

EAST AFR. PROT
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REC 18 MAR 20

O. A. G.
BOWRING COM 34

1920

16th Feby.

previous Paper
21/10368

copy of bill is 24 June 20 2996

29396

REMOVAL OF UNDESIRABLES ORDINANCE.

The copy draft bill States is not aimed against Indians and is on a par with Uganda legislation. Has decided to postpone its consideration till first meeting of new Legislative council.

W. H. Murray, Sec. to Govt

Copy of Uganda Ordⁿ, No 70 of 1913,
is attached to ⁸⁶⁵⁹ 20368/20.

This Ordⁿ follows the Uganda Ordⁿ ~~which~~ ^{is} ~~of~~ ⁱⁿ ~~the~~ ^{the} (S.S. of Uganda Ordⁿ) & very closely (S.S. of Uganda Ordⁿ)

It is clear that the Govt should have the power to ~~enact~~ ^{enact} for the ~~well~~ ^{well} ~~being~~ ^{being} ~~of~~ ^{of} the ~~people~~ ^{people} ~~of~~ ^{of} the ~~country~~ ^{country} ~~and~~ ^{and} ~~not~~ ^{not} ~~suppose~~ ^{suppose} there ~~is~~ ^{is} ~~not~~ ^{not} ~~any~~ ^{any} ~~trouble~~ ^{trouble}.

If the Leg. C^o passes the bill, we shall get it again in the form of an Ordinance - so there is no hurry to do anything - but

No 10368/20 -

2. It might also be possible
to return a copy of the Bill
to the Secy, the Committee of
the Indian National Congress
together with copy of Report
No. 10 of 1913 calling
attention to §§ 5 & 6 of that
No. which the Bill follows.
(with no further comment).

accf

24.5.20

? So proceed - No. 10368 says nothing
about a copy of the Unpassed Bill.

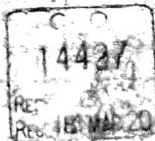
Sir R. Long seems doubtful as to making use
of the 1913 forms relative to unpassed
Bills. Thus the I.N.C. income tax
with common Indian "assess"; a "Indian
political" but only Indian "unpassed". The
word "political" known as "unpassed"?

Oct 20 20

at once

A. J. P.

32/10/20

CONFIDENTIAL16th FEBRUARY, 1920.

My Lord,

I have the honour to refer to Your
 Lordship's ^{Cypher} telegram of the 4th instant, and my cypher
 telegram of 9th January, respecting the proposed
 Removal of Undesirables Ordinance and to explain
 the reasons on account of which the introduction
 of this legislation was contemplated.

2. On July 12th last year a despatch dated
 June 27th, of which I attach a copy, was received
 from the Governor of Uganda regarding the procedure
 to be adopted by this Protectorate in dealing with
 persons removed from Uganda under section 5 of the
 Immigration and Removal of Undesirables Ordinance
 1913. The Attorney General was consulted and
 advised that the enactment of a similar Ordinance
 here was the only practical way of giving effect
 to Sir Robert Coryndon's wishes. It was according-
 ly agreed in Executive Council that such legis-
 lation should be drafted and subsequently published
 for information and criticism. In pursuance of
 this decision the draft Bill, a copy of which I
 append

RIGHT HONOURABLE

VISCOUNT MILNER, P.C., G.C.B., G.C.M.G., &c. &c.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, E.W.

191
 8459
 Governor,
 Uganda
 6. 19

Bill

4. The real basis of the opposition I think lies in the apprehension felt by the Indians as to the attitude towards them which will be adopted by the European Community. I am commenting on this in a general despatch on the Indian question.

I have the honour to be,
Your Lordship's
humble, obedient servant,

L. P. ...

Very respectfully ACTING GOVERNOR.

GOVERNMENT HOUSE,

UGANDA,

27th June, 1919.

UGANDA PROTECTORATE.

C/416.

CONFIDENTIAL.

Sir,

I have the honour to refer to the question of the removal of undesirable Asiatics which I discussed informally with Your Excellency during my recent visit to East Africa. I understood Your Excellency to agree that the presence of such individuals must tend to exert an unfavourable influence on the natives, whose trustees we are, that their removal would have a good effect on public morale, and that the Government of the East Africa Protectorate would render such assistance as was found to be possible.

2. Under section 5 of "The Immigration and Removal of Undesirables Ordinance, 1913", the Governor has power to order any person who is not a native of the Protectorate and who from information officially received is deemed by him to be an undesirable to remove himself from the Protectorate by a certain date. I propose, therefore, to request the Commission to advise whether it considers advisable the issue of any Asiatic whose presence in Uganda is regarded as undesirable in order that I may issue such instructions as appear necessary. The powers will be sparingly used, and only in exceptional cases.

3.

Yours faithfully,

THE GOVERNOR,

EAST AFRICA PROTECTORATE,

NAIROBI.

3. I assume that the Government of the East Africa Protectorate would not be prepared to allow an individual to remain in that country after his removal from Uganda, and I am also advised that it would not be incumbent on me to provide such an individual with a passage to any country other than his country of origin. For all practical purposes, therefore, the discussion of the measures to be taken may be confined to the case of individuals proceeding to India, and I suggest the following procedure.

4. When a decision to remove an individual has been made, but prior to the issue of any order, the Commissioner of Police, Nairobi, will be informed by telegram of the name of the individual, the proposed date of his departure from Uganda, and any other details which he may consider necessary. He will thus be enabled to make recommendations to Your Excellency as regards the desirability of serving a similar notice of removal from the East Africa Protectorate upon the individual as soon as he arrives at Mombasa. I am informed that it is not possible under the Ordinance to exercise restraint on any individual who complies with the notice.

5. It is suggested that the identification of the individual should be taken locally, and that similar precautions should be taken by the East Africa Police in order that it may be impossible for him to return to Mombasa.

6. I assume that it will be necessary to inform the Bombay Police in each case, and I should be glad to know if the Commissioner of Police, Nairobi, is prepared to do this. If not, it will be necessary for this Government to be informed of the name of the steamer by which the individual leaves and the date of sailing.

7. I fear that these proposals will entail additional responsibilities to the East Africa Police but think that the instances in which removal is necessary will be few and benefit will undoubtedly accrue to both Protectorates. I trust therefore that the essential principle of cooperation will be accepted.

8. I may add that any expenditure incurred in the supervision and detention of an individual will be reimbursed by this Protectorate. The cost of rail and steamer fare when necessary will also of course be met from Uganda funds.

9. The cooperation of the Administration of the Conquered Territory is being invited upon the terms conveyed in this despatch.

I have the honour to be,

Sir,

Your most obedient servant,

R. T. CORYNDON.

GOVERNOR.

A Bill

intituled

An Ordinance to Provide for the Removal of Undesirables.

A Bill

intituled

An Ordinance to Provide for the Removal of Undesirables

1. This Ordinance may be cited as the Removal of Undesirables Ordinance, 1952.

2. Any person who, after the commencement of this Ordinance, is found to be an undesirable as defined by the provisions of section 2 of the Ordinance, shall be liable to be removed from the territory and may be ordered by the Government to remove himself from the territory and may be detained in such order.

3. Any person who, after the commencement of this Ordinance, is found to be an undesirable as defined by the provisions of section 2 of the Ordinance, shall be liable to be removed from the territory and may be ordered by the Government to remove himself from the territory and may be detained in such order.

for 1442/20/20/20

24 26

DRAFT.

Secretary
British Committee of the
Indian National Congress

MINUTE.

March 10 20

Mr. Branley, 23 March

Mr. Parkin, Esq.

Mr.

Mr. Grindle.

Sir H. Lambert.

(10368)

Sir H. Read.

Sir G. Fisher.

Col. Atterley.

Lord Milner.

at Bull
14-
Wm. D. 20

Sir,

With ref to the letter
from the Secy of the 3rd of
February March last
letter to you for your
personal attention, a
copy of the draft Revised
of the desirables which
which has now been
received from the Secy.

Personal return
to Mexico
Yanda Perceptrate

Removal of

Orda, 1913,

Proch

allowed in

Orda