earlier 1918 epistle, which the Prince had sent with regard to the Montagu-Chemsford Report. This Report, which formed the basis for the Government of India Act, 1919, gave 'formal recognition to many of the ruler's claims to autonomy'.⁹² The Indian princes as a whole had been pushing for greater sovereignty in their own states and the ability to participate in governance around the empire. In 1916, Viceroy Lord Chelmsford had conceded to this demand, and organised the first conference of princes in Delhi. By 1921, they had founded their own chamber. Citing this earlier letter, Tukojirao argued that he must protect the solemnity and authority of his regal dynasty rather than his own personal position as a monarch. As he stated, having the

... status, rights and privileges of a Ruler of my position, I cannot persuade myself to act contrary to my convictions and to accept a commission or Committee of Enquiry. Rather than sacrifice the principle for which I have stood throughout my career as a Ruler, it would be more dignified to sacrifice my own self by abdicating.⁹³

The threat of a commission sometimes forced rulers to give up their powers for a short period or to abdicate completely.⁹⁴ During Lord Curzon's viceroyalty,

⁹⁰ In response, Tukojirao had received sympathetic communications from the rulers of Gwalior, Alwar, Bhopal and Dholpur in support of his predicament.

⁹¹ Letter from Tukojirao to R.I.R. Glancy, C.S.I., C.I.E., Agent to the Governor General in Central India, Camp Bijasani, 26 Feb. 1926, p. 1. 'Minority Administration of Holkar State', in R/2 (435/107), Crown Representative's Residency Reports, India Office Library, London.

⁹² McLeod, *Sovereignty, Power, Control*, p. 55.

⁹³ *Ibid.*

⁹⁴ Ramusack, *Indian Princes*, p. 119.

15 princes had reacted in such a manner.⁹⁵ Tukoji Rao appears to have been well aware that this action might be translated into an admission of guilt or an expression of cowardice. To many, it did appear that he was guilty. He conceded that point:

I fully realize that the World, from the mere fact of my not facing an Enquiry, may wrongly draw its own conclusion as to my guilt and may never realize that it was not the consciousness of guilt but adherence to principle which had determined my action.⁹⁶

The prince's response is an interesting aperture into the role of law in princely India and its effect on the political relationship between Indian kings and the paramount power. From the Indore ruler's perspective, an Indian prince, as 'an independent ally of the British Government', was above trial in a British Indian court; in contrast, the British took a more all-encompassing view of the ambit of colonial law. While the policy of British indirect rule has sometimes been described as the treaty system, only around 40 Indian states signed treaties with the East India Company and its successor, the British Crown. At various times, the treaties referred to specific events, issues or concerns. As Barbara Ramusack points out, the 'interpretation of these treaties became arenas of manoeuvre and negotiation among British political officers, Indian rulers and their ministers, and the British and Indian lawyers until the demise of the states in 1948'.⁹⁷ Tukoji Rao's detailed reference to the Holkar *sanad* hence emerges out of a spirited debate on the role of sovereignty and paramountcy between Indian princes and the British Raj. Indore's treaty⁹⁸ sanctioned 'the rights, dignities and privileges secured to [Holkar rulers] by treaties, sanads, and engagements or by established practice'. The British Government would 'observe treaty obligations', 'refrain from interference', and 'protect the States from it'.⁹⁹ In addition, the British conceded that each state was different and had its own 'peculiar rights, customs and traditions' that differentiated it from other kingdoms. Hence, the rulers were encouraged to express their own particular perspectives. Due to this 'invitation' to communicate 'his views', Tukoji Rao articulated his particular concerns and those of Indore in his 1918 letter.¹⁰⁰

⁹⁵ Ashton, *British Policy towards the Indian States*, p. 24.

⁹⁶ Letter from Tukoji Rao to R.I.R. Glancy, 26 Feb. 1926, p. 1. 'Minority Administration of Holkar State'.

⁹⁷ Ramusack, *Indian Princes*, p. 52.

⁹⁸ In Holkar's case, British victory at the battle of Assaye led by Arthur Wellesley, brother of the governor-general, resulted in the original treaty in 1803.

⁹⁹ Letter from Major Ramprasad Dube, Rai Bahadur, Chief Minister to H.H. The Maharaja Holkar, to The First Assistant to the Agent to the Governor General in Central India, Indore, Darbar Office, Indore, 16 Dec. 1918, p. 2, in 'Minority Administration of Holkar State'.

¹⁰⁰ *Ibid.*

Tukojirao, like many of his fellow rulers, was emphatic that he was not in treaty with the representatives of British India, but with the Crown itself. This distinction was significant for the native princes, who did not see themselves as under the jurisdiction of British Indian political or civil servants, but rather on par with their fellow monarch, the English sovereign.¹⁰¹ As Tukojirao put it: 'An autonomous Government of India controlled by the elected or nominated representatives of British India, is not the power with which His Highness' ancestors entered into treaty or political relation.' He did not believe himself to be under the authority of British India, but rather, to be under that of the Crown. In his mind, British India was a 'sister state', like the leading 21-gun salute Indian kingdoms, and was to be treated in a similar fashion. 'With an autonomous Government presided over by a Governor General,' he wrote, 'British India can but occupy with regard to Indore, the position of a sister state, like Gwalior or Hyderabad, each absolutely independent from each other and having His Majesty's Government as the connecting link between the two.'¹⁰² Elucidating further the distinctions between British India and the Crown government, Holkar suggested that the Viceroy (while simultaneously Governor-General) was only seen as the representative of His Majesty's government by indigenous princes. Since British India was merely a 'sister and neighbouring state', Holkar underlined that he had a right to 'deal direct with His Majesty's Representatives in India or his Majesty's Government in London, rather than become a part of, or co-ordinate factor in the machine of any autonomous Government of British India'. His relationship with British India was only as an 'independent ally of the British Government'.¹⁰³ In a prescient moment, which he could not have fully foreseen in 1918, Tukojirao argued against 'being drawn into the whirlpool of British Indian politics where their relations with the autonomous Government would be at the mercy of every political change.'¹⁰⁴ It is this very argument which he used to support his motivations for not taking the stand in the Malabar Hill Murder trial. Therefore, he concluded that the interests of Indore must remain with 'His Excellency the Viceroy', but not with the 'representatives of British India whose interests may be divergent'.¹⁰⁵

Tukojirao was particularly concerned with how the 'divergent' interests of the British affected their intervention in the internal affairs of the princely states. He noted that, in intervening, the British Indian government broke with the validity of the states' original *sanads* and treaties. The letter went on to provide a long history for the precedent and legalities of these original treaties, which gave significant internal autonomy to the states, if not external authority. He argued that

¹⁰¹ Maharaja of Dhrangadhra, correspondence with the author, via letter, 16 April 2005.

¹⁰² Letter from Major Ramprasad Dube to the Agent to the Governor General, 16 December 1918, pp. 2–3, 'Minority Administration of Holkar State'.

¹⁰³ *Ibid.*, p. 3.

¹⁰⁴ *Ibid.*

¹⁰⁵ *Ibid.*

intervention not only breached the sanctity of the treaty laws, but often had further negative results, too. As he wrote in 1918:

... one of the strongest arguments in my mind against interference is, that it is more apt to work evil than good. There is nothing in our political administration that requires so much circumspection, and caution, and discreet judgment, as interference in the affairs of other States. A single mistake on the part of an agent may cause irreparable mischief; and the power left to agents on such occasions is immense.¹⁰⁶

He stressed that intervention did not necessarily prevent further calamities, but often caused them. As it bears upon the 1925 crisis, Holkar princes were exempt from being tried, according to the precepts of their original treaties. Putting a ruler on trial affected his relationship with his subjects, as Tukoji Rao explained:

... the idea of putting a Ruler on trial, though the proceeding of it may not be made public, seems to His Highness to be of a startling nature. The position of the Rulers of Indian states is unique. Set in authority over millions of their subjects they exercise a power and influence which is a great asset to the Empire. The whole-hearted loyalty of the subjects to their Ruler is entirely a personal loyalty built up on ancient tradition and custom.¹⁰⁷

Hence, he suggested that indicting a prince would weaken his relationship with his *praja* and make it more difficult to govern his state legitimately. In addition, this would threaten the British project of indirect rule through the legitimacy of traditional leadership. It not only affected the person of the ruler, but also the lustre and reputation of his entire dynasty:

What can lower a Prince more than the spectacle of his being dragged like an ordinary criminal before a Court of Enquiry. Even if the verdict is in his favour, his glamour goes forever, thus weakening not only his hold but that of his successors too on the willing respect and obedience of the people that had been paid to the Ruler from generation to generation.¹⁰⁸

Furthermore, a trial would render the prince vulnerable to the vices of 'mischief-mongers and busy-bodies' to stir up further 'discontent by exaggerations and inventions'.¹⁰⁹ This is exactly what did happen to Tukoji Rao himself when he became a

¹⁰⁶ *Ibid.*, p. 9.

¹⁰⁷ *Ibid.*, p. 15.

¹⁰⁸ *Ibid.*

¹⁰⁹ *Ibid.*

target for blackmailers after news of the murder became public. Clearly, this earlier letter created the basis for Tukojirao's response to the outcomes of the murder trial, and his decision that he would not be tried in a British Indian court.

Aftermath

The period following the Malabar Hill Murder saw the continued role of women in the high stakes game of political manoeuvring in Indore state. At a time when miscegenation was still largely prohibited and often came with severe consequences,¹¹⁰ the Holkar princes crossed the race barrier through the act of marriage. After his abdication, Tukojirao married an American woman, Nancy Miller, against the explicit advice of his British advisors in 1928. His son Yeshwant Rao would face similar criticism over his personal romantic choices when he married not one, but two, American women in the 1930s and 1940s. Under pressure from his local state ministers and the British, Yeshwant Rao was forced to accept these marriages as morganatic. Any interracial progeny he had were barred from the dynastic succession. Thereafter, the Holkar ruler was compelled to rewrite Indore succession practice and favour his eldest child, a daughter, the princess Usha Raje, from his first traditional Hindu Maratha wife, Sanyogitabai Raje. In 1961, the Government of India recognised Usha Raje as the new Maharani of Indore in her own right, and as the legitimate heir to Yeshwant Rao. Thus the Indore dynasty, which was traditionally patriarchal, made an important change, instituting female succession in a Hindu Maratha kingdom.¹¹¹

Conclusion: Sexuality, Law and Politics in Colonial Princely India

The murder trial of 1925 had several consequences for Indore state politics. After Tukojirao Holkar's abdication, the prince entered a period of travel which resulted in subsequent marriages of an undesirable kind. His interracial marriage and those of his successor, Yeshwant Rao, eventually enabled a female descendent to ascend the throne, thereby overturning centuries of male primogeniture. In this manner, various colonial interventions, in the form of Anglo-Indian law and later the granting of female succession, empowered members of the Indore zenana to override hereditary male tradition.

The case also demonstrates the complex nature of the relationship between the colonial state and the 'colonised' woman, and between the colonial state and the Indian princes. The use of Anglo-Indian legal courts protected some indigenous women against male dominance, allowing them to voice their grievances. In this

¹¹⁰ Ballhatchet, *Race, Sex and Class*; Hyam, 'The Sexual Life of Raj'.

¹¹¹ There have been other famous Holkar queens, notably Ahilyabai, who had served as regent in the eighteenth century, but none were installed as regnant Maharanis or dynastic successors.

instance, they enabled an otherwise displaced woman to give evidence against a male political elite. The story of Mumtaz Begum serves not only to reveal how Anglo-Indian law provided agency to *pardah*, zenana women, but also how women themselves had become agents in recreating their own destinies. Mumtaz Begum successfully removed herself from the princely household, first through her escape to British India, then by acquiring a new lover, Bawla, and finally through the intervention of imperial agents and law courts, thereby disabling prior systems of power. Her damning critique of zenana life reflected an astute awareness of how her testimony related to the larger drama between ruler and ruled, reformer and traditionalist. Her trial evidence not only reinforced the British perception of the debauched princely household with its sexual excesses, but also served to support reformist critiques of the archaic institutions of the zenana, such as *pardah*, polygamy, child prostitution, early marriage, and lack of education for young girls. Women like Mumtaz thus proved influential in the political relationship between indigenous princes and the paramount power, both in their corporal, sexualised selves and through their metaphorical, symbolic power. Moreover, in demonstrating how the oral evidence of a largely illiterate young courtesan, who had been a member of the prince's household for nearly 10 years, could lead a ruler to abdicate, Mumtaz Begum's narrative reveals that colonised women had greater agency than was earlier believed. Mumtaz Begum used colonial legal courts to impugn the practices of abuse within the Indore zenana at a time when indigenous and colonial reformers were critiquing traditional and customary practices, both Hindu and Muslim, such as *pardah*, divorce and property rights, while simultaneously advocating female suffrage. In many ways, this investigation reveals the overlaps in Hindu and Muslim courtly female cultures, as well as the similarities over reform issues for both Hindu and Muslim women during the late colonial period. It also complicates colonial and postcolonial readings of *pardah* women as isolated from a public sphere of dialogue and power. Rather, the case suggests that colonised women were actively engaged in resisting indigenous and colonial patriarchies.

Finally, the case exposes the complex interaction between native princes and the colonial state, and the processes of contestation and negotiation through which these relationships were determined. By crossing the boundaries of British colonial and princely jurisdiction, and the 'uncolonised' domestic space of conjugal and sexual relations and the 'public' sphere of colonial law, the trial demonstrated the problems inherent in the use of such binaries. Furthermore, the Indian princes' relationship to the paramount power cannot be simplistically determined as one of either independence or dependency. Tukoji Rao was able to thwart the British Indian colonial legal system by invoking his special status—as a direct partner of the British Crown who was not subject to British Indian law—but ultimately he could not escape the consequences of criminal implication and was forced to abdicate.

The Indian Economic and Social History Review, 46, 3 (2009): 373–400

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