

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