

will be held between them and the Government of India representatives and the Planning Commission and we hope that finally a project will be selected.

Shri H. N. Mukerjee: Did the Government of India approach the Norway Government for assistance or was it the other way about? May I also know whether it is in conformity with the honour and self-respect of our country to go round with the beggar's bowl?

Mr. Speaker: Order, order.

Shri C. D. Deshmukh: The other way about. I cannot see any violation of honour in accepting an offer of assistance made with the utmost friendliness.

Mr. Speaker: Whether the Government of India approached them for assistance or they offered it?

Shri C. D. Deshmukh: He asked was it the other way? I said the other way. We did not apply.

Shrimati Benu Chakravarty: The hon. Finance Minister said that the Agreement was also signed by the United Nations. What has the United Nations got to do with this Agreement? Is it on any particular scheme?

Shri C. D. Deshmukh: At the choice of the Government Norway processed this through the United Nations to give it an international character.

SHORT NOTICE QUESTION AND ANSWER

PERSONS OF INDIAN DESCENT IN CEYLON

Shrimati A. Kale: Will the Prime Minister be pleased to make a statement on the latest position in Ceylon in regard to persons of Indian descent there and in particular his understanding of the term "ordinarily resident" with reference to the discussions which took place between him and the late Prime Minister of Ceylon in 1948?

The Prime Minister (Shri Jawaharlal Nehru): The House will remember, Sir, that on the first day of this session, i.e., the 5th of November, a question was put to me by Professor Agarwal in regard to the rights of Ceylon citizens of Indian descent. My colleague, the Deputy Minister, answered that question. In the course of his answer, he expressed the hope that steps would be taken by the Ceylon Government to administer the Act governing citizenship in such a manner as to improve the conditions of such persons in Ceylon and facilitate their achievement of the franchise.

I regret to say that developments since then have belied this hope and the outlook at present is a depressing one. Recently an amending Bill to that Act has been introduced in the Ceylon Parliament. If this is enacted, the effect on the persons of Indian descent in Ceylon will be far-reaching. Out of a total of about seven lakhs and odd of Ceylon citizens of Indian descent, the vast majority would be excluded from the franchise. In addition, being denied citizenship rights, they would be subjected, as they are subjected now, to numerous disqualifications and difficulties such as being deprived of the Social Security and Insurance Schemes. There is some difficulty for them even to draw their rations. This is thus an important and urgent matter and I earnestly hope that the Ceylon Government will take a broad view in a matter affecting hundreds of thousands of their citizens.

Some days ago, I addressed a personal appeal to the Prime Minister of Ceylon expressing this hope. I regret that that appeal bore no fruit.

These persons of Indian descent in Ceylon are not Indian nationals. Most of them were born in Ceylon and they have lived there nearly all or a great portion of their lives. If Ceylon citizenship is denied to them, they become Stateless. To produce such an extraordinary state of affairs cannot surely be the object of any Government.

The amending Bill before the Ceylon Parliament has apparently been occasioned by a judgment of the Privy Council which upheld the decision of the Supreme Court of Ceylon. The question at issue is the interpretation to be put on the term "ordinarily resident" which occurs in the Ceylon, Indian and Pakistani Residents Citizenship Act of 1949. The Prime Minister of Ceylon has expressed his intention to give effect to the spirit and letter of his father, the late Prime Minister of Ceylon's undertaking in this matter. I am, to some extent, personally concerned, as I had the advantage of long discussions with the late Prime Minister of Ceylon in 1948. I can claim, therefore, to say what I understood the late Prime Minister had said and meant about this matter. Indeed, the original proposal was that of the late Prime Minister of Ceylon and I agreed to it. This was to the effect that as a proof of an applicant's real intention to make Ceylon his permanent home he should have his wife and minor children ordinarily resident with him. I should have thought that the meaning was clear. But the Ceylon Commissioner for Registration

decided otherwise and stated:—

- (1) that the applicant's wife from the date of her marriage or the 1st January 1939, whichever is later; and
- (2) that each minor dependent child should be resident with him from the 1st January 1939 or the date of birth, whichever is later.

This made even the husband's permanent settlement in Ceylon dependent not on his own qualifications, but, in addition, to his wife's and children's residence. The Supreme Court of Ceylon rejected the Commissioner's interpretation. This matter was then taken up to the Privy Council by the Government of Ceylon. The Privy Council upheld the decision of the Supreme Court and remarked, *inter alia*:

"There is no express provision in the Act that the husband's permanent settlement in Ceylon must have been achieved in company with his wife and children, or that the minimum period of uninterrupted residence required for the husband has any application to his wife or children."

The Privy Council further remarked that:

"It would be an extraordinary provision that the husband should have to prove for the purpose of his own registration that his wife had been ordinarily resident in Ceylon for a longer period than it was necessary to prove in applying for his wife's registration."

The judgment of the Privy Council, which, if I may say with all respect, was the obvious interpretation to be put on the Act as well as on the discussions which had preceded the Act, was generally welcomed in Ceylon and India. We hoped that this would be a beginning of settling this long-standing and vexing controversy which has come in the way of developing that friendly and co-operative relationship between our countries which all of us so desire and which geography, culture and history indicate. I regret greatly that the Ceylon Government have taken a contrary view and are now attempting by means of an amending Bill, to override the decision of their own Supreme Court and the Privy Council. This proposed amendment is not, in my opinion, in conformity with the views of the late Prime Minister of Ceylon as they were expressed to me in the course of long discussions. A record of those discussions was

subsequently published. I am unable to understand how those views can be reconciled with the proposed amendment to the Ceylon Act. Indeed, this amendment appears to me contrary to the agreement arrived at between the late Prime Minister of Ceylon and me. I have no doubts about this matter. If the Prime Minister of Ceylon has any such doubts, the matter can be considered. I am prepared to agree to a fuller consideration of this matter in all its aspects and even to a reference to an independent authority agreed to by both parties.

I earnestly hope that no hurried decision will be taken in a matter of this great consequence. As I have said at the beginning of this answer, the Prime Minister of Ceylon has recently taken some steps which gave us some hope that the position of Ceylon citizens of Indian descent would be eased somewhat. It is in that direction that a solution lies and not in doing something which makes that position an exceedingly difficult one.

WRITTEN ANSWERS TO QUESTIONS

SETTLEMENT OF EX-SERVICEMEN

*227. **Shri Buchhikotaiah:** (a) Will the Minister of Defence be pleased to state how many colonisation schemes have been started for settling ex-servicemen?

(b) Have co-operative societies been formed in all these colonies?

(c) Have any complaints been received regarding the working of these colonies?

(d) If so, what are the reports and what action has been taken on them?

The Deputy Minister of Defence (Sardar Majithia): (a) Nine Land Colonisation Schemes have been started for settling ex-servicemen in the Punjab, Uttar Pradesh, Bhopal, Hyderabad, Madras, Mysore and Travancore-Cochin.

(b) No, except for a Tenant Farming Co-operative Society at Jambuvanodi Colony in Madras State.

(c) No, Sir.

(d) Does not arise.

TOBACCO DUTY

*233. **Shri Balmiki:** Will the Minister of Finance be pleased to state:

(a) the States from where the complaints of excessive tobacco duty were