

4-2021

The Legal Question of Being an "Anglo-Indian": Race, Identity, and Law in Colonial India

Vishwajeet Deshmukh
Government Law College, Mumbai

Follow this and additional works at: <https://digitalcommons.georgiasouthern.edu/aujh>



Part of the [History Commons](#)

Recommended Citation

Deshmukh, Vishwajeet (2021) "The Legal Question of Being an "Anglo-Indian": Race, Identity, and Law in Colonial India," *Armstrong Undergraduate Journal of History*. Vol. 11 : Iss. 1 , Article 2.

DOI: 10.20429/aujh.2021.110102

Available at: <https://digitalcommons.georgiasouthern.edu/aujh/vol11/iss1/2>

This article is brought to you for free and open access by the Journals at Digital Commons@Georgia Southern. It has been accepted for inclusion in Armstrong Undergraduate Journal of History by an authorized administrator of Digital Commons@Georgia Southern. For more information, please contact digitalcommons@georgiasouthern.edu.

The Legal Question of Being an "Anglo-Indian":

Race, Identity, and Law in Colonial India

Vishwajeet Deshmukh

Government Law College

(Mumbai, India)

The British Empire in India also known as the "The British Raj" which spread across modern-day Pakistan, India, and Bangladesh barring the Portuguese colony of "Goa" and the French colony of "Pondicherry."¹ The British Raj had a clear demarcation among its subjects on account of their race; the classification as reflected in regulations by the Raj were European and non-European. This classification formed a part of the legal position of its demographic population by colonial authorities in the eighteenth century. However, a set of groups that did not fall under either of the groups had emerged since the eighteenth century—"Anglo-Indians."² A group that was a mixed-raced group formed through the union of European fathers and native/non-European mothers over the course of colonial times.³ Their status under the regulations by colonial

¹ George Smith, *The Geography Of British India: Political and Physical* (London: John Murray, 1882), 1.

² David Pomfret, *Youth and Empire Trans-Colonial Childhoods in British and French Asia* (Palo Alto: Stanford University Press, 2015), 336.

³ Uther Charlton-Stevens, *Anglo-Indians, and Minority Politics in South Asia. Race, Boundary-Making, and Communal Nationalism* (Abingdon: Routledge, 2018), 100.

authorities was unrecognized in either of the categories. The formal theorization of this group as a category of the population was witnessed in the Government of India Act, 1935 as "Anglo-Indians."⁴ This group was also widely referred to as "Eurasians." Before the formalization of this definition in the Government of India Act, 1935, Anglo-Indians had several opportunities and hurdles on account of their race and more particularly with the ability to racially pass as "white."

Towards the end of the eighteenth century no classification or distinction of this mixed-race group was postulated by the British East India Company and the group was assimilated in the European population, not only were these unions accepted but they were being encouraged and incentivized.⁵ A comprehensive understanding of the acceptance of the Eurasians i.e. Anglo-Indians is witnessed through British Orphanages which classified orphans according to the status of their father's position in the military, the Eurasian sons' of upper-class officials were treated at par with the European orphans and even awarded the same privileges such as education and training in England.⁶ Subsequently, the number of Anglo-Indians outnumbered the British officials in India and the size of this group increased simultaneously.⁷ This group worked for the English activities as clerks and administration of colonial India dominating the field of posts and railways.⁸

⁴ *Government of India Act* art. 366 (1950).

⁵ Michael Herbert Fisher, *Counterflows to Colonialism: Indian Traveller and Settler in Britain 1600–1857* (Hyderabad: Orient Blackswan, 2006).

⁶ David Arnold, "European Orphans and Vagrants in India in the Nineteenth Century," *The Journal of Imperial and Commonwealth History* 7, no.2 (1979): 104-127.

⁷ Valerie Anderson, *Race and power in British India: Anglo-Indians, class, and identity in the nineteenth century* (London: I.B. Tauris, 2015), 37.

⁸ *Ibid.*

However, there was a shift in the attitude towards mixed-groups in the later-half of the eighteenth century. The colonies viewed this mixed-race group as a threat from their lessons in Peru, Mexico, and Haiti. In these English colonies towards the end of the eighteenth century, the mixed-race groups had led revolutions against the colonial authorities in Haiti, Peru and Mexico.⁹ Thus, this era witnessed a shift in the attitude towards mixed-race individuals of Indian descent as well. Thus, creating a change in the legal position of this group.

In the wake of the revolutions in other colonies, The East Indian Company enforced racial segregation in Regulation XXXIII of 1790, April which had classified mixed-race, Anglo-Indians as “natives.”¹⁰ This change in status was accompanied by loss of status in colonial India and the creation of stereotypical notions against the mixed-race Anglo-Indians. As natives, they were not allowed to purchase land or live further than ten miles from a company settlement without the approval of the colonial officers.¹¹ Furthermore, restrictions against the services of Eurasians in the Company promulgated the sense of class demeanor. This decreased the possibilities of Anglo-Indian in terms of opportunities and career-aspirations thereby restricting the social mobility of this group. This feeling of racial segregation was amplified when the concept of British purity of race was stressed by the arrival of the Christian missionaries in India in 1813.¹² This period was marked transitional for The East India Company since the company was expanding its role as a

⁹ Philippe R. Girard, “The Haitian Revolution, History's New Frontier: State of the Scholarship and Archival Sources,” *Slavery & Abolition* 34, no.3, (2013): 485-507; David Cahill, “Colour by Numbers: Racial and Ethnic Categories in the Viceroyalty of Peru, 1532-1824,” *Journal of Latin American Studies* 26, no. 2 (1994): 325-46; Borah Woodrow, “Race and Class in Mexico,” *Pacific Historical Review* 23, no. 4 (1954): 331-42.

¹⁰ Erica Wald, “Governing the Bottle: Alcohol, Race, and Class in Nineteenth-Century India,” *The Journal of Imperial and Commonwealth History* 46, no.3 (2018): 397.

¹¹ Anderson, *Race and power in British India*, 17.

¹² Glenn D’Cruz, *Midnight’s Orphans: Anglo-Indians in Post/Colonial Literature* (Bern: Peter Lang, 2006), 84.

true colonial power from the pure mercantile purpose, they had initially established themselves as. Thus, exercising a larger administrative control than previously postulated. The classification of Anglo-Indians in a lower stature attracted a production of stereotypes derogatory in nature by their native counterparts as English lackeys who had grown apart from their Indian identity.¹³ An embodiment of this identity discourse was portrayed by John Masters in his novel “Bhowani Junction.”¹⁴

With the expansion of the East India Company, the Charter Act of 1833 opened the doors for Indians to be employed by the Company. This was the first act that permitted Indians to have a share in the country's administration. Section 88 of the Charter Act 1833 states that merit should be the basis of employment for government services and not birth, color, religion, or race.¹⁵ Lord Macaulay called this provision the wisest, the benevolent and noble clause of the Act. It marked the beginning of Indian Legislation.¹⁶ However, the downfall of this gateway was that mixed-race Anglo-Indian members were banned from all senior posts in the civil and military services.¹⁷ The reason for such a ban stems from the British colonial insecurity realized by other colonies, and the risk they would pose to the British Empire if high administrative posts in the military were awarded to them.¹⁸

¹³ K.J. Cassity, “Identity in Motion: Bhowani Junction,” *The International Journal of Anglo-Indian Studies* 4, no.1 (1999): 7.

¹⁴ John Masters, *Bhowani Junction* (New York: Viking Press, 1954).

¹⁵ *The Charter Act, Sec 88* (1833).

¹⁶ *Petition of the British India Association submitted to parliament*, p. 45 (1852).

¹⁷ Lionel Caplan, “Creole World, Purist Rhetoric: Anglo-Indian Cultural Debates in Colonial and Contemporary Madras,” *The Journal of the Royal Anthropological Institute* 1, no. 4 (1995): 748.

¹⁸ *Ibid.*

An opportunity for Anglo-Indians, which proved to be their identity in the later centuries, arose in the nineteenth century in the railways' sector. This phase was marked transitional for Anglo-Indians due to its effect on employment opportunities for the community since the railway sector was expanding. As early as 1843, Lord Dalhousie had first conceived of the possibility of opening up India through railway communication. He had proposed to link the three ports of Bombay, Calcutta, and Madras by a railway.¹⁹ Conditions in India were quite different from those in Britain. Many British and Indians, who had a better understanding of India's topography and geography, opposed the construction of railways as a "premature and expensive undertaking" and a "hazardous" and "dangerous venture." Certain opponents doubted the feasibility of the introduction of railways in India citing poverty, extreme climate with torrential rains, violent storms, high mountains, sandy deserts, and dense forests.²⁰

Around the same time, the first Anglo-Indian Associations were set up in Madras and Calcutta.²¹ The East India Company preferred Anglo-Indians for the reasons which were originally the hurdle for the establishment, the group was considered to be dilly built, mechanically inclined, comparatively well educated, and able to get along with the indigenous people because they spoke

¹⁹ Daniel Thorner, "Capital Movement and Transportation: Great Britain and the Development of India's Railways," *Journal of Economic History* 11, no.4 (1951): 391.

²⁰ Ibid.

²¹ Anderson, *Race and power in British India*, 33.

local languages.²² Towards the late colonial period, the railway witnessed a vast expansion and a majority of the railway employees were Anglo-Indians.²³

The Government of India Act was implemented in 1919, the Anglo-Indians gained a vague definition under this Act. It is pertinent to note that the Montagu–Chelmsford Reforms formed the foundation of the Government of India Act, 1919. Paragraph 346 of the Montagu-Chelmsford Report embarked on Anglo-Indian communities as follows:

Some reference is needed also to the case of the large Anglo-Indian or Eurasian community which on historic grounds has a strong claim on the consideration of the British Government. It is not easy for them, occupying as they do an intermediate position between the races of the East and West, to win for themselves by their unaided enterprise a secure position in the economy of India, They have been hitherto to a great extent in political and economic dependence on the Government and they would not be strong enough to withstand the effect of changes which omitted to take account of their peculiar situation. We think the Government must acknowledge and must be given, effective powers to discharge, the obligation to see that their interests are not prejudicially affected.²⁴

Anglo-Indian interests were thus recognized, but not as a group that requires upliftment, but as a group that requires recognition to provide a preordained position in the system. However, their recognition as a distinct group was beneficial since the British Raj had viewed them as a poorer relation which was proven useful in the postal, nursing, and railways sectors. This recognition in The Government of India Act of 1919 was a gateway for the community to be put at a higher pedestal than the natives. The definition in the Government of India Act of 1919 is as follows:

²² Liesbeth Rosen Jacobson, *The Eurasian Question: The Colonial Position and Postcolonial Options of Colonial Mixed Ancestry Groups from British India, Dutch East Indies and French Indochina Compared* (Leiden: Uitgeverij Verloren, 2018), 63.

²³ Laura Bear, “Miscegenations of modernity: constructing European respectability and race in the Indian railway colony, 1857-1931,” *Women’s History Review* 3, no.4, (1994): 534.

²⁴ *Montagu-Chelmsford Report*, 346 (1918).

An Anglo-Indian means any person being a British subject and resident in British India', who is '(a) Of European descent in the male line or (b) Of mixed Asiatic and non-Asiatic descent whose father, grandfather or more remote ancestor in the male line was born in the continent of Europe, Canada, Newfoundland, Australia, New Zealand, the Union of South Africa or the United States of America and who is not a European.²⁵

Even though the Anglo-Indians had received their recognition as a distinct group, it did not help the community. It turned out to be a watershed for the community members since the Government of India Act followed a series of reforms which had incentivized the natives as well under the garb of prioritizing natives through an *Indianization* of the Raj. This meant that the categories of services that would have been open exclusively to the community had positioned themselves to be awarded to the natives. Thus, the difficulty of employment for Anglo-Indians was amplified due to such reforms, placing the community in a more difficult situation. The maintenance and security of their traditional branches such as post, railways, and customs and excise awarded post the Sepoy Mutiny of 1857 were also in jeopardy and the women worked as teachers, nurses, and clerks.²⁶

Even though the definition was legally defined, its application was questionable due to the lack of defined structure. The Indian Councils Act of 1870 added to the vagueness of the definition of the Anglo-Indian group. According to the Act, Anglo-Indians were for economic purposes 'natives of India by statute'. In 1925, the secretary of state for British India added: "For employment

²⁵ Coralie Younger, *Anglo-Indians: Neglected Children of the Raj* (New Delhi: B.R. Publishing Corp., 1987), 9, 22.

²⁶ Alison Blunt, *Domicile and Diaspora: Anglo-Indian women and the spatial politics of home* (Oxford: Oxford University Press, 2005), 9, 10.

under government and inclusion in schemes of Indianization, members of the Anglo-Indian and Domiciled European Community are statutorily Natives of India. For purposes of education and internal security, their status, in so far as it admits definition, approximates to that of European British subjects.”²⁷

Thus, there were classifications which were not clear to either spectrum, the Anglo-Indians as a group swayed from Europeans to natives according to the criteria of the situation viewed through the British lens. This proved as an opportunity for the wealthy members of the community of the Anglo-Indians to pass off as "white" or "European" conveniently according to their status, class, education, and predominantly appearance. This creation of rigid British lines of the race forced multiple Eurasians to pass as "Europeans" to attain opportunities in India as well as other English colonies and not be restricted on the pretext of race.

However, a more refined definition of the Anglo-Indians was promulgated in the Government of India Act of 1935 under the Article 366, this definition was further utilized in the Constitution of independent India in 1950 by the drafters of the constitution under the recommendation of Frank Anthony, the then leader of the All-India Anglo-Indian Association. “An Anglo-Indian means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is domiciled within the territory of India and is or was born within such territory of parents habitually resident therein and not established there for temporary purposes only.”²⁸ This definition accounted for lineage and domicile status to assert the community claims.

²⁷ Henry Gidney, “The future of the Anglo-Indian community,” *The Asiatic Review* 30, no. 1 (1934): 27.

²⁸ Dorothy McMenamin, “Identifying Domiciled Europeans in Colonial India: Poor Whites or Privileged Community?” *New Zealand Journal of Asian Studies* 3, no.1 (2001): 107.

The definition in the Government of India Act 1935 finds its way in Article 334 of the Constitution of India²⁹ along with the reservation for two-nominated seats in the Lok Sabha, lower house of the Parliament of India, along with fourteen State Legislative Assemblies for members of the Anglo-Indian community. Initially, this reservation ceased to exist 10 years after the commencement of the Constitution i.e. 1960. This reservation was a safeguard for many Anglo-Indians in India and a promise of protection of their identity in the realm of the Constitution. However, through a series of amendments, this reservation was extended until 2020 and then discontinued the reserved seats through the 104th Constitutional Amendment Act, 2019.³⁰ The discontinuance of the seats accounted for the population of Anglo-Indians being 293 despite no provision of race and ethnicity existing in the 2011 Indian Census Questionnaire.³¹ Thus, erasing the identity of a community in the eyes of the law.

The change in the definition of Anglo-Indian was accompanied by the shifting attitude of the colonial authorities towards the mixed-race group on account of national security and safeguarding colonial interests. Upon striking the group as a threat, the classification by the East India Company of the mixed-race Anglo-Indians moved from "European" status to "Native/Non-European" which changed the class status of this group. The Charter Act of 1833, Government of India Act 1919, and Government of India Act 1935 were colonial legislation that tried to define the group in a superficial sense without considering the practical application which affected the opportunities of Anglo-Indians in terms of employment. This colonial piece of legislation was carried out in the

²⁹ *The Constitution of India*, art. 334 (1950).

³⁰ Vishwajeet Deshmukh, "No Reason Why: Obliteration of Anglo-Indian Representation from the Indian Parliament," *Law School Policy Review*, May 31, 2020, <https://lawschoolpolicyreview.com/2020/05/31/no-reason-why-obliteration-of-anglo-indian-representation-from-the-indian-parliament/>.

³¹ *Ibid.*

Indian Constitution along with a provision of reservation for seats at the Parliament and State Legislative Assemblies. However, the vagueness of the definition obliterating in the census affected the policy of reservation which had continued for over seven decades. This evolution of the definition from colonial India to modern-day India had failed to understand the mixed-race group thus creating an event of either passing as “European” through the means of class or limiting themselves under the garb of racial segregation. Anglo-Indian definitions created anarchies in the system which were changed legislatively through British whims.

About the author

Vishwajeet Deshmukh is an undergraduate law student at Government Law College, Mumbai, India. He is a recipient of “Tata Trusts and 1947 Partition Archive Research Grant 2021.” His research interests include legal history, censorship studies and history of Anglo-Indians.

Bibliography

- Anderson, Valerie. *Race, and power in British India: Anglo-Indians, class, and identity in the nineteenth century*. London: I.B. Tauris, 2015.
- Arnold, David. "European Orphans and Vagrants in India in the Nineteenth Century." *The Journal of Imperial and Commonwealth History* 7, no.2 (1979): 104-127.
- Bear, Laura. "Miscegenations of modernity: constructing European respectability and race in the Indian railway colony, 1857-1931." *Women's History Review* 3, no.4, (1994): 531-548.
- Blunt, Alison. *Domicile and Diaspora: Anglo-Indian women and the spatial politics of home*. Oxford: Oxford University Press, 2005.
- Cahill, David. "Colour by Numbers: Racial and Ethnic Categories in the Viceroyalty of Peru, 1532-1824." *Journal of Latin American Studies* 26, no. 2 (1994): 325-46.
- Caplan, Lionel. "Creole World, Purist Rhetoric: Anglo-Indian Cultural Debates in Colonial and Contemporary Madras." *The Journal of the Royal Anthropological Institute* 1, no. 4 (1995): 743-762.
- Charlton-Stevens, Uther. *Anglo-Indians and Minority Politics in South Asia. Race, Boundary-Making, and Communal Nationalism*. Abingdon: Routledge, 2018.
- D'Cruz, Glenn. *Midnight's Orphans: Anglo-Indians in Post/Colonial Literature*. Bern: Peter Lang, 2006.
- Deshmukh, Vishwajeet. "No Reason Why: Obliteration of Anglo-Indian Representation from the

Indian Parliament.” *Law School Policy Review*, May 31, 2020.

<https://lawschoolpolicyreview.com/2020/05/31/no-reason-why-obliteration-of-anglo-indian-representation-from-the-indian-parliament/>.

Fisher, Michael. *Counterflows to Colonialism: Indian Traveller and Settler in Britain 1600–1857*. Hyderabad: Orient Blackswan, 2006.

Gidney, Henry. “The future of the Anglo-Indian community.” *The Asiatic Review* 30, no. 1 (1934): 27-42.

Girard, Philippe. “The Haitian Revolution, History's New Frontier: State of the Scholarship and Archival Sources.” *Slavery & Abolition* 34, no.3, (2013): 485-507.

Government Of India Act, 1935. 1935. Art. 366. United Kingdom: Parliament of the United Kingdom.

Jacobson, Liesbeth. *The Eurasian Question: The Colonial Position and Postcolonial Options of Colonial Mixed Ancestry Groups from British India, Dutch East Indies and French Indochina Compared*. Leiden: Uitgeverij Verloren, 2018.

K.J. Cassity, “Identity in Motion: Bhowani Junction.” *The International Journal of Anglo-Indian Studies* 4, no.1 (1999): 7.

Masters, John. *Bhowani Junction*. New York: Viking Press, 1954.

McMenamin, Dorothy. “Identifying Domiciled Europeans in Colonial India: Poor Whites or Privileged Community?” *New Zealand Journal of Asian Studies* 3, no.1 (2001): 107.

Pomfret, David. *Youth And Empire Trans-Colonial Childhoods In British And French Asia*. Palo Alto: Stanford University Press, 2015.

"Report On The Indian Constitutional Reforms". 1918. Montagu–Chelmsford Report. Calcutta: Superintendent Government Printing, India.

Smith, George. *The Geography Of British India: Political and Physical*. London: John Murray, 1882.

The Constitution Of India. 1950. Art. 334. New Delhi, India: Government of India.

The Saint Helena Act 1833. 1833. Sec. 88. United Kingdom: Parliament of the United Kingdom.

Thorner, Daniel. "Capital Movement and Transportation: Great Britain and the Development of India's Railways." *Journal of Economic History* 11, no.4 (1951): 89-402.

Wald, Erica. "Governing the Bottle: Alcohol, Race, and Class in Nineteenth-Century India." *The Journal of Imperial and Commonwealth History* 46, no.3 (2018): 397-417.

Woodrow, Borah. "Race and Class in Mexico." *Pacific Historical Review* 23, no. 4 (1954): 331-42.

Younger, Coralie. *Anglo-Indians: Neglected Children of the Raj*. New Delhi: B.R. Publishing Corp., 1987.