

I N F O R M A T I O N   B U L L E T I N

May 1, 1961

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 - MINISTRY OF COMMERCE & INDUSTRY -  
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MANAGING  
AGENTS.

The number of managing agency companies which are reported to have been managing ten (10) or more companies as on 31.3.1956 was in all sixteen (16).

They had under them a total of three hundred and twenty four (324) managed companies. Of these sixteen (16) managing agency companies, only six (6) continued to have under them ten (10) managed companies each as on 16.8.60 and the others less than ten. On that date, out of the said three hundred and twenty-four (324) managed companies, one hundred and thirty (130) companies retained the same managing agents; one hundred and nine (109) companies appointed the same managing agents as secretaries and treasurers; seven (7) companies appointed another body corporate as secretaries and treasurers; fifty-four (54) companies came under the direct management of their respective boards of directors fifteen (15) companies were either wound up or struck and as being defunct; two (2) companies, being railway companies were taken over by the Railway Board; and the remaining seven (7) companies were transferred to other managing agency houses.

Of these seven companies, four companies were transferred from one managing agency company to two managing agency companies (each taking two managed companies) and all these three managing agency houses belonged to the "same group" as popularly understood.

(LS, USQ 1283 of 5.12.60)

PRODUCTION OF  
COTTON YARN.

The production of cotton yarn in 1950-51 was 1,179 million lbs. (including yarn utilised by mills for cloth production).

Production of cotton yarn

	Plan target to be achieved at the end of plan period.	Actual Achievement at the end of plan period	Reasons for shortfall, if any.	Financial allocation.	Amt. Actually spent.
First Plan (50-51 to 55-56)	1640 million lbs. (mill sector)	1640 million lbs.	Does not arise.	The entire industry being in the pvt. sector, there was no financial allocation for this industry	Does not arise
Second Five Year Plan. (1956-57 to 60-61)	1950 million lbs. (mill & amber).	Expected to be 1750 million lbs.	1) Shortage in the production of indigenous cotton. 2) in the spinning sector of the industry, the rate of installation has not been as per expectation. 3) Short supply of Iron, steel & Cement for building purposes. 4) Difficulties in the import of machinery. 5) Late deliveries of indigenous machinery.	-do -	-do -

(LS, USQ 1910 of 16-12-60)

PRODUCTION OF CLOTH. The production of cotton cloth (Mill-made) in 1950-51 was 3,718 million yards (cotton cloth - mill-made).

Production of cotton cloth (Mill-made)

	Plan target to be achieved at the end of plan period.	Actual Achievement at the end of plan period.	Reasons for shortfall, if any.	Financial allocation.	Amount actually spent.
1st Five Year Plan (50-51 to 1955-56)	4,700 million yards.	5,101 million yards.	Does not arise.	The industry being in the pvt. sector, there was no financial allocation for this industry.	Does not arise
2nd Plan (56-57 to 1960-61)	5,100/5,200 million yards.	Estimated to be more or less equal to the plan target. Estimate is based on actual figures of production for the period from April to Aug. 60 which comes to 2106 million yards.	-do-	-do-	-do-

(LS, USQ 1909 of 16-12-60)

COTTON TEXTILE INDUSTRY

The Working Group for the cotton textile industry, which went into the question of economic size of a textile mill in India expressed the following conclusions:-

We are of the view that on balance of considerations, the minimum economic and workable unit of a textile mill in the present conditions should have 12,000 spindles and 300 looms. While this is the absolute minimum capacity, we would also suggest that the industry could as far as possible go up to the level of 18,000 spindles and 400 looms in due course with a further stage of increase to about 25,000 spindles and about 500 looms. In giving this opinion, we are guided by the fact that the industry is slowly going in for finer counts"

The production of the cotton textiles is more or less equal to the industry's rated capacity of 5,100/5,200 million yards per annum.

(LS, SQ 1028 of 21-12-60)

JUTE PRODUCTION.

Production during 1950-51 (April-March) amounted to 822,500 tons. The first Plan target was 12,000,000 tons. Production in 1955-56 amounted to 10,53,000 tons. There was no specific financial allocation.

(LS, USQ 1908 of 16-12-60)

PRECISION INSTRUMENTS FACTORY.

A project for the manufacture of precision instruments has been included in the list of projects to be implemented with the assistance of the 1500 million rouble credit extended by the Government of USSR for the purpose of collaboration in construction of different projects during the Third Five Year Plan.

(LS, USQ 1946 of 16-12-60)

PRAGA TOOLS  
CORPORATION  
LTD.

The Government of India have approved of the Praga Tools Corporation Ltd., entering into technical collaboration with the following three firms:

- (i) M/s. F. Pratt & Co., Ltd., U.K.
- (ii) M/s. Kearney & Trecker - C.V.A. Ltd., U.K.
- (iii) M/s. A.A. Jones & Shipman Ltd., U.K.

It has also been decided to provide a sum of Rs. 1(one) crore only, under the Polish Credit, to the Praga Tools Corporation Ltd., for stepping up the production of lathes, milling machines, drilling machines etc.

(LS, USQ 2179 of 21.12.60)

## AUTOMOBILES

The total capital (Paid-up) invested in the automobile industry today is about Rs. 30 crores.

The investment of four major manufacturers in 1953 was about Rs. 8 crores.

(LS, USQ 1290 of 5.12.60)

PAYMENTS  
AGREEMENTS.

The names of the countries with which the Government of India have concluded rupee payment agreements and the statistics of India's imports from, and exports to, each of these countries for the calendar year 1959 and for January-June, 1960 are given in the statement given below: The State Trading Corporation has, in addition, rupee payment agreements with official trade organisations in North Korea and Tunisia.

(In Rupees Lakhs)

Names of countries with which the Govt. of India has rupee payment agreements.	1959		Jan-June 1960	
	Imports	Exports incl. re-exports.	Imports	Exports incl. re-exports.
Afghanistan	5,70	4,48	1,76	2,88
Bulgaria	25	24	12	15
Burma	13,17	12,68	11,25	3,60
Czechoslovakia	3,72	4,24	3,43	3,42
Egypt	8,04	8,88	11,36	6,76
G.D.R.	3,14	2,50	1,28	2,94
Hungary	2,39	73	9	41
Pakistan	5,46	6,32	8,27	4,07
Poland	4,02	3,59	1,23	1,67
Rumania	1,32	2,02	1,02	78
USSR	16,65	30,36	5,43	15,05
Vietnam, Democratic Repb.	Negl.	27	Negl.	1
Yugoslavia	2,44	1,75	2,13	2,07

Names of countries with official trade organisations of which the STC. has rupee payment arrangements.

Korea, North	50,00	19,00	Negligible	Nil
Tunisia	2,01	15,90	"	3,71

(LS, USQ 560 of 22.11.60)

FOREIGN COLLABORATION FOR  
INDUSTRIES.

From April to October 1960, the Government of India have approved 228 agreements between Indian and foreign entrepreneurs for the manufacture of a variety of items. The agreements countrywise have been:-

U.K. = 80., West Germany = 41., USA = 35., Japan = 23.,

(LS, USQ 228 of 17.11.60)

TRADE WITH  
CHINA.

The value of exports and imports between India and China during the first half of 1960 is:

Export to China .. Rs. 440 lakhs.  
Imports from China. Rs. 197 lakhs.

(LS, SQ 598 of 30.11.60)

TRADE WITH  
WEST GERMANY

While imports from West Germany have expanded at a fast rate during the last five years, there has not been any great improvement in our exports to that country.

Maintenance of import restrictions not justified on balance of payments grounds, high tariffs and revenue duties, and preferential treatment accorded to certain European countries have all contributed towards restricting the scope for exporting a variety of Indian products to West Germany.

Imports into India from West Germany during 1957-60.

(In Rs. Lakhs.)

(Jan-June 60)

1957	1958	1959	1960
12,282	9,395	11,872	5,825

Commodity-wise Exports to Germany West during 1957, 58, 59 and Jan-June 1960.

(Rs. in lakhs)

1957	1958	1959	1960.
1,609	1,470	1,944	973

(LS, SQ 352 of 22.11.60)

FOREIGN AID  
FOR SMALL  
SCALE INDU-  
STRIES.

The Govt. of India are receiving assistance from the Technical Cooperation Mission, USA, the Govt. of the Federal Republic of Germany and the Govt. of Japan for the prototype Production-cum-Training Centres for small scale industries at Rajkot, Delhi and Howrah respectively. An offer has been received

from the Govt. of France for a similar Centre at Guindy, Madras. A few other foreign governments have also evinced interest in providing assistance for such schemes and negotiations are still in a preliminary stage. A.D.L.F. loan from US for \$ 10 million has been approved for NSIC for hire-purchase of machinery for small scale industries.

(LS, SQ 37 of 14.11.60)

HANDLOOMS AND  
POWERLOOMS.

Statement of Handloom (Cotton) Registered in the various states as on 11.11.60.

S.No.	Name of State/ Territory.	Looms Registered
1.	Andhra	4,01,712
2.	Assam	5,06,138
3.	Bihar	1,35,566
4.	Bombay	1,93,757
5.	Madhya Pradesh	42,877
6.	Madras	4,66,366
7.	Orissa	1,11,366
8.	Punjab	47,468
9.	West Bengal	1,25,531
10.	Uttar Pradesh	2,61,791
11.	Mysore	1,00,151
12.	Rajasthan	40,069

13. Kerala	1,01,652
14. Delhi	846
15. Manipur	2,00,258
16. Tripura	14,494
17. Pondicherry	3,256
18. Himachal Pradesh	---
Total	27,53,298

## Statement Showing the Power Looms in India

State	No. of Powerlooms (Cotton) (Authorised)	No. of Powerlooms (Cotton Unauthorised)
1. Andhra	516	139
2. Bihar	149	Nil
3. Bombay	17,518	14,119
4. Kerala	643	4
5. Madhya Pradesh	1,265	1,376
6. Madras	1,163	291
7. Mysore	1,483	Report awaited
8. Orissa	475	Nil
9. Punjab	1,181	42
10. Rajasthan	71	Report awaited
11. Uttar Pradesh	272	" "
12. West Bengal	2,344	334
13. Delhi	283	512
14. Pondicherry	113	Nil
15. Tripura	---	1
Total	27,478	16,818

(LS, USQ 576 of 22.11.60)

**KHADI & VILLAGE INDUSTRIES BOARD, MAHARASHTRA.** During 1960-61, the Khadi and Village Industries Commission has made a provisional allocation of Rs. 75,20,010/- consisting of Rs. 26,05,995/- as grants and Rs. 49,14,015/- as loans to the Statutory Khadi and Village Industries Board of Maharashtra for the implementation of Khadi (Traditional and Ambar) and Village Industries programmes in Bombay, Poona and East Khandesh regions.

(LS, USQ 1913 of 16.12.60)

**SMALL SCALE HAND-LOOM INDUSTRIES IN M.P.** No. of Co-operative societies in the handloom sector as on 31.3.1958 is 321. No. of Co-operative Societies organised and registered during 1958-59 is 16. No. of Cooperative societies organised and registered during 1959-60 is 22. A sum of Rs. 15 lakhs has been sanctioned for the year 1960-61 for the development of the Handloom Industry in Madhya Pradesh. An amount of Rs. 3.98 lakhs has also been sanctioned for conversion of handlooms into powerlooms.

(LS, USQ 261 of 17.11.60)

**HANDLOOM INDUSTRY IN PUNJAB** An amount of Rs. 25,58,947/- representing Rs. 7,03,625/- as loan and Rs. 16,55,322/- as grant was sanctioned to the Punjab state for the development of the handloom industry during 1955-60. An expenditure of Rs. 28,38,13/- representing Rs. 6,87,835 as loan and Rs. 21,50,378/- as grant has been reported by the Punjab Government during this period.

(LS, USQ 507 of 22.11.60)

HANDLOOM WORKERS IN KERALA. An amount of rs. 5,16,800, has been sanctioned towards housing colonies for weavers in Kerala State during the 2nd Plan period. Rs. 2,40,077.86 has been utilised so far. 168 houses were proposed to be built and 100 houses have been built so far.

(LS, USQ 536 of 22.11.60)

LICENCES FOR NEW INDUSTRIES IN KERALA. 20 licences have been issued for starting industries in Kerala since the Commencement of the Second Five Year Plan.

(LS, USQ 558 of 22.11.60)

INDUSTRIES IN KERALA. Two new industries were established in Kerala under the Central Industrial Sector during the First and Second Five Year Plan periods so far.

D.D.T. Factory, Alwaye Travancore Minerals Ltd.  
Quilon

Authorised capital	100 lakhs	100 lakhs
Subscribed capital	97.03 "	50 "
Loan	25.33 "	--

(LS, USQ 1053 of 30.11.60)

COIR INDUSTRY IN KERALA. No State-wise allotment was made by the Centre for the development of Coir Industry for states as a whole for the Second Five Year Plan period. A grant of Rs. 7,03,421 and loan of Rs. 30,39,20 were sanctioned to the Govt. of Kerala during the first four years of the Second Five-Year Plan. An allocation of Rs. 3 lakhs as grant and Rs. 17 lakhs as loan has been made for 1960-61. Sanctions for 1960-61 will be issued on the basis of actual expenditure by the State Govt. A total expenditure of Rs. 54,87,211 including Central and State share has been incurred by the Govt. of Kerala during the first four years of the Plan.

(LS, SQ 715, of 5.12.60)

Government of India have sanctioned a grant of Rs. 8,63,157 and loan of Rs. 36,04,394 to various State Govts. during the first four years of the Second Plan for various types of Coir schemes viz. organisation of Coir cooperative Societies, establishment of fibre mills and training and Cum-production Centres.

(LS, SQ 470 of 25.11.60)

GWALIOR RAYON SILK & WEAVING CO., KERALA. The firm have placed orders with a British firm for supply of machinery for their project. Possibilities of using bamboo saw-dust as fuel are being examined by some private parties.

(LS, USQ 2183 of 21.12.60)

IMPORT OF BOOKS. 462 permits were issued for import of books during 1959-60 and the foreign exchange involved therein is Rs. 3,73,18,764.

(LS, USQ 2136, 21.12.60)

(Continued from Page 11.)

This is the amount of loan paid to the Company by the Industrial Finance Corporation out of Rs. 3.06 crs. agreed by the Corptn. Govt. has not paid any amt. to the Co. but have stood security for the

EXPORT OF  
BEEF & COW  
SKINS

Year	Cow/Calf Skins (Tanned) (Value Rs.)	Meat of Bovine Cattle (Value in Rs.)
1957	76 lakhs	3.4 lakhs.
1958	50 "	0.4 "
1959	119 "	5.3 "
1960 (Jan-Aug)	66 "	2.7 "

(LS, USQ 786 of 25.11.60)

EXPORT OF  
IRON ORE  
TO JAPAN

Our total export of iron ore under the long term Japanese agreement is 46.63 lac tons during the 3 years ending June, 1960.

Exports during 1960-61 are likely to be 25 lakh tons as against 19.42 lakh tons in 1959-60. The Japanese agreed to utilise Indian Ships for 10 per cent of exports during 1959-60.

(LS, SQ 576 of 30.11.60)

EXPORT OF  
CLOTH TO  
U.K.

There is no tripartite agreement between the textile interests of UK., India and Pakistan.

However, the UK cotton Board representing the cotton textile industry of UK has entered into certain arrangements with representatives of the cotton textile industries of India, Pakistan and Hongkong. According to these agreements exports of cotton manufactures to UK from India Pakistan and Hongkong will be within certain agreed ceilings for a period of 3 years from January 1960.

The ceiling for export of cotton manufactures from India to UK during each of the three years is fixed at 175 million square yards. The term 'cotton manufactures' is inclusive of all varieties retained for consumption in the UK whether in the piece, or made-up garments but excluding cotton carpets, cotton rugs, cotton durries, cotton handloom manufactures. The ~~xxx~~ ceiling will not apply to imports which are subsequently re-exported.

About 135 million square yards of cotton manufactures worth about 118 million rupees have been exported to UK during January-August 1960.

(LS, SQ 577 of 30.11.60)

EXPORT OF  
LAC.

The quantity and value of lac exported during the years 1957, 1958 and 1959 were as follows:-

Year	Quantity (Cwts)	Value (Rs)
1957	538,216	7,09,01,392
1958	511,627	5,89,08,414
1959	534,202	6,10,17,789

(LS, USQ 1298 of 5.12.60)

TEA EXPORTED  
TO U.S.S.R.

The quantity of Indian tea exported to the USSR in 1959-60 was 23,261,000 lbs. compared to 29,081,000 lbs. in 1958-59.

(LS, USQ 1513 of 8.12.60)

PLANS TO  
INCREASE  
PRODUCTION  
OF TEA.

Under the scheme submitted by the Tea Board, a target of replanting and/or replacement of a total area of 50,000 acres was proposed for the Third Five Year Plan period at a total cost of about Rs. 15 crores.

The Scheme envisaged the granting of loans at the rate of Rs. 3,000/- per acre to plains gardens and Rs. 4,000/- per acre to hill gardens. The loans would carry interest at 4½% per annum and would be repayable in 20 annual instalments.



LABOUR WELFARE The Tea Board has set up a Labour Welfare Committee  
COMMITTEE OF The functions of this Committee are:-  
TEA BOARD.

(i) to formulate an over-all programme of labour welfare in terms of Section 30(1) of the Tea Act, 1953, ensuring that the funds available are utilised for urgent needs not covered by the statutory obligation of tea garden owners; (ii) to examine and recommend labour welfare schemes to the Executive Committee and/or Tea Board to consider specifically whether the schemes would create enthusiasm and incentive among workers; (iii) to frame guiding principles for the grant of financial assistance like educational stipends, grants to hospitals and schools, grants for encouraging sports, scouting; (iv) to frame guiding principles for any other welfare activity of the Board; and (v) to ensure that funds sanctioned for particular Labour Welfare Schemes are properly utilised.

(LS, USQ 1958 of 16.12.60)

THE GAYDAY  
IRON & STEEL  
CO. LTD.

No proposal for setting up a Cast Iron Spun Pipe Manufacturing Project was received from His Holiness the Dalai Lama. An application was received from Shri Gyalo Thondup of New Delhi for licence under the Industries (Development and Regulation) Act, 1951 to set up an undertaking under the name of 'The Gayday Iron & Steel Co. Ltd.', for the manufacture of 30,000 tons per annum of Cast Iron Spun Pipes and fittings. The undertaking is proposed to be located in Kodarma (Bihar State). It was stated by the applicant that some part of the finance required for this project might be provided by His Holiness the Dalai Lama. Government have also been informed that this project would indirectly provide some employment or other assistance to Tibetan refugees.

(LS, SQ 344 of 22.11.60)

TYRE & RUBBER  
MANUFACTURING  
PLANT.

Government have granted permission for the erection of tyre and rubber manufacturing plant at Ballabhgarh near Delhi. The foreign collaborators will furnish the necessary technical know-how for which they will be paid a fee of 3% on the net sales value of their production, which will be subject to Indian taxation. The imported capital equipment will cost Rs. 212 lakhs out of which Rs. 160 lakhs will be met by foreign capital participation and Rs. 52 lakhs have been arranged under the Eximp Bank credit programme. 50% of the raw materials will have to be imported for the present, and 50% (mainly raw rubber) will be available indigenously from the South Indian Plantations.

(LS, SQ 206 of 17.11.60)

MYSORE  
CEMENTS AND  
EXPORT IMPORT  
BANK.

The Export Import Bank has been permitted to grant a rupee loan of Rs. 55 lakhs with the approval of the Government of India to Mysore Cements Limited in connection with the establishment of cement factory at Ammasandara in Mysore State. This rupee loan comes out of the PL 480 counterpart funds which are being operated by the Export Import Bank. The Mysore Cements Limited have raised Rs. 115 lakhs through their capital issue and the balance of Rs. 55 lakhs of their estimated requirement of Rs. 170 lakhs was provided by this loan.

(LS, USQ 824 of 25.11.60)

CEMENT

A target capacity of 5.31 million tons of cement were produced during 1950-51. A target capacity of 5.31 million tons was fixed for achievement during the First Five Year Plan and a capacity of 4.93 million tons was actually established by the end of the Plan period. The estimated capital outlay during the First Plan period was Rs. 17.7 crores. A sum of about Rs. 17.5 crores is estimated to be required for the

in new units and expansion schemes in the Cement Industry during the First Plan period. During 2nd Plan a target of 16 million tons was fixed. It was later on revised to working target of 10 million tons. The present capacity of the Cement industry is 8.57 million tons (8.70 million metric tons) and a total capacity of 9.37 million tons (9.52 m. Metric tons) is anticipated to be implemented by the end of the Second Plan period. The total capital outlay on the expansion of the cement industry during the Second Plan period is estimated to be of the order of Rs. 40 crores.

(LS, USQ 1912 of 16.12.60)

**CORPORATION TO HANDLE DRUG FACTORIES** It is proposed to set up a separate company for implementing the new Four Drugs Projects with Soviet collaboration.- these four units being (1) Antibiotics Unit at Rishikesh, (2) Synthetic Drugs Unit at Sanatnagar, Hyderabad. (3) Surgical Instruments and Medical Appliances Unit at Madras; and (4) Phyto-chemical Unit at Munnar (Kerala). The total capital investment excluding investment on land, township and working capital is estimated to be about Rs. 28 crores. As the Penicillin Factory at Pimpri is a separate company and as the collaboration has been with UNICEF and WHO for penicillin manufacture and with Messrs Merck Sharpe & Dhorne of USA for streptomycin production, this will have to be kept as a separate company. There is, therefore, no proposal to integrate Hindustan Antibiotics Ltd., Pimpri, with the new Company. However, as the technical and administrative problems of the Drugs Project with the Soviet collaboration and Hindustan Antibiotics at Pimpri and the organic intermediates plant at Panvel (Maharashtra) with German Collaboration will be somewhat of common nature, a Coordinating Committee of the Chairmen and Managing Directors of these three Companies is proposed to be set up for discussing and reviewing common problems of these factories

(LS, SQ 795 of 8.12.60)

**HEAVY ENGINEERING CORPORATION.** It is estimated that 10,883 workers will be required for the Heavy Machine Building and Foundry Forge Plants at Ranchi and for the Coal Mining Machinery Plant at Durgapur.

Highly skilled	--	2,283
Skilled	..	5,649
Semi-skilled	..	1,626
Unskilled	..	1,325
		-----
Total		10,883
		-----

246 workers will be sent to Russia and Czechoslovakia for specialised training. Industrial Units in the public and private sectors are being approached for providing training facilities to the technical personnel. As a long-term training programme, a scheme for the setting up of a Central Training Institute at Ranchi for training supervisory staff and workers is also being worked by the Corporation.

(LS, SQ 460 of 25.11.60)

**FERTILIZER PLANT AT TROMBAY.** The US Authorities have offered 30 million dollars from the Development Loan Fund for import of equipment and 28 million dollars from PL 480 Funds for meeting rupee expenditure.

(LS, SQ 879 of 13.12.60)

**ROLLING STOCK.** The names of firms at present engaged in producing rolling stock for Railways.

1) M/s. Mckenzie Ltd., Bombay. 2) M/s Jessop & Co. Ltd. Calcutta

Co., Ltd., Calcutta 5) M/s. Braithwaite & Co (I) Ltd., Calcutta. 6) M/s Arthur Butler & Co., Muzaffarpore. 7) M/s, K.T. Steel Industries Ltd., Bombay. 8) M/s. Textile Machinery Corporation Ltd Belghuriah, Calcutta. 9) M/s. Burn & Co., Howrah. 10) M/s. Central India Machinery Mfg. Co. Ltd., Bharatpur. 11) M/s. Southern Structures Ltd., Madras. 12) M/s. Raymon Engg. Works, Ltd., Calcutta. 13) M/s. Hindustan General Industries Ltd. New Delhi.

(LS, USQ 1289 of 5.12.60)

**FISH OIL** Three factories run by State Govts. are producing Shark Liver Oil of Pharmaceutical Grade. Total production in 1958 was 90,541 litres (19,899 gallon) while in 1959 it was 93,431 Litres (20,534 gallons) (in terms of 6,000 I.U. of Vitamin 'A' activity per gram of oil. The following schemes are proposed to be taken up by the States mentioned below for improvement of Shark Liver Oil industry in the Third Plan.

1. Kerala. Expansion and modernisation of Govt. Oil factory at Calicut. Rs. 4 lakhs.  
Hydrogenation of fish oil at Govt. Oil factory at Calicut. Rs. 15 lakhs.
2. Gujarat. Shark Liver Oil unit & Refining plant Rs. 2.16 lks.
3. Maharashtra. Establishment of Shark Liver Oil extraction and fish meal plant. Rs. 1.01 lks.
4. West Bengal. Increasing the present rate of production of Shark Liver Oil and fish meal in West Bengal. Rs. 2.67 lks.
5. Andamans. Shark Liver oil and fish meal production Rs. 2.00 lks.

These schemes have been tentatively approved for inclusion in the State Third Plans.

(LS, SQ 949 of 16.12.60)

**CASHEW SHELL OIL.** The total quantity of cashew shell oil produced in the country at present is 3,000 tons per annum. Almost the entire production is exported. The total exports during the years 1958, 1959 and 1960 (January - August) were as follows:-

Years.	Qty.	Value.	Qty. in '000' Cwts. Value in '000' Rs.
1958	71	2945	
1959	100	4004	
1960	74	32	

Resins based on cashew shell liquid are being manufactured in the country in the private sector.

(LS, USQ 1300 of 5.12.60)

**MANUFACTURE OF RADIO-SETS.** The number of firms which are manufacturing radio receivers borne on the list of the Development Wing is 20. Out of the twenty large scale firms, there are six firms in the industry in which foreign capital is participating. The requisite information is as follows:

Name of firm.	Country of origin of foreign collaboration.	% of foreign capital.	% of Indian capital.
1. Philips India Ltd. Calcutta.	Holland	80	20
2. General Electric Co. of India (MFG)P. Ltd. Calcutta.	U.K.	100	--
3. Gramophone Co. Ltd. Calcutta.	U.K.	100	--
4. Murphy Radio of India Bombay	U.K.	49	51
5. Mulchandani & Co. Calcutta.			

6. National Ekco Radio and Engg. Co. Ltd. U.K. 20 80  
Bombay.

(LS, USQ 1722 of 13.12.60)

NEWSPRINT. The production was started in 1955 by Nepa Mills.

1. Target capacity for 1st Five Year Plan. 30,000 tons per annum. This was achieved by the end of 1st Plan.
2. Target capacity for Second Five Year Plan. 60,000 tons per annum.
- Achievement 30,000 tons " "

(LS, USQ 1701 of 13.12.60)

FERTILIZER FACTORIES & GOVT. INVESTMENTS.

Name of the Co./Plant.	Estimated Capital cost of the projects.	Amount Invested.	Remarks.
1. Sindri Fertilizers and Chemicals Ltd.	Rs. 36.00 crs.	27.95 crs.	Rs. 17 crores have been directly invested by Govt. in the share capital of the company. The balance of Rs. 10.95 crs. has been given to the Co. as loan which includes a sum of Rs. 2.93 crs. being the balance outstanding as on 30.6.60 of a debenture loan paid to the Co. at the time of incorporation.
2. Hindustan Chemicals & Fertilizers Ltd. (Nangal Project at Nangal Trombay plant at Trombay & Assam Plant at Naharkotya.)	(Nangal Project Rs. 30.03 crs.) (Trombay Project Rs. 24.35 crs.) (Assam Project Rs. 10.75 crs.) Rs. 19.7384 crs.		The amount represents the total investment made by Govt. in the share capital of the Co. The Co. is in charge of the execution of the fertilizer cum heavy water factory at Nangal & the fertilizer factory at Nangal & the fertilizer factory at Trombay & Assam. As on 30.6.60 the Co. had spent about Rs. 16.75 crs. on the Nangal Project & about Rs. 25.6 lakhs on the Trombay project. The Assam project was entrusted to the Co. for execution only in May, 1960.
3. Rourkela Fertilizer Plant.	Rs. 23 crores. Rs. 2.34 crores		This plant is being put up as an adjunct to the steel plant at Rourkela by Hindustan Steel Ltd. who in turn have spent the amt. shown against col. 3 on the fertilizer plant.
4. Neyveli Fertilizer Plant.	Rs. 26.10 crs. Rs. 6.3 crs.		This constitutes the amt. spent by the Neyveli Lignite corptn. which is executing the Project. No separate amt. is invested in this Corptn. Govt. only invests in this Corptn.

/ MINISTRY OF FINANCE /

## FOREIGN EXCHANGE REQUIREMENTS.

Without taking into account receipts from foreign aid negotiated during the year, the net foreign exchange requirements for the last year of the Second Five Year Plan are estimated at Rs. 170 crs. The total foreign exchange requirements for the

Third Five Year Plan are estimated at Rs. 2,600 crores (excluding food imports under U.S. P.L. 480 agreement and without taking into account the foreign aid negotiated so far) as indicated in paras 37 and 38 Chapter IV of the draft Outline of the Third Five Year Plan.

(LS, USQ 1699 of 12.12.60)

## WEST GERMAN LOAN AGREEMENT

Two loan agreements, each of DM 125.1 million (Rs. 14.18 crores), have been entered into, one on the **27th May, 1960 and another on the 15th Nov. 1960**.

The first loan is for a period of 20 years and carries an interest rate of  $6\frac{1}{2}\%$  per annum, whereas the second loan is for a period of 15 years and carries interest at  $6\frac{1}{2}\%$  per annum upto 19.1.61 and  $5\frac{1}{2}\%$  per annum thereafter.

(LS, SQ 564 of 29.11.60)

## CREDIT AGREEMENTS WITH EAST EUROPEAN COUNTRIES - EXPENDITURE ON PROJECTS.

No amount has so far been utilized from the following credits:

1. Credit from the USSR for Drugs Projects.
2. 1500 Million Roubles credit from USSR for Third Five Year Plan.
3. 500 million Roubles credit from the USSR for third Plan.
4. Credit from Czechoslovakia.
5. Credit from Yugoslavia.
6. Credit from Poland.

The position about utilization of other credits is indicated below:

Credit	Value of contracts placed for technical assistance, equipment, materials, etc.	Amount spent so far.
	Pa. Crores.	Rs. Crores.
1. Credit for Bhilai Steel Plant	64.60	64.60
2. 500 Million Roubles Credit for industrial projects:		
i) Heavy Machine Building Plant	13.86	0.54
ii) Mining Machinery Plant	8.35	0.45
iii) Power Station at Neyveli	13.78	3.27
iv) Projects for development of Korba Coal Fields	0.22	0.13
v) Special Glass Project	0.04	0.04
3. Credit for the Oil Refinery at Barauni	1.18	0.27

(LS, USQ 1422 of 7.12.60)

## D.L.F. LOAN FOR INDIA.

During 1960 DLF has agreed to give India loans totalling \$ 238.17 million. Loans agreed to by DLF in 1958 and 1959 amounted respectively to \$ 75 million and \$ 120 million.

(LS, SQ 678 of 2.12.60)

## AID TO NEPAL.

The total amount of aid given to Nepal upto the 31st October, 1960 is about Rs. 8,53,06,000.

(LS, USQ 1450 of 7.12.60)

FRESH DLF  
LOANS.

	Name of Loan.	Amount of loan	Rate of interest % period of repayment.	Object of Loan
1.	Industrial & Investment Corporation.	Credit 5 million.	5% 15 years after 1st disbursement.	To assist in financing the foreign exchange costs of medium and long-term loan to private industries.
2.	Trombay Fertilizers	30 million.	5% 10 years after 1st disbursement.	To assist in financing the foreign exchange costs of constructing a fertilizer plant at Trombay by Hindustan Chemicals & Fertilizers Ltd.
3.	Private Sector Capital equipment.	25 million	5% 10 years after 1st disbursement.	To assist in financing the acquisition and importation of capital machinery and equipment by private Industrial firms in India.
4.	Importation of Steel for Industrial enterprises.	25 million	5% 10 years after 1st disbursement	To assist in financing the acquisition and import of items of steel for private and public enterprises in India.

The Loan Agreements have not yet been signed.

(LS, USQ 972 of 29.11.60)

**INTEREST PAID ON LOAN.** The amount of interest paid in foreign currency during 1959-60 in respect of foreign loans repayable by the Govt. of India was Rs. 13.03 crores approximately had been paid towards interest in foreign currency during the same period by the Public Sector non-Govt. Organisations and Private Sector agencies in respect of foreign loans repayable by those bodies.

(LS, USQ 1875 of 15.12.60)

**U.K. LOAN FOR THIRD PLAN.** The United Kingdom have agreed, as an initial act of assistance for the Third Five Year Plan, to make further loans amounting to £ 30 million to finance orders to be placed in the United Kingdom for capital goods required for the implementation of the Plan. The question of additional loans for meeting the foreign exchange cost of about £ 20 million required for the extension of the Durgapur steel plant will be discussed further with the UK authorities.

(LS, SQ 301 of 21.11.60)

**INCREASE OF CAPITAL BY COMPANIES.** Between 1st April, 1959, and 31st October, 1960 174 companies obtained consents to increase of capital. A list showing the names of these companies is given below:  
21 companies were given consents during the said period for issue of shares at a premium.

List showing names of companies to whom permission was given for increase of capital from 1st April, 1959 to 31st October, 1960.

1. National Sugar Mills Limited.
2. Sarabhai Merck Private Ltd.
3. Tata Fison Private Ltd.
4. Belpahar Refractories Ltd.
5. Motor Industries Co. Ltd.
6. Malabar Steamship Company Ltd.
7. Dyer Meakir Breweries Ltd.
8. Alembic Chemicals Ltd.
9. Ashok Leyland Ltd.
10. Canara Banking Corpn. Ltd.
11. Ambika Silk Mills Ltd.
12. Ajit Mills Ltd.
13. Ex-Cell-O India (P) Ltd.
14. Radio Lamp Works Ltd.
15. Kottiyam Orient Bank Ltd.
16. Nanubhai Industries (P) Ltd.
17. East India Paint & Chemical
18. Automobile Products of India.
19. Amar Dye Chem. Ltd.
20. National Research Dev. Corpn.
21. Nahan Foundry Pvt. Ltd.
22. Hindustan Aircraft (P) Ltd.
23. Indian Textile Paper Tube.
24. Bharat Electronics (P) Ltd.
25. Indian National Diesel Engine Co.
26. Patna Electric Supply Co. Ltd.
27. South Indian Bank Ltd.
28. Mulankuzhi Union Bank Ltd.
29. Nangal Fertilizers & Chemicals.
30. K.J.P. Limited.
31. Swastik Rubber Products Ltd.
32. Simplex Mills Ltd.
33. Straw Products Ltd.
34. Jaipur Metals & Electricals Ltd.
35. Krishna Silicate & Glass Works Ltd.
36. Bank of New India Ltd.
37. Indian Hume Pipe Co.
38. Thacker, Spink & Co.
39. Grob Tea Company Ltd.
40. Andhra Steel Corpn.
41. Sessia Bank Ltd.
42. Tata Iron & Steel Co. Ltd.
43. Indian Guarantee & Gen. Insurance.
44. New Central Jute Mills.
45. Orissa Cements Ltd.
46. New Bharat Refractories Ltd.
47. Sashi Brothers Pvt. Ltd.
48. Oriental Carpet Mfrs. (I) Pvt. Ltd.
49. India Paper Pulp Co. Ltd.
50. Suburban Bank Ltd.
51. Textool Co. Ltd.
52. Hindustan Aluminium Corpn. Ltd.
53. K.C.P. Limited.
54. Standard Motor Products.
55. Sentinel Assurance Co. Ltd.
56. Neyveli Lignite Corpn. Ltd.
57. Atul Products Ltd.
58. Patel Engg. Co. Ltd.
59. Investa Machine Tools & Engg. Co. Ltd.
60. Mukund Iron & Steel Works Ltd.
61. Eastern Shipping Corpn.
62. Goetze (India) Pvt. Ltd.
63. Challapalli Sugars Ltd.
64. New Standard Engg. Ltd.
123. Carter Fuller & Co. (F) Ltd.
65. Pangal Nayak Bank Ltd.
66. Wallace Flour Mills Ltd.
67. Chittaranjan Mills Ltd.
68. Centary Spinning & Mfg. Co. Ltd.
69. Anand Canning Industries Ltd.
70. Asian Cables Ltd.
71. Kirloskar Brothers Ltd.
72. Bokaro & Ramgur Ltd.
73. South Madras Electric Supply Corpn. Ltd.
74. National Mineral Dev. Corpn. Ltd.
75. Jessop & Co. Ltd.
76. National Carbon Co. Ltd.
77. Indian Guarantee & Gen. Insurance Co. Ltd.
78. Assam pulp Mills Ltd.
79. Goodyear Tyre & Rubber Co. of India (P) Ltd.
80. Kasturi & Sons (P) Ltd.
81. Oldham & Sons (I) Pvt. Ltd.
82. Associated Battery Makers.
83. Juggilal Kamapat Cotton Spg. & Wvg. Mills Ltd.
84. Caltex (India) Ltd.
85. Sundaram Finance (P) Ltd.
86. Escorts (Agents) Ltd.
87. Birla Buildings Ltd.
88. Himalaya Bank Ltd.
89. Indian Refineries.
90. Mahindra Owen (P) Ltd.
91. Heavy Electricals Ltd.
92. Pearl Cycle Industries (P) Ltd.
93. Jay Shree Tea Gardens Ltd.
94. Kirloskar Oil Engines Ltd.
95. Teststeels Limited.
96. India Refractories Ltd.
97. Aluminium Industries Ltd.
98. Singerani Collieries Ltd.
99. Bank of Baroda Ltd.
100. Catholic Syrian Bank Ltd.
101. Shah Construction (P) Ltd.
102. Roche Products Ltd.
103. Neyveli Lignite Corpn. Ltd.
104. Raymon Engg. Works Ltd.
105. Vasudeva Vilasam Bank Ltd.
106. Canara Workshops Ltd.
107. Tatanagar Foundry Co. Ltd.
108. Hindustan Aircraft Limited.
109. B. Dharam Singh & Co. (P) Ltd.
110. Aluminium Corpn. of India Ltd.
111. Khandelwal Udyog Ltd.
112. Tinsukia Devp. Corpn. Ltd.
113. Cheviot Mills Ltd.
114. Belgaum Bank Ltd.
115. Federal Bank Ltd.
116. Thakurdas Sureka Iron Foundry Ltd.
117. Glob Motors (P) Ltd.
118. Hindustan Chemicals & Fertilizers.
119. Khandelwal Ferro Alloys Ltd.
120. Indian Mica & Micanite Industries Ltd.
121. Rohtas Industries Ltd.
124. Land Reclamation Corpn. Ltd.
125. Larsen & Toubro Limited.

Name of Companies who have obtained consents since 1.4.59 at a premium.

1. Dyer Meakin Breweries Ltd.	11. Belgaum Bank Ltd.
2. Canara Banking Corpn. Ltd.	12. Karur Vyasya Bank Ltd.
3. Grob Tea Company Ltd.	13. Lakshmi Vilas Bank Ltd.
4. India Paper Pulp Co. Ltd.	14. East India Distilleries Ltd.
5. Jessop & Co. Ltd.	15. Escorts (Agents) Ltd.
6. Century Spinning & Mfg. Co. Ltd.	16. New India Industries Ltd.
7. National Carbon Co. Ltd.	17. Guest, Keen Williams Ltd.
8. Goodyear Tyre & Rubber Co. Ltd.	18. Alembic Glass Industries
9. Associated Battery Makers (Eastern) Pvt. Ltd.	19. British Paints (I) Ltd.
10. Aluminium Industries Ltd.	20. Orient Paper Mills Ltd.
	21. Gokak Mills Ltd.

(LS, USQ 200 of 16.11.60)

LAND MORTGAGE  
BANKS.

(Amounts in lakhs of rupees)

Particulars	Central Land Mortgage Banks		Primary Land Mortgage Banks.	
	1950-51	1958-59	1950-51	1958-59
Number	5	15	286	363
<u>Membership</u>				
Individuals	9,450	1,84,772	2,15,063	4,40,211
Banks & Societies	398	519	--	--
Owned funds	64.83	372.99	68.70	168.00
Debentures	674.76	2,446.30	8.52	--
Other borrowings	32.47	315.86	588.43	1,482.28
Loans advanced during the year	132.93	600.93	129.02	327.48
Loans recovered during the year	45.69	238.76	46.05	121.35
Loans outstanding at the end of the year	597.77	2,263.68	626.41	1,514.23

(LS, SQ 294, of 21.11.60)

AMERICAN LOAN The amount of Rs. 506.63 crores is earmarked as  
COMMODITIES. loan to the Govt. of India and is intended to be  
utilized on schemes in the Plan. Only a sum of  
Rs. 26.19 crores is earmarked to be relented to the  
Refinance Corporation of India and out of this, a sum of Rs. 5  
crores has so far been lent to that Corporation.  
The following loans have been approved by the Export and Import  
Bank of USA out of the amount earmarked for lending to US Busi-  
ness firms and their associates:-

Name of the firm	Amount of loan sanctioned (Rs)
1. M/s Otis Elevator Co.	10,00,000
2. M/s Goodyear Tyre & Rubber Co. of India (P) Ltd.	2,25,00,000
3. M/s ...	



U.K. LOANS FOR U.K. Have advanced £ 5 million loan for the Third  
THIRD PLAN. Five Year Plan, UK have agreed by way of initial  
assistance to make a further loan amounting to £  
30 million for orders placed in UK. Also another  
£ 20 million (roughly) for the proposed extension of the Durgapur  
Steel Works has been agreed to. So in addition, this credit is  
also to be extended.  
The whole of £.5 million will go to meet the needs of import of  
capital goods, not for repayment.

(LS, SQ 642 of 2.12.60)

PAYMENT OF Before furnishing a guarantee to the World Bank,  
LOANS BY Government ensure, through an agreement with the  
PRIVATE SECTOR. borrower concerned, that in case Government are  
to make any payments to the World Bank under the  
guarantee agreement, they shall have the same  
rights as the World Bank over the assets and properties of the  
borrower mortgaged with the World Bank to secure the loan. Again,  
under the same agreement, representatives of the Central Govt.  
are invariably appointed as Directors on the Boards of the con-  
cerned companies, so long as any part of the loan or interest is  
outstanding, to see that the borrowing companies function pro-  
perly and their finances are managed on sound lines.

(LS, USQ 1448 of 7.12.60)

KOYNA PROJECT Upto October, 31, 1960 a sum of \$ 7.84 million  
was drawn out of the total loan of \$ 25 million  
sanctioned by the World Bank. The balance will  
be drawn well before 30th April, 1965. An approach is being  
made to the World Bank for a loan for the second stage of the  
project.

(LS, USQ 1675 of 7.12.60)

CURRENCY Taking 100 as the index for the last Friday of  
EXPANSION. 1948-49 the indices of currency with the public  
in the last few years work out as follows:-

<u>Last Friday of</u>	<u>Index Numbers</u>
1956-57	118
1957-58	122
1958-59	131
1959-60	142

The currency expansion is the result of ~~kk~~ a number of factors,  
the chief among which is the increase in production, trade and  
economic activity.

(LS, USQ 1207 of 2.12.60)

MILLIONAIRES The number of non-company ~~xxx~~ wealth-tax asse-  
IN INDIA. ssees as on 31.3.60 with net wealth of over a  
crore of rupees was 28.  
16 (Sixteen) millionaires are among feudal  
aristocrats.

(LS, SQ 536 of 29.11.60)

OFFICE OF THE Five persons were dismissed/removed from service  
ACCOUNTANT and other penalties were imposed on fourteen  
GENERAL persons. This does not include the cases of two  
(GWALIOR) temporary employees whose services were termi-  
nated under the Central Civil Services (Tempo-  
rary Service) Rules, 1949.

(LS, USQ 1212 of 2.12.60)

## LOANS GIVEN BY INDIA.

(Figures in Indian Rupee)

Name of the recipient country.	1955-56	1956-57		1957-58	1958-59	1959
		1.7.56 to 31.12.56	1.1.57 to 30.6.57			

TECHNICAL ASSISTANCE UNDER THE COLOMBO PLAN  
FOR CO-OPERATIVE ECONOMIC DEVELOPMENT IN  
SOUTH & SOUTH-EAST ASIA

Name of the recipient country.	1955-56	1956-57	1957-58	1958-59	1959	
Australia			7,265	7,200	6,7	
Burma			18,590	23,255	20,640	13,3
Ceylon			41,716	84,833	81,541	88,5
Indonesia			26,113	2,420	30,213	53,0
Japan			13,327	5,316	10,183	6,5
Laos			--	--	2,241	2,1
Malaya			3,000	9,000	39,531	36,5
Nepal			2,37,626	10,12,713	10,29,634	13,27,6
New Zealand			8,000	2,000	--	2,1
North Borneo			2,593	2,262	4,419	13,6
Pakistan			17,748	4,590	--	--
Philippines			23,070	31,607	57,263	73,4
Sarawak			--	--	--	5,6
Singapore			21,287	1,52,475	8,346	5,0
Thailand			3,711	14,415	32,818	49,2
Viet Nam			--	10,782	1,85,134	1,51

ECONOMIC AID UNDER THE COLOMBO PLAN FOR CO-OPERATIVE ECONOMIC DEVELOPMENT IN SOUTH & SOUTHEAST ASIA.

Nepal	1,86,25,871	91,16,949	6036179	10677999	1219219
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## L O A N S

Burma	15,00,00,000	(the remaining Rs. 5 crore out of Rs. 20 crores from 1957 was actually paid 1960-61).
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Note: Figures of technical assistance relate to Colombo Plan Years (i.e. 1st July to 30th June)

(LS, USQ 978 of 29.11.60)

CENTRAL GOVT. EMPLOYEES STRIKE. Disciplinary action was initiated against 1,149 employees. Penalties (both major and minor) were imposed on 700 employees. Twenty eight of them were dismissed/discharged/removed from service. The remaining 672 were awarded other penalties. Statement giving particulars of the punishments inflicted in the various offices of the Indian Audit and Accounts Department.

S.No.	Name of the Office	No. of employees dismissed/removed from service.	No. of employees awarded other punishment.
1.	Office of the Accountant General, Central Revenues, New Delhi	--	30
2.	Office of the Accountant General, Punjab, Simla.	1	16
3.	Office of the Accountant General, Maharashtra, Bombay	5	48
4.	Office of the Dy. Director of Audit Food, Rehabilitation, Supply, Commerce Steel and Mines, Bombay.	-	2
5.	Office of the Chief Auditor, Central Railways, Bombay.	-	2
6.	Office of the Accountant General, Gujarat, Ahmedabad.	-	5
7.	Office of the Accountant General, Rajasthan, Jaipur.	1	19
8.	Office of the Accountant General, M.P., Gwalior, (incl. Nagpur Branch)	8	29
9.	Office of the Deputy Accountant General, Maharashtra, Nagpur	1	21
10.	Office of the Senior Deputy Accountant General, Posts & Telegraphs, Nagpur	-	16
11.	Office of the Accountant Gen., U.P., Allahabad.	-	168
12.	Office of the Accountant Gen. Bihar, Ranchi.	-	16
13.	Office of the Actt. Gen. W. Bengal, Calcutta.	5	26
14.	Office of the Dy. Actt. Gen. Posts & Telegraphs, (Stores & Workshop) Calcutta	-	4
15.	Office of the Senior Dy. Accountant Gen. Posts & Telegraphs, Calcutta.	3	29
16.	Office of the Dy. Actt. Gen. Telegraph Check Office, Calcutta.	-	18
17.	Office of the Chief Auditor, South Eastern Railways, Calcutta	-	2
18.	Office of the Acctt. Gen. Orissa, Bhubaneswar.	-	16
19.	Office of the Actt. Gen. A.P. Hyderabad	-	20
20.	Office of the Dy. Actt. Gen. P & T Hyderabad	1	8
21.	Office of the Senior Deputy Acctt. General, P & T, Madras.	3	17
22.	Office of the Actt. Gen. Mysore, Bangalore	-	15
23.	Office of the Actt. Gen. Kerala, Trivandrum	-	145
		28	672

N.B.: The above figures do not include the cases of temporary employees whose services were terminated under the Central Civil Services (Temporary Service) Rules, 1949.

(LS, USQ 1232 of 2.12.60.)

GRANTS TO BHARAT SEVAK SAMAJ. The total amount of grant and loan given to the Bharat Sevak Samaj during the year 1955 to 1960 is as follows:

	Grants.	Loans
i) 1954-55	4,89,152	-
ii) 1955-56	20,91,297	-
iii) 1956-57	21,99,735	-
iv) 1957-58	17,36,231	-
v) 1958-59	23,46,136	30,000
vi) 1959-60	22,41,886	7,90,000
vii) 1960-61	14,14,810	-
	1,25,19,297	8,20,000

(LS, USQ 1482 of 7.12.60)

REVENUE COLLECTIONS IN M.P. The amount of money collected from Direct and Indirect Taxes in Madhya Pradesh during 1959-60, was Rs. 16,18,76,000.

(LS, USQ 939 of 29-11-60)

REVENUE COLLECTIONS IN MADRAS. The amount of money collected from Direct and Indirect Taxes in the Madras State during the period from 1st April, 1960 to 31st October, 1960 was Rs. 38,37,24,000.

(LS, USQ 2113 of 20-12-60)

TAX ARREARS IN U.P. The total effective arrears of Income-tax, Gift Tax and Wealth Tax due from the assessees in UP on 1st October, 1960 amount to Rs. 5,66,73,000.

(LS, USQ 954 of 29.11.60)

FAILURE OF BANKS. 51 Banks have gone into liquidation since the 1st January, 1957. The total paid up capital of these banks as on the date of liquidation amounted to approximately Rs. 109.76 lakhs.

Of the 51 banks, the total deposits of 33 banks in respect of which returns have been received by the Reserve Bank, amounted to approximately Rs. 379.21 lakhs as on the dates of liquidation

Statement showing the names of banks which have gone into liquidation since the 1st January, 1957.

1. First National Bank Ltd., Ludhiana.
2. Jai Hind Bank Ltd., Thodupuzha.
3. New Model Bank Ltd., Alleppey.
4. Pariyaram Catholic Bank Ltd., Ponnani.

6. Inland Bank Ltd., Pathanamthitta.
7. Ajmer Mortgage Bank Ltd., Ajmer.
8. Bharananganam Bank Ltd., Bharananganam.
9. Lakshmi Banking Corporation (P) Ltd., Pudukkottai.
10. Parmarth Bank Ltd., Bareilly.
11. Commercial Central Bank Ltd., Palai.
12. Commonwealth Bank Ltd. Kanjirapally.
12. Commonwealth Bank Ltd., Kanjirapally.
13. United Kerala Bank Ltd., Kayamkulam.
14. Central United Bank Ltd., Rajappalayam.
15. Century Bank Ltd., Bangalore.
16. Pioneer National Bank (P) Ltd., Kidangoor.
17. Coonoor Shri Sanathana Venugopalswami Bank Ltd., Coonoor.
18. Commonwealth Bank Ltd., Kumbakonam.
19. Shri Sharada Banking Company Ltd., Raichur.
20. Kanjoor Commercial Bank Ltd., Kanjoor.

1958.

21. Dhrol Bank Ltd., Dhrol.
22. Indian Relief Bank Ltd., Madras.
23. Oudh Commercial Bank Ltd., Faizabad.
24. Bengal Credit Bank Ltd., Calcutta.
25. Chotanagpur Banking Association Ltd., Patna.
26. Gulbarga Banking Co. Ltd., Gulbarga.
27. Cochin Farmer Bank Ltd., Thiruvilwamala.
28. Asian Bank Ltd., Quilon.
29. Pudukkottai Merchants Bank Ltd., Pudukkottai.
30. Aritsar Radhasoami Bank (P) Ltd., Agra.
31. Muzaffarpur Radhasoami Bank (F) Ltd., Agra.
32. Premier Bank of India Ltd., Madras.
33. Bengani Bank (P) Ltd., Rajasthan.
34. Sree Vardhana Bank Ltd., Kottayam.

1959.

35. Tripura State Bank Ltd., Agartala.
36. Purnal Deshbandhu Bank Ltd., Howrah.
37. Dinajpore Bank Ltd., Calcutta.
38. Presidency Bank Ltd., Kottayam.
39. Dharmapuri Taluk Kadagathur Sri Ananda Bank Ltd. Dharmapuri.
40. Lakshmi Safe Deposit Bank Ltd., Jaipur
41. Kuruppampady Bank Ltd., Kuruppampady.
42. New India Bank Ltd., Vazhakulam.
43. Negamam Sri Lakshmi Vilasa Bank Ltd., Negamam.
44. Bank of Bapatla Ltd., Bapatla.
45. Nagarkars Bank Ltd., Mangalore.
46. Bank of Mangalore Ltd., Mangalore.

1960:

47. Agricultural Bank of Garhwal Ltd., Narendranagar.
48. Laxmi Bank Ltd., Akola.
49. National Service Bank Ltd., Poonjar.
50. Madras City Bank Ltd., Coimbatore.
51. Union Bank Ltd., Alleppey.

(LS, USQ 953 of 29.11.60)

AMOUNT OF VARIOUS TAXES. The amount realised during the period from 1st March, 1959 to 31st August, 1960 on account of Income Tax and Estate Duty was Rs. 373.93 crores and Rs. 4.09 crores respectively. The collection for the periods 1.3.57 to 31.8.58 and 1.3.58 to 31.8.59 were as under:

	(In crores of Rs.)	
	1.3.57 to 31.8.58	1.3.58 to 31.8.59
Income Tax	320.33	331.36
Estate Duty	4.33	3.33

PROFIT BY  
TOBACCO  
COMPANY.

Statement showing profits and dividends  
(accrued and Remitted) of foreign con-  
trolled companies in the cigarettes and  
Tobacco industry.

(in lakhs of rupees)

	<u>1957-58</u>	<u>1958-59</u>
a) Profits and dividends accrued to non-residents	174.3	171.9
b) Profits and dividends remitted	138.2	114.5

Note: The figures relating to the remittances of profits and dividends are on a financial year basis while those of accruals are based on the details furnished by the companies and hence will not necessarily be on a financial year basis.

(LS, USQ 1170 of 2.12.60)

\*\*\*\*\*  
 ministry of food & agriculture  
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IMPORT OF FOODGRAINS. The quantity of foodgrains imported during the period from 1st August, 1960 to 31st October, 1960 is about 11.19 lakh tons.

Wheat and rice imported from the USA, Burma and the united Arab Republic under various agreements during the period from the 1st August, 1960 to the 31st October, 1960.

<u>Exporting country</u>	<u>(Quantity in '000' tons)</u>	
	<u>Wheat</u>	<u>Rice</u>
<u>U.S.A.</u>		
Under Sept. 1958 P.L. 480 Agreement	56.8	-
Under Nov. 1959 P.L. 480 AGREEMENT	746.6	15.8
Under March, 1960 P.L. 480 Agreement	-	43.2
Under May, 1960 P.L. 480 agreement	104.4	50.5
Total	907.8	118.4
<u>Grand total : 1026.2</u>		

(LS, SQ 259 of 18.11.60)

P.L. 480 Agreement : Up to the 15th Nov. 1960 about 792 thousand tons of wheat and about 64 thousand tons of rice have been shipped. Of these, about 216 thousand tons of wheat and about 15 thousand tons of rice have arrived in India by that date.

(LS, SQ 733 of 6.12.60)

PRODUCTION OF FOODGRAINS. Production of foodgrains in 1950-51 was fifty million tons. The target in terms of total production in First Five Year Plan was 61.6 million tons against which the achievement in the last year of the First Plan i.e. 1955-56 was 65.8 million tons. The total provision for the Centre and the States was about Rs. 195 crores for agriculture which included research, education, training, etc. for the five-Year period and the expenditure was Rs. 181 crores approximately. The revised target for Second Five Year Plan period in terms of total production in 1960-61 was 80.5 million tons against which the final estimate of production in 1959-60 is 71.8 million tons. The Plan allocation for agricultural production (including Land Development and Minor Irrigation Schemes) for the five year period is about Rs. 201 crores against which the expenditure upto 1959-60 (actuals for the first three years i.e. 1956-57 to 1958-59 and revised estimates for 1959-60) is tentatively placed at Rs. 155 crs.

(LS, USQ 63 of 15.11.60)

PRODUCTION OF COTTON. The production of cotton in 1950-51 was 29.71 lakh bales. First Five Year Plan target was 42.29 lakh bales. Achievement during (i) 1954-55 was 42.27 lakh bales (ii) 1955-56 was 40.20 lakh bales. Finalcial allocation = Rs. 60.0 lakhs. Amount utilised Rs.58.19 lakhs. Target for Second Five Year Plan = 65.0 lakh bales. Amount spent so far -

- (i) Cotton Extension Schemes - Rs. 15.98 lakhs. \*
- (ii) Cotton Research Schemes - Rs. 40.42 lakhs. \*

\* For the years 1956-57 and 57-58.

PRESENT PER CAPITA CONSUMPTION OF WHEAT. Per capita availability of wheat for consumption in India during the year 1959. (In ozs. per day)

WHEAT

Per capita consumption of wheat in Other Countries.

Country	per capita consumption (In ozs. per day)	Period to which figures relate.
United Kingdom	7.9 *	1954-55 to 1956-57
United States	5.5	1954-56
Japan	2.4	1954-56

(\*) Includes wheat flour and rye also  
SOURCE: Food supply, Time Series - 1960 (FAO)

(LS, USQ 602 of 23.11.60)

AGRICULTURAL DEVELOPMENT IN PUNJAB. During the Second Five Year Plan period, a total amount of Rs. 756.58 lakhs (Rs. 564.41 lakhs as loans and Rs. 192.17 lakhs as grants) was granted to the Government of Punjab by the Central Govt. for the agricultural development of the State upto the end of the financial year 1959-60.

(LS, USQ 601 of 23.11.60)

SUGARCANE PRICE. The Joint Sugarcane Board of U.P. and Bihar, in its meeting held on the 7th Nov. 60, recommended the fixation of the minimum price of cane at Rs. 1.75 per maund for 1961-62 season, which will commence from 1st Nov. 1961.

(LS, SQ 392 of 23.11.60)

STATE TRADING IN FOODGRAINS. Purchases of rice, paddy and wheat continued this year in most of the surplus States. During the crop year 1959-60, 8.28 lakh metric tons of rice and 2.28 lakh metric tons of paddy were purchased on account of the Central and State Govts. Out of this year's wheat crop, the State Governments have so far purchased about 3.62 lakh metric tons of wheat.

(LS, SQ 500 of 28.11.60)

FIXATION OF MINIMUM PRICES OF AGRICULTURAL COMMODITIES. In reply to the following question "May I know whether State trading in foodgrains has met with partial or complete success and if so in which States", the Minister of food and Agriculture (Shri S.K. Patil) replied: 'It depends upon the conditions existing in the various States. So far as the present position is concerned, it has become unnecessary'. 'It would not be abandoned: it is a good weapon always to be kept in hand and to be used when necessary.'

(LS, SQ of 518 of 28.11.60)

MILK POWDER FACTORY AT VIJAYAWADA. The allocation of 1.6 million Dollars made by UNICEF for the Hyderabad/Vijayawada project has been accepted. This includes assistance



CULTIVABLE  
WASTE LAND  
IN DELHI.

36.424 acres of cultivable waste land is available in Delhi State at present.

(LS, USQ 1567 of 9.12.60)

QUOTE OF RICE  
FOR KERALA.

The quota fixed for Kerala for the calendar year 1960 was first 1,30,000 tons. As per increases on three occasions, finally, we have agreed for a quantity of two lakh tons for the calendar year

Then, subsequently, because of breaches on the railway tracks, there has been difficulties in the railway movement in respect of rice from Andhra Pradesh and Madras, and they have also increased the rations to three measures for a time, and so, they needed about six thousand tons more. So, we have now agreed to supply them 2,06,000 tons.

With regard to the subsidy the State Government, on its own initiative, has reduced the price. We supply at the rate of Rs. 16, but they are now selling, I think, at the rate of Rs. 15. That was not done at our initiative. Even when we gave it at the rate of Rs. 16 there, it is mostly the Burma rice that is supplied to Kerala.

With regard to the subsidy, we incurred a loss of Rs. 3 to Rs. 4 per maund of rice, and that will come to about or more than Rs. 2 crores by way of subsidy, and so it will not be possible for the Central Government to bear any subsidy for the portion that the State Government needs.

(LS, SQ 909 of 14.12.60)

CENTRAL  
FERTILIZERS  
POOL.

The details of the quantity and value of fertilizers handled so far by the Central Fertilizers are given below:

Year	Quantity (Tons)	Value
1955-56	6,17,747	13,29,43,382
1956-57	6,63,583	19,96,49,461
1957-58	8,27,459	26,04,67,853
1958-59	6,97,381	22,53,82,946
1959-60	9,86,806	28,53,82,946
1960-61 (upto 30.11.60)	5,16,867	13,05,31,580

(LS, USQ 2291, of 22.12.60)

MINISTRY OF STEEL, MINES & FUEL
---------------------------------

PER CAPITA  
CONSUMPTION  
OF PETROL.

Country

Per capita consumption  
of gasolines including  
aviation spirit etc.

U.S.A.	1325.8
U.K.	209.9
West Germany	105.1
India	4.1

(LS, USQ 1176 of 2.12.60)

OIL COMPANIES  
AND DUTY  
CONCESSION.

Burmah Shell had already surrendered the duty concession enjoyed by it with effect from 1.7.59. S.V.R.C. have also offered to surrender the duty protection enjoyed by them, with effect from 15.11.60. C.O.R.I.L. have not so far surrendered

the duty protection. Duty protection in terms of the Refinery Agreement per annum are:-

S.V.R.C.	Rs. 1,43,60,500
C.O.R.I.L.	Rs. 63,47,598

These companies have been approached for foregoing their duty protection. As a result of this approach, S.V.R.C. have already surrendered the duty protection with effect from 15.11.60. C.O.R.I.L. have stated that they are not in a position to surrender the duty protection immediately but would constantly keep this in mind and periodical review the position.

(LS, SQ 547 of 29.11.60)

LABOUR LAWS  
AND STEEL  
PLANTS.

Labour Laws applicable to other public sector undertakings have been made applicable to the three Steel Plants.

(LS, SQ 261 of 21.11.60)

STEEL PLANTS  
AND SCALES  
OF PAY.

The scales of pay and service conditions of work employed in the three Steel Projects in the Public Sector have already been put by Hindustan Steel on uniform basis except in a very few cases where minor differences exist due to special

type of work varying from one project to another and the different circumstances under which the three projects were set up.

(LS, SQ 445 of 24.11.60)

FINISHED  
STEEL.

The production of finished steel in 1950-51 was 1,022,768 tons.

	<u>Capacity</u>	<u>Production</u>
	(in million tons)	

FIRST Plan Target for Main Producers	1.55	1.28
First Plan achievement	1.30	1.27
Financial allocation for Govt. of India	Rs. 15 crores	
Amount actually spent	Rs. 6.54 crores.	

For the Second Plan a capacity target of 4.68 million tons and a production target of 4.3 million tons of finished steel were envisaged.

(LS, USQ 410 of 21.11.60)

PRODUCTION  
OF PIG IRON  
AND STEEL.

1,556,525 tons of pig iron, including pig iron for steel making and 550,073 tons of semi-finished and finished steel have been produced by the three steel plants at Rourkela, Bhilai and Durgapur upto October, 1960. Out of this

913,769 tons of pig iron and 268,097 tons of semi-finished and finished steel have been sold locally.

Exports of pig iron, slabs, ingots and billets upto October, 1960.

	Quantity in M/Tons.	Country to which exported.
(a) Pig iron	40,411	Japan
	20,122	Pakistan
	12,000	U.K.
	6,119	U.S.A.
(b) Slabs.	9,122	West Germany
	3,074	Holland
	3,997	Italy
	935	U.K.
(c) Ingots	7,135	U.K.
(d) Billots	984	U.K.
	598	Pakistan.

(LS, SQ 860 of 12.12.60)

IMPORT OF STEEL. The quantity of steel imported from July, 1960 to October, 1960 is about 3,50,000 tons.

(LS, USQ 1408 of 7.12.60)

IRON AND  
STEEL ALLOT-  
MENT TO  
KERALA.

STEEL  
Demand/Requirement      Allotment  
(in tons)

1956-57	3,468	3,228
1957-58	2,938	1,650
1958-59	5,950	2,977
1959-60	14,490	11,582
1960-61	10,000	8,476
(April-Sept. '60)		

The total quantity of steel supplied to the Kerala State during the last five years has been as follows:-

1956-57	..	10,349 tons
1957-58	..	9,335 tons
1958-59	..	8,267 tons
1959-60	..	13,818 tons
1960-61	..	5,658 tons
(April-July 60)		

(LS, USQ 179 of 16.11.60)

IRON ORE. The production of iron ore in 1950 and 1951 was 3,012,786 and 3,715,821 metric tons respectively.

The production of iron ore during the years 1952 to 1956 was as follows:-

1952	3,988,514	Metric tons
1953	3,916,733	"
1954	4,377,419	"
1955	4,752,612	"
1956	4,976,401	"

The target was 12.5 million tons in 1960-61 of the 2nd Five Year Plan. In the year 1958 a sum of Rs. 2 crores was tentatively allocated for production of iron ore from Kiriburu mines in Orissa Bihar for export to Japan from the year 1964. The production of iron ore during the years 1957 to 1959 and 1960 (upto September, 1960) was as follows:-

1957	5,166,778	Metric tons
1958	6,129,706	" "
1959	7,981,819	" "
1960	7,966,688	" " (upto Sept. 1960)

So far, Rs. 75.53 lakhs have been spent on the Kiriburu Project which is likely to rise to Rs. 190.83 lakh by the end of 1960-61

(LS, USQ 153 of 16.11.60)

**PUBLIC SECTOR  
IRON ORE MINES.**

	Total estimated cost in Rs.	Total amount invested in Rs.
1) Barsua iron ore mines	11,57,00,000	7,39,00,000 upto 1.11.60
ii) Rajhara iron ore mines	8,84,00,000	6,00,00,000 upto 30.9.60
iii) Kiriburu iron ore mines under National Mineral Development Corporation.	9,06,00,000	75,53,000 upto 1.11.60
iv) Iron ore mines under Orissa Mining Corporation.	Not readily available.	It is a joint enterprise of the Govt. of India and the Govt. of Orissa. Govt. of India have so far invested Rs. 6,00,000 in the share capital of the Corpn.

	Average production per day in tons.	Annual production capacity when fully implemented in tons.	
i) Rajhara iron ore mines.	5,000	2.1 million	Based on the production figures for the month of October 1960.
ii) Barsua iron ore mines.	140	3.0 million	As above. Mechanised mining on a regular basis is yet to start.
iii) Kiriburu iron ore mines under NMDC.	Nil	2.0 million	Production has not yet started.
iv) Iron ore mines at Maharaipur, Khandadera & Sakradihi under Orissa Mining Corpn.	281	Not readily available.	Based on the production figures from Jan. to Oct. 1960.

	Average daily requirements in tons.	Requirements for full production in tons.	
i) Bhilai	3,100 *	2 million.	* Based on 1960-61

ii) Rourkela	1,900	1.5 million	- do -
iii) Durgapur	1,800	1.9 million	- do -

At present Bhilai is drawing entire supplies of iron ore from its own mines at Rajhara. Durgapur draws its supplies from Bolani Ores Private Ltd. and supplement them from supplies through the State Trading Corpn. The supply of iron ore to Rourkela is at present received through the State Trading Corpn., as regular supplies from Barsua have not yet started.

(LS, USQ 1493 of 7.12.60)

Bolani: These mines are being developed by Bolani Ores (P) Ltd. in which Govt. of India have a 50.5% share, 49.5% being held by Orissa Minerals Development Company. Government have till now invested Rs. 35.35 lakhs in Bolani Ores.

(LS, USQ 1188 of 2.12.60)

ORISSA  
MINING  
CORPORATION.

The Orissa Mining Corporation has been granted only one mining lease for manganese and iron ores over 2010 acres in villages Fulihari, Choda and Saraikeela in Bonai Sub-division of Sundergarh Dist.

(LS, USQ 1187 of 2.12.60)

PRODUCTION  
COST OF  
IRON ORE.

The f.o.r. cost of iron ore differs from mine to mine depending on the lead. The average pit's mouth cost of production during 1959-60 was Rs. 10.31 which compares favourably with the cost of production in privately owned mines.

(LS, SQ 449 of 24.11.60)

COAL.

Production in 1950.....32.30 million tons.  
Production in 1951 ..... 34.43 million tons.

The production in 1955 was a little over 38 million tons. The production during 1959 was 48 47.06 million tons, while the production during the first nine months of 1960 was 38.00 million tons. There is an allocation of Rs. 53.34 crores for the coal production programme in the public sector. The amount actually spent upto the end of Sept. 1960 against the above allocation is Rs. 36.16 crores. The major part of the balance of Rs. 17.18 crores is expected to be utilised before the close of the financial year.

The shortfall of 5 to 6 ~~xxx~~ million tons on the level of production will be mostly in the production from the collieries of the National Coal Development Corporation.

(LS, USQ 154 of 16.11.60)

NATIONAL COAL  
DEVELOPMENT  
CORPORATION.

The National Coal Development Corporation has spent Rs. 17.11 crores upto March 31, 1960. A further expenditure of Rs. 22.12 crores is expected to be incurred during the rest of the current plan period.

(LS, SQ 1019 of 20.12.60)

FERRO-  
MANGANESE.

The production of ferro-manganese in 1950-51 was about 20,000 tons. A target of 160,000 tons was shown as capacity to be installed by 1960-61. An investment of Rs. 9.5 crores was visualised. As the plants, except one in Mysore, are all in the private sector figures of actual expenditure are not available but about Rs. 7 crores is said to have been invested by the industry so far.

MINING LEASES During the year ending 30th Nov. 1960 (i.e. from 1.12.59 to 30.11.60), 25 mining leases were granted in Orissa for Iron, Manganese and Chrome.

The following parties have been granted mining leases:-

- |  |                                  |
|--|----------------------------------|
| 1. M/s. Tata Iron & Steel Co.                    | 11. Shri S.K. Choudhury.         |
| 2. M/s. Karamchand Thapper & Bros.               | 12. M/s. Hindustan Steel Ltd.    |
| 3. M/s. B. Patnaik Mines (P)Ltd.                 | 13. M/s. Orissa Mining Corpn.Ltd |
| 4. M/s. Serajuddin & Co.                         | 14. M/s. Orissa General Agency.  |
| 5. Shri S. Lal.                                  | 15. Shri R.K. Kejriwala.         |
| 6. National Mineral Development Corporation Ltd. | 16. Shri S.L. Mediratta.         |
| 7. Shri D.H. Patel.                              | 17. M/s. S.Lal & Co. Ltd.        |
| 8. M/s. M.S. Das & Bros.                         | 18. Shri L.N. Agarwala.          |
| 9. M/s. Bonai Industrial Co. Ltd.                | 19. Shri Pratap Keshari Deo.     |
| 10. Md. Habibur Rahman.                          | 20. The Bijoy Bhandara.          |
|  | 21. Shri B.C. Mohanty.           |

(LS, USQ 2049 of 20.12.60)

REQUISITIONING OF STORES FOR USE OF AICC. SESSION AT RAIPUR. The Hindustan Steel Limited have reported that in connection with the recent session of the All India Congress Committee held at Raipur, a request was received by the General Manager, Bhilai Steel project, for supply of certain stores on hire. The total quantity and value of the stores supplied in response to this request are given below:-

<u>Sl.No.</u>	<u>Item</u>	<u>Quantities</u>	<u>Approx. (Value Rs.)</u>
1.	Ceiling fans.	72 numbers	12,313
2.	Pipes	3100 RFT (Approx.)	7,482
3.	C.G.I. sheets	8,000 (numbers)	1,08,602
4.	Tarpaulines	300 Nos.	97,803
			2,26,200

(LS, USQ 2348 of 23.12.60)

MINISTRY OF IRRIGATION & POWER

IRRIGATION SCHEMES. 259 schemes in the major and medium irrigation sector are reported to have been completed before the First Five Year Plan. 90 schemes are reported to have been completed during the First Plan and 112 during the Second Plan upto March, 1960.

(LS, USQ 79 of 15.11.60)

SOIL TESTING LABORATORY FOR RIVER VALLEY PROJECTS. The UN Special Fund have agreed to provide an assistance of Rs. 11.3 million towards the cost of equipment required for detailed investigation of 66 hydro-electric and multi-purpose river project sites in India, during the Third Five Year Plan. The equipment to be imported includes machinery and apparatus for setting up a large size and upto-date soil mechanics testing laboratory to help investigations.

(LS, USQ 627 of 23.11.60)

EXPENDITURE ON INDUS BASIN WATERS TREATY. The total expenditure up to the end of September, 1960, is Rs. 60 lakhs approximately. The World Bank has spent about 1.2 million dollars on its own staff employed on the Indus negotiations.

(LS, SQ 493 of 28.11.60)

IRRIGATION & POWER DEVELOPMENT IN PUNJAB. A sum of Rs. 1575.02 lakhs has been finally agreed as the ceiling for the Irrigation and Power Sector of Punjab for the year 1960-61 as detailed below:-

	Rs. in lakhs
(i) Bhakra	1045.29
(ii) Major & Medium Irrigation	236.58
(iii) Anti-waterlogging etc.	41.15
(iv) Power	252.00
Total	1579.02

(LS, USQ 1568 of 9.12.60)

NET AREA SOWN & NET IRRIGATED AREA IN INDIA (Thousand acres)

STATE	1956-57		
	Net Irrigated area.	Net sown area	% of net irrigated area to Net Sown area.
Andhra Pradesh	7,068	28,106	25.1
Assam (excl. NEFA)	1,533	5,118	30.0
Bihar	4,384	19,190	22.8
Maharashtra incl. Gujerat	3,616	67,225	5.4
Jammu & Kashmir	743	1,678	44.3
Kerala	829	4,525	18.3
Madhya Pradesh	2,049	38,352	5.3
Madras	5,517	14,414	38.3
Mysore	1,829	24,998	7.3
Orissa	2,484	13,854	17.4
Punjab	7,459	18,108	41.2
Rajasthan	3,490	30,702	11.4
Uttar Pradesh	11,420	41,813	27.3
West Bengal	3,009	12,849	23.4

: 31 :

Himachal Pradesh	84	679	13.8
Manipur	145	224	64.7
Tripura	4	482	.6
Andaman & Nicobar Islands	..	19	..
Laccadive Minicoy & Amindivi Islands	..	7	..
<b>Total All-India</b>	<b>55,682</b>	<b>322,460</b>	<b>17.3</b>

(LS, USQ 1808 of 14.12.60)

MAJOR AND  
MEDIUM IRRI-  
GATION AND  
POWER PRO-  
JECTS IN M.P.

The estimated expenditure on these schemes during the Second Plan period is Rs. 56.68 crores. As regards Central assistance, the Government of India have given loans to the Government of Madhya Pradesh amounting to Rs. 41.655 crores during the Second Plan period till the end of 1959-60 under the following heads:-

1. Programme of Permanent Improvement of Scarcity Areas.	Rs. 00.215 crores
2. Expansion of Power facilities	Rs. 00.400 crores.
3. Chambal	Rs. 21.000 crores
* 4. Miscellaneous Development Loans	Rs. 20.040 crores.
<b>Total</b>	<b>Rs. 41.655 crores.</b>

\* Schemes financed from these loans include, among other, irrigation and power schemes as well.

(LS, USQ 1773 of 14.12.60)

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† MINISTRY OF LABOUR & EMPLOYMENT †

RECOMMENDATIONS OF TEXTILE WAGE BOARD. The recommendations of Textile Wage Board have been implemented fully by 277 mills and partly by 67 mills.

(LS, SQ 357 of 22.11.60)

MANAGERS OF INDUSTRIES CONVICTED. No. of managers of the industries who have been convicted for ill-management of the machinery and bad house-keeping is:

1958	-	393 *
1959	-	419 *
1960		189 *

(upto 30.9.60)

(\* Information pertains to only 13 States and Centrally administered areas).

(LS, USQ 548 of 22.11.60)

REGISTERED PERSONS WITH EMPLOYMENT EXCHANGES.

S T A T E	No. of applicats on the Live Register as on 31.3.56			No. of placements effected during April '56-June 1960.		
	Educated (Matriculates & above)	Others	Total	Educated (Matriculates & above)	Others	Total
Andhra Pradesh	18,435	43,039	61,474	30,715	33,145	63,860
Assam	1,787	7,729	9,516	2,156	9,590	11,746
Bihar	11,395	44,871	56,266	9,043	44,284	53,327
Delhi	19,561	24,440	44,001	18,474	19,443	37,917
Gujarat	5,728	10,818	16,546	12,619	21,116	33,735
Himachal Pradesh	224	1,135	1,359	1,338	3,354	4,692
Jammu & Kashmir	-	-	-	181	810	991
Kerala	16,286	22,070	38,356	18,226	20,613	38,839
Madhya Pradesh	3,468	14,531	17,999	11,385	37,361	48,746
Madras	19,609	44,215	63,824	48,439	63,912	112,351
Maharashtra	24,442	59,734	84,176	37,378	56,247	93,625
Manipur	-	-	-	438	1,357	1,795
Mysore	9,984	12,073	22,057	14,613	15,965	30,578
Orissa	1,497	9,534	11,031	4,483	17,918	22,401
Pondicherry	-	-	-	130	396	526
Punjab	8,749	22,173	30,922	31,776	83,967	115,743
Rajasthan	4,365	15,890	20,255	27,216	24,529	51,745
Tripura	-	-	-	957	675	1,632
Uttar Pradesh	40,767	71,218	111,985	37,136	153,732	190,868
West Bengal	35,203	79,668	114,871	13,499	55,028	68,527
	2,21,500	4,83,138	704,638	3,20,202	6,63,442	983,644

( - ) Employment Exchanges in Jammu & Kashmir, Manipur, Pondicherry and Tripura started functioning during the 2nd Plan period.

The backlog of unemployed at the end of the 2nd Five Year Plan is estimated to be about 7 millions. No assessment has been made in respect of educated persons separately.

(LS, USQ 550 of 22.11.60)

EMPLOYEES' STATE INSURANCE ACT. The Mazagaon Dock, Bombay was treated as having gone out of the purview of the Employees' State Insurance Scheme due to a misunderstanding. Instructions have been issued to bring it back into the Scheme, and the workers will be given benefits as if there has been no intervening gap of non-coverage.

(LS, USQ 823 of 25.11.60)

WORKERS EDUCATION. A sum of Rs. 10,000/- or 75% of the actual expenditure, whichever is less, has so far been recommended each to the Indian National Sugar Mills Workers' Federation, Lucknow, the Servants of the Peoples Society, New Delhi and the All India Trade Union Congress for organising training programmes of Workers' Education. A sum of Rs. 3,000/- has also been sanctioned for the Indian Adult Education Association New Delhi. Hind Mazdoor Sabha and All India Trade Union Congress have applied so far. Rs. 34,000/- is allotted for 1960-61.

(LS, SQ 592 of 30.11.60)

CODE OF DISCIPLINE. The Code of Discipline is already applicable to all public sector undertakings worked as companies and corporations except defence undertakings, Banks and the Life Insurance Corporation. The Railways have not considered it necessary to adopt the Code as in their opinion its main objectives are secured through their long established procedures and conventions. The question of applying the Code to the remaining public sector undertakings, is being pursued.

(LS, SQ 707 of 5.12.60)

PUBLIC UTILITY SERVICES. The Government of Madras have notified the following industries as public utility services during the last 12 months. Cotton Textiles, Cement, Sugar, Motor Transport Services, Air Transport Services and Labour at Minor Ports.

(LS, USQ 1749 of 13.12.60)

STRIKES & LOCK-OUTS. 289,895 man-days were lost consequent on strikes and lock-outs arising out of disputes relating to questions of implementing the Textile and Cement wage Boards' recommendations.

(LS, USQ 1917 of 16.12.60)

MINISTRY OF PLANNINGOUTLAY  
FOR UP.Statement showing Sectorwise outlay for Uttar Pradesh  
Plan for 1960-61.

(Rs. Crores)

Head of Development	Amount.
Agriculture and allied Subjects	11.03
Community Development	7.51
Irrigation and Power	16.19
Industry & Minerals	2.59
Transport	3.04
Education	4.75
Social Services	6.67
Miscellaneous	3.22
Total	55.00

(LS, USQ 14 of 14.11.60)

PAMBA-KAKKI PROJECT. The revised and enlarged Pamba-Kakki hydro-electric project has been examined by the Central Water and Power Commission and recommended by the Advisory

Committee on Irrigation, Flood Control and Power projects. The cost of the enlarged and revised project as estimated by the Central Water and Power Commission is Rs. 24.91 crores. The Planning Commission accepts the enlarged scheme for implementation subject to (a) the comments of the Central Water and Power Commission on the project and (b) the availability of foreign exchange and the financial provisions that may be made available from year to year.

(LS, SQ 10 of 14.11.60)

BHOODAN MOVEMENT 44,11,191 acres of Bhoodan land have been donated upto August, 1960 according to information supplied by the Akhil Bharat Sarva Seva Sangh.

(LS, USQ 568 of 22.11.60)

SECOND FIVE YEAR PLAN AND ORISSA. The expenditure during 1956-60 amounts to Rs. 66.6 crores.

(LS, USQ 538 of 22.11.60)

FINANCIAL ALLOTMENT TO KERALA. The expenditure incurred during the third and fourth years of the Second Plan of Kerala is 1958-59 Rs. 16.47 crores and 1959-60 Rs. 16.11 crores.

(LS, USQ 286 of 17.11.60)

LAND REFORMS. Legislation for the imposition of ceiling on holdings has been enacted in Assam, Jammu and Kashmir, Madhya Pradesh, Orissa, Punjab (Pepsu area), Rajasthan, West Bengal, Delhi, Himachal Pradesh, Manipur and Tripura. In respect of former Punjab area there is a provision for settling ejected tenants on surplus lands.

Bills have been passed in Andhra Pradesh, Kerala and Uttar Pradesh. In Bihar, Madras and Mysore, Bills are before Select Committees and in Gujarat a Bill has been introduced. As regards Maharashtra,

a Bill was published by the former Bombay Government but was not introduced due to impending bifurcation of the State. The matter is now under the consideration of the Maharashtra Government.

(LS, USQ 1044 of 30.11.60)

LOCAL DEVELOPMENT WORKS PROGRAMME IN RAJASTHAN. A sum of Rs. 72.92 lakhs was allocated to Government of Rajasthan under the Local Development Works Scheme during the Second Five Year Plan upto February 1960.

During the above period the State Government is reported to have utilised Rs. 47.394 lakhs leaving on unspent balance of Rs. 25.526 lakhs.

(LS, USQ1916 of 16.12.60)

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MINISTRY OF RAILWAYS

INTEGRAL COACH	Number of staff initially suspended	..	190
FACTORY PERAM-	Number of staff initially dismissed		
OUR & STRIKE.	or removed from service	..	8
	Number who were issued notice for		
	termination of services	..	32
	Number of staff still under suspension..		35
	Number of staff not reinstated out of		
	those dismissed or removed	..	5
	Number of staff to be reinstated out		
	of those who were given notice of		
	termination of services	..	Nil

Cases of employees under suspension are pending in departmental enquiries. The five persons were removed from service taking all factors into consideration and it is not proposed to take them back to service.

LS, USQ 363 of 18.11.60)

GENERAL STRIKE RAILWAY EMPLOYEES.	Howrah Div.	Sealdah Div.	Asansol Div.
No. of employees who have lost their services	Nil.	Nil.	Nil.
No. of employees still under suspension:	30	25	10
No. of cases initially started (including police cases shown in brackets)	779 (323)	457 (124)	1380 (981)
No. of cases disposed of	749	472	1370
No. of cases still pending	30	25	10
No. of employees involved in police cases	323	124	981
No. of employees still under trial	5	1	5

(LS, USQ 80 of 15.11.60)

Number of employees in Adra Dist. of the South Eastern Railway who lost their services is Nil and Number of employees still under suspension is 35.

The No. of employees who have been discharged or quitted but still under suspension is	..	26
No. of cases initially started (including 667 police cases, mentioned in (iii))		768
No. of cases disposed of		733
No. of cases still pending		35
No. of employees involved in police cases		667

(LS, USQ 81 of 15.11.60)

**BREAK IN SERVICE OF EMPLOYEES.** No. of railway staff who had suffered a break in service due to participation in the strike by Central Government Servants in July, 1960, which has since been condoned.

Railway	Class III	Class IV	Total
Central	19,618	17,545	37,163
Eastern	35,999	30,328	66,327
North Eastern	3,665	3,274	6,939
Northeast Frontier	4,270	4,611	8,881
Southern	8,158	10,367	18,525
Western	16,470	18,948	35,418
Northern	5,678	5,969	11,647
C.L.W.	3,590	3,021	6,611
I.C.F.	585	470	1,055
Railway Electrification	175	3	178
Total	1,19,687	1,13,117	2,32,804

(LS, USQ 352 of 18.11.60)

**GENERAL STRIKE ON RAILWAYS.** No one was suspended or removed from service for mere participation in the strike. The number of employees under suspension on 31.10.60 in connection with the strike was 1,525 and services of 348 employees stood terminated on that date.

(LS, SQ 244 of 18.11.60)

**CASUAL LABOUR ON RAILWAYS.** The total number of casual labourers as on 1st April, 1960 is 241,001. 4,147 were given monthly scales of pay between 1st April to 30th September, 1960.

(LS, USQ 622 of 23.11.60)

**AGREEMENT WITH TELCO.** Negotiations have been finalised, and a supply contract will shortly be concluded, with Telco for the supply of 325 metre gauge locomotives to Indian Railways during the period from 1st June 1961 to 31st March, 1966 covering more or less the Third Plan period, i.e. after the expiry of the present 16 year contract with Telco which will terminate on 31.5.1961.

The agreed prices are Rs. 3,80,750 per YG locomotive settled by the last arbitration award for the period 1958-60 covering the supply of 200 locomotives, whereas the average annual supply by Telco in 1961-66 will be only about 65 locomotives.

(LS, SQ 379 of 23.11.60)

**IMPORT OF LOCOMOTIVES.** 184 locomotives have been imported from Poland, Austria, USA, UK, Japan, Yugoslavia, West Germany and Group of Firms from West European countries, viz., France, Belgium, Switzerland and West Germany during 1958-59 and 1959-60 for Rs. 14.12 crores (.F.O.B.)

**RAILWAY TRACK FROM YUGOSLAVIA.** Order has been placed for the import of 55,000 Tons of 90lb. Rails from Yugoslavia the F.O.B. value of which is Rs. 100 crores.

STEEL Railway Board has placed orders with Japan, Holland,  
IMPORTS. United Kingdom, West Germany, Spain, U.S.A., France,  
Belgium, Norway, Sweden, and Italy. The average  
price is Rs. 675/- C & F per 1 ton.

(LS, SQ 53 of 15.11.60)

RAILWAY. It has not been possible to include any of the propo-  
SUGGESTIONS IN sals recommended by the State Government in the draft  
GENERAL. outline for the Third Plan.

(LS, USQ 122 of 15.11.60)

CO-OPERATIVE At present 5 co-operative Credit societies and  
SOCIETIES 23 cooperative consumer societies are function-  
ON NORTHERN ing on the Northern Railway.  
RAILWAY. As on 31st March 1960, the 5 Cooperative Credit  
Societies had 45,731 members while the 23 Co-  
operative Consumer Societies had 4029 members. The membership  
of these Societies is open to all the railway staff serving  
within the respective area of operation of each Society.

(LS, USQ 1583 of 9.12.60)

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**MINISTRY OF DEFENCE**

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PRODUCTION IN HINDU- STAN AIR- CRAFT LTD. The value of production in 1958-59 was Rs. 697.53 lakhs as against Rs. 608.24 lakhs in 1957-58.

(LS, USQ 147 of 16.11.60)

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MINISTRY OF EDUCATION

STUDENT- TEACHER RATIO. As far as information is available the following student-teacher ratio obtains in the States and States and Union Territories at various levels of education:

<u>Stage of Education</u>	<u>Ratio in States</u>	<u>Ratio in Union Territories.</u>
Basic Primary Stage	It ranges between 29: 1 in Rajasthan to 39:1 in Assam, Punjab, U.P. & Kerala.	It ranges between 26:1 in Himachal Pradesh & Tripura to 49:1 in the Laccadive & Minicoy & Andaman and Delhi.
Middle Schools.	It ranges between 19:1 in Orissa & West Bengal to 36:1 in Bombay & Punjab.	It ranges between 22:1 in Himachal Pradesh to 31:1 in Delhi.
Higher Secondary Schools.	Information is not available.	It ranges between 18:1 in Tripura to 40:1 in Delhi.
Universities & Colleges.	Approximately 18:1	30:1 in Delhi.

In so far as education at primary and middle school level is concerned, in the opinion of the Government of India, the teacher pupil ratio should, on the average, be 1:40 & 1:25 respectively.

(LS, USQ 728 of 24.11.60)

FOREIGN TEACHERS IN INDIA. 40 foreign teachers are working in Union Territories; Number of foreign teachers in educational Institutions run by Christian Missions Territory-wise is:

Tripura = 1 . Manipur = 2 . Delhi = 20 .

(LS, USQ 1177 of 2.12.60)

DELHI ENGI- NEERING COLLEGE. Under the Colombo Plan, U.K. will give us equipment worth £2,50,000. In addition to this, 12 teachers will come here for teaching purposes, for five years. The total capital expenditure will be Rs. 365.27 lakhs and the recurring expenditure when the institution will be fully developed - and that is expected to be by the year 1964-65 will be Rs. 34.53 lakhs annually.

(LS, SQ 644 of 2.12.60)

AID FOR SPORTS FIELDS TO KERALA GOVERNMENT. The following grants were sanctioned for acquisition of playfields and purchase of sports equipment by educational institutions:-

1959-60: Rs. 56,000 for acquisition of playfields.  
Rs. 6,000 for purchase of sports equipment

1960-61: Rs. 1,06,000 for acquisition of playfields.  
Rs. 6,000 for purchase of sports equipment.

(LS, USQ 1879 of 15.12.60)



MINISTRY OF HEALTHRURAL WATER  
SUPPLY SCHEMES  
IN ANDHRA.

The regions in Andhra Pradesh where the scheme is now under implementation:

1. Visakhapatnam Unit in Vishakapatnam District.
2. Palnad Unit in Guntur District.
3. Pattikonda Unit in Kurnool District.
4. Kadiri Unit in Anantapur District.
5. Kattedan Unit in Hyderabad District.
6. Gadwal Unit in Mehboobnagar District.

(LS, USQ 1795 of 14.12.60)

RURAL WATER SUPPLY SCHEMES. For payment of Central Assistance to the State Governments for the rural water supply and sanitation schemes under the National Water Supply and Sanitation Programme a sum of Rs. 146.50 lakhs has been allocated for 1960-61. A provision of Rs. 34.00 lakhs also exists in the budget grant for 1960-61 for meeting expenditure on water supply schemes (both urban and rural) in the Union Territories.

(LS, SQ 615 of 1-12-60)

HINDUSTAN  
ANTIBIOTICS  
LTD.

The total profits (net) made during each year are as under:-

year	(Rs. in lakhs)
1957-58	33.43
1958-59	87.10
1959-60	76.85

(LS, USQ 1761 of 13-12-60)

FOOD ADULTE-  
RATION IN  
THE COUNTRY.

\* The report of Kerala is for the financial year 1958-59.

Name of State/ Administration etc.	Number of food- samples exami- ned during '58.	Number of samples found adulterated or defective.	Percentage of adulte- ration.
1. Himachal Pradesh	9	6	66.7
2. Assam	679	372	54.7
3. Uttar Pradesh	24,324	4,834	19.9
4. Delhi Municipal Corporation	5,275	1,856	37.0
5. Tripura Territorial Council	109	34	31.2
6. Andhra Pradesh	5,785	2,186	37.3
7. Punjab	14,297	3,178	22.2
8. Mysore	730	293	40.1
9. Bihar	3,699	589	15.9
0. Orissa	1,160	485	41.8
1. Kerala	5,177	1,369	26.4
2. Madras	11,855	2,957	24.9
3. Manipur	No report.....		
4. Madhya Pradesh	420	234	55.7
5. West Bengal	11,370	3,678	32.3
6. Bombay	17,526	7,264	41.4
7. Andaman & Nicobar	No analysis under P.F.A. Act,		in 1958.
8. Rajasthan	1,810	840	46.4
Total	1,04,225	30,175	29.1
	223	154	69.0

RURAL WATER  
SUPPLY SCHEMES  
IN ANDHRA.

The regions in Andhra Pradesh where the Scheme is now under implementation:

1. Visakapatnam Unit in Vishakapatnam District.

WORKERS IN  
MEDICAL  
STORE DEPOTS.

The number of casual workers employed on an average each day during the last six months by each of the Medical Store Depots at Bombay, Madras, Calcutta and Karnal is:

M.S. Depot, Madras	56
M.S. Depot, Bombay	62
M.S. Depot, Calcutta	33
M.S. DEpot, Karnal	37

Male .. varies from Rs. 2.00 to Rs. 2.37 per day.  
Female .. Rs. 1.87 approximately.

(LS, USQ 1405 of 6.12.60)

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MINISTRY OF HOME AFFAIRS

CENTRAL GOVT. All the employees who participated in Strike of EMPLOYMENT July, 1960 have not been taken back on duty. STRIKE.

(i) Number under suspension	..	1564
(ii) Number dismissed or removed	..	379
(iii) Number of temporary employees discharged	..	191

Employees not taken back comprise those who are suspected to be or found to have been guilty of gross misbehaviour, intimidation, violence or sabotage during the strike.

(LS, SQ 434 of 24.11.60)

- (iv) 1958 were convicted in courts of Law. (Out of this sentences were remitted in the case of 994 persons.)  
 (v) 8 are still in prison.  
 (vi) 416 are still under trial as on 1st Nov. 60.

(LS, USQ 439 of 21.11.60)

DEPARTMENTAL PROCEEDINGS AGAINST GOVT. EMPLOYEES. There might be such cases where departmental proceedings are going on against the same Government employees whose cases have been withdrawn from the courts under Govt. orders, but we have no definite information.

(LS, SQ 430 of 24.11.60)

TECHNICAL PERSONNEL IN TRIPURA. The approximate number of technical personnel required for the implementation of the various schemes under the Third Five Year Plan in Tripura is estimated at 3040.

(LS, USQ 742 of 24.11.60)

CHRISTIAN MISSIONARIES IN M.P. Statement showing the names of places in Jhabua District of Madhya Pradesh where Christian Missionaries are stationed, the number of Christians at each place and the nationality of Christian Missionaries.

Name of Place	Number of Christians		Nationality of foreigners.
	Foreign	Indian	
Jhabua	2	500	German 1 Irish 1
Isagarh	1	250	German 1
Gopalpura	-	250	--
Panchqui	1	300	German 1
Thandla	3	2000	French 2 German 1
Bamnia	2	71	Canadian 2
Johat	6	317	Canadian 4 British 2
Mendha	2	256	Canadian 2
Amkhut	4	600	Canadian 3 American 1
Alirajpur	2	8	Canadian 2
Total	23	4552	

(LS, USQ 1000 of 24.11.60)

POLICE  
HOUSING.

Statement showing the amount so far  
Given as loan to each state for police  
Housing.

S.No.	Name of the State	Amount given on loan
1.	Andhra Pradesh	1,48,34,500
2.	Assam	35,50,000
3.	Bihar	19,45,200
4.	Gujarat	20,00,000
5.	Kerala	52,57,500
6.	Madhya Pradesh	98,45,000
7.	Madras	1,65,63,880
8.	Maharashtra	1,23,39,000
9.	Mysore	45,00,000
10.	Orissa	95,35,998
11.	Punjab	27,67,000
12.	Rajasthan	38,00,000
13.	Uttar Pradesh	1,67,50,000
14.	West Bengal	1,35,70,410
15.	Jammu & Kashmir	11,05,000
Total		11,83,63,988

(LS, USQ 1242 of 2.12.60)

SCHEDULED  
CASTES &  
TRIBES.

Statement showing the number of employees belonging  
to Scheduled Castes and Scheduled Tribes in Central  
Services.

Class of Service.	1959		1960	
	Sch. Castes.	Sch. Tribes.	Sch. Castes.	Sch. Tribes.
I	111	18	119	23
II	386	106	436	160
III	46975	5867	47722	7329

(LS, USQ 738 of 24.11.61)

POSTS FOR  
SCHEDULED  
CASTES.

Out of the posts advertised by the Union Public  
Service Commission during the period of 1st Jan-  
uary, 1960 to 30th September, 1960, 216 posts  
were reserved for Scheduled Castes or Scheduled  
Tribes.

(LS, USQ937 of 29.11.60)

SCHEDULED  
CASTES &  
SCHEDULED  
TRIBES.

Orders issued by the Government of India for  
reservations of appointments or posts in favour  
of Scheduled Castes and Scheduled Tribes do not  
apply to Public Sector undertakings.

(LS, SQ 540 of 29.11.60)

WELFARE OF  
SCHEDULED  
CASTES IN  
MYSORE.

The amount sanctioned so far, under the Second Five  
Year Plan, for the welfare of the Scheduled Castes  
in Mysore State is Rs. 41.30 lakhs under the  
Central Sector and Rs. 209.48 lakhs under the  
State Sector. The amount spent so far is Rs.  
30.69 lakhs under the Central Sector and Rs. 156.39 lakhs under  
the State Sector.

(LS, USQ 2055 of 20.12.60)

CASES UNDER	Total number of cases ...	3020
DELHI RENT	(i) (a) Landlords ...	1624
CONTROL ACT.	(b) Tenants ...	1396

(ii) 1399 cases filed by landlords in which tenants evictions are sought.

(iii) 278 cases in which tenants eviction is sought on the ground of "personal requirement of the landlord".

(iv) 339 cases filed by the tenants for fixation of standard rent.

(LS, USQ 1180 of 2.12.60)

DUES IN DELHI. On 1st November, 1960, a sum of Rs. 5.61 crores was outstanding for collection in addition to demands totalling Rs. 5.26 crores, the recovery of which has been stayed either by orders of Courts or at the instance of the Departments concerned. There are some cases in which defaulters are not traceable. Every effort is made to trace out the missing persons or their sureties in case of loans due and recover the amount.

(LS, SQ 848 of 12.12.60)

TEA GARDENS IN DARJEE-LING AREA. A Tibetan firm purchased last year a Tea Estate comprising 901.72 acres in the Lakimpong Sub-Division of Darjeeling District at a cost of Rs. 1,50,000.

(LS, USQ 1674 of 12.12.60)

MINISTRY OF WORKS, HOUSING & SUPPLY

TRADE UNIONS OF C.P.W.D. The recognised Trade Unions of the Central Public Works Department workers in Delhi as on the 15th September, 1960 are as follows:

- (1) Central P.W.D. Workers' Union, New Delhi;
- (2) Central P.W.D. Employees Union, New Delhi; and
- (3) All India C.P.W.D. (Electrical & Mechanical) Employees Union, New Delhi.

The recognition of the Central P.W.D. Workers' Union, New Delhi has been withdrawn with effect from 24.9.1960 for participating in the strike which was declared illegal, under the Essential Services Maintenance Ordinance, 1960.

It is learnt that the registration of the C.P.W.D. Employees Union, New Delhi, was cancelled by the Registrar of Trade Unions with effect from 1.9.1960, but that the union has, however, again been registered on 2.11.1960.

The question as to whether the old recognition of the un-registered Trade Union should be withdrawn, is under consideration of Govt.

(LS, USQ 837 of 25.11.60)

C.P.W.D. EMPLOYEES. Services of 3 employees of the Central P.W.D. in Delhi were terminated in connection with the Central Government Employees strike of July, 1960.

Two of them have been taken back on duty. The number of employees who were suspended is :

Delhi - 3. Bombay - 2. Bhubneshwar - 4. Calcutta - 15.  
Dum Dum - 11. Chakulia - 17.

(LS, USQ 1308 of 5.12.60)

SLUM CLEAR- ANCE IN CALCUTTA. The Slum Clearance Scheme was introduced in May, 1956. Out of Rs. 380 lakhs, upto which slum clearance projects can be sanctioned in West Bengal during the Second Plan period, two projects of the approved cost of Rs. 71.04 lakhs for construction of 1184 houses were sanctioned for Calcutta in October, 1957. The Government of West Bengal have intimated that they have since sanctioned in August, 1960, three more projects of the estimated cost of Rs. 49.40 lakhs for construction of 688 houses in Calcutta, while a few more projects are under their consideration. According to the progress reports received from State Government upto 30th September 1960, 660 houses had been completed while another 172 were under construction against the sanctioned projects.

(LS, USQ 1315 of 5.12.60)

LOW INCOME HOUSING SCHEME IN BIHAR. A sum of Rs. 10 lakhs was allocated to the Government of Bihar for the implementation of the Low Income Group Housing Scheme during the First Five Year Plan and Rs. 270.23 lakhs during the Second Five Year Plan.

The State Government have intimated that their expenditure during the Second Plan period so far amounts to Rs. 173 lakhs.

(LS, USQ 2174 of 21.12.60)

MINISTRY of Rehabilitation

REHABILITATION IN HASTINAPUR.

Out of a total of 325 families settled in the township, 210 families are still there. The expenditure incurred by the Central Government on the rehabilitation of these families:

- (i) Capital Expenditure Rs. 33.12 lakhs
- (ii) Grant Rs. 3.24 lakhs
- (iii) Loans to Displaced Persons Rs. 2.77 lakhs.

(LS, SQ 587 of 30.11.60)

DANDAKARUNYA DEVELOPMENT AUTHORITY.

The total strength of the Class I and Class II officers working in the Dandakarunya Development Project at present:

Class I = 48. Class II = 89 .

(LS, USQ 2214 of 21.12.60)

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INFORMATION & BROADCASTING  
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SECOND PLAN & BROADCASTING.

A shortfall of about Rs. 180 lakhs is anticipated against the allocation of Rupees 8 crores for the development of Broadcasting during the Second Five Year Plan.

(LS, SQ 717 of 5.12.60)

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C O M M U N I T Y D E V E L O P M E N T  
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C.D. PROGRAMME IN DELHI.

Total Government Expenditure during 1959-60 ... Rs. 6,11,700

1960-61 (Six months April to September 1960) ... Rs. 1,26,959

(LS, USQ 1783 of 14.12.60)

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M I N I S T R Y O F  
T R A N S P O R T & C O M M U N I C A T I O N S

P & T EMPLOYEES UNDER SUSPENSION.

51 employees of Posts and Telegraphs department are still under suspension for participating in the General Strike in July, 1960.

All these officials except 4 of RMS 'F' Dn. Central Circle Nagpur, are paid their subsistence allowance. Subsistence allowance to these 4 has not been paid as they did not furnish the declaration prescribed under Fundamental Rule 53(2).

(LS, USQ 1125 of 1.12.60)

POST & TELEGRAPH EMPLOYEES.

Number of employees of Posts and Telegraphs Department in Madras Circle and Civil Aviation Department in Madras region:-

1.	Under suspension P & T Department	.. 5
	Civil Aviation Department	.. 7
2.	Discharged/removed from service	
	P & T Department	.. 26
	Civil Aviation Department	.. 1

In all only five employees in the Posts and Telegraphs-Department and seven in the Civil Aviation Department are under suspension. The disciplinary proceedings against them, which are in progress, will be expedited.

(LS, USQ 1393 of 6.12.60)

P & T VOLUNTEERS.

The Superintendent of Post Offices, Central Calcutta Division, has invited applications for jobs from volunteers who worked during the Central Government employees strike and some relaxations from normal

rules in their favour have been made.

(LS, SQ 621 of 1.12.60)

P & T EMPLOYEES IN MADRAS CIRCLE.

Details of total number of cases charged, acquitted, withdrawn and pending in Madras circle in connection with recent general strike are:

Total number of cases charged	--	1793
Total number of cases withdrawn	--	1450
Total number of acquittals	--	5
Total number of cases pending in courts		2

(LS, USQ 85 of 15.11.60)

P & T EMPLOYEES IN KERALA STATE.

20 employees of the P & T Department in the Kerala state who have been acquitted by appellate courts were taken back into service. One of those acquitted has been placed under suspension. Disciplinary proceedings initiated against this employee are yet to be completed.

(LS, USQ 1594 of 9.12.60)

P & T EMPLOYEES IN TRICHUR AND PALGHAT.

The number of cases of P & T employees whose cases were withdrawn, but who have been placed under suspension for departmental action in the Trichur and palghat areas of Kerala:-

Palghat area = Nil .      Trichur area = Three.

The number of cases against whom show cause notices have been given for reversion to lower grades:

Palghat area  
Nil.

Trichur area  
8



EXTENSION OF SERVICE OF STRIKERS. Minister of Transport and Communications replied "No, Sir" when asked the question "whether instructions have been issued by the Director General of Posts and Telegraphs to the subordinate offices not to grant extension of service to those who participated in General Strike".

(LS, SQ 496 of 28.11.60)

SHIPBUILDING AND FOREIGN COLLABORATORS.

No foreign shipbuilding firm is collaborating with the Hindustan Shipyard at present.

So far as Shipbuilding Yards in the private sector are concerned, the information is given below:-

<u>Name of the Indian Co.</u>	<u>Name of foreign collaborator</u>
1. M/s. Garden Reach Workshops (P) Limited, Calcutta.	(i) M/s Yarrow & Co. Ltd. Glasgow (U.K.). (ii) M/s Simons & Co. Ltd., Scotland (U.K.). (iii) M/s. Burness Corlette and Partners Ltd., (U.K.). (iv) M/s. J. Samuel While & Co. Cowes, (U.K.)
2. M/s. Mazagon Dock Ltd. Bombay.	(i) M/s. Sea Works Ltd. through M/s. Burness Corletter and Partners Ltd., U.K. (ii) M/s. William Denny & Sons, Scotland.
3. M/s India General Navigation and Railway Co., Ltd. Calcutta.	(i) M/s. Burness Corlette and Partners Ltd., U.K.
4. M/s. Hooghly Docking & Engineering Co. Ltd., Calcutta.	(i) M/s. Ellicott Machine Corporation, U.S.A. (ii) M/s. Fairmile Construction Co. Ltd., U.K.

(LS, USQ 1133 of 1.12.60)

LOAN FOR INDIAN SHIPPING.

So far as the Government of India are concerned, the only foreign exchange accommodation for development of Indian Shipping obtained by them is the 18 billion yen credit negotiated with the Export/Import bank of Japan in 1958, a portion of which has been utilised for the acquisition of ships from Japan. However, some of the Indian shipping Companies have themselves in the past arranged to secure foreign exchange accommodation from various parties for buying ships.

(LS, USQ 1108 of 1.12.60)

SHIPS PURCHASED UNDER 'PAY WHILE YOU EARN' SCHEME

36 ships were purchased by Private Shipping Companies under the 'Pay while you earn' scheme.

The total cost of the ships purchased under the scheme is Rs. 13.92 crores approximately. The additional tonnage secured with the introduction of this new scheme is 171,921 G.R.T.

(LS, USQ 1139 of 1.12.60)

SHIPS FROM  
POLAND.

An offer from a Polish Party for the construction of some vessels for India has been received and communicated to the Indian Shipowners, who are considering the same.

(LS, SQ 377 of 23.11.60)

SHIP  
BUILDING.

Three ships aggregating 24,000 D.W.T. were built during 1950-51. This includes a vessel of 8000 D.W.T., which was delivered on the 3rd April, 1951.

Target for the First Five Year Plan	1,50,000 D.W.T.
Achievement during the plan period	77,000 "
Financial allocation during the Plan period.	Rs. 957.16 lakhs

Amount actually spent during the Plan period.	Rs. 588.8 lakhs.
---	------------------

Target for the Second Plan	1,00,000 D.W.T. to 1,20,000 "
----------------------------	----------------------------------

Achievement during the Plan period so far (upto 1959-60)	Rs. 977.8* lakhs
--	------------------

Amount actually spent upto the end of 1959-60.	Rs. 481.07 "
--	--------------

(LS, USQ 855 of 28.11.60)

TRAFFIC  
HANDLED  
AT PORTS

The traffic handled by major ports during 1960-51 is as follows:-  
(in tons)

	<u>IMPORTS</u>	<u>EXPORTS</u>	<u>TOTAL</u>
CALCUTTA	3,040,572	4,460,927	7,501,490
BOMBAY	5,198,162	1,701,689	6,899,851
MADRAS	1,925,152	248,976	2,174,128
COCHIN	1,098,214	248,964	1,347,178
VIZAGAPATAM	67,334	878,469	945,803
KANDLA	60,137	59,398	119,535
	<u>11,389,571</u>	<u>7,598,423</u>	<u>18,987,994</u>

(LS, USQ 590 of 23.11.60)

FOREIGNERS IN  
INDIAN SHIPP-  
ING SERVICE.

The number of foreign nationals who were employed on Indian ships as on the 30th September 1960 was 531. 79 British and 10 German nationals are employed on Indian ships as Masters, Chief Officers and Chief Engineers. Others are ordinary employees.

(LS, USQ 631 of 23.11.60)

SHIPPING  
CHARGES FOR  
IMPORTANT  
OF CRUDE  
OIL.

Ocean freight paid by the refineries for the import of crude oil during the year 1957, 1958 and 1959 amounted to Rs. 6,88,24,533, Rs. 6,06,71,950 and Rs. 5,42,41,436 respectively. The entire amounts were paid to foreign vessels.

(LS, USQ 96 of 15.11.60)

POSTING OF  
NEWSPAPERS  
ABROAD.

For mailing the newspapers as gift no permission from the Reserve Bank of India is required. If a newspaper, however, is sent to a foreign country, on valuable consideration, it is obligatory to fill in the prescribed P.P. Form which has to be countersigned by the Reserve Bank of India or any other Bank authorised to deal in foreign exchange.

(LS, SQ 908 of 14.12.60)

MINISTRY of EXTERNAL AFFAIRS  
.....

VIOLATION OF  
CEASE-FIRE  
LINE.

57 times Pakistan has violated the cease-fire line in Kashmir from June, 1959 to June 1960.  
5 Persons were killed and 19 injured.

(LS, USQ 1311 of 5.12.60)

INDO-PAK  
BORDER.

Out of a total of about 644 miles of Rajasthan-West Pakistan border about 104 miles have so far been demarcated.

(LS, SQ 579 of 30.11.60)

PER CAPITA  
INCOME.

According to 'quick' estimates of national income at 1948-49 prices, prepared by the Central Statistical Organisation, the per capita income of India has declined from Rs. 293 .6 in 1958-59 to Rs. 291.3 in 1959-60. National Income in 1959-60 was 0.5% more than National Income in 1958-59, but since the population increased at a higher rate, there was fall in the per capita income. The poor increase in National Income and the actual fall in the per capita income in 1959-60 were mainly due to a fall of 3.9 per cent in agricultural output on account of unfavourable weather conditions, which are unlikely to continue year after year.

(LS, SQ 580 of 30.11.60)

TIBETAN  
DELEGATION  
TO U.N.O.

Three representatives of the Dalai Lama requested the Government for travel documents and foreign exchange.

Each of them was given foreign exchange equivalent to Rs. 7,500/-.

(LS, USQ 796 of 25.11.60)

TIBETAN  
REFUGEES.

Rs. 5,80,368 has been spent on the Dalai Lama and his party upto the end of September, 1960. Rs. 51,87,196 has been spent on the relief and rehabilitation of the Tibetan Refugees. 17,012 Tibetan refugees have left transit Camps for employment purposes.

(LS, USQ 4 of 14.11.60)

SLP (Col), NO. 287/61

Ramesh Upadhyay  
and ors

✓

State of Bihar

IN THE SUPREME COURT OF INDIA

(CRIMINAL APPELLATE JURISDICTION)

PETITION FOR SPECIAL LEAVE TO APPEAL NO.

OF 1961

IN THE MATTER OF:

1. Ramasarey Upadhyay,
2. Surendra Sukla,
3. Sirajuddin alias Saje,
4. Manuel David,
5. Tejuddin,
6. Jamuna Singh,
7. Bibhishan,
8. Sardan Ho,
9. Jena Ho,
10. Madan Nag,
11. Samad,
12. Mahabir Chaube.

----- PETITIONERS

Versus.

The State of Bihar.

----- RESPONDENT.

To

The Hon'ble Shri Bhuvaneshwar Prasad Sinha  
Chief Justice of India and His Hon'ble  
Companion Justices of the Supreme Court of  
India.

The humble petition of the petitioners  
above named.

MOST RESPECTFULLY SHEWETH:

1. That the petitioners are desirous to obtain special leave to appeal against the judgement dated the 23rd of December, 1960 in Criminal Appeal No. 375 of 1958, whereby the High Court

of Judicature at Patna dismissed the appeal of petitioners but reduced the sentence of petitioner 1 to 5 from life imprisonment to 10 years, maintained the sentence of petitioner No. 6 for 10 years and of petitioners 7 to 12 to 5 years rigorous imprisonment.

2. The case for the prosecution briefly stated is as under:-

(i) That <sup>at a</sup> place known as Gua within the jurisdiction of Police Station Noamundi in the district of Singhbhum, there are some mines belonging to the Indian Iron & Steel Company for extracting iron ores. Over five thousand labourers work at Gua and the labour force consists of Adibasis as well as Upper Indians. Some of the labour force is employed directly by the Company while others are employed through contractors.

The labourers are members of two different labour organizations; one is known as Workers' Union affiliated to the Indian National Trade Union Congress, and the other is known as the Action Committee. Both the Unions, it is alleged, have keen rivalries between themselves.

(ii) At about 9.30 A.M. on the 16th April 1957, it is alleged, a big representation of the labourers employed by the Company through the contractors went to the general office of the Company with some grievances against the contractors, under the leadership of one P. Mazumdar. The Chief Mining Engineer called in

the deputationists consisting of a few members other than the aforesaid P. Mazumdar and promised to remove the grievances of these workmen.

(iii) It is further alleged that in the meantime, at about 10.30 A.M., a crowd of 100 to 150 persons collected before the Office of the Workers Union and attacked and damaged the building wherein several people were injured including one Ramasis Singh who died instantaneously on the spot and Kamta Singh who died later. The prosecution alleges that before the aforesaid incident on the 16th of April 1957, Mazumdar and a few others of the Action Committee moved in a pick-up van belonging to Mazumdar and went on instigating the labourers affiliated to the Action Committee to take revenge against the members of the Workers' Union alleging that they have killed one Noor Mohammad belonging to the Action Committee and had concealed his body. It is also alleged that P. Mazumdar said that if Noor Mohd. was not traced, the workers should go to the Union Office where the dead body might have been concealed. It is alleged that the mob was variously armed; some with Lathies, bows and arrows and at least one of them, had a Pharasa. The members of the group are said to have thrown brick bats and stones at the doors of the hall of the office and some climbed on the roof of the hall and made holes of various sizes and showered a number of arrows on the occupants of the Union Office and



about 20 to 25 members of this group entered the Union Office and assaulted the men of the Union with Lathies, pharsas etc.

(iv) As a consequence, the petitioners along with twenty-one others were placed for commitment before the S.D.O., Chaibasa, who discharged five of them and committed the rest including the petitioners to stand trial before the Court of Session.

(v) That the case of the defence was that none of the accused had anything to do with the crowd that is alleged to have assaulted the members of the Union Office but they heard reports and rumours current in Gua to the effect that a number of Adibasi labourers who lived near the workers' Union Office appear to have clashed with some office workers of the Union who had called the injured people from Burnpur. That the clash was not the result of any prior collection of men, but was brought about by some assaults on, and some of the provocative acts done towards the Adibasi labourers who were passing by that road to go to Gua General Office for the ventilation of their grievances against the contractors. The Workers' Union people who have enmity with the Action Committee People have falsely implicated prominent workers of the Action Committee. They have not been able to recognize or identify the Adibasi assailants.

3. That the learned Sessions Judge who tried the petitioners, disbelieved the prosecution story so far as the five accused were concerned and acquitted them. He, however, accepted the case of the prosecution against the rest and found Ramasre Upadhyay, Surendra Sukla, Sirajuddin alias Saje, Manuel David, Tejuddin and Nawab Khan guilty under Section 302 read with sections 149, 326 read with section 149 and 449 of the India Penal Code, Mazumdar under section 109 read with section 302, 150 read with section 148 of the Indian Penal Code and others under section 326 read with section 149, 449 and 147 of the Indian Penal Code. He also found Ramasrey Upadhyay guilty under section 148 and Surendra Sukla under section 114 read with section 302 and 148 I.P.C.

4. That an appeal was preferred against the judgment of the learned Sessions Judge to the High Court of Judicature at Patna, who, by its judgment sought to be appealed from, found, inter alia, to the following effect:

- (a) That the story regarding the incitement by P. Mazumdar to take revenge for the murder of Noor Mohd. does not seem to be probable (and consequently acquitted him);
- (b) That the members of the unlawful assembly went only to assault the occupants of the Union Office armed with all kinds of weapons and, therefore, they knew that at least grievous

hurt was likely to be caused in prosecution of their common object, and consequently murder being not the object of the unlawful assembly conviction against 302 read with section 149 I.P.C. was set aside.

5. That at the time of the arguments before the High Court, it was pointed out that on facts and evidence in the case there was no unlawful assembly; that the occurrence started either on the road or on the upper courtyard of the Union Office, probably because the men of the Workers' Union attacked the crowd on the road and then the latter retaliated. In view of the fact that some blood-stained shoes belonging to the men of the Workers' Union were found inside the hall, it is probable that these men of the Workers' Union must have gone outside and on counter-attack by the crowd on the road they must have gone into the Union Office. As such, it was pointed out that unlawful assembly, if any, consisted at different times and with different objects. There was a part of crowd which remained outside on the road which was attacked by the men of the Workers' Union. There was a part of the crowd which went in the upper compound of the Union Office. There might be some persons who might have gone still further inside the Union's office and as such the finding with regard to the unlawful assembly having one common object was untenable in law. It was argued that to convict

the accused in such circumstances of vicarious responsibility was illegal and that the part, if any, which each accused took in the incident ought to have been separately proved.

It is submitted that the High Court did not consider this aspect of the case.

6. That it is was submitted before the High Court that since the part, if any, played by each accused in the incident was not proved; some accused were not even duly identified and against some there was solitary statement of only one witness, the conviction of the petitioners was wholly illegal.

7. That the petitioners desire to obtain special leave to appeal against the said judgement of the High Court of Patna, dated 23.12.1960, amongst others on the following

G R O U N D S

- (a) Because the High Court having disbelieved the story of the prosecution with regard to the incitement of the mob, ought to have acquitted the petitioners;
- (b) Because the High Court ought to have held that in view of the three different places, where the incident is alleged to have occurred, there could not be one unlawful assembly with one common object but there were three unlawful assemblies with different objects;

- (c) Because the High Court, in this view of the matter, ought to have further scrutinized and held as to whether the petitioners were members of one or the other unlawful assembly and should have dealt their cases in that light;
- (d) Because the High Court ought to have held that the very basis of the prosecution story having been proved as false, there was no unlawful assembly whatsoever and the convictions under sections 148 and 149 I.P.C. could not stand;
- (e) Because at least the persons, namely, Karnail Singh, Brijnandan Singh, Ambica Prasad, Gyanchand Ram, deceased Kamta Singh and Ali Akbar did not belong to Gua and were brought by the Workers' Union from outside place, namely, Burnpur, and it indicates that it was the Workers' Union people who had assaulted the crowd;
- (f) Because the use of the bow and arrow was clear indication that the fight took place between the men of the Workers Union and the Adibasi labourers;
- (g) Because the part, if any, played by the petitioners not having been duly proved, the conviction of the petitioners is illegal;

(h) Because, in any event, the sentence is severe;

In the premises mentioned above, it is respectfully prayed, that Your Lordships will be pleased to grant special leave to the petitioners to appeal against the judgment dated 23.12.1960 of the High Court of Judicature at Patna, and order the petitioners to be released on bail until the disposal of the appeal before this Hon'ble Court and pass such other and further orders as to Your Lordships may deem fit and proper.

AND FOR THIS YOUR PETITIONERS AS IN DUTY BOUND SHALL EVER PRAY.

Filed by:-

(K.K. SINHA)  
ADVOCATE  
SUPREME COURT.

Drawn by:-

(B.P. MAHESHWARI)  
ADVOCATE  
SUPREME COURT OF INDIA.

Dated: March 27, 1961.

IN THE SUPREME COURT OF INDIA.  
(Civil Appellate Jurisdiction)

SPECIAL LEAVE PETITION (CIVIL) NO.  
OF 1961.

In the matter of :

a Petition under Article 136 of the  
Constitution.

A N D

In the matter of :

An Industrial Dispute between Messrs.  
Machinery Manufacturers Corporation  
Limited and their workmen employed in  
their Sonai Works P-16, Circular Garden  
Reach Road, Calcutta-23 represented by  
M.M.C. Employees' Union, 129A, Circular  
Garden Reach Road, Kidderpore Calcutta-23  
and M.M.C. Mazdoor Union, 10/2, Watgunj  
Street, Calcutta-23.

A N D

In the matter of :

an Award made by Second Industrial  
Tribunal, West Bengal, since published in  
the issues of Calcutta Gazette dated  
Calcutta, December 15, 1960.

A N D

*Special leave  
refused*

*SL / 138  
25/4/61*

A N D

In the matter of :

The workmen of M/s. Machinery Manufacturers Corporation Limited having its factory at P-61, Circular Garden Reach Road, Calcutta-23 represented by M.M.C. Employees' Union having its office at 129A, Circular Garden Reach Road, Kidderpore, Calcutta-23 ..... PETITIONERS.

V e r s u s

1. Messrs. Machinery Manufacturers Corporation Limited having its factory at Sonai, P-61, Circular Garden Reach Road, Calcutta-23,
2. The workmen of Messrs. Machinery Manufacturers Corporation Limited having its factory at Sonai, P-61, Circular Garden Reach Road, Kidderpore, Calcutta-23 represented by M.M.C. Mazdoor Union having its office at 10/2, Watganj Street, Calcutta-23. .... RESPONDENTS.

To

The Hon'ble Mr. Bhuvaneshwar Prasad Sinha, the Chief Justice of India and His Companion Justices of the Hon'ble Supreme Court of India.

The humble petition of the  
Petitioners abovenamed,

....Most



1... Your Petitioners are all workmen of Messrs. Machinery Manufacturers Corporation Limited Having its factory at Sonai, P-61, Circular Garden Reach Road, Calcutta-23. Attached to the factory there is an office wherein about 250 clerical and subordinate staff are employed.

2... At all material times there was and at present there is a registered Trade Union under the name and style, M.M.C. Employees' Union having its office at 129A, Circular Garden Reach Road, Kidderpore, Calcutta, hereinafter referred to as "the Union" and majority of the workmen of Messrs. Machinery Manufacturers Corporation Limited including your petitioners are members of the said Union. This Union was recognised by the Company. The said recognition was cancelled in October 1959 when the present dispute started. Your Petitioners in the proceedings before authorities and/or in the Tribunal below were represented by the said Union and are represented by the said Union in the present proceedings before this Hon'ble Court. Besides the said Union, there is another Union of the workmen of the Company which Union is impleaded as Respondent No.2.

3... Messrs. Machinery Manufacturers Corporation hereinafter referred to as "the Company" came into existence in the year 1946 and commenced manufacture inter alia of textile machineries, amongst others,

...."Carding

1958-59=726  
Verified 1959-60=475

This Union formed by the strike breakers backed by the Co. and were not a party to this dispute subsequent to the subsequent dispute.

"Carding Engines" in the year 1950. The Company has a subscribed share capital of Rs.80,77,000/-, out of which Rs.25,00,000/- has been **subscribed** by the Government of India and two of its **Directors** are nominees of the said Government, The Company has also secured loan of Rs.5,00,000/- from the Government of India and an advance of Rs.59,00,000/- from the Industrial Finance Corporation and one of the **Directors** of the Company is a representative of the said Corporation. The Head Office of the Company is **situated** at Bombay, The Company is under the Managing Agency of Messrs. Mahindra and Mahindra Ltd. who have a local office at Calcutta.

4... At all material times the Company had in its roll about 918 workmen for its factory including the aforesaid clerical and **subordinate** staff. Notwithstanding the fact that the Company was earning profits and/or was receiving financial assistance from the Government of India and others, the **service** condition of the workmen remained extremely unsatisfactory. For collective bargaining and/or **collective** security, the workmen of the Company, including **your** petitioners, formed the said Union,

5... The said Union since its inception was engaged in bona fide trade union activities for the interest of the workmen of the Company. The said Union made representations to the Company from time to time over the bona fide and legitimate grievances of the workmen and co-operated with  
....legitimate

917

Para 3 of Award

It started earning since 1954 after the recognition of the Union.

the management in implamenting schemes whenever occasion arose and the Union suggested various schemes for the better management and for increase in production.

6... Sometime in the year 1954, the said Union on behalf of the workmen of the Company suggested to the Management of the Company for introduction of a Production Bonus Scheme in order to attain higher production. Pursuant to the request or suggestion of the Union, a production bonus scheme was introduced and a joint committee which included representatives from the said Union was formed to look after the implementation and working of the said scheme.

7... The Ministry of Commerce, Government of India sometime in 1956 appointed an Expert Ad hoc Committee comprising of representatives from manufacturers of textile machineriies, representatives from textile mill owners, Government representatives and Experts to enquire into the country's need of textile machineriies in future and to draw up a scheme or suggestion for different companies engaged in the manufacture of textile machineriies. In its Report dated January 29, 1957 this committee estimated the all India annual requirements of Carding Engines to be about 4,050 and the said Committee was of opinion that the Respondent Company's annual capacity should be 600. This Expert ad hoc committee later on drew up a phased programme

....with regard

with regard to different textile manufacturing companies and according to the opinion or suggestion of the said committee, the Respondent Company's quota of production of Garding Engines was altered. This committee further suggested that the Respondent Company should start manufacture of certain other items of machineries required for the textile mills. The relevant portion of the Report of the said Committee with regard to the Respondent Company is stated hereunder :-

"(h) That the expert Ad-Hoc Committee referred to above drew up a phase programme as referred to above. The relevant portion (concerning M.M.C.) reads as follows :- (15) 3/29.1.57

<u>Name of the Firm</u>	<u>Name of the Machinery</u>	<u>Approved phase production prog.</u>
		1957, 1958, 1959, 1960.
Machinery Manuf- turers Corpn. Ltd.	Carding Engine	75 commence increased production from 75 to 100 per month from Jan'58.
	Speed Frames	Commence production 144 per year from the end of 1958.
	Drawing Frames.	Commence manufacture of 120 a year from the middle of 1959.
	Blow Rooms.	Commence production of 3 Lines per year from the end of 1959 (subject to finance being made available.)"

8... Thereafter sometime in May, 1957 the Company unilaterally changed, altered and/or varied the said production bonus scheme by fixing up 60 Carding Machine

....in a

*The Company never produced any document for any document not being available and not any correction of the programme*

in a month as the base for group production. The Union on behalf of the workmen protested against fixation of such high base for calculation of production bonus and the union's objection was accepted by the Company and the proposed fixation of 60 Carding Machines as the base was abandoned by the Company pending joint discussion and/or agreement between the Company and the Union.

9... Thereafter sometime in April 1958 the Company stopped the operation of the Production Bonus Scheme in the foundry on the alleged ground of shortage of supply of raw materials.

10... Thereafter sometime on or about April 30, 1958 the Company by notice of even date totally stopped the production scheme in vogue in the factory in addition to the foundry as stated above on and from May 1, 1958. By the said notice the Company further declared that there would be no increase in the wages of any employees until further orders.

11... Thereafter sometime on or about July 29, 1958 the Company purported to take a decision for retrenching about 73 workmen belonging to the same departments of the factory, namely, the Assembly, Sub-assembly, Stores and Purchase, Production control and Inspection Departments on the alleged ground that there was no work due to lack of orders.

Ex (2A)  
160 for  
3 months

Temporary  
abeyance.

12... An industrial dispute between the company and the workmen represented by the said Union arose over the aforesaid issue of retrenchment and ultimately before the Conciliation Officer a settlement was arrived at between the parties. Pursuant to terms whereof the Company did not give effect to the proposed retrenchment of 73 workmen and the workmen, on their part, agreed to work 5 days a week. It was further stipulated in the said agreement that the said agreement will be in operation from September 10, 1958 to November 30, 1958. The Union in arriving at the agreement did not concede to the Company's allegation that there was sufficient or just cause for retrenchment. The Union agreed to the settlement solely in a spirit of good will and co-operation.

13... Thereafter sometime on or about November 18, 1958 the Company decided to resume normal working and such normal working, namely 6 days a week was resumed from that date.

14... Sometime on or about January 31, 1959 the Union on behalf of the workmen submitted a Charter of Demands, demanding inter alia, (i) revision of wage structure, (ii) Introduction of Production Bonus Scheme, (iii) Special Bonus and etc.

15... As the Company failed and/or neglected to consider the bona fide demands of the workmen, the Union approached the Labour Directorate of the Government of

....West Bengal

West Bengal and pursuant thereto a conciliation proceedings was started and the same is still now pending before the appropriate conciliation officer.

16... In the meantime and during the pendency of the aforesaid conciliation proceedings, the Company without any prior notice to the Union and/or to the workmen, issued a notice on or about June 12, 1959 whereby the Company illegally and/or wrongfully retrenched 249 workmen, operatives and clerical staff mentioned in the list attached thereto. In effecting the so-called retrenchment the Company did not follow the statutory principle of 'first come last go' and instead in some cases the Company purported to decide seniority on the basis of certain so-called re-categorization and/or promotion. The Company excluded certain departments for the purpose of pooled seniority in a particular category.

16(a)... As soon as the said notice was published the workmen of the Company resorted to a spontaneous peaceful strike by way of protest. Before going on with strike, the Union gave a notice to the Company and requested the Company to withdraw the said notice in course of that day. During the continuity of the strike, the Company withdrew the recognition of the Union. The said strike was officially withdrawn on October 21, 1959. The Company has re-employed 133 retrenched employees and of these about 107 were re-employed shortly after retrenchment.

*new*  
Total employed  
is more than  
300 including  
apprentices.

17... This unjustified, arbitrary and unwarranted action of the Company gave rise to the present disputes

....and the

and the Union tried its best to impress on the Company that the pleas on which it has retrenched the said number of workmen were neither real nor bona fide and the Union claimed that all workmen should be reinstated in their respective posts. But as the Company was not prepared for any amicable settlement, the Union had no other alternative but to bring the matter to the notice of the Labour Directorate of the State Government, and after a futile conciliation proceedings, the State Government by order being Government of West Bengal Labour Department Order No.4798-IR/IR/10-L-70/58, dated Calcutta September 29, 1958 read with its addendum no.130-IR/IR/10L-70/58 dated Calcutta January, 8, 1959 referred the matter for adjudication to the Second Industrial Tribunal West Bengal.

18... The issue referred to the learned Tribunal is to the following effect :-

Whether the retrenchment of 249 workmen as per list attached is justified. To what relief, if any, are they entitled ?

19... The Union on behalf of the workmen filed its written statement on or about November 30, 1958 contending therein inter alia that the retrenchment of the employees concerned was wholly unnecessary, unwarranted, arbitrary, unjustified and mala fide and the same was done with some ulterior motive as it was effected only to put pressure on the workmen to agree to certain changes in the conditions of service and to increase work load. It was further contended that in effecting the retrenchment, the

....Company did



Company did not follow the principle of 'Last come First go' and thus violated the provisions of Section <sup>25G.</sup> 250 of the Industrial Disputes Act. The Union on behalf of the workmen also contended that the plea of shortage of work and/or orders is a myth inasmuch as, from the figures available, it is manifest that production and despatch of manufactured goods had no relation to the orders booked.

20... The Company filed its written statement in reply to that of the Union on or about January 8, 1960. On January 27, the Respondent No.2 filed its statement to which the Company filed its reply on or about January 27, 1960. Thereafter on March 21, 1960 the Union filed its supplementary written statement wherein it was categorically pleaded that the onus of proving justification of retrenchment was entirely upon the Company. The said Company filed its supplementary statement in reply on May 24, 1960.

21... The Company in its aforesaid statements contended inter alia that although the retrenchment in question was effected suddenly i.e. with only one day's notice, yet the same was justified in view of the fact that due to the gradual fall in the Company's supply and/or manufacture of Carding Machines and the said action was taken inspite of all its honest endeavours to secure orders and due to the fact that all endeavours to accommodate the surplus workmen have proved unsuccessful.

22... The specific case of the Union in its pleadings before the Industrial Tribunal was that the receipt of less  
....orders in

*Even during the  
end of May 1959  
Co. did not stated  
for any retrench-  
ment to apply to  
Union.*

orders in a particular period cannot justify sudden disturbance of a planned production of an industry engaged in the manufacture of machines. When the present retrenchment was effected, the Company was suffering from under production even after the introduction of Incentive Production Scheme; that having regard to the position of booked orders and average despatch per month the Company's action in retrenching workmen on the alleged ground of being surplus is wholly untenable.

23... That the parties to the dispute adduced both oral and documentary evidence and the hearing was concluded on November 8, 1960.

24... The Union on behalf of the workmen examined Sri Krishna Ranjan Sen, Sri Phani Bagchi, an assistant in the Accounts Department of the Company's factory office and the General Secretary of the Union respectively. Sri Krishna Ranjan Sen in his deposition before the learned Tribunal stated, inter alia, as follows :-

i) There was no dearth of work when the Company retrenched 249 men.

ii) That no go-slow tactics was resorted to by any workman.

iii) The Company did not follow the principle of last come first go in making the retrenchment.

iv) Amongst the retrenched were the President, Vice President and two members of the executive Committee of the Union.

....Sri Phani Bagchi

Sri Phani Bagchi in his deposition has stated, inter alia, as follows :-

1) That the Tool Room and Maintenance Department are not water-tight departments.

ii) Transfers are made from these departments to other departments.

iii) The workers never adopted go-slow tactics.

iv) The Company has not followed the principle of last come first go either from the date of first appointment or the date of recategorisation.

v) The Company did not consult the Union regarding the retrenchment of 249 workers.

25... Before the learned Tribunal the Company on its behalf examined Sri Sudhir Ranjan Chatterjee, the Works Manager of the Company, The said Sri Chatterjee in his deposition before the learned Tribunal inter alia stated as follows :-

(a) "The peak of our production was in 1957-58. We do not keep any stock but always produce against orders because we have to carry out the specifications which may be different with different orders."

(b) "Every one of the workmen of the Company was involved in manufacture of carding engines. But there are certain water-tight departments like Mechanical, Electrical, Maintenance, Tin,-Smith, Foundry and Tool Room, the workmen of which are not interchangeable with those of other departments excluding unskilled workmen."

....(c) "We have

Peak order  
1957-58 (End)

No notification  
ever before. A  
Statement dt 10.6.  
59 attached with  
Ex 'A' (List of workmen  
showing LAST COME FIRST  
GO)

(c) "We have adopted the principle of last come first go in making retrenchment but there may be workmen junior category wise to some of those retrenched in the water-tight departments mentioned above. They could not be retrenched because their posts could not be given to those who had been retrenched."

(d) "Seniority was decided according to the last date of re-categorisation and according to promotion in some cases. This has been explained in Ext.A."

(e) "I have not brought any record showing production of the different departments during the six months before June 1959."

(f) "I have not produced any record of the number of machining orders in hand during April to June 1959."

(g) "The Company" never issued a charge sheet against any workman for adopting go slow tactics."

26... Amongst the documents filed by Union and marked as Exhibits there are Charts showing orders for machines received by the Company, number of machines produced and the number of machines despatched. The said Charts (Ex.7 and 7a) reveal the following facts:-

	<u>1955-56 to 1958-59/As in June 1959</u>	
Booked Orders for	2,029	2,040
Produced	2,137	2,208
Despatched	2,145	2,243
	As on September 1958.	
Order Booked for -	1,842	
Production :-	1,949	
Despatch	1,935.	

....27... There

27... There is evidence on record to show that before the retrenchment in dispute was effected, the Company received enquiries for 100 machines from Kalyani Spinning Mills which enquiry was followed up by submission of tender by the Company. The Company in July 1959 received the order from the said Mill.

28... That although before the learned Tribunal the Company sought to make out a case as to some water-tight departments in the factory, such as case was never pleaded in the written statement and there is no evidence to show that prior to June 1959 the Company treated the so-called departments as water-tight departments.

29... As stated hereinabove, the Ad hoc Committee appointed by the Central Government recommended a scheme for diversification of Company's production, The Company did not accept the suggestion of the said Committee and practically made no attempt for such diversification. In fact there is no evidence on record to show that the Company manufactured speed frames, drawing frames or blow rooms in 1958 or 1959. The Company did not adduce any evidence or showed sufficient cause as to why it could not take up the production of these items. There is no evidence on record to show that the production of these items would result in a loss to the Company in any particular year.

*if finance not being available*

30... The learned Industrial Tribunal on November 25, 1960 made its Award and the same has since been published

....in the

In the issues of the Calcutta Gazette dated December 15, 1960. By its Award the learned Industrial Tribunal held that the retrenchment made by the Company was justified.

31... The Petitioners submit that the following amongst others important and substantial questions of law arise out of the Award made by the Tribunal below.

(i) Whether a manufacturing concern, which is producing goods more than the orders placed and which is despatching goods for in excess of the orders received, could on the plea that it received a comparatively fewer orders in a particular period of the year, effect retrenchment of the workmen on the ground of being surplus.

(ii) Whether a manufacturing concern could effect retrenchment without there being positive evidence that there is no full work load for its existing staff and whether the company on the mere apprehension of a less favourable quantum of order in future and/or by reason of a decline of the number of order in a particular period could effect retrenchment of a portion of its workmen as being surplus.

(iii) Whether in a manufacturing company engaged in the manufacture of mainly one item of machine, there could be a water-tight department or departments.

(iv) What are the principles and/or factors for determination whether a department or some departments in an industry are water-tight or not.

(v) Whether in applying the principles of 'last come first go', the position of an individual workman in the ....category has

Proved  
failure

category has to be determined with reference to the date of his appointment in that category or with reference to the date of re-categorization.

(vi) Whether a mere change in the nomenclature or in designation of the workman without anything more could be said to be re-categorisation.

32... The Petitioners submit that the learned Industrial Tribunal permitted the Company to make out a new case at the time of evidence and this has caused a failure of justice. The Petitioners further submit that the learned Industrial Tribunal in deciding the issue has also proceeded upon surmises and conjectures and the Petitioners did not receive a fair deal in the Court or Tribunal below.

33... The Petitioners submit that there are special and exceptional circumstances in the present case which warrant a review of the decision of the Tribunal below.

34... Being aggrieved by and dissatisfied with the Award made by the Second Industrial Tribunal, West Bengal in Case No.VIII-166 of 1959, the Petitioners beg to apply to your Lordships for Special Leave to Appeal on the following amongst other:-

G R O U N D S :

I... For that the learned Industrial Tribunal made its Award upon a case which was not pleaded by the Company in its Written Statements filed before the Tribunal.

....II... For

II... For that the learned Tribunal at any rate ought to have raised an issue to the effect whether the so-called departments mentioned by the Company are water-tight departments or not, for the purpose of giving the parties an opportunity to prove their cases and for a proper decision on the issue.

III... For that the learned Industrial Tribunal in making the Award has totally overlooked and/or failed to consider the part of the evidence adduced by the workmen to support their contention that the company's reasons for retrenchment are either fanciful or imaginary and have no bearing on the actual state of affairs.

IV... For that the learned Industrial Tribunal should have held that the onus which lay upon the Company to prove that the so-called departments are water-tight not having been discharged by the Company, the company's version or case should not have been accepted.

V... For that the learned Industrial Tribunal should have held that the so-called reasons given by the Company from departing the normal rule are not valid, more so, when the company did not take up the plea of water-tight department when the actual retrenchment was effected and in view of the fact that there is documentary evidence to show that the workmen are transferred from one department to other departments including the so-called water-tight departments.

VI... For that the learned Industrial Tribunal should have held that in a manufacturing concern there could not  
....be any



be any water-tight department inasmuch as, the entire process is a chain of work and to manufacture a particular machine the entire chain has to revolve.

VII... For that having regard to the documentary evidence to the effect that the Company's production did not actually fall in the month when retrenchment was effected and having regard to the fact that the very nature of business discloses that production and/or despatch of finished goods has comparatively small bearing on the orders received, the learned Industrial Tribunal should have held that there was no valid and/or good grounds for effecting retrenchment.

VIII... For that on the admitted and proved facts of the case inter alia, namely that the Company was obliged to re-employ the retrenched hands very soon after the alleged retrenchment was effected, the learned Industrial Tribunal should have held that the Company's action was not genuine.

IX... For that the learned Industrial Tribunal had placed undue reliance upon the uncorroborated testimony of the Company's Works Manager regarding diversification of production, more so, when the Expert Committee was appointed by the Central Government estimated the Company's capacity of production of other essential machine at a particular figure and suggested a scheme for Company's production for four years.

....X... For that

X... For that the learned Industrial Tribunal drew some uncalled for inference and/or presumptions against the Union representing the workmen.

XI... For that the learned Industrial Tribunal placed undue weight on the Company's contention as to re-categorization inspite of the fact that in many cases this re-categorization only meant change in the nomenclature or designation of the workmen without any increase in the emoluments.

XII... For that the learned Industrial Tribunal totally overlooked that so far as the clerical and subordinate staff is concerned, they are to be treated as a whole and it does not matter whether a clerk is designated as assistant or a chaser or an accounts clerk.

XIII... For that having regard to the fact that in some cases the Company selected workmen for the purpose of retrenchment on the ground of adverse reports and/or complaints and having regard to the fact that there was nothing in writing and materials before the learned Tribunal to that effect and having regard to the fact that the workmen concerned were not given any chance to rebut the said allegations the learned Industrial Tribunal should have held that the Company's action was not justified and/or bona fide.

XIV... For that the learned Industrial Tribunal wholly misunderstood and misread the judgment of this Hon'ble Court in the case of Swadesmitran Ltd. vs. their workmen.

....XV... For

XV... For that the learned Industrial Tribunal has proceeded to make an Award upon surmises and conjectures and/or beyond the materials on record.

XVI... For that the Award of the learned Industrial Tribunal is otherwise bad in law and in facts.

Drawn by:-

Filed this the            day of  
March 1961 by

Advocate, Supreme Court.

Advocate, Supreme Court.

A F F I D A V I T.

I, Phani Bagchi, son of late Nalini Kumar Bagchi, by profession service and trade unionist, aged about 34 years at present residing at 88, Sastaitala Road, Calcutta-23, do hereby solemnly affirm and say as follows :-

1) I am the General Secretary of the M.M.C. Employees' Union and as an official of the Union I looked after the case in the Tribunal below and I am fully conversant with the facts and circumstances of the same, As an official of the Union, I am competent to swear this affidavit.

2) The statements contained in this Affidavit and in paragraphs 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 16(a), 17, 18, 19, 20, 23, 27, 28, 29, 30 hereinabove are true to my knowledge and contained in paragraphs 7, 21, 22, 24, 25, 26 hereinabove are true to my information derived from the records of the present proceeding and from records kept at the Union Office which information I verily believe to be true and those made in paragraphs 31, 32, 33 and 34 hereinabove are my submissions to this Hon'ble Court.

Solemnly affirmed before me  
this the        day of March, 1961.

Identified by me.

ANNEXURE

In the matter of an industrial dispute existing between Messrs. Machinery Manufacturers Corporation Ltd. and their workmen employed in their Sonai Works, P-61, Circular Garden Reach Road, Calcutta-23, represented by MMC Employees' Union, 129A Circular Garden Reach Road, Kidderpore, Calcutta-23, and MMC Mazdoor Union, 10/2 Watgunj Street, Calcutta-23 (Case No: VIII-166 of 1959).

BEFORE THE SECOND INDUSTRIAL  
TRIBUNAL, WEST BENGAL

Present:

Shri P.K. SARKAR, Judge, Second Industrial Tribunal.

Present for the Company : Shri J.N. Chatterji,  
Dy. Labour Adviser, Indian Engineering  
Association, and Shri A.K. Dey, Labour Officer  
of the Company.

Present for the Mazdoor Union: Shri D.L. Sen Gupta,  
Advocate.

Present for the Employees' Union: Shri Patit Paban  
Pathak, an officer of the Union.

By Government order No: 4728-I.R./IR/10L-70/58, dated the 29th September, 1959, the above industrial dispute was referred to this Tribunal under section 10 of the Industrial Disputes Act for Adjudication of a single issue relating to retrenchment of 249 workmen named in the list attached to the order. Originally only one Union, viz., MMC Employees' Union was joined as a party to the reference, but subsequently by addendum No: 130-I.R./IR/10L-70/58, dated the 8th January, 1960, the name of another Union namely MMC Mazdoor Union was added. MMC Employees' Union filed its written statement on 30th November 1959 and the employer Messrs Machinery Manufacturers Corporation Ltd., which will hereafter be referred to as the Company, filed its written statement on 8th January 1960. MMC Mazdoor Union appeared on 27th January 1960 and filed its written statement on the same date. The Company filed its reply to the said written statement on 27th February 1960. The Employees' Union thereafter filed a supplementary written statement on 21st March 1960 and in reply the Company filed another supplementary written statement on 24th May 1960.

2. The hearing of the case commenced on 25th August 1960 and continued with intermissions upto 1st September 1960. So far as oral evidence is concerned, three witnesses were examined, one by the Company and two by the Unions, but both parties filed and exhibited a large number of documents. The arguments commenced on 15th September 1960 and were concluded by 17th September 1960, but subsequently it was found that further hearing of the case was necessary on the point of the procedure followed in effecting the retrenchment and the case was further heard on 2nd November 1960 and 8th November 1960.

3. The Company came into existence in 1946 and commenced manufacture of textile machineries, mainly Carding Engines, in 1950. Of the Company's subscribed share capital of Rs. 80 lakhs and 77 thousand, Rs. 25 lakhs have been subscribed by the Government of India and two of its directors are nominees of the said Government. The Company has also secured a loan of Rs. 5 lakhs from the Government of India and an advance of Rs. 59 lakhs from the Industrial

Finance Corporation and one of its Directors is a representative of the said Corporation. The Company had on its roll about 917 workmen in 1959 of whom 249 were retrenched with effect from the 13th June 1959. On the 12th June 1959, the Company issued a notice to the workmen to the effect that on account of the fall in the orders for Carding Engines a large number of workmen had become surplus out of whom 249 would be retrenched with effect from the next date. A list of the said workmen was attached to the notice and they were offered retrenchment compensation and one month's wages in lieu of notice according to the provisions of the Industrial Disputes Act. Out of these 249 retrenched workmen 151 have accepted compensation, according to the Company's statement.

4. The case of the two Unions is that the retrenchment was wholly unnecessary and unjustified and was mala fide and inspired by ulterior motives. According to the Employees' Union it was effected only to put pressure on the workmen to agree to certain changes in the conditions of service and to increased work-load and, according to Mazdoor Union, its object was to victimise the office-bearers of the said Union. Both the Unions further contend



that in effecting the retrenchment the Company did not follow the principle of "last come, first go" and violated the provisions of section 25G of the Industrial Disputes Act.

5. The issue as per order of reference is as follows :-

Whether the retrenchment of 249 workmen as per list attached is justified. To what relief, if any, are they entitled?

6. According to the Company, though the retrenchment in question was effected suddenly with one day's notice issued on 12th June 1959, it had a long history behind it and it is necessary that it should be briefly recounted here. As already stated, the Company is a textile machinery manufacturing Company and the principal machine manufactured by it is Carding Engine. The Company has filed documents showing that in November, 1956, the Ministry of Heavy Industries of the Central Government held a meeting of the representatives of the Textile Machinery Manufacturers and that in December, 1956 an Ad Hoc Committee was set up by the said Government for the purpose of expanding manufacture of textile machineries in India equated to the production of textiles envisaged in the Second Five-Year Plan (Exts. I(1) to I(4)). This

Committee met on 29th January 1957 and estimated the average annual requirement of Carding Engines at 4,050. The licensed annual capacity of production of Carding Engines of this Company and three other companies taken together was found to be 1,692 and scope of additional annual capacity was estimated at 2,358. This Company's licensed capacity was found to be 600 but a phased programme for increased production upto 75 per month in 1957 and 100 per month from January, 1958, was approved by the Committee. Apart from Carding Engines a phased programme for manufacture of three other items commencing from the end of 1958, middle of 1959 and end of 1959 was also approved (Ext. 1(5)). So far as Carding Engines are concerned, the estimate of average annual requirement was however an overestimate and subsequently at the seventh meeting of the Ad Hoc Committee held in March, 1959, the average annual requirement of Carding Engines was estimated at 1,400 (Ext. 1(8)).

7. In view of the orders for Carding Engines received by the Company during 1955-56 and 1956-57 (704 in 1955-56 and 662 in 1956-57) and the phased programme of production approved by the Ad Hoc Committee the Company issued a notice (Ext. C-4) to its workers on 13th May 1957 stating that owing to the considerable demand for Carding Engines, it was absolutely necessary to produce as many engines as

possible at economic cost and that with that end in view the management had already taken steps to instal additional machine tools and increase personnel strength so that during 1957-58 the production might be at the rate of 80 Carding Engines per month. It was also announced in the

notice that the group bonus scheme already introduced should continue until such time as an alternative production bonus scheme was worked out and the base was fixed at 60 Carding Engines per month.

Production was thereby speeded up, but during the year 1957-58 orders for Carding Engines began to shrink and according to the statement, Ext. D, the total number of orders received during that year amounted to 469 only. So on 30th April 1958 the company issued a notice (Ext. C) stating that in consequence of the deteriorating order position it was necessary to reduce production. The correspondence with the Government of India, copies of which have been filed (Ext. H. series), shows that this position had also been reported to the said Government. As a first step to meet this crisis the Company suspended section-wise production bonus scheme and also notified that there would be no increase in wages of the workers until further orders (Ext. C). The Employees' Union protested against these steps and, according to the Works Manager of the Company, the workers indulged in

widespread indiscipline and adopted "go slow" tactics. Certain correspondence and conferences with the Union followed and the matter was ultimately brought before the Labour Commissioner. The Company also thought of retrenching some surplus workers and wrote to the Labour Commissioner on 29th July, 1958 that it proposed to retrench in the first instance 73 workers (Ext. G3). Subsequently the Company's Chairman met the Union representatives and proposed as an alternative measure to avoid retrenchment that work on Saturdays should be suspended and on 11th September 1958 an agreement was arrived at between the Company and the Employees' Union in the presence of the Conciliation Officer that the Factory would work with immediate effect for 5 days in a week, the work on Saturdays being suspended and that the basic salary of the monthly-rated staff would be reduced by  $2\frac{1}{2}$  per cent. and the wages of the hourly rated workmen by 5 hours. It was also agreed that this position would continue till 30th November 1958 (Ext. C-1). The agreement was given effect to by a notice issued on 13th September 1958 in which the Company mentioned that by this arrangement the retrenchment of about 100 workmen which had become imperative was sought to be avoided (Ext. C-2)

8. According to the Company, however, this arrangement did not improve matters and on the other hand production declined. The Director of the Company resident in Calcutta met the Union representatives at a conference on 17th November 1958 and explained the position to them and also complained of labour indiscipline and apathy in the matter of production (Ext. G-25). Thereafter on 18th November 1958 the Company issued a notice, Ext. C-3, stating that since the agreement with the Union the Management had noted with anxiety a general lack of interest and apathy for work on the part of the workmen resulting in extremely poor production and that in order to restore enthusiasm the management had decided to resume normal work with immediate effect and restore the cut in salaries and wages. This was done but the position did not improve. The order position declined still further during 1958-59 and according to the statement, Ext. D, the total number of orders booked during that year was only 374. The great majority of these numbering 281 were, however, according to the Company, ineffective orders, deliveries having been postponed indefinitely, if not cancelled outright. At the end of March, 1959, the Ad Hoc Committee set up by the Government of India reduced as already stated, the figure of the estimated requirement of Carding Engines to 1,400 per year and the Company's quota was

also much reduced. So in June, 1959, the Board of Directors decided on retrenchment and directed the Works Manager, the Chief Engineer and the Resident Director to fix the number and select the personnel for retrenchment and on the 12th June 1959 the Company issued the notice announcing retrenchment of 249 workmen.

9. This notice (Ext. 6(a)) referred to the previous notices, dated 12th September 1958 and 18th November 1958, already mentioned and pointed out that the order position for the Carding Engines had not improved and that all endeavours to accommodate the surplus workmen had proved unsuccessful. It then stated that the management had been forced in the circumstances to decide most reluctantly on retrenchment of 249 workers as per list attached as surplus with effect from 13th June, 1959. They were offered retrenchment compensation and one month's pay in lieu of notice in terms of the Industrial Disputes Act. According to the Works Manager, three officers were also retrenched at the same time. The retrenchment was followed by a strike by the remaining workmen and subsequently after the strike had been called off the Company took back some of the retrenched workmen. The total number re-employed was 142 and as regards the remaining 107, the Company's case is that they were given notice to join or interview the management but did not turn up.

10. According to the above notice of retrenchment, the principal ground for retrenchment was the fall in the orders for Carding Engines during 1958-59. The figures in the Company's statement, Ext. D, prove the extent of the fall. The downward trend had commenced during 1957-58 when the number of orders registered was 469 as compared to 704 in 1955-56 and 662 in 1956-57. The figure came down to 374 in 1958-59 and during the first three months of 1959-60 up to 12th June 1959 the number of orders booked was only 11. These figures have not been challenged on behalf of the Unions. The statement Ext. D1, gives the figures of production and delivery and of pending orders at the beginning of each year from 1955-56. It shows that the balance of orders left over at the end of the year 1958-59 was only 461 out of which deliveries had been cancelled or indefinitely postponed at the desire of the customers in 281 cases. So the balance of effective orders in the beginning of 1959-60 was 180 as against 633 in 1955-56, 676 in 1956-57 and 406 in 1957-58. In June, 1959, the balance of effective orders had dwindled to only 93 after deliveries in the previous two months. The large increase in the number of cancellation or indefinite postponement of deliveries was a new feature which rendered the prospect of the Company very bleak for the year 1959-60

Whereas the number of cancelled or postponed orders in 1955-56 was 82, in 1956-57 48, in 1957-58 50, the number rose to 281 in 1958-59. The Company has produced copies of the relevant correspondence with the textile mills which had cancelled or indefinitely postponed the deliveries of the orders placed (Ext. E series) and a summary of the reasons given for such action has been supplied in Ext. D-4. They show that in some cases the orders had been placed for projected new mills which could not be set up and so the orders were cancelled. Deliveries were postponed in other cases on the plea that the orders had been placed in anticipation of license for new projects which had not been obtained or on the plea that the projected buildings were not ready or on the ground of financial stringency. There were again some who did not give any reason for postponement of delivery.

11. There was thus a serious situation in the beginning of 1959-60 which, according to the Company, fully justified the retrenchment effected. My attention has been drawn in this connection to the proceedings of a meeting held on the 4th August 1959, after the retrenchment while the strike was still going on, in the office of the Labour Minister,



West Bengal, in which besides the representatives of the Company and the Unions, the Textile Commissioner of the Government of India and his Industrial Adviser were present. Exhibit G5 is a copy of the summary of the said proceedings prepared by the Resident Director of the Company and it was submitted to the Joint Secretary, Labour Department. In this meeting the Resident Director Shri A.K. Mitra explained that at the time of retrenchment there were only 93 effective orders which worked out to 8 Carding Engines a month against the capacity of 75 and that though the fall was nearly 66 per cent. of the capacity the labour force had been reduced only to the extent of 26 per cent. Shri Joshi, the Textile Commissioner, gave his opinion at the meeting that the fall in orders was not a passing phase and that the general trend indicated that orders for textile machinery would not be on the same scale as before. Shri Majumdar, the Industrial Adviser to the Textile Commissioner, who was a Director of the Company, was also of opinion that the textile machinery industries which were very much linked up with textile mills were not likely to revive to the old standard for a few years to come. He further stated that he along with the other official Directors of the Company had dissuaded the management from taking the

decision of retrenchment for a year until at last finding no other alternative they had to agree to the retrenchment in the interest of the industry. The question of lay-off or rotational lay-off was considered in this meeting and both the Textile Commissioner and his Industrial Adviser discounted the idea in view of the fact that the recession in the industry was not likely to disappear in the near future.

12. The recession in the textile industry has not been disputed by the Unions but it was suggested to the Company's Works Manager that the position had begun to improve in April, 1959. This he denied, though he said that some improvement was noticed towards the latter part of 1959. I have already referred to the opinion of the Textile Commissioner and his Industrial Adviser on the point. According to them, the recession was still continuing in August, 1959. My attention has been drawn to a starred question (No: 880) put to the Minister of Industry in Parliament to which he replied on 11th December 1958 that the situation in the textile industry was showing signs of improvement (Lok Sabha Debates - second series Vol. XXIII - No: 19 - p. 4398). The report of the Indian Cotton Mills' Federation for the year

1959 has also been referred to in which it is stated that after three years of acute suffering the cotton mill industry began to stage a recovery during 1959. Whatever the improvement might have been in 1959 it was not reflected in the order position of Carding Engines, so far as this Company was concerned, because in the beginning of 1959-60 the orders booked up to 12th June 1959 amounted to only 11, as already stated. On 11th December 1958 in reply to another starred question No: 859 the Minister of Industry stated in the Lok Sabha that this Company was not getting sufficient orders to keep its production capacity fully engaged. It was argued that the restoration of normal working hours by the Company on 18th November 1958 meant that the crisis in the industry had been overcome and that the Company was anxious to increase production. But that is not a correct view to take. The crisis created by the order position remained and the Company was only anxious to ensure restoration of the wage cuts that the normal production level was maintained and did not deteriorate, as it had been doing. The production had dropped to floor level between September and November, 1958, according to the Works Manager.

13. It has, however, been contended by the Unions that though the deliveries of the Carding Engines ordered might have been postponed for the time being, the orders were nevertheless effective orders and that the Company could have gone on producing against those orders and thereby avoided retrenchment. But this course was not possible by the very nature of the business. The Works Manager has explained that the nature of the business is that the Company always produces against orders according to dates of delivery and cannot undertake bulk production in anticipation of delivery. It has not space enough to accumulate stock. Its warehouse can accommodate at the most 20 or 25 Carding Engines and 80 or 90 more can be kept in the open space available in uncovered state. It has not also enough finances to take to such a course. Carding Engines have to be produced according to specifications which vary with the requirements of the customers and though a Carding Engine produced according to one specification can be rearranged to suit the specification of another order, that involves additional labour and cost and is not economical, as has been explained by the Works Manager. Each Carding Engine costs Rs. 12,500 at the relevant period. Questions were put to the Works Manager suggesting that in the event of cancellation or indefinite postponement of delivery steps should

have been taken to forfeit advances and enforce delivery. But business cannot be carried on in a competitive market by such means. The Company, however, did make attempts to persuade the customers to take delivery and offered deferred payment and other advantages, as would appear from the evidence of the Works Manager, but such attempts were not successful. Export possibilities were also explored but without success. The Company was not in a strong financial position. It carried on, as already stated, with loans from the Government and Industrial Finance Corporation and during the year ended 31st March 1959 it sustained a loss of Rs. 5 lakhs. In some of the previous years also it sustained losses and the cumulative loss up to 31st March 1959 was Rs. 24 lakhs (Ext. B-1)

14. It appears that the Government had advised the Company in 1958 to prepare a scheme for diversification of their production and it has been contended by the Unions that the Company did not accept this suggestion and made no serious attempt for diversification. My attention has also been drawn to the phased programme of production approved by the Ad hoc Committee at its meeting held on 29th January 1957 in which three other items

besides Carding Engines, viz., Speed frames, Drawing frames and Blow rooms occurred and this Company undertook to take up production of them from the end of 1958 or in 1959 (Ext. I-5, Annexure B.). No question was, however, put to the Works Manager of the Company as to production of these items. It appears from the subsequent decision of the Ad Hoc Committee at its meeting held on 31st March 1959 that the estimate of the average annual requirement of each such item was very much reduced (Ext. I-8) and that may be the reason why the Company made no arrangement to produce them specially as these were being produced by other textile machinery manufacturers in sufficient quantities. The Company did try for diversification and started on an experimental basis the machining of certain components of Diesel Engines and secured orders from various concerns, but, as will appear from the evidence of the Works Manager, such attempts were not successful and the rates were not favourable. The Company also reported from time to time in its correspondence with the Employees' Union the attempts it were making for diversification (Ext. G series). But, as was argued on behalf of the Company, the necessity for retrenchment cannot be judged on the basis of the adequacy of the Company's attempts to take up some other kinds of production. That must be left to the Company's discretion and would depend

on various factors. The Company cannot be expected to undertake other productions at unfavourable rates ending in loss. The fact, however, remains that the Company did make some attempts at diversification but did not succeed.

15. The Company received order for about 100 Carding Engines from Kalayani Cotton Mills in July, 1959, a month after the retrenchment, and it has been argued on behalf of the Unions that the Company was fully aware in June, 1959, that this order was coming to them and in spite of it carried out the retrenchment on the plea of fall in orders. The receipt of this order was admitted by the Resident Director of the Company in the conference in the Labour Minister's office, already referred to, and he showed that even including this order the fall in orders amounted to 66 per cent. of the capacity and that labour force had been reduced only to the extent of 26 per cent. Adding this order for 100 Carding Engines the total number of effective orders would have been 193 which was not certainly sufficient for the continued maintenance of the Company's entire labour force on the basis of a production capacity of 60 engines a month.

16. It has finally been argued on behalf of the Unions that the Company artificially created

a situation to justify retrenchment with a view to (1) re-employ the retrenched employees on reduced pay, as it subsequently did, (2) to victimise the office-bearers and leaders of the Union, and (3) to create a sense of frustration among the workers. It has also been pointed out that on 31st January 1959 the Secretary of the Employees' Union submitted a charter of demands to the Works Manager in which revision of the wage structure, the introduction of a production bonus scheme and a special Puja bonus were claimed in addition to certain other reliefs (Exts. 10(a) and 10(b)) and it is suggested that the Company suddenly and without any previous intimation to the Unions decided upon retrenchment with a view to punish the workmen for this charter of demands and to frustrate their attempt to get redress of their grievances. But this charter of demands was submitted in January and the retrenchment was effected six months later. It is difficult to hold in the circumstances that the retrenchment was decided upon in consequence of the submission of the charter of demands. The Company sent its reply to the charter of demands on 24th April 1959 (Ext G-27) and it does not appear that the Employees' Union took any steps to press the charter



of demand thereafter. As to victimisation, the Mazdoor Union mentioned in its written statement that its President, Vice-President, Secretary and some members of the Executive Committee had been retrenched but this Union had not submitted any charter of demands and it appears that the Company had not recognised this Union. I may mention in passing that the President of this Union was later reemployed by the Company. The witness for the Employees' Union mentioned that six of the office bearers of the said Union had been retrenched but in its written statement victimisation was not suggested as a motive for retrenchment. The only motive suggested in the supplementary written statement was putting pressure on the workers to agree to increased work-load and to a change in the condition of service. It has not been made clear what changes were demanded by the Company or were in its contemplation. This is a vague suggestion without any basis whatsoever. In the circumstances the plea of victimisation cannot be entertained and no ulterior motive on the part of the Company can be presumed. It is true that the Company has since re-employed some of the retrenched personnel and they may have been re-employed on reduced pay, but that circumstance cannot certainly be taken as a guiding motive for the retrenchment.

17. In view of the previous history already recounted, the retrenchment cannot be deemed to be a sudden affair. It was the result of an abnormal fall in the number of effective orders for Carding Engines during a period of about a year before June, 1959 and, as already stated, the Company several times contemplated retrenchment and took the Employees' Union into confidence in the matter and discussed and took measures with a view to postpone retrenchment as long as possible. Though the Company in its negotiations with the Union had proposed at first to retrench about 70 workmen, it had reported to the Government of India on 23rd July 1958 that it would have to retrench another 200/250 men before the end of the year, if the order position did not revive (Ext. H-10). When the order position deteriorated to the extent it did in the first quarter of 1959-60 - 10 in April, 1 in May and none upto 12th June - The Company appears to have decided upon immediate retrenchment of surplus workmen. The Company had improved its machineries and geared its production and increased its labour force on the basis of the phased programme of the Ad Hoc Committee in 1957 and even introduced a production bonus scheme in the hope of getting more and

more orders, but when these hopes were belied and orders began to shrink and were cancelled or indefinitely postponed in large numbers the Company could not be expected to carry on with the same labour force for an indefinite length of time. In these circumstances, the retrenchment was, in my opinion, fully justified and I have no ground to think that it was mala fide or actuated by a motive for victimisation or any other ulterior motive. I may mention in passing, though I am not attaching any importance to it that about 300 existing workmen of the Company sent a letter to the Labour Commissioner on 28th September 1959 stating that in their opinion the retrenchment was unavoidable (Ext. G-15)

18. As to the number of the retrenched personnel, it has already been stated that the number was much lower in proportion to fall in orders. Apart from that, if the retrenchment is justified and bona fide, then the number which the Company considers to be surplus should be left to its discretion and cannot be questioned. This is now well-settled and reference may be made to the recent decision of the Supreme Court in the case of Swadesamitran Ltd., and their workmen,

reported in 1960-I-LLJ, p. 504. But the Unions have contended that the retrenchment was mala fide as the Company did not follow the principle of "first come, last go" in effecting the retrenchment as laid down in section 25G of the Industrial Disputes Act and have relied on the said decision in this behalf. This has been denied by the Company and list (Ext. A) has been filed of all the workmen in the employment of the Company on 12th June 1959 with relevant particulars regarding the dates of appointment and categories together with an explanatory statement of the principles on the basis of which the retrenched personnel were chosen. It is first of all explained that six of the departments in the factory are water-tight departments and that these are Tool Room, Mechanical Maintenance, Electrical Maintenance, Building Maintenance, Tin Smith and Foundry. Each of these six departments was treated as a separate unit for the purpose of retrenchment because the workmen employed in these departments except the unskilled ones were not inter-changeable and could not be pooled together with the workmen having the same designations in other departments. That is also the evidence of the Company's Works Manager. Evidence to the contrary was given by the Secretary of the Employees'

Union but he spoke only of the Tool Room and the Maintenance departments as not being water-tight because transfers of workmen were made from these departments to other departments and vice-versa. The said Union also produced a few copies of orders of transfer relating to Tool Room (Ext. 11 series) but I do not think that these are sufficient to show that the Tool Room is not a water-tight department. A copy of an order has been filed showing that the Company transferred certain grinders to a newly-formed grinding section (Ext. 11-g) and it has been contended that these grinders some of whom have been retrenched did not belong to the Tool Room. But that is not correct because the order itself shows that this section was placed in charge of the Foreman, Tool Room Section, which means that it was a part of the Tool Room. The Company's statement Ext. A, shows that the workmen of these six departments are required to perform special types of work and if some workmen of other departments on the basis of their fitness for such work, that would not disprove the water-tight nature of these departments. In such matters I must accept the evidence of the Works Manager and should not interfere with the decision or discretion of the management. I agree therefore that these departments were rightly treated separately for the purpose of retrenchment. In each of these departments the seniority or juniority

of a workman was determined category-wise and the juniormost workmen of each category were retrenched.

19. As regards the other departments, the workmen of each category in all of them were pooled together and retrenchment was effected on the basis of juniority category-wise. The category of each workman as also his position in the category was determined with reference to the date of the last recategorisation. By this principle the length of service of a workman in a particular category was calculated not from the original date of his employment under the Company, if he had been employed in a different category, but from the date when he was placed in the category in question. When retrenchment has to be effected category-wise this is certainly the correct principle to follow in determining who are the juniormost workmen in each category, according to the provisions of section 25G of the Industrial Disputes Act, and the unions did not question this principle. They contended, however, that recategorisation carried on by the Company was not a genuine change of category but only amounted to redesignation of an occupation or job without any change in status or wages or conditions of service and that as such the

provisions of section 25G were not complied with. To prove this the Unions have produced certain orders of transfer or redesignation passed by the Company (Ext. 11 series). Several of these orders, however, show that the transfer to the new category involved promotion and increase in wages (Ext. 11(o), 11(p), 11(u), 11(v)). In some cases though there was no immediate increase in emoluments, there was nevertheless a promotion involved in recategorisation. Even where no promotion was given and there was no increase in emoluments, recategorisation did not merely involve change of designation but change of job and function as well, as has been explained by the Company in detail in the analysis of Ext. A. Thus where a Mate was recategorised as a Viewer, it did not merely mean, as has been contended by the Unions, that the same job was redesignated. The category Mate was not replaced by the category Viewer. Both the categories remained and had different functions. The function of each such category and the distinction in the nature of work performed in each have been fully explained in the above analysis and each case of recategorisation has been separately dealt with. The analysis clearly shows that in each such case there was a real change in category and in the nature of the job. It has been stated by the Unions that several categories were similar, but if there was some difference in functions, e.g., among Progress Assistants, Chasers and Progress-

men who all belonged to the clerical staff, they would not be the same. I cannot hold in the circumstances that the recategorisation was not genuine. It is not the case that a programme of recategorisation had been undertaken by the Company on the eve of retrenchment. The retrenched employees had been recategorised long before retrenchment. Excepting in three cases the recategorisations had all been completed by 1957. In the circumstances no ulterior motive can be imputed to the Company in this matter. I find accordingly that the Company's action in retrenching the juniormost workmen of each category with reference to the date of last recategorisation cannot be taken exception to and it cannot be treated as violation of the principle laid down in section 25G of the Industrial Disputes Act. I should further mention here that in a few cases where two workmen had been appointed or recategorised on the same date and the Company was required to retrench one of them the selection was made, according to the Company's statement, on the basis of reports about their work. The Unions complained that no adverse reports were communicated to the workmen concerned and that they were not



asked to explain their conduct. The complaint is not, however, justified because the Company was not dismissing any workmen by way of punishment. The Company's action in selecting the personnel for retrenchment in such a case on the basis of report of work was certainly fair and no blame can attach to it on that account. In any case, I do not think that such action can be said to amount to violation of the principle laid down in section 25G or characterised as mala fide. With regard to 9 workmen who were Pakistani nationals the principle of "last come, first go" was not followed. Section 25G itself lays down that the principle applies to a workman who is a citizen of India. This was not challenged by the Unions excepting in one case in which it was suggested that the person (Paul Peris) was an Indian national. He was not, however, examined and the Company's documents, Ext. K and K(1) show that he was a Pakistani national and had declared himself to be so.

20. In the case of Swadesanitrans Ltd. vs. their workmen, 1960-I-LLJ 504, relied upon by the Unions, the Supreme Court laid down that the management

had the right to retrench the workmen provided retrenchment was justified but that in effecting retrenchment the management was normally bound to observe and give effect to the industrial rule of retrenchment which had now been given statutory recognition in section 25G of the Industrial Disputes Act. For valid reasons, however, the management could depart from the said rule. If such departure was not justified then the action of the management in so departing from the rule could be treated as being mala fide or as amounting to unfair labour practice. The apparent departure from the rule in treating some of the departments as water-tight and in relying upon the dates of recategorisation about which the Unions complained was really no departure and was fully justified. In the circumstances, I must hold that there was no departure from, or violation of, the principle of "last come, first go" as laid down in section 25G of the Act in effecting the retrenchment. I award accordingly that the retrenched employees are not entitled to any relief.

Dictated and corrected by me.

P.K. SARKAR, Judge.

P.K. SARKAR

Judge, Second Industrial Tribunal

The 25th November, 1960.

In the High Court of Judicature At Patna.

Order Sheet.

Cr. appeal No. 375 of 1958.

P. Mazumdar and others...

... appellants.

Versus.

State of Bihar..		..	Respondent.	
Serial no. of Order.	Date of order.	Order with signature.	Office note as to action (if any) taken on order.	
*	*	*	*	*
10.	23-12-60.	*	*	*
11.	- Later.			

The learned Council makes an oral prayer for Certificate under Art. 134(1)(c) of the Constitution of India that this case is a fit one for appeal to the Supreme Court. This case has been decided substantially on questions of fact. Therefore, there is no merit in this prayer. The prayer is refused.

The learned Standing Council also makes a similar prayer in respect of the appellants who have been acquitted. For the reason stated above, we do not consider it a fit case in which a certificate should be granted under Art. 134(1)(c) of the Constitution. The prayer is refused.

Sd. H.K. Chaudhuri.

Sd. Ramratna Singh.

Typed by:- K.P. Singh. Compared by:-Sd.

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DY. REGISTRAR.

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1. Date of application for copy - 3.1.61.
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3. Date of making over the copy to the appellant. - 10.1.61.

Sd./-

10.1.61

A F F I D A V I T

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I, Nakul Guha son of late Sita Nath Guha, aged about 36, residing at Gua, Police Station Noamundi, district Singbhum, Bihar State, do hereby solemnly affirm and say:

that I am a friend of the appellants and I am fully conversant with the case,

that the statements contained in paragraphs 1 to 6 along with the sub paragraphs are true to my knowledge and the statements contained in paragraph 7 along with the sub paragraphs of the petition for special leave are submissions before this Hon'ble Court.

Solemnly affirmed by me at New Delhi on the twentieth day of March, Nineteen hundred and sixtyone.

(Nakul Guha)

Identified by

In The High Court of Judicature at Patna.

(Criminal Appellate Jurisdiction).

The 23rd. December, 1960.

Criminal Appeal No. 375 of 1958.

From a decision of Mr. S.A. Jawad, Additional Sessions Judge of Dhanbad-Singhbhum at Camp Jamshedpur, dated the 26th May 1958.

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- |                          |                             |
|--------------------------|-----------------------------|
| 1. P. Mazumdar,          | 2. Surendra Sukla,          |
| 3. Manuel David,         | 4. Tejuddin,                |
| 5. Sirajuddin alias Saje | 6. Ramasrey Upadhyay,       |
| 7. Nawab Khan,           | 8. Jamuna Singh,            |
| 9. Motilal,              | 10. Bibhishan,              |
| 11. Mahabir Chaube,      | 12. Gangaram Jha,           |
| 13. Bisheshwar Sharma,   | 14. Muneshwar Prasad,       |
| 15. Bauri,               | 16. Nauri,                  |
| 17. Gauri Sao,           | 18. Madan Nag,              |
| 19. Prahlad Nonia,       | 20. Nilandri,               |
| 21. Samad,               | 22. Sardan Ho and           |
| 23. Jena Ho,             | ..... .. <u>appellants.</u> |

Versus

The State.

- 
- For the appellants : Messrs Nageshwar Prasad, Birendra Prasad Sinha, and Surendra Prasad.
- For the State : Messrs K.P. Verma, A.K. Mitter, Purnendu Narayan, Dinesh Charan and S.N. Pande.
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Present:

The Hon'ble Mr. Justice H.K. Chaudhuri.

The Hon'ble Mr. Justice Ramratan Singh.

Ramratna Singh.J.- The appellants have been convicted by the Additional Sessions Judge of Dhanbad- Singhbhum under different provisions of the Indian Penal Code and sentenced to different terms of imprisonment on account of an occurrence, which took place at about 10.30 A.M. on the 16th April, 1957, at Gua, within the jurisdiction of Police Station Noamundi in the district of Singhbhum.

The Indian Iron and Steel Company has got some mines in the vicinity of Gua for extracting iron ores, which are taken to Burnpur for the purpose of burning. Five thousand labourers work at Gua, and they live in pucca buildings, locally known as Dhowrahs. These buildings are situated at different places, one of which is known as Lower Dhowrah. The mining operation is in charge of Mr. Hansa Zika (P.W.29), an Austrian, who is the Chief Mining Engineer, and he, along with other officers, works in a building known as General Office at Gua. The labourers consist of Adibasis and Upper Indians. Some of them are directly employed by the Company, but others are employed through contractors, two of them being Budhram Singh (P.W.9) and Gajendra Singh (P.W.16).

The labourers are members of two different Labour Organizations; one is known as Workers' Union affiliated to the Indian National Trade Union Congress, and the other is known as the Action Committee, which is affiliated to the Communist Party of India. The first organization has also a union at Burnpur, known as Asansol Iron and Steel Workers Union. The Action Committee was formed some time in 1956, and by the date of occurrence about twentyfive per cent. of the labourers became members of this Committee, while the remaining labourers continued to be members of the Workers' Union, which is much older. The appellants are members of the Action Committee, • while those who were injured in the occurrence are members of the Workers' Union. A keen rivalry had been

going on between the two organizations since 1956, and there were several incidents between the members of the two organizations at Gua, from the 29th August, 1956, to the 15th April, 1957; and in respect of most of the incidents, there were criminal cases. In the night of the 15th April, 1957, there was an incident on account of which one Bhaskar, Ramnath (P.W.2) and Sadan (P.W.8), all members of the Workers' Union, received injuries. On the 16th of April, 1957, at about 6.30 A.M., there was a clash between Noor Mohammad, Pado and Ramkaran of the Action Committee on one side and Ramasis Singh and Kamta Singh of the Workers' Union on the other and the former had received injuries.

Noamundi Police station is at a distance of about fourteen miles from Gua. A Town Out post of Police was started at Gua some time in 1957, and Assistant Sub-Inspector Kailash Maharaj (P.W.32) had been the Officer-in-charge of this Out Post since the 9th April, 1957. The office of the Workers' Union (hereinafter referred to as the Union Office) is at a distance of about one furlong to the north of the General Office and is situated in the middle of Gua Bazaar. There is pucca road running north to south to the east of the Union Office which faces east. The Town Police Out Post is to the south of the General Office at a very little distance. The place, known as Lower Dhowrah, is to the west of the Union office at a distance of about 300 yards and there are bushes in the vicinity of these Dhowrahs.

The Union Office is at a distance of a little over a furlong to the north of the Town Police Out Post. The hospital is at a distance of about 500 yards to the north-west of the Out Post. The General Office is at about 250 yards to the south-east of the hospital. The Union Office is not visible from the hospital or the General Office or from the Town Police Out Post. The Lower Dhowrah is to the west of the Union Office at a distance of little less than a mile. There are some buildings for the labourers at a distance of 200 to 300 yards to the east of the bazaar, which is near the Union Office.

At about 9-30 A.M. on the 16th April, 1957, a crowd consisting of about 800 to 900, variously armed, had assembled in front of the General Office and was shouting slogans under the leadership of appellant P. Mazumdar, who is the leader of the Action Committee. This crowd consisted mainly of labourers employed by the company through the contractors, and they had gone to the General Office with some grievances against the contractors. A deputation consisting of a few members, other than P. Mazumdar, saw the Chief Mining Engineer, and placed their grievances before him in his office. Immediately the Chief Mining Engineer suspended Contractors Budhram Singh and Gajendra Singh and promised to remove the grievances of these workers. This crowd dispersed at about 10-30 A.M., but, in the meantime, another crowd of about 100 to 150 persons, had collected



before the Union Office, attacked the office, damaged the building and the furniture of the office and injured some members of the Workers' Union, namely Ramnath Dhobi (P.W.2), Kamta Singh, Brijnandan Singh (P.W.3), Gyan Chand Ram (P.W.6), Rajbo Gope, Ambica Prasad (P.W.5), Karnail Singh (P.W.1), S.C.Dutta (P.W.7), Sadhucharan Gope (P.W. 11) and one Lal Chand (not examined). The injured persons were removed to the hospital. The condition of Kamta Singh was found, in the evening, to be serious, and his dying declaration was recorded at about 10 P.M. He died at about 11-45 P.M. the same night, nearly half an hour after the operation. In addition to the afore-said persons, one Ramasis Singh was also injured and he died instantaneously on the spot at the time of occurrence. It should be noted that Karnail Singh, Brijnandan Singh, Ambica Prasad, Gyanchand Ram and the deceased Kamta Singh had come from Burnpur to Gua along with one Ali Akbar (P.W.4), Rajbo Gope, one of the injured, died after his evidence before the Committing Magistrate.

All the above facts are admitted; and the difference lies within a small compass. The case of the prosecution is that, after the incident at 6-30 A.M. on the 16th April, 1957, P.Mazumdar and a few others of the Action Committee moved in a pick van belonging to P.Mazumdar and they went on instigating the labourers affiliated to the Action Committee to take revenge against the members of the Workers' Union, as they had killed Noor Mohammad and concealed his dead body. P.

Mazumdar and other also said that, if Noor Mohammad was not traced, the workers should go to the Union Office, where the dead body might have been concealed, and kill the members of the Workers' Union. Ultimately, P.Mazumdar and his companions went to the Lower Dhowrah, collected about 500 workers there and asked them to take revenge for the life of Noor Mohammad. Thereafter, most of these assembled workers were taken by P.Mazumdar and his companions to the General Office, and they left behind some 20 to 25 persons at the Lower Dhowrah and asked them to go to the Union Office. Subsequently, some 70 or 75 workers joined them and this group of about 100 workers went to the Union Office, variously armed; some members of this group began to throw brickbats and stones, some began to break the door of the hall of the office, some climbed on the roof of the hall and some made holes of various sizes, some of them showered a number of arrows injuring some of the occupants of the Union Office, and some 20 to 25 members of this group entered inside the union Office and assaulted the men of the Union with lathis, pharsas etc. Thereafter, the crowd destroyed the furniture and other articles of the Union Office.

Assistant Sub-Inspector Kailash Maharaj saw a crowd of 100 to 150 persons coming from the bazaar side variously armed and joining the crowd which had dispersed from the General Office at about 10-30 A.M.

Then this Assistant-Sub-Inspector arrived at the Union Office and met Ramnath Dhobi (P.W.2), on

whose statement he recorded a fard-beyan (Ext 7) at 11 A.M. on the same date. This fard-beyan was received at Noamundi Police Station at 4 P.M. the same day, and a formal first information report was drawn up. He found Ramasis lying dead and found injured several others, whose names have already been stated. He examined prosecution witnesses nos. 1 to 7 other than Rajbo Gope and Kamta Singh soon after. He prepared injury reports in respect of the injured persons and referred them to the medical officer at Gua. He also prepared an inquest report in respect of the deceased Ramasis Singh, inspected the place of occurrence subsequently and seized certain articles and furniture which had been damaged or broken. He also seized seven complete arrows, four arrow heads, five arrow sticks without head, two bloodstained gamchhas, one pair of black shoes, one brown shoe of the left side, one bloodstained white canvas shoe, one bloodstained white full pant, one bloodstained white paijama, one bloodstained lathi, one bloodstained pharsa, one basket of broken tiles, brickbats and pieces of stones and other articles. He found six bloodstain lathis and one pharsa lying in the hall and one arrow and five shafts of arrows without head in the outer varandah. He also found three arrow heads without shafts in the hall and seven complete arrows in the hall. None of these arrows that he found was bloodstained. He found nine holes in the roof of the hall. He did not find pieces of broken tiles kept over the tiles of the roof. He has not noted in the case diary about broken tiles; but he stated that, by the broken tiles mentioned in the seizure list and the

case diary, he also meant broken pieces of tiles. In order to see the condition of the roof, the Assistant Sub-Inspector had climbed on the roof by climbing on the wall and not by any ladder. He found brickbats and stones in the outer court-yard as well as in the hall and the middle room of the union office. He scraped blood-stained earth, by which he meant dust on the pucca floor of the hall, where the dead body of Ramasis was lying. He made over charge of the case to Inspector Singheswar Prasad Singh (P.W.33) on the morning of the 17th April, 1957, who was specially deputed for the purpose by the Superintendent of Police, who had visited Gua with the Deputy Commissioner in the afternoon of the 16th April, 1957. The blood-stained earth or dust, seized by Assistant Sub-Inspector Kailash Maharaj, had been sent to the Chemical Examiner, and it was found stained with human blood (see, exhibit 16, the report of the Chemical Examiner). After completing investigation, the Inspector of Police submitted charge sheet.

In all twentyeight persons were committed to the court of Sessions, out of whom five were acquitted and the twentythree appellants were convicted. Appellant P.Mazumdar filed one written statement and the other accused persons filed a separate but joint written statement. Their defence appears from these written statements and the statements made by them under section 342 of the Code of Criminal Procedure. Their common defence is that the crowd at the General Office had nothing to do

the occurrence at the Union Office. They denied taking any part at all in this occurrence and even presence at the scene of the riot; but they heard the news and rumours current in Gua to the following

" 1. That a number of Adivasi labourers live near the I.N.T.U.C. office and they appear to have clashed with some office-bearers and members of the I.N.T.U.C. and their lathials of Burnpur, and in that clash the injuries and death appear to have been caused.

2. That this incident took place earlier than 10.00 A.M. after the police had left the place.

3. That this clash was not the result of any prior collection of men, but was brought about by some assaults on, and some of the provocative acts done towards, the adivasi labourers, who were passing by that road to go to Gua General Office for the ventilation of their grievances against the contractors.

4. That not being able to identify the Adivasis with whom the clash had occurred, this unfortunate incident was availed of to implicate the prominent workers of the Action Committee."

P.Mazumdar has further added that he did not  
any body to commit any offence, nor did he collect  
at labourers at the Lower Dhowrah or any other  
for the purpose of rioting or for committing any  
. The dissatisfied workers had gathered in batches  
of the General Office on the morning of the 16th  
on their own initiative; and, as a worker in the  
of labour welfare, he had his full sympathy with  
bourers against the contractors and his object in  
ting himself that morning at Gua General Office  
to show his sympathy with the labourers and to help  
in interceding with the officials of the company.

The learned Sessions Judge accepted the case  
the prosecution against all the appellants and found  
allants Ramasre Upadhyay, Surendra Sukla, Sirajuddin  
s Saje, Manuel David, Tajuddin and Nawab Khan guilty  
er sections 302 read with section 149, 326 read with  
tion 149 and 449 of the Indian Penal Code, appellant  
Mazumdar under section 109 read with section 302, 150  
ad with section 302, 150 read with section 449 and 150  
ad with section 148 of the Indian Penal Code and the  
remaining appellants under sections 326 read with section  
49, 449 and 147 of the Indian Penal Code. He has also  
ound Ramasre Upadhyay guilty under section 148 and  
Surendra Sukla under sections 114 read with section 302  
and 148 of the Indian Penal Code. He convicted the  
appellants under the different sections mentioned above,  
but sentenced P.Mazumdar to rigorous imprisonment for  
life under section 109 read with section 302, appellants

Upadhyay, Surendra Sukla, Sirajuddin alias Saje, David, Tajuddin and Nawab Khan to rigorous imprisonment for life each under section 302 read with section 149, Plaintiff Jamuna Singh to ten years' rigorous imprisonment under section 326 read with section 149 and the other appellants to five years' rigorous imprisonment each under section 326 read with section 149 of the Indian Penal Code. A separate sentence has been imposed under the other provisions of the Indian Penal Code. Appellant Ramasree Upadhyay has been acquitted of the charges under sections 302 and 323 of the Indian Penal Code.

The case of P.Mazumdar, which is based on allegations completely different from those against the other appellants, may be considered first. The fardayan does not speak anything in respect of P.Mazumdar or the instigation of workers by him and his companions to take revenge on account of the assault on Noor Mohammad. Nine prosecution witnesses were examined by the police on the 16th April, but only two of them, namely, Ali Akbar and Rajbo Gope, spoke about the instigation and named P. Mazumdar in that connection. Ali Akbar claimed to have seen P.Mazumdar inciting his followers and workers from a jeep car near the railway bridge to take revenge against the men of the Workers Union, as they had killed Noor Mohammad and Pado; but he admits in cross-examination that he did not state this fact before the Police. Assistant Sub-Inspector Kailash Maharaj has said that Ali Akbar did not tell him that he had seen Mazumdar or that

He was spreading the rumour about the assault on Noor Mohammad and Pado, though he had stated that it was the jeep of Mazumdar, that the information regarding the assault had been given. Ali Akbar had admittedly come from Burnpur along with P.W. Karnail Singh, Ambica Singh, Gyanchand and Brijnandan Singh and the deceased Noor Mohammad Singh. He admits that he had never seen Mazumdar before the 16th April. A test identification parade of suspects was held on the 7th June, 1957, inside the Chaibasa Union Office regarding the occurrence in the Union Office on the 16th April. Ali Akbar was one of these identifying witnesses, but he did not identify Mazumdar who was one of the suspects (see the test identification parade, Exhibit 4/3 ). It appears that this identification parade was held in respect of the occurrence in the Union Office and it is not the prosecution case that Mazumdar was involved in this occurrence. The contention of the Standing Counsel for the State that, non-identification of Mazumdar by Ali Akbar at this parade does not seem to be material, is, therefore, plausible, but the evidence of Assistant Sub-Inspector, Kailash Maharaj shows that Ali Akbar's evidence against Mazumdar should not be accepted. Rajbo Gope told the Committing Magistrate that while returning from the river, he heard Mazumdar announcing that Noor Mohammad had been killed and Pado assaulted and the labourers of the hill top should be collected to take revenge. None of the prosecution witnesses were cross examined in the court of the Committing



strate. Counsel for the appellants, therefore, referred to the statement of Rajbo Gope in the case. It seems that Rajbo Gope named P.Mazumdar for the first time before the Committing Magistrate.

Six more witnesses have spoken against Mazumdar, namely Budhram Singh (P.W.9), Kanhai Mahto (P.W.10), and Sujawal Singh (P.W.12), all examined by the police on the 18th April, Gajendra Singh (P.W.16) and Lalmohon Pusti (P.W.17), both examined by the police on the 19th April and Mahabir Jha (P.W.15) examined by the police on the 20th April. It is admitted that Budhram, Gajendra and Sujawal are very close relations. There were criminal cases between P.Mazumdar's men on one side and Budhram and Gajendra on the other, and on the day of occurrence the labourers led by Mazumdar at the General Office had placed their grievances before Mr. Zika against the Contractors Budhram and Gajendra, who were suspended immediately thereafter by Mr. Zika. There is no satisfactory explanation either for the failure of the witnesses to make their statements before the police on the 16th April. The evidence of these witnesses against Mazumdar in court also does not seem to be reliable. Budhram Singh has said that, on returning from the hospital after seeing his nephew Bhaskar, who had been injured in the evening of the 15th April, he saw Mazumdar, Ramasre, Upadhyay, Surendra Sukla, Manuel David, Nawab Khan and Sirajuddin in a pick up van in

of the hospital and heard Mazumdar shouting that the  
the Workers' Union had killed Noor Mohammad and  
aled his dead body and he also heard him inciting  
rers to muster strong and to take revenge for  
life of Noor Mohammad. There after, Mazumdar and his  
anions went away towards the market. The witness then  
for some time to the Lower Dhowrah and concealed  
self there and he heard Mazumdar asking a gathering of  
ut 400 to 500 labourers at about 8.30 A.M. to split up  
o two sections, of which one would attack the General  
ice and the other would attack the Union Office. Then  
speaks about the occurrence at the Union Office and  
ys that on account of this occurrence he was terrified  
d fled away to Jagannathpur in a truck, from where he  
eturned to Gua at night on the 17th April and was examined  
y the Police on the 18th April. Gajendra Singh has stated  
hat while he was going at about 7 A.M. on the 16th April  
o the hospital to see his nephew Bhaskar Singh, he saw  
P. Mazumdar near the over-bridge of the railway in a pick up  
and P. Mazumdar was asking three or four persons near the  
hospital to muster strong with weapons and to take revenge  
for the murder of Noor Mohammad. Both these witnesses have  
said that at about 8.30 A.M. Gajendra Singh took away his  
family members and the family members of Kanhai and Budhram  
to Jagannathpur by a truck; and that is the explanation  
of Gajendra for appearing before the Police on the 19th  
April at Gua. Assistant Sub Inspector Kailash Maharaj  
has said that, when he went to the hospital in the afternoon  
of the 16th April, he arrested Noor Mohammad, who was

hospital in connection with the occurrence of the 15th

If Budhram Singh and Gajendra Singh have stated, Mazumdar was at the hospital on the morning of the 15th, he certainly had seen Noor Mohammad lying injured in hospital and there would be no occasion for him to go spreading rumour from any place near the hospital. Noor Mohammad had been killed and his dead body had been concealed in the Union Office. Again if Budhram was terrified at this rumour and in excitement by P. Mazumdar and Gajendra Singh had, on that account, to take away to Jagannathpur the members of their families, Budhram would not have dared go to the lower Dhowrah, concealed himself in the Bushes and see a gathering about 400 to 500 labourers and P. Mazumdar addressing them. When he was bold enough to stay on there and then come to the Union Office and see the occurrence there, there was no reason for him to go to Jagannathpur when things had quietened down after the occurrence at the Union Office, as stated by the Assistant Sub-Inspector Kailash Maharaj. Sujawal Singh has said that, while he was going to his house at 8 A.M. he saw at the Lower Dhowrah a crowd of about 500 men with P. Mazumdar as the leader and the latter was exhorting these labourers to take revenge for the murder of Noor Mohammad. He also claims to have seen P. Mazumdar going with most of the members of the crowd towards the General Office leaving 20 to 25 members behind; and subsequently 70 or 75 more men collected and this mob of 100 persons went towards the Union Office. This witness said that he had gone to a place called Janda on the 16th

at 1 P.M. to bring some articles of his master  
h Singh and he returned to Gua at 10 P.M. on the  
April, but it is improbable that after the serious  
ble in the forenoon that day, he would go to another  
le to bring some articles for his master.

P.J. Kanhai Mahto is a clerk in the office of  
Workers' Union. Though he speaks about Sirajuddin,  
uel David and others of the Action Committee having  
ved in a car and inciting the followers of the Action  
mmittee to take revenge for the murder of Noor Mohammad  
does not name P. Mazumdar amongst them. He has, however,  
ated that subsequently, as desired by Mahabir Jha,  
neral Secretary of the Union he went to the Lower Dhowrah  
ere he saw a mob of about 300 to 400 persons variously  
med, with P. Majumdar, Sirajuddin and others. He saw  
was inciting the mob, but he could not hear what Mazumdar  
. Mazumdar/was saying. Then he claims to have left for  
is village home at Pursottimpur in Koongarh Estate and  
returned to Gua in the evening of the 17th April. If he  
went to his village home on account of fear, there  
is no reason why he returned the next evening to Gua.  
The Secretary, Mahabir Jha, has said that he saw a pick up  
of the Action Committee standing near the General Office on  
the road at about 7.30 A.M. and heard Mazumdar telling  
Sirajuddin and others to go to the top of the hillock and  
collect men with arms to take take revenge for the murder of  
Noor Mohammad. Thereafter, he claims to have informed  
Gajendra Singh, Ramnath Dhobi and Kanhai Mahto about  
this incitement by P. Majumdar and his companions and to have  
gone

amundi to inform the Police in charge and thence to  
Chaubassa to inform higher authorities about the situation.  
He left Gua a few minutes after 8 A.M. and did not see  
any collection of mob at that time. He claims to have  
reported what he had seen and heard to the Officer  
in charge of Noamundi Police station, but it is surprising  
that he does not know the name of that officer, and he  
admits that that officer is not a witness in this case.  
He also claims to have informed the Deputy Commissioner  
of Chaibassa about the situation verbally but he did not  
file any petition. There is no other evidence on the  
record to show that this witness really informed the Officer  
in charge of Noamundi Police station or the Deputy Commissioner  
of Chaibassa about the situation at Gua. It is also  
surprising that he did not inform the Officer-in-charge  
of Gua Police Out post about the plan of P. Mazumdar  
and his companions to take revenge. Lal Mohan Pusti, a  
head fitter of the Indian Iron and Steel Company claims  
to have seen at 7 A.M. when he was in the workshop, P.  
Mazumdar and his companions in a jeep car and Mazumdar  
asking Ghose and Bhubna Pradhan to go to the hillock and  
collect men to take revenge. This witness was at Gua  
throughout, but he appeared before the Police for the  
first time on the 19th April. Admittedly, his nephew  
Phulchand was arrested as an accused in this case on the  
17th April and that he was not granted bail. Some of the  
prosecution witnesses, such as, Budhram Singh and Sujawal  
Singh, had told the Police that one Phulchand was also

The crowd, which attacked the Union Office at about 11 A.M. on the 16th April and on the basis of this statement the Police had arrested this Phulchand, but frequently no body mentioned Phulchand nephew of Lalmohan Pusti, as having taken part in the attack of Union office and therefore, the Committing Magistrate discharged this Phulchand. It has been suggested on behalf of the appellants that Lalmohan Pusti became a witness for the prosecution on the 19th April on the assurance that the prosecution witnesses would not identify his nephew Phulchand as one of the members of the crowd but this suggestion does not seem to be probable as on the evening of the 19th April this Phulchand was confined in Jail. Even then, Lalmohan Pusti's belated statement before the Police is sufficient for discarding his evidence.

The evidence of the witnesses against P. Mazumdar examined before the Police after the 16th April is also belied by certain statements of Assistant Sub-Inspector Kailash Maharaj. This Assistant Sub-Inspector was moving in the bazaar side with Janardan Singh, Assistant Sub-Inspector, and six constables from 7 A.M. to 9.30 A.M. on the 16th April, 1957. He got a report of the Collection of a mob in front of the General Office while he was in the bazaar. He did not get any other report of the collection of a similar mob at any other place, nor did he see the collection of a mob at any other place. He did not hear the name of Noor Mohammad from any source in between 7.30 A.M. and 9.30 A.M. while he was in the bazaar.  
He

not recollect if during the period he was in the  
or anybody of the workers' Union made any complaint  
him regarding anything; but he adds that he would have  
certainly taken steps if anybody made any such complaint.  
After the occurrence at the Union Office, he found the  
shops in the bazaar closed and only six persons were there.  
Most of the people of the bazaar had left the place.  
He has also said that P. Mazumdar came to him at 7.15 A.M.  
on the 15th April and told him that somebody had assaulted  
Ramkaran Chaube and Pado Harijan in the bazaar and then  
he went to the bazaar at 7.30 A.M. He found Ram Karan in  
the temple at a distance of about 50 steps from the Union  
Office and Pao in the country liquor shop at a distance of  
about 30 steps from the temple. He referred them to go  
to court as their injuries were simple. It is improbable  
that P. Majumdar would take the help of the Police to find  
out these two injured men of his camp and he would not  
say anything about Noor Mohammad, if he had not come to  
know by that time where Noor Mohammad was. Apparently, there-  
fore, the probability is that P. Majumdar had seen Noor  
Mohammad lying injured in the hospital. In the circumstances,  
the story regarding incitement by P. Majumdar to take  
revenge for the murder of Noor Mohammad does not seem to  
be probable. Learned Standing counsel for the State then  
referred to the evidence of Mr. Zika (P.W.29), his private  
Secretary Sri Harihar Das (P.W.28) and the personnel  
Officer Sri Bijay Gopal Neogi (P.W.27) and the memoranda (Ext  
6 and 6/1) incorporating the conversations between Mr. Zika  
and the deputationists on behalf of the labourers of the

Committee. The deputationists were Bhuban Pradhan N.K. Sarkar, K.B. Dutt, B.Mistri and A.K. Ghose. This record shows that the deputationists placed the grievances of workers against the contractors, spoke about some accidents and said that they could not trace out where P. Mazumdar was and there would be severe trouble if his body was not found.. None of these deputationists was accused before the Committing Magistrate; but they were discharged. Their statement before Mr. Zika cannot however be used against any of the accused before the Additional Sessions Judge. In the circumstances the prosecution has failed to prove beyond any reasonable doubt, any of the charges against P. Mazumdar, and he is, therefore, entitled to benefit of the doubt.

Of the remaining appellants who have been convicted for offences committed during the occurrence at the Union Office, only Ramasre Upadhyay, Surendra Sukla, Sirajuddin alias Saje and Manuel David have been named in the Fardbeyan, recorded at 11 A.M. on the 16th April at the Union Office. The informant Ramnath Dhobi (P.W.2) stated therein that these four appellants, along with a about 100 more workers of the Action committee, came armed with arrows, pharsas, lathis, bhalas and barchhis, surrounded the Union Office raising alarm and began to throw stones and arrows. They entered into the Union Office and began to destroy all articles. Ramasre Upadhyay assaulted the informant with lathi after breaking the roof and he also shot an arrow at Ramasis Singh as a result of which the latter died. Thereafter the mob assaulted Sadhucharan Gope



Ita Prasad (since deceased) Brijnandan Singh Gyanchand  
1, Rajbo Gope, Ambika Prasad, Lalchand and Karnail Singh  
so with lathis, arrows and stones, etc. as a result of  
which they received injuries.

Lt. Col. M.N.Sardana (P.W.13) the Senior  
Medical Officer of Gwa Hospital examined the injured  
persons and found the following kinds of injuries as noted  
below against each:-

Rammath Dhobi :- One lacerated wound, simple, caused by a  
blunt weapon, such as a stick of the bow.

S.C.Dutt :- One incised grievous wound on the skull  
and two simple injuries, all caused by a  
blunt weapon, such as lathi. This patient  
developed paralysis of the limbs as a result  
of the first injury.

Karnail Singh :- Five lacerated injuries and two bruises  
all simple caused by a blunt weapon, such as  
lathi. The two bruises may also be caused  
either by a bow stick or by a fall.  
None of these injuries could be caused  
either by any brickbats.

Brijnandan Singh :- One Punctured wound near the nose,  
grievous and caused by a sharp pointed  
weapon, such as an arrow. A few scratches  
on the leg simple, caused by a blunt  
weapon, such as arrow.

Ambika Prasad :- One lacerated injury over the occipital  
bone, simple, caused by a blunt weapon,  
such as lathi; and one incised injury  
over the chest, simple, caused by a

Sharp weapon may be an arrow.

ji Bo Gope :- Three incised injuries simple two of them caused by a sharp weapon, such as an arrow and the third caused by a blunt weapon such as lathi; and one sprain, simple caused by a blunt weapon, such as lathi.

Byanchand Ram :- One incised injury and a compound fracture, both grievous innature, caused by a sharp weapon, may be a pharsa, and some abrasions all over the body, caused by a sharp weapon such as lathi of a fall.

Kamta Prasad Singh:- One stab wound, caused by a sharp weapon, such as pharsa, one punctured wound, grievous, caused by a sharp weapon, such as an arrow; and tenderness and rigidity of abdomen, right side, suggesting an internal injury, grievous in nature, caused by a blunt weapon, such lathi or by a fall. The punctured wound must have been caused by hitting with an arrow shot from a higher level, slanting obliquely downward and forward. The injury could be caused if the victim was on the ground and the arrow was shot from a roof. Such an injury could also be caused if the victim was sitting or lying and the assailant was standing. It could not be caused if both the victim and the assailant were standing.

All the injuries of the injured persons were only a few hours old from the time of examination. The time of examination was not noted in the injury reports as the doctor did not find any column meant for the same in the printed form; but he told the Committing Magistrate that as far as his memory helped him, he examined the injuries between 9.30 A.M. and 12 noon. In cross examination the doctor stated :-

" The injuries reported by me to have been caused by a blunt weapon, might have been caused by weapons other than lathis. Some of the injuries stated by me to have been caused by a blunt weapon could also be caused by stones.

Pharsa is a heavy sharp cutting instrument. It generally causes incised wounds and some times lacerated wounds.

Incised looking wounds described by me might have been caused either by a pharsa or sharp edged stones.

An arrow is a piercing instruments. Spears are also piercing instruments.

The piercing wounds that I have described might have been caused either by an arrow or spear or by any other piercing weapon. A sharp pointed piece of stone is not a piercing weapon.

\* \* \*

In my opinion, Kamta was in a fit condition to make the dying declaration.

he had recovered from the shock.

\* \* \*

Injury no.1 on S.C. Dutta could be caused by the  
raze of an arrow and not by the point of an arrow."

As already stated, Kamta Prasad Singh died in  
the hospital at about midnight on the 16th April. The  
postmortem examination of his dead body was held at  
3 A.M. on the 18th April 1957. The detailed description  
of the injuries given in the postmortem report are :-

"1. One punctured wound  $1\frac{1}{2}$ " x  $\frac{3}{4}$ " x 6 thicker  
on the left side of chest between 7th and  
8th .rib puncturing the skin muscles,  
pleura, left lung at the base, left dome  
of diaphragm, spleen and omentum. There  
was about 2 pints of blood and blood clot  
in abdominal cavity. There was one stitched  
wound on the mid abdominal wall.

2. One incised wound 2" x  $\frac{1}{2}$ " X muscle  
deep on the base of right shoulder.

3. One incised wound  $1\frac{1}{2}$ " X  $1/3$ " X  
muscle deep on the back of left elbow joint.

The injuries were ante mortem in  
nature.

\* \* \*

Death was due to above injury, especially  
no.1 producing shock and haemorrhage."

The postmortem examination of the dead body of Ramasis

ingh, who died on the spot, was held on the 17th April 1957, and the detailed injuries found are :-

1. One incised wound 3" x 1½" on the anterior (front) wall of right arm-pit with injury to skin muscle and vein in in axilla (axillary vein).
2. One punctured wound 1½" X ½" X 2" below left collar bone in its middle with arrow in situ puncturing the skin, muscle, pleura and the outer surface of the upper lobe of left lung with collection of 2 pints of blood and blood clot in left pleural cavity.
3. One incised wound longitudinal 2½" X 1/3" X bone, in the middle of the forehead.
4. One incised wound completely cutting the left wall of the nostril in the same line as no.4.
5. One punctured wound ½" X ½" X 2" on the middle of the right wall of the chest.

All the injuries were ante mortem in nature.

\* \* \*

Death was due to above injuries producing shock and haemorrhage."

The occurrence at the Union Office is not disputed; and there is abundant evidence to prove the place, time and manner of occurrence as alleged by the prosecution. P.W.'s Karnail Singh, Ramnath Dhobi, Brijnandan Singh,

li Akbar Khan, Ambica Prasad, Gyanchand Ram, S.C. Dutta and Sadhucharan Gope (son of Raj Bo Gope) and Rajbo Gope whose evidence before the Committing Magistrate was admitted, on account of his death before the trial, in the court of session, have all supported the case of the prosecution on this point. The damaged articles, blood-stains, some arrows and other weapons and damage to the Union Office building his local inspection within a few hours of the occurrence also support the case of the prosecution. The injured Kamta Prasad Singh's statement before Kailash Maharaj (Ext.8) and his subsequent dying declaration (Ext.7) recorded by Dr. S.C. Dutt, also corroborate the prosecution case.

Learned Counsel for the appellants has, however, commented on the testimony of Ramnath Dhobi (P.W.2) and made some general comments regarding the alleged manner and time of occurrence. Admittedly, Ramnath Dhobi was injured in a clash in the evening of the 15th April; and with reference to the evidence of Dr. S.C. Dutt, it has been contended that this witness was not injured on the 16th April. Dr. S.C. Dutta has said in the trial court that in respect of the injuries received by Ramnath on the 15th April he examined him on the 16th April between 7.30 A.M. and 8 A.M., as the witness left the hospital in the night of the 15th April, while the doctor was busy with an operation of the injury of Bhaskar Singh. In respect of the occurrence of the 15th April, this doctor deposed before the Magistrate that he examined Ramnath Dhobi on the 16th April 1957 as an out-door patient at 10-30

A.M. (vide Ext. E/5). The injuries mentioned on Ramnath in that deposition are the same as those mentioned in the trial court where the doctor claims to have examined him between 7.30 A.M. and 8 A.M. on the 16th April, in respect of the injuries received on the 15th April. But Dr. Sardana's evidence makes the position clear. He examined Ramnath Dhobi in respect of the injuries received in the occurrence of the 16th April, and he found only one injury which is quite different from the two injuries found by Dr. S.C. Dutta. As stated already, Dr. Sardana, who examined the injured persons on the 16th April, told the Committing Magistrate that he examined the injured persons between 9.30 A.M. and 12 A.M. It is obvious, therefore, that Dr. S.C. Dutta's statement in his previous deposition (Vide Ext.E/5) that he examined the injuries on Ramnath Dhobi, received in the clash of the 15th April, at 10.30 A.M., on the 16th April, is a mistake and his evidence in the court of session that he examined those injuries at 7.30 A.M. and 8 A.M. on the 16th April, is correct. In view of this, the suggestion made on behalf of the Appellants that Ramnath Dhobi was in the hospital at the time of the occurrence on the 16th April, cannot be accepted. Ramnath said in his deposition dated the 31st July 1957 before the Sub-Divisional Magistrate in respect of the occurrence of the 15th April that he did not recollect if he mentioned only five or six men in the first information report of the 16th April. The failure of his memory in respect of accused person named in the first information report recorded about 3½ months earlier cannot justify the inference that he had not seen the occurrence. In the

court of session this witness has stated that he had a talk with Kailash Maharaj in the market about the propaganda made about Noor Mohammad and Pado when he met this Assistant Sub-Inspector in the market at 9 A.M. He has also stated that, while he was talking to Kailash Maharaj, the latter "asked us to get inside the house and that he could not allow any harm to be done to us." This fact also does not justify the inference that Ramnath was apprehensive of some attack on the Union Office by workers of the Action Committee in view of the incident at 6.30 A.M. on the 16th April. Admittedly, there was no crowd or mob either near the General Office or near the Union Office at about 9 A.M. on that date, as appears from the evidence of K. Maharaj referred to already. He was in the market from 7.30 A.M. to 9.30 A.M. when he left for the General Office, where a crowd had collected by that time. Apparently, therefore, there was no crowd in the vicinity of the Union Office, which is visible from the market, up to 9.30 A.M. There is no reason to disbelieve the bona fides of Assistant Sub-Inspector Kailash Maharaj, particularly when there is no allegation against P. Mazumdar, the Supreme Leader of the Action Committee, in the statements of witnesses recorded by this Assistant Sub-Inspector on the 16th April.

It has been faintly argued on behalf of the appellants that, the occurrence must have taken place much earlier than 10.30 A.M. but the evidence of Kailash Maharaj, is sufficient to reject the suggestion. He was in the market, from which the Union Office was visible, at 9.30 A.M. and no occurrence had taken place up to that hour. Thereafter,



Kailash Maharaj was at the General Office, where a bigger crowd had collected, and, if the occurrence had taken place at the Union Office before Kailash Maharaj came there, a report must have been made to him before 10.30 A.M. and he would have arrived at the Union Office, because another Assistant Sub-Inspector with some police force had arrived at Gua in the previous evening in his requisition. Kailash Maharaj has definitely said that about 10.30 A.M. when the mob at the General Office started dispersing he saw another mob of about 100 to 150 persons coming from the bazaar side variously armed; and thereafter he went to the Union Office and met the injured Ramnath Dhobi, on whose statement he recorded the fard-beyan. P.W.'s 27 and 28 have also corroborated Kailash Maharaj on this point. Hence, it is clear that the occurrence must have taken place at 10.30 A.M., as stated by the injured prosecution witnesses.

Another argument was that an occurrence started either on the road or on the outer court-yard of the Union Office probably because the men of the Workers' Union attacked the crowd on the road and then the latter related. As stated some bloodstained shoes were found inside the hall; therefore, it was argued that the men of the Union Office must have gone outside, and on the counter-attack by the crowd on the road, they must have run into the Union Office. This argument, which assumes that the men of the Union Office could not be sitting inside the office with shoes on, must be rejected summarily. In the inquest report of deceased Ramasis Singh (Ext.10), it is noted that the deceased was wearing canvas shoes

on both legs. A crowd of the Action Committee  
the darw from the General Office. It  
door led ned lathis and pharsa  
toward the Union Office, as  
inf when the police was  
of duty at the General  
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place known as  
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while other. John on the  
mob could have bro that the  
them on the occupants of ame to  
coming to the building itself. t be  
Kailash Maharaj found nine comparati  
roof of the hall of the Union Office; and  
Union Office, who were examined on the 15th April  
said that holes had been made on the roof by the members  
of the mob who had climbed thereon. Kailash Maharaj did  
not measure these holes with any measuring tape, but by  
rough measurement with his hand, he found that the size  
of each hole was more than three cubits by three cubits.  
It was, therefore contended that, on account of nine holes,  
each of the above size, the hall would become practically  
roofless; but, as pointed out by the Additional Sessions  
Judge in paragraph 100 of his judgment, these holes would  
cover a space of about ninety square feet only, whereas  
the total area of the roof was about two hundred square  
feet. Moreover, the holes were spread at different places,  
and the measurement by Kailash Maharaj cannot be taken  
to be accurate. In the case diary Kailash Maharaj did not  
write that he had found broken tiles

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crowd of the Action Committee  
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were on duty; but  
P.W.'s 25, 26 and 27, ha.  
A.M. most of the workers had le.  
action to be taken by the Action Comm.  
Maharaj found six bloodstained lathis and a  
pharsa. Further, it was urged that there were eig.  
of Burnpur, namely, Karnail Singh, Brijnandan Singh, Ali  
Akbar Khan, Ambica Prasad, Gyanchand Ram and the deceased  
Kamta Singh, who had been specially imported by the workers'  
Union to assault the members of the Action Committee; and  
since the arrival of these people three or four clashes  
had admittedly taken place between the members of the  
Action Committee and the men of the Workers' Union before  
the occurrence in question. It was, therefore, argued that  
the men of the Workers' Union must have gone outside the  
building to attack the men of the Action Committee on the  
road the date of the occurrence. But this is improbable,  
in as much as there only twelve persons in the Union Office  
at the time of the occurrence, and they they would nothave  
dared go outside to attack a crowd of about 100 or 150  
persons, who were members of the Action Committee,

particularly when a much bigger crowd of the Action Committee had just then started dispersing from the General Office. It is just possible that the bloodstained lathis and pharsa were left by the attacking party in the Union Office, as they were in a hurry to leave the place when the police was free a little after 10.30 A.M. from their duty at the General Office. Incidentally, it may be stated that the Burnpur witnesses have said that they had come to a place known as Chirea on the 9th April in order to make an arrangement for a meeting of the workers to be addressed by Dr. John on the 14th April at Chirea, but they learnt subsequently that the meeting would be held on the 21st April and so they came to Gua from Chirea and stayed on there. This may or may not be true; but even if the story regarding the meeting is not correct, there is no justification for the contention on behalf of the appellants that the Burnpur people had been imported as lathials to assault the men of the Action Committee, because almost all these Burnpur people were injured in the occurrence in question and one of them died. It is also remarkable that Ramnath Dhobi and other members of the Workers' Union had been assaulted in the evening of the 14th April.

In view of the above discussions, there can be no manner of doubt about the truth of the prosecution case regarding the place, time and manner of occurrence, and the same must be accepted. As the mob had entered the premises of the Union Office building had assaulted the inmates and damaged the property thereof, the members of the mob, whoever they might be, constituted an unlawful

assembly and committed house trespass.

The next question is whether the appellants were members of the said unlawful assembly. Several witnesses have been examined by the prosecution to prove the active presence of the appellants in the mob. But, as stated earlier, it would not be safe to act on the statements of P.W.'s Budhram Singh, Kanhai Mahto, Sujawal Singh, Mahabir Jha. Gajendra Singh and Lal Mohan Pusti, who failed to give satisfactory explanation for their non-appearance before the police on the 16th April. Another witness, Sadan Das (P.W.8), is an office boy of the Union Office. He claims to have identified some of the appellants in the mob from the shop of one Ramnath Sao, which is near the Union Office. He claims to have identified some of the appellants from a distance of about 25 to 30 steps and then, on account of fear to have fled away into the house of P.W. Gajendra Singh near There is no explanation why he did not appear before the police on the 16th April; and it is not safe to act on his evidence. When the statements of the aforesaid witnesses are discarded, there is no evidence of identification against the appellants other than Ramasre Upadhyay, Surendra Sukla, Manuel David, Sirajuddin alias Saje, Jamuna Singh, Motilal, Bibhishan, Sardan Ho, Jena Ho, Madan Nag, Mahabir Choubey, Tajuddin and Samad. The evidence regarding identification of these thirteen appellants is discussed in the following paragraphs.

Ramasre Upadhyay is named in the fard-beyan of Ramnath (P.W.2), in the dying declaration of Kamta Prasad Singh recorded by Dr. S.C. Dutta on the 16th April

1957 (Ext. 2) and Kamta's statement before the police on the same date (Ext.8). In his dying declaration, Kamta stated :

" Sukul assaulted me with a pharsa and Upadhyaya assaulted me with a lathi. Sukul gave order to **shoot me with** arrow. Thereupon, one man shot me with an arrow. I do not know his name."

The same fact is stated by Kamta in exhibit 8. In the fard-beyan, it is stated that Ramasre assaulted the informant with lathi and he shot an arrow at Ramasis Singh as a result of which the latter died. Brijnandan Singh (P.W.3), a Burnpur man, claims to have identified some of the appellants by face and at the test identification parade held on the 15th May, 1957, he identified appellants Ramasre Upadhyaya, Surendra Sukla, Jamuna Singh, Madan Nag and some others. According to this witness, Ramasre and Jamuna had bows with arrows and Sukul had tangi. He identified all appellants at all stages. Ambika Prasad (P.W.5), Karnail Singh (P.W.1) and Gyanchan Ram (P.W.6), all of Burnpur, claimed to have identified Ramasre Upadhyay and some other appellants by name. But the first two have admitted that they learnt the names of these appellants on the 16th April, from Ramnath Dhobi. Karnail Singh could not identify any of these appellants at the test identification parade. It is unfortunate that Ambika Prasad was not asked to identify them at such a parade. Gyanchan Ram claims to have known the names of these appellants since before the occurrence, but at a test identification parade, held on the 6th June, 1957, he could not identify any of the appellants, whom he claims to have identified at the time of occurrence. It is, therefore, not safe to rely on the identification of any of the appellants by P.W.'s Karnail Singh, Ambika Prasad and Gyanchand Ram. Sudhir Chandra Dutta (P.W.7) identified Ramasre Upadhyay, Jamuna Singh and Surendra Sukla by name and some others by face. Sadhucharan Gope (P.W.11), son of Rajbo Gope, identified, by name, appellant, Ramasre Upadhyay with a bow

and arrow and some other appellants. Rajbo Gope, who died on the 29th October, 1959, named Ramasre Upadhyay before the Committing Magistrate and his evidence was rightly admitted under section 33 of the Evidence Act. The first informant Ramnath Dhobi (P.W.2) has identified Ramasre Upadhyay in court and said that he was assaulted by Ramasre with the stick portion of his bow. In the fard-beyan he stated that Ramasre assaulted him with lathi and in his evidence dated the 31st July 1957 in another case (exhibit. E/6) he said that in this occurrence he was hit by a brickbat. This discrepancy cannot effect the identification. Thus, appellant Ramasre has been identified by the deceased Kamta Singh and Rajbo Gope and P.W.'s Ramnath Dhobi, Brijnandan Singh, S.C. Dutta and Sadhucharan Gope. It is in evidence that Ramasre Upadhyaya had left the Workers' Union and joined the Action Committee about four or five months before the occurrence,; and, therefore, it was contended that the prosecution witnesses falsely implicated him. But, in view of the earlier clashes between the men of the two parties, it is quite probable that Ramasre Upadhyay would take an active part in the attack on the office and the men of the Union with the zeal of convert.

Appellant Surendra Sukla has also been named in the fard-beyan and in exhibits 2 and 8. P.W. Ramnath Dhobi, the first informant, has also identified him in court. P.W.'s Brijnandan Singh and Ali Akbar Khan of Burnpur have identified him by face at all stages. P.W.'s S.C. Dutta, Sadhucharan Gope and the deceased Rajbo Gope also identified appellant Surendra Sukla by name.

Appellant Manuel David has been named in the fard-beyan by Ramnath Dhobi, who has named him in court as well. P.W. Sadhucharan Gope has also identified him by name.

Appellant Sirajuddin alias Saje has been named in the fard-beyan by Ramnath Dhobi, who has named him in court as well. P.W.'s Sadhucharan Gope and the deceased Rajbo Gope

have also identified him by name.

Appellant Jamuna Singh was identified by face by P.W.'s Brijnandan Singh and Ali Akbar Khan of Burnpur. Brijnandan Singh identified Jamuna Singh at the test identification parade held on the 15th May 1957 and Ali Akbar Khan identified him at the test identification parade held on the 7th June, 1957. Both the witnesses identified Jamuna Singh in court. P.W. S.C. Dutta identified Jamuna Singh by name, as he knew him since before the occurrence.

Appellants Motilal and Bibhishan were both named by P.W. Sadhucharan Gope.

Appellants Sardan Ho and Jena Ho were both named by Rajbo Gope before the Committing Magistrate.

Appellants Madan Nag and Samad were identified by P.W. Brijnandan Singh by face. He identified them at the test identification parade held on the 15th May 1957, as well as in court.

Appellants Mahabir Chaubey and Tajuddin were identified by P.W. S.C. Dutta at the test identification parade held on the 15th May 1957, along with Manuel David. In Paragraph 3 of his evidence, it is noted that in court he pointed out Manuel David, Mahabir Chaubey and Rajo Teli; but on being recalled on the next day he said that he had, on the previous day, identified in the dock Manuel David, Mahabir Chaubey and Tajuddin, and cross-examination on this statement was declined. The trial court has also said in the judgement that this witness identified Tajuddin. During arguments in this Court also, Counsel for both parties stated that S.C. Dutta identified Tajuddin. This witness is a resident of Gua, but there is no evidence to show that he knew these appellants since before the occurrence. As the occurrence took place at about 10.30 A.M. even one identification by face would be sufficient.

It was contended on behalf of the appellants that the evidence of identification against those, who were not named



in the fard-beyan, should not be accepted. But it must be remembered that the fard-beyan was recorded on the statement of Ramnath Dhobi, who was himself injured and who must have become nervous, on account of the violent attack on the occupants of the Union Office at about 10.30 A.M., at the time of occurrence. It is also possible that he might not have observed the other appellants when a mob of about 100 to 150 persons attacked the building and the occupants thereof. The witnesses, on whose evidence reliance has been placed for identification of the seven appellants not named in the fard-beyan, were all examined on the day of occurrence after Assistant Sub-Inspector K. Maharaj had made arrangements for the removal of Kamta Singh to Gwa Hospital. So, there was no undue delay in the examination of these witnesses and there was a very little opportunity of consultation with others or amongst these witnesses themselves, most of whom were injured. All the appellants, except Madan Nag, Samad, Mahabir Chaubey and Tajuddin, were named that very day by the witnesses, and these four appellants were identified by face on the 15th May 1957 at the first test identification parade and all subsequent stages.

In view of the foregoing discussions, it has been proved beyond any reasonable doubt that appellants Ramasre Upadhyay, Surendra Sukul, Manuel David, Sirajuddin alias Saje, Jamuna Singh, Motilal, Bibhishan, Sardan Ho, Jena Ho, Madan Nag, Samad, Mahabir, Choube and Tajuddin were members of the unlawful assembly that attacked the building of the Union Office and injured the occupants thereof. The learned Additional Sessions Judge has convicted Ramasre and Surendra under section 148, Indian Penal Code, because they were armed with deadly weapons, while the learned Judge has convicted the rest under section 147. The evidence on the record justifies the conclusion of the learned Judge regarding these appellants in respect of these sections of the Penal Code.

The learned Additional Sessions Judge has found appellants Ramasre, Surendra Sirajuddin, Manuel David and Tajuddin guilty under sections 302 read with section 149 and 326 read with section 149, and sentenced them to rigorous imprisonment for life. He has found appellant Jamuna Singh and others guilty under section 326 read with section 149 and sentenced Jamuna Singh to rigorous imprisonment for ten years and the rest to rigorous imprisonment for five years each. He has also found some of them guilty under section 302 read with section 149 on the ground that they were moving about in a jeep car belonging to the Action Committee inciting the labourers to take revenge for the murder of Noor Mohammad. But most of the witnesses, on whose evidence he has relied in respect of this charge, have been found to be incompetent in an earlier part of this judgement. Two officers of the Company P.W.'s 24 and 26, whose evidence has not been discarded, could identify only appellant Sirajuddin in the car. Moreover, the convictions both under section 302 read with section 149 and 326 read with section 149 were unjustified. If the common object of the unlawful assembly was to commit murder, or, the members of that assembly knew that murder was likely to be committed in prosecution of the common object, all the members thereof would be guilty under section 302 read with section 149; on the other hand, if the common object of the unlawful assembly was to cause grievous hurt, or, the members knew that in prosecution of the common object, grievous hurt was likely to be caused, all of them would be guilty under section 326 read with section 149. When the learned Judge has convicted all the appellants under section 326 read with section 149 only, the conviction of some of them under section 302 read with section 149 as well is not proper. In view of the fact that the members of the unlawful assembly went to assault the occupants of the Union Office armed with all kinds of weapons including deadly weapons, there can be no manner of doubt that all of them knew that at least grievous hurt was likely

likely to be caused in prosecution of their common object; and therefore, the convictions under section 326 read with section 149 are fully justified and must be upheld. But simultaneous conviction of some of the appellants under section 302 read with section 149 must be set aside.

The learned Judge has found Surendra Sukla guilty also under section 302 read with section 114 on the statement of the deceased Kamta Singh that Sukul assaulted him with a pharsa and some body hit him with an arrow under the orders of Sukul. The doctor found three injuries on Kamta, one caused by pharsa, another by an arrow and the third by a lathi. He also said that death of Kamta was due to the injury caused by the arrow. But Kamta Singh had come from Burnpur and, therefore, identification of Sukul by name of Kamta Singh alone for this purpose is doubtful. Hence, the conviction of Surendra Sukla under section 302 read with section 114 of the Indian Penal Code is not justified and must be set aside.

The learned Judge has found all the appellants guilty under section 449 of the Indian Penal Code, because their common object was both to commit murder and to commit grievous hurt. But, in view of the earlier finding that convictions under section 302 read with section 149 are not justified, the appellants, whose identification has been proved, are guilty under section 448, instead of section 449, of the Indian Penal Code; and the conviction under section 449 must be altered to one under section 448.

As stated earlier, the learned Judge has sentenced some of the identified appellants to rigorous imprisonment for life, Jamuna Singh to rigorous imprisonment for ten years and others to rigorous imprisonment for five years each. In view of the finding that all these appellants are guilty under section 326 read with section 149 in respect of the occurrence in which two persons died and several persons were injured, the sentence of five years' rigorous imprisonment does not seem to be quite sufficient; but it is not necessary to issue a rule for enhancement.

The conviction of appellants Ramasre Upadhyay, Surendra Sukla, Sirjuddin, Manuel David and Tajuddin under section 302 read with section 149 of the Indian Penal Code has already been set aside; and, therefore, the sentence relating to the same upon these appellants also must go. But they are sentenced under section 326 read with section 149 of the Indian Penal Code to ten years' rigorous imprisonment each.

To sum up :-

- (1) The convictions of appellants RamasreUpadhyay, Surendera Sukla, Sirajuddin, Manuel David and Tajuddin under section 326 read with section 149 of the Indian Penal Code is confirmed; and each of them is sentenced for this offence to rigorous imprisonment for ten years. The convictions under section 148 of the Indian Penal Code are confirmed; and their convictions under section 449 of the Indian Penal Code are altered into one under section 448 of that Code.
- (2) The convictions of appellant Jamuna Singh under sections 326 read with section 149 and 147 of the Indian Penal Code are confirmed and his sentence (of ten years' rigorous imprisonment under section 326 read with section 149 of that Code) is upheld. His conviction under section 449 of the Indian Penal Code is altered into one under section 448 of that Code.
- (3) The convictions of appellants Motilal, Bibhishan, Sardan Ho, Jeno Ho, Madan Nag, Samad and Mahabir Chaube under sections 147 and 326 read with section 149 of the Indian Penal Code are confirmed. Their convictions under section 449 of that Code is altered into one under section 448. Their sentences (of five years' rigorous imprisonment each under section 326 read with section 149 of the Indian Penal Code) are upheld.
- (4) The convictions and sentences of appellants Ramasre Upadhyaya, Surendra Sukla, Sirajuddin, Manuel David and Tajuddin under section 302 read with section 149 or section 144 of the Indian penal code are set aside.

(5) The charges against the rest of the appellants have not been proved beyond any reasonable doubt; they are entitled to benefit of the doubt; and they are, accordingly, acquitted of all the charges.

In the result, the appeals of the aforesaid thirteen appellants, namely, Ramasra Upadhyaya, Surendra Sukla, Manuel David, Sirajuddin, Jamun Singh, Motilal, Bibhisar, Sardar Ho, Jeno Ho, Madan Nag, Mahabir Chabe, Tejaddin and Samad, are dismissed, subject to the above modifications; and among them, those who are on bail shall now surrender to serve out their sentences. The appeals of the remaining appellants, namely, P. Majumdar, Nawab Khan, Gangaram Jha, Bisheshwar Sharma, Muneshwar Prasad, Bauri, Nauri, Gauri Sao, Prahlad Nonia and Nilandri are allowed; and their convictions and sentences are set aside. Appellant Nawab Khan be set at liberty forthwith. Appellants P. Mazumdar, Gangaram Jhan, Bisheshwar Sharma, Muneshwar Prasad, Bauri, Nauri, Gauri Sao, Prahlad Nonia and Nilandri shall be discharged from their bail bonds.

Sd., Ramratna Singh

H.K. Chaudhuri, J. -

I agree.

Sd. H.K. Chaudhuri

Patna High Court.

The 23rd December, 1960.

Typed by

Compared by

Sd./-  
(B.K. Sinha)

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True Copy,

Sd.

Deputy Registrar,  
Patna High Court.

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