

HOME (1918) Department.
(1918)

Ordinary SERIES.

G.O. No. 604 A

DATED 12. 8. 18

Indexed

[Despatch Abstract.]

Passports

Recording papers connected with the enquiry of the Commissioner of Police, Madras, whether all of foreigners leaving India should be vised by the Government or the Collector of Madras.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.



HOME (MIS.) DEPARTMENT.

Received 191 . Registered 191

Subject.

Requesting orders as to whether the passports of all
aliens leaving Madras must be vised by Government or the
Collector of Madras.

ENCLOSURES

No.

State copies

Re No. 370 / 18

Station Madras, Dated the 21st June 1918

From (Name) F. Armitage, Esq.,

(Designation) Commissioner of Police, Madras.

To The Secretary to the Government of Madras,
Home(Mis.) Department.

Sir,

I have the honour to refer to G.Os.431(Home Mis.)
dated 9th May '18 and 492 (Home Mis.) dated 7th June '18 and to
ask for instructions as to whether the passports of all aliens
leaving Madras must be vised by Government or the Collector
of Madras.

2. Paragraph 3(1) of the Memorandum of the Government
of India No.5079 dated 1st May '18 and R paragraph 2(vi) of
Memorandum of the Government of India No.6569 dated 22nd May
'18 appear to presuppose that such passports are being vised.
Under Government of India Notification No.909 dated 22nd
August '14 (Vide page 327 Legislation and Orders relating to
War 5th edition) Madras is a free port for the departure of
foreigners.

80.431 / 7-5-18

80.492 / 7-6-18

put up

The ~~xx~~ Passport Rules (page 226 of the same publication)

make it necessary for a foreigner to have a passport issued by or on behalf of his Government. There is nothing requiring a passport issued by a foreign Consul in India to be viséd by the Local Government-- in fact that such visa is not contemplated is made clear by G.O. 611 (Home Mis.) dated 20th June '17 which makes it permissive for Singapore ~~passports to~~ to be viséd and by G.O. 1861 Public dated 21st December '15 which makes a visa necessary in the case of foreigners going to Egypt.

Hitherto foreigners provided with passports issued by or under authority of their Governments have been allowed to embark at Madras without any visa. The same applies to foreigners leaving via Dhanushkodi who have to get a special permit from the Chief Secretary to ~~xx~~ leave India by that route, but are not required to get a visa. Orders are therefore requested as to whether the passports of all foreigners leaving India by sea must be viséd in future by the Government of Madras or the Collector of Madras.

I have the honour to be,

Sir,

Your most obedient servant,

Commissioner of Police.

Seott. II 8 (c).—12-1-15.

NOTES.

Page

With reference to his letter R.C. No. 370 / Govt. of the 21.6.18 requesting orders as to whether the passports of all aliens leaving Madras must be viséd by Govt. or the Collector of Madras, the Commr. of Police is informed that so far as the rules in British India are concerned, it is not obligatory on the part of a foreigner to obtain a British visa on his passport prior to leaving India. As however the Home Govt. and the Colonial Govts. have framed regulations insisting on the provision of a British visa in the passport of every foreigner prior to permitting him to land within their territories, every foreigner proceeding to any British possession should be advised to obtain a British visa before leaving India for a British possession.

Copied
10.8.18

Recd 10/8/18
12.8.18
Commr. of Police

2. The instructions embodied in
 G.O. Nos 431 & 9-5-18 and
 G.O. 438 & 17-5-18 and
 G.O. 492 & 7-6-18 are only
 executive orders of the Govt. of India
 intended for the guidance of
 officers in the matter of issuing
 passports or granting visas.

28.18
 P. del.
 5-8-18
 1

(G. No 1876)

G.O. 431
 9-5-18 D

G.O. 492
 7-6-18 H

G.O. 493 P
 26.4.17

Rule 2 (P)
 4/11

in forwarding to Home (Misc) Dept.
 Visiting of foreign passport
 from the Commission of Police 21.6.18

Please see para 3 (1) of Foreign Dept.
 Memo. No 507 G & 1-5-18, and para
 2 (vi) of Memo. No. 592 G & 13-5-18.
 The Govt. of India state that in the
 case of non-British Europeans and
 Americans, the new restrictions apply
 in full, and ^{they} require that a reference
 should always be made to them
 before a visa is actually granted.
 The intention apparently is that
 whenever ~~visa~~ a visa is required
 on the passport of a foreign subject, India
 should be consulted. British visas
 are ordinarily required ^{on foreign passports} only in cases
 where the holders proceed either
 through or to any British possession.
 Under rule 3 of the Defence of India
 (passport) Rules, no person can
 embark at a port in British India
 without a passport, and "passport"
 means a passport issued or renewed
 by or on behalf of the Govt. of the
 country of ^{which} ~~where~~ the person to whom
 it relates is a subject. It would
 therefore seem sufficient for a foreigner
 to have a passport issued by his Govt.

observe "Cogent private necessity may ordinarily be assumed for a return to their home country". It is for orders whether the question may be referred to the Govt. of India for decision.

H.S.T.

4-7-18.
11-7-18.

Suppose an American, holding an American passport, applies for endorsement for the return journey: what we have to do then?

We will have to refer him to the American Consul, Madras for an endorsement for the return journey. If he applies for a British visa in addition to this endorsement, there is no objection to granting one, though there is little need for the same, unless he goes to any British possession on the way.

H.S.T.

12-7-18.

12-7-18.

I don't think it is intended that a visa should be necessary on passports of foreigners not passing to British territory. The second part of para 2 vi of memo 658-9.

13. 692 7-6-18. 'H'

applies to the General rules above
~~with this one.~~ But if it is
 considered that the point should be
 made explicit, as to India

may be.

1328

The question at issue whether a
 foreigner holding a foreign passport
 should be allowed to embark from
 a British Indian port without a
 visa from an Indian Government
 official.

2. It is clear that if he intends
 to go to a British possession, he
 needs a visa; though the visa by
 itself will not entitle him to land
 in the British possession against the
 wishes of the local authorities.

3. It is doubtful if he requires a
 visa from an Indian Govt official,
 if he does not go to a British
 possession. All the authorities put
 up define the circumstances under
 which a visa may be given; they
 do not define the circumstances under
 which one is necessary.

4 I wonder also if the solution depends on the nationality of the ship - British or Indian.

5 Has Public any advice to give?

Public
15/7/17



Home Secy

18-76-1

15-7-18

CURRENT NO.
2394
18-76-1

16. 4. 18

1-2-3-4
493 Pubg 26.4.17-P.

Public (way sets)

Paras: 1-3 of Home Secretary's note above.

It is submitted that regulations relating to possession of passports were placed on a legal basis, so far as British India is concerned, only in March 1917. The latest general rules in force - (i.e. omitting special rules exempting particular classes of persons from the operation of those rules) are on pages 3-4 of G.O. 493 Pubg 26.4.17. Attention is invited to rule 3 of those rules and to the definition of passport in rule 2 *ibid*.

It will be observed that, in the case of an individual leaving India, the rules only require that he should possess a valid passport issued or renewed by or on behalf of the Govt of the Country of which he is a subject; i.e. so far as rules in British India are concerned, it is not obligatory on the part of a foreigner to obtain a British visa on

on his passport prior to leaving India, whether his destination is a part of the British dominions or not. Submitted that this is the reply to the question put by the Commissioner of Police.

2. It will however appear that the Home Govt and the various British Colonial Govts. have framed regulations insisting on the provision of a British visa in the passport of every foreigner prior to permitting him to land within their jurisdiction. In regard to this the authorities in India can only warn the foreigner in question about the requirements of passport regulations elsewhere, but are not themselves legally empowered to detain a foreigner for the only reason that his passport does not contain a British visa. It is to the advantage of the foreigner concerned to obtain a British visa before he leaves India; as a matter of fact this seems to be already well known - please see portion I of Home (Mis) note on page 2 ante.

3. As referred to in para: 3 of Home Secretary's note above the instructions embodied in Home (Mis) G.O's 4318 9.5.18, 4388 17.5.18, and 4928 7.6.18

Page 4 ante.

D
E
H

are executive orders of the E. of S. mainly intended for the guidance of local Govts and Officers in the matter of issuing passports or granting Visas. They do not contain any statutory rules making it obligatory on the part of foreigners to have a British Visa on their passports prior to leaving India.

4. The doubt which the Commissioners of Police has felt in the matter is apparently on account of the reference to the "Home Country" in item (vi) of the Foreign and Political Dept. Memorandum No. 656 G. S. 22.5.18. It will be seen that this item and para: 11 of the Bombay Govt's letter ^{21.5.18} referred to therein have been somewhat loosely worded - for instance in referring to cases of Visa on foreign passports the Bombay Govt. place under that category the case of Indians of Mesopotamia returning home. It seems obvious that the remarks in item (vi) of the Foreign and Pol. Dept. memorandum are intended for application only to passports of foreigners who want to go to any British possession or who stop at any British possession during their journey home.

Page 3 of 20 492 Home (Mis)
7.6.18 Flag-H

Page 2-3 illd.

Page 3 illd.

Home Dept. Notif.
No. 9098 22.8.14 on page
327 of War Legislation book.

% Page 3-4 of No. 493 Pdt
26.4.17

5. Under ^{existing} rules (issued under the
Foreigners' Ordinance) every foreigner
who wants to leave the Madras Presidency
by sea otherwise than by the port of
Madras has to obtain a special
permit for the purpose. This arrangement
remains unaffected by the Defence of
India (Passport) Rules. Neither set of rules,
however, contains any reference to the
nationality of the ship in which the
foreigner or individual concerned proposes
to embark.

CPM
24.7.18

Then is I think no doubt that
this is a question of the Bombay
Government. It is a question of
a visa before he leaves India, for his
own convenience he had better obtain one
if he wishes to land at any British
port. The instructions in 800 431,
438 & 492 are not statutory.

The question is probably finally
settled. Hardly any ship can
be leaving Madras direct for a
foreign port.



Pub: H.O. 2394 IV-1

25.7.18

Noted in CR

26.7.18

NOTES

5 Under Home (Dis) Dept
Please see the remarks of the Public Dept
on pages 5-8 ante. It seems hardly
necessary to address the Govt. of India.
A draft reply encl. to the
Commissioner is subd. After issue the
papers may be recorded

FOR 2-8-18 (Passport) Rules
Pdes. 1-8-18
W.M.
8/8/18



Done
ms
8/8/18
(Encl 1876-28888)

Recorded.
Ly. no. 604 A
12.8.18

When given for copying

When copied

When examined

When signed

191

READ AGAIN G.O. No.
191

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

..

..

..

A

A

A

A

A

A

A

LETTER OF GOVERNMENT

STATEMENT WITH LITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

A = Copy in full.

B = Not to be copied.

P = Copy abstract only.

Q = Copy heading only.