

स्पैक्ट्रम Spectrum

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Building Visibility



Ensuring Transparency

Editorial

Spectrum returns after a year-long break, in time for a new season in a new year.

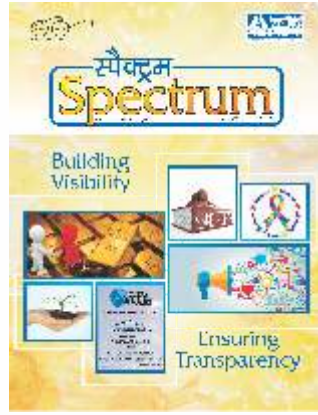
The publication had to take a break due to certain unfortunate circumstances beyond our control. We apologize for the delay in bringing it back, and are elated with the number of concerned and impatient queries we received in the meantime from readers awaiting the next issue. To be able to bring out this issue, however, we had to curtail the vast amount of material we had received to only those news and events that were not too dated and a fair amount of general writing that reflected the authorship quality of the writers. We regret the exclusion of some articles but convey our appreciation to all the contributors for their efforts towards making Spectrum possible and successful.

During the past year, there have been a number of newsworthy developments in the organization, though these cannot be adequately summed up in a few lines. MMTC has won awards, participated in trade expos, made profits, had a resoundingly successful edition of Festival of Gold, and made headway in its other businesses. Renewed emphasis has been laid on good customer relation practices, considering the importance of CRM in a competitive business environment.

Towards this end, we have adopted a social media outreach plan through which MMTC's presence has been established on several platforms like Facebook and Twitter. The aim is to promote the Company and its businesses on new media platforms by building awareness, improving visibility and reinforcing the positive image of the MMTC brand. The initiative fits in with our transparency objectives and the objectives of a Digital India.

This issue of Spectrum brings you news of all these and more, alongside our regular sections on CO News, RO News, General Features, Superannuations, etc. We earnestly solicit your continued support in making your in-house magazine Spectrum a worthy read and ongoing success!

Write to us ccd@mmtclimited.com



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Disclaimer

The views expressed by the subscribers of various articles in this magazine are their individual views and the editorial team or the organization does not hold responsibility nor endorse the views expressed.



PARTICIPATION IN VIBRANT GUJARAT SHOW, 2017

The 8th edition of Vibrant Gujarat Global Summit was organized at Gandhi nagar from 10th to 13th January, 2017 by the Government of Gujarat. The central focus of the 8th edition of the Vibrant Gujarat Global Summit was "Sustainable Economic and Social Development". The Summit brought together Heads of States and Governments, Ministers, Leaders of the Corporate World; Senior Policy Makers, Heads of International Institutions and Academia from around the world to further the cause of development and promote cooperation.

The Global Trade Show at Gandhi nagar was inaugurated by

Hon'ble Prime Minister on 9th January, 2017. Hon'ble Prime Minister also took a round in the Hall No.12 where MMTC stall was located. On the same day, Prime Minister also inaugurated Noble Prize Series Exhibition at Science City, Ahmedabad.

The partner countries in the Global Trade Show were Australia, Canada, Denmark, France, Japan, The Netherlands, Poland, Singapore, Sweden, UAE, UK and USA. Various State Governments had also participated by way of exhibiting their products in the stalls.

Various B2B meetings and seminars were organized in the Summit thus providing business opportunities in

various fields.

MMTC also participated in the Trade Show at Gandhi nagar. A stall measuring 120 sq. mtrs was allotted to MMTC in Hall No.12 wherein MMTC's various business activities were highlighted through banners/posters. MMTC showcased Indian Gold Coin of various denominations along with Sanchi Silverware. A small replica of MMTC's Kandla Project was also placed in the Stall. CMD, MMTC, Shri Ved Prakash; Director(Marketing), Shri Ashwani Sondhi along with other senior officers from MMTC, New Delhi and Local Officers from MMTC, Ahmedabad office were present in the Stall and answered the queries. Various visitors showed special interest in Indian Gold Coin. Business interest was also expressed by the visitors in Sanchi silverware and also in the Kandla Project. Business interest was also received in Agro products.

V.P. Mehta
General Manger





MMTC Participates in VCCI Global Trade Show

MMTC participated in the 10th Vibrant VCCI Global Trade Show held at Vadodara in Gujarat from 1st to 5th of December 2016.

The trade show, supported by the Industries Commissionerate and National Small Industries Corporation, was held at the expansive Navlakhi Grounds. Gujarat Chief Minister Shri Vijay Rupani inaugurated the event in presence of Shri Haribhai Chaudhary, Minister of State for Micro, Small and Medium Enterprises, and Shri Rajendra Trivedi, Minister of State for Sports and Youth Affairs. The consulates of seven countries including United States, Indonesia, Rwanda, Turkey, and Canada participated alongside Indian exhibitors. During four days of the event, MMTC fielded both business and customer queries, met prospective business associates, spread awareness about its operations, and also made sales in Indian Gold Coin, MMTC medallions, and Sanchi Silverware. A number of queries were received about IGC and MMTC's NFM business, coal and agro products; from individual customers,

small businesses, regional vendors, as well as bigger organizations like the Indian Air Force, NSIC, etc.

On the third day of the event, one of the sessions at the Trade Show was chaired by MMTC's CMD Shri Ved Prakash as the guest speaker. Held in the International Pavilion, the session was meant for business participants and was interactive in nature. CMD spoke about MMTC's operations, took questions on various business aspects from the FTWZ at Kandla to diamond trade with Russia, initiated dialogue on prospective business alliances, and briefly mentioned the Indian Gold Coin as a focus of consumer interest.

On both B2B and B2C fronts, the VCCI Global Trade Show and MMTC's participation in it was quite successful. Although there wasn't much awareness about MMTC or the Indian Gold Coin in Vadodara as compared to tier-1 cities and places where the Company has its offices and operations, a good degree of response and innumerable enquiries were received during the expo. Being an industry-rich city, Vadodara provided a prime environment



for fruition of MMTC's agenda of reaching out to its existing and prospective clientele across the country, and participation in the VCCI trade show was a soundstep in this direction.

Somdutta Sarkar
 Manager (CC)

MMTC'S INITIATIVE TO ENABLE THE DISABLED



What is Autism - the most frequently asked question.

AUTISM is a neurological condition, a developmental disorder that typically occurs in the first three years of life. Autism manifests as differences in communication, social interaction, imagination, in 'sensing' the world, and many people with autism have unusual behaviors and atypical ways of relating to people, objects and events in the environment. As a result they are often mistakenly thought to be 'disobedient' or 'badly behaved'. Autism is known as a 'spectrum disorder,' because the severity of symptoms can range from a mild learning and social disability to more complex needs with multiple difficulties and often very unusual behavior. Autism results in qualitative impairments. What this means is that in a person with autism, skills are present but do not develop age appropriately. Therefore different skills develop at a different pace in different people with autism. Another characteristic and perhaps the most confusing feature of autism is an uneven skill development. If a neuro-typical child were at the biological age of 4 years, his overall development would be that of a 4-year

child. In autism however, a 4-year child, may have speech development like that of a 2-year, gross motor skills developed like an 8-year, fine motor skills of a 6-year, and self-help skills of a 3-year child. So a person may be able to do basic arithmetic but not speak; or may know the alphabet, numbers and nursery rhymes, but may not be able to ask for or tell his/her needs or desires. Because of all these characteristics, no two people on the autistic spectrum, look or behave the same. However, each person has his or her own strengths and limitations and like all individuals, each person with autism has a unique personality and combination of characteristics.

While the disorder is not rare, a multitude of people with autism in India have not been diagnosed and -- more



critically -- do not receive the services they need. In India there is a tremendous lack of awareness and misunderstanding about autism among the medical professionals, who either misdiagnose or under diagnose the condition. Fortunately, the process of obtaining a diagnosis of autism in India is improving in the major cities, as more pediatricians become aware of the condition. As more children are diagnosed as autistic and more awareness of the disorder spreads, there will be a demand for services. Schools will be forced to educate themselves if they find that more of the population they serve is autistic. Currently there are not enough services to meet the needs of mentally retarded children and adults in India, let alone those who are autistic. With an understanding teacher or possibly an aide, a more able autistic child can function very well in a regular school, and learn valuable social skills from his peers.

MMTC's Partnership with Action for Autism

ACTION FOR AUTISM (AFA) is a not for profit organization that pioneered the autism movement in South Asia



and strives to access the rights of individuals with autism and their families. AFA is involved in lifespan activities including early intervention, education, assessments, work and employment, independent living, as well as awareness, advocacy and research. AFA partners with organizations nationally and internationally to make the world a more inclusive place for individuals with Autism Spectrum Disorders.

AFA is known for being a pioneer in developing appropriate services for people with autism in India. Individualized education and training is

the best way to empower individuals with Autism Spectrum Disorders.

AFA supports adults with autism to maximize their potential so as to enable them to lead meaningful and dignified lives. Most persons with Autism require lifelong support. With extended family systems in India increasingly disappearing, society provides no viable alternative support mechanisms for these persons with Autism when the parents are no more. No specialist residences or homes are currently available in India. Group Homes providing a structured environment and predictable routines is internationally identified as the most suitable for adults with autism.

The Law

Autism is not recognized as a separate form of disability in Persons with Disabilities (Equal Opportunities,



Protection of Rights and Full Participation Act, 1995), the primary piece of legislation that decrees the rights of and benefits for persons with disabilities in India. However, advocacy movements, spearheaded primarily by Action for Autism succeeded in the inclusion of autism in the National Trust Bill - 'National Trust for Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act 1999', the first ever legislation to be passed in India that recognized autism as a distinct condition of its own. Persons with autism can receive certain benefits under this act. If people with autism are to have an opportunity to reach their maximum potential and have dignified futures, the community of parents, siblings, other relatives, and professionals will have to continue to work together as a team and advocate for the rights of this often marginalized and vulnerable sector.



Project Ananda

To meet the above challenge AFA has launched a project **"ANANDA: Supported Living For People with Autism"**, a residence cum rehabilitation complex for persons with Autism, the first of its kind providing the best practices from across the globe and modified to suit local conditions. This model residence complex will serve as a model for group homes to come up throughout India in the future. The project also involves setting up work and employment options for adults at ANANDA. The latter includes work options at a small inclusive school where children of all abilities will learn and grow together.

ANANDA hopes to knit together youngsters with special needs with the local community, through shared work and recreational spaces. ANANDA will provide services for the residents as well as opportunities for the local community, through...

- Model Group Homes
- Eco-friendly environment & infrastructure
- Sheltered vocational workplaces and work opportunities
- Vegetable and herb farming
- Health and sports facilities
- Leisure and recreational areas
- Kitchen and cafeteria facilities
- Therapeutic services
- Medical centre
- Inclusive school

All of the above will provide income-earning and work opportunities for residents

MMTC has supported AFA with financial assistance for building of a Bakery Unit. This structured activity will aim to improve the quality of life for the autistic persons by creating work and employment options for them.

MMTC's intentions are to increase community participation by assisting the autistic persons to:

- develop baking skills
- develop social networks
- participate in community activities
- develop confidence
- accomplish personal goals and
- earn a livelihood

Mrs. Sonia Gandhi had laid the foundation stone for ANANDA on 8 March 2013. The Chief Minister Haryana, Shri Bhupinder Singh Hooda and the Union Minister of Commerce and Industry, Shri Anand Sharma were also present at the foundation stone laying ceremony. MMTC was a witness to this event and took pride in its partnership with AFA. There was a plan and a purpose, to add value to every life, no matter what its disability was.

The goal of MMTC's partnership with AFA was positive and constructive as it aimed to strengthen and protect the vulnerable in a highly competitive world.

MMTC wishes to continue to Enable the Disabled, Transform their Disability into Ability and their Capability, into a winning Opportunity.

Venita Solomon
Manager (P)





Signing of Agreement b/w FACT Joint GM Ms. Ambika I. S. and MMTC SRO I/C Shri R.K. Arvind, accompanied by Mr. M. R. Guruprasad, Manager and Mr. N. Rajaram, Sr Mgr (F&A)

Supply of RLNG to FACT

SRO Kochi, in close association with Fertilizer Division at CO, entered into an agreement last year for the purchase of Re-gasified LNG (RLNG) from GAIL (India) Limited, a Govt. of India Undertaking, for effecting supply on back to back basis to The Fertilisers And Chemicals Travancore Ltd (FACT), a Govt. of India Enterprise under the Ministry of Chemicals and Fertilizers. Under the above agreement, RLNG started flowing to FACT from February 10, 2015 onwards under Comfort Letter route, with an expected sale turnover of about Rs. 180 crore and a trade margin at 1.5%. FACT has been the only state owned

Fertilizer Company in Kerala and their Ammonia Plant had been remaining idle for the past 11 months when the company approached MMTC for supply of RLNG expeditiously to resume their plant operations. Fertilizer Division at CO, by facilitating servicing of RLNG requirement of M/s FACT on a war footing basis, has not only earned immense goodwill of the Fertilizer Company but also did a yeoman service to the entire Kerala State as thousands of people either directly or indirectly are dependent on Ammonia Plant Operations and the fact that the plant has been remaining idle had caused a lot of anxiety to the

local people.

Day-to-day developments on supply of RLNG by our company were finding prominent place in local newspapers and created awareness amongst the local public about our company's profile and activities. FACT has also shown inclination to enter into a long term contract with us for supply of various fertilizers and industrial raw materials.

M. R. Guru Prasad
Manager

Bullion Customer Meet at RO Kolkata

With a view to improve the turnover and regain market share of MMTC, during the Review Meeting of ROs last year, all ROs were advised to organize Bullion Customer Meets to get customers' valued feedback to understand their concerns improve overall business, know the competitors activities, etc. Accordingly RO Kolkata had organized a Bullion Customer Meet at their Conference Room on 9th July 2015. The bullion meet was well attended by prominent jewellers and bullion traders. Shri A. Majumdar, then CGM and Shri A Kapoor, GM from then CO participated in the meet. Shri J Kishan, then CGM, RO Kolkata welcomed all participants. CGM in his welcome address introduced all the participants and briefed the agenda for

discussions and requested all participants to express their views.

Shri Ashwini Kapoor gave overall view on the Company policies, MMTC retail gold sales, annual gold exhibitions, prevailing bullion market scenario, gold monetization scheme etc.

Shri A. Majumdar while addressing the meeting briefed about MMTC's gold policies and issues on various policy matters.

The bullion customers on their part wanted MMTC to take up with the Government of India for reduction of customs duty so as to arrest the illegal flow of gold in West Bengal due to porous borders with neighbouring countries. They also advised MMTC to offer competitive premiums and trade

margins, bank charges at par with competitors, etc. They hoped that the issues raised by them during the course of meeting would be addressed suitably. The customers expressed satisfaction and applauded MMTC for organizing the bullion meet and assured full support and co-operation from their side.

The meeting ended with vote of thanks by Shri Subrata Saha, thanking all the participants for attending the meeting and freely expressing their views and making it a success.

S V Kalve
AGM



Ambedkar Jayanti Observance at RO Hyderabad

The 125th birth anniversary of Dr. B.R. Ambedkar was celebrated by the MMTC SC/ST Welfare Association, RO Hyderabad for the period from 14th April 2016 to 27th April 2016. During this time various programmes were organized, including an elocution competition, which attracted good response and included the following as topics:-

- Success story in Dr. Ambedkar's Life - Dr. Baba Saheb, the guiding star for Indians.
- Dr. Baba Saheb's principles and Buddhism.
- Dr. B.R. Ambedkar's contribution in framing the Indian Constitution.

The valedictory function was graced by Dr. Manisha Bangar, Gastroenterologist and Hepatologist by profession and also National Vice President of BAMCEF. She tours all over the country creating social awareness and had recently represented India as one of the speakers at UNO for the celebration of Dr. Baba Saheb Ambedkar Jayanthi, where she spoke on "**Combating inequalities for sustained development**".

The function commenced with garlanding of the portrait of Dr. Baba Saheb Ambedkar by the Chief Guest along with Shri. T. S. Rao, General Manager, Shri. C.M. Purty, Addl. General Manager, President MMTC ST/ST Welfare Association Shri. P. Venkata Rao, Manager, General Secretary, MMTC SC/ST Welfare Association and other senior officers. The winners of the elocution competition were awarded and the prizes were distributed by the Chief Guest. Addressing on this occasion, she enlightened us about the contributions of Dr. Baba Saheb in framing the Constitution. She also spoke about the multifaceted personality and notable works of Dr. Baba Saheb. All at the gathering were impressed by the address and the function concluded with a vote of thanks. All that started well also ended well.

S. Rahim Basha
Dy. Manager (Vig.)

Public Sector Week at RO Hyderabad

As per instructions received from Corporate Office, Public Sector Week was observed by RO Hyderabad in the month of April 2016. An essay writing competition and an elocution competition were held as per the topics suggested by CO. Employees participated actively in the competitions and Deputy Managers Shri A. Kranti Kumar and Shri S. Rahim Basha and Managers Shri M.S. Gopinath and Shri Bijay Sharma won prizes.

The valedictory session was presided over by Shri T. Srinivasa Rao, General Manager. Addressing the employees on this occasion, he stressed on the contributions and achievements of the Public Sector and how they are contributing to the national economy. He also highlighted about the day- to -day challenges faced by the Public Sector, and advised that everyone should work hard and get new business to face the challenges for the growth and development of the company. Shri C.M. Purty, AGM (IA) and Shri Dhananjay Wasnik, AGM (P&A) also shared their valuable thoughts about the present scenario in the Public Sector.

All employees at RO Hyderabad enthusiastically participated in the Public Sector Week and made it a grand success

S. Rahim Basha
Dy. Manager (Vig)



'I for India' Mini Marathon in Bhubaneswar

As per the directions of Govt. of India, NALCO as a nodal agency organized a five kilometer mini marathon in Bhubaneswar in January 2016 on the occasion of Republic Day with the support of all central and state PSUs, corporate houses and govt. agencies to promote patriotism across the nation.

For said event, MMTC joined the Organizing Committee as a member of the Traffic Management Team and also extended sponsorship support as well as voluntary participation of the RO Bhubaneswar employees and their family members for the marathon race. Adequate publicity to MMTC among others was extended by NALCO through hoardings, posters, leaflets, etc. besides publicity on the dais. MMTC was also gifted a Memento in appreciation of its support and participation in the marathon.

The event was flagged off by Shri S. C. Jamir, Governor of Odisha early in the morning on 24th January 2016, in the presence of Sh. Prasanna Patasani, Bhubaneswar MP, Sh. Sudam Marandi, State Sports Minister, and Sh. Tapan Kumar Chand, NALCO CMD. "Bhubaneswar had never witnessed such participation, imbued in patriotic fervour, in a mini marathon, ever before," said Mr. Chand praising efforts of participants.

More than ten thousand voluntary participants from PSUs, corporates and govt. agencies as well as general public including youth and children expressed their support for the race held on the winter morning. The enthusiasm of the participants was enormous with the 'I for India' slogan reverberating across the 5 km stretch from Janata Maidan to Kalinga Stadium in Bhubaneswar. MMTC's support and participation was highly appreciated.

P. K. Mallick
Sr. Manager (P&A)

दरिद्राणां हर्षणं, विद्वानां वन्दनम्, श्रेष्ठानां सेवा, सत्यमेव जयते।
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उर्वरक क्षेत्र की कुछ पेशकश



अभी तक सरकार उर्वरक पर सब्सिडी देकर उन्हे सस्ते दामों पर किसानों को उपलब्ध कराती रही है। परंतु फास्फोरस और पोटेशियुक्त उर्वरकों के मूल्य पर नियंत्रण हटा लेने के बाद प्रति किलोग्राम फास्फोरस का मूल्य नाइट्रोजन कि तुलना मे दो गुना से भी अधिक हो गया है। जबकि इसके पूर्व फास्फोरस का मूल्य नाइट्रोजन से केवल 15 प्रतिशत अधिक था। पोटेश का मूल्य जो कि नाइट्रोजन कि तुलना मे आधा था, अब नाइट्रोजन से अधिक हो गया है। हमारे देश मे उर्वरक सब्सिडी कि योजना 1977 से प्रारम्भ कि गयी थी और प्रथम वर्ष 1977-78 मे उर्वरक सब्सिडी पर 25 करोड़ रुपए खर्च हुए थे। धीरे-धीरे यह खर्च बढ़ते-बढ़ते 2014-15 मे 72,969 करोड़ रुपए तक पहुंच गया। जब यह योजना चलाई

गयी थी तब ऐसा महसूस किया गया था कि देश के किसान ऐसी स्थिति मे नहीं हैं कि वे ऊर्चे दामों पर उर्वरकों का इस्तेमाल कर सकें। इसके साथ ही उर्वरक उत्पादकों को वांछित लाभ मिलने की सम्भावना नही थी। अतः वे भी बिना किसी प्रोत्साहन के उर्वरक व्यवसाय मे आने के लिये उदासीन थे। पहले और आज की परिस्थितियों मे थोड़ा बदलाव अवश्य आया है परंतु किसान महंगे उर्वरकों के इस्तेमाल में कठनाई महसूस कर रहें हैं और उर्वरक उत्पादनकर्ता भी ऐसी सहूलियत को अपना मौलिक अधिकार मानकर चल रहें हैं। ज्ञातव्य है कि देश के 9 करोड़ किसान परिवारों में से 75 प्रतिशत लघु और सीमांत किसान की श्रेणी में आते हैं। इसके साथ ही खेती के लिए आवश्यक विभिन्न उर्वरकों के मूल्यों में भी कई

गुना वृद्धि हो जाने कि वजह से आज का किसान उन्नति के बावजूद ऐसी परिस्थिति मे नहीं हैं कि वह इतने महंगे निवेशों का आवश्यकतानुसार उपयोग कर सकें। मानसून आधारित भारतीय कृषि जुए के खेल के समान है जिसमें लाभ और हानि की सदैव अनिश्चितता बनी रहती है। अतः किसान इन महंगे निवेशों का उपयोग भगवान भरोसे करता है। आज उर्वरकों के मूल्यों में हुई वृद्धि के कारण वह इनका उपयोग वांछित मात्रा मे नहीं कर पा रहा हैं जिसका गत वर्षों में कृषि उत्पादन पर भी प्रभाव पड़ा है। ऐसी परिस्थिति में फसलो के उचित पोषण के लिए ऐसे उपाय किए जाने चाहिए जिससे कृषि उत्पादन बढ़ता रहे।

कृषि के लिए आवश्यक तीन प्रमुख पोषक तत्वो – नाइट्रोजन, फास्फोरस

और पोटेश में से केवल नाइट्रोजन के लिए हमारे देश में कच्चा माल उपलब्ध है। इसके विपरीत बड़ी मात्रा में फास्फेट और पोटेश की पूरी मात्रा आयात करनी पड़ती है। इस समय हमारी नाइट्रोजन उर्वरक उत्पादन की वार्षिक क्षमता करीब 220 लाख टन है और करीब 40 लाख टन फॉस्फेट उर्वरक उत्पादन की क्षमता है। उर्वरक उत्पादन की दृष्टि से आज भारत विश्व का चौथा सबसे बड़ा उत्पादक देश है। वर्ष 2010-11 में नाइट्रोजनयुक्त उर्वरकों की मांग का 70 प्रतिशत और फास्फोरसयुक्त उर्वरकों की मांग का लगभग दो-तिहाई उत्पादन देश में हुआ और शेष मांग आयात से पूरी की गयी। पोटेशयुक्त उर्वरक की सम्पूर्ण मात्रा आयात से पूरी की जाती है। देश में प्रतिवर्ष 3.2 करोड़ टन यूरिया की मांग है जबकी 2.2 करोड़ टन का ही उत्पादन होता है। इसके अतिरिक्त कमी को पूरा करने के लिए प्रतिवर्ष

100 लाख टन यूरिया का आयात करना पड़ता है। सरकार की यूरिया उत्पादन नीति की वजह से देश में यूरिया उत्पादन वाली तीन चार मुख्य इकाइयों ने वर्ष 2014-15 में उत्पादन बन्द कर दिया था जिससे किसानों को यूरिया आपूर्ति में परेशानी झेलनी पड़ी। इस प्रकार की यूरिया मांग में अत्यधिक वृद्धि का एक कारण यह भी है की यूरिया पर 75 फीसदी अनुदान दिया जा रहा है तथा पिछले 10-12 वर्षों में यूरिया के दामों में अत्यधिक वृद्धि नहीं हुई है तथा दूसरी ओर फास्फोटिक एवं अन्य कुछ खादों की कीमतों पर अनुदान (सब्सिडी) कम होने से किसान इन उर्वरकों की मांग के लिए आकर्षित नहीं हो रहा है।

उर्बु: कुरि दसुड;

- 1 घरेलू इकाइयों में यूरिया का अधिकतम उत्पादन
- 2 यूरिया इकाइयों में उत्पादन क्षमता को प्रोत्साहन देना ताकि सरकार पर सब्सिडी के भार को कम किया

जा सके।

- 3 इससे भारत सरकार करीब 4000 करोड़ रुपये की सब्सिडी को बचा सकती है। इस पॉलिसी से यह सुनिश्चित किया जा सकेगा कि किसानों को वर्तमान अधिकतम खुदरा मूल्य जो कि रु 5360/मी. टन है उसी पर यूरिया उपलब्ध कराया जा सकेगा जिससे सरकार पर वित्तीय भार कम किया जा सकेगा। यह यूरिया आयात की निर्भरता को कम करेगा क्योंकि उपरोक्त कदम उठाने पर घरेलू उत्पादन को करीब 20 लाख टन से बढ़ाया जा सकेगा।
- 4 नई यूरिया नीति के अंतर्गत 100% यूरिया को नीम की परत चढ़ाना अनिवार्य है चाहे वो घरेलू उत्पादन द्वारा प्राप्त की गयी है या आयात के द्वारा। नीम की परत चढ़ाने का फायदा यह है कि यह यूरिया की खपत को प्रति एकड़ ज़मीन में कम करेगा। इसका दूसरा फायदा यह है कि धरातल के पानी को कम दूषित करेगा। क्योंकि इसमें सेनाइट्रोजन का प्रवाह नियंत्रित होगा। तीसरा फायदा यह है कि नीम कोटेड यूरिया को औद्योगिक इकाइयां नहीं इस्तेमाल कर पाएंगी और काला बाज़ारी रोकी जा सकेगी।



वर्बु कुरि

मुख्य महाप्रबंधक (उर्वरक)

Achievements & Highlights of Law Division during FY 2015-16

MMTC's Law Division in the recent past has played a measured yet crucial role in protecting the Company's interest in achieving its goals in settling cases involving hundreds of crores of rupees and thereby saving hundreds of crores of rupees for the Company. Had there been adverse orders in tax and other pecuniary matters of higher magnitude, it would have been a difficult proposition for the Company to siphon liquid cash.

Money saved is money earned. A few laudable examples of this that happened in MMTC during the last fiscal year 2015-16 for which credit is due to Law Department are;

1. Obtaining full stay from the Commissioner Commercial Taxes, Cuttack on the disputed demand of sales tax worth **Rs. 125 crores** pertaining to NINL transactions during the year 2009-10 and 2010-11.
2. Getting the orders of DCST, Bhubaneswar circle pertaining to disputed demand of sales tax, entry tax etc for the years 2011-12, 2012-13 and 2013-14 worth **Rs. 196 crores** that have been quashed by the Division Bench of Orissa High Court.
3. Fighting long legal battle since 1996 and getting the arbitral award worth **Rs. 9.5 crores** including interest w.e.f. 1992 till date in favour of M/S Belcom JV set aside by the Division Bench of Delhi High Court giving full relief to MMTC.
4. Possible outgo of **Rs. 136 crores** averted by getting the order in favour of MMTC from the Division Bench of Jharkhand High Court at Ranchi in the matter of revision of pay scales of Mica Employees.
5. Appeal against the impugned order raising demand of **Rs. 25 crores** by Commissioner, Customs, Visakhapatnam alleging misuse of target plus scheme, got quashed allowing full relief to MMTC.
6. Dismissal of LPA filed by Crossland Marketing, resulting **Rs. 21.93 crores** net saving for MMTC.
7. Arbitral award setting aside claim of M/s Auro Global to the tune of **Rs. 7.93 crores**, giving full relief to MMTC.
8. Arbitral award allowing claims of **Rs. 4.38 crores, Rs. 2.17**

9. **crores & Rs. 60 lacs** in favour of MMTC & against M/s RPIEL.
9. Against impugned order by RPFC demanding **Rs. 2.24 crores**, full stay allowed by the appellate authority in favour of MMTC.
10. Modification of arbitral award in MMTC vs. Vicknias resultantly giving relief to MMTC to a considerable sum of **Rs. 70 lacs & Rs. 81.52 lakhs** in two separate matters disposed by Delhi High Court in favour of MMTC.
11. As a result of disposal of SLP by the Supreme Court in MMTC vs. Legend Holding, net saving for the company is **US \$ 5.47 lacs**.
12. By virtue of an arbitral award, MMTC received **US \$40,885.32** from M/s Glencore.
13. In a suit disposed of favouring MMTC and against 'A-Shone & Ors' money received in MMTC account is **Rs. 40 lakhs** approx..
14. In two separate legal proceedings (Arbitral award / suit) claim against M/s. R. Pyarelal and Hansit Kumar to the tune of **Rs. 97.83 lakhs and Rs. 27 lakhs** respectively along with interest allowed in favour of MMTC.
15. One time settlement with M/s Rishabh Agro, resulted cash flow to MMTC **Rs. 37.5 lacs**.

To sum up the outcome following disposal of 31 cases in different legal forums, MMTC could able to save / earn approximately **Rs. 538.37 crores** during the last fiscal 2015-16.

Also following disposal of five cases through DSC and revision of Law Manual, MMTC has been rated by the MOC as "Very Good" & "Excellent" respectively as on the parameters of MOU assigned by the Ministry of Commerce.

The achievements of MMTC's Law Dept. brought out in black & white above in last fiscal 2015-16 could have been possible due to enormous support received from the team of law officers of MMTC, various other departments and over and above all, the higher management of MMTC.

Harihar Mahapatra

Addl. General Manager/Incharge, Law



Kudos

Shri Jaideep Singh, Sr. Office Manager from CO was appointed by Delhi District Cricket Association as Liaison Officer for the Sri Lanka and New Zealand Cricket T-20 World Cup Matches held during March 2016 at New Delhi.

VIGILANCE WEEK AT CO



Implementation of International Financial Reporting Standards by Indian Companies



IFRS and its Importance

International Financial Reporting Standards (IFRS) is a set of accounting standards developed by an independent, not-for-profit organization called the International Accounting Standards Board (IASB). IFRS are designed as a common global language for business affairs so that company accounts are understandable and comparable across international boundaries. They are a consequence of growing international shareholding and trade and are particularly important for companies that have dealings in several countries. They are the rules to be followed by companies to maintain books of accounts which are comparable, understandable, reliable and relevant for the users internal or external. IFRS are now mandated for use by more than 100 countries, including the European Union and by more than two-thirds of the G20.

IFRS in India

In order to take advantages of adopting IFRS such as enhanced comparability, easy access to global capital markets, low cost of capital, attracting foreign investment and to enable Indian companies a global standing and also as a member nation of G20, India made a commitment at

the G20 summit in 2009 to implement IFRS through its own converged Accounting Standards called **Indian Accounting Standards (Ind AS)**. The **Ind ASs** are basically the IFRS with minor modifications taking into account Indian economic environment. The Ministry of Corporate Affairs (MCA), Government of India had earlier issued a roadmap for implementation of Indian Accounting Standards (Ind AS) converged with IFRS beginning April 2011. However, this plan was suspended due to unresolved tax and other issues.

During the Union Budget 2014-15, the Honorable Finance Minister proposed the adoption of Ind AS. In accordance with the Budget statement, the Ministry of Corporate Affairs (MCA) has notified Company (Indian Accounting Standard) Rules 2015 vide its G.S.R dated 16 February 2015 notifying **39 Indian Accounting Standards (Ind AS)** and has laid down an Ind AS transition road map for companies other than banking, insurance and non-banking finance companies.

As per the notification, early adoption on voluntary basis is allowed from 01.04.2015 and mandatory from 01.04.2016 in following phased manner.

Phase 1 - from 1st April 2016:

- Listed or Unlisted companies whose net worth is \geq INR 500 crores
- Holding, subsidiaries, joint ventures or associates of above companies

Phase 2 - from 1st April 2017:

- Listed companies whose net worth is $<$ INR 500 crores
- Unlisted companies whose net worth

is \geq INR 250 crores but $<$ INR 500 crores

- Holding, subsidiaries, joint ventures or associates of above companies

Applicability to MMTC

As MMTC is listed on National Stock Exchange (NSE) & Bombay Stock Exchange (BSE) and net worth was more than 500 crores as on 31.03.2014, the company is covered under Phase 1 and mandatorily required to implement Indian Accounting Standards (Ind AS) from 1st April 2016.

Base Differences between Ind AS (converged IFRS) and Existing Indian GAAP:

- Fair Value Vs Historical Cost
 - Reporting Vs Accounting
 - Substance over Form
 - Group Vs Standalone
 - Principles based Vs Rule based
- A very Important change from existing Indian GAAP is that the company



which is preparing financial statements as per Ind-ASs is required to make an explicit and unreserved statement of such compliance in the notes to financial statements and shall not describe financial statements as complying with Ind-ASs unless they comply with all the requirements of Ind-ASs. It cannot rectify inappropriate/partial application of Ind AS provisions by way of disclosures or notes or explanatory material.

Implementation of Ind AS in the company is likely to impact the financial statements substantially in respect of Assets, Liabilities, Revenue, Expenses and Profit. It is also likely to impact the various business models of the company. Therefore, it may be necessary that officials at all levels (both finance and non-finance) may have to be involved in the entire process of implementation of Ind AS so

that necessary changes in different business models and other policy measures can be effected well in time to minimize the adverse impact on financial results..

Tasks to be done by company to meet above statutory requirement:-

- Opening Ind AS Balance sheet as at 1 April 2015.
- Conversion of Quarterly financial results for three quarters ending June, Sept., and Dec., 2015.
- Financial statements for the year ending 31 Mar 2016 to be converted as per IndAS.
- Reconciliation statements showing changes in financial statements on conversion to be prepared.
- Quarterly results beginning quarter ending June, 2016 to be prepared as per Ind AS along with

comparatives.

- Ind As compliant financial statements for year ending 31 Mar 2017 to be prepared.

Actions taken at Corporate Office for transition to Ind AS

- The new accounting policies based on Ind AS are under preparation.
- Obtaining assistance and opinion of Professional Consultants with International Exposure on IFRS for adopting most suitable accounting policies taking into account the various options given under different Ind AS in view of specific trade activities undertaken by MMTC.
- Format/Template for financial statements / notes to accounts based on Ind AS are proposed.
- Imparting necessary Training to MMTC officials through various programmes / workshops

Ved Prakash
Sr. Mgr (F&A)



The Relevance of Maritime Law in International Trade

Globalisation has transformed the character of the world economy. The economics of every country revolves around complying with the demands of its people in terms of goods and services. However, none of the countries are self sufficient due to a scarcity of resources and therefore they rely upon each other for importing the goods which are either non-available to them or are available in insufficient quantities. Similarly, a country can export goods, which are in excess quantity with it and are in high demand outside. This exchange of capital, goods, and services across international borders or territories is known as International or foreign trade.

The notion of International trade is viewed to be complex as it involves dealing with currencies of different countries and is regulated by laws, rules and regulations of the concerned countries. Industrialization, advanced transportation, globalization, multinational corporations, and outsourcing are all having a major impact on the international trade system.

Until very recently, the geography of international trade remained to be dominated by a few large economic blocs, mainly in North America, Europe and Japan (with South Korea and Taiwan), which are commonly referred to as the triad. Alone, the United States, Germany and Japan accounted for about a quarter of all global trade, with this supremacy now being seriously

challenged by emerging economies. The structure of global trade flows has shifted with many developing economies having a growing participation in international trade with an increasing share of manufacturing activities.

Trade is a vehicle of growth and prosperity and transportation is an instrument for bridging markets. The proliferation in the amount of freight being traded as well as a great variety of distance between the origin and destination of trading points promote the importance of international transportation as a fundamental element supporting the global economy. Economic development in Pacific Asia and in China in particular has been the dominant factor behind the growth of international transportation in recent years. Since the trading distances involved are often considerable, this has resulted in increasing demands on the maritime shipping industry and on port activities. Therefore, it would not be incorrect to articulate that maritime transportation is the backbone of world trade.

It has been noted over a period of years that shipping has often been termed as the "carrier of global trade" as almost 90 percent of the activities relating to trade and commerce worldwide are conducted by the means of the shipping industry. The large-scale import and export of goods vital to meet the growing needs of the modern world is an unachievable task without the existence of shipping as a mode of transportation. Also, International trade and maritime issues often are linked to each other, or it can be said that in certain areas they go hand in hand. Various aspects of International trade utilize the principles of maritime law; for example legal issues and disputes relating to International Buying and Selling Agreements, shipping matters, letters of credit, insurance, incoterms, international arbitration, etc.

Given the volume of ships trading worldwide, the vast range of cargoes carried and the fluctuations of the market, shipping is an industry where disputes arise every day of the year. Therefore recognizing the exceptional significance of maritime law in the domain of International trade becomes inevitable as globalization is the realm of maritime shipping, with containerized shipping at the forefront of the process. The global maritime transport system is composed of a series of major gateways granting access to major production and consumption regions. Between those gateways are major hubs acting as points of interconnection and transshipment between systems of maritime circulation (ports).



Maritime law in common parlance refers to the Law of the sea and governs maritime issues and offences. Maritime law, which is often referred to as admiralty law, is a fundamental branch of law that regulates commerce and navigation on the seas or other navigable waters. It covers a broad spectrum of matters such as the development of legislation both nationally and internationally, customs and excise regulations, the fishing industry, human rights and employment issues usually relating to the crew, insurance claims, property damage, the implications of stowaways on vessels, pollution, personal injuries, wreck and salvage, piracy, and container and passenger liner matters, etc. Maritime

Law deals with contractual disputes, dry shipping disputes, marine casualty and admiralty disputes, marine insurance, offshore energy disputes (including LNG and floating production), ports and infrastructure issues, regulatory and environmental matters (including emissions), risk management, shipping corporate governance and anti-corruption as well as disputes relating to shipbuilding.

The origins of maritime law date back to antiquity as did trade between nations through sea transport. It thus became increasingly necessary to expand this scope of the law as no country may claim arbitrary jurisdiction over the seas. Consensus between nations also became vital in the face of disputes.

With time, the principles of maritime law were developed and refined. However it must be noted that although general maritime law has developed internationally, it operates under the auspices and laws of an individual country as each nation bases its own maritime law on the general international regulations with the modifications and qualifications it deems essential and suitable to its particular needs. Also there are various set of rules or conventions that govern maritime disputes and they have been adopted by various countries like The Hague/ Hague-Visby rules, the Rotterdam Rules, etc. The UN Convention called "Rotterdam Rules" is one example of international rules that



will facilitate international maritime trade by making its underlying contract and documentation more efficient and clearer. The Rotterdam Rules govern the carriage of goods by sea and connecting or previous transport by land. Maritime laws provide a legal framework for issues and accidents that take place on domestic, territorial and international waters. Such laws have developed over hundreds of years at many locations around the world, and the maritime laws in existence today are a complicated web of both domestic and international statutes.

The Role of International Maritime Organization (IMO)

Maritime transport is a highly internationalised area where coordination, standardisation and regulation have come far. In most developed nations, maritime law is governed by a separate code and is a separate jurisdiction from national laws. The International Maritime Organization (IMO) is an institution within the United Nations, where member states negotiate regulations and standards regarding maritime transport. The United Nations, through the International Maritime Organization, has issued numerous conventions that can be enforced by the navies and coast guards that have signed the treaty outlining these rules¹. It started in 1959 with the main focus on safety issues but over time this has changed into the IMO covering a broader scope.

Trade Facilitation

Trade facilitation relates to a wide range of areas and activities such as government regulations and controls,

business efficiency, transportation, information and communication technologies as well as payment systems. Customs play a central role in the trade chain but in order to achieve trade facilitation all agencies at the borders must be involved. It is a concept directed towards reducing the complexity and cost of the trade transaction process and ensuring that all these activities take place in an efficient, transparent and predictable manner.

The United National Centre for Electronic Business and Trade Facilitation (UN/CEFACT) defines trade facilitation as: "The simplification, standardisation and harmonisation of procedures and associated information flows required to move goods from seller to buyer and to make payment"². This is a broad definition that encompasses the whole trade transaction process; from the placement of an order to the delivery of the goods and the payment. This is a process that can be divided into three stages; buying, shipping and payment.

The line of thought behind trade facilitation is based upon developing trade relations worldwide so as to ensure that trade can flow with minimum impediments and more efficient government control methods. It aims to eliminate the obstacles created due to unnecessary and excessive data and documentation requirements, lack of transparency in customs, excessive clearance times, lack of coordination, and the absence of modern techniques.

Many international organizations like the World Trade Organization³ (WTO), the International Maritime Organization (IMO), the GATT (General Agreement

on Tariffs and Trade), etc are working in coordination for promoting trade facilitation.

Conclusion

Considering the above, it can be concluded that international trade is majorly carried out by shipping and therefore maritime law is a very important element of international trade. The disputes arising between the parties in international trade involve various other areas of law as well as maritime law.

A lot of countries have their own laws but most have ratified the Hague/Hague-Visby treaty and therefore any disputes arising are resolved keeping these laws in mind. The disputes relating to foreign trade are normally resolved by arbitration. However, parties can also choose to resolve their disputes in other jurisdictions as well, such as Singapore.

It should be noted that Maritime Industry is quite traditional and is not very adaptable to new laws and regulations. This is evident because most countries have not ratified new treaties such as Hamburg Rules and Rotterdam Rules. It can therefore be said that it is the responsibility of the entire maritime society to make international trade easier, whether it is by the means of maritime transport or by the means of maritime laws, both acting as catalysts for international trade.

Pooja Singh

D/o Anjana Singh,
GM (Fertilizers)

1. <http://www.imo.org/pages/home.aspx>

2. Trade facilitation and maritime commerce, Swedish Maritime Administration, 2009, available at <http://www.kommers.se/upload/Analysarkiv/Arbetsomr%E5den/Handelsprocedurer/Trade%20facilitation%20and%20maritime%20transport%20-%20The%20development%20agenda.pdf>

3. The WTO is a forum for trade negotiations, rule setting and resolution of trade disputes with 153 member countries. It was established in 1995 and succeeded the GATT.

Performance Guarantee Bond - Lifeline of Global Trade

Trading calls for high grade business acumen besides years of experience and perfect knowledge of product market. Trading, whether domestic or international, carries numerous risks and pitfalls. High stakes are involved in commercial dealings and mere single lapse or contractual breach may cause huge loss in more than one ways. When there can be many visible and unseen risks capable of derailing and frustrating whole project, business people cannot be expected to rely on luck all the time till the project is completed or performances accomplished. In such circumstances any one would long for at least two assured commitments and they are:

1. Full and satisfactory performance of contractual obligations, and
2. Secured and assured payment for goods sold.

In a background, Bonds and Guarantees have been a normal feature of domestic contracts for many years. In the early 1970s, however, recession in the home markets forced British suppliers and contractors to look to new outlets for additional business; often in markets where performance and other bonds were required, if business was to be won. Suppliers and contractors looked, primarily, to the United Kingdom clearing banks to provide these new bonds for overseas buyers and since 1975 the amount of bonds and guarantee support provided by such banks has increased many folds in value.

(Centre for Commercial Law Studies, Queen Mary College, University of London)

Today in domestic as well as international trade, above two concerns are well addressed and taken care of by the use of Performance Bank Guarantee and Letter of Credit.

Issuing banks have mainly favoured the "on demand" type of performance bond, believing that such bonds would enable them to stand clear of any dispute between the parties to the underlying contract, in connection of which the bond has been issued. Here in such bonds the performance guarantee can be defined as a guarantee under which the bank undertakes to pay on "first demand" to the extent of certain amount of money covered therein. These bonds are autonomous and independent undertaking than to underlying contract.

Bank Guarantees conveniently can be classified into two categories as Conditional and Unconditional or "on demand". In the case of conditional bonds, the obligation to make payment on the part of the bank will be conditional upon the party to whom the bond is issued (the beneficiary), proving default by the party who is to perform the subject matter of the bond. Therefore, in such cases, the beneficiary is to establish breach or default committed by customer and the bank usually determining whether the breach in question is sufficient to enable it to make the payment to the beneficiary under the terms of contract.

In many situations the breach cited by the beneficiary may not be wholly conclusive and may place the bank in unenviable position of facing potential litigation by the customer should it make payment under the bond to the beneficiary.

This situation is not conducive to unimpeded business; neither the bank nor the customer and not even the beneficiary is comfortable since somehow litigation seems to be imminent, Conditional bank guarantees are less favoured in growing business demand. The other option is "on demand" bank guarantee.

"On demand" bank guarantee can also be termed as 'unconditional' and many times 'irrevocable' in their nature and cannot be revoked during operation or validity period. The performance guarantee can also be described as an indemnity to the beneficiary against non-performance or faulty performance of a contract. The salient stipulation of such guarantees is that 'a notice on demand' within validity period is considered as conclusive evidence about a default in performance of a contract. The performance guarantee is invocable not only on non-performance but also against faulty performance. The bank as a paying institution under a guarantee has neither any right nor authority to consider or even call for the validity of claim. They have no power to challenge the statement of beneficiary or even call for the proof of non-performance. Issuing bank is under an obligation to make payment without demur.

MMTC is an international trading company which has strong presence in global trading for last 50 years and is known for its contribution in developing economy and growth for domestic trade and industry. In its business operations, it is almost in every deal that MMTC seeks performance guarantee to ensure due and satisfactory performance of contractual commitments. Performance guarantee in monetary value is a small part of the total value of contract and may not be full indemnity of incurring loss but it displays financial capability and seriousness to perform. Manual of Law Division contains the format of bank guarantee. It also contains guidelines and circulars issued from time to time. Trade Divisions may refer to above Manual for reference purpose as to be informed. Since banks also use their approved formats, it is necessary that these guarantees should be carefully examined in consultation with Law Division, before accepting the same.

This article is specifically aimed at making aware the Executives of Trade Divisions about the concept, practice and legal fineness of bank guarantees. Every performance bank guarantee which we accept should be irrevocable, confirmed and without recourse or demur to the drawer. Bank Guarantee when received is not to be accepted on its face value but a separate confirmation/verification from bank should be obtained. If the said guarantee is materially different from the prescribed pro-forma or contrary to the opinion of law division, it needs to be changed.

Invocation of bank guarantee should be merely a "notice of demand" from the beneficiary. It is necessary that invocation be made within stipulated time. Bank Guarantee is defined by a prominent British banker as 'an

undertaking which a banking will honor in accordance with terms in relation to documents which are correct on their face'. The only document on which the bank will honour its commitments is "notice of demand" and this "notice of demand" is considered as "Conclusive Proof" of the breach of non-performance as well as the liability having come into operation, the following bank is under an obligation to make the payment.

To invoke bank guarantee, 'notice of demand' in writing is required. Notice in this regard is expected to inform the bank the broad particulars of guarantee and decision in clear words for invocation of the same, even if original bank guarantee is submitted. The communication to the bank should also ask for encashment of bank guarantee and due credit of sum into accounts of beneficiary. If this is done the bank may not get any chance to deviate from its commitments under the guarantee. These are some tips of caution which we ought not forget while dealing with bank guarantee. Bank guarantee is of course a document of committed assurance but it is as good as cash in hand. Therefore it is necessary to keep a close watch on validity or expiry date of guarantee within which invocation is to be made and demand is to be filed. There is no remedy available in case a claim is not filed within validity period since the bank is discharged from its obligations under the guarantee the moment validity touches time line of expiry.

Though the legal position is well established that once a bank guarantee has been procured in favour of beneficiary, its enforcement cannot be sought to be restrained by an injunction at the instance of the party which instructed the issue, except in the

case of a fraud or where irretrievable injustice would be done if the bank guarantee is allowed. The pattern of litigation shows unwillingness of those in commerce to absorb the principle.

In a series of litigation not only before the Indian Courts but also in English Courts for obtaining temporary/permanent injunction or restraint order against the beneficiary from invoking and claiming the amount under the performance guarantee, it has been observed by eminent judges that in case of performance guarantee, with undertaking to pay on demand, they are not in favour of granting such restraint orders. Eminent Judges like Justice Kerr and Lord Justice Denning have clearly spelt out that a performance bond stands on the same footings as that of Letter of Credit and the bank must honour it according to its terms unless it has clear notice of fraud. So unless and until there is clear cut notice of fraud by the beneficiary and the same has come to the notice of bank, the liability under a performance guarantee is unimpeachable.

It is, therefore, very clear that the performance under the guarantee cannot be avoided without the production of necessary evidence since mere allegation of fraud shall not create a justifiable action for injunction and the undertaking given under a performance guarantee is required to be fulfilled.

Though the objective of this article is to share thoughts with non-legal executives on this popular area of work, it is desirable to discuss some notable rulings of courts for sake of clarity, judicial interpretation and guidelines.

The reason for the unwillingness of courts to interfere in cases where there is no fraud was clearly stated in R.D.

Harbottle (Mercantile) Ltd. vs. National Westminster Bank Ltd. (1977)2 All ER262: Except possibly in clear cases of fraud of which the bank have notice, the court will leave the merchants to settle their disputes under the contract by litigation or arbitration as available to them or stipulated in the contract.

In Ansal Engineering Projects vs. Tehri Hydro Development Corporation and another-(1996)5 SCC 450, it was held that a bank guarantee is independent of and distinct from the contract between seller and buyer and that an injunction should not be issued even if there are disputes between the buyer and seller arising out of contract between them. Hon'ble Supreme Court further observed that 'the liability of the bank is absolute and unequivocal; it would thereby be clear that the bank is not concerned with the ultimate decision of the court and a tribunal in its finding after adjudication as to the amount due and payable by the petitioner to the first respondent.

Another case where Supreme Court was very vocal is Hindustan Steelworks Construction Ltd. vs. Tarapore & Co. - (1996)5 SCC34. In this case Hon'ble Court made it clear and ruled that "whether the bank guarantee is towards security deposit or mobilisation advance or working funds or for due performance of the contract, if the same is unconditional and if there is a stipulation in the bank guarantee that the bank should pay 'on demand' without a demur and that the beneficiary shall be the sole judge not only on the question of breach of contract but also with respect to the amount of loss or damages, the obligation of the bank would remain the same and that obligation would have to be discharged in the manner provided in the bank guarantee."

The Supreme Court has taken

exception and warned High Courts against indulging in the 'judicial adventurism' of staying the encashment of bank guarantees despite the well settled law by the apex court in the matter. In Dwarikesh Sugar Industries vs. Prem Heavy Engineering (1977)6 SCC 450, it was held with this warning that unjust enrichment cannot be a ground for staying the encashment of bank guarantee. This also applies to all unconditional irrevocable bank guarantee payable without demur. In this case the court has also indicated that if necessary it will crack the whip on banks which despite the law laid down by Supreme Court, drag their feet in the encashment of bank guarantee. This was the first time the apex court has put the banks themselves on the mat.

Hon'ble Supreme Court while disposing an appeal in Himdari Chemicals Industries Ltd. vs. Coal Tar Refining Company-AIR 2007 SC 2798 laid down following principles in the matter of injunction to restrain the encashment of bank guarantee-

- In the case of unconditional bank guarantee beneficiary is entitled to realize such a bank guarantee irrespective of any pending disputes relating to the terms of the contract.
- Bank is bound to honour as per terms of bank guarantee irrespective of any dispute raised by the customer.
- The court should be slow in granting an order of injunction to restrain the realization of bank guarantee.

The Hon'ble Court has specified two exceptions to the general but established position. Court can consider granting an order of injunction in favour of an aggrieved party in the matter of encashment of bank guarantee. These exceptions are-

- Fraud of an egregious nature which

would vitiate the very foundation of such a bank guarantee and the beneficiary seeks to take advantage of the situation.

- Allowing encashment of an unconditional bank guarantee would result in irretrievable harm or injustice to one of the parties.

There are scores of decisions on invocation and encashment of bank guarantee from various courts every day. Since this article is meant for non-legal executives, much emphasis has intentionally not been laid on case rulings and care has been taken to make it less technical but more readable.

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Advocate & Arbitrator



Risks in International Trade

In international trade, the technological advancement of communication and transportation has improved tremendously. This has pushed the development of international business to a higher level with investment in foreign and domestic business becoming very indistinct. However, the fact is that investing in foreign markets has become highly risky, although it gives lot of opportunities in international markets compared to the domestic market.

The question is what is the Risk? Risk is the volatility most significantly visible in foreign exchange market. With the big swings in exchange rates, businessmen are unable to set their business budgets or forecast their future business.

Businessmen all over the world face two significant risks. These are (i) Currency Exchange Risk and (ii) Country Risk.

Currency Exchange Risk:

This risk arises due to unanticipated fluctuations in the exchange rates between two currencies. Exchange rates fluctuate due to several factors, some strictly financial and some due to political events. If there is the threat of military conflict in some part of the world, those holding funds there may want to transfer their holdings to the U.S. They consequently exchange their currency for dollar thus driving up the value of the dollar. Such fluctuations can lead to either unexpected loss or gains.

Currency exchange risks includes (i) Transaction Exposure, (ii) Translation Exposure, and (iii) Economic Exposure.

Transaction Exposure: Transaction risk arises in two formats. (a) When a Company has committed cash flow to be paid or received in a foreign currency (b) When a company receives delayed payments, as under DA basis. While there is less or no risk in (a), in (b), the risk arises in the intervening period between the sale and receipt of funds. This is because, after a committed delay, the value of foreign payment when it is exchanged for domestic currency could result in a loss for the Company.

Example 1: Let us assume that Company A (assume it to be MMTC) has sold ₹1 mn worth of gold jewellery to Co. B in US at a spot rate of US \$ 1 = ₹60. MMTC receives from the US Co. B home currency of ₹60/\$ and converts them into US \$ and receives ₹1 mn. (The spot rate is assumed here; the current rate is around ₹63 to a \$). There is no loss involved here.

Example 2: MMTC has offered a 90 days credit to the US Co. for sale of ₹1 mn worth of gold jewellery. During the 90 days delay in payment, the exchange rate of Indian rupee gets devalued to ₹65 to a \$. Now MMTC would receive ₹923076 i.e. less than a million. Thus, having sold jewellery worth ₹1 million, MMTC would ultimately receive less than ₹1 mn.

Translation Exposure: Translation

exposure arises when a company denominates some portions of its equities, assets, liabilities or income in a foreign currency. Here, the risk involves revaluation of foreign currency, as foreign currency fluctuates over a period of time. To such a company, the revaluation of the foreign currency may create an exchange loss or gain.

Example (the example is purely assumed and not to be taken as correct or real): Suppose an Indian Co. has \$ 1 mn. in a current account in a Bank. The exchange rate assumed is \$1 = ₹61.40, which equals ₹61.40mn. If the Indian Rupee appreciates to \$1 = ₹60.00, \$ 1 mn. can be converted to ₹60.00mn. Thus the Indian ₹ loses during the translation.

Economic Exposure: Economic exposure is the risk that a company faces in its cash flows, investments and earnings due to fluctuations in foreign exchange rates. The extent to which a company may be affected by Economic Exposure would depend very much on the company's business interest.

Example: Supposing MMTC wants to import goods from Germany and wants to sell it to the US. If the German Euro appreciates against US\$, it would become very expensive for MMTC to purchase from Germany and sell it to the US. This would hurt its operations vis-à-vis US market for that particular product.

Country Risk:

International trade involves trading with countries where political, economic and other trade laws differ from one country to another. Country Risk can be split into five categories. These are:

- a) The ability of the country to pay its debts. This in turn will depend upon the political climate in the country, internal and external threats, trading performance, balance of payment position, foreign exchange reserves, etc.
- b) Ability of the private sector to pay its debts. This would depend on the state of domestic economy, commercial institutions and banking system.
- c) Climatic disasters, floods, draught, earthquakes, etc. which may affect the trading operations of the parties.
- d) Changes in fashions and credit finance can quickly change. Your product cannot be exported if fashions change. This may in turn affect the credit terms that is being offered by financial institutions.
- e) Country risk also includes **political risk** and **economic risk** and these may affect a company's profitability.

Political Risk: Political events in a country where a company plans its trade, plays a vital role in exports or imports. In other words, the company has to closely monitor the developing political scenario in the country where it intends to operate. A country may suddenly change its import-export regulations, its monetary policy or the home country may also change the trade regulations affecting the profitability of the Company. Examples where a country risk can become a reality are:

- i) Sudden change in the monetary and currency policies or export-import regulations.
- ii) Wars, rebellion, terrorism, coup, etc.
- iii) Changes in political and economic alliances.
- iv) Imposition of trade barriers.

Economic Risk: Certain basic economic indicators like GDP, unemployment, purchasing power, inflation, country's financial condition to repay debts, etc. are to be followed closely. Also depending upon availability of the product, the home country may impose sanctions or quantitative restriction on exports/imports or even impose ban on trading in some commodities. This may upset the Company's budget and profit. When a huge import contract is cancelled or the Government imposes a ban, it will have an impact on world market. The impact will be fall in the price of the commodity in the world market abruptly. Supposing 2 mn. tonnes of urea is imported into a country and the importer abruptly cancels the contract or the Government imposes a ban on it, the price of urea in international market is bound to fall.

Other Risks:

a) CREDIT RISK: In international trade, offering credit is an important factor. One has to ask to what extent credit and how much credit can be given to a buyer. A buyer may turn insolvent and may not be able to make full payment for the goods/services rendered on due date. The buyer may make late payment and this will hurt the seller's finances for processing future orders.

b) NON-ACCEPTANCE OF GOODS/ SERVICES: Sometimes the buyer may not accept the goods sent to him on some pretext or the other. For the seller it creates difficulty in selling the unaccepted goods and may have



to sell at discounted price either to lower his profit margin or to reduce his loss. This may create financial problems for him for processing other orders.

Similarly the seller may fail to deliver the goods in time as per contractual terms. Such defaults may create adverse impact on the buyer's business the buyer's profit out of sales of the product may be severely affected.

c) LACK OF KNOWLEDGE ABOUT PRODUCT/MARKET: Little or no knowledge about the product, fashion and the market conditions in the target country, may thwart the intentions to expand business and may lead to business failure.

d) DOCUMENTATION RISK: This is the risk of getting non-conforming document vis-à-vis the L/C requirements. This may result the seller not getting his payment for the goods sold thereby impacting his financial resources.

e) CULTURAL RISK: Different countries have unique language and different culture. The differences in language and culture may act as an impediment in implementation of the contract and may end in conflict.

f) LEGAL RISK: Both seller and the buyer should know about the trading laws in each other's country. A sales contract may not be successfully implemented due to changes in laws and regulations.

g) TRANSIT RISK: Between the seller and the buyer, goods are handled by several agencies and have to travel a long distance. The goods are exposed to several turbulences and may damage the goods. This is the situation which the buyer faces.

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Retd. Sr. Manager



Legal Audit: Precaution Better than Penalty

The formation of a company, a firm or an entity is mostly similar in nature and bound by a number of aspects. Individuals and other persons associated with it in various capacities like employees, shareholders, partners, banks, contracting parties in business and the society in general become a part of it.

At the same time, such an entity comes under a gamut of laws that regulate its functioning and safeguard the interest of those associated with it. Compliance with the Companies Act, SEBI guidelines and laws relating to labour, taxation and environment is not just part of good corporate responsibility and governance but ensures transparency and protection of investors.

Compliance with laws is a matter of honest practices which, if not performed correctly and timely, may invite penalties. To ensure such compliance and safeguard a company against untoward incidences, a technique known as 'legal audit' can be adopted.

Legal Audit

Generally, an audit is a process of evaluating books of accounts. Legal audit, however, is an assessment and appraisal to ensure due compliance with various laws and regulations applicable to companies.

The requirement of disclosure is important at many stages in every business compliance, for example, it is needed in case of issue of prospectus, conversion of public company into private or vice-versa, amalgamation, merger, meetings, alteration of memorandum or articles of association, issue of debentures, safety and health regulations etc.

A diligent and prudent legal audit can be carried out at frequent intervals taking into account existing corporate laws, taxing

laws, labor laws, statutory levies and environment laws, among others.

Legal audit, by warranting due compliance, reduces the risk of unnecessary litigation and imposition of fine and penalties to ensure smooth running and growth of a concern. An independent legal audit establishes trust in a company as it reduces legal liabilities against it.

Importance of Legal Audit

Legal audit is significant for a number of reasons. Listed below are a few:

- Ensures corporate responsibility
- Ensures applicability of a variety of laws to a company
- Is in interest of public in general who may be attached to the company in the form of shareholders, resulting in constant watch on its actions by government, non-governmental organizations etc.
- Ensures plethora of SEBI guidelines followed by companies
- Compliance as a sine qua non many a times while trading with foreign firms
- Requirement as to submission of compliance certificate by listed companies to the stock exchange

When to Conduct Legal Audit

Legal audit should be made part of routine business of every company like a health checkup is for an individual. Though it depends on the size and type of business, legal audit should be conducted every year.

Most importantly, legal audit should be conducted as soon as any legal lacunae are discovered or suspected as it will enable the

concern to take immediate remedial steps and the legal liability will be avoided or minimized, since in case of many such faults, the penalty increases per day apart from dis-reputing the organization as a whole.

Areas to Audit

- Proper documentation for the nature of company as it varies in case of private and public company
- Registration of partnership firm
- License for industry, factory or manufacturing unit
- Modes of litigation planning
- Compliance with labor laws with respect to the working conditions, harm during the course of employment, health insurance, retrenchment etc.
- Compliance with environmental laws
- Submission of various documents by companies to the Registrar of Companies and regional director
- Intellectual property of the concern
- Product liability

Legal Audit Mechanism

For small concerns

- Determination of audit goals and scope of audit are primary steps for legal audit.
- Preparation of compliance audit checklist, which deals with identification and determination of laws that are applicable on the target concern.
- Meeting with senior managerial officers in the presence of the legal advisors and the secretaries of the concerned company.
- Preparation of non-compliance list and talk with concerned person
- Making observation and recommendations regarding any budding legal liability

- Audit report, which should contain status of compliance and non-compliance of the company concerned, and should highlight the legal liability, legal errors in papers or agreements etc. and possible solutions to cope up with the risk involved.

The report containing the findings and recommendations is an important document for the company, which should duly implement the recommendations made by the legal audit team.

For large concerns

- Determination of audit goals (same as in small concerns)
- Initial questionnaire, separate for each department or division of the company
- Review of responses and interview with managers individually, based on which the audit team prepares a primary observation about the legal compliance made by the concern
- Preparation of non-compliance list and talk with head of the concerned division
- Conference with the senior officers for analyzing the responses and replies made by them in the presence of legal advisors and secretaries, for determining the legal compliance of the concern as a whole.
- Making observation and recommendations (same as in small concerns)
- Audit report (same as in small concerns)

Post - Legal Audit Steps

After a legal audit, the responsibility of a concern does not come to an end. Rather it begins.

The concern should formulate a plan with the help of qualified persons to implement the recommendations made by the audit team. The steps to correct non-compliance and implement the recommendations mentioned in the audit report should be taken according to the categorization made in the

report. Most serious and endangering non-compliance should be corrected on primary basis, followed by the rest. In case of large concerns, the concerned division of the same should be consulted and asked to implement the recommendations.

Follow-up by Audit Team

After submitting the audit report, it is mandatory that the audit team checks after the stipulated or reasonable time if the company concerned has implemented its recommendations successfully.

It can consult each concerned department also for the purpose and can help resolve any problem encountered by the concerned division while implementing the recommendations.

Advantages of Legal Audit

- Reduces potential legal liability
- Improves the efficiency and outcome of a concern or a division thereof
- Update of documents, registration, policy etc. of a concern
- Facilitates good corporate governance
- Establishes and increases trust and credibility of a concern
- Protects public interest as well

Challenges before Legal Audit

- Lack of cooperation from the officers or the divisions of the target concern
- Chances of manipulation in documents and concealment of facts
- Confidentiality of information at risk

Conclusion

In the era of complex legal environment and competition, companies have to be most vigilant towards regulatory laws. A minor mistake can result in heavy penalties and affect businesses. To avoid such a scenario, it is always better to take precautions and conduct legal compliance audit so as to ensure due compliance with laws, which in turn results in smooth running of business and good corporate governance.

Madhusudan Jena
Chief Manager (Law)



A transaction of sale and purchase is a part of our daily routine. It may be a small transaction like purchasing of milk or a big business deal.

The transaction of sales or sales of goods is a contract according to Sec4 of the Sales of Goods Act whereby the seller transfers the property/goods to the buyer for a price. Thus, in a contract of sales of goods, there are two parties; *Seller&Buyer*. Subject matter of the contract should be Goods (Goods includes Services) that are transferred for a price.

The buyer and seller are bound to perform certain duties. Seller's duty is to deliver the goods and buyer's duty is to accept and to pay for it in accordance with the contract. If either party does not perform his duty in a proper way, he can be made liable. In case that buyer does not accept pay for the goods, the *unpaid seller*, apart from having a right to avoid contract or having a right to sue buyer for the breach, can exercise the following *rights against the goods*:

1. Lien (sections 47-49)
2. Stoppage in transit (sections 50-52)
3. Re-sale (section 54)

Unpaid Seller: The seller to whom only a part payment has been paid is an unpaid seller. An unpaid seller is a person to whom the whole of the price has not been paid or tendered, or if the price was paid through a bill of exchange or other negotiable instrument, the same has been dishonored. The rights mentioned above against the goods can only be exercised by an unpaid seller as defined under section 45 of Sales of Goods Act, 1930.

Lien

Lien means the right to retain the goods or refusing the delivery until the price in respect of them has been paid by the buyer. According to section 47, this right can be exercised in following situations:

- i) When the goods have been sold without any stipulation as to credit, i.e. the sale of goods has been on cash basis.
- ii) When the goods have been sold on credit and the period of credit expires.
- iii) If before the delivery of the goods, buyer becomes insolvent.

The basis of this right is non-payment of the price. If the buyer has made part payment of the price, he cannot insist that proportionate amount of goods should be delivered to him. In **Eduljee v. Cafe John Bros**, the seller sold a second hand refrigerator to a buyer for Rs.120 and it

Rights of Unpaid Seller



was further agreed that seller will put that in order at the cost of Rs.320. The buyer took the delivery of the refrigerator and admitted that it was working satisfactory. Subsequently, two of its parts were delivered to seller for further repairs. The seller now refused to deliver back those goods claiming a lien on them. It was held that the right to lien had come to an end with the delivery of the refrigerator and could not be revived.

Termination of lien:

- i) By payment of price
- ii) By delivery to the carrier
- iii) By the buyer obtaining possession of the goods in lawful manner
- iv) By waiver

Stoppage in Transit

It is when the goods have already been delivered to a carrier for being transmitted to the buyer, the carrier at the seller's request delivers the goods back to the seller and not to deliver to the buyer even though the buyer might have got the possession of the document of title to the goods. Following conditions are to be satisfied for the purpose of exercise of this right:

- i) Seller should be an unpaid seller as defined in section 45.
- ii) The buyer should be insolvent within the meaning of section 2(8)
- iii) The goods should be in transit. The goods are deemed to be in transit from

the time when they are delivered to a carrier or other bailee for the purpose of transmission to the buyer. The transit continues until the buyer or his agent takes delivery of the goods from such carrier.

Transit comes to an end when:

- i) When the buyer takes the delivery
- ii) When the carrier or other bailee acknowledges to the buyer
- iii) When the carrier wrongfully refuses to deliver the goods to the buyer.

When the part delivery of the goods has been made to the buyer or his agent, the seller may still exercise that right to stoppage in transit over the remaining goods. If the buyer refuses to take the delivery of the goods, they should be deemed to be still in transit. Unpaid seller's right of lien or stoppage in transit is not affected by any sale or other disposition of the goods which the buyer might have made.

Resale

After exercising the right to lien or stoppage in transit, the seller has a right to retain the goods until the buyer pays the price. If within a responsible time after the exercise of such a right, the buyer does not pay the price, the unpaid seller may re-sell them under following circumstances:

- i) Where the goods are of perishable nature
- ii) Where unpaid seller who has exercised his right to lien or stoppage in transit gives notice to the buyer of his intention to re-sell
- iii) Where the seller expressly reserves a right to re-sale in the case buyer should make default

Before making a re-sale, the unpaid seller is required to give a reasonable notice of re-sale to the buyer. No such notice, however, is required if the goods are of perishable nature. In case of loss in resale, the unpaid seller can recover from the original buyer damages by his breach of contract, but the buyer shall not be entitled to any profit which may occur on resale. On a re-sale of the goods, the buyer acquires a good title to the goods against the original buyer, notwithstanding that a notice of re-sale has been given to the original buyer.

Aditee Sinha

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Making of the Indian Constitution & Its Contemporary Relevance

As India celebrated the 26th day of November last year, the 66th year of approval of the country's Constitution, marked as **Constitution Day** also as **Law Day**, we attempt to retrace the milestones along the momentous journey and examine whether the living document has served us well in the present time.

The world's first political scientist, Aristotle, in his famous book on Politics, defined a constitution in two ways: Descriptive and Normative. In the first way, he defined a constitution as "the arrangement of magistracies in a state, especially of the highest of all". In normative aspect, "a constitution is the organisation of office in a state and determines what is to be the governing body, and what the end of each community is. But laws are not to be confounded with the principles of the constitution: they are the rules according to which the magistrate should administer the state and proceed against offenders."

If India were to try and draft a Constitution today, the chances of success are debatable. The significant achievement of India's Constituent assembly is that it created a Constitution which has survived. If the framing of India's Constitution was the culmination of a long political revolution, perhaps no one understood the "problem of beginning" better than its chief architect, Dr B.R. Ambedkar. Over more than five decades, the nationalist movement had demanded - and ultimately won - political

independence, the rule of law, freedom from arbitrary force, and basic civil liberties such as the freedom of expression and association. Each of these victories was painstakingly written into the new Constitution.

The Indian Constitution is a source of inspiration to humanity, a finest



manifestation of the will of Indian people with crystal clear directions, and an embodiment of justice, liberty and fraternity. It is one of the most sacred documents of the Indian State and its people. It is almost the **dhamma** of the state prescribing modern values. Also it is one the lengthiest constitutions which, since its inception

and adoption, has seen many ups and downs but continues to hold and embrace the large Indian population within a fold of secular, sovereign, democratic state. Dr B. R. Ambedkar has been rightly called the Father of the Indian Constitution, architect of the rule of law of modern India, and a

selfless saint of the emerging Indian nation-state. 26th of November is celebrated as the Constitution Day in India every year as the Constitution was adopted by the Constituent Assembly on the same day in the year 1949 and it came into force on 26th of January in 1950. Even before the independence of India, Dr. Ambedkar was appointed as the Constitution Drafting Committee's Chairman on 29th of August 1946. He was invited by the Congress government to serve as the first law minister of India. The Constitution of India, unique in the world, took around 2 years, 11 months and 17 days to be passed by the Constituent Assembly from 9th December 1946 to 26th November 1949. In its background lay a long chain of events stretching over nearly two centuries. When the Constitution of India was adopted, the citizens of India entered into a new constitutional, scientific, self-

governing and modern India with peace, poise and progress.

The major chronological events in the making of the India Constitution are summarised as under:

- 1757..Birth of British East India Company in Bengal

- 1858.. Possession of Company by British Queen in Parliament
- 1877.. Declaration of Queen Victoria - The empress of India
- 1861.. Birth of Indian Council Acts
- 1909.. Amended India Council Acts
- 1935.. Government of India Acts (enforced in 1937)
- 1946.. UK Cabinet Mission Plan for Constitution

The Cabinet Mission proposed to elect members of the Constituent Assembly by indirect election by the members of the Provincial Legislative Assemblies. Initially the Constituent Assembly had 389 members but later it was reduced to 299 as a separate Constituent Assembly was formed for Pakistan. India's Constituent Assembly had men of genius with vision, passion, integrity and patience who were not angling for power. The Constituent Assembly worked in two capacities: (1) as the Constituent body, and (2) as the legislative body.

The Constituent Assembly first met on 9th of December 1946 and Pt. Jawaharlal Nehru moved the famous Objective Resolution on 13th December 1946 in the first session of the Constituent Assembly, but it was finally passed on 22nd January 1947 in the second session and later became the **Preamble** of the Constitution.

The Constituent Assembly on 29th August 1947 set up a Drafting Committee under the Chairmanship of Dr B.R. Ambedkar to "scrutinise and to suggest necessary amendment to the draft Constitution of India prepared in the Office of the Assembly on the basis of decisions taken in the Assembly. The Drafting Committee submitted the draft of the Constitution to the Constituent Assembly on 4th November 1948. Introducing the Draft Constitution, Dr Ambedkar said "The Draft Constitution as it has emerged from the Drafting Committee is a formidable document. It contains 315 Articles and 8 Schedules. It must be admitted that the Constitution of no country could be found to be as bulky as the Draft Constitution. It would be difficult for

those who have not been through it to realize its salient and special features. The Draft Constitution has been before the public for eight months. During this long time, friends, critics and adversaries have had more than sufficient time to express their reaction to the provision contained in it. I dare say some of them are based on misunderstanding and inadequate understanding of the articles."

Dr Ambedkar's vision was deeper and more profound than that. Drawing upon experience, he understood how deeply riven and divided our society was. Unlike Western absolutist monarchies, the targets of the French and American Revolutions, he understood that political and social power in India had never been located within the single figure of a monarch, but had always been distributed along various axes of the body politic. The concept of fundamental rights was inspired by the American Constitution, the concept of Liberty, Equality and Fraternity from the French, the directive principles of the state policy from the Irish and the Emergency provisions from Germany. He understood that for a majority of Indian citizens, oppression stemmed not from the acts of the State, but from everyday exclusion, and marginalisation. The prohibition upon lower castes; from drawing water from public wells, entering temples, residing within village boundaries, and in a myriad different ways, to participating in the economic and social life of the community: these were issues that could be resolved neither by simply political independence, nor by guaranteeing civil liberties against State power. Ambedkar's response was to ensure that the Indian Constitution departed from the traditional understanding, that fundamental rights were about ensuring private and individual freedom against the State. Part III of our Constitution - our fundamental rights chapter - therefore prohibits the practices of untouchability and bonded labour, guaranteeing a bulwark not just against public tyranny, but against

private oppression as well. However, Ambedkar's legacy is much more far-reaching than ensuring a ban on two of the most pernicious practices of social discrimination in India. That legacy resides in a nearly forgotten provision of the Indian Constitution: Article 15(2). Article 15(2)(a) of the Constitution states:

"No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to

a) access to shops, public restaurants, hotels and palaces of public entertainment..."

While defending the Article, and explaining its meaning, Dr. Ambedkar stated:

To define the word 'shop' in the most generic term one can think of is to state that 'shop' is a place where the owner is prepared to offer his service to anybody who is prepared to go there seeking his service.... Certainly it will include anybody who offers his services. I am using it in a generic sense. I should like to point out therefore that the word 'shop' used here is not used in the limited sense of permitting entry. It is used in the larger sense of requiring the services if the terms of service are agreed to.

Or, in other words, Ambedkar's idea of a "shop" was not limited to its narrow, dictionary meaning, but a convenient shorthand for the impersonal, abstract market of the modern liberal-capitalist economy. Ambedkar's intention was to ensure that an individual's caste, religion, sex etc. could not be used as a pretext to exclude her from participation in the daily economic life of a community, and thus become a weapon for ensuring the continued subordination of groups even after their formal emancipation. Later in the debates, Ambedkar himself was to go on and say that "shop" would include doctors, lawyers, and anybody who offered his service for a fee. In the decades after independence, Article 15(2) has rarely been invoked by the

courts, and its transformative potential has remained largely untapped.

Today after 66 years of independence, India has seen a sea change of progress.

During the last six decades, India's Constitution has been amended about a hundred times, which show its dynamic nature to evolve according to need and time. The Constitution of India now has 448 articles in 25 parts, 12 schedules and 5 appendices. These amendments that were carried out can be categorised as under:

- Social justice and reformist amendments for agrarian reforms.
- Rewriting of the map of Indian federation by creating more states
- Infamous amendments during emergency
- Corrective amendments

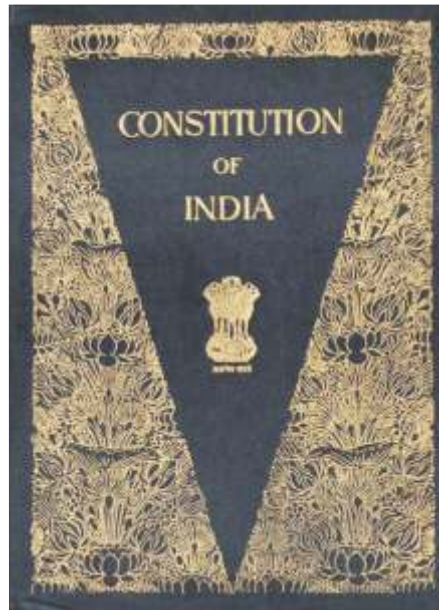
Our Constitution is founded on two premises: DEMOCRACY and RULE OF LAW. Without democracy there would be autocracy and without law there would be lawlessness.

Here are some of the major amendments carried out during the last six decades:

- 1951.. The 1st amendment places reasonable curb on free speech and created the 9th schedule
- 1956.. The 7th amendment paves the way for re-organisation of the state along linguistics lines
- 1960.. The 8th amendment extends political reservations to SC/ST and Anglo Indians.
- 1961.. By the 12th amendment, Portuguese colonies of Goa, Daman and Diu became part of India
- 1971.. The 26th Amendment abolished privy purse paid to former rulers of princely states
- 1975.. The 39th Amendment referred to Allahabad High Court decision on election of Smt. Indira Gandhi.
- 1976.. The 42nd Amendment passed during Emergency curbs fundamental rights, imposes some fundamental duties and also adds

the word 'secular' and 'socialist' to the Preamble.

- 1977-78.. The 43rd and 44th Amendments restore civil liberties post - Emergency and removes Right to Property from Fundamental Rights.
- 1985.. The 52nd Amendment allows disqualification of lawmakers in case of defection from one party to other
- 1988.. The 61st Amendment lowers the voting age from 21 to 18 years
- 1992.. The 73rd and 74th Amendments provide for direct election in Panchayats and urban local bodies



- 2002.. The 86th Amendment provides for Right to Education till the age of 14 years and early childhood care till the age of six
- 2014.. The 99th Amendment creates the National Judicial Appointment Commission which SC struck down in 2015

During the last six decades, the number of critics of the Indian Constitution has also increased and is represented by mainly three streams of thoughts. The first group supports the Indian Constitution and does not want any change but is ready to make amendments and reform it from time to time. The second group is opposed to

it and wants to replace the entire system by another. The third group does not want to change the system but wants to replace the present constitution by another one of their choice.

In today's context, visible documents have to be guided by invisible norms. The three pillars, Legislative, Executive and Judiciary, have to function keeping the true spirit of the Constitution alive and without harming its basic structure that maintains the social fabric of the country.

The very first sentence of the Preamble begins with **We the People of India**, which means we all are responsible for upholding and maintaining our social and cultural values. It is the people who gave the Constitution unto themselves. We the citizens of India are responsible for a fair electoral democracy to elect the legislators without any pressure like money or muscle power so that no more insulting incidences like furniture throwing in houses get repeated. The Indian constitution has a purpose of achieving social and distributive justice, which is very much found in the Preamble and Directive Principles of State Policy.

Dr Ambedkar while presenting the Constitution to Dr Rajendra Prasad, commented:

"It is workable, it is flexible and it is strong enough to hold the Country together both in peace time and war time. Indeed, if I may say so, if things go wrong under the new constitution, the reason will not be that we had a bad Constitution, what we will have to say is that Man is Vile."

The India Constitution encompassing a multi-cultural and multi-religious civilisation remains a founding pillar of our country and society. Capturing all this in the embrace of its versatile scope, the Constitution remains an unparalleled achievement, which will surely carry India into the future.

Shashank Shende
RO Mumbai

The philosophy underlying the Mercy Petition lies in saving an innocent person from being punished due to miscarriage of justice or in cases of doubtful conviction. The hope of being pardoned itself serves as an incentive for the convict to behave himself in the prison institution and thus, helps considerably in solving the issue of prison discipline also. The concept of Mercy Petition is followed in many nations like USA, UK, Canada, etc. including India.

In India the power to grant pardon is entrusted to the President and the Governors of various states under Article 72 and Article 161 of the Constitution. It adds a human touch to the country's judicial process by conferring powers to grant pardon or show mercy to criminals sentenced to death. They can review the applications without having to view it from a legal angle like that of legal experts who base their opinions solely on the basis of available evidence and the testimony of witnesses.

There is no time limit given in these two Articles of the Constitution of India for Mercy Plea. These Articles have no binding effect on the President and the Governors of the states to accept all the Mercy Petitions.

The courts of civilized states have recognized and acknowledged that a prolonged delay in executing a death sentence can make the punishment inhuman and degrading. The protracted anguish of alternating between hope and despair, the agony of uncertainty, the consequences of such suffering on the mental, emotional and physical integrity and health of not only the convict but also their family should not be allowed in civilized societies.

The Supreme Court in Ranga Billa Case was called upon to decide the nature and ambit of the pardoning power of the President of India under Article 72 of the Constitution. In this case, death sentence of one of the appellants was confirmed by the Supreme Court. His Mercy Petition was also rejected by the President. Then the appellant filed a Writ Petition in the Supreme Court challenging the discretion of the President to grant pardon on the ground that no reasons were given for rejection of his Mercy Petition. The court dismissed the Petition and observed that it is entirely a discretionary remedy and grant or rejection of it need not be reasoned. Again, Supreme Court in Kehar Singh v. Union of India [1989 (1) SCC 204] reiterated its earlier stand and held that the grant of

Mercy Petition: Boon or Bane?



pardon by the President is an act of grace and therefore, cannot be claimed as a matter of right. The power exercisable by the President being exclusively of administrative nature is not justifiable.

It is a misnomer to describe the Petitions made to the President and Governors under Articles 72 and 161 of the Constitution by convicted persons as Mercy Petitions. The Constitution confers a right on such convicts and a duty on the Presidents and Governors (in reality the respective government) to duly consider the petitions and take action on them expeditiously. Keeping such petitions pending for an inordinately long period, the government seems to be totally ignorant of its obligations to law and of the human aspect of the suffering of those on death row. It treats them as if they are standing in a queue for rations.

After careful sifting, the Supreme Court shifted its earlier stand in 1983 in the Sher Singh case, and in categorical and unequivocal terms fixed a sort of deadline of 3 months on respective governments for disposal of Petitions filed under Articles 72 and 161 of the Constitution or under Sections 432 and 433 of the Criminal Procedure Code.

Afzal Guru, convicted for his role in the 2001 terrorist attack on Parliament, had been on death row after his appeal was dismissed by the Supreme Court on August 5, 2005. His execution, due on October

20, 2006, was stayed by the government because a Clemency Petition was filed by his family to the President. Afzal Guru suffered in solitary isolation, not knowing whether he would be executed or not. The agony of his family must not be any less. On 3rd February 2013, his mercy plea was rejected by the President of India and he was secretly hanged at Delhi's Tihar Jail on 9th February 2013 and afterward buried inside jail grounds in Operation Three Star. Yakub Memon, convicted and awarded death sentence for conspiracy through financing the Mumbai serial blasts in 1993 which left 257 dead and 713 people wounded, had preferred and exhausted a long channel of various legal and constitutional remedies like Review Petition, Writ Petition before the Supreme Court, Mercy Plea before the President, Curative Petition before the Supreme Court, Mercy Plea before the Governor of Maharashtra, Mercy Plea before Maharashtra Chief Minister seeking stay on his execution slated for 30 July 2015, but was ultimately hanged till death on the stipulated date after exhausting all these remedial measures available to him.

Under a landmark ruling in January 2014, the Supreme Court has humanized the way the state deals with death row convicts whereby a convict cannot be executed for a period of 14 days after the rejection of his clemency plea as giving 14-day notice for execution "allows the prisoner to prepare himself mentally for execution, to make his peace with God, prepare his will and settle other earthly affairs. It allows the prisoner to have a last and final meeting with his family members. It is the obligation of the Superintendent of Jail to see that the family members of the convict receive the message of communication of rejection of the Mercy Petition in time."

To conclude, pardoning power of executive is very significant as it can correct the errors of judiciary. It eliminates the effect of conviction without addressing the defendant's guilt or innocence. Mercy Petition's timely disposal may prove to be a boon and in the interest of both the society and the convict, considering the period of imprisonment undergone, seriousness of the offence, age of the prisoner, health of the prisoner, his good prison record, remorse and atonement, deference to public opinion etc. Else, it is a bane.

Jitendra Verma
Chief Manager (Law)

Good Performance Award in Imports at Kochi



International Customs Day Celebrations were held at Merchant Navy Club, Willingdon Island, Cochin in 2016 and the program was graced by Shri Justice (Retd.) P. Sathasivam, Hon'ble Governor of Kerala as the Chief Guest.

In connection to the above celebrations, Office of the Commissioner of Customs honoured the top performers for the calendar year 2015 along the different stakeholder categories, viz., Exporters, Importers, Steamer Agents, Airlines and

Customs Brokers.

It is a matter of great pride that MMTC was selected for the Good Performance Award in Imports at Kochi for the calendar year 2015 and was honoured with the Award and Certificate.

Shri R. K. Arvind, AGM (I/C), SRO Kochi, received the Award and Certificate from Shri Justice (Retd.) P. Sathasivam, Hon'ble Governor of Kerala, in a glittering function graced by prominent dignitaries.

With SRO Kochi over stretching to translate all opportunities into actual business performance, it is surely poised to achieve new heights in the coming years.

M.R. Guru Prasad
Senior Manager

Highest Import Award for RO Hyderabad

Customs and Central Excise organized International Customs Day Celebrations in 2016 at Novotel Hotel, Rajiv Gandhi International Airport, in Shamshabad, Hyderabad. All the Importers and Exporters along with associates were invited. Ms. R. Shakuntala I.R.S. Chief Commissioner of Customs, Central Excise & Service Tax presided over the function. Prof. Madabushi Sridhar,

Information Commissioner Customs, Central Excise & Service Tax was a Guest of Honor. Shri N. Sridhar, I.R.S Commissioner, was the convener of the programme. The performance of MMTC RO Hyderabad, in spite of frequent change in the gold import policies, was much discussed.

Shri M. Amanulla, Chief Manager (PMD), received the Memento of

Highest Importer Award for 2014-15 on behalf of MMTC from Prof. Madabushi Sridhar. The senior customs officials all appreciated the performance of MMTC RO Hyderabad. This is consequently the second time that the office has bagged this prestigious award.

S. Rahim Basha
Dy. Manager

हिंदी में काम करना आसान है

भारत सरकार की राजभाषा नीति के कार्यान्वयन से संबंधित मुख्य चिंता यह रहती है कि ऐसे कौन से उपाय हैं जिनके माध्यम से कार्यालय में हिंदी का प्रयोग बढ़ाया जा सकता है। सरकारी कामकाज में हिंदी के प्रयोग के संबंध में पहले से ही उनके आदेश/निर्देश उपलब्ध हैं, परंतु इन आदेशों का पर्याप्त अनुपालन नहीं हो रहा है।

परिणामस्वरूप जिन अधिकारियों पर इन आदेशों के अनुपालन की जिम्मेदारी होती है उन्हें संसदीय राजभाषा समिति तथा अन्य अधिकारियों द्वारा किए जाने वाले निरीक्षण के समय बड़ी कठिनाई का सामना करना पड़ता है। इस समस्या का निवारण कुछ और आदेश निकाल देने से नहीं होगा। समस्या की जड़ कई प्रकार के मानसिक अवरोध हैं जिनके कारण प्रगति संतोषजनक रूप में होती दिखाई नहीं पड़ती। मनोवैज्ञानिक पहलुओं को भी ध्यान में रखने की आवश्यकता है।

उक्त समस्या को इस प्रकार समझा जा सकता है – यदि गाड़ी में बैटरी अथवा प्लग न लगा हो या प्लग साफ न हो तो उसमें स्पार्क नहीं होगा और स्पार्क नहीं होगा, तो इंजन चालू नहीं होगा। हिंदी के लिए भी हृदय में चिंगारी होनी चाहिए। इस समय हिंदी की गाड़ी को चलाने के लिए हिंदी से संबंधित संवैधानिक उपबंधों और आदेशों को बार-बार दोहराया जाता है, सुनने वालों को लगता है कि हिंदी उन पर कानून के द्वारा थोपी जा रही है। उनके हृदय में यह बात उतरी नहीं है कि किसी भी स्वाधीन देश के लिए उसकी अपनी भाषा का उपयोग कितना आवश्यक है और उसमें उनकी अपनी क्या भूमिका होनी चाहिए? आदेशों को दोहराते रहने और हिंदी की गाड़ी को कानून की दुहाई का धक्का लगाकर आगे बढ़ाने का प्रयत्न

करते रहने की अपेक्षा हृदयों को स्पर्श करने की बात भी सोची जाए तो स्थिति में काफी परिवर्तन आ सकता है। जिस व्यक्ति के हृदय में हिंदी के लिए चिंगारी पैदा हो जाती है वह हिंदी में काम करना आरंभ कर देता है तथा उस क्रम को लगातार जारी रखता है। अतः अन्य प्रयत्नों के साथ-साथ हृदय स्पर्श करने के प्रयत्न विशेष रूप से होते रहने चाहिए। इसके फलस्वरूप जो परिणाम प्राप्त होंगे वे अधिक स्थाई एवं दूरगामी होंगे।

कभी-कभी हिंदी में काम करने का निश्चय करने वाले व्यक्ति यह संकल्प लेते हैं कि वे शत प्रतिशत काम हिंदी में करेंगे। ऐसा संकल्प करना कोई बुरी बात नहीं है और उस संकल्प को निभाना असंभव भी नहीं है। हिंदी में सभी स्तर का तथा सभी विषयों का काम किया जा सकता है, फिर भी ऐसे मामले हो सकते हैं, जिन्हें हिंदी में निपटाने में कुछ कठिनाई दिखाई पड़े। हो सकता है कि लिखने वाले को कोई कठिनाई न हो किंतु जिन कार्मिकों के पास उस मामले के कागजात प्रस्तुत होने हैं यदि उनमें कुछ को कठिनाई महसूस होती हो तो सोचना पड़ जाता है कि क्या किया जाए? ऐसी स्थिति अपेक्षाकृत थोड़े ही मामलों में उत्पन्न होती है। रूटीन काम हिंदी में हो सकता है और छोटी-छोटी टिप्पणियां तथा छोटे पत्र भी मूलरूप से हिंदी में लिखे जा सकते हैं। इस तरह से लगभग 70-75 प्रतिशत काम आसानी से हिंदी में हो सकते हैं। यदि किसी विशेष प्रकार के कार्यों को हिंदी में करने में कोई कठिनाई हो रही है तो उन्हें कुछ समय अंग्रेजी में किया जा सकता है। धीरे-धीरे जब अधिकारीगण विभिन्न विषयों की टिप्पणियां हिंदी में प्राप्त करने के अभ्यस्त हो जाएंगे तब अन्य कामों में

भी हिंदी का ही प्रयोग करने में कोई कठिनाई दिखाई नहीं पड़ेगी।

कई विषयों के पत्र अनेक व्यक्तियों को लगभग एक जैसे भेजे जाते हैं। इस प्रकार के पत्राचार के लिए मानक मसौदे तैयार करके उनका आसानी से प्रयोग किया जा सकता है। ऐसे मानक मसौदे हिंदी में तैयार करवा लिए जाने चाहिए। इनमें जहां विशेष महत्व के शब्दों का प्रयोग हो रहा हो तो दूसरों की सुविधा के लिए ऐसे शब्दों के आगे उनके अंग्रेजी पर्याय कोष्ठक में दिए जा सकते हैं। हिंदी में बने इन मानक मसौदों का उपयोग अधिकतम किया जाना चाहिए। इनका इस्तेमाल करने से सभी कार्यालयों में हिंदी के प्रयोग की मात्रा काफी बढ़ सकती है।

देखा गया है कि अनेक विभागों/कार्यालयों में मानक मसौदे काफी संख्या में द्विभाषी रूप में तैयार करवाए गए हैं। उनमें एक पैरा हिंदी का, उसके साथ उसका अंग्रेजी रूपांतर तथा इसी प्रकार फिर दूसरा, तीसरा पैरा, आदि हिंदी-अंग्रेजी में दिए होते हैं। किंतु देखा जाता है कि इन मानक मसौदों के रिक्त स्थापनों को अंग्रेजी में भरा जाता है तथा उनमें प्रेषिती के नाम तथा पते आदि अंग्रेजी में लिखे जाते हैं। द्विभाषी मानक मसौदों का यह सही उपयोग नहीं है। कार्मिकों में स्वयं यह इच्छाशक्ति होनी चाहिए कि वे इनमें हिंदी वाले अंशों का प्रयोग करते हुए सभी विवरण हिंदी में भरें। मेरा मानना है कि यदि हम सभी में अपनी राजभाषा के प्रति सम्मान एवं जिम्मेदारी का भाव जाग्रत हो जाए तो हिंदी के प्रयोग का रास्ता बहुत ही सुगम हो सकता है।

j leQy ; kno

मुख्य प्रबंधक (राजभाषा)

हिंदी के अनन्य सेवक फादर कामिल बुल्के

फादर कामिल बुल्के एक मिशनरी के रूप में भारत के जनजातीय क्षेत्रों में धर्म प्रचार हेतु बेल्जियम से आए थे, किंतु वे यहां की मनीषा और जनमानस में व्याप्त राम के प्रति अगाध श्रद्धा से इतने प्रभावित हुए कि स्वयं राममय बन गए और विश्व में 'रामकथा' के अनन्य विशेषज्ञ के रूप में अमर हो गए। तुलसी के 'रामचरित मानस' से उन्हें असीम प्रेरणा प्राप्त हुई। गोस्वामी तुलसी दास की राम के प्रति समर्पित भक्ति भावना और उनके चमत्कारिक काव्य कौशल से प्रभावित हो कह उठे— सबै नचावत राम गुसाईं / मोहे नचावत तुलसी गुसाईं ।।

उन्होंने रामकथा को ही अपने शोध का विषय बनाया और आजीवन इसी दिशा में कार्य करते हुए निरंतर हिंदी की सेवा में लगे रहे और जाते-जाते हिंदी भाषा को अंग्रेजी-हिंदी शब्दकोश के रूप में एक अमूल्य उपहार दे गए, जिसके लिए हिंदी जगत सदा उनका ऋणी रहेगा।

फादर कामिल बुल्के का जन्म पहली सितंबर, 1909 को बेल्जियम के एक गांव रामसकपैले में हुआ था। वे असाधारण प्रतिभा के विद्यार्थी थे। साइकिल की सवारी उनका शौक था और फुटबाल उनका प्रिय खेल था। 1930 में उन्होंने इंजीनियरिंग की परीक्षा पास की और लैटिन, ग्रीक तथा जर्मनी भाषाओं में दक्षता प्राप्त की। उनकी मातृभाषा लेमिश थी, जिसके प्रति उन्हें अगाध प्रेम था। ग्रिगोरियन विश्वविद्यालय से दर्शनशास्त्र में एम.ए. किया और धर्मनिष्ठ कामिल बुल्के ने मानव सेवा के प्रति प्रवृत्त हो 1930 में

सन्यास ग्रहण कर लिया। उन्होंने विदेशों में रहकर धर्म सेवा के कार्य को वरीयता दी और भारत आने का निर्णय किया।

1935 में वे भारत में रांची पहुंचे। यहां उन्होंने जान लिया कि भारत में हिंदी के ज्ञान के बिना वे अपने मिशन को आगे नहीं बढ़ा सकते, इसलिए उन्होंने हिंदी सीखनी शुरू की। उन्होंने पंडित बद्रीदत्त शास्त्री से संस्कृत पढ़ी। वे शीघ्र ही संस्कृत में इतने पारंगत हो गए कि शास्त्री जी ने उन्हें 'चलता-फिरता शब्दकोश' कह डाला। भारत में रहकर हिंदी के प्रति उनकी ऐसी रुचि बढ़ी कि उन्होंने हिंदी को अपनी मातृभाषा के रूप में ग्रहण कर लिया। उन्होंने विशारद की परीक्षा पास की और कलकत्ता विश्वविद्यालय से बी. ए. किया। हिंदी में एम.ए. करने के लिए वे इलाहाबाद गए, जहां उन्होंने 1947 में हिंदी में एम.ए. की उपाधि ली। इलाहाबाद विश्वविद्यालय से उन्होंने 'रामकथा की उत्पत्ति और विकास' पर डी.फिल. की उपाधि प्राप्त की। उनके शोध कार्य की विशेषता यह थी कि वह ऐसा शोधप्रबंध था, जो पहली बार हिंदी माध्यम से हिंदी में प्रस्तुत किया गया था, जिसके लिए विश्वविद्यालय को अपने नियमों में संशोधन करना पड़ा था।

'रामकथा' के अलावा हिंदी को उनका अप्रतिम योगदान उनका 'अंग्रेजी-हिंदी शब्दकोश' भी है, जिसका पहला संस्करण 1968 में प्रकाशित हुआ। अध्यापकों, विद्यार्थियों, लेखकों, अनुवादकों, व्यवसायियों, पत्रकारों, सरकारी कार्यालयों, बैंकों, दूतावासों में

कार्यरत सभी के लिए एक मानक कोश के रूप में यह कोश अत्यधिक उपयोगी है। अनुवादकों में तो यह शब्दकोश अनिवार्यता की हद तक लोकप्रिय है।

डा. कामिल बुल्के विदेशी होते हुए भी इस देश की मिट्टी और यहां की भाषा से पूर्णतः जुड़ गए थे। 1950 में उन्होंने भारतीय नागरिकता ग्रहण की और पूरी तरह भारतीय बन गए। भाषा को वे राष्ट्रीय स्वाभिमान से जोड़ते थे। वे आजीवन हिंदी के सेवक रहे और शुद्ध हिंदी में बात करना पसंद करते थे।

उनकी प्रेरणा से अनेक मिशनरी स्कूलों में अध्यापन का माध्यम हिंदी भाषा हुई। गिरिजाघरों में हिंदी में प्रार्थनाओं और भक्तिगीतों को स्थान मिला। उनकी उल्लेखनीय सेवाओं के लिए भारत सरकार ने उन्हें 1974 में पद्म भूषण से सम्मानित किया।

1975 में नागपुर में आयोजित प्रथम विश्व हिंदी सम्मेलन और 1976 में मारिशस में संपन्न हुए दूसरे विश्व हिंदी सम्मेलन में उन्होंने भारतीय प्रतिनिधि के रूप में भाग लिया।

फादर कामिल बुल्के ईसाई धर्म के प्रचारक बनकर आए थे, किंतु वे सांप्रदायिकता से कोसों दूर रहे। तुलसी के 'रामचरित मानस' और 'विनय पत्रिका' का उनके व्यक्तित्व पर गहरा प्रभाव रहा था। 17 अगस्त, 1982 को हिंदी परमभक्त फादर कामिल बुल्के का दिल्ली में निधन हुआ।

for ; dekj | gxy]
 उप प्रबंधक (राजभाषा)
 (सेवानिवृत्त)

शब्द-निर्माण की प्रक्रिया

शब्द को ब्रह्म कहा गया है। शब्दों का अध्ययन ब्रह्म-उपासना है। शब्दों में बड़ी शक्ति है—जोड़ने की भी और तोड़ने की भी। कृष्ण के कतिपय शब्दों ने अर्जुन को कर्मवीर और योगनिष्ठ बना दिया और द्रौपदी के दो शब्दों से महाभारत ठन गया। शब्द अजर-अमर तथा अनादि-अनंत है। शब्दों की व्याप्ति प्रत्येक क्षेत्र में है, प्रत्येक विषय में है। जो लोग शब्द पर अपना अधिकार जमा लेते हैं वे दूसरों पर अपना प्रभुत्व, अपना रौब जमा लेते हैं। वे हर काम में सफल होते हैं। जो लोग शब्द सामर्थ्य बढ़ाते रहते हैं, वे ही अच्छे वक्ता, अच्छे लेखक और अच्छे नेता हो सकते हैं।

शब्द दो प्रकार के हैं— रूढ़ और यौगिक। रूढ़ शब्द वे हैं जो युग-युग से परंपरागत चले आ रहे हैं। ये शब्द-प्रयोग छोटे-छोटे होते हैं। इनके सार्थक खण्ड नहीं हो सकते। जा, बैठ, सुन, यह, वह, मैं, अन्न, जल, कान, नाक, आंख, मुंह, पैर, हाथ, अब, सब, हे, रे, में, से, पर, को, रूढ़ शब्द हैं। इन जैसे शब्द गढ़ना और उनको भाषा में स्थान दिला पाना बहुत कठिन कार्य है। शायद एक दशाब्दि में एक-आध नया रूढ़ शब्द समाज में मान्य होता है।

दूसरे प्रकार के वे शब्द हैं जो रूढ़ शब्दों का विस्तार करके नए-नए अर्थ देकर भाषा की संपत्ति बढ़ाते रहते हैं। ज्ञानी, विज्ञानी, मिस्तरी, मजदूर, दुकानदार, ठेकेदार, डॉक्टर, वकील—सब इस काम में लगे रहते हैं।

स्वतंत्रता-प्राप्ति के बाद जब हिंदी को मान्यता प्राप्त हुई तो विशेषज्ञों ने हजारों यौगिक शब्द बना डाले।

यौगिक शब्द मुख्यतः चार प्रकार से बनते या बनाए जाते हैं—

1. रूढ़ शब्द के पहले कुछ शब्दांश जोड़कर जिन्हें उपसर्ग कहते हैं,
2. रूढ़ शब्द के बाद कोई शब्दांश लगाकर जिन्हें प्रत्यय कहा जाता है,
3. दो-दो, तीन-तीन शब्द जोड़कर अर्थात् संधि द्वारा, और
4. दो-दो शब्द इकट्ठे बैठाकर जिन्हें समास कहा गया है।

उपसर्ग कुछ ऐसे शब्दांश हैं जो किसी पूरे शब्दों के पहले जुड़कर उनके अर्थ में कई तरह के परिवर्तन ला देते हैं। अपने में वे सार्थक नहीं होते, पर जिस शब्द के पहले जुड़ते हैं उसमें एक विशेषता ला देते हैं। उदाहरण के लिए 'बल' रूढ़ शब्द के आगे 'निर' उपसर्ग लगा देने से 'निर्बल' यौगिक शब्द बन जाएगा। उपसर्ग संस्कृत भाषा की विशेष उपलब्धि है। उपसर्गों का अध्ययन करते समय एक विशेष बात ध्यान देने योग्य यह है कि इनसे कभी-कभी तो ऐसा अर्थ हो जाता है कि मूल या रूढ़ शब्द से उसका ताल-मेल बिठाना अत्यंत कठिन हो जाता है। दूसरी बात यह है कि मूल में कोई शब्द संज्ञा है, तो उपसर्ग लगने से विशेषण हो जाता है और विशेषण है तो संज्ञा या क्रियाविशेषण हो जाता है।

प्रत्ययों से शब्दों का विस्तार होता है। 'सुंदर' एक विशेषण पद है, इसमें ता प्रत्यय लगने पर संज्ञापद (सुंदरता) बन जाता है। 'बुद्धि' एक संज्ञा है, इसमें 'मान' या 'हीन' प्रत्यय लगाने से विशेषण (बुद्धिमान, बुद्धिहीन) बन जाते हैं। 'पाठक' एक पुल्लिंग संज्ञा है, इसमें क के स्थान पर इका प्रत्यय लगाने से स्त्रीलिंग संज्ञा (पाठिका) बनती है। 'विशेष' एक विशेषण है, इसमें तः या तया प्रत्यय जोड़ने से क्रियाविशेषण (विशेषतः, विशेषतया) बन जाता है। इस प्रकार प्रत्ययों के योग से संज्ञाएं, विशेषण, क्रियाविशेषण आदि सैंकड़ों-हजारों शब्दों का निर्माण होता है।

सन्धि का अर्थ है— जोड़। सन्धि के तीन प्रकार हैं—(1) स्वर सन्धि, (2) व्यंजन सन्धि, और (3) विसर्ग सन्धि। स्वर सन्धि में एक शब्द के अंतिम अक्षर के साथ परवर्ती शब्द के शुरु के अक्षर का मेल होता है, जैसे, महा+ईश=महेश। व्यंजन सन्धि में पहले शब्द के अंतिम व्यंजन का परवर्ती शब्द के शुरु के व्यंजन अथवा स्वर से मेल होता है, जैसे, दिक्+दर्शन=दिग्दर्शन, जगत्+अम्बा=जगदम्बा, उत्+घाटन=उद्घाटन, जगत्+ईश=जगदीश।

सन्धि में दो अक्षर परस्पर मिलाए जाते हैं, समास में दो शब्द पास-पास लाए जाते हैं। घोड़गाड़ी का अर्थ है— घोड़ा खींचता है जिस गाड़ी को। इसमें घोड़ा+गाड़ी मुख्य शब्द हैं और शेष

शब्द गौण हैं। इन्हीं मुख्य शब्दों को पास-पास बिठाने की विधि को समास कहते हैं।

हम अक्सर साहित्य का मर्म समझे बिना ही लिखना शुरू कर देते हैं। शायद हम समझते हैं कि मजेदार, चटपटी और ओजपूर्ण भाषा में लिखना ही साहित्य है। भाषा भी साहित्य का अंग है, पर स्थायी साहित्य विध्वंस नहीं करता, निर्माण करता है। वह मानव-चरित्र की कालिमाएं नहीं दिखाता, उसकी उज्ज्वलताएं दिखाता है। मकान गिराने वाला इंजीनियर नहीं कहलाता। इंजीनियर तो निर्माण ही करता है। हममे जो युवक साहित्य को अपने जीवन का ध्येय बनाना चाहते हैं, उन्हें बहुत आत्मसंयम की आवश्यकता है, क्योंकि वह अपने को एक महान पद के लिए तैयार कर रहे हैं, जो अदालतों में बहस करने या कुरसी पर बैठकर मुकदमे का फैसला करने से कहीं ऊँचा है। उसके लिए केवल डिग्रियों और ऊँची शिक्षा काफी नहीं। चित्त की साधना, संयम, सौंदर्य-तत्व का ज्ञान, इसकी कहीं ज्यादा जरूरत है।

हमारे हिंदी वाले इस बात पर तुले हुए हैं कि हम हिंदी से भिन्न भाषाओं के शब्दों को हिंदी में किसी तरह घुसने

ही न देंगे। उन्हें 'मनुष्य' से तो प्रेम है, परंतु 'आदमी' से पूरी-पूरी घृणा है। यद्यपि 'दरखास्त' जनसाधारण में भलि-भांति प्रचलित है, परंतु फिर भी उनके यहां इसका प्रयोग वर्जित है। इसके स्थान पर वे 'प्रार्थना-पत्र' ही लिखना चाहते हैं, यद्यपि जनसाधारण इसका मतलब बिलकुल ही नहीं समझता। 'इस्तीफा' को वे किसी तरह मंजूर नहीं कर सकते और इसके स्थान पर वे 'त्यागपत्र' रखना चाहते हैं। 'हवाई जहाज' चाहे कितना ही सुबोध क्यों न हो, परन्तु उन्हें वायुयान की सैर ही पसंद है। उर्दू वाले तो इस बात पर और भी अधिक लट्टू हैं। वे 'खुदा' को तो मानते हैं, परंतु 'ईश्वर' को नहीं मानते। 'कसूर' तो वे बहुत से कर सकते हैं, परंतु 'अपराध' कभी नहीं कर सकते। 'खिदमत' तो उन्हें बहुत पसंद है, 'सेवा' उन्हें एक आंख भी नहीं भाती। इसी तरह हम लोगों ने उर्दू और हिंदी के दो अलग-अलग कैंप बना लिए हैं और मजाल नहीं कि एक कैंप का आदमी दूसरे कैंप में पैर भी रख सके।

जिन्हें धन-वैभव प्यारा है, साहित्य-मंदिर में उनके लिए स्थान नहीं है। यहां तो उन उपासकों की आवश्यकता है, जिन्होंने सेवा को ही

अपने जीवन की सार्थकता मान लिया हो, जिनके दिल में दर्द की तड़प हो और मुहब्बत का जोश हो। अपनी इज्जत तो अपने हाथ है। अगर हम सच्चे दिल से समाज की सेवा करेंगे तो मान, प्रतिष्ठा और प्रसिद्धि सभी हमारे पांव चूमेंगी। फिर, मान प्रतिष्ठा की चिंता हमें क्यों सताए? और उसके न मिलने से हम निराश क्यों हों? सेवा में जो आध्यात्मिक आनंद है, वही हमारा पुरस्कार है— हमें समाज पर अपना बड़प्पन जताने, उस पर रौब जमाने की हवस क्यों हो? दूसरों से ज्यादा आराम के साथ रहने की इच्छा भी हमें क्यों सताए? हम अमीरों की श्रेणी में अपनी गिनती क्यों कराएं? हम तो समाज का झण्डा लेकर चलने वाले सिपाही हैं और सादी जिंदगी के साथ ऊंची निगाह हमारे जीवन का लक्ष्य है।

fof ; daf | gxy]
उप प्रबंधक (राजभाषा)
(सेवानिवृत्त)

vaxhi ; k	fgahi ; k
Meeting in camera	गुप्त बैठक
Merits and demerits	गुण-दोष
Monotony	एकरसता
Overall charge	समग्र प्रभार
Oversight	दृष्टिचूक

fgahi ; k	vaxhi ; k
अप्रत्याशित विलंब	Unexpected delay
एकरूपता	Uniformity
खुदरा कीमत	Retail price
महाभियोग	Impeachment
अवहेलना	Disregard

भारत की आजादी आन्दोलन के साथ किसान आन्दोलन



किसान आन्दोलन प्रथम स्वतंत्रता संग्राम 1857 ई. के को अंग्रेजों ने कुछ देशी रियासतों की सहायता से दबा तो दिया, लेकिन इसके पश्चात भी भारत में कई जगहों पर संग्राम की ज्वाला लोगों के दिलों में दहकती रही। इसी बीच अनेकों स्थानों पर एक के बाद एक कई किसान आन्दोलन हुए। इनमें से अधिकांश आन्दोलन अंग्रेजों के खिलाफ किये गए थे। कितने ही समाचारपत्रों ने किसानों के शोषण, उनके साथ होने वाले सरकारी अधिकारियों के पक्षपातपूर्ण व्यवहार और किसानों के संघर्ष को अपने पत्रों में प्रमुखता से प्रकाशित किया था। नील विद्रोह, पाबना विद्रोह, तेभागा आन्दोलन, चम्पारन सत्याग्रह, बारदोली सत्याग्रह और मोपला विद्रोह प्रमुख किसान आन्दोलन के रूप में जाने जाते हैं। जहाँ 1918 ई. का खेड़ा सत्याग्रह गाँधीजी द्वारा शुरू किया गया, वहीं 'मेहताबन्धुओं' (कल्याणजी तथा कुँवरजी) ने भी 1922 ई. में बारदोली सत्याग्रह को प्रारम्भ किया था। बाद में इस सत्याग्रह का नेतृत्व सरदार वल्लभभाई पटेल जी के हाथों में रहा।

ceqkfdl ku vkuhsu

प्रथम स्वतंत्रता संग्राम के पश्चात भारत में हुए प्रमुख किसान आन्दोलन इस प्रकार थे—

uly vkuhsu 1859&1860bZ/2

यह आन्दोलन भारतीयों किसानों द्वारा ब्रिटिश नील उत्पादकों के खिलाफ बंगाल में किया गया। अपनी आर्थिक माँगों के सन्दर्भ में किसानों द्वारा किया जाने वाला यह आन्दोलन उस समय का एक विशाल आन्दोलन था। अंग्रेज अधिकारी बंगाल तथा बिहार के जमींदारों से भूमि लेकर बिना पैसा दिये ही किसानों को नील की खेती में काम करने के लिए विवश करते थे, तथा नील उत्पादक किसानों को एक मामूली सी रकम अग्रिम देकर उनसे करारनामा लिखा लेते थे, जो बाजार भाव से बहुत कम दाम पर हुआ करता था। इस प्रथा को 'ददनीप्रथा' कहा जाता था।

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पाबना जिले के काश्तकारों को 1859 ई. में एक एक्ट द्वारा बेदखली एवं लगान में वृद्धि के विरुद्ध एक सीमा तक संरक्षण प्राप्त हुआ था, इसके बावजूद भी जमींदारों ने उनसे सीमा से अधिक लगान वसूला एवं उनको उनकी जमीन के अधिकार से वंचित किया। जमींदार को ज्यादाती का मुकाबला करने के लिए 1873 ई. में पाबना के युसुफ सराय के किसानों ने मिलकर एक 'कृषकसंघ' का गठन किया। इस संगठन

का मुख्य कार्य जैसे एकत्र करना एवं सभायें आयोजित करना होता था।

nDdu foasg

महाराष्ट्र के पूना एवं अहमद नगर जिलों में गुजराती एवं मारवाड़ी साहूकार ढेर सारे हथकण्डे अपनाकर किसानों का शोषण कर रहे थे। दिसम्बर 1874 ई. में एक सूदखोर कालूराम ने किसान (बाबा साहिब देशमुख) के खिलाफ अदालत से घर की नीलामी की बिक्री प्राप्त कर ली। इस पर किसानों ने साहूकारों के विरुद्ध आन्दोलन शुरू कर दिया। इन साहूकारों के विरुद्ध आन्दोलन की शुरुआत 1874 ई. में शिरूर तालुका के करडाह गाँव से हुई।

mUj cnskeafd l ku vkuhsu

होमरूललीग के कार्यकर्ताओं के प्रयास तथा गौरीशंकर मिश्र, इन्द्र नारायण द्विवेदी तथा मदन मोहन मालवीय के दिशा निर्देशन के परिणाम स्वरूप फरवरी, 1918 ई. में उत्तर प्रदेश में 'किसानसभा' का गठन किया गया। 1919 ई. के अन्तिम दिनों में किसानों का संगठित विद्रोह खुलकर सामने आया। प्रतापगढ़ जिले की एक जागीर में 'नाईधोबीबंद' सामाजिक बहिष्कार संगठित

कारवाई की पहली घटना थी। अवध की तालुकेदारी में ग्राम पंचायतों के नेतृत्व में किसान बैठकों का सिलसिला शुरू हो गया। झिंगुरी पाल सिंह एवं दुर्गपाल सिंह ने इसमें महत्वपूर्ण भूमिका निभाई। लेकिन जल्द ही एक चेहरे के रूप में बाबा रामचन्द्र उभर कर सामने आए। उत्तर प्रदेश के किसान आन्दोलन को 1920 ई. के दशक में सर्वाधिक मजबूती बाबा रामचन्द्र ने प्रदान की। उनके व्यक्तिगत प्रयासों से ही 17 अक्टूबर, 1920 ई. को प्रतापगढ़ जिले में 'अवध किसान सभा' का गठन किया गया। प्रतापगढ़ जिले का 'खरगाँव' किसान सभा की गतिविधियों का प्रमुख केन्द्र था। इस संगठन को जवाहरलाल नेहरू, गौरीशंकर मिश्र, माता बदल पांडे, केदारनाथ आदि ने अपने सहयोग से शक्ति प्रदान की। उत्तर प्रदेश के हरदोई, बहराइच एवं सीतापुर जिलों में लगान में वृद्धि एवं उपज के रूप में लगान वसूली को लेकर अवध के किसानों ने 'एकाआन्दोलन' नाम का आन्दोलन चलाया। इस आन्दोलन में कुछ जमींदार भी शामिल थे। इस आन्दोलन के प्रमुख नेता 'मदारीपासी' और 'सहदेव' थे। ये दोनों निम्न जाति के किसान थे।

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केरल के मालाबार क्षेत्र में मोपलाओं द्वारा 1920 ई. में विद्रोह किया गया। प्रारम्भ में यह विद्रोह अंग्रेज हुकूमत के खिलाफ था। महात्मा गाँधी, शौकत अली, मौलाना अबुलकलाम आजाद जैसे नेताओं का सहयोग इस आन्दोलन को प्राप्त था। इस आन्दोलन के मुख्य नेता के रूप में 'अलीमुसलियार' चर्चित थे। 15 फरवरी, 1921 ई. को सरकार ने निषेधाज्ञा लागू कर खिलाफत तथा कांग्रेस के नेता याकूब हसन, यू. गोपाल मेनन, पी. मोइद्दीन कोया और के. माधवन नायर को गिरफ्तार कर लिया। इसके बाद यह आन्दोलन स्थानीय मोपला नेताओं के हाथ में चला गया। 1920 ई. में इस आन्दोलन ने हिन्दू-मुसलमानों के मध्य साम्प्रदायिक आन्दोलन का रूप ले लिया, परन्तु शीघ्र ही इस आन्दोलन को कुचल दिया गया।

dkkfoats

कृषि सम्बन्धी समस्याओं के खिलाफ अंग्रेज सरकार से लड़ने के लिए बनाये गये इस संगठन के संस्थापक भगत जवाहरमल थे। 1872 ई. में इनके शिष्य बाबा राम सिंह ने

अंग्रेजों का कड़ाई से सामना किया। कालान्तर में उन्हें कैदकर रंगून (अबयांगून) भेज दिया गया, जहाँ पर 1885 ई. में उनकी मृत्यु हो गई।

j leks hfd | kuled kfoats

महाराष्ट्र में वासुदेव बलवंत फड़के के नेतृत्व में रमोसी किसानों ने जमींदारों के अत्याचारों के विरुद्ध विद्रोह किया।

j äk v kfoats

आन्ध्र प्रदेश में सीताराम राजू के नेतृत्व में औपनिवेशिक शासन के विरुद्ध यह विद्रोह हुआ, जो 1879 ई. से लेकर 1920-22 ई. तक छिटपुट ढंग से चलता रहा। रंपाओं को 'मुट्टा' तथा उनके जमींदार को 'मुट्टादार' कहते थे। सुलिवन ने रंपाओं के विद्रोह के कारणों की जाँच की। उसने नये जमींदारों को हटाकर पुराने जमींदारों को रखने की सिफारिश की थी।

r kukHxr v kuhks u

इस आन्दोलन की शुरुआत 1914 ई. में बिहार में हुई। यह आन्दोलन लगान की ऊँची दर तथा चौकीदारी कर के विरुद्ध किया गया था। इस आन्दोलन के प्रवर्तक 'जतरा भगत' थे, जिसे कभी 'विरसा', कभी 'जमी' तो कभी 'केसरबाबा' के समतुल्य होने की बात कही गयी है। इसके अतिरिक्त अन्य नेताओं में बलराम भगत, गुरु रक्षितणी भगत आदि इस आन्दोलन से सम्बद्ध थे। 'मुण्डा आन्दोलन' की समाप्ति के करीब 13 वर्ष बाद 'ताना भगत आन्दोलन' शुरू हुआ। यह ऐसा धार्मिक आन्दोलन था, जिसके राजनीतिक लक्ष्य थे। यह आदिवासी जनता को संगठित करने के लिए नये 'पंथ' के निर्माण का आन्दोलन था। इस मायने में यह बिरसा मुण्डा आन्दोलन का ही विस्तार था। मुक्ति-संघर्ष के क्रम में बिरसा मुण्डा ने जनजातीय पंथ की स्थापना के लिए सामुदायिकता के आदर्श और मानदंड निर्धारित किये थे।

r kkk kv kuhks u

किसान आन्दोलनों में 1946 ई. का बंगाल का तेभागा आन्दोलन सर्वाधिक सशक्त आन्दोलन था, जिसमें किसानों ने 'फ्लाइड कमीशन' की सिफारिश के अनुरूप लगान की दर घटाकर एक तिहाई करने के लिए संघर्ष शुरू किया था। यह आन्दोलन जोतदारों के विरुद्ध बंटाईदारों का आन्दोलन था। इस आन्दोलन के महत्वपूर्ण नेता 'कम्पाराम सिंह' एवं 'भवन

सिंह' थे। बंगाल का 'तेभागा आंदोलन' फसल का दो-तिहाई हिस्सा उत्पीड़ित बंटाईदार किसानों को दिलाने का आंदोलन था। यह बंगाल के 28 में से 15 जिलों में फैला, विशेषकर उत्तरी और तटवर्ती सुन्दरबन क्षेत्रों में। 'किसानसभा' के आह्वान पर लड़े गए इस आंदोलन में लगभग 50 लाख किसानों ने भाग लिया और इसे खेतिहर मजदूरों का भी व्यापक समर्थन प्राप्त हुआ।

r s & kukv kuhks u

आंध्रप्रदेश में यह आन्दोलन जमींदारों एवं साहूकारों के शोषण की नीति के खिलाफ तथा भ्रष्ट अधिकारियों के अत्याचार के विरुद्ध 1946 ई. में किया गया था। 1858 ई. के बाद हुए किसान आन्दोलनों का चरित्र पूर्व के आन्दोलन से अलग था। अब किसान बगैर किसी मध्यस्थ के स्वयं ही अपनी लड़ाई लड़ने लगे। इनकी अधिकांश माँगे आर्थिक होती थीं। किसान आन्दोलन ने राजनीतिक शक्ति के अभाव में ब्रिटिश उपनिवेश का विरोध नहीं किया। किसानों की लड़ाई के पीछे उद्देश्य व्यवस्था-परिवर्तन नहीं था, बल्कि वे यथार्थि बननाए रखना चाहते थे। इन आन्दोलनों की असफलता के पीछे किसी ठोस विचारधारा, सामाजिक, आर्थिक एवं राजनीतिक कार्यक्रमों का अभाव था।

fct ksy; kfd | ku v kuhks u

यह 'किसान आन्दोलन' भारत भर में प्रसिद्ध रहा, जो मशहूर क्रांतिकारी विजय सिंह पथिक के नेतृत्व में चला था। बिजोलिया किसान आन्दोलन सन 1847 से प्रारम्भ होकर करीब अर्द्ध शताब्दी तक चलता रहा। जिसप्रकार इस आन्दोलन में किसानों ने त्याग और बलिदान की भावना प्रस्तुत की, इसके उदाहरण अपवाद स्वरूप ही प्राप्त हैं। किसानों ने जिस प्रकार निरंकुश नौकरशाही एवं स्वेच्छाचारी सामंतों का संगठित होकर मुकाबला किया, वह इतिहास बन गया।

vfl ky Hkk rh fdl kul Hk

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1923 ई. में स्वामी सहजानंद सरस्वती ने 'बिहार किसानसभा' का गठन किया। 1928 ई. में 'आंध्र प्रान्तीय रैय्यत सभा' की स्थापना एन. जी. रंगाने की। उड़ीसा में मालती चौधरी ने 'उत्तकल प्रान्तीय किसानसभा' की स्थापना की। बंगाल में 'टैनेंसी एक्ट' को लेकर अकरम खॉं, अब्दुरहीम, फजलुल हक, के प्रयासों से

1929 ई. में 'कृषक प्रजापार्टी' की स्थापना हुई। अप्रैल, 1935 ई. में संयुक्त प्रान्त में किसान संघ की स्थापना हुई। इसी वर्ष एन.जी. रंगा एवं अन्य किसान नेताओं ने सभी प्रान्तीय किसानसभाओं को मिलाकर एक 'अखिल भारतीय किसान संगठन' बनाने की योजना बनाई।

पि क्जु | R क्ज

चम्पारन का मामला बहुत पुराना था। चम्पारन के किसानों से अंग्रेज बागान मालिकों ने एक अनुबंध करा लिया था, जिसके अंतर्गत किसानों को जमीन के 3/20वें हिस्से पर नील की खेती करना अनिवार्य था। इसे 'तिनकठिया पद्धति' कहते थे। 19वीं शताब्दी के अन्त में रासायनिक रंगों की खोज और उनके प्रचलन से नील के बाजार में गिरावट आने लगी, जिससे नील बागान के मालिक अपने कारखाने बंद करने लगे। किसान भी नील की खेती से छुटकारा पाना चाहते थे।

[क] R क्ज

चम्पारन के बाद गाँधीजी ने 1918 ई. में खेड़ा किसानों की समस्याओं को लेकर आन्दोलन शुरू किया। खेड़ा गुजरात में स्थित है। खेड़ा में गाँधीजी ने अपने प्रथम वास्तविक 'किसान सत्याग्रह' की शुरुआत की। खेड़ा के कुनबी-पाटीदार किसानों ने सरकार से लगान में राहत की माँग की, लेकिन कोई रियासत नहीं मिली। गाँधीजी ने 22 मार्च, 1918 ई. में खेड़ा आन्दोलन की बागडोर सम्भाली। अन्य सहयोगियों में सरदार वल्लभभाई पटेल और इन्दुलाल याज्ञनिक थे। 22 मार्च, 1918 ई. कोनाडियाड में एक आमसभा में गाँधीजी ने किसानों का लगान अदान करने का सुझाव दिया। लगान न अदा करने का पहला नारा खेड़ा के 'कापड़ गंज' तालुका में स्थानीय नेता 'मोहन पाण्ड्या' ने दिया। गाँधीजी के सत्याग्रह के आगे विवश होकर सरकार ने यह आदेश दिया कि, वसूली समर्थ किसानों से ही की जाय।

क्ज न्क ह | R क्ज 1920 ब 1/2

सूरत (गुजरात) के बारदोली तालुके में 1928 ई. में किसानों द्वारा 'लगान' न अदायगी का आन्दोलन चलाया गया। इस आन्दोलन में केवल 'कुनबी-पाटीदार' जातियों के भू-स्वामी किसानों ने ही नहीं, बल्कि 'कालिपराज' (कालेलोग) जनजाति के लोगों ने भी हिस्सा लिया। बारदोली सत्याग्रह पूरे

राष्ट्रीय आन्दोलन का सबसे संगठित, व्यापक एवं सफल आन्दोलन रहा है। बारदोली के 'मेड़ता बन्धुओं' (कल्याणजी और कुंवरजी) तथा दयालजी ने किसानों के समर्थन में 1922 ई. से आन्दोलन चलाया था। बाद में इसका नेतृत्व सरदार वल्लभभाई पटेल ने किया। बारदोली क्षेत्र में कालिपराज जनजाति रहती थी, जिसे 'हाली पद्धति' के अन्तर्गत उच्चजातियों के यहाँ पुश्तैनी मजदूर के रूप में कार्य करना होता था।

र ग्कुक क्द | कु व कुक्जु 1946 & 1951 ब 1/2

हैदराबाद रियासत में तेलंगाना में द्वितीय विश्वयुद्ध के बाद यह आन्दोलन शुरू हुआ। यहाँ पर किसानों से कम दाम पर अनाज की जबरन वसूली की जा रही थी, जिसके कारण उनके अन्दर एक आक्रोश उत्पन्न हुआ। इस आन्दोलन का तात्कालिक कारण 'कम्युनिस्ट नेता' कमरेया की पुलिस द्वारा हत्या कर देना था। किसानों ने पुलिस वजमींदारों पर हमलाकर दिया तथा हैदराबाद रियासत को समाप्त कर भारत का अंग बनाने माँग की। तेलंगाना कृषक आन्दोलन भारतीय इतिहास के सबसे लम्बे छापामार कृषक युद्ध का साक्षी बना।

फि क्जु ; क्द | कु व कुक्जु

बिजोलिया किसान आन्दोलन भारतीय इतिहास में हुए कई किसान आन्दोलनों में से महत्वपूर्ण था। यह 'किसान आन्दोलन' भारत भर में प्रसिद्ध रहा, जो मशहूर क्रांतिकारी विजय सिंह पथिक के नेतृत्व में चला था। बिजोलिया किसान आन्दोलन सन 1847 से प्रारम्भ होकर करीब अर्द्ध शताब्दी तक चलता रहा। जिस प्रकार इस आन्दोलन में किसानों ने त्याग और बलिदान की भावना प्रस्तुत की, इसके उदाहरण अपवाद स्वरूप ही प्राप्त हैं। किसानों ने जिस प्रकार निरंकुश नौकरशाही एवं स्वेच्छाचारी सामंतों का संगठित होकर मुकाबला किया, वह इतिहास बन गया। आन्दोलन के चरण पंचायतों के माध्यम से समानांतर सरकार स्थापित कर लेना एवं उसका सफलतापूर्वक संचालन करना अपने आप में आज भी इतिहास की अनोखी व सुप्रसिद्ध घटना प्रतीत होती है। इस आन्दोलन के प्रथम भाग का नेतृत्व पूर्ण रूप से स्थानीय था, दूसरे भाग में नेतृत्व का सूत्र विजय सिंह पथिक के हाथ में

था और तीसरे भाग में राष्ट्रीय नेताओं के निर्देशन में आन्दोलन संचालित हो रहा था। किसानों की माँगों को लेकर 1922 में समझौता हो गया था, परंतु इस समझौते को क्रियावित नहीं किया जा सका। इसीलिए 'बिजोलिया किसान आन्दोलन' ने तृतीय चरण में प्रवेश कर लिया था। निस्सन्देह बिजोलिया किसान आन्दोलन ने राजस्थान ही नहीं, भारत के अन्य किसान आन्दोलनों को भी प्रभावित किया था।

फो ; फि गि फ्द कुक्जु

जब 'लाहौर षडयंत्र केस' में विजय सिंह पथिक का नाम उभरा और उन्हें लाहौर ले जाने के आदेश हुए तो किसी तरह यह खबर पथिकजी को मिल गई। वेटाड गढ़ के जिले से फरार हो गए। गिरफ्तारी से बचने के लिए पथिकजी ने अपना वेश राजस्थानी राजपूतों जैसा बना लिया और चित्तौड़गढ़ क्षेत्र में रहने लगे। बिजोलिया से आये एक साधु सीताराम दास उन से बहुत प्रभावित हुए और उन्होंने पथिकजी को बिजोलिया आन्दोलन का नेतृत्व सम्भालने को आमंत्रित किया। बिजोलिया उदयपुर रियासत में एक ठिकाना था। जहाँ पर किसानों से भारी मात्रा में मालगुजारी वसूली जाती थी और किसानों की दशा अतिशोचनीय थी। विजयसिंह पथिक 1916 में बिजोलिया पहुँच गए और उन्होंने आन्दोलन की कमान अपने हाथों में सम्भाल ली।

ि प्क र कुक्जु

प्रत्येक गाँव में किसान पंचायत की शाखाएँ खोली गईं। किसानों की मुख्य माँगें भूमिकर, अधिभारों एवं बेगार से सम्बन्धित थीं। किसानों से 84 प्रकार के कर वसूले जाते थे। इसके अतिरिक्त युद्धकोष कर भी एक अहम मुद्दा था। एक अन्य मुद्दा साहूकारों से सम्बन्धित भी था, जो जमींदारों के सहयोग और संरक्षण से किसानों को निरन्तर लूट रहे थे। पंचायत ने भूमिकर न देने का निर्णय लिया।

व कुक्जु कुक्जु

किसान वास्तव में 1917 की रूसी क्रान्ति की सफलता से उत्साहित थे, पथिक जी ने उनके बीच रूस में श्रमिकों और किसानों का शासन स्थापित होने के समाचार को खूब प्रचारित किया था। विजय सिंह पथिक ने कानपुर से प्रकाशित गणेश शंकर विद्यार्थी द्वारा सम्पादित पत्र 'प्रताप' के माध्यम से बिजोलिया के किसान आन्दोलन को समूचे देश में चर्चा का विषय बना दिया।

jk LFku | skl akd hLFki uk

1919 में अमृतसर कांग्रेस में पथिकजी के प्रयत्न से बालगंगाधर तिलक ने बिजोलिया सम्बन्धी प्रस्ताव रखा। पथिकजी ने बम्बई जाकर किसानों की करुण कथा महात्मा गाँधी को सुनाई। गाँधीजी ने वचन दिया कि यदि मेवाड़ सरकार ने न्याय नहीं किया तो वह स्वयं बिजोलिया सत्याग्रह का संचालन करेंगे। महात्मा गाँधी ने किसानों की शिकायत दूर करने के लिए एकपत्र महाराणा को लिखा, पर कोई हल नहीं निकला। विजय सिंह पथिक ने बम्बई यात्रा के समय गाँधीजी की पहल पर यह निश्चय किया गया कि वर्धा से 'राजस्थान केसरी' नामक पत्र निकाला जाये। यह पत्र सारे देश में लोकप्रिय होग या, परन्तु पथिकजी और जमनालाल बजाज की विचारधारा ने मेल नहीं खाया और वे वर्धा छोड़कर अजमेर चले गए। 1920 में पथिकजी के प्रयत्नों से अजमेर में 'राजस्थान सेवा संघ' की स्थापना हुई।

cn' kZhd kvk k u

शीघ्र ही इस संस्था की शाखाएँ पूरे प्रदेश में खुल गईं। इस संस्था ने राजस्थान में कई जन आन्दोलनों का संचालन किया। अजमेर से ही पथिकजी ने एक नया पत्र 'नवीन राजस्थान' प्रकाशित किया। 1920 में पथिकजी अपने साथियों के साथ नागपुर अधिवेशन में शामिल

हुए और बिजोलिया के किसानों की दुर्दशा और देशी राजाओं की निरंकुशता को दर्शाती हुई एक प्रदर्शनी का आयोजन किया। गाँधीजी विजय सिंह पथिक के बिजोलिया आन्दोलन से प्रभावित तो हुए, परन्तु उनका रुख देशी राजाओं और सामन्तों के प्रति नरम ही बना रहा। कांग्रेस और गाँधीजी यह समझने में असफल रहे कि सामन्तवाद साम्राज्यवाद का ही एक स्तम्भ है और ब्रिटिश साम्राज्यवाद के विनाश के लिए साम्राज्यवाद विरोधी संघर्ष के साथ-साथ सामन्तवाद विरोधी संघर्ष आवश्यक है। गाँधीजी ने अहमदाबाद अधिवेशन में बिजोलिया के किसानों को 'हिजरत' (क्षेत्रछोड़देने) की सलाह दी। पथिकजी ने इसे अपनाने से इनकार कर दिया।

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दूसरी ओर कांग्रेस के असहयोग आन्दोलन शुरू करने से भी सरकार को स्थिति और बिगड़ने की भी आशंका होने लगी। अंततः सरकार ने राजस्थान के ए.जी.जी. हालैण्ड को 'बिजोलिया किसान पंचायत बोर्ड' और 'राजस्थान सेवा संघ' से बातचीत करने के लिए नियुक्त किया। शीघ्र ही दोनों पक्षों में समझौता हो गया। किसानों की अनेक माँगें मान ली गईं। चौरासी में से पैंतीस लागतें माफ कर दी गईं। जुल्मी कारिन्दे बर्खास्त कर दिए

गए और किसानों की अभूत पूर्व विजय हुई। देश के उन प्रमुख कारणधार नेताओं को सत सत प्रणाम जिनकी कुर्बानियों से देश आजाद हुआ और उन सपना था आजाद भारत में हमारा देश कृषि प्रधान देश बने। कृषि प्रधान देश के नारे का गौरव तो देश को हासिल हुआ परन्तु देश की 68 वी वर्षगांठ तक क्या किसान खुशाल होगा और जिन वर्तमान परिस्थितियों से देश के किसान गुजर रहे हैं क्या उसका कोई हल निकलेगा यह एक महत्वपूर्ण सवाल है? आज भी किसान ऊपरवाले की और देखकर यही दुआ करता है की बेमौसम मार से से हे ऊपर वाले हमें बचाये रखना। विकसित देश सरकार द्वारा दी जाने वाली किसान सब्सिडी पर अंकुश लगाना चाहते हैं और दूसरी और वो अपने देश के किसान के हर नुकसान की भरपाई कर दोहोरि नीति अपनाते हैं। ऐसे में सरकार का कर्तव्य बनता है की देश के अन्नदाता की रक्षा पर हर संभव कोशिश की जाये। देश का अन्नदाता मजबूत होगा तभी हमारा देश आत्मनिर्भर बनेगा।

Mh h' kekZ

एमएमटीसी कर्मचारी यूनिनयन के महासचिव महासंघ



इंडिविज्यूयल एंटीटी (अलग इकाई) और आध्यात्म

‘अपनी भी इंडिविज्यूयल एंटीटी’ (अलग इकाई) है ‘यह डायलॉग फिल्म बावर्ची में एक कलाकार ने बोला था। यह शब्द मेरे अन्तर्मन में बैठ गया। कई बार सोचा पर समझ में नहीं आया।

कबीर साहेब की वाणी सुनी ‘ज्यो की त्यो धर दिनी चदरिया’, समझ में नहीं आया की कोन सी चादर कबीर साहेब ने ज्यो की त्यो रख दी।

वेदान्त सिद्धान्त सार संग्रह में एक श्लोक पढ़ा—

इत्यमेवम निर्विकारादिशब्द मात्रसमर्पितम् ।
ध्यायतः केवलम वस्तु लक्षये चित्तम्
प्रतिष्ठती ॥

जो जिस प्रकार का चिंतन करता है वह वैसा ही हो जाता है। सत्य का चिंतन करने से सत्य और असत्य का चिंतन करने से असत्य ही होता है। विचार ही मनुष्य का रूपान्तरण कर देते हैं। भोग के विचार करने से भोग प्राप्त होते हैं और ईश्वर का विचार करने से ईश्वर प्राप्त होता है। ब्रह्म का विचार करने से ब्रह्मरूप ही हो जाता है। दुखों का विचार करने से ही वह दुखी होता है तथा सुख का विचार करने से सुखी रहता है। अतः विचार ही जीवन में परिवर्तन ला सकते हैं।

यह पढ़कर मेरे मन ने कचोटना शुरू किया की मैं क्या विचार करता हूँ। धीरे-धीरे आध्यात्म में रुचि हुई और मैंने भी अपने विचार पहचानना शुरू किया तो पाया की अच्छे विचारों से ज्यादा तो नकारात्मक विचारों ने मन को घेर रखा है। कुछ चित्त में भरे हुए तो कुछ बाहर के वातावरण से आ-आ कर मन को विचलित कर रहे हैं। एक अंजाना सा डर मन में बैठा हुआ है जिसका कोई ओचित्य ही नहीं है। तब धीरे धीरे निकालने का प्रयत्न शुरू किया जिसमें मैं अभी तक प्रयास रत हूँ। कुछ नकारात्मक विचारों की सफाई हुई तो सकारात्मक सोचना शुरू किया।

शरीर पाँच तत्वों से बना है वह बिना किसी चेतन (पावर) के नहीं चलता। मन भी अन्न से बना है और बुद्धि भी जो प्रकृति के तीन गुणों सत्व, रज और तम की प्रधानता के अनुसार कार्य करते हैं। चित्त में हमारे जन्म जनमंतरों के अनुभव, वासनाएं, इच्छाएं, संकल्प, आसक्ति और अच्छे बुरे विचारों एवं कर्मों का लेखा जोखा आदि भरे होते हैं जो हमारे संस्कार, अंतर मन के विचार और अहंकार बनकर हमारे शरीर तथा इंद्रियों को कर्म के लिए प्रेरित करते हैं और जिनसे पुनर्जन्म के लिए सूक्ष्म शरीर बनता है। सूक्ष्म शरीर आत्मा के साथ जाता है। ऐसा हमारे ऋषि मुनियों आदि का कहना है। ‘तेरा प्रीतम तुझ में है दुश्मन भी तुम माही’।

एक आत्मा तत्व ही चेतन तत्व है जो शुद्ध, पवित्र और निर्मल है। जो सभी जीवों में सामान रूप से विद्यमान रहता है वही हम सब है। हम शरीर नहीं है केवल शुद्ध व परमानंद स्वरूप आत्मा है। मेरा जो भी नाम है या ऊपमा है वह इस शरीर का है। शायद मनुष्य को समय, परिस्थिति तथा स्थान के उचित होने पर ही इसका भान होता है। इसके साथ ही प्रभु कृपा भी होनी चाहिए। राग द्वेष छोड़कर प्रभु चिंतन करें। जब-जब हमारा चित्त ओर मन निर्मल होता जाएगा तब-तब प्रभु कृपा और अधिक आपने आप बरसनी शुरू हो जाती है और सदैव बनी रहेगी। जन्म-जन्म के भोग इस जीवन में भोगने ही पड़ेंगे जिन्हें अपने पुरुषार्थ ओर सजग विचारों द्वारा दुख सुख दोनों को सहजता से भोगा जा सकता है।

अब मैं आता हूँ अपने प्रश्न पर इंडिविज्यूयल एंटीटी (अलग इकाई) वह तो केवल आत्मा ही है। यह शरीर नहीं यह तो साधन है ओर पुरुषार्थ द्वारा अपने मूल कर्तव्यों का पालन करने ओर पुराने पाप और पुण्य के हिसाब को चुकता करने के लिए बना है।

कबीर साहेब ने अपने पंचतत्व शरीर के साथ सूक्ष्म शरीर रूपी चादर (चित्त और मन) को जस का तस रख दिया अर्थात् न काहू से दोस्ती न काहू से बैर। मान, अपमान, ईर्ष्या, द्वेष, अहंकार और समस्त बुराइयों को छोड़कर केवल जो धर्म का स्वरूप सार्वभौम होता है, जो समस्त मानवता के लिए सत्य है, कार्य अर्थात् कर्तव्य पालन, दूसरों की सेवा, परोपकार, सच्चाई एवं संयम के लिए प्रयत्न किया और लोगों को शिक्षा दी की वे अपे पुराने कर्मों और संकल्प/इच्छाएं/वासनाओं की गठरी को खाली करने का प्रयत्न करें और कहा की प्रयास करो की ओर कुछ भी बुराई इकट्ठा न होने पाये सभी ऋण इसी जन्म में उतर जाएं और हम सबकी चादर (चित्त और मन) भी कोरी ओर निर्मल हो जाए। हम सभी ईश्वर स्वरूप हो जाए।

जैसे सूर्य की साक्षी में दुनिया में सभी कर्म होते हैं। वह न तो स्वयं कर्म करता है, कर्म करने का निर्देश भी नहीं देता और उपदेश भी नहीं देता। ऐसे ही आत्मा के प्रकाश और चेतन से सभी कार्य और क्रियाएं हमारे शरीर, मन तथा इंद्रियों द्वारा स्वतंत्र रूप से होती रहती है। आत्मा तो केवल उसका साक्षी मात्र है। अतः हम शरीर नहीं केवल अद्वैत अर्थात् भेद रहित आत्मा, सब प्राणियों में एक जैसी, बस वहीं मैं और आप है।

श्री घनश्यामदास बिड़ला का अपने पुत्र के नाम पत्र और श्री अब्राहम लिंकन का अपने पुत्र के शिक्षक के नाम पत्र पढ़ने का प्रयास अवश्य कीजिएगा। उपरोक्त लेख में यदि कोई त्रुटि हो तो ज्ञानी जन कृपया स्वयं सुधार लें और यदि कोई प्रतिक्रिया अथवा सुझाव हो तो कृपया अवश्य अवगत कराएं।

i d k k o h j : f g y]
उप प्रबंधक

FOWA Bengaluru Goes for a Day - Out



MMTC Former Officers' Welfare Association Bengaluru conducted a picnic to Ghati Subramanya, Nandi Hills and Bhogeswara Temple at Nandi Village. All the members felt rejuvenated by a day out from the routine busy life of a city. There were jokes, songs, dances, and prayers by the young and the old. All were thankful to MMTC management, especially to CMD Shri Ved Prakash for his kind and helping nature to retired employees and for taking positive steps. Secretary Shri DVSV Prasad explained the efforts taken by All India

Forum of MMTC Retired Employees Welfare Association Bangalore for the welfare of the retired employees and appreciated Delhi unit's successful efforts for the same. The members expressed happiness and felt that Delhi unit may take lead for the forum, which would benefit all retired employees. Shri Ramappa, President of the unit, shared some pleasant memories from when he was working at Tornagallu. Shri R.D. Kallihal thanked the Secy. General of the Forum for her active approach in dealing with medical issues of the retired employees. Shri

A.K. Rao thanked the local management for releasing due medical benefits without delay. The meeting concluded with all participants looking forward to participating in more such get-togethers in future and everyone wishing each other a happy new year.

DVSV Prasad
 Gen. Secy.,
 MMTC FOWA Bengaluru

RETIREMENTS AT CO



Mr. Rajinder Kumar Tyagi
General Manager (System), January, 2016



Mr. Dayal Chander
Chief Office Manager, January, 2016



Mr. Radha Prasad
Chief Office Manager, January, 2016



Mr. Amolak Ram
MTS III, January, 2016



Mr. Ram Niwas
Chief Office Manager, January, 2016



Mr. Subinod Kumar Srivastava
Chief Office Manager, January, 2016



Mr. Morrison Rose
Manager, February, 2016



Mr. Banwari Lal & Ms. Shashi Bala Batra
Chief Office Manager, Chief Office Manager (PS), March, 2016



Ms. Bimla Bhandari
Chief Office Manager, 29 February, 2016



Mr. Mahesh Kumar Sapra
Manager (F&A), April, 2016



Mr. Jagdish Prasad
Chief Office Manager, April, 2016



Mr. Tribhuvan Kumar Mehta
Staff Car Driver, April, 2016



Mr. Basant Lal
AGM, April, 2016



Ms. Sudha Rani Gupta
Manager (F&A), May, 2016



Mr. Dinesh Kumar
Chief Manager (Raj Bhasha), May, 2016



Mr. Ashish Majumdar
Chief General Manager, June, 2016



Mr. Rajandar Kumar Meena
Chief Office Manager, June, 2016



Mr. Dharampal Khatter
Chief Office Manager, June, 2016



Mr. Virender Singh Chauhan
Chief Office Manager, June, 2016



Mr. Ashok Kumar Arora
AGM (System), June, 2016



Ms. Renu Guglani
Chief Office Manager, June, 2016



Mr. Surinder Kumar Nimesh
Manager (F&A), July, 2016



Mr. Vipin Kumar Katyal
Sr. Manager, July, 2016

RETIREMENTS



Mr. Rakesh Kumar
Chief Office Manager, July, 2016



Mr. Alok Srivastava
Chief General Manager, August, 2016



Mr. Vinod Kumar Gupta
Chief Manager, September, 2016



Mr. Kewal Ram Bandooni
Chief Office Manager, October, 2016



Mr. I K Grover
Chief Office Manager (PS), November, 2016



Mr. Rajeev Jaideva
Director (P), December, 2016



Mr. Vishnu Dayal Mathur
Chief Office Manager (Electr.), December, 2016



Mr. Des Raj
Chief Office Manager, December, 2016



Mr. M L Chaturvedi
Chief Office Manager, December, 2016



Mr. Sunil Kumar
Chief Office Manager, January, 2017



Mr. Shriram Kharwar
Chief Office Manager, January 2017



Mr. Ishwar Singh
Chief Office Manager, January 2017

DURGA PUJA AT COLONY



FESTIVAL OF GOLD 2016



HOLI AT COLONY





MMTC Limited has won the prestigious CAPEXIL Highest Exports Award for Canalized Agency in Minerals and Ores Sector for the year 2014-15. MMTC exported Iron Ore, Chrome Ores and Manganese Ores worth Rs. 14406.73 Million to Japan, South Korea, Spain, Pakistan and China. The award was conferred by Hon'ble Sh. Anant G Geete, Minister of Heavy Industries & Public Enterprise, Govt. of India on 9th Feb, 2017 at Vigyan Bhawan, New Delhi and received by Sh. Ved Prakash, CMD and Sh. Ashwani Sondhi, Director (Minerals). It is MMTC's 24th CAPEXIL award.

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