

Home (1918) Department.
(Miscellaneous)

Ordinary SERIES.

G.O. No. 838

DATED 2-12-18.

[Despatch Abstract.]

Legislative Council Resolution.-

Recording notes connected with a resolution proposed to be moved by the Hon'ble Rao Bahadur S.R.M. Annamalai Chettiyar at the meeting of the Legislative Council held on the 19th November 1918 on the subject of the issue of passports to travellers to the Straits Settlements and the Federated Malay States more freely than hitherto.

BACK PAPERS.

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

FURTHER PAPERS.

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

NOTES CONNECTED WITH A RESOLUTION REGARDING MATTERS OF GENERAL PUBLIC INTEREST.

[For the meeting of 19th November 1918.]

[SUBJECT.—*Authorizing District Magistrates to issue passports to persons going to Straits Settlements, etc.*]

The Hon'ble Rao Bahadur S. R. M. ANNAMALAI CHETTIYAR :—

XLIII. This Council recommends to His Excellency the Governor in Council that instructions be issued by them to all District Magistrates to freely grant to all persons applying to them for the issue of passports to enable them to go over by sea to places in Straits Settlements and the Federated Malay States and in other British Colonies, and to places in the Colonies of Allied Governments, for carrying on trade or business, unless such applicants are certified by the District Medical and Sanitary Officers to be physically unfit for the voyage.

HOME (MISCELLANEOUS) DEPARTMENT.

The general instructions regarding the grant of passports are contained in the following Government Orders :—

G.O. No. 431, Home (Miscellaneous), dated 9th May 1918.

" " 438 " " 17th " "

" " 492 " " 7th June "

In the first of these orders, the Government of India restricted the issue of passports to journeys undertaken in the national interest or for an object of cogent private necessity. It was however made clear in the subsequent instructions, recorded in the last two Government Orders above, that passports may be given in all cases of persons proceeding to places where they have established business and trade relations, and that the general principle is not to interfere unnecessarily with legitimate livelihood (paragraph 2 (ii) of Memorandum on page 3 of G.O. No. 492, Home (Miscellaneous), dated 7th June 1918). Grounds of legitimate livelihood have accordingly been held to constitute cogent private necessity and passports are freely issued in such cases. The instructions are clear, and there seems no need to issue any further instructions as recommended by the Additional Member to all District Magistrates on the subject. He made the same request in a memorial separately sent by him to Government. A reply is proposed to be sent to him informing him that, under the rules in force, passports are ~~freely~~ issued to all persons proceeding on grounds of legitimate livelihood. *freely*

The orders of the Honourable Member may be obtained whether he will reply to the resolution at the Council meeting and, if so, whether any further information regarding it is required, and whether he wishes the attitude of the Government in replying to it to be discussed in the Executive Council.

M.D.R.—5-11-18.

C. H. BROWN—6-11-18.

So far as British possessions are concerned, except as in so far as war conditions demand, the resolution is already in force (subject of course to any provision of law against immigration in the colony concerned).

2. Regarding colonies of Allied Governments, the only colonies frequently asked for are Saigon (France) and Sumatra (The Netherlands). We generally issue passports, of course the possession of a British does not guarantee admission against the local laws.

3. The resolution is probably drafted under a misconception—see linked file.

R RAMACHANDRA RAO—6-11-18.

I will take the resolution. No further information required provided the linked file is made available at the meeting.

L. D[AVIDSON]—7-11-18.

Submitted to the Hon'ble Mr. L. Davidson C.S.I.

*flag J
B: 42
C: 14/4
14-11-18*

*M.D.R.
14-11-18*

Resolⁿ No 30

Oversea passport¹³

The following question & answer relate to the same subject.

(Mr. Annamalai Chettiyar.)

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135 Q.—(a) Will the Government be pleased to make a statement regarding their object in introducing the passport system and the policy pursued by them in the matter of issuing passports to enable persons engaged in oversea trade to go over themselves or send their agents and clerks engaged in this Province for carrying on their trade in Penang, Singapore and other places in the Straits Settlements and the Federated Malay States and in French Cochin China?

(b) Will the Government be pleased to state whether they have issued any definite instructions to Collectors and District Magistrates to be carried out by them in disposing of the applications made to them for passports for voyaging to the above places for trade purposes?

(c) If the answer to (b) is in the affirmative, will the Government be pleased to lay a copy of such instructions on the table of this House?

(d) Will the Government be pleased to issue the necessary instructions to the District Magistrates to grant freely all bona fide applications for such passports except in the cases of persons who are certified by the District Medical and Sanitary Officers to be unfit for undertaking the voyage on account of ill-health or disease?

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135 A.—The passport system, which is based on the orders of the Government of India and the expressed wishes of the Home Government has for its main purpose the "restriction of journeyings, both for unnecessary and undesirable objects." Instructions have from time to time been issued to Collectors in accordance with the rules originally laid down by the Government of India in this matter and modifications therein subsequently directed. According to the latest orders, which have been duly communicated to Collectors, the principle governing the issue of passports to persons engaged in oversea trade is to avoid unnecessary interference with legitimate livelihood. Passports are now freely issued to all persons who have bona fide reasons of business for journeys to the countries mentioned in the question and the Government believe there is no longer any legitimate ground for grievance.

It is possible that this answer may lead to the withdrawal of the resolution.

2. The obligation to obtain passports for over-sea journeys of the kind referred to was first created by the promulgation of the

90 to 2493 (11) Defence of India passport Rules, 1917, which made the Commr. of Police, Madras, & the Maritime District Magistrates competent authorities for the purpose of issuing passports.—(Rule 2. defⁿ.) or rather of granting exemptions from the obligation to take out passport. (Rule 4.)

at that time the general instruction in No 12 of the Passport Regulations

(2)

(20 p. 5 of G.O. No 1460 of 8 Oct. 1915)
authorized a discretionary refusal of
passports to "persons of doubtful
character or respectability"

3. A new restriction was introduced
when on 1st May 1918 the Gov^t of India,
~~acting~~ on a recommendation from the
Sec^t of State, took steps to adopt the
rule of practice established in the
United Kingdom "to refuse passports
"to leave the country for whatever
"destination except on evidence that
"the journey is undertaken on the national
"interest or for an object of urgent private
"necessity". The Sec^t of State himself
pointed out that "the passport system
"is intended to restrict journeys both
"for unnecessary & undesirable objects".
The Gov^t of India's letter was com-

(4)

-municated in G.O. No 431 Home Sec^y
of 9 May 1918 to all District Magistrates
the Collector of Madras & other officers
concerned ~~provided~~ with instructions
"very careful" to "observe the orders
of the Gov^t of India in dealing with
applications for passports".

4. On the 14th May the Gov^t of India
telegraphed supplemental instructions

including the following sentence

"Passports may be granted to Indians
and their families to Africa, Mauritius, ^{Madagascar}
& other adjacent countries in which Indians
have established business & trade relations
in cases where you are satisfied that
applicants require to go for bona fide
business reasons, that they are of good
character without ulterior objects, and
that their absence will be sufficiently
prolonged to justify their families
going with them."

This has been communicated to all District

P.O. to 438
7. 17. May 1918

(X) Magistrate for information and guidance
in continuation of P.O. 431 - (G)
9 May 1918.

5. On the 22nd May the Gov.^t of India
communicated for information &
guidance correspondence with the Gov.^t of
Bombay ~~concerning~~ dealing
with a variety of cases arising out of the
application of Indian conditions of the
English practice. One of these was the case
of Indians travelling from Bombay to Africa
& further afield e.g. to such places as the
Fiji Islands, particularly small merchants
& skilled artisans - with their families -
reasonably established business or work on

...and ...
...and ...
...and ...

* See 5 cases cited in
Bombay's letter of 11.5.18
at p. 2 of
G.O. Hugged (R)

G.O. No. 492
of 7 June 1918

* probably covered later

4
going out for the first time to definite
employment. &c.

On this point the Govt of India laid
down that -

"The general principle is not to
interfere unnecessarily with legitimate
business & passports may be given
(unless there are special reasons to
the contrary) in all cases cited*, except
that wives & families should not be
allowed to proceed with, or join, their
male relatives for a temporary visit
unless cogent private necessity is
shown."

This ruling - with others - was communi-
cated to all District Magistrates for
information & guidance in continuation
of G.O. No. 438
17 May 1918 Hugged X.

6. There were thus three general instructions
G. X. R. dated 9th & 17th May & 7th June
On 30th June the District Magistrate of
Raunad made a special reference pointing
out that the effect of these three instructions
was respectively (1) to impose close restrictions
(2) to impose modified restrictions & (3) to
impose no restrictions; and he asked
whether he was to impose any restrictions

5
or to issue passports [to traders] free on demand as was done before the issue of the first order (G), there being a very great demand for such passports from his district.

In reply he was informed in East. No 1985-1 of 16 July 1918 that the first instructions (G) should be "taken as a 'working guide to the administration of the rules' & that the subsequent instructions shd. be regarded as 'supplementary and issued so that the previous instructions might not be misunderstood'".

The wording of this endorsement was, I think, somewhat lacking in facilities.

7. Before it reached the District Magistrate of Ramnad he sent up for orders on the 3rd July 1918 a particular application for leave to go to Cochin China from one N.R.

M. A. L. Alayappa Chetty. On this application which recited that the applicant's object was to "alienate the present agent of A.R. M. Chidambaram Chetty whose term of agency has expired & who has to come back on 'relief', a memo was issued - 1985-1 of 11 July 1918 as King of the District Magistrate has prepared to certify & co-operate in the necessary with reference to G.X.X., no mention

unfortunately being made of R, the last

(A)

I It was not circulated to H.M.

(orders not passed until 30 August)

There was also an application from one Ramaswami Chetty not in the file

p. 2 of B.

II Another unfortunate order.

* more precisely
than X.

(Chetty
pracha)

p. 5 of (B)
(It was on receipt of this
that the D.H. resumed the
free issue of passports)

6.
instruction, which laid down the general
principles of legitimate livelihood. The
Secretary noted that a "mere allegation
of securing an employment was insufficient."
On 18th August the District Magistrate
replied that he was "not convinced of the
need for the charge of agents" & therefore did
not consider agent necessary to exist. The
Secy then noted
"The practice with reference to Chetties
is this. For every foreign place of business
a local agent is appointed. He goes
with his family. Chetty families are not
allowed to travel outside India. The
term of appointment is limited to three
years. Every three years the agent is
changed & the outgoing agent's accounts are
"balanced" (27 August)
On 28 August H.M. agreed that his con-
stituted a journey for purposes of legit-
imate livelihood, & a memo was
issued on 30 August (No 1980-2 of
30.8.18) authorizing the issue of a passport
& calling for an application in the pre-
scribed form together with two un-
mounted photographs. This was sent up
by the District Magistrate with his letter of
7 Sept. & a passport was granted in

(B)

90. No 665 of 14 Sept. 1918 with in-
-struction to the applicant to obtain
the visa of a French Consular Officer
(Cochin China being a French settlement).

(8) Memo on 5-Sept. to the Honble
Rao Bahadur Saramala Chettiar wrote
a long letter on the general issue of inter-
-ference with Antikottai Chettis, attaching
the District Memo of Ramnad and recom-
-mending the issue of general instructions
in terms substantially identical with the
present resolution. He cited orders of the
District Magistrate refusing passports to

(1) Ramasami son of Palanappa
Pounda (Sargam) - d. 22 July

(2) R. S. Lakshmanan Chetty, son of
Chokkalingam Chetty (Sargam) - d. 26 July

In End. No 2538-1 of 18 Sept. 1918
the District Magistrate was asked to offer his
remarks. Para 2 of the End. ran: -

"In cases similar to those referred
to Govt. have decided to issue pas-
-ports as the applicants proceed for
legitimate work and when they
are held to establish urgent private reasons."

On 7 October the District Magistrate replied
that he had imposed restrictions since the
receipt of G & until the receipt of

431 7.9.5-18

Pp. 1-5 of (J)

Date prior to the
full enlightenment
of the D.M. by the
memo of 30 August
at p. 5 of B + about
the time when he was
asked a Memo of 11 July
if he could certify to
urgent necessity in the
case of Alopappa Chetty.
L.S.

pd. 18 Sept.

and 12. Oct.

m (B)

10
Memo No 1980-2 of 30 August directing
grant of a passport to Alagappa Chellu
the relieving agent anxious to go to
Cochina China, after which he again
began to "issue passports freely to
"all who apply except unskilled
"labourers & persons who cannot prove
"that they have any business abroad"

A confidential file had been separately
disposed of by the Secy before the District
Magistrate's letter was circulated on 30 Oct
to C.S. who advised that the draft put
up in House should be "amended so as to
"remove any suggestion that Mr. Moscardi
was in the wrong. This resulted in

(J)
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G.O. No 755 of 9 Nov? 1910 informing
the Hon^{ble} Res. Panamalai Chellam that

"under the latest orders governing
"the issuance of passports are freely issued
"to all persons travelling to the Far
"East on grounds of legitimate livelihood."

This was despatched on 11 Nov? after
the receipt of the Minister's resolution.

(I should like to know the exact nature
of the disposal of the confidential complaint
against Mr. Moscardi)

L.D.

15.11.18

(C.S. has informed
me. P.S.G. wrote to D.M.
L.D.
& mild letter advising
less heated language.)

These notes may be put away with
the case.

|| The H^{ts} of Anamalai Chetty
is absent & the Resolution is
not moved

L^d.
21.11.18

Recorded.

Order no 838 of 2.12.18.

Ans

When given for copying
When copied
When examined
When signed

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READ AGAIN G.O. No.
191

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

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A

A

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LETTER OF GOVERNMENT

STATEMENT WITH DITTO.

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

N.B.—

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