

Home (19120) Department.

Miscellaneous

Ordinary SERIES.

G.O. No. 1169

DATED 8 7 20

[Despatch Abstract.]

Passport. Regulations on Indian passengers to the Straits
Settlements and Federated Malay States -- withdrawal of --
Notes recorded.

BACK PAPERS.

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

FURTHER PAPERS.

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

*Mr. Callaghan
10/6/20
15/6/20*

Mr 3082
12-6
"Woodside",
Ootacamund.
11th June 1920.

Dear Sir,

A line to let you know that I have received your letter of the 9th inst. on the subject of passports and am looking into the matter.

Yours sincerely,

etc.
15/6/20



The Hon'ble Khan Bahadur

A.K.G. Ahmed Tambi Marakkayar Sahib Bahadur
Negapatam.

Copy to the Home Department for examination of the attached letter.

etc.
15/6/20

THE HON'BLE KHAN BAHADUR,
A. K. G. AHMED THAMBY MARICAIR,

IMPORTER AND EXPORTER,
COMMISSION AND CATTLE AGENT.

BRANCHES:
307, Thambu Chetty Street, Madras
29-B, Mogul Street, Rangoon,
Cable: 'CATTLE.'
Codes: Liebers, A. B. C. 5th Edition and Bentley's

(Negapatam, (India) 9th June 1920 .



My Dear Sir,

With reference to the interview I had with your goodself the other day at the Banqueting Hall regarding the withdrawal of the passport regulations on Indian passengers proceeding to the Straits Settlements and Federated Malay States, I beg to inform you that I moved a resolution at the Council Meeting held on 20th November 1919 on this subject, and the Member then in

charge of the port folio, Mr. A.R.Knapp, replied that

"It is really not a matter for the Government of India" to settle. I understand the position to be this: the "necessity for these passports arises not from any order of the Government of the Straits Settlements, that nobody can land there without a passport."

and on this ground the Government rejected the resolution.

Thereupon I have arranged to find out the views of the Straits Government on this question through Messrs. Mackinnon Mackenzie and Co., Managing Agents of the British India Steam Navigation Co., Ltd., Calcutta, and on their addressing their Agents in Singapore, they have received the enclosed reply which speaks for itself. You will kindly observe from this that the Government of Straits Settlements do not insist that all passengers landing in their Colony should possess passports and that bona fide labourers are exempted from the passport Regulations.

While such is the ordinance the Authorities on this side always insist that even domestic servants and other members of the labouring class should possess passports to proceed across, except emigrants for whom no passport is necessary. They also enforce such regulations for coolies landing here. A reference to the proceedings of the Council Meeting held on 20th November 1919 will make the position clear to you.

I also beg to invite your kind attention to Section IV of the Defence of India Passport Rules, 1917 which reads:

"The Governor-General in Council or the local Government may by order in writing exempt either absolutely or on such conditions as may be specified in the order, any person or class of persons from any one of the provisions of these rules and a competent authority may by like order and under like conditions exempt any person from any of the said provisions".

On the face of the above it is apparent that the Government of India and the local Government have powers to deal with this subject. At the same time I do not myself understand why the Government of India or the Straits Settlements should not withdraw these regulations which were enforced purely as a war measure now that Peace has been declared. It is needless for me to say again the inconveniences and hardships the travelling public are put to in taking passports, and I earnestly request that you will be so good as to go into the question fully and recommend to the Government of India for the complete withdrawal of the passport regulations on passengers proceeding

While such is the ordinance the Authorities on this side will insist that even domestic servants and other members of the labouring class should possess passports to proceed across except emigrants for whom no passport is necessary. They also enforce such regulations for cooler landing here. A reference to the proceedings of the Council Meeting held on 20th November 1918 will make the position clear to you.

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to the Straits Settlements.

A point which I think should be cleared up early is whether the Government of India or the Government of Straits Settlements is responsible for the continuance of the passport system, as, from correspondence passed it would appear that each lays to responsibility on the other.

Thanking you in anticipation.

Yours sincerely,

Davidson

The Hon'ble
Mr. Lionel Davidson, C.S.I., I.C.S.,
Member of Council,
C o t a c a m u n d.

to the Straits Settlements.
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is whether the Government of India or the Government of
Straits Settlements is responsible for the continuance of the
passport system, as from correspondence passed it would
appear that each lays its responsibility on the other.
Thanking you in anticipation.

Yours sincerely,

[Handwritten signature]

The Hon'ble
Mr. Lionel Davidson, C.S.I., I.C.S.,
Member of Council,
Colonial Office

C O P Y.

S/No.177.

Singapore, 29th April 20.

Messrs, Mackinnon Mackenzie & Co.,

C a l c u t t a.

Dear Sirs,

We have pleasure in acknowledging receipt of your letter
of 1st April enclosing copy of Messrs. Madura Co., Ltd., letter
of 27th March.

2/ The letter enclosed must have been written under a mis-
apprehension as there is not, and never has been, any necessity
for Indian labourers to be provided with passports, the Go-
vernment Gazette notification reading.†

"No Indian other than a bona fide labourer leaving India
after the date hereof shall enter or attempt to enter the
Colony unless he is in possession of a Passport."

In the same notification "Labourer" is defined as:-

"A person who is a servant in husbandry, artificer miner
or domestic servant or otherwise a member of the labour-
ing class".

3/ Further we would remind you that these passport regulations
are in force at the express request of the Indian Government,
and if any modification is desired it would be necessary to
approach them.

4/ It occurs to us that the real difficulty may be that coolies
desiring to proceed to the Straits, who are not recruited and
accompanied by a Kangany, are called upon to furnish some

6

proof that they come under the description of "Bona fide labourer" and we would suggest that the Madura Co., might make further enquiries as to whether this is the cause of the falling off in ordinary deck passengers which obviously is not directly occasioned by the passport regulations. We should mention that as the Harbour Boards of Singapore and Penang are assessed under the Immigration Fund their labourers should be entitled to admission into the depots but hitherto the Boards have not made any special effort at recruiting in India and it is probable that their policy in this respect may be changed in the near future.

We are Dear Sirs,

Yours faithfully,

Sd. Boustead & Co.,
Agents, B.I.S.N.Co., Ltd.,

COPY.
Singapore, 28th April 30.
Messrs. Mackinnon Mackenzie & Co.,
Calcutta.
Dear Sirs,
We have pleasure in acknowledging receipt of your letter of 1st April enclosing copy of Messrs. Madura Co., Ltd., letter of 27th March.
The letter enclosed must have been written under a misapprehension as there is not, and never has been, any necessity for Indian labourers to be provided with passports, the Government Gazette notification reading:-
"No Indian other than a bona fide labourer leaving India after the date hereof shall enter or attempt to enter the Straits Colony unless he is in possession of a passport."
In the same notification "Labourer" is defined as:-
"A person who is a servant in husbandry, agriculture, mining or domestic servant or otherwise a member of the labouring class."
Further we would remind you that these passport regulations are in force at the express request of the Indian Government, and if any modification is desired it would be necessary to approach them.
It occurs to us that the real difficulty may be that coolies desiring to proceed to the Straits, who are not recruited and accompanied by a Kanungo, are called upon to furnish some

proof that they come under the description of "bona fide labourers" and we would suggest that the Madras Co., might make further enquiries as to whether this is the cause of the falling off in ordinary deck passengers which obviously is not directly occasioned by the passport regulations. We should mention that as the Harbour Boards of Singapore and Penang are assessed under the Immigration Fund their labourers should be entitled to admission into the docks but hitherto the Boards have not made any special effort at recruiting in India and it is probable that their policy in this respect may be changed in the near future.

Agents, E.I.S.N. Co., Ltd.
 24, Raffles Place,
 Singapore.

[CN 3082] Home (this) day
 From the Harila W. Ahmad Damb
 Marakkayan of q. 6420.

Passports — Straits Settlements

U.S.

The latest orders regarding (Indian) the Passport Regulations of the Straits Settlements are contained in G.O. no 107 Home (this) of the 25.11.1917. It will be seen therefrom that it is the Govt. of the S.S. & not the Govt. of India that insist on the possession of passport by persons entering that Colony. The statement of Messrs Bonsted & Co. Singapore, in para 2 of their letter of 5.12.17 is obviously incorrect. vide W. F. 13 is letter no 2931- G of 12.12.17 from which it will be seen that the S.S. Govt. decided to insist on the possession of passports by persons entering the Colony even though the Govt. of India apparently suggested some such relaxation in the case of Indian.

11980 no 1810 - (V)
 25.5.20

11980 no 1810 - (U)
 26.12.17

F. Vide further Marila & India apparently suggested some such relaxation in the case of Indian
 8.1.20

+ With newspaper cutting
at page 2

Rules framed under the new passport bill will come into operation when the present passport rules cease to be in force viz 6 months after the termination of the war.

13 Cf.

2. The new passport bill that was introduced in the Legislative Council on 25-2. So by the Hon. Mr. Datta makes it obligatory on persons entering India only to possess passports. The present obligation to obtain a passport when leaving India is being definitely abandoned, but it will be obviously ~~advised~~ in the interest of a person proceeding to the Shikhar Settlement to provide himself with a passport (as otherwise will not be allowed to land on the other side) even though the Govt of India will allow him to leave India without a passport. The

3. With regard to the Hon. Mr. Ahmad Shambhi Manasakar's contention that the passport regulations may well be

Withdrawn and that peace
has been declared attention
invited to the portion marked
Vive newspaper cutting in the House Mr. Dobbs's speech
or play 0 introducing his Bill.

4 The ~~Bill~~ Bill may perhaps
be informed that it is the
Govt of the S.S. & not the Govt of
India that is responsible for
the passport restrictions on persons
proceeding to the S.S. & that
under the revised passport rules to
come into operation 6 months
after the termination of the war the
obligation now imposed on persons
leaving India to obtain a passport
is being definitely abandoned.
Draft to be submitted for
consideration.

It may be before the D.O. issues
10/12/20

4.6.20
20.6.20

A | Does labourer include "domestic
servant" ? or not the exemption
in practice confined to emigrants
B | Cooks?
11/12/20

48 74
29 6 20

2 amp 9 ante

(V) (U)

A. Labourer Includes 'domestic servant' - page
fo no 1017 & 25.5.20 and page 2 of fo no
& 2.7.17

B. Submitted 'yes' - please see portion marked on
17 of fo no 24 & 8.1.20.

(I)

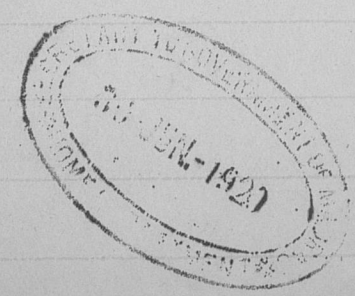
Se 25.6.20

S WSB 24/6/20

5/15
Please check time
25/6/20

As regards the reference at 'A' in the Hon. Mr
Ahmad Tami Marakayar's letter on page 3 ante to
the existence of passports in the case of
domestic servants it is submitted that under
the regulations of the Malay States these servants
are classed as ~~domestic~~ labourers and as
such are exempt from the production of passports.
It is naturally the duty of the domestic
servants or their masters to claim exemption
from passports. If, however, applications for
passports are made in the usual course on behalf
of these servants, the passport issuing authorities
cannot be expected to ~~investigate~~ find out in each
case whether the servants are exempt ~~from the~~
~~regulations~~ under the rules or not and to
communicate the fact of exemption to the
applicants where necessary. The pencil add
to the draft do. is for approval.

9



Se 25.6.20

S WSB 28/6/20

mm 29/6/20

Hm

Ld 30.6.20

11
D.O. 3082-1
30.6.20
Domestic misc

Dear Sir
~~Mr. Davidson~~

With reference to you
of the 9th inst. to the Honble Mr. Davidson
subject of the withdrawal of
restrictions on Indians forced
Strait and the F.M.S., I
write ^{your} attention to the regular
issued by the Govt. of the Straits
(copy enclosed) from which
~~that~~ It is that Govt. that in
the production of passports by
other than bona fide labor,
enter the Colony. You will also

So far as the Govt. of Straits
concerned, I am to state that
the revised passport rules which
come into operation 6 months
conclusion of peace
termination of the war, the
to obtain a passport now with
persons leaving India will be

Yours
23/6/20

29/6/20

(V)

that the definition of "labourer"
includes domestic servants, and
you will also note that
that domestic servants are included
under labourers and as such are
except from the production of
passports

that if any one, even if he
be allowed by that Govt.
to enter their territories
without a passport, applies
to this Govt. for a passport,
the application is considered
on merits, irrespective of any
exemption claimable under the
Straits Settlements regulations

To The Hon. Khan Bahadur

A.T. G. M. Ahmad Tambi
Marak Kaya, Nipahatuli

Rai
17.

12
Home (Miscellaneous) Department.

Ootacamund,

30th June 1920.

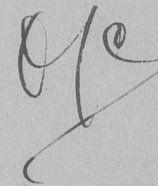
82-1.

Sir,

With reference to your letter of the 9th instant to the Hon'ble Mr. Davidson on the subject of the withdrawal of the passport restrictions on Indians proceeding to the Straits and the Federated Malay States, I am to invite your attention to the regulations recently issued by the Government of the Straits Settlements (copy enclosed). It is that Government which insists on the production of passports by all Indians other than bona fide labourers who enter the Colony. I may add that the definition of "labourer" includes domestic servants, and that if any one, applies to this Government for a passport, the application is considered on its merits, irrespective of any exemption claimable under the Straits Settlements regulations.

So far as the Government of India are concerned, I am to state that under revised passport rules which it is expected will come into operation six months after the conclusion of peace, the obligation to obtain a passport now imposed on persons leaving India will be removed.

Yours sincerely,



The Hon'ble Khan Bahadur

A.T.G.M. Ahmad Tambi Marakkayar,

Sahib Bahadur, Negapatam.

~~h~~

over
misc. No 1169 Home (un) 8-7-20

The papers may be Received for future reference

~~h~~
7-7-20

~~h~~
8/7/20

26 2 20
General Council
25 2 20

14

14

entering British

39

ced the Bill
require pass-
entering British
to rise to ask
enabling the
with a view to
in possession
India by sea
passport rules
under the Defence of
will cease to be in
the termination of
known when this
may be presumed
with the last of the
year, will be ratified
for three months, so
passport rules will cease
for nine months hence.
of 1917 make it obli-
persons entering or
to be in possession
ed and visaed passport
in two years old, and the
ices granted for single
there are large classes of
ading bona fide labourers
een India and the Malay
and bona fide Muham-
coming to and from
The system is reported
d satisfactorily and may on
and to have fulfilled the
which it was introduced; that
has formed a reasonably
eck upon the movements to
India of actual or potential
Bolshevik propagandists. It
is hoped that after the war it
possible to do away with the
it is only too evident that the
hostilities will not free
from the great danger to meet
he passport system was devised.
the United Kingdom and the
ons of Canada and Australia but
ertain foreign nations, such as
United States and Sweden, have
decided to retain their war
ations controlling entry into
countries, and it is believed
practically every civilised country
ands to follow their example
though we have not yet received detail-
information of the intentions of the
untries other than those mentioned. In
United Kingdom the Aliens Restriction
Act of 1914 was continued and ex-
ended by the Aliens Restrictions Amend-
ment Act of 1919, and an order in Council
was promulgated whereby with certain
exceptions all persons landing in the
United Kingdom whether British subjects
or foreigners had to be in possession of a
passport. The new Aliens Restrictions
Act under which this order is passed will
continue in force until the 23rd Decem-
ber, 1920. With regard to foreigners,
India and the Dominions have been defi-
nitely invited by His Majesty's Govern-
ment to bring their system into line so
far as is possible, with that of the United
Kingdom. I need not dwell at length upon
the very special danger to which India
would be exposed in the present state
of the world if no attempt were made to
scrutinise the intentions and antecedents
of persons trying to enter her territories.
We know that the Bolshevik Government
have published far and wide their inten-
tion of flooding the east generally and
India in particular with trained revolu-
tionary propagandists. We may expect
attempts on the part of the agents of
Bolshevism to penetrate this country by
every possible route and every possible
means. We know that there are
a number of such persons at the schools
of propaganda at Moscow, Tashkent and
elsewhere in Soviet Russia. I am sure

that all the members of this Council, whatever their political creed, will unite in a desire to prevent, so far as possible, this pernicious penetration, the object of which is to create hatred and strife. In addition, there is the question of restricting the entry into India for the present of former enemy subjects. The Government of India have not yet finally formulated their policy on this point, except in the case of Germans and German Austrians, whose entry into India will, at all events, be generally prohibited for a period of 5 years. The Council will observe that the bill which is now being introduced is merely an enabling bill. The obligation

PT-0

14

In perusal.

27.2.20

to obtain a passport at present imposed on persons leaving India is being definitely abandoned, and this may remove a considerable inconvenience felt by the travelling public. The object of leaving the main operations of the bill to be embodied in the rule is, of course, to secure elasticity in view of the rapidly changing conditions of the outside world. It is the intention of the Government of India at present to relax the conditions governing the validity of passports by asking the visa last for one year instead of a new one being required as at present for every journey and this relaxation will, I hope, be further extended as the world settles down. On the other hand the bill takes power to secure passports from persons entering India by land and air as well as by sea. It is not our present intention to make passport obligatory for entry by land except in the case of the Nuskhi Railway by which there is the danger of the entry of Bolshevik emissaries.

Mr. Sarma

Mr. Sarma said they had every desire to co-operate with the Government in their efforts to prevent undesirable aliens from entering this country with a view to carry on their nefarious propaganda of unsettling the minds of Indians, but what they objected to was the provision in the bill which gave extensive powers to the executive to prevent *bona fide* Indian subjects returning to India without passports. The question was not whether the power would be exercised by the executive wisely or unwisely, but whether it should at all be conferred on executive. With regard to Indian subjects, the Government had already necessary powers to deal summarily with undesirable persons by means of the Madras regulations, Bengal regulations, and the recently passed Rowlatt Act when such persons arrived in India, but there was absolutely no need to enact measures to prevent Indians from coming to their homes. He cited the case of Lala Lajpat Rai. Under the Defence of India Rules he was prevented from entering India. That, he said, was an extremely undesirable act on the part of the Government. The best course would have been to allow Lala Lajpat Rai to return to India and then proceed against him under the various Acts if he had misbehaved. This Bill should, therefore, be confined to aliens and if the Government were prepared to go further they might extend it to other parts of the British Empire, but so far as British Indian Subjects were concerned there was absolutely no justification for these measures.

Mr. Pipon

Mr. Pipon, with three and half years of practical experience in the working of the passport system in India and with the knowledge of the system in most other countries, tried to convince Mr. Sarma that he was wrong when he made the suggestion that the Government of India should exempt British Indian subjects from the operation of the law on passports. There was no question of principle involved. It was merely a question of practice. The passport system entailed not only a properly constituted authority for issuing passes but a machinery for checking them. It was perfectly impossible for that machinery to guess the nationality of any person except through the production of passports. What was rather interesting in this matter was that the French Government during the War were confronted with very much the same difficulty as Mr. Sarma was now confronted with. The French Government were very sensitive as to the rights of

Frenchmen in they made some rules by which produce certain men were production. The unfortunate French papers were stopped them went through was not an easy to prove whether was an Indian or not.

Mr. Sarma:—My explanation. I only should be a clause in the Government's subjects, or to the effect safeguards should be made.

Mr. Pipon:—It is proposed to exempt any particular

Mr. Khaparde wanted to be framed under the Bill by this Council.

Mr. Chanda agreed with

Sir William

Sir William Vincent said this was only a motion to produce the Bill. A good had been drawn to the of Indian subjects of and the subjects of Nations entering British India. A been in charge of the Home during a great portion of the War, Sir William explained was never the policy of the to take that extreme step. in the case of Lala Lajpat Rai. Mr. Sarma the speaker made Lalaji went to America accord before the War. He got

ports from America and then Secretary of State for India (speaker) could not find during short time that any orders against him by the Government India. The suggestion that the ment wanted to exclude the Indian States was really fanciful.

Mr. Shafi

Mr. Shafi drew the attention of Council to sub-clause 3 of Clause 3 and said that the Bill did not exclude any from entering British India. It only authorised the Governor-General to frame rules.

Mr. Dobbs briefly replied after which the Bill was introduced.

copying

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DATED

ORDER OF GOVERNMENT

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH LETTER.

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

N.B.—

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