Legitimately Married? Regulating the Marriages among the Indian Labour Diaspora in Mauritius during the Colonial Period

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Life of Indian indentured labourers, even beyond their working lives on the sugar plantations in Mauritius, was often moulded and regulated by the colonial authorities implying their own notions of morality, racial prejudices and impressions which were often very dismissive and contemptuous about the traditions, social order and family values. T Hugon, the Protector of Immigrants in Mauritius, noted that 'the wife.. is more the property than the companion.' Variability of conjugal relations on the plantations is one such domain which was perceived by the colonial authorities as a blameable element for 'great disorder upon some of the estates' and therefore needed to be regulated. This paper attempts to critically evaluate the regulation of marriages among the Indian labour diaspora during the colonial period to illustrate how these laws emanated from racially pejorative, biased and blasé judgements of colonial authorities towards the lives of the indentured labourers, their social-cultural norms and family structure. This paper further argues that the regulations of marriages were essentially forms of social

¹ Report of T Hugon p. 191

² Parliamentary Papers No. 180, 1837-38

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control which were intended to extend the control of plantation authorities over the lives of indentured labourers even beyond the working lives.

According to the colonial officials, the relatively low proportion of women immigrants indentured immigrant population on the plantations led to unstable sexual relationships and affected the order on plantations – social instability, sexual promiscuity, high crime rates. This volatility of men-women relationships furthered immoral ways of living, abduction and exploitation of women immigrants, violent clashes between the immigrant labourers and even murders of wives or men involved in the relationships.³ Murder of wives by the husbands mostly because of distrust, jealousy or betrayal by the women partners was so rampant in Mauritius that it was often termed as an epidemic in the colonial lexicon. As late as in 1880s among the Indian population, 21 wives were murdered by the husbands.⁴ Even the Royal Commissioners, who were supposedly not influenced by the racist prejudices, noted that the custom of polyandry was an accepted custom in Mauritius and often a group of immigrant men would keep one woman in their housing who would cook their food and fulfil their physical demands. The most disturbing effect of this custom, according to the Royal Commission, was too much quarrelling among the immigrants and sometimes even murders. This prejudiced view of colonial authorities, based on Victorian notions of social order and moral standards, has been shared by the majority of scholars of indentured diaspora from the old genre who study indentured emigration in terms of continuance of slavery. These scholars argue that 'the disproportion between men and women was the main factor in shaping

³ Report of the Royal Commission, 1875. p 464.

⁴ File No. L/PJ/6/100, OIOC.

Amit Kumar Mishra 4, 2 (2021): 29-50 Vol 4, No. 2, July-December 2021. ISSN:2581-9437 the life of the coolie lines' (Tinker, 1974) and 'Indian social life in Mauritius presented a disquieting spectacle (Mookherjee, 1962).'

Since the relative paucity of women was consequently concomitant to the general disorder on the plantations, for the purpose of maintaining order on the plantations and encourage a structured/stable settlement in some kind of family pattern, the colonial authorities adopted a double-pronged strategy: first, they tried to increase the numbers of immigrant women by legally fixed quotas and second, they put a close guard and legislative regulation over the marriages among the immigrant indentured community. In addition to this real crisis on the plantations, the regulation of marriages among the immigrant population was also rooted in the larger orientalist project of civilizing the 'barbaric orient' by the British empire and building new societies in the newly acquired colonial territories and the underlying rationale behind this was the notion of cultural ascendancy which perceived the Indian culture and social practices as anomalous resulting in the moral degradation particularly in the immigrant set up.

To address the concerns over the disproportion of sexes among the Indian communities on the plantations and also to stabilise the labouring population in Mauritius (for the other labour importing colonies as well) colonial authorities fixed the quota of women mandated to be taken along with the male emigrants, encouraged the family emigration from India and a bounty of £ 2 was paid to those immigrants who were coming with their 'legitimate' wives. Though, this led to another disorder wherein widespread instances were reported of selling of daughters or wives, using marriage ties to bring women to Mauritius and then selling them off to make extra profits

by the sirdars and returnees. In 1860s 'many sirdars and overseers brought two and sometimes three women with them' as their wives who were, as the Protector reported, sold or transferred to other men to make more money. ⁵

1. Regulation of Indian Marriages

In the initial periods of indentured emigration, colonial authorities vaunted laxity towards the cohabitation among Indian immigrants. Their primary concern was securing the supply of labour on the plantations and since women were not employed in Mauritius, they cared the least for them. Royal Commission reported that before 1853, there was no law existed in Mauritius specifically provided for the celebration and recognition of marriages among the Indian immigrants.⁶ However by 1850s, with the large influx of Indian immigrants and a sizeable number of Indian labourers already present in the colony, the colonial authority had to set the marriage legislations. In 1853, provisions were made under Ordinance 21 of 1853 to recognise the marriages solemnised between the members of Indian immigrant community according to the Civil Code and the immigrants who wanted to marry had to produce a 'certificate of non-marriage' to check polygamy or abduction of already married women.⁷

In 1856, regulations were introduced under Ordinance 3 of 1856 to recognise the marriages between the immigrants who embarked from Indian ports as married couples. Immigrants who were already married and arrived with their wives from India, their marriages were recognised as valid in

⁵ ARPI, 1862.

⁶ Report of Royal Commission 1875, p. 464.

⁷ Ordinance 21 of 1853.

Vol 4, No. 2, July-December 2021. ISSN:2581-9437 Amit Kumar Mishra 4, 2 (2021): 29-50 Mauritius only if they had been already declared before the Protector at the port of embarkation in India. Any intending emigrant who was married in India and wanted to come to Mauritius with his wife and children (if any) had to declare that he is lawfully married to such woman according to the forms and ceremonies of their religion and the children (if any) accompanying them are the lawful issue of such marriage. This declaration was signed by two witnesses before the emigration agent and upon his satisfaction then the Protector and the port of embarkation issued a certificate of marriage. Upon their arrival in Mauritius these married couples had to present before the Protector of Immigrants and declare that they are married. After the satisfaction of the identities, Protector issued them a certificate and Indian marriages celebrated in India acquired legitimacy in Mauritius only when they were registered and recognised by the Protector and a certificate was issued to the married couples on payment of 2s.8

Because of the relative scarcity of women and their crucial importance in performing the domestic chores at the plantations like maintaining the households, raising children and looking after the livestock etc., the usual custom of homeland where husbands used to get dowry from the daughters' family was reversed in the diasporic setting and often the grooms paid a premium to the daughter's father or relatives. In one report, an immigrant Doyal of Flacq, paid a huge sum of \$ 137 to get married to Bagmanea. This practice of paying the bride price was not limited to any particular section of the Indian immigrants and another immigrant Virapatim, who had south Indian origins, paid several hundred rupees to get married to Taylamen.⁹

⁸ Indian Marriage Ordinance 1856.

⁹ Gomm to Grey, dt. 11 June 1847, CO 167/283, TNA

However, we need to be extra cautious in celebrating these instances of bride-price as 'women empowerment' and 'source of additional income for the Indian women', ¹⁰ as scholars of diaspora from the feminist genre attempt to assert today. As a lot of contemporary sources underline these were often forced sale of women ¹¹ and considering the fact that the money was often paid to the father or relatives of the brides who, on many occasions, 'sold' their daughters or female relatives many times, colonial descriptions of women subjugation appear to be more tenable than that of the revisionist scholars celebrating the agency and liberation of diasporic women of Indian origin on the plantations.

Controlling the illegal emigration of women in the disguise of wives by the sirdars and returnees and then their subsequent sale in the colony remained a primary preoccupation of the colonial authorities' marriage related legislations. The other underlying assumption of the administrators' attempts was that by making the registration and declaration compulsory, they would be able to make the matrimonial alliances among the immigrant community more stable and be able to curb the sexual immorality. Therefore, the registration and declaration of marriages which was the main thrust of the marriage ordinance, continued and reinforced in form of double registration in the Marriage Ordinance 17 of 1871. All the immigrants arriving with their wives and children had to declare and obtain certificates for their marriages twice – once at the port of embarkation where the Protector had to verify their claims of being married and then again upon their arrival in Mauritius where the Protector would give them the certificate without which

¹⁰ Carter, Marina, Servants, p.246.

¹¹ Gomm to Grey, dt. 11 June 1847, CO 167/283, TNA

Amit Kumar Mishra 4, 2 (2021): 29-50 Vol 4, No. 2, July-December 2021. ISSN:2581-9437 their marriages were not legally valid and children legitimate. ¹² Considering the ignorance of emigrants and the general aversion among them for the cumbersome registration process, government of India made conscious efforts to emphasise the significance of the registration of marriages before embarkation. A. O. Hume, who was Secretary of the Revenue, Agriculture and Commerce department which administered the indentured emigration, made a special request to the Judicial Secretary of Bengal government to inform the intending emigrants that unless they register their marriages before departure from India and obtain a certificate from the Protector, their marriages will not be held valid in Mauritius. ¹³ Any immigrant, who wanted to get married in Mauritius, had to obtain a certificate from the Protector in Mauritius to testify that he had arrived unmarried in Mauritius. ¹⁴

The next legislative intervention came in form of Ordinance 26 of 1890 which made certain modifications in the marriage registration process. Now the Protector in Mauritius had to certify the identity of the married couples arriving in the immigration depot and issue the certificates before these couples leave the depot.¹⁵

Indian government, despite belonging to the same imperial genre and therefore having the indistinguishable contempt for the Indian religious and social-cultural traditions, did not intervene with the marriage practices of the Indian population because it had the possibility to augment the native hostility and opposition which was already being articulated through various channels. However, it also showed its concern and anxiety for the Indian

¹² Prog. No.12-16, Gen.(Emi.), December 1871, WBSA.

¹³ Hume to Secretary, Judicial Department, Government of Bengal, Prog. No. 9, Gen. (Emi.), January 1874, WBSA.

¹⁴ Prog. No.12-16, Gen.(Emi.), December 1871, WBSA.

¹⁵ Report of Sanderson Committee 1910, Pt II, p. 103

population living in Mauritius particularly the racist manner in which most of the cohabitation among the Indians were declared as immoral and illegal by the colonial state. It reported to the Secretary of State for Colonies about the unsatisfactory state of marriage laws in Mauritius which make most of the children in the colony illegitimate although their parents had ben married under native rites. 16 Indian government was pressing the Colonial Office to influence the government of Mauritius to adopt the Marriage Ordinance of Trinidad which recognises the marriages performed according to the religious rites. 17 Although the Colonial Office deferred the implementation of Trinidad Marriage Ordinance in Mauritius, it expressed it's concern with the Mauritian government and a Committee was appointed to enquire into the procedure connected with the Indian marriages in Mauritius under J. B. Kyshe, the Registrar General in March 1882. This committee accepted the insistence of government of India to be consulted regarding the matter of marriage laws. Protector of Immigrant proposed to set up his office for the registration of marriages but it was rejected by the Procureur General and the said committee failed to make any major intervention in making the marriage procedure any convenient for the Indian population.¹⁸

Government of India was particularly concerned with the relatively very few numbers of registered (legally recognised) marriages. Protector of Immigrants reported only 112 marriages in 1866 and 166 marriages in 1867.¹⁹ Following table showing the number of marriages registered among the Indian community for the period of 1872-1881 shows the similar trend:

¹⁶ L/PJ/6/79, File No 1285/1882. OIOC

¹⁷ Gen./ Col. Emi./ File No 11. Proc No 3-4 B, February 1882, WBSA; L/PJ/6/79, File No 1285/1882. OIOC

¹⁸ L/PJ/6/79, File No 1585/1882. OIOC

¹⁹ Report of H.N.D. Beyts dt 7 June 1869 in PP C.151/1870

Table1: Number of Marriages Registered 1872-1881

Year	Marriages		
1872	343		
1873	305		
1874	344		
1875	308		
1876	402		
1877	649		
1878	783		
1879	882		
1880	723		
1881	1051		

Source: L/PJ/6/79, File No 1585/1882. OIOC

Most comprehensive and up-front articulation of such concerns came from a colonial official from Indian Civil Service J. W. P. Muir Mackenzie who was deputed by the government of India to enquire into the conditions of Indian population in Mauritius in 1893. Muir-Mackenzie reported that majority of Indians cohabiting are not registered in the registers and they are not bothered about that and as a result, a large number of perfectly moral and orderly unions regarded as marriages by parties and the social system they belonged to is refused by the state in Mauritius. It is noteworthy to read how Muir-Mackenzie was concerned that 'an unmerited stigma is cast on the morality of the Indians, and injury results to their self respect and moral character.' He found the compulsory civil marriage registration an unworkable and unsuitable institution and called for an urgent alteration in the marriage laws of Mauritius because the recognition of marriages in

Mauritius should not be more difficult than for them in their own country.²⁰

The consistent pressure from the Indian government continued with the beginning of the 20th Century as well when a large segment of Indian immigrant population was born in Mauritius but was illegitimate according to the existing laws which did not recognise the alliance of their parent. This was not very comforting situation for the social and political stability of the colony. Taking cognizance of the fact that a very large number of Indian population can not be labelled as illegitimate and plausible threat it might pose to the order in Mauritius, Colonial Office was implying the idea to recognise the marriages among the immigrant population which are performed as per the religious rites but satisfy the other criteria set to determine the alliance as a genuine alliance. Indian diasporic community in Mauritius was also gradually getting conscious of their plight and attempts were being made to articulate their concerns. In his representation to the Royal Commission of 1909, Manilal Doctor demanded for the recognition of marriages performed among the Indian communities according to their religious rites.²¹

Addressing these concerns and acceding to the growing demands to recognise religious marriages as legal institution, the government of Mauritius passed the most elaborate ordinance regarding the registration of marriages among the Indian population in 1912 as The Civil Status (Indian Marriages) Amendment Ordinance 28 of 1912. Primarily aimed at making better provision for the registration of Indian marriages, this ordinance recognised the validity of marriages solemnised according to the religious traditions of immigrants and conducted by the Indian priests (both Hindu and Muslims)

²⁰ Report on the Condition of Indian Immigrants in Mauritius by J.W.P. Muir-Mackenzie 1893, p.9.

²¹ Deposition of Manilal Doctor, Report of Royal Commission 1909, Pt II, Appendix B, pp.157-165.

Vol 4, No. 2, July-December 2021. ISSN:2581-9437 Amit Kumar Mishra 4, 2 (2021): 29-50 who were appointed by the Governor for the celebration of marriages in a district or territory specified by the Governor. Colonial authorities were perturbed by the disinterest of the immigrant community in getting their marriages registered and therefore to make the registration of marriages more convenient for the immigrant community, all the designated priests were given a register and a schedule of certificate in which they were to register all the marriages celebrated by them and then forward each case to the Civil Status Officer within a week who would then enter the details in the Register of Marriages.²²

Ordinance 28 of 1912 titled as 'The Civil Status (Indian Marriages) Amendment Ordinance 1912' made it lawful 'for any priest without previous publication and without any other formality required by Ordinance 26 of 1890 to solemnise marriage between Mohamedans or Hindu of the same religion as such priest, and such marriage shall, subject to the provisions of this ordinance, be valid as if it had been celebrated by an officer of the Civil Status.'23 This ordinance was a breakthrough in the regulation of marriages among the Indian community in Mauritius as for the first time it recognised the space for the religious belonging of the immigrant population and entrusted a religious mediator from their own community to perform and certify an act of marriage which was limited to the Civil Status Officer from the ranks of colonial authority. This ordinance also had significant implications for the immigrant community. Under this Ordinance, persons getting married, if they meet the other conditions relating to minimum age, same religion and non-marriage, would just marry according to their religious rights and get it registered by the designated priest. It saved them from a

²² Ordinance and Proclamations, Government of Mauritius, 1912. NAI

²³ Ordinance 28 0f 1912, Ordinances and Proclamations 1912, Govt. Printing Press, Mauritius, 1913, NAI.

lot of procedural complications in making their marriages legally valid and now it was easier for them to register their marriages and live as 'legally approved' married couples and not as in concubinage and recognise their children as legitimate offspring.

As an outcome of this ordinance in 1912, we have records in the Civil Status Office of Mauritius for the marriages registered by the priests which had the sanctity of the law and the valid civil status. Marriages according to religious rites were recognised under this Ordinance and we have the Census of 1921 recording the religious marriages for the first time. Another important point in reading the census returns is that now that the religious marriages registered by priests were recognised by the law, there was no pretext left, according to colonial authorities, for the Indian community not to register their marriages and if they were living together in conjugal relations without registering their cohabitation in religious manner too, it was condemned and counted as concubinage (living as husbands and wives but not married either civilly or religiously) in the census returns. This category was introduced for the first time in 1921 census and prior to this only civil marriages were recognised as legitimate and all other forms of marriages were considered illegal and therefore not enumerated. Following table gives us an idea about the recognition of marriages among the Indian community and the status of cohabitation.

Table 2: Marital Status of Indian Community 1921, 1931

Marital Status	Civilly	Religiously	Concubinage
Year			
	17,083 Male	13,976 Male	22,279 Male
1921	17,674 Female	14,244 Female	22,624 Female
	24,088 Male	7,803 Male	17,029 Male
1931	23,660 Female	7,824 Female	18,146 Female

Source: Census of Mauritius and Its Dependencies 1921, 1931

For year 1931, returns are combined for Indo-Mauritian and Other Indians Ridley in his report on condition of Indian Population in Mauritius in 1941 mentions that among the Indian population in Mauritius, 17% were married in Civil Status, 6% were in religious marriage and 12% were living as husbands and wives without having gone through any form of marriage.²⁴

Restoration of Wives

Scarcity of women on the plantations also resulted in supposedly a new threat to the moral order and stability in the personal lives of the immigrants – wives being enticed away by another immigrant and women moving out of the matrimonial alliances for more attractive options. Royal Commission noted that Indian immigrants filed 68 complaints in the year 1871-72 about wives being enticed away or harboured. Archival records show that this was one of the primary concerns of the male population in Mauritius who

²⁴ Ridley Report 1941, TNA

urged the authorities to restore their wives. Such occurrences of breaking of alliance was also hampering the prospects of family emigration from India as husbands were apprehensive of their wives being kidnapped or lured away once they come to Mauritius.²⁵ The very first exclusive ordinance relating to Indian marriages in 1856 made specific provisions to address this. All the District Magistrates were given the jurisdiction to look into the complaints about enticing away or harbouring wives and any person found guilty was to pay £ 50 fine or imprisonment with hard labour not exceeding six months.²⁶ Ordinance 12 of 1870 extended the purview of law to non-Indian wives of Indian immigrants as well and made the fine Rs 500 which was to be imposed along with the imprisonment.²⁷ However the point to be noted in this regard is that the legal redressal in available only if the husband and wife were married according to the civil law. Since most of the alliances among the Indians were not legally recognised, there were very few cases where above protection was available for the husbands who in turn would recourse to other extra-judicial methods – quarrelling, physical assault and in extreme situations even murders. Some scholars²⁸ from feminist genre have tried to explain these attempts by the immigrant male and the colonial authority as a desperate attempt to restore the control over their women and their power to decide their partners. There is no denial of the fact that Indian male psyche was not very comfortable with the women taking decisions about walking out of the alliance or choosing another partner after abandoning the existing one and on several occasions they reacted to it

²⁵ Report of T Hugon, Protector of Immigrants to Colonial Secretary, dt 31 May 1853. MNA.

²⁶ Articles 8 and 9, Indian Marriage Ordinance 1856

²⁷ Ordinance 12 of 1870 in Report of Sanderson Committee Pt II.

²⁸ Most notably by Rhoda Reddock. I would also argue to read it with a rejoinder by Prof R. K. Jain to her article in the Economic and Political Weekly.

Amit Kumar Mishra 4, 2 (2021): 29-50 Vol 4, No. 2, July-December 2021. ISSN:2581-9437 in extremely violent manner, yet we have to be extra cautious in evaluating the feminist agency in making the choices — whether these were independent, informed choices or they were being trapped into the temptations or another man's trickery.

Marriageable Age

Another concern of colonial authorities was the practice of early marriages among the immigrant community and the need to regulate the age of marriages. The 1856 ordinance fixed the marriageable age of men and women at 18 and 15 years respectively and any person getting married before this age had to obtain permission of the Governor.²⁹ Ordinance 28 of 1912, while fixing the marriageable age as 21 years for intending husbands and 18 years for the intending wives, also gave space for child marriages by allowing the marriages to be celebrated between the couples below the prescribed age if the parents had given their consent to it.³⁰

Pattern of Marriages

The patterns of marriages among the Indian immigrants can be traced from the certificates of marriages at the Mahatma Gandhi Institute and Civil Status Office and from the several reports on the condition of Indian immigrants in Mauritius. All the reports as well as existing writings like Marina Carter's work show that the most of the marriages among the immigrants were intra-regional – North Indians, Tamils, Telegus, and Marathas getting their partners from the same regional communities – with few instances of inter-regional marriages as well. The other important pattern was that the

²⁹ Indian Marriage Ordinance, 1856.

³⁰ Ordinance and Proclamations, Government of Mauritius, 1912. NAI

majority of marriages were performed with the bride and groom being from the same religious community. As already mentioned, the occurrence of remarriages and widow marriages was also very common.³¹

In Indian society, the most prominent site of the working of the caste values was marriage. At this level also, owing to the relative shortage of women, immigrants had to compromise with their traditional belief in endogamy. But immigrants tried their best to observe the sanctioned deviations in their marriages and in most cases, marriages were of the kind described as hypergamy, in which men from high castes married, women from lower castes, which was approved in India also (Benedict, 1967). In the absence of options of choosing their marital partners from within the same caste, the other criterion adopted by the immigrant community in Mauritius was that of common regional and linguistic origins. This emerged as the most decisive factor in forming the matrimonial alliances, especially among the Tamil and Telegu immigrants (Benedict, 1961).

The one positive change in the marriage customs among the Indian diasporic community in Mauritius was the practice of widow marriages, which could be ascribed to the relative scarcity of the women³² and not as a critical social-cultural reform taking place in the indentured labouring community. In Mauritius, unlike the societal restrictions in India which prohibited the remarriages of the widows, the circumstances were more conducive and these widows got married, some more than once.³³ Because of the traditional marriage practices in India, where there used to be big age gaps between

³¹ Pitcher Report, Muir Mackenzie Report, Report of Royal Commission; Carter Marina, Servants, p.247.

³² Carter, Marina, Servants, p.246.

³³ Pitcher Report, Chapter 3.

Amit Kumar Mishra 4, 2 (2021): 29-50 Vol 4, No. 2, July-December 2021. ISSN:2581-9437 the male and female partners, often the girl being ten or fifteen years younger to the husband, there had been a relatively higher proportion of widows. These widows, because of social stigma and often the avaricious intentions of the close relatives to grab their shares in the ancestral property, were living the lives of neglect and morose and became easy prey for the recruiters and agents who were desperately looking for women emigrants to meet the desired quota. Among the single women who migrated to Mauritius, a substantial proportion was of widows who ventured to go to distant lands to look for a new beginning and many of them were able to forge matrimonial alliances in the emigration depots itself.³⁴

Depot Marriages

Before the actual departure intending emigrants had to stay at the emigration depots at the ports on embarkation in India for long durations for completing several formalities and counting required numbers. Apart from mostly single men and some married couples, there were a considerable number of single women as well who were mobilised by the recruiters to meet the required quota of women for the emigration. As Hugh Tinker has pointed in his work, despite separate boarding arrangement and strict segregation of sexes, there were enough opportunities available to these emigrants to develop interaction and explore the possibilities of cohabitation. Such relationships served everyone's interests – for male it ensured a women partner in a land where women were scarce, for women it provided the sense of security in their journeys to the unknown, and for the colonial authorities it had the promise of stability. Considering these pragmatic advantages, the

³⁴ ibid.

authorities approved these alliances and certificates of marriage were issued to them despite the fact that most of these were not in confirmation with the social-religious rites regarding the marriages.³⁵

Conclusions

The marriage laws in Mauritius were essentially based on the premise that indigenous customs of the immigrants were immoral and against the basic principles of civilised cohabitation and therefore could pose a serious threat to the plantation order if not regulated. They modelled the marriage laws in Mauritius on the British/ European patterns of 'civil' marriages which involved complicated concerns regarding inheritance, succession and property rights and not merely union of a man and a woman. The main purpose of their emphasis on registration of alliances is to make these alliances 'legal' and to create a new social order on plantations. Unfortunately because of the technical complexities as well as expenses involved in the process of declaration of marriages before a Magistrate, most of the immigrants could not afford to follow this registration process and therefore their marriages, though solemnised according to religious rituals, were invalid according to the law and their children were technically illegitimate. Therefore, instead of making things simple and legally approved, for the majority of the population, these marriage ordinances made things more complicated and dehumanising experience for a considerable time in the history. Many of their children were denied inheritances and admissions in schools because they could not prove their legitimate parentage merely because their parents' marriages were not registered. However, following the trajectories of

³⁵ Tinker, Hugh, op. cit. p. 140.

Amit Kumar Mishra 4, 2 (2021): 29-50 Vol 4, No. 2, July-December 2021. ISSN:2581-9437 transformations in regimentation of the plantation regime and the lives of Indian labour diaspora in Mauritius, the marriage regulations in Mauritius also changed and it eventually recognised the marriages formalised through religious practices of Indians as legitimate marital alliances.

References:

Annual Report of Protector of Immigrants (selected years) (MNA and TNA)

Benedict, Burton, 'Caste in Mauritius', in Schwartz, Barton M., (ed.) Caste in Overseas Indian Communities, University of California Press, California, 1967, p. 29.

Benedict, Burton, Indians in a Plural Society: A Report on Mauritius, Her Majesty's Stationary Office London, 1961, pp.92-108.

Carter, Marina, Lakshmi's Legacy: The Testimonies of Indian Women in 19th Century Mauritius, Editions De L'Ocean Indien, Mauritius, 1994.

Carter, Marina, Servants, Sirdars and Settlers: Indians in Mauritius 1834-1874, OUP, Delhi, 1995.

Census of Mauritius: 1921, 1931.

CO 167/283, dt. 11 June 1847, NAI.

Deposition of Manilal Doctor, Report of Royal Commission 1909, Pt II, Appendix B, pp.157-165.

Greene, W. and L.E. Schmidt, Labour Laws of Mauritius, Mauritius, 1869.

Hosein, Shahida, 'Until Death Do Us Part'?: Marriage, Divorce and the Indian Woman in Trinidad', Oral History, Vol. 30, No. 1, Women's Narratives of Resistance, Spring, 2002, pp. 63-72

Indian Marriage Ordinance 1856.

Kelly, John D., 'Fear of Culture: British Regulation of Indian Marriage in Post-Indenture Fiji', Ethnohistory, Vol. 36, No. 4, Autumn, 1989, pp. 372-391.

L/PJ/6/79, File No 1285/1882. OIOC.

L/PJ/6/79, File No 1585/1882. OIOC.

L/PJ/6/100, File No. 1040/1884, OIOC.

Mookherjee, S.B., The Indenture System in Mauritius, 1837-1915, K.L. Mukhopadhyay, Calcutta, 1962.

Note on Emigration from India by J. Geoghegan (1873)

Ordinance 28 of 1912, Ordinances and Proclamations 1912, Govt. Printing Press, Mauritius, 1913, NAI.

Ordinance 21 of 1853.

Ordinance 12 of 1870 in Report of Sanderson Committee Pt II.

Proceedings of General Department, Emigration Branch, Govt. of India (WBSA) following:

- a. Gen./ Emi./ Prog. No. 9, January 1874, WBSA.
- b. Gen./ Emi./ Prog. No.12-16, December 1871, WBSA
- c. Gen./ Col. Emi./ File No 11. Proc No 3-4 B, February 1882, WBSA

Reddock, Rhoda, "Freedom Denied: Indian Women and Indentureship in Trinidad and Tobago, 1845-1917", Economic and Political Weekly, (Review of Women Studies) Vol. XX, No. 43, October 26, 1985. pp. WS 79-87

Report on the Condition of Indian Immigrants in Mauritius by J.W.P. Muir-Mackenzie (1893)

Report on Colonial Emigration From Bengal Presidency by George A. Grierson (1883)

Report on Emigration from North-West Frontier Provinces and Oudh by Major Pitcher (1882).

Report of the Royal Commission Appointed to Enquire into the Treatment of Immigrants in Mauritius (1875)

Report of the Royal Commission Appointed to Enquire into the Condition and Resources of Mauritius (1909)

Report of the Committee on Emigration from India to the Crown Colonies and Protectorates, 1910 (Report of Sanderson Committee)

Report of the Commission Appointed to Inquire into the Working of the

Report of T Hugon, Protector of Immigrants to Colonial Secretary, dt 31 May 1853. MNA.

Report on the Conditions of Indians in Mauritius by S. Ridley, 1941.

Sen, Samita, "Without His Consent?": Marriage and Women's Migration in Colonial, International Labor and Working-Class History, No. 65, Agriculture and Working-Class Formation, Spring, 2004, pp. 77-104.

Tinker, Hugh, A New System of Slavery: The Import of Indian Labour Overseas 1830-1920, OUP, London, 1974.

Abbreviations Used

ARPI: Annual Report of Protector of Immigrant

MNA: Mauritius National Archives

WBSA West Bengal State Archives

NAI: National Archives of India

TNA: The National Archives, Richmond, London

OIOC: Oriental and India Office Collection, British Library, London

PP: British Parliamentary Papers