

COMMENTS ON THE APPENDICES

Re: Appendix I in the Memorandum

Item No. (1)

The argument that withdrawal of prosecutions and remission of sentences has been done to benefit the Communists has been already exposed as untenable. Certain specific instances have been mentioned by the President of the K.P.C.C. to buttress up his broad charge. Let us examine them. The first one relates to some Communists having shouted slogans inside the Court at Chittoor and having been dispersed by force by the police; no violence is alleged but only the formation of an unlawful assembly. The case itself was four years old at the time of withdrawal—too old to be alive. No violence was involved nor moral turpitude. Shortly the original civil dispute which gave rise incidentally to the criminal case was settled in 1953 itself although the criminal case was dragging along. The reason of the delay in the trial is not seen to be the tactic of the accused but the difficulty in producing the witnesses in time before the court. "There has been no practice of disbursing witness-batta at all in the Travancore-Cochin area whether they be witnesses for the prosecution or for the defence. Without the witness-batta being paid, naturally no witness attends the court and if witnesses are to be arrested through non-bailable warrants and produced, there is every chance of their turning hostile and useless. I also understand that there is no practice of prosecuting any one for failure to comply with a summons". The District Collector's report explaining the delay in the disposal of the case is what is given above although the K.P.C.C. President thinks that the delay was on account of the tactic of the accused. The criminal case arose out of an agrarian agitation and a jatha in support thereof. Agitation was since settled as mentioned above. Thus one may sum up the facts as follows. An old case of 1953 involving no violence or moral turpitude and stemming out of an agrarian agitation where the delay itself was caused by

the system of not paying the witnesses their batta for attendance in court, was withdrawn with the leave of the court. On considering the facts and circumstances of the case, the Court granted permission and the case was withdrawn, pursuant to the general policy of the Government that cases which were pending and have sprung out of an agrarian agitation where the agrarian dispute has been settled could be withdrawn with the leave of the Court. The president of the K.P.C.C., knowing that his party had benefited considerably by similar withdrawal, has sought to pre-empt the issue by stating that one Raghavan, a prominent Communist leader, was also an accused. What if? The point is that on the merits of the case the Court itself has agreed to the withdrawal and the circumstances demonstrably confirmed the propriety of such withdrawal.

Item No. (2)

Another aspect relied upon is one arising out of a labour dispute in the Trivandrum district, although that important fact has been kept back in the unfair presentation of the case by the K.P.C.C. President. There was a dispute in the coir industry between employers and the employees and in the acute phase of the dispute when minimum wages were insisted upon by the workers and sought to be avoided by the employers, the former headed by the Secretary of the Union obstructed two canoes conveying retted husks. On the next day, there was also pelting of stones and alleged removal of the canoes to another retting pit. The facts alleged amounted normally to dacoity although the case itself did not involve any serious violence or other aggravating circumstances. When the struggle was on, the police felt that it was not proper to agree to bail and bail was opposed. Government had not instructed the police at this stage not to oppose the bail application. It is a false statement made by the K.P.C.C. President. During investigations the police felt that bail should be opposed. After the investigation was over and the charge sheet had been filed the police did not think it necessary to oppose the bail. It is not as if Government instructions were given to agree to bail or to oppose bail. Later on, the dispute itself was settled and peaceful trade relationship established in the industry. Therefore, on the recommendation of the Inspector-General of Police the case was withdrawn with the leave of the court. The Kerala High Court has clearly held that the restoration of harmony in an industry is sound ground for withdrawal of a case.

Item No. (3)

The facts of the case regarding the third instance cited in the Memorandum are that one C. K. Balan, a local Communist and another obstructed a man in the process of his taking delivery of a house property in execution of a civil court decree. They were arrested and obstruction was removed by the police. When the arrested persons were being removed to the police station by a bus, 11 others lay in front of the bus. Proceedings under section 107 Cr. P. C. were launched by the police against them all. When delivery of the property was later effected, the justification for proceedings under section 107 to prevent any possible breach of peace ceased to exist and they were accordingly ordered to be withdrawn. There was no withdrawal of any case here, as is sought to be represented in the Memorandum of the K.P.C.C. The preventive proceedings is different from a criminal prosecution and when the reason for apprehending the commission of an offence vanishes, the preventive proceedings is rightly dropped. That was what happened here. Section 107 proceedings were dropped since they became unnecessary in the light of subsequent events.

Item No. (4)

This item relied upon the Chowghat case. This case was directed to be withdrawn only with the leave of the court. The leave was not accorded and the case was therefore not withdrawn. But the reason for the order passed by the Government has already been explained earlier. The Andhra Pradesh Government in its G.O.Ms. No. 1095, dated 13-7-1957 and G.O. Ms. No. 1547 dated 28-9-1957 had passed an order directing withdrawal of all cases which arose out of election disputes and clashes. The same order was repeated by the Government of Kerala and for the same reasons of public interest. The Congressmen involved in such cases in Kerala had the benefit of that order. It was a general order passed and the Chowghat case also fell within its scope. If it was a good ground for the Andhra Pradesh, there is no reason to hold that it is a vicious order in Kerala. The order issued to all the Collectors in the State, based on the Andhra Pradesh G.O., is reproduced below so as to establish beyond doubt that no special or improper consideration weighed in the mind of the Government in this matter:

GOVERNMENT OF KERALA

Abstract

CRIMINAL JUSTICE — CRIMINAL CASES CONNECTED WITH
ELECTION — WITHDRAWAL — SANCTIONED.

CHIEF SECRETARIAT—(HOME-B) DEPARTMENT

G.O. Rt. No. 495 dated, Trivandurm, 25th February 1958.

ORDER

Government consider that cases which have arisen directly after election, such as minor clashes during the election or immediately after the election when triumphal processions were taken out, may be withdrawn. The District Collectors are informed that such cases may be withdrawn by them without reference to Government. Cases where the Collectors have a doubt regarding the desirability of withdrawal should be referred to Government.

By order of the Governor,
(Sd.) C. V.SUNDARAM,
Assistant Secretary.

Item No. (5)

The case arose out of labour dispute in a rubber factory and alleged dacoity centred round a sum of Rs. 30 or so. The case was one, which was pending on 5-4-1957 when withdrawal of cases pending on that date arising out of industrial or agrarian disputes were generally directed to be withdrawn. However, the court deemed it not fit to grant permission to withdraw the case and so it was not withdrawn. The accused were convicted and are apparently undergoing imprisonment. Nothing more has been done by the Government in this matter. There is nothing brought out to show that the Government took any special interest in this case on the score that the accused were communists. The order of withdrawal itself was based in a batch of cases which had been reported by the I.G. of Police as those arising out of industrial disputes which has been since settled. While the court allowed the other cases to be withdrawn, the judge who disposed of this particular case happened to reject the petition for withdrawal. It is impossible to spell out of this circumstance, gross partiality on the part of the government.

Item No. (6)

This item relates to a case which admittedly arose out of a dispute between the management of a motor service and certain of their employees. There was a strike and the incident arose in the course thereof. Three cases actually were pending having a reason consequent of this strike. The order passed by the government disposing of the petition for withdrawal of all these three cases speaks for itself. "The cases arose out of labour dispute. The labour dispute concerned has been settled and ordinarily it may therefore be proper to withdraw the cases so that a more cordial atmosphere may be created and the sense of bitterness may be rubbed off. In an important industry like transport, it would be very desirable to keep the relations between the workers and the management cordial. The public interest therefore would justify the withdrawal of the cases. But in regard to one case, viz., C.C. 1019/57, it is seen that a marriage party had been seriously inconvenienced. The accused or their union representative should naturally express regret for having caused that serious inconvenience. Provided this is done the withdrawal of the case may be sanctioned. The MLA who was making representations in regard to this matter, Shri Prakasam, agrees that the accused will express regret so far as marriage party was concerned and will produce in writing a statement to that effect. Apart from this, there is no particular violence seen to have been used nor injuries caused. I therefore direct withdrawal of the two cases C.C. 1019/57 of the First Class Magistrate's Court, Attingal, and P.E. 10/57 of the City First Class Magistrate's Court. The APP may be requested to specify the grounds for withdrawal as indicated above. C.C. 997 is now pending in appeal and therefore will not be withdrawn." Thus it is clear that in one case the withdrawal was refused, in another expression of regret was taken as a condition of withdrawal, and in the third sanction was accorded for withdrawal. This shows that all cases where communists were accused and where they had not secured withdrawal were indiscriminately withdrawn are totally incorrect. Indeed it may be pointed out that a large number of cases where communists, pro-communists or workers of unions applied for withdrawal of cases against them, have been rejected. Where there were very serious violence or particularly improper behaviour, requests for withdrawal have been turned down by the government. The charge of partisan exercise of withdrawal power cannot, therefore, be levelled against the Kerala Government.

Item No. (7)

Cottanad Labour case.—For an incident arising from a labour agitation in Cottanad Estate within the jurisdiction of Meppadi Police Station, a criminal case (No. 36/57) was registered by the Meppadi Police and the accused were convicted by the Sub. Magistrate, Vythiri and sentenced to pay a fine of Rs. 100 each. They preferred an appeal before the District Magistrate, Kozhikode. The appeal was dismissed by the District Magistrate and the lower court's order was upheld. The court was not moved, at any time for leave for withdrawal of the case. No orders were issued to *the magistrate* or could be, because in Kerala, there is separation of judiciary from the executive. Actually, no petition for withdrawal itself was filed, and the averment of the KPCC President that "the District Magistrate recognising the irregularity in the procedure which amounted to contempt of court, allowed the case to proceed and eased the situation by confirming the lower court decision" is an unfortunate and unwarranted reflection upon a judicial officer and in fact quite incorrect. Moreover it is understandable how the magistrate could help the government by confirming the sentence. It should have been the opposite.

Item No. (8)

This item is also a mechanical reproduction of what Dr. K. B. Menon raised in the Parliament. The facts of the case are that one Yakub and his brother Kochappu were assaulted by a group of 14 persons on 13-7-1957. The accused persons were celebrating the victory of a Communist candidate in the elections. In the course of this celebration, there arose a wordy quarrel between the two parties which ended in the assault. Following the decision of the Andhra Government announced by the Andhra Chief Minister in the Andhra Legislative Assembly on 9-11-1957, to withdraw all prosecutions launched in connection with offences arising out of the last General Elections, the State Government ordered withdrawal of the case on the ground that the incident in this particular case arose from the celebration of an election victory. It may be mentioned in parenthesis in this connection, that according to the statement of the Andhra Chief Minister in the Assembly as reported in the papers from Hyderabad under date 9-11-1957, there were 235 persons facing prosecution in Telengana District alone under this category. An extract of the minutes recorded by the Law Minister is reproduced below:

"May be withdrawn on the Andhra model as a fight arising out of election victory celebration."

From the above it is patent that the imputation against the Government is baseless.

Item No. (9)

This item is what K. B. Menon and Dhebarji had stated earlier. An effective reply had been given to Dhebarji. But it is curious to see the K.P.C.C. President repeating the charge! Even though vanquished, he would argue still. The facts relevant to the case are set out below:

(iii) *Vengacottah Estate assault case.*—This is a case that arose out of some labour trouble in Vengacottah Estate in October 1957 between two sections of workers belonging to A.I.T.U.C. and I.N.T.U.C. According to the police, the management of the estate issued a notice on 17-8-1957 that all the workers will be discharged from 25-9-1957 and each worker will be paid fifteen days wages ex-gratia in addition to the wages earned by them. Taking their dues on this basis, 34 workers left the estate before 25-9-1957 and the remaining 24 workers refused to act according to the notice. On 12-9-1957, the ownership of the estate changed hands; and work in the estate was resumed on 21-10-1957 with 40 labourers who were formerly working in the estate under contractors and 16 among the 24 who refused to obey the notice were also offered work. These 16 labourers refused the offer and on 21-10-1957, 4 leaders of the A.I.T.U.C. went to the estate and demanded work for all the 24 labourers and on 22-10-1957 when the men were mustered there were 32 workers of the contractors, and 24 old workers of the estate and some labourers of the neighbouring estate. The workers of the neighbouring estate obstructed the contract workers and sometime later, they were joined by 100 workers of the neighbouring estate; and they attacked the contract workers in the course of which 12 persons were injured. The accused were charged and convicted before the court. They preferred an appeal. By this time Government decided to remit the unexpired portion of the sentence and ordered withdrawal of the case. An extract from the note recorded by the Minister for Law indicating the reasons for withdrawing the case is reproduced below:

"The circumstances of this case are not very much in dispute. The case arose as a result of rivalry and bitterness between two groups of workers controlled by the A.I.T.U.C.

and I.N.T.U.C. respectively. It is also important to note that since the occurrence which took place in October 1957, no untoward incident reported to have strained relations. Not only that, the management does not seem to be above blame, and had been prosecuted by the Inspector of Plantation, Vythiri, several times for violation of the Plantation Laws. They have to their credit at least 3 convictions. This makes one feel that the story put forward by the accused that they had to launch a struggle against the misconduct of the Plantation management is not altogether baseless. The management apparently took advantage of the rivalry among labour. What prominently stands out is that the provocative behaviour of the management led to a fight between the two groups of labour organisation. Opposing political unions and the bitter relations became exacerbated by the activities of political parties, who took sides.

"However, when the case was pending I felt that it was not necessary to withdraw the cases, on the basis of the report of the police, so that the law may be vindicated. Now after protracted trial, the accused have been convicted. The circumstances set out above clearly warrant the remission of the sentences so that further bitterness may not be driven in between the parties of labour or between the management and labour. The sentences will be remitted in C.C. 296|57—F.C.M. Kozhikode. However, the D.S.H. (Deputy Secretary, Home) will verify the No. of the case before issuing remission order".

An application for withdrawal made earlier had been rejected. That proves that the government was not indiscriminately agreeing to withdrawal, simply because pro-communist workers applied therefor.

Appendix II, III and IV have been dealt with in the reply.

Item (1)

This relates to Crime No. 10|58 under sections 323, 324, and 302 I.P.C. of Kozhinjampara Police Station. The facts are as follows:

On 16-2-1958 at about 7.30 p.m. one Kariappa Gounder of Kulukkan Para, Eruthampathi Village, Kozhinjampara Station limits, and his farm servant Harijan Kandan were way-laid while returning home from the fields by one Ponnann, Krishnan and Aru and assaulted with choppers, knives and vel sticks as a result of which Kariappa Gounder died and Kandan received injuries. The deceased, aged about 65 is the maternal uncle of one Ganapathy Gounden, son of Pachayyappan Gounden and he is managing the affairs of Ganapathy Gounden after the death of Pachayyappa Gounden. In connection with the harvest of paddy crops in the fields of Ganapathy Gounden, there exists a dispute between the cultivator and his farm labourers with regard to the payment of *pathambu* wages. Out of the 20 labourers who were denied work, nine persons found employment elsewhere, and the remaining 11 persons were agitating for increased *pathambu* wages. Accused Krishnan and Aru (A2 and A3) are permanent labourers of Ganapathy Gounden and they belong to the agitating group. A. J. Ponnann is a member of the action committee which is collecting donations in aid of the agitators. All the three accused surrendered themselves at the Police Station with weapons, and were arrested. It is ascertained that the Kisan Sabha Organisation had nothing to do with the dispute.

Item (2)

This is a case relating to a trade dispute between the agricultural labourers and Shri Sankaran of Thathamangalam regarding the non-payment of minimum wages by the latter. The Kisan Sabha which is an organisation of the peasants was not involved in the dispute as it was a labour dispute in which the agricultural labourers only were concerned. The charge of 'Communist Karshaka Sangham' instigation behind the dispute is not true and is too flimsy to be put forward.

Re: Appendix VI

ACTS VIOLENCE AGAINST EMPLOYERS AND ALSO EMPLOYEES
BELONGING TO NON-COMMUNIST UNIONS

Item (1)

Attack on the Manager, Bombay Co., Alleppey.—On 30-5-1957 the labourers of the Bombay Co., Alleppey, demanded an advance of Rs. 15 from the management. The Manager refused to concede the request. The labourers thereupon assembled in front of the Manager's room and squatted there from 1 p.m. At about 6 p.m. the Conciliation Officer of the Coir Factory Workers' Union intervened and the workers dispersed peacefully. The matter was not reported to the police.

Item (2)

Attack on the owner, Vijaya Industries.—The owner of the Vijaya Industries, Trichur, discharged some of his workers and they started satyagraha at the factory on 13-7-1957. Thereupon the owner put up a notice that the factory would be closed down from 1-8-1957 and accordingly it was closed. The owner's quarters were in the factory premises. The owner removed the furniture to his godown in the Industrial Estate, Ollur. On this a section of the workers started satyagraha at the Industrial Estate on 6-8-1957. The allegation that the police when approached expressed inability to interfere is not correct.

Item (3)

Attack on Manager, Punalur Paper Mills. 29-8-1957.—About 300 labourers of the Punalur Paper Mills squatted inside the office premises and the office verandah on 29-8-1957 preventing the Manager and staff from going out. They, however, dispersed on the intervention of Shri N. Rajagopalan Nair, M.L.A. (Communist). There was no incident.

Item (4)

Attack on the Superintendent, Chenkara Estate on 7-2-1958.—Chenkara is a tea estate about 8 miles from Vandiperiyar. There are about 750 labourers working in the Estate. Both the I.N.T.U.C. and the Communists have their hold on the labourers and each group claims superiority in numerical strength over the other group. The Management is supplying rice to the labourers through a contractor entrusted with such

supply, according to a scheduled rate. A difference of opinion arose between the management and the labourers about the supply of rice. The labourers demanded the immediate removal of the contractor, since the rice supplied by him was of inferior quality. The management was not prepared to accept the demand, since the contractual period had not expired. Thereupon, some of the labourers headed by the local Communist leaders, began the agitation, which reached its climax on 7-2-1958, when they confined the Estate Superintendent and prohibited him from proceeding further to his bungalow unless he yielded to their demands. Later on, the Labour Department intervened in the matter and an amicable settlement was arrived at between the parties.

For wrongful confinement of the Estate Superintendent, the Vandiperiyar police registered a case Crime No. 13 of 58 and the accused were prosecuted. The case has since been withdrawn.

Item (5)

Attack on the labourers of Hondassala Estate 9-6-1957.—The Police have no information about this incident.

Item (6)

Attack on workers of Chenkara Estate on 11-6-1957.—On 11-6-1957 about 30 Communist labourers led by one Sukumaran Nair, assaulted T. R. Gopalan, General Secretary of the I.N.T.U.C., Puthakulam, and Nanoo, a tapper of Kumbazha Estate, as a retaliation for the assault on two Communist labourers on 8-6-1957. Cr. No. 55/57 under Section 148, 149, 384 I.P.C. was registered by the Pathanamthitta police and charged before the S.D.M. Court, Pathanamthitta.

Item (7)

In furtherance of the agitation at the Mahalingam Tile Works, Trichur, a clash ensued on 26-6-1957 between the loyal workers and the pickets at which 7 loyal workers including 2 women sustained minor injuries. On getting information, the local police reached the spot and prevented further troubles: Finding it impossible to continue the work, the management locked out the factory on 29-6-1957.

Item (8)

Information not available.

Item (9)

Attack on R.S.P. worker in Skinnerpuram Estate, Adoor.—The allegation is true. Nine Communist Party workers assaulted one R.S.P. worker on the ground that he and 5 others resigned from the Estate Workers' Union (Communist) Kun-nathur and joined an R.S.P. controlled union. Action has been taken.

Item (10)

House trespass and assault in Thalayolaparambu (Kottayam District).—It is true that one Harijan by name Kunju Kunju was assaulted on 28-2-1958 following a labour dispute. The said Kunju Kunju is a Kudikidappukaran of one Joseph. There was a labour dispute in the paddy fields of Joseph and Kunju Kunju sided with Joseph. This provoked the other party who assaulted him. This had nothing to do with political affiliations. The allegation of trespass into house and assaulting their members etc., are unfounded.

Item (11)

Violence in Merchiston Estate, Kallar.—It is true that the Communists created some trouble at the Merchiston Estate, Kallar, with a view to win over labourers from the P.S.P. Union. On 3-10-1957, 2 police constables of the Vidura Police Station were on beat duty and they came across one Andy Asari who has been belaboured by the Communist labourers. The police constables were intimidated and they had to leave the spot. The police took up the case against the offenders and they have been charge-sheeted.

Re: Appendix VII

ACTS OF VIOLENCE AGAINST MEMBERS OF OPPOSITION PARTIES

Item (1)

Following the strained feelings between two rival labour unions in the Alagappa Textiles, Trichur District, one Iyyunni, one of the workers in the Textiles and also the local PSP Secretary was murdered and his brother Devassy seriously injured by some of the members of the Textile Workers Union (CPI) on the night of 21-12-1957. Paramu, one of the accused, was murdered later by one Palakkandan Raman. The Alagappa

Nagar Police have proceeded against the offenders in both cases.

Item (2)

Mattancherry Incident.—The Mattancherry Municipality has a strength of 32 Councillors of whom 19 are Independent, 2 Communists, 9 Congress, 1 P.S.P. and 1 R.S.P. On 10-1-1958 there was a meeting at the Municipal Office to adopt a no-confidence motion against the Commissioner. Since no single party would command a 2/3 majority to carry the no-confidence motion the Congress group led by the Chairman tried to win the alliance of disinterested members. The Communists who were opposed to the adoption of the motion decided either to win over or prevent the attendance of the Councillors at the meeting. At about 5 p.m. when six Councillors were entering the Municipal Office they were stopped by the Communists and one Councillor received a stab injury. But the member so stabbed sustained only a minor injury. Subsequently he also attended the meeting, and the no-confidence motion was carried. The offenders were prosecuted.

Item (3)

Attack on Krishna Pillai.—The statement that Krishna Pillai was brutally attacked by Communists is misleading. The facts are as follows:

Krishna Pillai and eleven other P.S.P. workers formed themselves into an unlawful assembly armed with deadly weapons and waylaid and attacked one Balaraman Unnithan and five other (Communists) which resulted in a clash between the two parties resulting in the death of two Communists and injury to Krishna Pillai and others. Two cases have been registered by the police and both are pending in the Sub-Divisional Magistrate's Court, Chengannur.

Item (4)

Attack on P. R. Francis and Sri C. G. Janardhanan etc.—On 11-6-1958 a jatha (300) led by Shri C. G. Janardhanan and P. R. Francis went round Kurumady, Trichur, and later held a meeting at the place. The same day, tile factory workers under P. S. Namboodiri (Communists) also conducted a jatha and held a meeting at Puthukad. After the meeting of the Congress Party, P. R. Francis, C. G. Janardhanan and 40 others, who were returning to Olloor near Trichur, were attacked by the members of the Communist Party at Manaly Bridge

resulting in injuries to 3 persons. On hearing about this incident the followers of Sri Janardhanan attacked one Atchuthan Ezhuthassan (Communist) and 3 others at Puthukad, causing injuries to 2 persons. Three cases were registered by the police and accused charge-sheeted.

Item (5)

Attack on K. R. Sankaran.—No complaint of such an incident has been made to the police. No private complaint has been made to a magistrate also. Local enquiries by the police show that such an incident did not occur at all.

Item (6)

Assault on Mullavayal Baby and others at Adoor.—This incident could not be identified with any case registered by the police.

Item (7)

Attack on Sukumaran Pottakkad and Balakrishna Menon.—The allegation of assault is true. The offenders have been prosecuted in Crime No. 39/58 of Anthikad Station.

Item (8)

This relates to Cr. No. 125/58 of Alleppey North Police Station under Section 302 I.P.C. The facts of the case are as given under.

The deceased Varghis and accused Joseph are neighbours. There was a talk in the locality that the accused and the deceased's wife were having illicit connection. The deceased knew about this and on 28-6-1958 when the deceased and the accused happened to meet at Kanjiramchira and the deceased took up a wordy altercation with the accused. They caught hold of each other and the deceased took out a dagger and stabbed the accused many a time and finally the accused wrested out the dagger from the hand of the deceased and stabbed the deceased on his left side. Both of them fell down and died on the spot. Augustine Varghis was taken to the hospital by the informant. Varghis was already dead. S. I. Alleppey North who was in the hospital recording the statement of the informant in Cr. 124/58 recorded the statement of the informant and after making arrangements for the keeping of the dead-body returned to the Station and registered this case.

The accused in this case is the deceased in Cr. 124/58. Hence the investigation of this case is closed and the C.I. is directed to send up final report.

Item (9)

Raid on meeting of Irikoor.—The facts are that on 23-7-58 a public meeting was held at Kambil to protest against the alleged assault of one Congress worker by name Raghavan. Some local Communists created disturbance at the meeting by hooting and the meeting had to be abandoned. The allegation that Asan and Raghavan were attacked is understood to be highly exaggerated.

Item (10)

Attack on Kuriyan.—No such incident is reported to the police.

Re: Appendix VIII

On 24-7-1958 Kuriyappu, a communist was assaulted by one Chakkeri Antony and 29 Congressmen of Varandarapally (Cr. No. 104/58 of Puthukad Station). To protest against this assault and also to explain the policy of the Communist Party regarding the student agitation to the public, about 200 persons, mostly labourers of the Plapally Rubber Estate, went in a procession on 26-7-1958 to Varandarapally. The intention of the procession was to proceed to Pallikunnam, and then to return to the Communist Party office at the Varandarapally bazar and to hold a public meeting there. Getting information of this demonstration, the Congress and P.S.P. sympathisers decided to resist the procession and gathered at Varandarapally. Anticipating a clash, the shops in the bazar were closed. The offices of the Congress and the Communist Party are situated close to each other. The Communist procession reached Varandarapally at about 5 p.m. and while nearing the Communist Party office they saw the Congress and P.S.P. men blocking the road in front of their office. The members of the procession turned back; at the same time, members of the opposite group hooted and started shouting obscene words. Then one member of the procession threw a stone at the opposite group. This was returned by a shower of stones from the other side. A free fight then ensued between the rival groups, resulting in fatal injuries to 5 non-Communists and serious injuries to 6 non-Communists and to two Communists. Of the seriously injured non-Communists one died later on. Cases were registered and charge-sheeted against all the offenders. (Cr. Nos. 105 and 106/58 of Puthukad Station.)

Clashes at Karachira—The incident at Karanchira that Communist sympathisers beat up Simon and other inmates of the house as a result of friction caused by the student's agitation is substantially true. The police have charge-sheeted the accused. (Cr. No. 72|58 of Irinjalakuda Police Station.)

Item 3.—Particulars are not readily available; they are being collected.

Item 4.—*Clash at Kandassankadavu.*—Some members of a communist-led jatha trespassed into the shop of one Govindan Krishnan, damaged the glass panes and showcases, assaulted the shop-keeper and stabbed two others. The police have charge-sheeted the assailants.

Item 5.—On 22-7-1958 a quarrel ensued at Chemmappilly Convent High School, Peringottukara, between the guardians of two groups (Congress and Communists) as a result of which the Congress assaulted one Aravindan and Velayudhan (Communists) and stabbed with knife. Hearing this, the Communists from the neighbourhood flocked together and came to attack the assailants. When the Communists came to the assailants, the Congress group ran to the house of one Ouseph nearby. The crowd then surrounded the house of Ouseph. They then entered the house, broke the furniture, photographs, clock, etc., and beat the rescuers, 7 in number, with sticks and caused injuries to them. Six of them were admitted into the hospital. *The injuries were all of simple nature.*

For the assault on the Communists, Cr. 36|58 was registered by the Anthikad Police for offences under Section 323, 324 and 35 I.P.C. and for the house trespass of Ouseph and assault of the Congressmen, Cr. 35|58 under Sections 147, 148, 149, 452, 324 and 426 I.P.C. was also registered. Four Congressmen and 7 Communists were arrested and they were released on bail. Case is proceeding.

Item 6.—On 17-8-58, the Congress and the P.S.P. had arranged to hold a public meeting in a *poramboke* at Kattapuram, near Koratty in Chalakudy Police Station limits. The meeting was scheduled to commence at about 6 p.m. At about 5 p.m. Jose, s/o Devassy of Kattapuram, who was to preside over the meeting, dug a hole near the eastern fence of the compound of one Thadyangattil Eachira (a lady) to install the sound amplifier. Eachira objected to the installation of the sound amplifier near her fence and consequently a quarrel ensued between her and Joseph. Hearing the hubbub, Kizhakkumkara Kuttappan, his brother Vava, Kizhakkumkara

Konnankutty and Thandakkattil Krishnan, Communists, who were playing cards in the adjacent reading room, came to the place and asked Joseph to remove the sound amplifier as demanded by Eachira. On his refusal, the Communists are alleged to have assaulted him. The onlookers interfered and pacified them and they eventually dispersed. The public meeting went on peacefully from 6.15 p.m. to 8 p.m. At the end of the meeting, Joseph, the President, is reported to have sounded a warning to the audience to return home in batches, lest the local Communists should assault them. Accordingly, the participants at the meeting went home in batches. One Vadukkumbadan Augusty, who had his house about 3 furlongs away from the venue of the meeting and just north of the house of Kizhakkumkara Kuttappan, was escorted to his house by Meledath Ittoop, Vadakkumbadan Varghese, K. P. David, U. P. Ittikuru, Vhamakkala Lonappan and C. D. Joseph. The party took a circuitous route, avoiding the house of Kuttappan, left Augusty in his house and came in front of the house of Kizhakkumkara Kuttappan along the Panchayat lane. Then about 12 Communists led by the aforesaid Kuttappan, Konnankutty, Krishnan and others are alleged to have jumped out of the house of one Kunhayappan (this house is situated opposite the house of Kuttappan) with daggers, choppers and other lethal weapons. It is alleged that Konnankutty cut K. P. David with a chopper on his abdomen, Krishnan cut Varghese with chopper on left on back, Kizhakkumkara Kuttappan cut Lonappan with a chopper on left fore-arm, Kizhakkumkara Vava cut Ittukuru with a chopper on his face, Thandakkattil Kuttappan stabbed Ittoop on left side of back with a dagger and Konan Velayudhan hit Joseph with a stick on his right shoulder. The 6 injured were taken immediately to Chalakudy hospital by their friends and got admitted there by about 10 p.m.

The C.I. of Police, Chalakudy, proceeded to the hospital at 10.15 p.m. and sent a requisition to the First Class Magistrate, Chalakudy, to record the dying declaration of injured David, as his condition was serious. The Magistrate came to the hospital at 10.35 p.m. and recorded the declaration of David. The C.I. of Police recorded the statement of injured Joseph and registered Cr. No. 88|58, Section 143, 147, 148, 149 and 326 I.P.C. As the condition of David, who had sustained an abdominal injury and that of Ittikuru, who had been cut on his face, was serious, they were removed to the Government hospital, Trichur, for treatment. Among the 12 accused named

by the complainant, 4 (Kizhakkumkara Kuttappa, Vava, Narayanan and Kunhayyappan) were arrested at 5 p.m. on 18-8-1958 and 1 (Velayudhan) on 19-8-1958.

A different version is narrated by the accused and their supporters in regard to the incident. They say that Joseph, Ittikuru, David, Lonappan and other members of the Congress and P.S.P. came searching for Kizhakkumkara Kuttappan who had quarrelled with Joseph earlier in the evening. It was further alleged that they were armed with sticks, choppers and daggers and on reaching the house of Kunhayyappan, they demanded the surrender of Kuttappan. They trespassed into the house of Kunhayyappan, broke the tiles and utensils and assaulted Kuttappan, Konankutty, Manikutty and Krishnan, inflicting injuries on them. On the complaint of Konankutty, a counter-case was registered in Cr. No. 89/58 under sections 143, 144, 149, 488, 426 and 324 I.P.C. The injuries on these persons, mostly abrasions and contusions, are not serious.

David, who is reported to be a member of the P.S.P. succumbed to his injuries at the Trichur hospital on 19-8-1958 at 5 p.m. Section 302 I.P.C. was added to Cr. No. 88/58 and inquest was held over the deceased this morning.

Appendix IX has been dealt within the body of the reply.