

REPORT OF THE COMMISSION OF INQUIRY APPOINTED BY THE KOLHAPUR
DARBAR TO INVESTIGATE THE DISTURBANCE WHICH TOOK PLACE
ON THE 8TH JANUARY 1935 AT AJRA, IN THE ICHALKARANJI
JAHAGIR, AND THE ORDERS OF HIS HIGHNESS THE MAHARAJA
OF KOLHAPUR PASSED THEREON, WITH THE CRITICISM
OF THE REPORT, SUBMITTED BY ICHALKARANJI.

By direction of His Highness the Chhatrapati Maharaja of Kolhapur, the Kolhapur Darbar issued their Notification No. 1 dated the 3rd of February 1935 directing that a Commission of Inquiry be constituted to investigate the disturbance that occurred at Ajra on the 8th of January 1935 and to report to the Darbar on the following three issues :—

- (1) To enquire into the circumstances leading to the disturbance that took place on the 8th January 1935 at Ajra, a small town in the Jahagir of Ichalkaranji.
- (2) To enquire whether those assembled at Ajra on the 8th January 1935 and who are alleged to have resisted the process of law constituted an unlawful assembly under Section 141 of the Indian Penal Code, and
- (3) To enquire whether the measures to preserve law and order adopted by the Officers of the Ichalkaranji Jahagir at Ajra on the 8th January 1935 were necessary and proper.

2. The Kolhapur Darbar directed that the Commission of Inquiry should consist of Meherban Rao Bahadur D. A. Surve, Prime Minister of Kolhapur and Major A. A. Russell, M. C. of the Foreign and Political Department of the Government of India, whose services the Government of India had placed at the disposal of the Kolhapur Darbar for the purpose.

3. The Commission was authorised to summon all those who they had reason to believe could throw light on the events connected with the disturbance.

4. The Kolhapur Darbar issued a general invitation to the Public to come forward to depose as to the facts within their knowledge relating to the disturbance and announced that no person giving evidence before the Commission and against whom criminal proceedings in connection with the proceedings were then pending, would render himself liable to prosecution by reason of any admission he might make, and that no such admission would be used against him in any criminal proceedings. Moreover, any allegations of harassment on account of any statements made to the Commission would receive immediate attention, and where necessary, redress.

5. The Kolhapur Darbar were further pleased to order that all criminal proceedings in the Courts of the Ichalkaranji Jahagir pending against any persons concerned in the incident that took place at Ajra on the 14th December 1934 and in the disturbance at Ajra on the 8th of January 1935 should be stayed until further orders.

6. The Commission was directed to commence its sittings at the Town Hall, Kolhapur City, on the 11th of February 1935 and the proceedings were to be ordinarily open to the public. Any person appearing before the Commission would be permitted to employ the services of a Counsel if he so desired.

7. In pursuance of these orders, the Commission commenced its sittings on the 11th February 1935. The members of the Commission had paid an unannounced visit to Ajra two days before in order to view the scene of the occurrence. They reserved any investigation on the spot for the official visit which they were to make later.

8. At the commencement of the proceedings the Commission announced their terms of reference as notified by the Kolhapur Darbar and stated that the Darbar had taken all possible steps to make the contents of that Notification widely known. The Commission further announced that in recording the evidence of witnesses the principles of the Law of Evidence, would, as far as possible, be followed, but the discretion of the Commission on all questions regarding the inquiry should be absolute.

9. Mr. S. G. Velinkar, Bar-at-law, appeared on behalf of the officials of the Ichalkaranji Jahagir concerned, and Mr. Frank Oliveira, Advocate, appeared on behalf of the Moslems of Ajra concerned.

10. In all, 35 witnesses were examined, of whom 20 were produced by Mr. Velinkar and 12 by Mr. Oliveira, 2 volunteered evidence and one (witness No. 11) was called by the Court.

11. We will now give the account of the disturbance as related by the Officials who were concerned, examining later any discrepancies in their statements together with other evidence. For the purposes of this inquiry we will first take the circumstances leading to the disturbance of the 8th January 1935. In this matter we have the evidence of the following Officials: Col. Frere, the Administrator of Ichalkaranji, Mr. G. D. Kulkarni, Secretary to the Jahagirdar and District Magistrate, Mr. V. G. Patwardhan, at the time Munsiff and First Class Magistrate of Ajra, Mr. V. V. Rajwade, Karbhari, District and Sessions Judge and District Superintendent of Police, Ichalkaranji, Mr. Pundalik S. Kulkarni, Mamlatdar of Ajra Taluka, Mr. P. L. Savant, Sub-Inspector of Police at Ajra and Jamadar D. K. Powar, in charge the Armed Police at Ajra. We also have the evidence of 13 other persons in support of their account. They have produced a number of documents including the Report made by Col. Frere to the Kolhapur Darbar on the 12th January 1935.

12. On the 11th December 1934, Mr. V. V. Rajwade was camping at Ajra. In the afternoon of that day one Appa Ladji (alias Mohamad Darwajkar) a panch of the Moslem community of Ajra, and two or three other Moslems of Ajra, came and asked Mr. Rajwade for permission to rebuild their mosque which is in front of the dispensary. Mr. Rajwade promised to see it next day.

13. Accordingly on the 12th at about 11 A. M. after Police musketry practice at which he had been present, Mr. Rajwade accompanied by the Mamlatdar Mr. P. S. Kulkarni, the Forest Inspector, the Sub-Overseer and Appa Ladji who had gone to call them went to see the mosque. On the way Mr. Rajwade noticed some newly planted trees in front of the Idgah and asked the Mamlatdar who had planted them. The Mamlatdar said he had not seen them before and would enquire. When they reached the mosque, Appa Ladji and some other Moslems took Mr. Rajwade round and said they wanted to rebuild the mosque. Mr. Rajwade asked

Appa Ladji to submit a plan and he said he would. In the afternoon of the same day (12th) Appa Ladji came again and said that the Moslems had given up the idea of rebuilding the mosque as they could not give a plan and now only wanted to reconstruct it. Mr. Rajwade asked him to put in an application for that, which he did.

14. At the Mosque Mr. P. S. Kulkarni, the Mamlatdar had noticed a bamboo fencing round the plinth of the mosque and deeming it to be an encroachment on the road-side asked the village officers to advise the Moslems to fix the fencing on the platform itself and if they refused to do so, to draw up a Panchanama of it. The encroachment was only a matter of about 6 inches.

15. Mr. P. S. Kulkarni, the Mamlatdar, got back to his office at noon and proceeded to issue an order to the village officers, the Patil Kulkarni, to draw up a Panchanama of the newly planted trees. In the same order he repeated his instructions to the Patil Kulkarni regarding the fencing round the mosque plinth.

16. On the 13th December 1934, Mr. Rajwade and the Mamlatdar both went to Matiwade on tour and on the 14th December, they went to Shipur, another village in the Jahagir about 23 miles from Ajra.

17. Meanwhile, on the 14th morning at 10 O'clock the village Patil and Kulkarni with two panchas, Gopal Dhondoo Mahajan and another, proceeded to the place near the Idgah to make the Panchanama of the newly planted trees as ordered by the Mamlatdar. They found over a hundred Moslems collected there, a number of whom were armed with sickles, lathis etc., and one of these, Appa Ladji, told them that the Moslems were determined to prevent them from making the Panchanama and threatened them so that they had to return without having made the Panchanama.

18. Shortly after this a number of the Moslems, armed, collected at the Lendhol Bridge where the motor busses usually stop, and proceeded to search the busses for the Mamlatdar, some saying they would cut off the hands of the man who ordered the Panchanama, some that they would thrash and kill him.

19. At about 12-30 P. M. Mr. Savant, the Police Sub-Inspector, hearing of this, went to the spot and saw a gathering of 20-25 Moslems at the Moslem tea-shop near the Lendhol Bridge and told them to go away. Some of them went, but a number stayed. He left a constable to make "Bandobast". He made inquiries and learnt that the trouble was over the attempted Panchanama on that morning. He then sent word by P. C. Shankar Mahajan (nephew of one of the Panchas referred to above) to Mr. Rajwade at Shipur that the Moslems were searching the busses and uttering threats against the life of the Mamlatdar.

20. At about 1 P. M. on the same day, Mr. V. G. Patwardhan, the Munsiff and First Class Magistrate of Ajra, learnt from his orderly, Arjuna who had gone for the post, about the gathering of the Moslems and about their searching the busses and threatening the Mamlatdar. He arranged to put a guard on the Mamlatdar's house, where Mr. P. S. Kulkarni had left his family, and sent a warning by one Dandage to the Mamlatdar not to return to Ajra.

21. Mr. Patwardhan then sent for the Moslems leaders whom he saw between 1 P. M. and 2 P. M. Appa Ladji and some others came. They told him that they had some grievances against the Mamlatdar and wanted to teach him a lesson. He told them not to indulge in violence and advised them to place their grievances before the authorities in the proper way for redress, but they did not

seem very amenable. He then dismissed them and later went to the Mamlatdar's house to see that the guard had been arranged.

22. Meanwhile (on the same day), the messages from the Sub-Inspector and from Mr. Patwardhan reached the Karbhari and Mamlatdar at Shipur also Bala Abade, a peon from the Mamlatdar's office, brought similar news to Mr. P. S. Kulkarni.

23. The Karbhari decided to go at once to Ichalkaranji to consult Colonel Frere, the Administrator, and he took the Mamlatdar with him.

24. At Ajra on the morning of the 15th December, Mr. Patwardhan again sent for the Moslem leaders, Appa Ladji and others and they told him that they believed the Panchanama to be intended as a preliminary step to uprooting the trees which they had planted some four or five months ago to give them shade when saying their prayers at the Idgah. Mr. Patwardhan told them that he thought their fears were groundless and that if they allowed the Panchanama, he did not see that there could be any objection to the planting of the trees. He offered to let Appa Ladji choose his own panchas but Appa Ladji still objected saying that since the previous morning they "no longer recognised the law." Mr. Patwardhan again tried to persuade them to be law-abiding and take their grievances to the higher authorities in the proper manner, but to no purpose.

25. He then went with Appa Ladji to see the trees for himself. He found at the spot about a hundred Moslems and was informed by Appa Ladji that they were there to see that no Panchanama was held. Appa Ladji said however that he had no objection to Mr. Patwardhan's taking notes of the trees.

26. Appa Ladji then took Mr. Patwardhan to see the fencing round the plinth of the mosque regarding which the Mamlatdar had given orders on the 12th. Appa Ladji considered the order in that connection to be another grievance.

27. On the 14th December a telegram was sent by Appa Ladji on behalf of the Moslem Samaj of Ajra to the Jahagirdar to the effect that the Mamlatdar was "doing against their religion" and that if he was not suspended the "Mob would become desperate".

28. The Karbhari and the Mamlatdar reached Ichalkaranji on the evening of the 14th December and saw Colonel Frere, the Administrator that same evening, at his residence. Colonel Frere told the Karbhari that he would be going to Ajra soon and instructed the Mamlatdar to remain at Ichalkaranji. Later he sent him to Uttur for Revenue collection (19th).

29. On the 15th December, Colonel Frere received a telegram from the Prime Minister (one of us) requesting him to investigate the reports of trouble at Ajra and on the 16th he went to Ajra. He arrived in the evening and at about 5 P. M. sent for the Moslem leaders. Mr. V. G. Patwardhan was present at the time.

30. Col. Frere had a long talk with the Moslems and assured them that there was no question of the newly planted trees being up-rooted and advised them to be law-abiding and he would attend to their grievances. They went away, apparently satisfied, but within less than an hour they sent word to Colonel Frere through Mr. Patwardhan, that on no account would they allow the Panchanama of the trees to be taken. The persons who sent this message were Appa Khedekar and Kadir Takildar.

31. On the 17th December a telegram was sent by Appa Ladji on behalf of the Moslems of Ajra to His Highness the Chhatrapati Maharaja of Kolhapur stating

that the Ichalkaranji officials were "demolishing their mosque and doing things against the Moslem religion by force". The Prime Minister again instructed Col. Frere, the Administrator, to enquire into the matter and Col. Frere reported on the 19th December that the allegations were wholly false and that the situation was well in hand.

32. Col. Frere left for Ichalkaranji next morning (17th). On the 19th he gave orders for Jamadar D. K. Powar with 17 armed Police to go to Ajra to maintain peace and order. In addition to the above, 2 armed Police were sent to Uttur to guard the Mamlatdar. The 18 armed Police reached Ajra on the 19th December. There was already a Treasury armed guard of 1 Naik and 5 Constables at Ajra. On 19th December he saw the Prime Minister and it was decided that the Assistant Chief of Police, Kolhapur, Mr. Swami should go with him to Ajra to try and pacify the Moslems and also to show them that the Jahagir authorities had the Kolhapur Darbar behind them.

33. Col. Frere and Mr. Swami arrived at Ajra on the 21st and Mr. Swami saw the Moslems the same evening and succeeded in persuading them to withdraw their objections to the Panchanama. Mr. Swami told them that there was no question of up-rooting the trees and advised them to make an apology. (Mr. Swami was produced as a witness by Mr. Oliveira). Mr. Swami had Mr. Tate with him to assist him.

34. On the morning of the 22nd December, as a result of the persuasion of the Kolhapur Police Officers, the Panchanama was held without any objection and Col. Frere, being satisfied that all was now quiet, returned to Ichalkaranji. He, however, left the armed Police at Ajra. He states that he thought it best though he did not really anticipate further trouble, and they were left because they would be required to take part in the agricultural show at Polgaon, a village 6 miles distant from Ajra, on the 6th, 7th and 8th January, 1935.

35. On the 24th December, the Administrator had a discussion with the Jahagirdar and the members of the "Council", of which Mr. G. D. Kulkarni, the District Magistrate, was also a member, regarding action to be taken regarding the recent trouble at Ajra. A petition (Ex. B) signed by five of the Ajra Moslems on behalf of their community, apologising for their obstruction of the Panchanama but stating that it was due to a misunderstanding caused by the local officials, was received by Col. Frere, on the 22nd December, and this was considered by the "Council". There was also a confidential report (Ex. H) from the Sub-Inspector of Police Savant to the Jahagirdar on the 16th December regarding the lawlessness of the Moslems on the 14th December. This was not shown to Col. Frere though he was informed about it. A report (Ex. L) by the Sub-Inspector to the Jahagirdar dated 14th December on the subject of the holding up of the busses on that day was received by Col. Frere on the 20th December (but it is not clear whether this was also considered by the Council.)

36. The discussion lasted two days and finally it was decided not to accept the apology of the Moslems as it was not unqualified and made no mention of their threats and searching of busses on the 14th and Mr. Savant was accordingly instructed by the District Magistrate to consult the Public Prosecutor and to take the necessary legal action and lodge a prosecution. The Sub-Inspector was not instructed as to the nature of the legal action or sections of the Penal Code under which warrants were to be issued. (It is not clear whether Col. Frere was in entire agreement with the proposal to issue warrants against these leaders of the Moslems of Ajra but he says he was a consenting party.) He gave instructions that the warrants were not to be executed until after the Ramzan which ended on 7th January 1935.

37. Accordingly, Sub-Inspector Savant lodged a formal complaint (Ex. F) on the 29th December 1934 in the court of the District Magistrate in which he charged the following seven Moslems, viz., Appa Abdul Khedekar, Appa Ladji alias Mahomed Abdul Darwajkar, Kadar Ibrahim Takildar, Alla Uddin Ismail Takildar, Kutbya Mahomed Mullani, Gani Ali Khedekar and Karim Abdul Mangaonkar all of Ajra, under Sections 505, 153, 143, 504, 506 part 2/149 of the Indian Penal Code. In accordance with the Criminal Procedure Code the District Magistrate was to apply to the Local Government for sanction to prosecute under Section 505 I. P. C. He applied to the Jahagirdar for this sanction which the Jahagirdar accorded. (This was ultra vires as the Jahagirdar had no power of Local Government). The District Magistrate issued warrants on the same day and handed them to the Sub-Inspector Savant with instructions not to execute them until after the Ramzan.

38. Col. Frere arrived at Ajra on the 4th January 1935, Mr. G. D. Kulkarni arrived on 5th January 1935 and Mr. V. V. Rajwade arrived on 6th January 1935. They came in connection with the agricultural exhibition which was to be opened on 6th January 1935 at Polgaon, a village a few miles from Ajra. Col. Frere made inquiries regarding the situation at Ajra and found that all was quiet. He went to the burial ground and visited the Idgah with some of the Moslems.

39. On 6th January 1935, the Jahagirdar was expected to arrive at Ajra in connection with the Polgaon exhibition and that morning Abdul Ladji showed an application to Mr. Patwardhan and asked whether he could present it to the Jahagirdar with a bouquet at the mosque on the way to Polgaon. Mr. Patwardhan informed Mr. Kulkarni and Col. Frere, and Col. Frere sent word through Mr. Kulkarni that he had no objection to the presentation of the application provided it was properly worded but that it should be presented at the place where Col. Frere was living on the Jahagirdar's return from Polgaon in the evening and bouquet should be presented at the mosque on the way to Polgaon. Mr. Patwardhan told this to Abdul Ladji and at the same time advised him to get the application signed by at least half a dozen Moslems. He did not read through the application but merely satisfied himself that it was properly addressed.

40. The Jahagirdar duly arrived at Ajra at 1 P. M. that day (6th) and when he passed the mosque on his way to Polgaon that afternoon, there was nobody there and he did not stop, nor was any petition presented on his return from Polgaon.

41. On the evening of 6th January 1935, Col. Frere returned to Ichalkaranji. He was satisfied that all was quiet at Ajra and on the morning of 7th January 1935 he left for Karwar on leave as previously arranged.

42. Mr. V. V. Rajwade and Mr. G. D. Kulkarni were staying in the Ravalnath temple on the 7th and Mr. Phadnis, Mr. Rajwade's Head clerk, also was there. At about 6 O'clock that evening Mr. G. D. Kulkarni, the District Magistrate saw Sub-Inspector Savant at the Ravalnath temple and asked him whether he anticipated any trouble in executing the warrants. Savant replied that he did not expect trouble but the District Magistrate asked him to get some Sanadis as he thought there might be trouble. At about 9-30 P. M. Appa Ladji and Hussein Mahomed Mulla came to see the District Magistrate. They talked about the newly planted trees and about their request to build on the platform of their mosque. They also referred to a long standing application in respect of the sandal wood trees in their grave-yard. The District Magistrate told them that they should put in proper applications in these matters and that they would be considered. He advised them to be law-abiding and to keep the peace. They said that they knew that there were warrants out for their arrest but they were not going to create trouble.

43. At this time there were in Ajra 20 armed Police of whom 14 were in the Dharmashala near the Kutchery and 6 were on guard at the Treasury. There were also 21 District Police.

44. At 9-30 A. M. on the 8th January 1935, the Sub-Inspector Savant, with one Head Constable and five constables, set out to execute the seven warrants. They first went to Karim Mangaonkar's tea shop by the Lendhol bridge where the Sub-Inspector arrested Karim Mangaonkar and sent him to the office with three constables. At once, three Moslems who were in the neighbouring cycle shop of Kashinath Olekar, when they saw the arrest, hastened off towards the Moslem quarters, one on a bicycle. Within 5 or 10 minutes the Moslems began to gather near the Maruti temple with sickles, lathis etc. in their hands which they waived in air shouting "Din, Din." The Sub-Inspector sent constable Rajaram Desai to inform the District Magistrate about this.

45. The constable found the District Magistrate and the Karbhari at Mr. Patwardhan's house where they had stopped for a chat on their return from a walk about an hour before. The District Magistrate asked Mr. Patwardhan to send for the armed Police and for the District Police. He also sent for one Amrit Desai, an Ex-Police Sub-Inspector, to bring Sanadis. Before leaving Mr. Patwardhan's house the District Magistrate consulted Mr. Patwardhan's Criminal Procedure Code on the procedure laid down for dispersing unlawful assemblies.

46. Ten minutes after receiving the message the three Officers started in a lorry to the Lendhol bridge where they found the Sub-Inspector Savant and saw near the Maruti temple about 100 Moslems collected, who were waving their sickles, lathis, axes etc., throwing their turbans in the air and shouting excitedly. About the same time the armed Police and the District Police arrived at the Lendhol bridge. The District Magistrate, who assumed charge, sent two mounted Police who had arrived just before, ahead towards the mob, and proceeded on foot, with the other two officers, towards the mob followed by the District Police and Armed Police. The District Magistrate and the officers with him, with one or two Mulki peons, halted 3 or 4 paces from the mob and commenced to parley with 3 or 4 leaders of the Moslems who came forward.

47. The District Police had halted some 5 or 6 paces behind and behind them again the armed Police with fixed bayonets were halted in column of fours. The sowars were on either side near the mob.

48. The District Magistrate asked the leaders what their grievance was and they replied by demanding the release of Karim Mangaonkar who had been arrested that morning and said that they wanted a week to decide whether they should hand over the persons against whom warrants were out. The District Magistrate told them that it was impossible to consider such a request, that warrants had been issued and would have to be executed but that he would be willing to grant bail immediately if they handed the accused persons over. One of the spokesmen of the Moslems was Abdul Lamture, a P. W. D. Contractor. He had an axe in his hand and said that that was not the day for laying down arms. Another was Bal Hussein Mullani and another was Gudu Mangaonkar. They refused to agree to what the District Magistrate said and asked for at least four days in which to consider the matter of handing over the accused. The District Magistrate repeated that this was impossible, and asked them to be quiet but the mob only became more excited. Women were there with stones in their saris.

49. The District Magistrate consulted his brother officers who said that some decisive steps should be taken. The parley had lasted about ten minutes and to no

purpose. The District Magistrate then gave them an ultimatum and told them that he would give them 15 minutes time in which to disperse and if they did not disperse by then, he would declare them an unlawful assembly and disperse them by force.

50. The Moslems gave no reply and after 15 minutes there was no sign of their dispersing. So the District Magistrate declared them to be an unlawful assembly and ordered them to disperse warning them that if they did not disperse within 15 minutes more he would fire on them with ball.

51. At the end of the second 15 minutes however the mob had not dispersed and had become more threatening. The District Magistrate therefore decided that force was necessary and ordered the Police to fall back as they were very close. The three officers fell back to the armed police, the District Police passing by both flanks to the rear of the armed Police. The Sowars also withdrew. Then they all fell back, the armed Police facing the mob.

52. When the mob saw them falling back they shouted that the "Sarkar" were frightened and running away (Landi Bagaye) and began to follow up slowly throwing stones at the officers and Police from a distance of about 100 feet. Mr. Rajwade and several of the Police were struck by stones.

53. The District Magistrate halted the armed Police at a point on the road (Messrs. Patwardhan and Rajwade say opposite the Teli's house while District Magistrate and Sub-Inspector Savant say opposite the cycle shop), (D on plan), they having fallen back about 100 feet.

54. The District Magistrate then ordered the Sub-Inspector Savant to prepare the armed Police for firing and to divide them into two squads in line. Sub-Inspector's Savant's order was passed on to Jamadar Powar who ordered the men to load.

55. The District Magistrate then ordered the Sub-Inspector to fire a volley of six shots in the air as a warning, which was done by the order of Jamadar Powar. This had no effect and after one or two minutes the District Magistrate ordered the Sub-Inspector to fire two rounds of buckshot at the mob. This also had no effect and the District Magistrate thereupon ordered Sub-Inspector Savant to direct six shots at the mob aiming at the feet. The volley was fired by the left hand section, the order being given by Jamadar Powar to fire below the waist. It was fired within half a minute to a minute of the two rounds of buckshot. The mob was at distance of a 100 feet at this time and had increased in strength to about 200. The officers thought that their lives were in danger.

56. No one was observed to fall at the second volley (the first fired at the mob) and the District Magistrate seeing the mob still advancing and within a distance of 100 feet retired the armed Police to the south side of the Lendhol bridge (E on plan). The armed Police retired stepping backwards facing the mob. The distance covered in this retirement was from 30 to 60 feet.

57. The armed Police were in line as before and as soon as they reached the second position the District Magistrate ordered them to fire volleys by sections at the advancing mob giving a separate order for each volley. The time that elapsed between the second and third volleys during which the Police retired to the bridge was about three minutes.

58. From the bridge 9 volleys of 6 rounds each were fired at the mob, the time between each volley being 20 seconds to half a minute. The officers and men were in fear of their lives.

59. The mob was advancing slowly, being checked by the fire. Stones were being thrown all the time. It did not start to disperse until the last volley was fired by which time it had advanced a distance between 15 and 50 feet. The firing of the 9 volleys from the last position took 4 to 5 minutes.

60. The District Magistrate was watching the effect of the fire on the mob throughout and on seeing the mob dispersing he stopped the fire by raising his hand.

61. After the firing had been stopped, the Doctor was sent for. They remained at the bridge for about 15 minutes during which time some of the relatives of the dead and wounded arrived on the scene. The first medical aid was rendered by a retired Sub-Assistant Surgeon Mr. Phalnikar. Mr. Patwardhan, who was much shaken, went to his house to reassure his family very shortly after the firing had been stopped. The District Magistrate asked the Sub-Inspector to check the ammunition and it was found that 66 cartridges had been expended and that 54 remained. The District Magistrate and Mr. Rajwade then went forward and proceeded to make a Panchanama of the wounded and dead with the aid of Dr. Phalanikar. There were four dead and 17 wounded between Mahadeo temple and Maruti temple. At the same time the District Magistrate ordered Sub-Inspector Savant to collect the weapons, lathis, sickles, axes, hammers, empty cartridge cases etc., lying scattered on the road and put them in the lorry. He also sent the Police into the Moslem houses to search for wounded and to make arrests.

62. At about 12-30 P. M. Mr. Patwardhan returned saying that the Police Inspector of Chikodi and the Sub-Inspector of Police, Nipani had come in connection with a dacoity case and wanted to see the District Magistrate. They all three accordingly went to Patwardhan's house and saw these Police Officers from British India with whom was a Sub-Inspector of Police from Kagal and a Jamadar of Kagal Police. Before leaving the scene the District Magistrate had arranged for the wounded to be taken to the dispensary and Dr. Kapshikar, the Medical Officer at Ajra who arrived about noon, did this. Meanwhile arrests were proceeding and the Sub-Inspector states that he recovered 2 "suspicious" weapons from houses.

63. Mr. Patwardhan says he returned to the scene at 1 P. M. and supervised the Panchanama of the wounded and dead.

64. Mr. Rajwade and 11 others of the Police party had slight injuries which they had received from stones registered by the Medical officer between 5 and 6 P. M. that evening.

65. It is stated that one of the armed Police Ayub Mulla, a resident of Ajra, was suspended on the 8th "for giving away official information."

66. The witnesses on the side of the Officials do not agree as to the position of the dead and wounded but some say that a number were carried by relatives to the shade of the pimpal tree near Maruti temple.

67. The Jahagir officers suggested that the defiant attitude of the Moslems was due to some outside influence and that agitators must have been at work. They assert that they were never unsympathetic but reasonable and that the Moslems had no cause to adopt the attitude that they did. They say that the Moslems had no

claim to ownership of the grave-yard or to the trees thereon but only user rights and that R. S. Nos. 244 and 245 are Jahagir property, the fruits of the trees being auctioned by the Jahagir.

68. They lay stress on the alleged raiding of busses and threats to the Mamlatdar's life on the 14th December as indicating the pitch of the defiant and lawless attitude of the Moslems which culminated in the armed resistance to the execution of the warrants on the 8th January. They argue that the acts by the Moslems on the 14th December which were quite unprovoked were far too serious to be condoned and that since their apology (Ex. B.) of the 22nd December only referred to their obstruction of the Panchanama, a much less important matter, they were right in deciding to take action against the leaders as a result of which decision the seven warrants were issued on 29th December for rioting and criminal intimidation. Law and order had to be upheld. It was a question of policy.

69. They further say that from the 12th December the Moslems had organised themselves to resist authority, and that the arrival of the armed Police in no way diminished their contempt for authority.

70. They allege that the Moslems knew of the issue of warrants before the 8th and were determined to resist their execution. The Moslems deliberately misled them on the night of the 7th by saying that there will be no trouble when the arrests were made. The junction of the road near the Maruti temple was the pre-arranged gathering place as it is the point where the roads from the Moslems Gallis meet.

71. They maintain that the Moslems formed an unlawful assembly. They had collected with arms in their hands and demanded the release of the arrested man. In the circumstances it was necessary for the District Magistrate to disperse them by fire. He followed throughout the procedure laid down, declaring the assembly unlawful and ordering them to disperse, and he ceased fire the moment the mob began to disperse.

72. The Moslems case is that the local officials were unsympathetic and overbearing and refused to attend to their grievances, so much so that they had lost all confidence in them. They had made an application regarding the sandal-wood trees in the grave-yard in March 1930- 5 years ago- and it was still pending; they planted the trees for shade in front of their Idgah in the rainy season of last year (1934) in the belief that the land was their property by usage and the Mamlatdar after he had seen the trees on the 12th December-5 months later-said that the Moslems should have got permission before planting the trees and he and Mr. Patwardhan later said they would have them uprooted. On the same day that the Mamlatdar saw the newly planted trees, he and the Karbhari saw the Mosque which they wanted to re-construct. Round the platform of the Mosque was a bamboo fencing to which the Mamlatdar took exception, saying it was an encroachment and that he would have the fencing and the stone platform removed. When the Moslems petitioned the Kolhapur Darbar regarding their "grievances" all of which touched their religious feelings, the local officials showed resentment and in order to suppress and overawe them got armed police sent to Ajra and warned them that if they did not keep quiet and stop petitioning about their "grievances" they would use the armed police and there might be shooting as at Sholapur.

73. At the instance of Mr. Swami, Asst. Chief of Police, Kolhapur, they apologised for objecting to the Panchanama on the newly planted trees and allowed it to be made on December 22nd. They did not make any apology regarding the alleged threats and searching of busses on the 14th December, as

they say that the allegation is false a few of them only having gone to find the Mamlatdar who had said he would see their mosque that morning but in fact had gone away from Ajra. They were interviewed by Col. Frere on the 21st but were afraid to say anything against the local officers. The apology was not accepted by Jahagir authorities and warrants were issued against seven of them.

74. On the 4th January while the Ramzan was still on, Mr. Patwardhan proclaimed in the town by beat of drum that the Moslems were prohibited from assembling in numbers of more than 2 or 3.

75. On the 6th January they wanted to present a petition to the Jahagirdar who was coming that day to attend the agricultural exhibition at Polgaon. Mr. Patwardhan would not allow them to present it as it contained allegations against the Mamlatdar.

76. On the 7th January at 9-30 P. M. the District Magistrate saw some of their leaders and told them that the questions regarding the trees and the mosque and grave yard would be decided when Col. Frere returned in a fortnight. He did not tell them that warrants were out against some of them but told them to go about their business and all would be attended to.

77. All these matters which they regarded as oppression on the part of the officials who, not being of their religion but Brahmins, were not inclined to show them any sympathy in matters affecting their religion, brought them to a state of despair.

78. On the morning of the 8th January, the day after Id, the District Magistrate and other officers with a large force of Police, 18 armed and about 20 unarmed and 74 Sandis etc. commenced to execute the 7 warrants. The police first surrounded Appa Khedekar's house but he was not there. The Moslems collected near the Maruti temple to beg them to release Karim the first and only arrest effected. In view of the assurance of the District Magistrate on the previous night they could not understand why the Police etc. had come there and already arrested one of them. They asked for names of the persons against whom warrants had been issued and asked the District Magistrate to give them half an hour's time and they would hand them over. They were 30 to 50 in number when the District Magistrate and other officers came to talk to them; they were quiet and unarmed but the District Magistrate would not listen to their entreaties and without further warning withdrew the Police and opened fire on them. By that time they were 40 to 60 in number. They scattered at the first fire leaving some dead and wounded on the road side. The armed Police continued to fire at them in groups off the side of the road. They also fired on men and women who came to see what it was about. The District Magistrate did not stop them firing till all their ammunition was expended. He even sent for more.

79. Afterwards the Police collected sickles, axes, lathis etc., from their houses in order to be able to show that the Moslems had been armed.

80. One of the armed Police Ayub Mulla, a resident of Ajra, was suspended on the 8th January for refusing to fire on the Moslems. He saw his own aunt and cousin shot.

81. The District Magistrate primarily and the Karbhari, and Mr. Patwardhan, to a lesser degree, are accused of a vindictive attitude towards the Moslems, in pursuance of which they deliberately concealed the true state of affairs from Col. Frere the Administrator. The Moslems apology was not shown to Col. Frere and,

he only agreed to security proceedings being taken against the leaders or at any rate proceedings for the maintenance of law and order, (Chapter VIII Criminal Procedure Code.) He did not know they were going to issue warrants for rioting etc. They made the situation out to be much worse than it was and deliberately prepared to punish the Moslems for appealing to the Kolhapur Darbar with their grievances. They took advantage of the presence of the armed Police and they called in a large number of Sanadis and Berads on the 7th January and they themselves stayed in Ajra for the definite object of carrying out their purpose and seeing the leaders of the Moslems arrested and if resistance were offered, using the armed Police and firing upon the Moslems.

82. The Moslems deny that they constituted an unlawful assembly on the 8th January. They made requests not demands and they offered no resistance. The District Magistrate did not declare them to be an unlawful assembly and order them to disperse in clear terms.

83. The Moslems assert that the weapons exhibited were collected in a lorry from the houses in the Moslems quarters while the arrests were being made after the firing, in order to justify the firing, and that the Panchanama of these weapons etc. is false.

84. As regards the necessity for firing, the Moslems contend that even if they refused to disperse, the large force of Police, Sanadis, etc., could have easily dispersed them without resort to firing, since they were unarmed.

85. They suggest that when the District Magistrate withdrew the Police, he made a tactical error and encouraged some of the Moslems to indulge in stone throwing and it is an argument of theirs that when some of the officers were hit, though only very slightly hurt, they lost their tempers and ordered fire to be opened, and the District Magistrate continued firing indiscriminately. They maintain that it is incredible that a mob of that size could stand 10 volleys before dispersing, let alone continue to advance on the Police and officials, as is alleged, and they say that they were shot down where they were found round the Pimple tree and on the sides of the road.

86. On the morning of the 24th February 1935 we visited the place and inspected the scene of occurrence in the company of the Counsels representing the Jahagir and the Moslems and compared on the actual spot the signs etc. shown to us on a plan prepared by us of the position occupied by the Moslems at the time of the disturbance on the 8th January, and the respective positions which the officials had taken up during the various phases of the firing. We have also a plan of the Idgah and the newly planted trees over which the agitation assumed such a serious character. The map of the scene of firing is Annexure A to our report and the plan of the Idgah and trees nearby is an annexure to Ex. E.

87. As regards the plan Annexure A we have to state that it is correct except for one inaccuracy which is that the house of the Burud is exactly opposite to the Pimple and the Wad tree (not shown on the plan) and not as shown in our plan. This point is only material for the purpose of our inquiry as regards the evidence of the Burud. As this witness was an old man Mr. Oliveira had questioned the soundness of his eyesight and we took the opportunity of testing it on the spot and he was able to recognise perfectly the men placed on the spot pointed out by the Jahagir officials as the place of parley, a distance of about 25 feet. We also verified the statements made by two other witnesses as regards the limits of their vision from certain points before their respective houses (Witnesses Nos. 18, 19 and 20) and we found them to be correct.

88. During the course of our inquiry on the 15th February we had been told by the Counsel representing the Jahagir that some attempt had been made to bore holes on the Maruti temple and the Pimple tree and that their officials had arranged for a panchanama. We at that very time directed the Chief of Police, Kolhapur to go to the spot and make a Panchanama. In the meanwhile however the Jahagir Officials had done it and unfortunately bored these holes deeper and wider to see if there was any bullet in them. However the Chief of Police next day made another Panchanama and stated that in his opinion there had been holes in those places previously to their being enlarged but that no lead was found. On that day the Counsel of the Moslems showed us one house on the left side of the road about 70 yards from the place where the Moslems were supposed to have stood and another on the right side on the road just beyond the Burud's house and on our examination we found that they were bullet holes and actually extracted the lead which was embedded. Both these holes were about 5 ft. above the ground level and their depth was about 2 inches. In order to ascertain for ourselves we fired two shots from a Henry Martini Rifle on the wall of one of these houses from a distance of about 100 yards and found that the bullet penetrated to the same depth as the ones found.

89. We next saw Tople's shop and new house. He said that the Moslems came running from the East.

90. We then observed the fencing round the mosque and were informed by the Moslems that they put it there every year from December to March to keep the animals out and that it had never been objected to before. Mr. Rajwade denied that they had ever erected it before. The encroachment appeared to be only a few inches.

91. Lastly we went to the Idgah and saw the newly planted trees. One of the Moslems told us that they had taken 4 or 5 days to plant and that the whole village knew about it at the time. He would not say whether it was not considered necessary to get permission first.

92. The road from the Rifle Range passed within a dozen yards of the end of one line of the newly planted trees. This was pointed out by Mr. V. V. Rajwade.

93. On the grave-yard close by we saw the sandal-wood trees, some on graves and some not. The grave-yard was extensive and very old and many graves scarcely discernable. A number of mature trees had been marked by the Forest Officer as ready to be cut and sold.

94. We will now proceed to examine the evidence with a view to arriving at the true facts of the case. Firstly we will take the first of our terms of reference, the circumstances leading to the disturbance of 8th January.

Commissioners' Findings

95. We are not satisfied, from the evidence before us, that the Jahagir officials concerned have been sufficiently sympathetic in dealing with the Moslems of Ajra and we feel that their failure to deal with the several matters which have come to our notice with promptitude and in the proper spirit may well have caused the Moslems to lose some confidence in them and roused their feelings against

Ichalkaranji's Criticism

In paragraph 95, they state a general conclusion, for which reasons are promised later and are apparently to be found in paragraph 109 which will be dealt with in its due sequence. The vague finding of want of sympathy on the part of the Jahagir officials concerned and of loss of some confidence on the part of the Moslems will be shown to be groundless, though it may

them especially when we remember that these matters are connected with the religion of the Moslems. Our reasons for coming to this conclusion will be discussed below.

96. It has to be seen whether the case represented by the Jahagir authorities that, firstly, the Mamlatdar had ordered on the 12th December a Panchanama of the trees planted on the site of the Idgah, and whether the holding of it was obstructed by the Moslems; secondly, whether any Moslems had gathered together on the 14th December and stopped the motor busses entering Ajra and whether the attitude of the Moslems then was threatening and if so, whether they intended to harm the Mamlatdar; thirdly, whether the conduct of the Jahagir officials with respect to the request made by the Moslems regarding their Mosque and the trees on their burial ground was right and proper; fourthly, whether the criminal prosecution under Sections 505, 153, 143, 504, 506 Part 2/149 of the Indian Penal Code which was lodged against the Moslem leaders, was necessary and whether the procedure followed was according to law; fifthly, whether a proclamation prohibiting the assembly of more than two or three men in one place was issued on 4th January as alleged by the Moslems; and sixthly, whether the Moslems knew that warrants were to be executed next day and knowing this organised themselves to resist the arrests.

97. It is admitted by the Moslems that the Panchanama was ordered and that the village officers did go to make it.

98. The Jahagir officers produce Gopal Dhondo Mahajan (Witness No. 18) a panch, to show that the village officers were prevented from making the panchanama. As regards their resistance we have it corroborated by the evidence of Mr. Swami, whom, though he was not produced by the Jahagir officials, we considered to be a credible witness and the

be pointed out at once that it can hardly be mere confusion that one of the results of an inquiry into the disturbance of the 8th January is the dismissal of a Mamlatdar, so far as it lay within the power of the Kolhapur Darbar, though admittedly he had nothing to do with that disturbance.

In paragraph 96, they formulate six points for determination apparently under the first issue in their terms of reference (viz. circumstances leading to the disturbance of the 8th January).

In paragraph 97, the Commissioners merely say on the first of the six points that it is admitted by the Moslems that the Panchanama was ordered and that the village officers did go to make it, while in paragraph 98, they hold on the evidence of a Panch (witness No. 18) corroborated by the evidence of Mr. Swami, that the village officers were prevented from making the Panchanama, while in view of their "subsequent observations regarding the attitude of the Moslems" (which will be dealt with under paragraph 105) they

only one to corroborate directly this statement. But in view of our subsequent observations regarding the attitude of the Moslems we doubt whether the Pancha's story that they were armed is correct. It appears to be merely put in as a make-weight.

doubt and consider as a mere make-weight the Pancha's story that the Moslems who resisted the Panchanama were armed. Their own attitude towards Mr. Swami is so curious (see paragraphs 101 and 102) that they think that the Kolhapur Officer gives *direct* corroboration of an incident though he did not witness it. The point would have been too small to be noticed, but for the fact that the Commissioners impliedly censure the "Jahagir officials" for not producing so credible a witness.

The point of substance, however, is that the Commissioners have neither referred to nor borne in mind the nature of the Panchanama, though that has not prevented them from condemning Mr. Pundlik Kulkarni who had nothing to do with the disturbance under investigation except that he issued orders for the Panchanama in the ordinary course of his official business and without going out of his way in any manner. The orders of the Mamlatdar are on record (see Ex. J) and direct the Patil and Kulkarni of Ajra (i) to draw up a Panchanama of the newly planted trees on the Nimajga and report and (ii) to ask the Moslems to remove the bamboo fencing upto the platform of the mosque and put it on the platform itself and if they do not act accordingly, to draw up a Panchanama and report. These orders are absolutely unexceptionable.

The case of the Moslems as suggested in the cross-examination of the official witnesses (Mr. Patwardhan Ex. 3 page 13 and Mr. Pundlik Kulkarni Ex. 8 page 9) was that the Mamlatdar had ordered the village Patil and two peons to go and uproot the trees on the 12th. This was evidently given up when the Moslems offered their evidence: Hasan Darwajkar and Abdul Kaktikar speak only of the Police Patil going with Panchas *not* on the 12th, but on the 14th, a visit which is admitted and which, having regard to the fact that the Patil is not even alleged to have been accompanied by any woodcutters with axes for cutting wood, could only have been for the purposes of a mere Panchanama. The Commissioners have not adverted to this point, and they seem throughout to have been obsessed by

99. As regards the reason given by the Moslems that they believed that the Panchanama was a preliminary to uprooting the trees, besides the evidence of the Moslems, Abdul Dada Kakatkar (Witness No. 31), Hasan Abdul Darwajkar (Witness No. 30), Hasan Abdul Bhadgaonkar, and Abdul Darwajkar, we have the evidence of Messrs. Samrani and De Souza, the British Indian Police Officers, who were told by the District Magistrate on the 8th January after the firing that the Moslems resisted the order of the Jahagir officials that the trees on the ground of the Idga should be uprooted and that the fencing round the platform of the mosque should be removed. Looking to the probabilities on this point, we are of the opinion that it is possible that the officers did in fact say that the trees would be removed. Colonel Frere was not aware of this when he gave his assurance to the Moslems on the 16th. This view is supported by the evidence of Mr. Swami to the effect that the Moslems told him that they had objected to the holding of the panchanama because they apprehended that the Jahagir authorities would uproot the trees, and that when he assured them that there was no such intention, they allowed the panchanama to be made. Mr. Swami's assurance carried weight with them as he was a Kolhapur official, and they moreover accepted his advice and presented the apology (Ex. B).

what they apparently consider as the tender susceptibilities of the Moslems as contrasted with the assumed iniquities of the "local officials," and have refrained, as far as they thought possible, from saying anything against the former or in favour of the latter.

In paragraph 99 of the report, the Commissioners refer to the evidence of Hasan Abdul Bhadgaonkar and Abdul Darwajkar, among others, as regards the belief of the Moslems that the Panchanama was a preliminary to the uprooting of the trees. Neither of these Moslems was cited as a witness nor examined before the Commission, and it will be seen from the very terms of the paragraph that the Commissioners were aware of it. They could hardly have conceived that their absolute discretion on all questions regarding the inquiry (see paragraph 8) entitled them to disregard the evidence before them and to use as evidence against the officers matters of which the officers had no notice. This, however, is not the only instance in which the Commissioners have travelled beyond the record, which they purport to prepare in accordance with the Law of Evidence as far as possible.

In the same paragraph the Commissioners say that "looking to the probabilities on this point," "it is possible that the officers did in fact say that the trees would be removed." This is manifestly erroneous, having regard to the ordinary course of official business (section 114 of the Evidence Act). The Commissioners ought to have taken it that the Mamlatdar was neither at liberty to order the trees to be uprooted without the sanction of superior authorities (see section 61 of the Land Revenue Code), nor likely to do so. If the Commissioners had any doubt on the point they could have asked the Mamlatdar what authority exactly he had in the matter, and could further have recalled Mr. Rajwade, the Karbhari, to produce the report that the Mamlatdar said he had submitted on the 12th. When the Commissioners think it possible that the officers did in fact say that the trees would be removed, they also make the mistake of confusing the singular with

the plural. There were no officers at Ajra from the 12th to the 14th except Mr. Patwardhan, who had nothing to do with revenue matters and the Mamlatdar and the Karbhari had gone away to Mativade on the 13th, and it was not even suggested to the Karbhari that he had ever so much as entertained the idea of uprooting the trees. Who then could have in fact said that the trees would be removed, and said it before the attempted Panchanama of the 14th? It is also not possible that any of these officers—the Mamlatdar, the Munsiff and the Karbhari (who only came again to Ajra on 6th January)—could have said it after the Moslems' resistance of the 14th. Col. Frere, whose testimony was apparently accepted by the Commissioners, assured the Moslems on the 16th that the trees would not be removed, and that no question had ever arisen about their removal. The Commissioners were apparently prepared to accept the story of the Moslems that they did not complain to Col. Frere on account of fear, though the report does not say so, but they have not considered the utter improbability of any other Ichalkaranji officer speaking of removing the trees after the assurances given by the Colonel (who was repeatedly visiting Ajra) to the Moslems. They base their opinion substantially on the evidence of Messrs. Samrani and De'Souze, the British Indian Police Officers, regarding what they were told by the District Magistrate after the firing, and on the evidence of Mr. Swami together with the assurance given by him to the Moslems which they say "carried weight with them as he was a Kolhapur Official." As was not unnatural in the circumstances, the British Indian Police Officers obviously misunderstood the District Magistrate, as, for example, when the talk was about the procedure to be followed after the firing and Mr. Samrani, without any correction by Mr. De'Souza, said that the first thing was (i) to declare the assembly unlawful and (ii) then to ask them to disperse. Even if these two British Indian Police officers correctly understood the District Magistrate to say that the authorities wanted to get the

trees removed, the Commissioners should have taken into consideration the facts that the District Magistrate was not anywhere near Ajra from the 12th to the 14th and was away from the Jahagir from the 19th to 23rd (circumstances which they again completely overlook in paragraph 123, thus falling into a serious error), and that there is no suggestion whatsoever that any orders, competent or otherwise, (excepting the suggestions regarding the 12th which were made in the cross-examination of the officials but were afterwards abandoned), were in fact issued for the removal of the trees: what Kakatkar and Hasan Darwajkar say about the Police Patil is clearly unreliable and opposed to Ex. J. The Commissioners have further passed lightly over the fact that Col. Frere's assurances of the 16th did not carry weight with the Moslems, while those of Mr. Swami did, though in paragraphs 111 to 113, they suggest, while not hesitating to condemn the Jahagir officials, that it was not within their province to go into such questions as are necessarily raised even in the present inquiry by the effect of Col. Frere's assurances compared with those of Mr. Swami. The Commissioners should have made it clear even as against the Moslems that Ajra is administered by the Jahagir authorities—in this instance Col. Frere—and not by Kolhapur officers. The Moslems' telegrams to Kolhapur, with their unfounded allegations of the mosque being demolished, the effect of Mr. Swami's assurances as contrasted with that of Col. Frere's, and such baseless applications to the Kolhapur Darbar as Ex. S and T amply justify Col. Frere's complaint that the Moslems' unreasonable attitude was due to outside influence. The Commissioners should have unhesitatingly found that the Moslems did not honestly believe that the Panchanama was a preliminary to the uprooting of the trees.

100. As regards the second point, whether any Moslems had collected on the 14th December and stopped the motor busses entering Ajra and whether their attitude then was threatening, the

In paragraph 100, the Commissioners refer to some of the evidence produced by the Jahagir officials to show that "the Moslems had gathered at the bus-stand and searched for the Mamlatdar, uttering

evidence produced by the Jahagir officials to show that the Moslems had gathered at the buss-stand and searched for the Mamlatdar uttering threats, is that of Mr. Yedurkar Inamdar, and Subhedar Ayare (Witnesses Nos. 13 and 14) supported by the evidence of Sub-Inspector Sawant. These two witnesses from the point of view of the Jahagir officials are very important and we have to see whether their evidence is to be believed. There is an important discrepancy between their statements. The Inamdar, Yedurkar states that the Moslems collected at the spot were armed with scythes, axes and sticks while the Subhedar Ayare states that when he arrived at the spot between 12 and 12-30 (i. e. half an hour later) they were only armed with lathis and he makes no mention of other weapons. The Sub-Inspector Sawant who arrived after that between 12-30 and 1 P. M. states that they were armed with lathies and makes no mention of other weapons. This last witness contradicts himself regarding the number of Moslems he saw collected there, and the numbers given by these witnesses vary considerably.

101. Now looking to the statement of Mr. Swami in this connection, the Moslems informed him that they were willing to apologise for objecting to the panchanama but that when he asked them about the raiding of the busses, etc. they totally denied it when they could have easily admitted it and included it in the apology. Mr. Swami also says very clearly that this alleged raiding of busses etc. could not have been what was foremost in the minds of the local officials, for he says that Col. Frere did not discuss that matter at all but confined himself to the opposition to the drawing of the Panchanama. Had the Moslems in fact acted as is alleged by the Jahagir officers, their action would certainly, in our opinion, have been considered first and foremost as it would have constituted a very serious state of affairs.

threats," on the 14th December after their successful resistance of that morning to the attempted Panchanama. They point out a discrepancy regarding numbers and weapons between Yedurkar Inamdar and Subhedar Ayare, and call it important; but nothing is more natural than that there should be a difference between what the two witnesses observed at an interval of half an hour, as regards the numbers and weapons of a changing mob. It was nobody's case—and indeed could not be—that an unchanging body of men waited and searched for the Mamlatdar at the bridge. The Commissioners also observe that the Sub-Inspector of Police contradicts himself regarding the number of Moslems he saw collected there—still later,—but the deposition of this witness shows that he consistently spoke of 20 or 25 Moslems as observed by himself, and if the Commissioners had in mind the number ascertained by him on inquiry (his report speaks of some 150 to 200 Moslems, armed with sticks etc. near the Lendhole bridge, stopping every motor bus and searching for the Mamlatdar) they should have put that discrepancy, if it can be properly so called, to the witness. This is one of many paragraphs in the Report that is entirely untenable.

In paragraph 101, the Commissioners refer to the denial of the Moslems before Mr. Swami regarding their forming an unlawful mob and raiding the buses at the bridge. At the end of the paragraph, they recognise that if the Moslems had in fact acted in the manner alleged by the Jahagir officers, their action "would have constituted a serious state of affairs." This weighty observation is utilised by the Commissioners for discrediting the incident altogether—calling it "a gross exaggeration" in paragraph 105 and "untrue" in paragraph 115—on the ground that Col. Frere did not discuss it with Mr. Swami. It appears, however, from the evidence of Mr. Swami himself that on the way to Ajra, Col. Frere had told him that the Moslems had not only opposed the drawing up of the Panchanama on the 14th but had also

stopped motors and abused the Mamlatdar. That Col. Frere believed the incident is clearly established by the facts that he did not allow the Mamlatdar to return to Ajra till after the Panchanama of the 22nd December and that after his talk with the Moslems on the 16th, he sent not only 18 armed police to Ajra but also 2 to Uttur to guard the Mamlatdar. The Commissioners observe : "Mr. Swami also says very clearly that this alleged raiding of buses etc. could not have been what was foremost in the minds of the local officials, for he says that Col. Frere did not discuss that matter at all but confined himself to the opposition to the drawing of the Panchanama." This is doubly erroneous. In the first place Col. Frere cannot be properly called "the local officials" (in paragraph 116 the Commissioners distinguish him from "the local officials," a collective term repeatedly used by them and ultimately leading to their general condemnation). Mr. G. D. Kulkarni had not yet come on the scene, while the Karbhari and the Mamlatdar were both away from Ajra and Mr. Patwardhan in his capacity of First Class Magistrate had not been asked by any authority to assist in having the Panchanama drawn up, while Col. Frere was himself handling the situation. Secondly, the Commissioners have entirely misread the purpose of the co-operation of Mr. Swami. As Col. Frere stated expressly in answer to a Court question during his cross-examination, (at page 7 of his deposition) he "asked for the presence of the State Police official to pacify the Muslims and bring to the notice of the Darbar the real state of things. The Police official's presence solved the question of the Panchanama regarding the plantation of trees." Col. Frere was not asked why he did not lay stress on "this alleged raiding of buses etc." in his talks with Mr. Swami, and it should have been clear to the Commissioners that Col. Frere had asked for the co-operation of the Kolhapur Darbar for the purpose of dealing with the opposition of the Moslems to the making of the Panchanama and thus carrying out a recognised process in revenue admini-

102. It has been said by the District Magistrate that the reason for rejecting the apology of the Moslems was that it did not contain any apology for the alleged raiding of the busses etc., on the 14th. This implies that if they had apologised for that, no action would have been taken against them. This being the case we would observe that the local officials might well have considered the advisability of again requesting the good offices of Mr. Swami to obtain an apology in that matter, but they did not do so. The District Magistrate places the responsibility of refusing to accept the apology since it does not include any reference to the raiding of the busses, upon Col. Frere, but we have already shown that we do not believe that Col. Frere did so.

stration and not for the purpose of bringing to book the rioters at the Lendhole bridge—a matter that was only considered by him two or three days later with his colleagues, (Mr. G. D. Kulkarni and Mr. D. B. Joshi), at Ichalkaranji and for which the first requisite formality was the laying of a complaint by the Sub-Inspector of Police on 29th December. Mr. Swami's evidence should not have led the Commissioners to doubt the story of the bus-raiding.

In paragraph 102, the Commissioners say that since the District Magistrate gives as the reason for rejecting the apology of the Moslems the fact that it did not contain any apology for the alleged raiding of the buses etc. on the 14th, "this implies that if they had apologised for that, no action would have been taken against them." This is a mere *non sequitur*. Neither Col. Frere nor Mr. Kulkarni was asked if the bus-raiding would have been excused in case the Moslems had apologised for it as well as for the resistance to the Panchanama. The Commissioners have further failed in their reasoning here to remember the seriousness of the offence of bus-raiding with which they had concluded the previous paragraph. If the District Magistrate alone had refused to regard the apology of the 22nd as sufficient to dispense with the prosecution of the Moslems concerned in that very serious offence, he would clearly have been right, for it is clearly impossible for any responsible officer to think that Moslems need not be prosecuted for any offence, however serious, provided only that they yield to the persuasion of a state Police official to apologise for it. It is further clear that the decision as regards the bus-raiding did not rest with Mr. G. D. Kulkarni, and there is nothing whatsoever, either in Col. Frere's deposition or in his reports to the Darbar, to show that he would have regarded any apology as sufficient in the circumstances. Col. Frere has not sought anywhere to place the responsibility on Mr. G. D. Kulkarni or any other officer. The observation of the Commissioners that

"the local officials might well have considered the advisability of again requesting the good offices of Mr. Swami to obtain an apology in that matter, but they did not do so", is mistaken from every point of view: no "local official" who was fit to hold any position of responsibility ought to have entertained even for a moment the question of an apology for the bus-raiding or requested Mr. Swami to obtain an apology; and the only person who could have been competently concerned to request the good offices of Mr. Swami for any purpose at that time was Col. Frere himself, though such repeated but mistaken employment of the phrase "local officials" has (as has been already pointed out) contributed, insensibly or otherwise, to the condemnation of the local officials in a body in paragraph 138. Paragraph 102 is thus the second but not the last paragraph in which every point or observation made by the Commissioners is wrong.

103. We would further observe that though it is alleged by the officials that no less than three different messengers conveyed the news of the raiding of the busses etc., to the Mamlatdar and the Karbhari, no one of these persons has been produced as a witness.

In paragraph 103, the Commissioners comment on the fact that none of the three messengers who conveyed the news of the bus-raiding to the Mamlatdar and the Karbhari was produced as a witness. This might have been a fair observation to make if the Commissioners had been investigating the alleged bus-raiding as a direct issue and had told the parties so. As it was, the Commissioners only formulated the six points for decision (paragraph 96) under the first issue before them—the circumstances leading to the disturbance of the 8th January—after the evidence was closed and the arguments heard and have overlooked the fact to which they themselves refer in paragraph 141 that in deference to their wishes, the witnesses were "cut down considerably." The list of witnesses submitted by Mr. G. D. Kulkarni on the 12th of February actually includes Rajaram Desai, one of the three messengers in question, but the man was not examined because the Commission desired the parties to cut down their witnesses and there was no reason to apprehend that the Commissioners would go so far as to doubt the Mamlatdar and the Karbhari on such

104. The Moslems say that the Mamlatdar had promised to come and see their Mosque that morning and that when he did not come, some of them went to look for him. They also wished to approach him regarding the Panchanama on the newly planted trees. It is possible that a good number of them went and also that their references to the Mamlatdar were not respectful for the reason that they considered they had grievances.

a point on the ground that the messengers were not called. It is also plainly inconsistent for the Commissioners to cut the witnesses down and yet to make the comment that no messenger was called as a witness and further to say that they had sufficient evidence before them for the purposes of their inquiry.

In paragraph 104, the Commissioners set out the version of the Moslems as regards their visit to the bus-stand, and apparently accept it, though they only say so in paragraph 105, but conclude "It is possible that a good number of them went and also that their references to the Mamlatdar were not respectful for the reason that they considered they had grievances." Here again the Commissioners have completely overlooked the facts established on the official side. The Mamlatdar had admittedly been to the mosque in the company of the Karbhari on the 13th. It was nowhere suggested in his cross-examination or in the evidence for the Moslems that he had promised them to visit the mosque again, nor is there any suggestion anywhere for what purpose the Mamlatdar would either have been asked or have promised to visit the mosque again, especially after their application of the 13th December Ex. I, to his official superior, the Karbhari, with the unsubstantiated allegation that they had applied to the Mamlatdar a year before unsuccessfully. Not only does no Moslem witness speak of any promise by the Mamlatdar to visit the mosque again on the 14th, but Appa Ladji's story of the abuse indulged in by the Mamlatdar on the 12th notwithstanding the presence of the Karbhari makes it utterly improbable that the Moslems should have asked the Mamlatdar to visit the mosque again, or that they should have thought of approaching him on the 14th with any request. The Commissioners ought emphatically to have said that what they (in part, erroneously) took to be the version of the Moslems is false.

The Commissioners have also failed to examine the unsubstantial character of the grievances that according to them the Moslems considered they had.

The first grievance so called related to the application of the Moslems regarding the possession of the burial ground and of the trees thereon. This application was made in June 1930, and was a mere appeal *ad misericordiam*. It is true that the application had long remained undisposed of, but there were several circumstances to be borne in mind, in this enquiry into the disturbance of the 8th January, along with the delay. In the first place, the application was made in the time not of Mr. Pundlik Kulkarni but of his predecessor, now no longer in the service of the Jahagir. Secondly, even according to the Moslems themselves, the land and trees, especially the trees, had been in the possession of the Jahagir for at least 50 years. Thirdly, even the survey record of 1872 did not show the Moslems' possession of the trees. Fourthly, the only evidence that the Moslems produced in July 1930 related not to Ajra but to Kolhapur, Gijavane and Gadhinglaj, and the Moslems themselves requested the Jahagir authorities to look into the old records and decide the matter. The Moslems submitted only one reminder and that in September 1931, after which the matter rested in the Record office and was accidentally overlooked there in default of any reminder from the Moslems. But meanwhile the Jahagir officials went on putting the trees up to auction, not only *not* against the wishes of the Moslems but with the active participation of such leading Moslems as Mahamad Dada Kakatkar and Hassan Abdul Darwajkar, actual purchasers in Fasli 1340, 41, 43, to say nothing of Appa Ladji alias Mahamad Abdul Darwajkar and his relatives who attended the auctions more than once. (Exs. J 7, J 3, J 9). It is, therefore, clear that even the Moslems could not really have regarded the delay in the disposal of their prayer as a grievance. The second so-called grievance relates to the trees newly planted by them in front of the Idga. They admit that this was done without permission, and they do not claim any right to do so without permission. To speak of a grievance because the Karbhari noticed the encroachment and the Mamlatdar

ordered a Panchanama is, in the circumstances, a mere abuse of the word. The fencing newly put up round the platform of the Mosque (itself an old encroachment) could also not furnish the Moslems with any reasonable grievance, firstly because neither the Mamlatdar nor any other officer of the Jahagir had so much as attempted to remove the fencing by force, and secondly, while there is no question that it was in fact an encroachment on the road-side, the Mamlatdar had merely directed the Police Patil to ask the Moslems to remove the fencing on to the platform, and if they did not comply, only to draw up and submit a Panchanama.

105. We find that the above evidence clearly shows that the story of the Jahagir officials regarding the raiding of busses etc., is a gross exaggeration and believe that of the Moslems on this point.

In paragraph 105, the Commissioners conclude that the official story regarding the bus-raiding is a gross exaggeration, and believe the story of the Moslems. But none of the witnesses called for the Moslems tells any story of the kind given in paragraph 104 from personal knowledge, and the Commissioners must have allowed themselves to be misled by some argument advanced on behalf of the Moslems without reference to the evidence recorded. It has been shown under the previous paragraph that what is given in paragraph 104 as the Moslems' version should have been pronounced to be false. The Commissioners in calling the official story "a gross exaggeration" really conclude that it is "untrue" (see paragraph 115). As a matter of fact, they also betray a confusion as regards the nature and scope of the inquiry they were appointed to make. They were aware that it was limited, for in paragraph 141 they say that though owing to the shortness of time at their disposal they had to ask both sides to cut down their witnesses considerably, they considered that for the purposes of the inquiry they had sufficient evidence before them. The question formulated by them should have been whether the officials actually and properly believed the bus-raiding story reported to them rather than whether this riot was made out in the present inquiry: they were not trying either the officials or the rioters who, moreover,

were not before them. If the officials were right in believing the reports of the bus-raiding riot, it was plainly essential to prosecute the offenders. But even apart from this aspect of the matter, the Commissioners should have seen that on this bus-raiding incident, there were no less than 10 witnesses included in Mr. G.D. Kulkarni's list of 12th February and that these witnesses (including the driver of a motor bus from Kolhapur and the driver and cleaner of another motor bus and several passengers) were not examined in deference to the desire of the Commissioners.

Harking back to paragraph 98, it will be recalled that the Commissioners there referred to their "subsequent observations regarding the attitude of the Moslems" as a reason for doubting whether G. D. Mahajan's story that the Moslems who resisted the Panchanama on the 14th were armed is correct. The only references to the attitude of the Moslems that are to be found after paragraph 98 and before paragraph 105 (which concludes their treatment of the second point formulated by them) occur in paragraph 101, (paragraph 99 throwing no light on the matter) where reference is made to Mr. Swami's statement that the Moslems informed him that they were willing to apologise for objecting to the Panchanama but that when he asked them about the raiding of the buses etc. "they totally denied it when they could have easily admitted it and included it in the apology". But resisting the Panchanama was one thing, and raiding the buses quite another. The readiness of the Moslems to apologise for resisting the Panchanama and that too only when Mr. Swami spoke to them—though on the same day one of their leaders, Husen Mahamad Mulla, filed an application, Ex. T, before His Highness the Chhatrapati Maharajasaheb, with allegations that will not bear examination—furnishes no ground whatsoever for any inference that they were not armed on the occasion. The Commissioners should have attached importance to the fact that the Administrator, an officer of high standing and absolute impartiality, had assured

the Muslims on the 16th that the trees would not be removed, and that the same evening they decided and actually informed Col. Frere that they were going to oppose the Panchanama tooth and nail. This truculence, rather than their willingness to apologise when Mr. Swami appeared on the scene, is significant of their attitude, and the Commissioners have misdirected themselves on this point in paragraph 98 as on the point of the rioting at the bus-stand in the subsequent paragraphs down to 105. To disbelieve independent witnesses like Yedurkar Inamdar and Subhedar Ayare, because of a discrepancy which is no discrepancy really, and the Sub-Inspector of Police on a similar ground (paragraph 100), to hold that if there had been a riot, Col. Frere would have considered it first and foremost with Mr. Swami, when Mr. Swami was imported from Kolhapur not for dealing with past misconduct but for support in carrying out a process of law, namely, the Panchanama (paragraph 101), to assume that neither Col. Frere nor the District Magistrate would take the responsibility of refusing to accept the apology of the Moslems because it does not include any reference to the raiding of the buses (paragraph 102), to advert to a not unintelligible failure to call unimportant witnesses (paragraph 103), to accept without saying so in so many words a version that the Moslems' Counsel apparently tried to make out in argument, though it is not supported by any evidence, (paragraph 104),—these are the successive steps by which the Commissioners arrive at the conclusion that the official story regarding the raiding of the buses is a gross exaggeration.

The Commissioners ought to have held that the Moslems had no real grievances (as already shown under paragraph 104) and did not at the time of the bus-raiding believe that they had any (see under paragraph 107), that they had not asked the Mamlatdar nor had the Mamlatdar promised to visit the mosque on the 14th, that after their lawless resistance to the attempted Panchanama of that morning, they did go to the Lendhole bridge and by force searched

106. As regards the third point, whether the conduct of the Jahagir officials with respect to the requests made by the Moslems regarding the Mosque and the trees on their burial ground was right and proper, the Mamlatdar, Mr. Pundlik Kulkarni, admits that he objected to the bamboo fencing round the platform of the Mosque on the ground that it was an encroachment. We have seen this fencing and we consider that in view of the feelings of the Moslems at the time his objection to an encroachment which was more technical than otherwise being only a matter of an inch or two, was distinctly unwise and calculated to exasperate their feelings unnecessarily. Whether or not the Moslems had erected such a fencing in previous years, we cannot say.

buses for the Mamlatdar with the openly avowed object of laying violent hands on him, and that the information before the authorities to this effect was of such a kind that they were bound to act upon it in the maintenance of law and order and prosecute the rioters. They should in this paragraph have answered in the affirmative the second point formulated by them, viz. "whether any Moslems had gathered together on the 14th December and stopped the motor buses entering Ajra and whether the attitude of the Moslems then was threatening and if so, whether they intended to harm the Mamlatdar."

Proceeding to deal with the third point formulated by them, the Commissioners in paragraph 106 "consider that in view of the feelings of the Moslems at the time, his (i. e. the Mamlatdar's) objection to an encroachment, which was more technical than otherwise being only a matter of an inch or two, was distinctly unwise and calculated to exasperate their feelings unnecessarily". Here again, the Commissioners have fallen into a serious error. It is not a fact and was not even suggested in the cross-examination either of the Karbhari or of the Mamlatdar that when the Mamlatdar objected on the 12th December to the encroachment, the Moslems showed any "feeling" or that anything had occurred previously to lead those officers to think that the Moslems' feelings were in disturbed condition. If the Commissioners were by any chance thinking in this connection of the sensational telegrams that the Moslems started sending to the authorities including the Prime Minister, His Highness the Chhatrapati Maharajasaheb and the Agent to the Governor-General at Kolhapur, they ought to have noticed that the earliest of these telegrams (which was addressed to the Jahagirdar) is timed after the bus-raiding of the 14th December and requests the suspension of the Mamlatdar for "doing against our religion. If not suspended, mob become desperate". The Panchanama ordered by the Mamlatdar could in no sense be regarded as being against the religion of the Moslems, and the request for the

suspension of the Mamlatdar was accompanied by what in effect was a threat of mob violence. The Commissioners ought to have observed that telegrams of this kind are no true indications of Moslem feeling but only point to irresponsible action and that they cannot, moreover, be taken to indicate the attitude of the Moslems at the time the Mamlatdar objected to the encroachment on the 12th. The Commissioners observe that the encroachment "was more technical than otherwise, being only a matter of an inch or two" and on that ground, together with what they erroneously take to have been the feelings of the Moslems at the time, they consider the action of the Mamlatdar "distinctly unwise and calculated to exasperate their feelings unnecessarily". But not only did the Moslems not show any feeling on the 12th, but the Commissioners also made no attempt to ascertain from the Mamlatdar or any other officer why the encroachment was not treated as merely technical, or they would have found from old official records that in 1917 the Moslems had in one night built the platform in front of the mosque, encroaching on the public road, and that ultimately the sudden encroachment was condoned. The Commissioners are also wrong, on the record, in taking the encroachment to be "only a matter of an inch or two"—in paragraph 80 they themselves say that "it appeared to be only a few inches"—though His Highness's order goes even further and makes it "at the most a matter of less than half an inch". The present was thus not the first encroachment on the road-side, and if the Commissioners had really addressed their minds to the point, they would have found that the Mamlatdar was only doing his duty in objecting to it. And in any case there would plainly be an end of all administration if, notwithstanding a plain encroachment on the side of the road, even a Panchanama is not to be ordered because it may arouse Moslem feeling. Here again the Commissioners are entirely wrong throughout the paragraph.

107. The Jahagir officers admit that the petition of the Moslems regard-

As regards paragraph 107, the delay in disposing of the petition of the

ing the possession of the land and trees thereon (in their grave-yard) has been pending since 1930. We can see no possible excuse for such inordinate delay in dealing with a petition of this nature nor do the officers attempt to explain it. They merely say that the land is Jahagir property and that the Moslems have no right of possession.

Moslems regarding the possession of the site of the grave-yard and the trees thereon was, as has been already shown, merely accidental and cannot rightly be taken to suggest any bias against the Muslims in the minds of the Mamlatdar, the Karbhari or the District Magistrate, or to point to any resentment actually felt by the Moslems against any of these officers—particularly the Mamlatdar whom they singled out before Mr. Swami on the 22nd—on or before the 12th December. Nor can it be said on the application of 1930 itself that either the land or the trees were claimed by the Moslems as belonging to them by right. It was only after their unlawful behaviour on the 14th that the Moslems thought of this old application and sought to make a grievance out of it, though the specific grievance mentioned in their earliest telegrams was that the officials were demolishing the Mosque (an entirely unfounded assertion). The Commissioners have also failed to observe that the delay has nothing to do with the point with which they were dealing, viz. "thirdly, whether the conduct of the Jahagir officials with respect to the request made by the Moslems regarding their Mosque and the trees on their burial ground was right and proper" (paragraph 96)—a point which relates to the Moslems' request of the 12th December 1934, and this error has led them among other things to condemn the Mamlatdar (paragraph 139), though the application of June 1930 was made before his time and the matter was only handled by him in the ordinary course of official business, and though he was not in Ajra either on the 14th December 1934 or on the day of the disturbance under investigation.

108. The Moslems have also alleged that their petition to the Jahagirdar regarding the Mosque and other matters was deliberately withheld on the 6th January by the local officials. That the petition was brought to Mr. Patwardhan and shown by him to Col. Frere and the District Magistrate is admitted. We see no reason to doubt Col. Frere's statement that he ordered that the petition

In paragraph 108, the Commissioners accept the story of the Moslems that their petition of the 6th January to the Jahagirdar regarding the mosque and other matters was deliberately withheld by "the local officials." They believe that it was withheld by Mr. Patwardhan because it contained allegations against a brother officer. Mr. G. D. Kulkarni and Col. Frere are thus exonerated, and

should be presented at his house on the return of the Jahagirdar from Polgaon. What we cannot understand is why the petition was not presented, if as Mr. Patwardhan says, Appa Ladji who presented it to him, was only asked to obtain a few more signatures. It seems to us that this throws some doubt on the denial of the local officials that the Moslems were prevented from presenting it. Mr. Kulkarni has said that he had no time to inform the Jahagirdar about this request. The local officials offer no explanation as to why it was not presented, though Col. Frere suggests that it was due to some outside influence. We believe that the story of the Moslems that it was withheld by Mr. Patwardhan because it contained allegations against a brother officer, is not improbable and indeed offers the only explanation we can think of.

indeed the Moslems do not appear to have suggested the complicity of these officers in the suppression. Do the Moslems say that it was withheld by Mr. Patwardhan? None of their witnesses says so, and Abdul Darwajkar, the man who did bring an application to Mr. Patwardhan on that date,—wrongly confounded by the Commissioners with Appa Ladji—has not been put into the witness box so as to enable the other side to test the Moslems' suggestion, which the Commissioners have accepted without question, that it contained allegations against a brother-officer. Abdul Darwajkar's uncle, Appa Ladji, (Mahamad Abdul Darwajkar witness No. 28) was a witness in the case, and a leader of Ajra Moslems, and yet the petition itself was not produced. They do not refer at all to the evidence of the District Magistrate that the application was for a pardon of the rioters of the 14th December, though the evidence was not attacked in cross-examination. They ought not to have ignored the evidence merely because the District Magistrate is a Jahagir officer nor accepted the Moslem suggestion without having before them the application itself merely because the suggestion was made for the Moslems during Mr. Patwardhan's cross-examination. The Commissioners have also not considered against whom allegations could have been made in such a petition: before Mr. Swami on the 21st, the Moslems singled out the Mamlatdar, but this officer—a brother officer of Mr. Patwardhan's—had been away at Polgaon from the 5th January and could not have done anything to the Moslems from the afternoon of the 13th December onwards—he only returned to Ajra on the 22nd with a direction from the Administrator to do nothing about the Moslems "as he had taken that matter in his hands" (see page 2 of his deposition, Ex. 8). The only other person that the Moslems could on the evidence have made allegations against would appear to be the Police Patel, but the Commissioners could hardly have taken him for "a brother officer" of Mr. Patwardhan's so as to make it likely that Mr. Patwardhan would withhold the application on his account. This is one

of the many instances in which the Commissioners have arrived at an erroneous conclusion by reason of the vague term "local officials". The Commissioners seem also to have indulged in erroneous conjecture as regards the motive. If, as Mr. Patwardhan admits, he did not on the 14th December go into the grievances of the Moslems because the Moslems made allegations against the Mamlatdar, a brother-officer, he acted with perfect propriety on that occasion, as he was not the superior of the Mamlatdar, and advised them to move the proper authorities and also took emergent action for the safety of the Mamlatdar and his family. The Commissioners should have seen that the position on the 6th January was entirely different. There was no emergency, the Moslems purported to be in a peaceable mood, the application was addressed and was to be presented to the Jahagirdar, and Mr. Patwardhan had not only passed the application on to Mr. G. D. Kulkarni but had also been told that Col. Frere had no objection to the presentation of the application provided it was properly worded. In these circumstances, it is wrong to assume that Mr. Patwardhan withheld the application merely because the Commissioners say that they cannot think of any other explanation why the application was not in fact presented to the Jahagirdar. An alternative explanation is easily inferable from what the Moslems had done to Col. Frere on the 16th December—going away apparently satisfied with his assurance that the trees would not be uprooted, but sending word an hour or two later that on no account whatsoever, they would submit to the Panchanama being made (a change of mind which Col. Frere attributes to outside influence and which the Commissioners have taken no notice of). It may be added that when in this paragraph, the Commissioners speak of Col. Frere suggesting that the Moslems' change of mind was due to some outside influence, they are proceeding not on anything to be found in his deposition but on paragraph 7 of his report of the 11th January. Attention is drawn to this because the

Commissioners have failed to take notice of the concluding paragraph of that report in dealing with the execution of the warrants on the 8th January.—“As Ramzan was over and no trouble apprehended, Raosaheb Kulkarni was told to execute the warrants while the wanted men were present in Ajra, as it was thought likely that they would again run away.”

109. We find therefore that the conduct of the local officials in these matters leaves much to be desired and that there was some reason for the Moslems to lose confidence in these officers.

In paragraph 109, the Commissioners observe that the conduct of the local officials in these matters leaves much to be desired and that there was some reason for the Moslems to lose confidence in these officers. This recalls paragraph 95 and is based on the three previous paragraphs 106 to 108, which have already been dealt with in detail. The Commissioners have again allowed themselves to be misled by the use of the expression “local officials.” Paragraph 106 deals with the Mamlatdar only, and it is idle to say that he should not have done the only thing that has been brought home to him—namely, ordering the Panchanama on the 12th. Paragraph 107 deals with the delay in the disposal of the application of 1930, and it is plain that neither the Mamlatdar nor the Munsiff nor the Karbhari nor the District Magistrate nor Col. Frere—the body of officers presumably denoted by the term local officials—could be blamed for it, in view of the facts that the matter was not brought to the notice of any one of them after the reminder of 1931 and that the Moslems went on attending and even bidding at the yearly auctions. Paragraph 108 finds fault with Mr. Patwardhan as regards the proposed application of the 6th January on entirely untenable grounds. Neither the Panchanama ordered on the 12th nor the proposed application of the 6th January could give any reasons for the Moslems to lose confidence in these (local) officials, nor can it be seriously thought that the delay in the disposal of the Moslems’ application of June 1930 could have had such effect. The observations of the Commissioners are framed vaguely enough to suggest not a dispassionate decision but an endeavour to find some sort of excuse for blaming the officials and shielding the Moslems.

110. There have been certain references to an attitude of resentment on the part of the local Jahagir officials against the Moslems of Ajra for approaching the Darbar direct with their grievances.

111. We do not feel entitled in the Inquiry to go into the question of relations between the Jahagir and the Kolhapur Darbar and we merely remark that though there may be such an attitude on the part of the Jahagir officers, and there are indications that there was, for there appears to have been no co-operation between them and Mr. Swami, we do not consider that it would profit us in this Inquiry to pursue the matter.

112. At least we can say that if such an attitude exists, there is nothing to show that there is any justification for it. The Moslems say they only approached the Kolhapur Darbar after failing to get redress from Ichalkaranji officials.

In paragraph 110, the Commissioners speak of certain references to an attitude of resentment on the part of the local officials against the Moslems of Ajra for approaching the Darbar direct with their grievances. Such references can only be based on the depositions of some of the witnesses for the Moslems, whose stories have, however, only to be read to be rejected at sight.

In paragraph 111, the Commissioners, while declining to pursue the matter of "an attitude of resentment on the part of the local Jahagir officials etc." say that there appears to have been no co-operation between the Jahagir officers and Mr. Swami. Here again, they have allowed themselves to be misled by the use of the wide term "local officials" (paragraph 110) or "the Jahagir officials" (paragraph 111), for Col. Frere was dealing direct with Mr. Swami. They have also repeated the grievous error pointed out while dealing with paragraphs 101 and 102 above.

In paragraph 112, the Commissioners apparently accept the Moslems' story—they certainly do not reject it—that they only approached the Kolhapur Darbar after failing to get redress from Ichalkaranji officials. None of the telegrams sent by the Moslems complains of the delay in disposing of the application of June 1930, nor did the Moslems seek any redress from the Jahagirdar or the Administrator against this delay. As to the Panchanama ordered by the Mamlatdar on the 12th, again, no redress was sought from the Karbhari or the Administrator, the official superiors of the Mamlatdar. The telegram of the 14th to the Jahagirdar in effect demanded the suspension of the Mamlatdar "for doing against our religion" on pain of mob violence, the threat was intolerable and it cannot be pretended that ordering the Panchanama was in any way "doing against our religion". Their telegrams to the Kolhapur Darbar contain only demonstrably false allegations such as that the Ichalkaranji officials were demolishing the Mosque and that "the Ajra Mamlatdar Pundlik has brought a

party of Ichalkaranji Guard Police for destroying our Masjid and Idga at our burial ground and collected people from all 84 villages for our murder."

It is idle for the Moslems to suggest in justification of such telegrams that they had failed to get redress from Ichalkaranji officials, and the Commissioners should have emphatically pointed this out in their report, instead of glossing over the conduct of the Moslems time after time and suggesting, if not always saying, that the Ichalkaranji officials were to blame. The Moslems had not even asked the Ichalkaranji officials for redress of their grievances, the reason plainly being that they had no grievances in their minds at the time: and it is idle to suggest that they approached the Kolhapur Darbar because they had failed to get redress from the Ichalkaranji officials.

113. We have to report that at the request of Col. Frere a passage of his report referring to an annexure thereto suggesting that a certain high official of the Kolhapur Darbar was implicated in that he encouraged the Moslems of Ajra to resist the local Jahagir officers, has been expunged from his report together with the annexure. Col. Frere asserted that there was absolutely no foundation for this suggestion which was not intended as a suggestion but merely as an example of the wild rumours which were going about at the time.

114. Fourthly—Was the criminal prosecution under Sections 505, 153, 143, 504, 506 Part 2, 149 of the Indian Penal Code against the Moslem leaders necessary and further was the procedure in issuing these warrants according to law?

115. The officials state that the issue of these warrants had nothing to do with the obstruction to the Panchanama but was solely for the purpose of dealing with the lawlessness of the Moslems in raiding the busses and threatening the life of the Mamlatdar on the 14th December. We have already found that this story is untrue. It follows that the reports from the Sub-Inspector to the Jahagirdar

In paragraph 113, the Commissioners have erred in saying that a certain passage of Col. Frere's report was expunged at his request. He was merely asked by the Commissioners whether he had any objection to that passage being omitted, and said that he had none. The point is of little importance in itself but is significant of the attitude of the Commissioners.

In paragraph 114, the Commissioners set out the fourth point formulated in their report, and in paragraph 115 they say that they have already found that the officials' story (of raiding the buses and threatening the life of the Mamlatdar on the 14th December) is "untrue." They have here fallen into a bad mistake—what they had already done was in paragraph 105, to find that the story is "a gross exaggeration," that the Moslems' story on the point must be believed. It has also been shown that the story of bus-raiding should have been believed on the evidence before the Commissioners, to say nothing of the witnesses that were dropped in deference to the

(Exs. L and H) dated 14th and 16th December were not true statements of facts. The report of the 14th was seen by Col. Frere on the 20th as it bears his initials and date. The contents of this report (Ex. L.) were not known to Col. Frere at the time of the "Council" meeting as above his initials he has written "translate". He left for Ajra the next day and it is evident that he did not see the translation. Moreover he does not mention it in connection with the discussion in the "Council" on 26th and 27th December regarding the action to be taken. It is admitted that the report of 16th (Ex. H) was not seen by Col. Frere but it was received by the District Magistrate on the 17th. Col. Frere has stated that the actual sections under which warrants were to be issued were not discussed. He merely says that he agreed to action being taken to preserve law and order, and we believe that he only contemplated proceedings in the nature of security proceedings under Chapter VIII of the Criminal Procedure Code, although he admits that he was a "consenting party" to the issue of the warrants.

desire expressed by the Commissioners. The reasoning of the Commissioners regarding the Sub-Inspector's reports to the Jahagirdar (Exs. H and L) falls with the premise that the story of the 14th December is untrue. Their reasoning about the action contemplated by Col. Frere either overlooks his statement towards the end of his cross-examination, that he had "used the term security proceedings in error for proceedings for maintenance of law and order," or rejects it as untrue, though on the latter supposition they would hardly have expressly exonerated him later on (Cf. paragraph 138 with paragraphs 139 and 140). Colonel Frere need not have troubled about the particular Sections of the Indian Penal Code under which rioters of 14th December were to be prosecuted, for he was acting in consultation with and relying on two experienced officers of the Jahagir who had both of them done judicial work for years and could be trusted to consider the technical details. Had it been proceedings for keeping the peace only that were contemplated by Col. Frere (as the Commissioners have believed), it would have been the duty of his colleagues with their knowledge of the law to point out to him that only summonses could issue to the persons to be proceeded against under Section 107 of the Criminal Procedure Code, for it was obvious that after the Panchanama of 22nd December, it could not be said that any breach of the peace was apprehended such as could not be prevented otherwise than by the immediate arrests of the persons concerned. This is clear from Section 114 Criminal Procedure Code. If the Commissioners had noticed this point of Criminal Law, they could not have come to the conclusion that Col. Frere (notwithstanding his express correction) only contemplated proceedings under Chapter VIII of the Criminal Procedure Code, although he states that he was a "consenting party" to the issue of the warrants.

116. These facts point to the deliberate concealment on the part of the local officials of the true state of affairs at Ajra from Col. Frere and we do not

The conclusion of the Commissioners in paragraph 116 that the issue of the warrants was not justified rests on their erroneous belief that Col. Frere would

believe that had he known the exact nature of the legal action they proposed to take, he would have consented to these warrants being issued. We find that the issue of these warrants was not justified.

not have consented to their issue if he had "known the exact nature of the legal action they (the "local officials," curiously enough here distinguished from Col. Frere) proposed to take", and that the local officials had deliberately concealed the true state of affairs from the Colonel. The only officials with whom Col. Frere had a consultation on the occasion were Mr. G. D. Kulkarni and Mr. D. B. Joshi. The latter is not alleged to have had anything to do with Ajra affairs in December 1934, and the former also had had nothing to do with them. The record furnished no justification at all for saying that they deliberately concealed the true state of affairs from the Colonel, who, moreover, was the only officer at the Council having personal knowledge of Ajra affairs. Not only are the grounds given by the Commissioners for inferring deliberate concealment thoroughly unsound, but the Commissioners have also failed to notice that neither Mr. G. D. Kulkarni nor Mr. D. B. Joshi could possibly have had any motive at all for concealment, and that so far from complaining that he was misled by his colleagues, Col. Frere informed the Court in reply to an express question that he was a consenting party to the issue of the warrants. The entire reasoning of the Commissioners in paragraphs 114 and 115 on the fourth point formulated by them is wrong on the record. Even if the bus-raiding of the 14th December were now to be disproved by evidence properly adduced and considered (which is not the case in fact), the warrants of the 29th December were entirely justified because Col. Frere and the District Magistrate were not wrong on the materials then before them in deciding that the reported bus-raiders ought to be regularly tried in a Court of Law.

117. As regards the legal procedure in issuing these warrants we have no fault to find except that the action of the District Magistrate in applying to the Jahagirdar as Local Government for sanction to take proceedings under Section 505 of the Indian Penal Code and the Jahagirdar giving his sanction, was ultra

In paragraph 117, the Commissioners find only one fault in the legal procedure in issuing the warrants, namely, that the Jahagirdar does not possess the powers of the Local Government. They say that this is a matter within their knowledge, and their view is thus clearly based on matters not included in the

vires, as the Jahagirdar does not possess the powers of a Local Government. This is a matter within our knowledge.

record. What the Commissioners proceeded upon is not indicated, nor were the officers of the Jahagir given an opportunity of showing the contrary. On the 12th of February 1935, during Mr. G. D. Kulkarni's cross-examination by Mr. Oliviera (see page 14 of the deposition witness No. 2) the Prime Minister simply said that he would give their ruling sometime later, and on the following day (see page 22 of the same deposition) it was announced as the ruling of the Court that "the Jahagirdar does not enjoy the powers of Local Government and as such the sanction given by him for prosecution under Section 505 of Indian Penal Code is illegal." If the Commissioners had decided to proceed in the ordinary way of a court of inquiry, they could easily have been referred to letter No. 1430 dated the 4th May 1909 from the Diwan of Kolhapur to the Jahagirdar, the accompaniment to which mentions section 196 among other sections in which the words Local Government are to mean the Jahagirdar. Not only was the procedure of the Commissioners in dealing with this point extraordinary, but they have indicated no reasons whatsoever for departing from the normal procedure in a matter where they were themselves dealing with the legal procedure, and they have also failed to notice Mr. G. D. Kulkarni's reference to the Schedule under the Criminal Procedure Code (page 7 of his deposition).

118. Fifthly — The Moslems allege that a proclamation was issued by beat of drum in Ajra on 4th January by the local officials prohibiting assembly of more than 2 or 3 Moslems in one place. The Moslems had submitted an application (Ex. S) to His Highness the Chhatrapati Maharaja on 5th January, but beyond the statements of three Moslem witnesses, in which we observe some discrepancies, there is no clear evidence on the point and we do not propose to take this matter into account in considering the attitude of the local officials.

In paragraph 118, the Commissioners conclude that they do not propose to take the Moslem allegation of a proclamation by beat of drum on the 4th of January by "the local officials"—the fifth point formulated by them—into account in considering the attitude of the local officials. The attitude of the "local officials", however, was not among the issues included in the terms of reference not directly raised by them, the point of the whole inquiry being whether the measures adopted by the officers of the Ichalkaranji Jahagir on the 8th January to preserve law and order were necessary and proper. It may also be observed that the attitude of the local officials is no part of the matter—

the "fifthly" of paragraph 96 of their report—that they were considering at this stage. Quite apart from this, their observations in this paragraph throw into clear relief the attitude of the Commissioners themselves. The Moslems make an allegation, the Commissioners observe some discrepancies in the statements of their witnesses, and find that there is no clear evidence on the point, and then instead of concluding (as a little consideration of the evidence would have made perfectly clear) that the Moslems' allegation is untrue, they merely say that the matter will not be taken into account against the officials. The only officers present in Ajra on the 4th January were Col. Frere, Mr. Patwardhan and the Mamlatdar. Mr. Patwardhan and the Mamlatdar were unlikely to issue any proclamation on their own authority when the Administrator was on the spot and to their knowledge was handling the situation personally. Col. Frere is aware of no such proclamation. Mr. G. D. Kulkarni only arrived at Ajra on the 5th, and it was not even suggested to him that he had authorised any such proclamation. The Karbhari had even less to do with the matter and only arrived at Ajra on the 6th, and that too in connection with Polgaon exhibition only. And yet in the face of all this, the Commissioners refrain from saying that the Moslems' allegation against "the officials" could have had no conceivable foundation, or that none of the allegations in Ex. S., the application of the Moslem witnesses Nos. 28, 29 and 33 to His Highness the Chhatrapati Maharaja Saheb, is well-founded. This shows that the Commissioners erroneously conceived it to be their task to find out merely how far the Ichalkaranji officers were to blame in connection with the firing of the 8th January, regardless (as far as possible) of what the Moslems may have done or failed to do.

119. Sixthly—It is admitted on both sides that there was a meeting between Appa Ladji and Hussein Mullani representing the Moslems, and the District Magistrate and Karbhari at 9-30 P. M. on the 7th January, but whereas

In paragraph 119, the Commissioners begin their sixth and last point under the first issue, viz. "whether the Moslems knew that warrants were to be executed next day, and knowing this, organised themselves to resist the arrests." It may

the officials' story is that the Moslems were informed that their grievances would be attended to and that arrests would be made and that they said that they would make no trouble, the Moslems say that they were given no inkling of the intention of the officials to execute the warrants the next morning and in fact they knew nothing about the warrants and were told that their grievances would be redressed on the return of Col. Frere from leave in a fortnight's time and thought that they had nothing to apprehend.

be observed at the outset that the official case, set out in paragraph 11 of Col. Frere's report of the 11th January, was that "completely unknown to the local officials, the unruly portion of the Musalman community were organised for defiance of lawful authority and that their attack was premeditated," as is apparant from three specified considerations which will be quoted later on in paragraph 127. It is not the official case that the Moslems organised themselves to resist the arrests, knowing that the warrants were to be executed 'next day,'—for this implies the Moslems organising themselves after the interview with the officials which ended at 10-30 on the night of the 7th January. The Commissioners stated the official case correctly enough in paragraph 69, and yet formulated an essentially different point for determination under the first issue. And this initial mistake of the Commissioners is followed by many others during their discussion of this point which apparently ends with paragraph 129: the real point is as important as the Commissioners' discussion of it is obscure as well as erroneous and even speculative and unsupported by the record. The Commissioners begin by giving one after another the stories of the officials and of the Moslems regarding their meeting at 9-30 P. M. on 7th January. They say that according to the officials (the District Magistrate and the Karbhari), the Moslems were informed that arrests would be made—i.e. on the 8th January. This is a clear misappreciation of the evidence on record. Neither Mr. G. D. Kulkarni nor the Karbhari claims to have informed the Moslems that arrests would be made; their story is that the Moslems themselves—Husen Mullani according to Mr. G. D. Kulkarni (see page 2 of deposition) and Appa Ladji according to the Karbhari (see page 4 of this officer's deposition)—said that they knew that warrants were out and that they would create no trouble or would submit to the process of law. It is bad enough to ignore or disbelieve the local officials because they are local officials, but in this instance the Commis-

120. In view of the suggestion that the Moslem's resistance to the arrests next morning was premeditated it is important to discover whether they indeed knew of the warrants before-hand. The Moslems deny that they knew of these warrants and there is nothing in the evidence led by the officials to show that they did. The District Magistrate states that he did not tell them anything about these warrants but that Hussein told him that he knew about them. The Karbhari, on the other hand, says that Appa Ladji told them that they knew about the warrants. We doubt that they were informed by the officials about warrants but it is possible that they came to know, some days before, that warrants had been issued against some of them, but probably they did not think that the warrants would be executed the following morning, in view of the assurances given to them by the local officers.

sioners have gone further, and after misstating the real point for consideration, actually put into the mouths of the local officials purely imaginary things. It may also be noted here that the Moslem version set out says nothing about any assurances that the warrants would not be executed till Col. Frere's return, though the Commissioners find so vaguely in paragraph 120 and definitely in paragraph 129 against the officials. Incidentally, the warrants were due for return on 12th January and time did not allow of delay until Col. Frere's return.

In paragraph 120, the Commissioners proceed to discover whether the Moslems knew of the warrants before-hand, and say that "the Moslems deny that they knew of these warrants and there is nothing in the evidence led by the officials to show that they did". This observation is erroneous in both parts. Appa Ladji (witness No. 28) himself, near the end of his examination-in-chief, giving his version of the interview, concludes with a reference made by the witness himself to the warrants; and Husen Mullani (witness No. 29), the other Moslem witness to the interview, is silent as regards this detail, discloses the Moslem attitude at the time by getting the officers to say that the Mamladar would have been at once sent back to his British service but for the circumstance that six months' notice was necessary. The Moslems cannot, therefore, be said to deny previous knowledge. The evidence led by the officials to show that the Moslems did know of the warrants necessarily consists of the accounts that the District Magistrate and the Karbhari give of the interview, and as both Husen Mullani and Appa Ladji (as leaders of the Muslims) admittedly took part in the interview, the Commissioners should not have attached enough weight to the circumstance that the District Magistrate speaks of Husen Mullani and the Karbhari of Appa Ladji, to mention it. The Commissioners conclude—apparently from Appa Ladji's statement, if not also from Ex. S.—that it is possible that the Moslems knew some days before that the warrants had been issued but

that probably they did not think that the warrants would be executed the following morning. But Appa Ladji's statement leaves little doubt about their knowledge that the warrants would be executed before long and might be executed at any moment. The Commissioners' conclusion is a grudging acceptance in substance of the official story, but is wrongly rested on the ground "of the assurances given to them by the local officers", a vague expression which should not have been used because according to the District Magistrate and the Karbhari, assurances were given only regarding the three grievances (so called) of the Moslems, but according to the supposed Moslem version (for neither Appa Ladji nor Husen Mullani gives it) they were extended to the execution of the warrants also (which is what the Commissioners clearly accept in paragraph 129 without giving any reasons anywhere for disbelieving the officers or believing the two Moslems). Paragraph 23 of Col. Frere's report of the 11th January shows that the Administrator before leaving Ajra on the 7th had told Mr. G. D. Kulkarni to execute the warrants, and it is improbable to a degree that the officers could have given the Moslem leaders any assurances that the warrants would not be executed before Col. Frere's return; and the Commissioners should have clearly found that no assurances were given on this point and should have rejected the Moslem argument given in paragraph 119 and resting on no evidence at all, whether about their knowledge of the warrants or about any assurances from the officials regarding the execution of the warrants, in its entirety.

121. It is significant that whereas the local officials and the Sub-Inspector have stated that the Sanadis were sent for after the meeting with the Moslem leaders on the night of the 7th January, it has been shown by the account of the feeding charges of the Sanadis which they were asked to produce that the Sanadis were there on the 7th morning.

In paragraph 121, the Commissioners lay stress on what they take to be a discrepancy or contradiction between two facts, but have fallen into a demonstrable error as regards each of the two facts stated by them. (1) The local officials and the Police Sub-Inspector have stated that the Sanadis were sent for, *not* (as the Commissioners say) after the meeting with the Moslem leaders (which came to an end at or after 10-30 p. m.—

see Mr. Rajwade, witness No. 6, page 4), but after the Police Sub-Inspector's meeting with the District Magistrate and the Karbhari which took place at 6 p. m. or so. (2) The account of the feeding charges of the Sanadis does not show, as the Commissioners erroneously think that the Sanadis were there on the 7th morning, for the feeding charges for the 7th, if compared with those for the subsequent dates, amount to half a day only, and must therefore refer to the evening of that date. Had the Sanadis been called in on the morning of the 7th, the account would leave them without any night meal on that day. And in any case this seems to have no bearing on the point under consideration, viz. whether the Moslems had organised themselves to resist the arrests. This paragraph again is wholly erroneous.

122. We now come to the immediate cause of the disturbance of 8th January. We believe this to be the commencement of the execution of the warrants at 9-30 A. M. on 8th. It is significant that the Jahagir officials' story is different to that of the Moslems regarding this. We have to see whether the Jahagir officials were present from the start or whether they were sent for by the Sub-Inspector as they allege.

In paragraph 122, the Commissioners take the immediate cause of the disturbance of the 8th January to be the commencement of the execution of the warrants at 9-30 a. m. and they say that they have to see "whether the Jahagir officials were present from the start or whether they were sent for by the Sub-Inspector as they allege." This is irrelevant to the point under consideration—the "sixthly" of paragraph 96; what bearing can the officials' presence from the start or otherwise have on whether the Moslems had organised themselves to resist the arrests, with knowledge of the warrants?

123. First we will examine the evidence of the local officials on this point. All three say that the District Magistrate and Mr. Rajwade had been for a walk and came to Mr. Patwardhan's house at about 9 A. M. where they said they were talking for about an hour. They say that they did not discuss the matter of the arrests to be effected that morning but for reasons which we will give we believe that they met at Patwardhan's house for the definite purpose of preparing to execute these warrants. The story that a messenger came from the Sub-Inspector at about 10 O'clock and the action taken thereupon,

In paragraph 123, they purport to examine the evidence of the local officials on the point formulated in paragraph 122, and "for reasons which we will give" believe that Mr. G. D. Kulkarni and Mr. Rajwade met at Patwardhan's house for the definite purpose of preparing to execute the warrants. What these reasons are is not clear, but the subsequent paragraphs will be examined in detail, while it is clear that reason or no reason, the Commissioners decline to accept the officers' story that they did not discuss the matter of the arrests to be effected that morning. They do not ask themselves what advantage the officers

as described by these officials contain certain discrepancies. In the first place the District Magistrate has said after his examination-in-chief that he referred to Mr. Patwardhan's Criminal Procedure Code on the action to be taken in dispersing unlawful assemblies. The way in which this statement was made—being a reply to a direct question by the court—leads us to believe that it was an after thought. Mr. Patwardhan also says that the District Magistrate asked to see the Criminal Procedure Code, but it may be noticed that his evidence was taken a day or two after the District Magistrate's. Mr. Rajwade is silent about the reference to the Criminal Procedure Code. We cannot imagine that the District Magistrate had not considered the possibility of the necessity of dispersing an unlawful assembly up to this time, and we think that an ordinary person would have certainly referred to the Criminal Procedure Code before then if in fact he had apprehended trouble on the 14th and 22nd December. In view of the subsequent account and the procedure followed by the District Magistrate in dispersing an "unlawful assembly" which is indeed perfect, we think it probable that the District Magistrate thought this might be accounted for in this way.

could conceivably have in view in denying the fact, if fact it was, that they discussed at Mr. Patwardhan's the arrests in question. They next say that "the story that a messenger came from the Sub-Inspector at about 10 O'clock and the action taken thereupon, as described by these officials, contain certain discrepancies." The first discrepancy, and indeed the only discrepancy dealt with by them in this paragraph, relates to the answer given by Mr. G. D. Kulkarni to a specific question put by the Court to the effect that he read the Criminal Procedure Code after receiving intimation from the Police Sub-Inspector. The Commissioners believe that this was an after-thought on the part of Mr. G. D. Kulkarni, because it was his reply to a direct question by the Court. No ground for disbelief could be more unsubstantial; it is common experience that no witness, however honest and educated, will succeed in giving every detail of a story in proper sequence except in reply to questions properly framed for the purpose (usually by skilled Counsel), while Mr. G. D. Kulkarni was at this stage of his deposition not being questioned by Counsel at all. The Commissioners then notice that Mr. Patwardhan also says that the District Magistrate asked to see the Criminal Procedure Code, but point out—apparently as a ground for disbelief—that his evidence was taken a day or two after the District Magistrate's. If the implication be that Mr. Patwardhan made that statement falsely in order to support Mr. G. D. Kulkarni at all costs, it is inconsistent with Mr. Rajwade's silence on the point, which is next referred to by the Commissioners themselves. So far, their reasoning is only inconsistent; but when they next observe that "an ordinary person would have certainly referred to the Criminal Procedure Code before then if in fact he had apprehended trouble on the 14th and 22nd December", they fall into the error of forgetting that Mr. Kulkarni had had nothing to do on those dates with the trouble then apprehended, being at Ichalkaranji down with influenza, on the former date and away at Belgaum on the latter. It is obvious on the record that Mr. G. D. Kulkarni

could have been under no necessity before the 8th to examine the possibility of having to disperse an unlawful assembly; it was only after Col. Frere's departure (for Karwar) from Ajra on the 7th that he had to handle the situation there, and the interview with the Moslem leaders at 9-30 that night, if anything, suggested that there would be no trouble at the time of the arrests, though a few hours before this (and not *after*, as the Commissioners erroneously found in paragraph 121) he had, by way of precaution, asked the Police Sub-Inspector to collect some Sanadis. After such a palpable mistake of record, the Commissioners close the paragraph with an observation which is distinctly obscure: "In view of the subsequent account and the procedure followed by the District Magistrate in dispersing an unlawful assembly, which is indeed perfect, we think it probable that the District Magistrate thought this might be accounted for in this way." The procedure that Mr. G. D. Kulkarni claims to have followed need occasion no surprise on the ground suggested, viz. that it was perfect; for a simple explanation is furnished by his reference to Sohoni's Criminal Procedure Code at Mr. Patwardhan's house just before the occurrence. The Commissioners did not make any suggestion to the District Magistrate that he must have read the Code earlier than the 8th, nor did Mr. Oliviera do so, nor could Mr. G. D. Kulkarni have had any idea of the reasoning that the Commissioners would follow, when he told them of the time he referred to the Code. While it is not clear what at this stage of the Commissioners' reasoning the District Magistrate had to account for, the conclusions implied in this paragraph call to mind the confusion again betrayed in the last two sentences of paragraph 126, which will be dealt with later. It is also not clear what the reading of the Code by Mr. G. D. Kulkarni at Mr. Patwardhan's has to do with the point laid down in paragraph 122 for consideration, however irrelevantly (as has been already shown).

124. As regards the alleged message conveyed by the constable to the

In paragraph 124, the Commissioners find a discrepancy in the accounts of

District Magistrate, we find each of these officers giving details of it differently. For instance the District Magistrate says that he had asked for the police force but the other two omit this.

125. There are other discrepancies which we do not think it necessary to go into here. These officers say that the police and the Sanadis arrived at Lendhole bridge at the same time that they did, *i. e.*, 10 minutes after they received the message. It is difficult to believe that all these could have reached the spot in such a short time. It is admitted that the execution of the warrants was commenced at 9-30 A. M. and that the Sub-Inspector sent word at 10 A. M. We are asked to believe that the Sub-Inspector took half an hour to effect arrest of one man for he says that immediately he arrested Karim Mangaonkar three Moslems ran off in the direction of the moslem quarters and within five or ten minutes the mob collected. Some explanation is lacking as to what he was doing all this time.

the message conveyed by the constable to the District Magistrate. It was surely not to be expected in the circumstances that the District Magistrate, the Karbhari and the Munsiff would be able to reproduce the message verbatim. The discrepancy pointed out by the Commissioners is also trivial. If (as the record shows) the District Magistrate says that according to the messenger "it would be better if a police force is sent", and the Karbhari that "the District Magistrate's presence was required", and the Munsiff omits the detail, the exact terms of the message are immaterial as its effect is clear from the action taken upon it. All the three officers concur in saying that upon receipt of the message, Mr. G. D. Kulkarni, among other things, asked Mr. Patwardhan to get the armed police ready.

The Commissioners, in paragraph 125, specify two things which they find it difficult to believe. The first is the circumstance that the Police and the Sanadis arrived at the Lendhole bridge at the same time as the three officers *viz.* ten minutes after receipt of the message. But the distance was short—not much more than a furlong both for the police and for the Sanadis—and the circumstances were such that neither the armed police nor the Sanadis (who had no uniforms to get into) would take long to start. The second point relates to the interval between the commencement (9-30 a. m.) of the execution of the warrants and the Sub-Inspector's message (10 a. m.). The Commissioners argue that the Sub-Inspector took half an hour to arrest one man, and observe that some explanation is lacking as to what he was doing all this time. The argument errs in laying excessive stress on mere estimates of time not even made by one and the same individual; the Sub-Inspector does not speak of the later hour. And the Commissioners should not have overlooked the fact that the Sub-Inspector of Police had not been asked to account for the length of time—such as it was—that elapsed between the commencement of the execution of the warrants and the sending of the

126. In our opinion this explanation is provided by the story of the Ex-police constable Ayub Mullani and Inamdar Nadgonda (Witnesses Nos. 25 and 32). It is true that Ayub Mulla's evidence must be accepted with reserve as, according to his own story, he was suspended that day for not firing on his co-moslems and he must certainly bear ill-feeling against the local officials but the position is different as regards the Inamdar's evidence. The man impressed us as being veracious. He cannot be accused of having any bias on account of being a co-religionist, for he was a Brahmin. This man corroborates the story of Ayub Mulla that the force of police and Sanadis etc., at first surrounded the house of Appa Khedekar. It may also be noted that this witness Nadgonda has stated that when he arrived and saw the police and the Sanadis at Appa Khedekar's house he was stopped and told not to proceed as there was likely to be trouble and fire might take place. We think that these officers have not told the truth when they say that they sent for the police and Sanadis at 10 O'clock. They themselves may have been sitting with Mr. Patwardhan watching developments. We think that it is very unlikely that they have not watched the arrests being effected though there is no direct evidence to show that they were on the spot before 10 O'clock.

message. It is only if he had been asked and failed that any point could fairly have been made by the Commissioners on the record before them. The police had to secure their prisoner in the lock-up before proceeding and when they did proceed, observed the mob commencing to assemble, enough to give them reason to pause and consider the situation and action to be taken.

In paragraph 126, the Commissioners find an explanation for the interval of half an hour in the stories of Ayub Mulla and Inamdar Nadgonda (Witnesses Nos. 25 and 32) that the force of Police and Sanadis etc. at first surrounded the house of Appa Khedekar. They observe, that Ayub Mulla's evidence must be accepted with reserve, because he must bear ill-feeling against the officials, but they ought to have gone further and dealt with the improbability of his whole story and the demonstrated falsehood of a vital part of it. His story that 175 rounds were fired is rejected by the Commissioners themselves in paragraph 133 where they accept—with reluctance,—the official statement that 66 rounds (only) were fired. His story that he was in the firing party and that when he fired in the air contrary to orders, there was a remark "aré béwaqub kyâ rahâ hai" followed by a bullet whizzing past, grazing his right shoulder and blackening his uniform, was falsified by the condition of his uniform when produced in Court, and is a palpable lie—such a man would not have been allowed to take part in the subsequent house-searches. An indication to the same effect is furnished by the fact that from the beginning, the officials have been accounting for 120 cartridges—66 fired and 54 found on the men—a total pointing to 12 men rather than 18. There are many other palpably false touches in his story, as a bare perusal of his deposition will show: he does not speak of any stone-throwing before or at the firing (the cardinal point of the version accepted by the Commissioners in paragraph 129) and did not see any stones on the road when he went out for the house-searches to seize 50 or 60 weapons. Ayub's evidence ought clearly

to have been entirely discarded as false from beginning to end. As regards Inamdar Nadgonda, the Commissioners say that he impressed them as being veracious and that he cannot be accused of having any bias on account of religion. They ought, however, to have gone further and seen the improbability of his story that he saw the initial parley between the officials and the Moslems near the Maruti temple from the Vithoba temple (which from the map will appear to be about 600 feet away), and even observed the armed police standing in one line, so as to estimate their number at 17 or 18 (against the official figure of 12 in two squads), from behind, notwithstanding the intervening Sanadis and District Police and also the excitement of the moment and his failure to observe any stone-throwing by the Moslems (the cardinal point—as already pointed out—of the version accepted by the Commissioners in paragraph 129). They have themselves in paragraph 133 arrived at a conclusion regarding the scattering of the Moslem mob after the first volley (see also paragraph 6 of the order of His Highness the Chhatrapati Maharajasahab) which is contrary to Nadgonda's evidence though they say nothing about it. The Commissioners have further made a positive mistake in saying that he has spoken of being stopped on arrival at Appa Khedekar's house, for the witness only speaks of being stopped later when he arrived at the Vithoba temple. Appa Khedekar was among the seven men to be arrested, and the Sub-Inspector and the higher officers could have had no reason to deny an attempt to find him, if any such attempt they had in fact made. Finally, the last two sentences of this paragraph also contradict each other: in the first of these the Commissioners recognise the probability of Mr. G. D. Kulkarni and Mr. Rajwade sitting with Mr. Patwardhan, watching developments, while in the last sentence, they "think it very unlikely that the officers had not watched the arrests being effected"—the inconsistency which is too patent to be missed, pointing to a confusion of thought, notwithstanding the Commissioners recog-

dition of the fact that "there is no direct evidence to show that they were on the spot before 10 O'clock." The Commissioners should not have accepted Ayub's belated version when none of it was suggested to Mr. G. D. Kulkarni, the Karbhari, the Munsiff, the Sub-Inspector or the Jāmadar, nor should they have rejected the evidence of the official witnesses, supported as they are by more than one non-official witness who speak of seeing the officers come from the Kutcheri side (which is quite different from the side of Appa Khedekar's house). Nadgonda was an even later witness than Ayub. It will be recalled that in paragraph 123, the Commissioners speak of examining the evidence of the local officials; but in the present paragraph they accept the story of Ayub and Nadgonda without any serious pretence of any examination, or even a proper reading of Nadgonda's evidence.

127. We believe the story of the officials that on seeing the arrests being commenced, word went round to the Moslems who began to collect at Maruti temple. Abdul Lumture admits that he went to look for Appa Khedekar and there can be no doubt that he gave out the news of the arrest in the Moslem quarters but for reasons which we give later, we do not believe that the Moslems were all waiting ready with arms to collect at a given signal. As we have said they may have known some days before about the warrants but they did not know that they were to be executed that morning. In fact, we think that the local officials withheld this information from them purposely in order to avoid an organised resistance. The officials have tried to show that an organised resistance was meditated by the Moslems of the three gullies, *viz.*, Naik Gulley, Wada Gulley and Darga Gulley, and it has been shown that most of the Moslems were from these gullies, but if resistance had been premeditated and organised, we do not think that it would have been confined to these three gullies.

The observations of the Commissioners in paragraph 127 show how completely they have misapprehended the official version of organised resistance, and also the topography of Ajra. They say that if resistance had been premeditated and organised, they do not think that it would have been confined to the three Gulleys; but these are the only principal Moslem Gulleys in the village, as is shown by the express statements of Ayub Mulla and Appa Ladji in cross-examination, what is called Ambrai Gulley being really no more than a part of Darga Gulley and being also represented in the mob by Khedekar and Lamture, witnesses Nos. 26 and 33. The Commissioners also say that they "do not believe that the Moslems were all waiting ready with arms to collect at a given signal," but this was not quite the official version, which is clearly set out in paragraph 11 of Col. Frere's report of the 11th January (see paragraph 119 above) and rests the organizing of the Moslems for defiance of lawful authority and their premeditated attack on (1) "the posting of look-outs who ran and called their fellows to arms the moment the first arrest was made", on (ii) the immediate response to the call in that within some fifteen minutes

or so, about 200 persons had assembled *bringing their arms* with them. They did not have to find out what was the matter and then fetch arms. They knew and were ready. (iii) And, lastly, the presence of the women carrying large quantities of stones in their saris. These stones must have been prepared and kept ready. They could not have been collected spontaneously in such a short time". The Commissioners do find in this paragraph that "on seeing the arrests being commenced, word went round to the Moslems who began to collect at Maruti temple", but "for reasons which we give later", they "do not believe that the Moslems were all waiting ready with arms to collect at a given signal". In the next paragraph they say that "the evidence produced by the officials on the point of their being armed will be shown later to be quite unworthy of credence". They begin paragraph 136 with the words "It remains to show why we believed that the Moslems were unarmed". This paragraph will be dealt with in due course and shown to be no justification for the view that the Moslem mob was not armed. It is important meanwhile to note that the whole of the Commissioners' discussion of the 6th point under the first issue and of the 3rd issue before them—i. e. of the entire substance of the inquiry—proceeds on the *assumption* that the mob was not armed. The evidence leaves no reasonable doubt that the three indications set out by Col. Frere are correct. (a) As the Commissioners have found, "word went round to the Moslems who began to collect at the Maruti temple". (b) It could not be an unarmed crowd that opposed the District Magistrate in sight of "the armed police in readiness behind him" (paragraph 128). (c) The mob which the Commissioners initially put at 40 (paragraph 128), soon becomes a gathering "in force" (paragraph 129) which, according to the Commissioners themselves may have numbered 100 (paragraph 134), though this will be presently shown to be an under-estimate. (d) Stones were found thrown on the road up to the Lendhole bridge, which two of the

Moslem witnesses—Kandgaokar, No. 22, and Khedekar, No. 26,—admit could not have come except from the river (a distance of about half a mile), Ayub, No. 25, admitting that, “the road was not under repair at the time.” These circumstances, together with the admissions of Appa Ladji and Husen Mullani and also of Khedekar, Kakatkar and Lamture—all witnesses in the case—regarding how the Moslems were informed of the result of the interview in the night of the 7th January, should have prevented the Commissioners from avoiding the irresistible conclusion that the official case set out by Col. Frere was made out, especially as the Moslems had begun to act in a body from the time they resisted the Panchanama of the 14th December. The Commissioners themselves were not unaware of the possibility of organised resistance and say that “the local officials withheld information about the impending execution of the warrants purposely in order to avoid an organised resistance.” If the officers did so, they were clearly right, and the Commissioners should have said so.

128. It is admitted by the Moslems that some 40 of them collected near the Maruti temple on the 1st arrest being made, and that the District Magistrate with Messrs. Rajwade and Patwardhan came and spoke to them there. They also admit that they asked for half an hour's time in which to hand over the remaining Moslems against whom warrants were out and Hasan Darwajkar (Witness No. 30) has admitted that they requested the release of Karim. They deny that they were armed or that they had adopted a threatening attitude. The evidence produced by the officials on the point of their being armed will be shown later to be quite unworthy of credence. It is obvious to us that the District Magistrate could not accede to the requests made by the Moslems and we cannot but believe that he told them to disperse. He must have also given them some warning and more-over they could see the armed police in readiness behind him. We are unable to believe the story of the Moslems that he did not tell them to disperse

In paragraph 128, the Commissioners are unable to believe the story of the Moslems that the District Magistrate did not tell them to disperse and fired on them without warning. They conclude the paragraph with the perfectly correct observation that “possibly they did not believe that the officials would go to the length of opening fire in spite of these facts.” But they do not ask themselves how unarmed Moslems, unorganised for resistance to lawful authority, could venture to hold up the District Magistrate who had the armed police in readiness behind him and used the amazing language spoken to by Ayub, Hasan Darwajkar, Kakatkar and Lamture, or why the Moslems should possibly believe that the officials would not fire in spite of two warnings. This must doubtless be because they did not consider it to be within their province (see paragraph 111) to consider how far Kolhapur influences contributed to the attitude of the Moslems. The inevitable result is that they have not rightly understood the

and fired on them without warning. Possibly they did not believe that the officials would go to the length of opening fire in spite of these facts.

129. We believe that what actually happened was that the Moslems were certainly insistent in their demands and refused to disperse when told to do so, that they were given time within which to disperse. The District Magistrate when he withdrew his men still had not definitely decided to open fire but in doing so he made a tactical error, for the retirement encouraged the Moslems who were already incensed by the refusal of the District Magistrate to comply with their demands, especially when he had given them to understand on the previous evening that no such action was meditated. The Moslems became worked up and no doubt some of them threw stones. When Mr. Rajwade and others were struck by stones, these officials were angered as well as alarmed and it was then that they made their final decision to open fire. At that time the Moslems had gathered in force. Our reasons for coming to this conclusion are also based on those parts of the evidence of both sides which appear to be probable. Moreover the accounts of the happenings at this stage given by both sides can be reconciled except on the point of the Moslems being armed.

situation and have failed to appreciate the behaviour of the Moslems which is easily intelligible in the light of their attitude, and which for the reasons given by Col. Frere points to organised resistance for defiance of lawful authority—organised (it may be added) from the 14th December onwards and not merely after the night of the 7th January.

In paragraph 129, the Commissioners set out what they believe actually happened, and they base their belief "on those parts of the evidence of both sides which appear to be probable. Moreover the accounts of the happenings at this stage given by both sides can be reconciled except on the point of the Moslems being armed." The reconciliation effected by the Commissioners is as follows:—

The Moslems, though not armed, were "insistent in their demands and refused to disperse when told to do so and were given time within which to disperse. The District Magistrate when he withdrew his men still had not definitely decided to open fire but in doing so he made a tactical error, for the retirement encouraged the Moslems who were already incensed by the refusal of the District Magistrate to comply with their demands, especially when he had given them to understand on the previous evening that no such action was meditated. The Moslems became worked up and no doubt some of them threw stones. When Mr. Rajwade and others were struck by stones these officials were angered as well as alarmed and it was then that they made their final decision to open fire. At that time the Moslems had gathered in force."

It is impossible to see how these conclusions follow from the reasoning of the Commissioners from paragraph 120 onwards or how they meet the points made by Col. Frere. Nor does the view of the Commissioners explain how the Moslems—unarmed, be it noted—ventured to resist the arrests though they could see the armed police in readiness behind the District Magistrate, and even refused to disperse though warned more than once. It also fails to explain why the

District Magistrate should have failed to make up his mind to open fire upon the unlawful assembly even when the time given by him to them to disperse had expired, especially as he did so not once but twice, with a fresh warning in the interval. He was evidently well aware of the procedure, and the Commissioners ought to have accepted the District Magistrate's unchallenged statement (at page 4 of his deposition) that he asked the police to fall back because "they were at very close quarters with the mob," instead of assuming that he did so because he had not definitely decided to open fire. The Commissioners now make clear what they had vaguely called in paragraph 120 the assurances given to the Moslems by "the local officers," and erroneously (as shown under that paragraph) say that the District Magistrate had given them to understand the previous evening that the warrants (which expired on 12th January) would not be executed till the return of Col. Frere. It is on the basis of this erroneous view that they hold that the Moslems were already incensed by the refusal of the District Magistrate to comply with their demands and received encouragement from the retirement ordered by the District Magistrate. The "encouragement" was no excuse for the stone throwing, though this has not been made clear by the Commissioners while unmistakably blaming the District Magistrate. The stone-throwing is asserted by the officials and proved by the evidence, but the Commissioners have not noticed that no Moslems admit it and that the three witnesses—Ayub, Nadgonda and Mulik (paragraph 133)—relied on by them deny it. The Commissioners' conclusions against the official version are purely speculative and read singularly like a plea for the Moslems, whose attitude from the 14th December onwards they ought to have considered in order to understand their actions properly. The Commissioners have completely ignored the positive evidence of no less than five non-official witnesses, Nos. 16-20, who unquestionably had shops by the road-side near the scene (three of them Nos. 17, 19 and 20

actually tested on the spot by the Commissioners—see paragraph 87) and whose stories make any speculation unnecessary and throw light on the determined character of the behaviour of the Moslems. Nor do the Commissioners say definitely that the resistance of the Moslems was not organized, while insistence on untenable demands and refusal to disperse in the face of the armed police, which have been found by the Commissioners, could hardly be offered by an unorganized mob. By their confused reasoning they have evaded a direct answer to the substantial point before them.

This paragraph concludes the Commissioners' treatment of the six points laid down by them in paragraph 96 for consideration under the first issue before them, namely, the circumstances leading to the disturbance of the 8th January. On the first of these six points, no decision was necessary because it was admitted by the Moslems that the Panchanama was ordered and that the village officers did go to make it (paragraph 97), but the Commissioners ought to have found that the Panchanama ordered by the Mamlatdar was just an ordinary process familiar in revenue administration and in no way calculated to hurt any reasonable religious susceptibilities nor known to the Mamlatdar at that time to be likely to give any offence at all. On the second point (paragraph 98-105), every reason given by the Commissioners for the rejection of the official version is untenable—they should have believed the evidence of Mr. Yedurkar Inamdar and Subhedar Ayare for the purposes, at any rate, of the limits and hurried inquiry they were making, and they should have realized that no officer with a sense of responsibility—whether Col. Frere himself who alone was dealing with Mr. Swami and handling the situation, or any of the other officers who, however, had nothing to do with the situation on the 22nd December and were wrongly introduced at this stage by the Commissioners—ought for a moment to have thought of asking Mr. Swami to obtain from the Moslems an apology for the bus-raiding, or of accepting such an

apology.' The Commissioners have further clearly misdirected themselves in failing to see that the matter properly before them was not so much whether there was a riot in fact, as whether the reports of the bus-raiding were not actually and properly believed, so as to make the prosecution of the individual offenders essential for the maintenance of law and order. On the third point (paragraphs 106 to 113), the Commissioners' conclusions and observations against the local officials (whom they repeatedly refer to collectively, in dealing with this as with other points, regardless of the fact that most of the officers included in this body had nothing to do with the particular matter in question, e. g. 102, 109 and 116) are in each instance unwarranted, and in many entirely one-sided. They have also erred very materially in failing to notice that the only request made by the Moslems on the 12th or 13th December 1934 referred to the rebuilding of the mosque and was not improperly dealt with by any of the officers, and that their request of June 1930 about the trees on their burial ground had nothing to do with and was no justification for their bus-raiding on the 14th December 1934, which concerned the newly planted trees at the Idgah. Here again they have misdirected themselves by reason of the belated formulation of cloudy or confused points for determination under the first issue or term of reference in the order appointing them. On the fourth point (paragraph 117), the Commissioners have openly travelled beyond the record and arrived at an erroneous conclusion as regards the powers of the Jahagirdar on grounds which they have not stated. On the fifth point (paragraph 118), they have contented themselves with saying in effect that the Moslems have failed and adding that therefore the matter will not be taken "into account in considering the attitude of the local officials." This shows very clearly how they approached their task from a wrong point of view altogether, and blundered into the impossible position that the inquiry entrusted to them was but a trial of the

local officials (again, in a body, and without any specific individual charges framed or indicated). On the sixth point (paragraphs 119-130), they have presented a most confused piece of reasoning, missed the real point for determination, made mistakes of record time after time (see paragraphs 120, 121, 123, 126, 127) and erred demonstrably in every conclusion or observation against the local officials, while studiously avoiding several observations that arose on the record against the Moslems. A bare perusal of the evidence will show how very unfairly the Commissioners have conducted themselves in arriving at their conclusions on the first issue before them, and how unjust those conclusions are wherever they are adverse to the officers to whom they refer as "the local officials" or "the local Jahagir officials" (paragraph 110) without any individual discrimination.

130. We now come to the second of our terms of reference. In view of the conclusions we have come to regarding the occurrences of the morning of the 8th January we find that there can be no doubt that the assembly of Moslems at the Maruti temple was unlawful. On their own telling they put it to the District Magistrate that instead of his executing the warrants he should allow them to hand over the accused, that he refused to do this, and that they remained assembled there. The fact that they remained there shows that they were not ready to allow the District Magistrate to carry out the execution of the warrants. We have found that he must have ordered them to disperse. Whether he actually used the words declaring them an unlawful assembly, we are not prepared to say but we do emphatically say that after they were ordered to disperse their remaining there assembled did amount to an unlawful act and that thereafter they constituted an unlawful assembly.

131. We now come to the third and the last of our terms of reference. We will commence by giving what we believe to be the true story of the firing, followed by our reasons for coming to our conclusions. We have said that we

In paragraph 130, the Commissioners emphatically find on the second issue before them that the Moslems were not ready to allow the District Magistrate to carry out the execution of the warrants and though ordered to disperse, remained there and thereafter constituted an unlawful assembly; and in the next paragraph they give what they believe to be the true story of the firing, or in other words, their finding on the third and last issue on which they were required to report, giving reasons for their conclusions in the following paragraphs. Their conclusions will be dealt with after their reasons.

consider that the District Magistrate made a tactical error in withdrawing his police and that this encouraged the Moslems and that they threw stones. At a point somewhere between the Teli's house and the cycle shop the District Magistrate halted the police and ordered the armed police to prepare for firing. The armed police were drawn up in a line across the road. There were 18 of them. He ordered Sub-Inspector Sawant to open fire on the unlawful assembly. The Sub-Inspector passed the order on to Jamadar Powar in charge of the armed police. No warning shots were fired in the air nor was buckshot fired nor were separate orders given for volleys by sections. Shortly after the fire was opened the District Magistrate being alarmed ordered the armed police to retire again to the Lendhole bridge. By that time the firing had become uncontrolled. The Moslems dispersed very soon after the firing was opened and scattered in groups on either side of the road. The District Magistrate after firing commenced lost his head and did not stop it until much more ammunition had been fired than was necessary. The armed police being under orders to fire, fired on any groups in the vicinity that offered a target. Eventually when there were no groups of Moslems left he recovered himself and ordered the fire to cease. As a result of the firing 10 Moslems were killed and 27 were wounded.

132. We will now come to our reasons for coming to these conclusions. As regards the point to which the armed police retired, Mr. Patwardhan, Mr. Rajwade and Iswarappa Khandappa Gajare (witness No. 19) are the three on the side of the officials who state that it was opposite to the Teli's house. This point is actually indicated by Nadgonda (witness No. 32) and Ayub Mullani (witness No. 25) on the Moslems' side. The District Magistrate and the Sub-Inspector Sawant indicate the point opposite the cycle shop. This is a difference of about 60 ft. Both Ayub Mulla and Mr. Nadgonda have stated that the police party retired about 40 paces from the

In paragraph 132, the only point that the Commissioners make is that the armed police retired to opposite the Teli's house, and not opposite the cycle shop as indicated by the District Magistrate and the Police Sub-Inspector. This is contrary to their conclusion in paragraph 131 that the District Magistrate halted "at a point somewhere between the Teli's house and the cycle shop." They attribute the discrepancy in the evidence to the fact that these officers "were not in a state to make mental note of the place." It is therefore unnecessary to pursue the matter, but the Commissioners are wrong in saying that this point (viz. opposite the

first position which brings them to the point opposite Teli's house. We are inclined to believe that it was from this point that fire was opened and not from the point opposite the cycle shop. We can only account for the discrepancy on the part of the District Magistrate and the Sub-Inspector by the fact that they were not in a state to make mental note of the place.

Teli's shop) is actually indicated by Nadgonda (witness No. 32) and Ayub Mulla (witness No. 25) on the Moslem side. According to Ayub Mulla (see page 4 of his deposition), the armed police fell back from near the cattle-shed to very close to the Baswanna (Mahadeo) temple, which is midway between the Teli's shop and the cycle shop, while Nadgonda merely says that the officers and police fell back, without indicating either the point or the distance, nor was he one of the men who were asked by the Commissioners at their inspection of the locality to indicate certain positions. The Commissioners also say that "both Ayub Mulla and Mr. Nadgonda have stated that the police party retired about 40 paces from the first position which brings them to the point opposite Teli's house." Nadgonda has said nothing of the kind, and Ayub Mulla's story is that the police party was ordered to retire forty paces, which, however, was not put either to Mr. G. D. Kulkarni who gave orders to the Police Sub-Inspector, or to the Police Sub-Inspector who passed them on to the Drill Jamadar, or, again, to the Drill Jamadar who ordered his men accordingly. Ayub Mulla is plainly drawing on his imagination, and is a false witness (as already shown under paragraph 126) and in any case, the Commissioners should not have accepted his statement and misread it by making retirement a matter of "about 40 paces." The Commissioners have thus misappreciated some of the evidence they refer to on the Moslem side, (adding one more to a long list of mistakes showing a misreading of the record—always against the officials—see paras 104, 108, 120, 121, 123, 126 and 127.)

133. The officials state that there were only 12 armed police there, whereas the moslems state that there were 18. Our reason for finding that there were 18 armed police there is that the treasury Guard took part in the firing. That they took part in the firing is based on our acceptance of Ayub Mulla's presence with them and also on the evidence of Mr. Nadgonda who says he saw about

Paragraph 133 continues the Commissioners' reasons for the conclusions given in paragraph 131. The first point that they make in this paragraph is that the Treasury Guard of six men took part in the firing in addition to the twelve men of the armed police, notwithstanding the official version to the contrary. They base this on the evidence of Ayub Mulla and Nadgonda. Both

18 armed police. The officials have throughout insisted that the treasury guard were not present and their reason for this is, in our opinion, clear. They knew that Ayub Mulla would give evidence against them and they could not admit his presence. Our reason for believing that Ayub Mulla was present is also based on the fact that he was suspended by the District Magistrate on that very day. The reason given by the officials for his suspension is very vague. They merely say that he had given away some official information. Our suspicions are also aroused by the fact that the Sub-Inspector stated that this man was suspended on the previous day. Ayub Mulla's signature on the notice of suspension was not taken till 3 days later, and the time of suspension, curiously enough, was omitted. We cannot accept the story of the officials regarding his suspension and we believe his story on this point. It follows that the treasury guard was present. We discard the statement of the officials that a warning volley was fired in the air. For this we rely upon the evidence of Mr. Nadgonda and Babaji Babu Mulik (witness No. 27) who confirm the story of the Moslems on this point. Mr. Nadgonda says that although he did not see the first burst of firing he did see that some Moslems fall about the time of the second and perhaps before it. The other witness Mulik states that he turned immediately after the first fire was opened and saw some Moslems fall. He was close to them at the time. This man is an independent witness and we place some reliance on his evidence. It follows that buckshot also was not fired as a preliminary though some shots may have been fired from a gun afterwards. The District Magistrate, Mr. Rajwade, the Sub-Inspector Sawant and Jamadar Powar assert that the armed police were divided into two sections each of which fired volleys on separate orders emanating from the District Magistrate. Our reasons for not believing that separate orders for volleys were given are based on the statement of Mr. Patwardhan "Raosaheb Kulkarni ordered Sawant to order the squads to fire volleys alternately"—there

these witnesses have been referred to in some detail under paragraph 126 above. Nadgonda, as has already been pointed out, does not claim to have come nearer than the Vithoba temple to the scene, and this temple is about 600 feet from the cross-roads where the parley between the officials and the Moslems took place. There was also a large number of Sanadis, besides the District Police, between the witness and the armed police. Moreover, he says in cross-examination that the shots he heard might be 6 or 7 at a time. His estimate that there were 17 or 18 armed police is therefore not reliable: even apart from the excitement of the moment, he could not have had a clear view of the armed police, who, if halted opposite the Teli's shop (paragraph 132) for the first firing were about 450 feet to the south of the Vithoba temple. The first ground on which the Commissioners accept Ayub Mulla's presence in the firing party is that the officials knew that he would give evidence against them and that therefore they would not admit his presence. This plainly is no reason for believing the witness. "Our reason for believing that Ayub Mulla was present," the Commissioners proceed, "is also based on the fact that he was suspended by the District Magistrate that very day." But the District Magistrate's order of suspension was before the Commissioners—Ex. O—and is dated the 7th January, and not the 8th. They doubt the official story regarding Ayub's suspension on the grounds (1) that the reason for his suspension is very vague, (2) that the Sub-Inspector of Police states that Ayub was suspended on the previous day, and (3) that Ayub's signature on the notice of suspension was not taken till three days later, the time being omitted. All these three grounds are untenable. As regards the first ground, Mr. Rajwade was the only official witness questioned about it in cross-examination, and not the Sub-Inspector nor the District Magistrate who had more to do with the suspension of Ayub (see Ex. O) and who would have been able to say what official information the man had given away—on

is no mention here of separate orders—and further the District Magistrate himself, Mr. Rajwade, Sub-Inspector Sawant and Jamadar Powar all say that the District Magistrate stopped firing by holding up his hand. If the volleys were being fired on separate orders there was no occasion to stop the fire by this signal, as each man would fire only one round and await the order to fire again. There is also, in support of this, a significant statement made by Mr. Kulkarni. "They were advancing and I thought that if we stopped firing we would be murdered." Jamadar Powar also said something to this effect. We believe Ayub Mulla's story that the armed police continued firing as fast as they could reload, though we do not believe his statement that 175 rounds were fired as accurate. It is not disputed by the Moslems that the armed police retired to the Lendhole bridge. The officials were frightened and retired a short distance to a more strategic point. They say that they fired as they retired. This is shown by the fact that the fire had become uncontrolled. We believe that the fire was uncontrolled because we have seen the bullet marks on the walls of the houses and on the pimpal tree all of which are at a little distance from the road. Also we found amongst the cartridge cases alleged to have been collected on the spot one live round. Only excited men would drop live rounds at such a time. It is admitted by some that police and officials, in particular Mr. Patwardhan, were frightened and excited and that the police was shaking. We also discard the statement made by the officials that the Moslem crowd did not disperse until 10 volleys—in all 66 rounds—were fired into them. We accept with reserve the statement that 66 rounds were fired. Unfortunately it was not possible to carry out a complete independent check of the ammunition and ammunition accounts at the time. We have no hesitation in saying that even though the Moslems had been armed and threatened to attack them, which we shall show was not the case, no mob of villagers could possibly withstand such firing at such a close range, much less advance against it.

the face of Ex. O it was evident that Mr. Rajwade had no knowledge on the point. As regards the second ground, the Commissioners say that their suspicions are also aroused by the fact that the Police Sub-Inspector stated that Ayub was suspended on the previous day. But what the Police Sub-Inspector says (at page 12 of the deposition) is that on receipt of orders he suspended Ayub at 7 in the morning of the 8th January, and took his signature that very day (obviously meaning, at that very time). It is significant that there was no cross-examination on this point, and that what he stated in re-examination (see page 21 of his deposition) was that the order about Ayub Mulla was passed (by the higher authorities) on the 7th January, and that this took one day only because Mr. G. D. Kulkarni and Mr. Rajwade were at that time in Ajra. This last may have been misread by the Commissioners to mean that Ayub was suspended on the 7th, but as the Prime Minister knows Marathi, no such mistake should have been made: the Sub-Inspector has certainly nowhere contradicted his clear statement that he actually suspended Ayub at 7 a. m. on the 8th. As to the third ground, the Commissioners are wrong in accepting Ayub's story that his signature on the notice of suspension was not taken till three days later, when the Police Sub-Inspector's statement in examination-in-chief that he took Ayub's signature on the very day (meaning, at the very time) of the suspension was not even challenged in cross-examination. They are also wrong in thinking that the time of suspension is usually noted when notice of suspension is given. If the Treasury Guard had taken part in the firing, the Commissioners should have had little difficulty in establishing it from the ammunition accounts. These considerations arise on the evidence, even apart from the veracity of Ayub and Nadgonda.

The next point made by the Commissioners is that no warning volley was fired in the air, and that buckshot also was not fired, as a preliminary. For this conclusion, they rely on the evidence.

We accept, unhesitatingly the evidence of the Moslems on this point. From the evidence of witnesses on both sides the firing lasted about 7 minutes. The Moslems must have scattered within one or two minutes. It follows that the police must have been firing at them off the road as we have stated. This is what is stated by the Moslem witnesses, and we accept it. We say that the District Magistrate lost his head after firing commenced because we cannot account in any other way for his behaviour in allowing the fire to continue.

of Mr. Nadgonda and Babaji Balu Mulik. Mr. Nadgonda, however, even if it be assumed that he is a truthful witness and was in a position to see what happened (for he was, as has been already shown, standing far behind the Sanadis and about 450 feet from the Teli's shop), says nothing from which it can be inferred that there was no warning volley. At page 3 of his deposition we find him saying expressly that the sound of the first firing being sudden, he was not attending to it, but that when he looked out in half a minute on the second firing, he saw five or six persons fallen down. As regards the buckshot, it is true that he says he did not hear two shots after the first volley, but this does not really disprove the firing of two rounds of buckshot by the Police Sub-Inspector after the first volley (which was fired in the air by way of warning) because the witness's attention was on his own story attracted *by the second* volley only. The witness, if he really was in a position to see the happenings, ought to have seen the stone-throwing found by the Commissioners in paragraph 129. The Commissioners ought to have noticed that Appa Khedekar, witness No. 26, speaks in cross-examination (at page 6 of his deposition as officially translated) of going up the (peepal) tree immediately after hearing "two shots", and that this may point to the two rounds of buckshot fired by the Sub-Inspector. The story told by Babaji Balu Mulik is that he had gone past the Moslem crowd to the Police who (according to him) were standing near the Lendhole bridge, and was coming back when he heard the firing at a distance of about 50 cubits from the police but not very far from the Maruti Temple, that he ran away to the river about a mile off, hearing on the way no sounds of firing but one or two such sounds after he had reached there. The Maruti Temple is *not* 50 cubits, but more than 300 feet, to the south of the Lendhole bridge, and the witness claims to have been facing the police (see the sixth sentence in his cross-examination) at the time of the shooting, though he was then going back from the police. And this is

the story that the Commissioners have chosen to place "some reliance" on, as if anybody, Hindu or Moslem, independent or otherwise, would have ventured, to go past the Moslems even out of curiosity, and see what the not unseen and unarmed police were doing (as he says) at Lendhole bridge, where they could only have gone after the first firing! He makes his story still more ridiculous by placing against a force of 100 to 150 men (including armed police) on one side, 10 or 15 Moslems on the road and by the road-side, without any sticks as far as he saw, and without seeing any stones near the Maruti Temple. He does not speak of any stone-throwing (the cardinal point of the Commissioners' conclusions in paragraph 129, as already shown), and ought not to have been believed at all. Neither on Mulik's evidence nor on that of Nadgonda should the Commissioners have disbelieved the warning volley and buckshot.

The Commissioners next disbelieve the official story that separate orders for each volley were given by the District Magistrate. For this they give two reasons: (1) a statement of Mr. Patwardhan's, and (2) the District Magistrate "stopping firing by holding up his hand". Mr. Patwardhan's statement in question is that Raosaheb Kulkarni ordered Sawant to order the squads to fire volleys alternately, and the Commissioners' comment is that there is no mention here of separate orders. But the record shows that immediately after this statement Mr. Patwardhan said in answer to a Court question that he could not tell the exact Marathi words used by Raosaheb Kulkarni at that time, and Mr. Patwardhan's English words do not by any means exclude separate orders emanating from Raosaheb Kulkarni each time,—the concluding "alternately" may well relate to Mr. Kulkarni's own action. Assuming, however, that Mr. Patwardhan did not in fact intend to convey that separate orders were given, that would not be a sufficient reason for disbelieving what has been stated in positive terms by all the officers directly con-

cerned, and also by Mr. Rajwade, having regard to the patent fact that Mr. Patwardhan was less collected in mind at the time than the other officers so much so that he places the crowd "towards the East", (see page 8 of his deposition). The Commissioners have wrongly clutched at a stray and confused statement of the witness to draw an inference strongly opposed to the record fairly read as a whole. The Commissioners have also made another of their numerous errors of record (see under paragraph 132) when they here include the District Magistrate and Mr. Rajwade among the officials who say that the District Magistrate stopped the firing by holding up his hand. Their observation that if the volleys were being fired on separate orders, there was no occasion to stop the fire by this signal loses force because the the District Magistrate was not questioned about it, and further because a layman, if not also a professional soldier, is not unlikely in such circumstances to emphasise the position that there is to be no more firing by holding up his hand, even though separate order was given for each volley. The Commissioners next refer in support of their conclusion to a statement of the District Magistrate's that he thought that if they stopped firing, they would be murdered; but this has no bearing on the question whether or not the later volleys were fired on separate orders, for it is not the District Magistrate's story (nor that of any other witness for the officials) that any firing was done while the party was falling back to the rear. The Commissioners have fallen into much confusion as regards firing during the retirement to Lendhole bridge, as will be seen presently and they have added to the confusion by reading that into the District Magistrate's story. This also applies to Jamadar Powar who, the Commissioners say, "also said something to this effect."

The Commissioners next believe Ayub Mulla's story that the armed Police continued firing as fast as they could reload. But in the first place Ayub Mulla is a false witness altogether (as has been

already shown) and has been expressly disbelieved by the Commissioners themselves in this very sentence, though they have throughout passed over in silence the absurdity and falsehood of his story of the bullet whizzing past, grazing his shoulder and blackening his coat when he had fired in the air contrary to orders. Secondly, Nadgonda, the witness who impressed the Commissioners as being veracious, speaks of definite intervals between the volleys. The Commissioners regard it as the story of the Moslems and accept it that the police fired as they retired to the Lendhole bridge; but Appa Khedekar (witness No. 26), a leading Moslem, expressly states very near the end of his examination-in-chief that he did not see whether or not the police were firing while falling back, Hasan Darwajkar (witness No. 30) says nothing on the point as he claims to have been shot and become unconscious before the police started their retirement to Lendhole bridge, while Abdul Lamture (witness No. 33), another leader, who claims to have been wounded early says nothing on the point, though he took shelter behind the Maruti Temple and did not become unconscious; Nadgonda (witness No. 32) also says nothing on the point and claims to have gone away from the scene before the retirement of the police to Lendhole bridge. Ayub Mulla is thus the only witness, whether or not specifically mentioned anywhere in the Commissioners' report, to say that the police fired during the retirement to the Lendhole bridge, and as shown already, he is entitled to no credence at all, and the Commissioners ought to have noticed that he claims to have become unconscious for five minutes, apparently beginning before the retirement and ending after it. The Commissioners also refer in support of this story to the fact, as they find it, that the fire had become uncontrolled. They give two reasons in support of this finding of fact. Their first reason is that they saw "bullet marks on the walls of the houses and on the Pimpal tree, all of which are at a little distance from the road." They do not state the distance, but as a matter of fact

it was not more than 10 feet in any of the three instances (being 5 feet or less off the road in the case of the tree); and though the Drill Jamadar naturally speaks well of the shooting of his party, the men were neither highly trained nor tried for steady firing in a commotion, while the bridge from which the firing was principally carried on was 250 feet from the tree and 400 feet from the houses in question. Raosaheb Nimbalkar, the Kolhapur Chief Police Officer, who fired the two shots mentioned in paragraph 88 of the Commissioners' report, on both occasions missed the mark aimed at by 4 or 5 feet at a range of 70 yards (which would be nearly 10 feet at a range of 130-140 yards) and the bullet found by the Commissioners in the wall on the left side of the road has unconsciously impressed the Commissioners as an indication of uncontrolled firing because they found it "70 yards from the place where the Moslems were supposed to have stood". They ought to have noted that 70 yards was the distance of the spot beyond the Moslems and that the mark was only 8 or 10 feet off the line of fire, while the armed police had neither the training nor the cool conditions in which the Kolhapur Officer fired. The mention of the 70 yards only in paragraph 88 is in a line with the Commissioners' failure to recognise that the Moslem attempts to fabricate evidence were definitely exposed in the presence of the Kolhapur police. Moreover, it was only three bullets that were found by the Commissioners to have gone off the road a little and three wises is not a sufficiently large number out of a total of 66 rounds fired by such men to lead to the conclusion that the fire had become uncontrolled. The second reason given by the Commissioners is that one live cartridge was found among the cartridge cases collected, and the Commissioners proceed to remark "only excited men would drop live round at such a time," as if one live cartridge could have been dropped by more than one excited man and as if it may not have been dropped by accident, without

being noticed by the man concerned when reloading. The Commissioners next find that "the police was shaking," but this does not point to the fire becoming uncontrolled in the sense that the men went on firing without separate orders each time, though it may well account for three bullets out of 66 going a little astray. They next discard the statement of the officials that the Moslem crowd did not disperse until ten volleys were fired into them, though they accept with reserve the statement that 66 rounds only were fired. Their reason apparently is that even if the Moslems had been armed, "no mob of villagers could possibly withstand such firing at such a close range, much less advance against it." And they conclude that the Moslems must have scattered within one or two minutes and that the police must have been firing at them off the road. This is opposed, in the first place, to the direct evidence of Nadgonda, who impressed the Commissioners as being veracious: the witness expressly said in reply to Court questions "At the time of second firing, I saw the movements in the Mahomedan people i. e. the front men were going backward and the backward were coming forward. They were not running. I saw the movements. People were moving forward and backward until the fourth firing took place. I did not see them running to the left or to the right." The man claims to have witnessed the first four volleys, and if he is correct, it is clear that the Moslems were not scattered by all this firing, and certainly not by the first volley aimed at the mob. Secondly, the mob must have advanced in spite of the firing from opposite the Teli's shop, not only because the stones thrown by them reached the Lendhole bridge, but also because Moslem casualties were found in front of the Mahadeo Temple which is a little to the North of the Teli's shop and nearly 200 feet to the north of the position where the Moslems had been originally standing. The finding of stones up to the Lendhole bridge and of casualties up to the Mahadeo Temple rests on much direct evidence which

is not all official and which it would be manifestly unjust to discard even if it were all official: Mr. Rajwade, for instance, who speaks on these points, ought to be believed, though he is an official— as the Commissioners themselves recognize in paragraph 140, he had no executive authority in the matter. In the matter of the stones he is supported by Mr. Samrani, the British Police Officer, and as regards the casualties, by more than one non-official witness. Though the Commissioners have not referred to the point, the order of His Highness the Chhatrapati Maharajasaheb in paragraph 6 says that at most the mob must have moved not more than 15 feet towards the firing party; but this is a clear misappreciation of the evidence, because 30 yards (the assumed range of the firing) minus 15 feet (the maximum advance of the mob from their original position near the Maruti Temple to the south of cross-roads) is inconsistent with the casualties at the Mahadeo Temple and with the stones at the Lendhole bridge—missiles which cannot carry beyond 150 feet at the most, especially as the road rises from the Mahadeo Temple to the bridge. Thirdly, the Commissioners have not adverted to the fact repeatedly brought to their notice that the Moslem injuries were all, with possibly one trivial exception, wounds penetrating from front to back and none from back to front. It is repugnant to commonsense to suppose, as the Commissioners do, that though “the Moslems must have scattered within one or two minutes,” they stood in “groups in the vicinity” and “offered a target” to the firing party and received wounds penetrating from front to back.

This, the longest paragraph in the Commissioners' report thus gives a series of reasons for the conclusions stated in paragraph 131, every one of which is untenable on a perusal of the evidence and a fair consideration of the probabilities. The supposition that the District Magistrate lost his head after the commencement of the firing is inconsistent with the positive evidence that he gave separate orders for each firing and with the Commissioners' acceptance of the

supposed Moslem version that the officials retired "to a more strategic point", viz. the Lendhole bridge. In spite of the continued stone throwing and the Moslems' advance that it implies, the retreat—a matter of over 100 feet—was not a rout and was not attended by any firing, authorized or otherwise, nor could any scattered Moslems have been standing by the roadside to be fired at from front to back.

The Commissioners' conclusions in paragraph 133 are in continuation of their conclusions in paragraph 129, and if not equally speculative, are equally untenable on the record. They also proceed on the definite footing (see paragraph 128) that the Moslems were unarmed. That point will be examined under paragraph 136 where the Commissioners deal with it. It may meanwhile be asked whether the Moslems would have hesitated to bring arms, if they were even prepared with stones from the river. As has been already shown under paragraph 127, Ayub Mulla, witness No. 25, admits in cross-examination, that the road was not under repair at the time, and Kandgaokar, No. 22, and Khedekar, No. 26 that stones like those produced before the Court only come from the river. That stones were thrown by the Moslems is a cardinal point of the version arrived at by the Commissioners (paragraph 129), for it was the stone-throwing that immediately led to the firing. As the stones did not come from the road, the Moslems must have come prepared, and if so, is there the slightest reason to think that the Moslems would have come unarmed, having regard to the determined character of their resistance dating from the 14th. December and to the fact that far from saying that they only came with stones, they—neither by themselves nor by their witnesses Ayub, Nadgonda and Mulik,—admit any stone-throwing at all?

134. The number of casualties is established from the medical evidence and a list is appended (Annexure B). Even if the assembly contained 100 persons 37 casualties is an exceptionally high proportion.

In paragraph 134, the Commissioners say that even if the assembly contained 100 persons, 37 casualties is an exceptionally high proportion. The 100 is not a figure given either by the witnesses in support of the official version.

135. We have to see whether the measures adopted by the officials for law and order were necessary and proper. The first question that arises is whether they could have dispersed the Moslems without resort to firing. It must be borne in mind that the Moslems were throwing stones and certainly aggressive. Whether justifiably or not the officials were seriously alarmed. From their point of view it may be stated that firing was necessary though we think it is possible that a lathi charge might suitably have first been resorted to, especially as there were women in the unlawful assembly. However this is being wise after the event and we give the benefit of the doubt to the officials. The position as regards the continuance of the firing, on the other hand, is very different. In view of what we have found above, we are strongly of the opinion that the firing, if at all justified, should have been stopped almost immediately. The responsibility for this we must place upon the District Magistrate who had assumed charge. His conduct was inexcusable. We may say that the subsequent action of these officers clearly shows that they had realised that they had gone too far. They have made too perfect a story omitting no detail of the procedure in dispersing an unlawful assembly. They even say that the fire was directed at the feet of the Moslems. This is clearly untrue for of the ten killed and 27 wounded 30 received their wounds above the waist.

or by the witnesses for the Moslems, and the Commissioners have given no reason why the official figure of about 200 which is supported by five good non-official witnesses (Nos. 16 to 20) should not be accepted, though the record shows such absurdly low figures given by the witnesses on the Moslem side that even the Commissioners would not accept them.

In paragraph 135, the Commissioners say that from the point of view of the officials, firing was necessary, though "it is possible that a lathi charge might suitably have first been resorted to, especially as there were women in the unlawful assembly. However this is being wise after the event and we give the benefit of the doubt to the officials". His Highness's order, however, in paragraph 7 goes further and says "Here again the officials have lacked a most important part of their duty and it appears to His Highness that they were pervaded more by their desire to maintain their dignity and prestige and less with their responsibilities as public servants called upon to exercise their duties in the exigencies of the moment the paramount necessity of which need not be emphasised". The suitability of a lathi charge, from the Commissioners' point of view, presupposes that the stone-throwing Moslems were not armed (see paragraph 128). They deal with this question in paragraph 136, and it will be shown presently that the Commissioners are entirely mistaken in holding that the Moslems were not armed.

As regards the continuance of the firing, the Commissioners say "the firing, if at all justified, should have been stopped almost immediately. The responsibility for this we must place upon the District Magistrate who had assumed charge. His conduct was inexcusable. We may say that the subsequent action of these officers clearly shows that they had realised that they had gone too far. They have made too perfect a story omitting no detail of the procedure in dispersing an unlawful assembly. They even say that the fire was directed at the feet of

the Moslems. This is clearly untrue for of the ten killed and 27 wounded 30 received their wounds above the waist." It has already been shown under paragraph 133 that the Commissioners are mistaken in holding that the Moslems scattered within one or two minutes (a finding on which it is said in paragraph 6 of the order of His Highness that firing after the first volley was uncalled for). Why after remarking that the conduct of the District Magistrate who had assumed charge was inexcusable, the Commissioners should pass to "the subsequent action of *these officers*" as showing that "*they* had realised that they had gone too far" can hardly be imagined. It was the District Magistrate that had ordered the firing, and while he may or may not have gone too far, the other officers could not have interfered with the firing or incurred any responsibility for what firing had been done under his orders, and plainly they could neither have gone too far nor realised that they had done so. The Commissioners have repeatedly confused the responsibility of individual officers by speaking of the "local officials" or "Jahagir officials" collectively, but in the present instance they have passed from the District Magistrate to "these officers," leaving it to be inferred whom they mean and actually falling into confusion about it later (see under paragraph 137)—an error apparent on the face of the record. The Commissioners conclude the paragraph with observations regarding the fire being directed at the feet of the Moslems, which ignore the not unimportant circumstance that the direction was not—and need not have been—repeated on each separate order to fire, even if these untrained men were capable of translating such an order into action.

136. It remains to show why we believed that the Moslems were unarmed. We find that the Panchanama (Ex. G 1) alleged to have been made between 1 A. M. and 4 P. M. by Jiwaji Sitaram Thakur (witness No. 21) and another panch under the supervision of Mr. Patwardhan, was false. We have it in evidence produced by the officials that a lorry containing the weapons exhi-

In paragraph 136, the Commissioners set out to show why they believed that the Moslems were unarmed—a matter reserved from paragraph 128 but necessarily presupposed in such paragraphs as 129 and 135 as already pointed out. They first find the Panchanama, Ex. G 1, false. Why, they do not make clear; if their reasons be those given in paragraph 137, they will presently be shown to be

bited before us (Ex. 1 to 11), which total 78 including 33 lathis, bloodstained clothes etc., was brought to Mr. Patwardhan's house at 12-30 P. M. that day. The house to house arrests had commenced about an hour before that. Though the Sub-Inspector Sawant says that only 2 "suspicious" weapons were collected from the houses, we feel that this story is difficult to believe. None of the witnesses produced by the officials stated that they saw weapons lying on the road at the time when they saw the dead or wounded shortly after the fire, except Teli who states he found one under a gutter in front of his house. This weapon has not been separately mentioned in the panchanama. This omission by all these witnesses is significant. 78 weapons were picked up but only 37 were either killed or wounded. We do not think that 41 weapons would have been dropped by those who ran away supposing that the story of the officials is true. They would certainly have taken the weapons with them. Some of them may have had sticks and lathis.

all wrong. If their reasons be what they say in the next sentence or next three sentences, the argument is confused and begins with a mis-statement. The weapons in the lorry brought to Mr. Patwardhan's house at 12-30 number *not* 78 but 76 (see Ex. G 1) and do not include the two weapons of Ex. G. No witness for the Moslems except Ayub speaks of the collecting of weapons from the houses of the Moslems, and Ayub not only could not have been taken on that occasion but places the end of that search between 2 and 3 p. m., long after the lorry was taken to Mr. Patwardhan's, and the number of weapons seized at 50 or 60 only inspite of an obvious tendency to exaggerate. The Sub-Inspector was not asked in cross-examination how it was that he only seized 2 weapons as suspicious nor whether Ayub had accompanied the search party. Nor was it even suggested to the District Magistrate or to Mr. Patwardhan that the Treasury Guard was in the firing party. It is preposterous to accept Ayub's story for the reasons given by the Commissioners in paragraph 133 and reject the official evidence with hardly any reason given. It is surely not improbable in itself that the Sub-Inspector only found 2 suspicious weapons in the houses because the offenders whom he arrested in the houses had, being all wounded, dropped all their weapons on the road, with the small exception of 2. Nor is Ayub's story consistent with all the 76 weapons of Ex. G1 having been recovered from the houses. The Commissioners, after these three sentences of untenable reasoning, make a mistake of record in stating that none of the witnesses produced by the officials, except the Teli speaks of seeing weapons lying on the road, shortly after the fire, for the Burud (witness No. 17) and Teli (witness No. 20) also do speak of weapons and lathis. The Commissioners fall into another error when they make the comment that the weapon found by the Teli in the gutter is not separately mentioned in the Panchanama, for the witness says that he made the weapon over to a constable who was passing by at 5 or 6

in the evening, while (as the Commissioners have correctly stated) the Panchanama was made between 1 p. m. and 4 p. m. so that the weapon found by the Teli could not possibly figure in that Panchanama. They make yet another mistake in going on to say "this omission by all these witnesses is significant." They were obviously thinking of the non-official witnesses produced by the officials to speak to the firing incident, and they ought to have seen that there were only five such witnesses, of whom three do speak of weapons lying on the road, and the other two only do not, but obviously because they did not come north-wards from their shops which are to the south of the Maruti Temple. The Commissioners next compare the number of casualties, and say "we do not think that 41 weapons would have been dropped by those who ran away supposing that the story of the officials is true. They would certainly have taken the weapons with them". This observation of the Commissioners is contrary to common experience: in big riots a number of offenders usually drop their weapons and run away. Most of the Commissioners' observations on the evidence and probabilities in this paragraph are thus erroneous, and they have, again as on several previous occasions, *begun* with the conclusion that the Panchanama is false, but probably left it to be reasoned out in the *next* paragraph. They have also ignored the positive evidence of the five non-official witnesses (No. 16 to 20) examined on the official side that the Moslems were armed, though this evidence was not challenged in cross-examination and is entirely consistent with the circumstances and the probabilities.

137. Now turning to the Panchanama itself the panch Thakur states that he found the weapons etc. in a heap under the pimpal tree. No explanation is offered as to why they were taken back and deposited there. There are various discrepancies in the statements given of what took place that afternoon and as to who was present. It has been pointed out to us that in this "panchanama" in

In this paragraph, they turn to the Panchanama itself and say that no explanation is offered as to why the weapons which the Panch found in a heap under the Pimpal tree were taken back and deposited there. The point, however, was not put either to Mr. G. D. Kulkarni or to Mr. Patwardhan, the only officers under whose orders the weapons could have been deposited.

which are included particulars regarding the dead and wounded the ages of the dead are identical with the ages of the dead given by Dr. Kapshikar (Witness No. 10) in his list. All the above facts clearly show that this panchanama is subsequently manufactured. It is regrettably true that all three of the local officials concerned and Sub-Inspector Sawant are implicated in this. It was a clumsy effort to justify the firing.

under the Pimpal tree; and regard to the ordinary course of conduct would easily suggest that they must have been placed there, from the lorry in which they were first collected (where they were noticed by the British Police Officers), for the Panch conveniently to enter them in the Panchanama, the casualties being close at hand. The Commissioners say that they had it pointed out to them that the ages of the dead and wounded entered in the Panchanama are identical with those in Dr. Kapshikar's list. They did not apparently notice the evidence of the Panch and the Panchanama itself, showing how information must have been obtained from Dr. Kapshikar at the time—as the Panchanama expressly states, “Dr. Kapshikar has come to the spot where the dead are lying and has made notes of the wounds,” and the Panch says in his examination-in-chief that he made a note of the wounds after inquiring from the doctor. The Panch was moreover, not asked how his ages agreed with Dr. Kapshikar's, though even this has not prevented the Commissioners from hastily accepting the Moslems' attack on the Panchanama on the ground. When they go on to observe that “all the above facts clearly show that this Panchanama is subsequently manufactured”, and that “it was a clumsy effort to justify the firing”, they forget to ask themselves what need there could be “subsequently” (whatever the time the Commissioners intended to indicate by that word) to manufacture the Panchanama, for as shown under the last paragraph, there is good positive evidence, supported by the probabilities,—and quite apart from the Panchanama—that the rioters were armed; and the Prime Minister himself found the weapons all duly labelled when he visited Ajra on the 9th January. The finding that the Panchanama is false (paragraph 136) or subsequently manufactured is thus wholly untenable. The Commissioners have further erred, on their own showing, in saying that “all three of the local officials concerned” are implicated in this, for they themselves say in paragraph 140 that Mr. Rajwade had “no executive authority”

138. We do not include Col. Frere in our condemnation of the local officials, Mr. G. D. Kulkarni, the District Magistrate, Mr. Pundalik Kulkarni, the Mamlatdar, Mr. V. V. Rajwade the Karbhari and Mr. Patwardhan the First Class Magistrate and Munsiff at the time. When he went on leave on morning of the 7th January he was clearly under the impression that all was quiet in Ajra and it is our opinion that if he had been present, this calamity would not have occurred.

139. We do not find that the Mamlatdar shares any of the responsibility except in that he was definitely unsympathetic and un-helpful in his dealings with the Moslems of Ajra and was therefore partially responsible for the feeling against local officials.

in this matter. Possibly they could not rid their minds of the errors committed by them even in stating the case (see paragraph 61 and 81).

In paragraph 138, the Commissioners exclude Col. Frere from their condemnation of the "local officials." But in paragraph 137 they only spoke of "all three of the local officials concerned and Sub-Inspector Sawant being implicated in this." It has already been shown under that paragraph that the Commissioners' finding that the Panchanama is false (paragraph 136) or "subsequently manufactured" is erroneous and does not warrant any strictures on the four officials referred to. The condemnation pronounced in the present paragraph must by reason of the exclusion of Col. Frere and the inclusion of Mr. Pundlik Kulkarni, refer to matters other than those contained in the previous paragraph, which the reader is left to gather for himself, presumably from paragraph 95 onwards. All these paragraphs have been dealt with in detail and the reasoning of the Commissioners shown to be erroneous from beginning to end. It is convenient before summarising those errors to deal with the next two paragraphs of the report.

In paragraph 139, they say of the Mamlatdar already condemned in paragraph 138, that he does not share "any responsibility except in that he was definitely unsympathetic and un-helpful in his dealings with the Moslems of Ajra and was therefore partially responsible for the feeling against local officials." This shows how the Commissioners misapprehended the scope of the inquiry they were appointed to make. The broad issue before them was how far the firing of the 8th January was justified, and the Commissioners were aware that with this firing the Mamlatdar had nothing at all to do. They ought to have found that the only thing that has been brought home to him under the first issue (the circumstances leading to the disturbance of the 8th January) viz. the ordering of the Panchanama Ex. J, was a perfectly proper act done by him in the ordinary discharge of the official duties

(see under paragraphs 99, 106 and 109). The Commissioners' condemnation of the Mamlatdar is entirely unjustified and unsupported by any facts found by them—rightly (see under paragraphs 106 and 109)—to have been proved on the evidence before them, though their vague and unjustifiable observations have led to the order of His Highness the Chhatrapati Maharajasaheb condemning him for a deplorable lack of administrative foresight and finding him unfit to hold the responsible position of an official in charge of a Taluka.

140. Mr. Savant the Sub-Inspector must also share the responsibility for misrepresenting the facts in that his reports to the Jahagirdar of the 14th and 16th December were far from true statements. Moreover he took a leading part in the matter of the false panchanama of the arms. Both he and Mr. Patwardhan and also Jamadar Powar as far as he was concerned, were however undoubtedly acting under the directions of Mr. G. D. Kulkarni. We understand that Mr. Rajwade had no executive authority in the matter.

In paragraph 140, the Commissioners hold the Police Sub-Inspector responsible for making "far from true statements" in his reports of the 14th and 16th December and for taking "a leading part in the matter of the false Panchanama of the arms," though they find some palliation in the fact that like Mr. Patwardhan and Jamadar Powar, he was "undoubtedly acting under the directions of Mr. G. D. Kulkarni." The Police Sub-Inspector's reports of the 14th and 16th December should on the materials before the Commissioners have been held to be far from untrue; (see under paragraphs 100, 105 and 115). Mr. Yedurkar Inamdar and Subhedar Ayare are too disinterested and independent to be disbelieved on an unsubstantial discrepancy, especially in a hurried and limited inquiry such as the present, and the Commissioners should not have arrived at the conclusion that they had sufficient evidence before them for the purposes of the inquiry if they disbelieved those witnesses, when in deference to their own express wishes, the Jahagir officials refrained from examining no less than ten direct witnesses on this point. The Commissioners have also erred, as already shown under paragraph 137, in holding that the Panchanama of the arms was false. The palliation of directions from Mr. G. D. Kulkarni specifically mentioned by the Commissioners has not appealed to His Highness the Chhatrapati Maharajasaheb but both the authorities must have seen that in the matter of the firing, the Police Sub-Inspector was entirely bound by the orders of the

District Magistrate. Mr. Sawant should therefore not have been condemned at all.

Jamadar Powar is impliedly condemned in this paragraph only by including him in the palliation, though His Highness the Chhatrapati Maharajasaheb has seen fit to condemn him to the same punishment as the other officers. The Commissioners have not, however, really found that he had anything to do with the Panchanama which they erroneously took to be false; and as regards the shooting he is plainly protected by the orders of the District Magistrate. Jamadar Powar should, therefore, not have been condemned at all.

The Commissioners conclude the paragraph with the observation that Mr. Rajwade had no executive authority in the matter, presumably of the Panchanama. They have not found in any other portion of the report that Mr. Rajwade did anything at all to deserve even the mildest censure, though they have included him in their general condemnation in paragraph 138 and though His Highness the Chhatrapati Maharajasaheb has visited him with the same punishment as the others. Apart from his summary inclusion in the "all three of the local officials" in paragraph 137, the Commissioners have not mentioned Mr. Rajwade in their conclusions from paragraph 95 onwards except by an unjustified use of the term "local officials" in paragraph 127, which error they themselves corrected in paragraph 129 by speaking of the District Magistrate. Mr. Rajwade should therefore, not have been condemned at all.

As regards Mr. Patwardhan, the only things found against him individually by the Commissioners are that he withheld the Moslems' application of the 6th January, and acted under the directions of Mr. G. D. Kulkarni in the matter of what in the Commissioners' opinion was the false Panchanama of the arms—and possibly also his support of Mr. G. D. Kulkarni in paragraph 123. All these findings are wrong (see under paragraphs 108, 123 and 137), and Mr. Patwardhan should also not have been condemned at all.

Asto Mr. G. D. Kulkarni, the Commissioners seem to have found him guilty of concealing information from Col. Frere (paragraph 116), of losing his head and not stopping the firing early enough (paragraphs 133 and 135), and of having a false Panchanama prepared (paragraph 137). In all these matters, the Commissioners' views are entirely unsound and untenable on the record. And he too should not have been condemned.

It may be that the Commissioners were unable to rid their minds of the general conclusion they started with (paragraph 95), but as shown under paragraph 109 that conclusion, vague as it is, is unfounded; and while the Moslems are not shown to have had any complaints at all before their unlawful resistance to the Panchanama and bus-raiding on the 14th December, (see under paragraphs 104 and 107), Mr. Swami shows that on the 21st or 22nd December "they were only talking of (the) Mamlatdar and not against any other officials". They could scarcely have spoken of the conduct of the local officials leaving much to be desired and of the Moslems losing some confidence in them, if they had not shut their eyes to these facts in what ought to have been a fair inquiry with a dispassionate consideration of the evidence.

On the third issue before them, the Commissioners stated their conclusions in advance in paragraph 131, and then proceeded to state their reasons, apparently down to paragraph 137 (inclusive), though paragraph 138 would seem at first sight to be a continuation of that paragraph. Paragraphs 138 to 140, however, also seem to give the views of the Commissioners in respect of individual officers on the whole case generally. It is therefore desirable to state briefly what, on a fair consideration of the record as a whole, the Commissioners ought to have found.

SUMMARY.

The Moslems admit that on the 14th of December they resisted the attempted Panchanama (see Ex. B), and the Commissioners should have held that the order of the Panchanama Ex. J was unexceptionable (see under paragraphs 98

and 106), and ought not to have shut their eyes to the fact that the Moslems had no real grievances (paragraphs 104, 106, 107, 108), nor any genuine apprehensions (paragraph 99), nor should they by forced reasoning, have held that the Moslems were unarmed at the time of the resistance to the Panchanama (paragraphs 98 and 101). They ought to have believed the evidence of bus-raiding (paragraphs 100 and 105), and held that the decision to prosecute the offenders for the bus-raiding on the 14th December was thoroughly justified and that there was no concealment of the true state of affairs, or of the exact nature of the legal action proposed to be taken, from Col. Frere (paragraph 116). They ought to have held that no assurances were given to the Moslems on the night of the 7th January that the warrants which were out would not be executed till Col. Frere's return (paragraphs 120, 129). As to the 8th January, they ought to have observed that the demands of the Moslems were impudent and that they (the Moslems) could have had no reason to believe that the District Magistrate would not go to the length of opening fire in spite of the repeated warnings given by him, unless they had been acting from before under "outside influence," as shown by the evidence of Yeshwant Ramchandra Topale (witness No. 16), their unfounded telegrams and representations to Kolhapur, and their contrasting reaction to the talks with Col. Frere and Mr. Swami. They should have rejected the evidence of Ayub Mulla, Nadgonda and Mulik, altogether (paragraphs 123, 126, 133) and accepted the District Magistrate's statement that he ordered his men to fall back because they were at very close quarters with the mob, and not because (as the Commissioners assume) he had not definitely decided to open fire (paragraph 129). From the previous history of the opposition of the Moslems and the number of Moslems that came so quickly on the scene, the language indulged in by their leaders, the stones thrown by the rioters, and the arms found on the road after the riot, the Commissioners ought to have held that the Moslems had come armed and prepared

to go to any length in resisting the lawful authority of the District Magistrate as regards the execution of the warrants of arrest. They ought also to have held that the Moslems not only did not disperse on the first volley aimed at them, but actually advanced—some of them as far as the Mahadeo Temple—in the face of the subsequent firing. They ought not to have shut their eyes to the fact that no person was shot from the back, and ought not to have brought themselves to believe—incredible as it may sound—that after the first volley the mob dispersed but stood in groups by the road-side to offer targets for the police to fire at from the front. They ought also to have specifically observed that their inquiry related to the firing on the 8th of January and that no inferior officer who carried out the District Magistrate's lawful orders could be condemned for doing so, and that it was beyond their province altogether to condemn such officers for other delinquencies, real or supposed. The Commissioners carefully exonerated Col. Frere as he left Ajra on the 7th January under the impression that all was quiet. This, however, did not end the matter as far as the Administrator was concerned, for in paragraph 12 of his order His Highness the Chhatrapati Maharajasaheb censured “in the strongest manner the conduct of the Jahagir officials, including the Administrator, in having employed on the 8th January 1935 and presumably previously the services of Amrit Desai who was recently dismissed from the Jahagir service, at the instance of the Darbar, for an unpardonable offence”.

The evidence, however, is that Amrit Desai was called in only on the 8th and this evidence was not questioned. What his unpardonable offence was, was not brought out in the evidence, but the reason for which he was not dismissed but permitted to resign from the Jahagir service, at the instance of the Darbar, is not of a kind to disqualify him for taking charge of the Sanadis in an emergency, and in any case, Col. Frere had nothing to do with the District Magistrate's call on Amrit Desai on the 8th January.

141. We wish to record our sincere appreciation of the valuable assistance rendered by Messrs. Velinkar and Oliveira and their assistants in helping us to arrive at the truth. We would mention here that owing to the shortness of time at our disposal we were obliged to ask both sides to cut down their witnesses considerably and in deference to our wishes this was done, for we considered that for the purposes of this Inquiry we had sufficient evidence before us.

142. We also wish to record our appreciation of the services of Mr. P. B. Patil and Mr. V. R. Rege who acted as Secretary and Joint Secretary respectively to the Commission and to the remaining staff attached to the Commission.

143. Finally, we, with all deference recommend to His Highness the Chhatrapati Maharaja of Kolhapur that such compensation as he should deem adequate should be paid to those of the Moslems of Ajra who have suffered as a result of the firing there on 8th January 1935.

KOLHAPUR } D. A. SURVE,
3rd March, 1935. } A. A. RUSSELL,
Commission of Inquiry.

The Commissioners have made manifest errors of record in numerous places, of which examples will be found in such paragraphs as 104, 108, 120, 121, 126, 127, 132, 133, 136 and 137. They have overlooked the evidence of Col. Frere in paragraphs 101 and 115, of the District Magistrate in such paragraphs as 108, 116, 123, 129, 133. Many of the paragraphs in their report are wholly wrong, such as 100, 102, 104, 106, 116, 121, 136 and 137. They have repeatedly missed the true character of the inquiry they were appointed to make, or the points that they had really to determine or even took it upon themselves to determine e. g. 95, 105, 107, 118, 119, 122 and 123. While accepting mere suggestions made on behalf of the Moslems (e. g. 104, 108, 120) and believing without any serious scrutiny the evidence of such witnesses for them as Ayub Mulla, Nadgonda and Mulik, they have on most points either ignored the evidence of the officials though supported by papers, circumstances and unofficial witnesses, or rejected it on flimsy grounds.

A bare perusal of the evidence will show how very unfairly the Commissioners have conducted themselves in arriving at their conclusions, against their apparent bug-bear, "the local officials" of Ichalkaranji, while displaying a tender regard for the supposed susceptibilities of the Moslem lawbreakers and Moslem public opinion.

ICHALKARANJI } (Sd.) A. G. FRERE,
4th July 1935. } Lt-Colonel,
Administrator, Ichalkaranji.

ANNEXURE B.

Names of the Dead Persons.

1. Hasan Mahomad Sonekhan, aged 45.
2. Balku Adam Darwajkar, aged 35.
3. Akbar Hasan Mullani, aged 22.
4. Abdul Rahiman Dadikar, aged 18.
5. Amina Manik Nesarikar, aged 50.
6. Kulsum Hyder Alli Bhadgaonkar, aged 50.
7. Ghudu Abdul Mangaonkar, aged 45.
8. Khatijabai Amin Kanadikar, aged 40.
9. Bal Nabi Fakir, aged 18.
10. Ismail Adam Darwajkar, aged 45.

Names of the Wounded Persons.

Serial No.	Name.	Age.
1.	Daud Husen Inchanalkar.	40
2.	Maryambi Yakub Mulla.	45
3.	Sakina Ladya Inchanalkar.	30
4.	Husen Ibrahim Kandgaonkar.	10
5.	Khatun Bal Mashrangkar.	35
6.	Hasan Abdul Darwejkar.	45
7.	Mahamad Yakub Darwajkar.	30
8.	Abdul Daval Takhildar.	35
9.	Hasan Abdul Managaonkar.	30
10.	Appa Imam Nesarikar.	60
11.	Appa Abdul Nasaradi.	20
12.	Imam Appa Nesarikar.	20
13.	Ibrahim Amin Pathan.	45
14.	Abdul Yakub Darwajkar.	30
15.	Meera Daval Takhildar.	30
16.	Abdul Ibrahim Lamture.	35
17.	Ghudu Mahamad Murad.	32
18.	Bal Adam Darwajkar.	35
19.	Balu Kasim Darwajkar.	50
20.	Appa Nabi Fakir.	35
21.	Daood Amin Didbag.	50
22.	Rahiman Alli Khedekar	35
23.	Hassan Yakub Darwajkar.	45

Serial No.	Name	Age
24.	Ghudu Abdul Bhadgaonkar.	38
25.	Abdul Babaji Aglawe.	35
26.	Gavasu Abdul Nasaradi.	22
27.	Hapija Abdulalli Khedekar.	40

ANNEXURE C.

(Exhibits 1 to 11)

List of articles attached in connection with the disturbance in Ajra on the 8th January 1935.

:o:

22.	Scythes (Seal somewhat broken)	Exh. 1.
10.	Sickles (—Do—)	Exh. 2.
6.	5 axes and one Pharshi (-do-)	Exh. 3.
4.	4 hammers.	Exh. 4.
1.	Iron rod	Exh. 5.
1.	Bundle containing twenty empty cartridges, of which one on inspection was found to be a live cartridge.	Exh. 6.
4.	Bloodstained clothes.	Exh. 7.
	2 Phetas (head turban)	
	1 Dhotee lion cloth	
	1 Shirt with aluminium buttons.	
50.	Stones (in a bundle with the seal of the Panchas on stating that the bundle contains 50 stones)	Exh. 8.
33.	Lathis	Exh. 9.
1.	Large Vila (flat and sharpened long axe)	Exh. 10.
1.	Small axe.	Exh. 11.

The above mentioned articles were produced by Mr. Sawant, Sub-Inspector of Police, Ajra before the Commission of Inquiry on Thursday the 21st February 1935.

Huzur Office.

Political Department.

Notification No. 2.

26th April 1935.

His Highness the Chhatrapati Maharajasaheb has been pleased under Political Department J. O. No. 4 dated the 24th April 1935 to order as follows :—

“ His Highness has had under consideration the report of the Commission of Inquiry, consisting of Meherban Rao Bahadur D. A. Surve, Prime Minister of Kolhapur and Major A. A. Russell, M. C., of the Foreign and Political Department, Government of India, whose services the Government of India had kindly placed at the disposal of the Darbar, constituted under the Darbar Notification No. 1 dated the 3rd February 1935 to enquire and report into the disturbance that took place in Ajra, a village in the Jahagir of Ichalkaranji on the 8th January 1935.

“ 2. As regards the first issue the Commission report that the attitude shown by the local officials of the Jahagir towards the several grievances urged by the Moslems was far from satisfactory and that on two occasions there were deliberate attempts made by the officials to suppress the true facts from the Administrator. There is no doubt that in the treatment of the questions that arose in the Jahagir during the past several years the officials have either shown a clear disregard of administrative fore-sight or deliberately pursued a policy calculated to alienate the sympathy of the Moslem public of Ajra. The representation of the Moslems to secure proprietary rights over trees growing in the grave-yard has been left unattended for over five years. In this matter an important question had arisen and even if the grant of proprietary rights involved other considerations there was no reason why the authorities did not decide the matter on the merits of the case. But to have kept the matter pending for over five years is a considerably long period of suspense and a just reason for alienating confidence in the administrative machinery.

“ 3. The question of the planting of trees on the side of the Idga and the fencing before the mosque also shows the callousness of the officials. In the case of the former, trees had been planted for the purpose of shade and whether or not Jahagir property as the trees had been planted there could hardly have been any harm in allowing them to grow. The Moslems had a genuine apprehension that the authorities were going to uproot those trees and the evidence before the Commission—although the officials deny it—shows that even if the story of the officials was true the Moslems had most reasonable grounds for their apprehension. As regards the fencing before the mosque it is clear that the encroachment of the fencing on-to the road was at the most a matter of less than half an inch and there is no doubt that undue importance was attached to this.

“ 4. As regards the second issue the Commission have held that the Moslems did form an unlawful assembly but they hold that the circumstances leading to it are such as to throw the blame on the officials. The Commission are of the opinion that the officials deliberately misled the Moslems on the night of the 7th January 1935 when they informed the Moslems that all the questions pending would be settled by the Administrator on his return from leave and that the Moslems should resume their normal avocations. Therefore the action of the officials next morning of directing the arrest was uncalled for and the gathering of the Moslems was in the first instance more out of inquisitiveness than anything else as in consequence of the assurance given on the previous night the Moslems had naturally thought that no arrests would be effected.

"5. The Commission also hold that there was no justification for the issue of warrants against the Moslem leaders as the offence alleged against them, that of having raided the Motor buses on the 14th December 1934 to murder the Mamlatdar of Ajra, has not been proved. The Commission believe that this was a frame up by the officials solely to magnify the offensiveness of the Moslems and to give it a grave character. The presence of the Darbar's Assistant Chief of Police in Ajra was availed of to induce the Moslems to tender an apology for the offence the Moslems committed in not permitting the Panchanama of the trees planted on the side of the Idga. The Assistant Chief of Police says that the offence was most in the mind of the Administrator and that when asked by him whether they held up the Motors to offend the Mamlatdar the Moslems stoutly denied the charge. The officials say that the necessity for warrants arose because the Moslems did not give an unqualified apology for this latter offence also. But there is no proof adduced to show that attempts were made to obtain an apology and that the Moslems refused to give it. Since Mr. Swami, the Assistant Chief of Police, was in a position to get their apology as regards the first offence it is inconceivable that he would have been unable to obtain it for the other offence but no attempt was made by the officials to avail of his good offices. Therefore, the version of the Moslems appears to be true and it seems that the Jahagir authorities made up a different story so as to give them ground for instituting prosecutions against the Moslems. Whatever the state of things it is clear that the officials had made this out to be a matter involving their prestige and dignity, and, if they were to remain contented, they would certainly have asked the Assistant Chief of Police to obtain an apology for the alleged offence also. In view of the fact that officials did not do so it is clear that they had other motives in their minds.

"6. Regarding the third issue the Commission hold that though there was an unlawful assembly formed at the most, some 50 or 60 persons including women and children may have assembled. But the Commission hold, they were not armed as alleged by the officials. The Commission also hold that the District Magistrate may have ordered the Moslems to disperse and that a tactical error committed by him in retiring the police may have encouraged the mob to throw stones. Following this the officials must undoubtedly have become afraid and the District Magistrate, therefore, ordered the Police to fire. The fire could not have been from a distance of more than 30 yards and it is unnecessary to stress the deadly effect which it must have had on the mob. The Commission therefore hold that no sooner the first volley was fired the mob must have scattered and that there was no justification for the further volley of fire. They disbelieve the story of the District Magistrate that he ordered fire by sections and at each time ordered fire, but hold that the order to fire was given only once and it then continued indiscriminately more or less until either all the ammunition was spent or until the District Magistrate and the other officials regained their bearings. The District Magistrate states that he gave the order to cease fire by lifting his hand. If fire was directed on each occasion the necessity to lift his hand and order to cease fire would not have arisen. Similarly the mixing up of a live cartridge with the spent cartridge cases produced before the Commission clearly shows that disorder must have reigned during the firing otherwise it is not possible to account for the mixing up of a live cartridge with the spent ones. That the continued fire was uncalled for is clearly visible even from the story of the officials themselves who say that the mob was more or less stationary and that at the most it must have moved not more than 15 feet towards them and further that at the position they took last, shown as E on the map, the stones which the mob threw did not reach them but dropped and only rolled towards them. If this was so the officials should certainly have stopped firing then as there was no possibility of any harm being done to them. This shows that the firing after the first volley fire was uncalled for and absolutely unnecessary. Moreover practically all the officials have admitted that they were unnerved and that the armed police were shaky. This proves beyond the shadow of a doubt that little if any discipline was maintained after firing commenced.

"7. The Commission has further held the story of the officials that the Moslems were armed as being clearly untrue. The Panchanama made of the weapons is highly suspicious and certain features of it as set out by the Commission clearly demonstrate

that it is false. Therefore it must be accepted, that the Moslems were unarmed. The Commission have suggested that, before resort being had to firing, an attempt at a lathi charge by the Police a pre-requisite to adopting sterner methods of dispersal, should have been adopted. This suggestion has been made possibly with the feeling that resort to firing might have then been averted. Here again the officials have lacked a most important part of their duty and it appears to His Highness that they were pervaded more by their desire to maintain their dignity and prestige and less with their responsibilities as public servants called upon to exercise their duties in the exigencies of the moment the paramount necessity of which need not be emphasised.

" 8. On a consideration of the report as a whole His Highness accepts all the recommendations contained therein and can arrive at the one conclusion possible; that the officials of the Jahagir have failed in the proper discharge of their duties and that had they acted with precision and calculated deliberation they could certainly have avoided the terrible catastrophe which befell His Highness' subjects in Ajra on the 8th of January. The gravity of the offence of these officials is the more serious when it is borne in mind that women and children were interspersed in the mob and the officials seem to have little realised the fateful steps they were resorting to. His Highness realises that this conduct on the part of the officials calls for a censure of the administration of the Ichalkaranji Jahagir. The Jahagirdars of the State are permitted to exercise certain Revenue, Judicial and Administrative powers for the definite purpose of the convenience and the primary control over such departments is of necessity centered in them and they are considered as the intermediaste guardians of His Highness' subjects in those Jahagirs. The present is a case in which it has been undeniably established that the officials employed by the Jahagirdar to carry out these delegated responsibilities have shown their incapacity of shouldering the trust which was reposed in them. In such circumstances it is necessary that His Highness must employ means as would ensure for the future no such repetitions, and that those who have been responsible for the deplorable incident of the 8th January 1935 should be adequately punished.

" 9. His Highness therefore is pleased to decide that Mr. G. D. Kulkarni, District Magistrate and Secretary to the Jahagirdar, Mr. Rajwade, Karbhari of the Jahagir, Mr. Patwardhan, Munsiff and Magistrate, Ajra, Mr. Sawant, Sub-Inspector of Police, Ajra and Jamadar Powar in charge of the Armed Police should be forthwith dismissed from the service of the Jahagir. Mr. P. S. Kulkarni who is a foreign servant on loan with the Jahagir has shown a deplorable lack of administrative foresight and is unfit to hold the responsible position of an official in charge of a Taluka. If he were a Jahagir servant His Highness would also have forthwith dismissed him. Since he is a foreign servant he should be relieved of his charge at once. His Highness regrets the stern character of the punishment to be meted out to the officials concerned but considers that in such an exigency unless the punishment is deterrent it could not act as a useful check to the avoiding of similar incidents in the future.

" 10. Further His Highness desires to state that Lt.-Col A. G. Frere, Administrator of the Jahagir, is fully absolved of all responsibility in this matter. It is clear that the local authorities have tried to take unfair advantage of his ignorance of the Marathi language and that they have as occasion would require suppressed from his knowledge information which as an Administrator he ought to have known. It has also appeared on the record before the Commission that although an Administrator has been appointed yet the practice continues of addressing correspondence to the Jahagirdar. Lt-Colonel Frere should have stopped this practice soon after he assumed charge of his office. If that has not been done already he is directed to do so now.

" 11. His Highness trusts that in the future employment of officials the Jahagirdar will take particular care to see that his selection falls on persons worthy of the trust to be reposed in them. For the present the Administrator will report to the Darbar, for sanction, the names of the persons he would recommend to be employed instead of the above dismissed officials.

" 12. On the subject of the advisability or otherwise of retaining in the Jahagir employ an armed Police force the matter is under consideration of the Darbar. His

Highness desires to censure in the strongest manner the conduct of the Jahagir officials, including the Administrator, in having employed on the 8th January 1935 and presumably previously the services of Amrit Desai who was recently dismissed from the Jahagir service, at the instance of the Darbar, for an unpardonable offence.

"13. His Highness desires to convey his deep sense of sorrow to the members of the families of those dead and to the men, women and children who sustained injuries on the occasion. Since it has been proved that the fault lies with the Jahagir Officials it has become necessary that certain provision should be made for the families of those dead and of the injured, those who have been permanently disabled or temporarily incapacitated. The Jahagirdar is, therefore, directed to pay to the immediate members of the family of those dead a sum of not less than Rs. 600 (Six hundred) for each individual dead and to those permanently disabled a monthly pension of Rs. 5/- per man, woman or child disabled. As regards those who were injured and are now cured and have resumed their normal avocations a compassionate grant of Rs. 200/- (two hundred) for each should be made.

"14. A result of this decision would be that the criminal cases instituted by the Jahagir authorities against certain Moslems alleged to be involved in the raiding of Busses on the 14th December 1934, and also any other cases arising out of the occurrence of the 8th January 1935, which were temporarily suspended, will have to be withdrawn. The Administrator is directed to carry out these instructions forthwith.

"15 The Prime Minister is directed to see that the instructions contained in this order are effectively carried out.

"Lastly His Highness the Chhatrapati Maharajasaheb desires to place on record his keen appreciation of the valuable services rendered by the members of the Commission of Inquiry."

*By order of His Highness the
Chhatrapati Maharajasaheb,*
D. M. BHOSLE,
Chief Secretary.

**Appendices accompanying the Representation No. dated
December 1941, addressed to H. E. the Crown Representative
re. the effects of the transfer of supervisory control.**

	PAGES
App. A. Prime Minister's letter No. 278 dated 31st July 1940, communicating the Resident's decision on Jahagir's Memorial No. 18 of 1937.	1
App. B. Prime Minister's letter No. 410/P/FD dated 2nd July 1941, communicating the Resident's decision on Jahagir's Supplementary memorial No. 26 dated 30th March 1940.	2
App. C. Letter No. 205, dated 7th December 1929, from the Resident Kolhapur to Ichalkaranji containing the orders of the Government of India re. the transfer of supervisory control to Kolhapur.	3-10
App. D. Letter by Col. Wilberforce Bell dated 3rd August 1932, addressed to the Administrator, Ichalkaranji.	11
App. E. Letter by Col. Wilberforce Bell dated 3rd August 1932, addressed to the Jahagirdar of Ichalkaranji.	12
App. F. Letter by Col. Wilberforce Bell dated 12th April 1932, addressed to the Adviser, Ichalkaranji.	13
App. G. Letter by Col. Wilberforce Bell dated 26th August 1932, addressed to the Administrator, Ichalkaranji.	14
App. H. Thaili of Investiture granted to the Jahagirdar of Ichalkaranji by the Resident, Kolhapur in the year 1892.	15-17
App. I. Paragraph 8 of the Darbar's Notification No. 2, Political Department, dated 26th April 1935, issued by H. H. the Maharaja Saheb of Kolhapur on the Ajra Firing Inquiry.	18
App. J. Prime Minister's letter No. 284 dated 15th December 1933, addressed to the Jahagirdar of Ichalkaranji re. Arms licenses.	19-20
App. K. Representation No. 84 dated 8th/11th September 1941, addressed to the Resident, Kolhapur re. delegation of powers.	21-49
App. K.1. Prime Minister's letter No. 1337/P/FD dated 30th October 1941, addressed to the Jahagirdar of Ichalkaranji communicating the decision of the Resident on the above.	50

App. L.	Prime Minister's letter No. 496 dated 30th May 1940, addressed to the Jahagirdar of Ichalkaranji, re. criminal powers.	51-
App. M.	Prime Minister's letter No. 497 dated 30th May 1940, addressed to the Jahagirdar of Ichalkaranji, re. criminal powers.	53-
App. N.	Instances of undue interference by the Darbar in judicial matters.	58-
App. O.	Prime Minister's Endorsement No. 52, dated 20th November 1934, on Ichalkaranji's annual return of statistical information.	61
App. P.	Instances of undue interference by the Darbar in internal revenue administration of the Jahagir.	64
App. Q.	Instances of political pin-pricks by the Darbar.	68
App. R.	Instances in which undue delay has been made by the Darbar in forwarding cases to the Residency.	70
App. S.	Instances in which the Darbar have disregarded the procedure laid down in supervision Notification.	73
App. T.	Memorandum by Col. A. G. Frere, dated 2nd April 1936, on the relations of Ichalkaranji with Kolhapur.	76

Appendix A.

Subject—Effects of transfer of supervisory Control.

Confidential.

No. 278 of 1940.
Prime Minister's Office.
Kolhapur, 31st July 1940.

From, **The Prime Minister of Kolhapur.**

To **The Jahagirdar of Ichalkaranji.**

Sir,

I have the honour to refer to your representation No. 18 dated the 18th March 1937 addressed to the Agent to the Governor General for the Deccan States and Resident at Kolhapur on the above subject and to inform you that the Resident for Kolhapur and the Deccan States has requested me to kindly communicate to you the following orders :—

2. "The printed matter which has been brought together and submitted by the Jahagirdar in the form of a memorial amounts to something which might be more properly termed an omnibus memorial, combining as it does all his grievances dating from 1930 onwards, grievances which have already in some cases formed the subject of memorials, some of which have been already decided, others of which are still pending and others again which have still to be decided by the Darbar. Into some of these grievances the question of limitation must undoubtedly enter. I am not disposed to entertain an omnibus memorial in the form in which I have now received it, and, if so advised, the Jahagirdar may submit separate representations on each of the matters referred to therein, unless this has already been done, addressing himself to the proper authority in the first instance in accordance with the prescribed procedure."

3. The date of the receipt of this letter may please be communicated to me.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/—D. A. SURVE,
Prime Minister of Kolhapur.

Recd. 2-8-40
Sd/—V. R. P. }

Accompaniment to Representation No. dated December 1941, addressed to H. E. the Crown Representative in India.

Secretary to the Jahagirdar of Ichalkaranji.

Appendix B.

Subject—Representation No. 26 dated the 30th March 1940 addressed to the Resident by the Jahagirdar of Ichalkaranji re: undue interference in the internal administration of the Jahagir and the deleterious effects of the transfer of supervision.

Confidential.

No. 410/P/FD of 1941.
Prime Minister's Office,
Kolhapur, 2nd July 1941.

From,
The Prime Minister of Kolhapur.
To,
The Jahagirdar of Ichalkaranji.
Sir,

I have the honour to refer to your Supplementary Memorial No. 26 dated the 30th March 1940 addressed to the Resident for Kolhapur and the Deccan States on the above subject and to convey his reply to you in the following terms :—

“ This memorial which, as the Jahagirdar himself states, is supplementary to his Memorial No. 18 dated the 8th of March 1937, gathers together, so as to form a consolidated grievance, a large number of items of which represent alleged acts of commission or omission on the part of the Darbar. As the Jahagirdar seeks to prove, when taken in the aggregate, these constitute an indictment against the Kolhapur Darbar. The Jahagirdar has therefore asked for a reassurance from the British Government to the effect that (1) the Jahagir's separate entity will be fully recognised by the Darbar, (2) that there will be no minute and undue interference in the everyday administration of the Jahagir, and (3) that the guarantees given by the British Government for the preservation of his rights, dignities and privileges will be scrupulously respected by the Darbar. The observations which I passed on the Ichalkaranji Jahagirdar's Memorial No. 18 dated the 8th of March 1937 apply with equal relevancy to the Memorial now under examination. The specific relief which the Jahagirdar now seeks by the presentation of this heterogeneous collection of grievances is the eliciting of a renewed assurance from the British Government on the lines indicated above. I am not prepared to concede that the position as disclosed to me necessitates the renewed expression of all those assurances which still hold good vis-a-vis the Jahagirdar.”

2. The date of the receipt of this communication may please be intimated to me.

I have the honour to be,
Sir,
Your most obedient servant,
Sd/—D. A. SURVE,
Prime Minister of Kolhapur.

Recd. 3-7-41. }
Sd/—M. V. L. }

Accompaniment to Representation No. dated December 1941, addressed to H. E. the Crown Representative in India.

Secretary to the Jahagirdar of Ichalkaranji.

Appendix C.

Confidential

Subject :—**Relations between the Kolhapur
Darbar and its Feudatories.**
No. 205 of 1929.

From,

Major L. E. Lang, C. I. E., M. C.,
Resident at Kolhapur and Political Agent,
S. M. C. States.

To,

The Jahagirdar of Ichalkaranji.

Kolhapur Residency & S. M. C. States
Political Agency.
Kolhapur, 7th December 1929.

Sir,

I have the honour under instructions from Government to inform you that after careful consideration of the case and of the representations submitted by the Kolhapur Feudatories, the Government of India, with the previous approval of His Majesty's Government, are pleased to accept the proposal of the Kolhapur Darbar that the control over its Feudatories which the British Government has continued to exercise under the Agreement of 1862 should now be transferred to it,

- (a) Subject to the limitations and safeguards contemplated in the accompanying draft Notification; and
- (b) Provided that the conditions of the existing Thailis should remain in force so long as the individual Jahagirdars who may object to their alteration continue to hold their respective Jahagir and abide loyally by the conditions imposed on them.

2. A copy of the revised Notification with the Rules appended as sanctioned by the Government of India, with the previous approval of His Majesty's Government, are forwarded for information.

I have the honour to be,
Sir,
Your most obedient servant,
(Sd). L. E. LANG, MAJOR,
Resident of Kolhapur.

Accompaniment to Representation No. dated December
1941, addressed to H. E. the Crown Representative in India.

Secretary to the Jahagirdar of Ichalkaranji.

DRAFT NOTIFICATION

(Issued by the Kolhapur Darbar as Notification No. 1, Political Department, dated 31st May 1930).

Whereas the Government of India has been pleased to transfer to the Government of His Highness the Maharaja of Kolhapur the primary exercise of the power of supervision which it had retained "in some degree" over the nine Jahagirdars of the Kolhapur State by Article 8 of the Agreement of 1862 ; and

Whereas the Government of His Highness the Maharaja of Kolhapur as a consequence of the transfer becomes responsible to the Government of India for the strict observance of any assurances or promises which have been given or made to the nine Feudatory Jahagirdars by the Government of India and Bombay at or subsequent to the signing of the Agreement of 1862 ; and

Whereas the Government of His Highness the Maharaja of Kolhapur is determined to maintain a scrupulous respect of the rights, dignities and privileges of the nine Feudatory Jahagirdars, recognised as entitled to be exercised and to be enjoyed by them in accordance with the terms of the Agreement of 1862, or of such rights, privileges or dignities, as have, since the Agreement of 1862, been adjudged by the Governments of India or Bombay to belong to the nine Feudatory Jahagirdars ; and

Whereas His Highness the Maharaja of Kolhapur is pleased as a special favour to mark his appreciation of the loyalty and good administration of his Feudatory Jahagirdars by conferring upon them certain additional powers herein below mentioned ;

Now, therefore, the Government of his Highness the Maharaja of Kolhapur has thought fit to issue this Notification declaring

(1) That no alteration in the terms of the Thaili of Investiture at present in the possession of any of the nine Feudatory Jahagirdars will be made during the life-time of the holder of the Thaili, without his consent, except with the approval of the British Government.

(2) That the terms of all Thailis of Investiture which have been given or which may in future be given will be scrupulously observed.

(3) That all decisions which have been passed or which may be passed, or advice which has been given or which may be given, by the British Government or the Resident at Kolhapur on all matters appertaining to the rights, privileges and dignities of the Feudatory Jahagirdar will be scrupulously respected.

(4) That it has been decided by Government that the powers of supervision at present exercised by the Resident in co-operation as far as circumstances permit with His Highness the Maharaja, under Article of the Agreement of 1862, will now primarily be exercised by the Government of His Highness, but the Feudatory Jahagirdars may rest assured that there will be no undue interference in their internal administrations.

(5) That all Feudatory Jahagirdars shall, as heretofore, continue to exercise full control over their ordinary internal revenue administration and that no regular appeal shall lie to the Government of His Highness the Maharaja of Kolhapur against any orders passed by such Jahagirdars in the ordinary exercise of their revenue jurisdiction. That in the exercise of the suzerain powers of His Highness the Maharaja of Kolhapur it is deemed expedient in the interests of good government to entertain from the subjects of all Feudatory Jahagirs applications for a political revision only of any decision or order passed by any Feudatory Jahagirdar in the ordinary exercise of his revenue jurisdiction only after such subjects have exhausted the remedies open to them in the Jahagir Courts.

That these applications will be dealt with politically by His Highness the Maharaja and if on enquiry they reveal cases of gross injustice, perversity, or oppression, then only will interference be exercised in the form of advice to the Feudatory concerned.

(6) That all Feudatory Jahagirdars at present exercising the criminal powers mentioned in Article 8 of the Agreement of 1862 shall continue to exercise such powers in accordance with the terms of their Thailis or in accordance with any decisions passed by the British Government. Such interference in accordance therewith as may be necessary will be exercised only by the High Court of His Highness the Maharaja.

That such Feudatory Jahagirdars as may be at present exercising or may hereafter be invested with enhanced criminal jurisdiction shall continue to exercise such jurisdiction in accordance with the terms under which such enhanced powers have been given or which may in future be given.

That in the case of Feudatory Jahagirdars who have in the past or may in future be exempted from the High Court supervision of His Highness' Government, it is deemed expedient by the Government of His Highness to entertain from the subjects in the Jahagirs applications for political revision only of any final decision or order passed by the Jahagirdars in the exercise of their criminal jurisdiction.

(7) That the five Feudatory Jahagirdars of Vishalgad, Bavda, Kagal Senior, Ichalkaranji and Kagal Junior shall exercise the civil jurisdiction of District Judges as regulated by the Civil Courts Act 14 of 1869 and the Civil Procedure Code in force in the Kolhapur State in accordance with the decision of the Government of Bombay contained in their Resolution No. 7512, dated the 28th November 1892.

That the remaining four Feudatory Jahagirdars shall exercise the powers of Subordinate Judges of the First Class as are regulated by the Civil Courts Act and the provisions of the Civil Procedure Code in force in the Kolhapur State, and the resolution referred to above.

That such Feudatory Jahagirdars as may be at present exercising or who may hereafter be invested with enhanced civil jurisdiction shall continue to exercise such jurisdiction in accordance with the terms under which such powers have been given.

(8) That in the event of its being necessary owing to mal-administration or any other cause to withdraw any of the guaranteed rights, dignities, powers or privileges to which a Feudatory Jahagirdar is entitled to or to debar from succession to the Jahagir the heir-apparent or any

other member of the family of such Feudatory Jahagirdar, who according to law and custom is entitled to succeed, the matter will be decided with the previous approval of the British Government. That action under this clause will only be taken under very special circumstances and when such action is contemplated, the Feudatory or his heir complained of shall be informed of the case made out against him and shall be given every opportunity of being heard by His Highness and the Resident before the matter is finally referred to Government.

(9) That in the event of it being necessary owing to mal-administration, disloyalty or any other cause to withdraw any of the rights, dignities, powers or privileges which have been granted to a Feudatory Jahagirdar by His Highness to be enjoyed during the life-time of such Jahagirdar or during the pleasure of His Highness, a full enquiry will be made by a Special Commission appointed by His Highness if so desired by the Jahagirdar, which commission shall be composed of the Chief Judge of His Highness' Government and two persons of high status of whom one shall be a person selected by the Feudatory Jahagirdar concerned.

(10) That no change or modification of the present procedure by which suits against the Feudatory Jahagirdars personally are disposed of by the Joint Court of His Highness and the Resident at Kolhapur will be made except with the approval of the British Government.

(11) That during the period of minority of a Feudatory Jahagirdar his guardianship shall vest jointly in His Highness and the Resident at Kolhapur. Such minority will ordinarily terminate when a Feudatory Jahagirdar reaches the age of 20, and will not be prolonged without the consent of the British Government.

That his education and administrative training shall be conducted in accordance with the practice in vogue in the Political Department of the Government of India and with due regard to the wishes of the late Jahagirdar, if any, concerning the education and training of his successor. That on attaining majority, a minor Feudatory Jahagirdar will be invested with the guaranteed powers enjoyed by his father or the last holder of the Jahagir subject to his accepting and strictly conforming to the conditions laid down in his Thaili of Investiture which conditions will be drawn up in consultation with the Resident at Kolhapur and approved of by the British Government.

(12) That during the period of minority of a Feudatory Jahagirdar the administration of his Jahagir shall be conducted by the Government of His Highness the Maharaja acting in close co-operation with the Resident at Kolhapur.

That in order to meet the wishes of his Feudatory Jahagirdars and to remove from their minds any possible anxiety with regard to the management of a minority administration, the Government of His Highness the Maharaja will be prepared to allow the revenue and judicial administrations of the minority Jahagirs to be conducted as far as is consistent with the interests of the Jahagirs as separate entities.

That the wishes of Feudatory Jahagirdar as expressed by will or Testament with regard to the care and maintenance of his family and dependents and also for the conduct of the minority administration will as far as possible be respected.

(13) That for the consideration of the introduction of legislation into the Feudatory Jahagirs and to advise His Highness on questions appertaining to the Jahagirs His Highness the Maharaja will create an *Advisory Council of Feudatory Jahagirdars*.

That the constitution of this Council will be settled with the approval of the British Government.

That this Council will consider all proposed legislation and all questions regarding the general fiscal policy of the State in so far as such policy affects the interests of the Feudatory Jahagirs.

That in the event of any Feudatory Jahagirdar feeling aggrieved by any law or decision passed (or proposed to be passed) by the Government of His Highness, after obtaining the views of the Feudatory Council, such Jahagirdar may, if so advised, approach the British Government to advise the Government of His Highness to modify, alter or repeal the law or decision passed (or to refrain from passing it) and the Government of His Highness will be prepared to accept any advice which the British Government may desire to give to His Highness on the question under consideration.

(14) That in the event of any Feudatory Jahagirdar being dissatisfied with any orders passed by His Highness the Maharaja which in the opinion of the Jahagirdar contravenes any assurance or promise contained in any Notification issued by the Government of His Highness or which contravenes any of the terms of his Thaili of Investiture or any of the decisions of the Resident at Kolhapur or of the British Government or their interpretation thereof, the said Jahagirdar shall have the right of submitting a representation to His Highness which representation may, if His Highness so desires, be forwarded for the opinion of the Feudatory Council.

That such Jahagirdar, if dissatisfied with the orders of His Highness passed on his representation, shall have the right of further representation to the British Government; and the Government of His Highness will be prepared to accept any advice the British Government may be prepared to give on the question under representation.

(15) That in view of the fact that His Highness' Government will henceforth primarily exercise supervision over its Feudatory Jahagirdars, it is the pleasure of His Highness' Government to declare that the supervision will be exercised as far as possible in the same manner as has hitherto been followed by the British Government in relation to such Feudatory Jahagirs and in accordance with rules for the exercise of the controlling jurisdiction vested in His Highness which are appended to this Notification.

(16) That it is the desire of the Government of His Highness to pursue with the Feudatory Jahagirdars a policy of generosity, trust, confidence, and support which will ensure to the Feudatory Jahagirdars the advancement of their respective Jahagirs to the fullest possible extent.

That in pursuance of this policy His Highness has in the past been pleased to enhance the civil and criminal jurisdictions of such Feudatories as were in the opinion of His Highness deserving of such enhancements.

That in further pursuance of this policy His Highness will be again prepared to consider such further extensions of the powers of his loyal Feudatory Jahagirdars as may be in the interests of good government when he is satisfied that the efficiency and adequacy of their administrative machinery admit of such extension.

(17) That His Highness is confident that the future administration of the Feudatory Jahagirdar will be conducted with a spirit of co-operation, confidence and loyalty and that under these arrangements good government, peace and prosperity will bring contentment and happiness to the subjects of the Kolhapur State committed to the charge of the Feudatory Jahagirdars.

Accompaniment to Representation No. dated December 1941, addressed to H. E. the Crown Representative in India.

Secretary to the Jahagirdar of Ichalkaranji.

Rules for the exercise of the powers of supervision to be exercised by the Government of His Highness over the Feudatory Jahagirdars of Kolhapur.

1. All applications regarding or for the exercise of these supervisory powers will be preferred to His Highness the Chhatrapati Maharajasahab of Kolhapur.

2. In the exercise of its supervisory jurisdiction His Highness' Government will be guided by the principles that it will not interfere in trifling matters of administration or jurisdiction, that it will not sit as a regular court of appeal and will not exercise its power of advice merely because it disagrees with the decisions or orders passed by the Jahagirdars. The Government of His Highness will take action only if such Government is clearly of opinion that the decisions are perverse, unjust or oppressive. It will rest with the Government of His Highness to determine, when an application is made to exercise its power of revision, whether the matter is one upon which it is necessary to take action. If it decides not to do so, it will reject the application recording briefly its reasons for doing so.

3. On receipt of the application the Political Member of His Highness' Council may, if the application is not summarily rejected, under the orders of His Highness, require the applicant to furnish certified copies of any document in the case for perusal with the application and may, under the orders of His Highness, send for the whole or any part of the record of the case. He will report to His Highness if any case has been made out for enquiry and if His Highness decides to enquire into the case, the application will be numbered and entered in a separate register kept for this purpose. His Highness will then order that the record and proceedings of the case be called for if this has not already been done. No application will be entertained which is not accompanied by a certified copy of the decision or order to which it relates, unless the absence of such copy is satisfactorily accounted for.

4. In every case which His Highness decides to inquire into, the application will be forwarded to the Political Member of His Highness' Council for his opinion or for the opinion of the Council. The Political Member shall fix a day for the hearing of the application, of which both or all the parties to the case or their pleaders shall be informed. The date so fixed may, if necessary, be from time to time adjourned. On the day on which the hearing takes place, the proceedings shall be held and recorded with the regularity and formality of a judicial proceeding. The Jahagirdar may, if he so desires be present himself at the hearing or be represented by his Karbhari, and shall be entitled to be supplied with copies of the proceedings on payment of the fees prescribed for such copies. After the hearing is complete, the Political Member will report the result of the enquiry to His Highness who will decide what steps should be taken on the application. No judgment or decree will be recorded but if His Highness decides not to interfere with the Jahagirdar's decision or order to which the application relates, he shall briefly record the reasons for his decision. If His Highness decides to advise the Jahagirdar to annul or vary his decision or order, His Highness will instruct the Political Member to communicate His Highness' advice to the Jahagirdar in a separate letter of which a copy shall be recorded in the proceedings.

5. Rules 3 and 4 apply to all cases whether civil or criminal or relating to other branches of administration. Except in criminal cases His Highness' Government will not take any action otherwise than upon revisional application made in this behalf by a party to the case. In criminal cases His Highness' Government may call for the record and proceedings *suo motu*, and may review and advise the Jahagirdar upon cases so called for, without hearing the parties.

This rule is not intended to annul or limit the powers already possessed by any of the Jahagirdars including the exemption in certain cases from High Court supervision,

6. Unless for very exceptional reasons which shall be stated in the order, no application will be entertained under rule 3, unless it is presented within 60 days from the date of the decision complained of.

7. In cases in which a Jahagirdar feels entitled to make a representation to His Highness against any advice given or order passed in the exercise of the supervisory jurisdiction, he will be required to submit his representation within 60 days from the date of the receipt of the advice or order.

8. A Jahagirdar who desires to make a representation against any advice of His Highness' Government shall be required to do so within 90 days of the date of the receipt of the advice given by his presenting a written representation to His Highness to be forwarded to the Resident at Kolhapur. Pending the disposal of his representation by the Resident at Kolhapur or the British Government, the Feudatory Jahagirdar will be permitted to defer from acting upon the advice given; but in the event of His Highness' Government considering that immediate compliance with such advice is essential and that failure to render immediate compliance may result in gross injustice, the Jahagirdar will be required to carry out the necessary advice of His Highness' Government. The immediate compliance by the Jahagirdar concerned with such advice will not in any way prejudice the rights of the Jahagirdar in his representation to the Resident.

9. In order to promote harmony and a prompt disposal of applications under these rules, each Jahagirdar should issue instructions to secure prompt despatch of all records and proceedings and the furnishing without unnecessary delay of any information or explanation called for by the Political Member of His Highness' Government for the purposes of these rules. Certified copies of the judgments and other material papers on the record of any case should also be furnished without delay to any party to such cases who intends to apply to His Highness' Government under these rules to review that case.

Accompaniment to Representation No. dated December 1941, addressed to H. E. the Crown Representative in India.

Secretary to the Jahagirdar of Ichalkaranji.

Appendix D.

The Residency, Kolhapur,
August, 3rd, 1932.

Dear Mr. Goheen,

Will you kindly refer to your letter of April 11th 1932, and to my reply dated April 12th. Since then I have had time for studying the transfer of control case. In the Notification published by the Kolhapur Darbar with the approval of the Government of India, it was settled that present Thailis should remain unaltered in the cases of the Jahagirdar of Ichalkaranji and certain others. This means that the degree of supervision exercisable by the Resident as indicated in the Jahagirdar's Thaili of Investiture, remains as it was before the announcement regarding the transfer of supervision to His Highness the Maharaja was made. To this extent I write to modify my letter of April 12th.

Will you kindly forward to the Jahagirdar the letter I enclose with this? I am not sure of his address in England. I trust that all goes well with you and that you are not encountering any insurmountable difficulties.

Yours sincerely,
Sd./- H. WILBERFORCE BELL.

To,

J. L. Goheen, Esq.,
Administrator, Ichalkaranji.

Accompaniment to Representation No. dated December 1941, addressed to H. E. the Crown Representative in India.

Secretary to the Jahagirdar of Ichalkaranji.

Appendix E.

The Residency, Kolhapur Deccan,
August 3rd, 1932.

My Dear Jahagirdar Sahib,

Will you kindly refer to my letter, dated April 12th, in reply to yours of April 6th to Col. Lang?

As a result of closer study of the subject, I find it is necessary to modify in some respect the position as I gauged it to be on taking over charge of this Agency.

As was announced in 1930, the Thailis of those Jahagirdars then exercising powers of their Jahagirs are to remain operative during the life-time of those Jahagirdars. This means that the degree of supervision vested in the Resident under your Thaili remains as it was before the announcement was made.

I have asked Mr. Goheen to forward this letter to you as I am not sure of your address in England.

I hope you have much improved from your stay in Europe.

Yours sincerely,
Sd./-H. WILBERFORCE BELL.

To,

**Meherban Narayanrao Govindrao,
Babasaheb Ghorpade,
Jahagirdar of Ichalkaranji.**

Accompaniment to Representation No. dated December 1941, addressed to H. E. the Crown Representative in India.

Secretary to the Jahagirdar of Ichalkaranji.

Appendix F.

The Residency, Kolhapur,
12th April 1932.

DEAR MR. GOHEEN,

If you wish to pay me a private call, I shall, of course, be delighted to see you and make your acquaintance at 1-45 p. m. Your letter suggests however, since you make it an official one—that you wish to discuss with me affairs connected with the ordinary administration of Ichalkaranji. Since, by the Government of India's recent decision, the primary supervision over the Feudatory Jahagirs has been restored to His Highness the Maharaja, their suzerain, such affairs cannot well form a subject of discussion between us. It is a fact, of course, that the Jahagirdar has appealed against the Government of India's orders, but until those orders are set aside or otherwise modified, their spirit, as well as their letter, is binding upon me.

Yours sincerely,
Sd./-H. WILBERFORCE BELL.

To,

J. L. Goheen, Esquire,

Adviser to the Jahagirdar of Ichalkaranji.

Accompaniment to Representation No. dated December 1941, addressed to H. E. the Crown Representative in India.

Secretary to the Jahagirdar of Ichalkaranji.

Appendix G.

Confidential.

The Residency, Kolhapur,
August, 26th, 1932.

DEAR MR. GOHEEN,

Please refer to your letter dated August 25th. Please send in your Memorial if you wish. You have very little option in the matter, so far as I can tell, and there is no reason why you should not act similarly to other Jahagirs, if you wish to do so. The Memorial will receive similar treatment with theirs.

As regards the other matter, I have read carefully your note, which appears to be well, lucidly and fittingly expressed. I note that in your letters No. 71 and 72 dated August 17th, you asked the Prime Minister for an interview, and I understood when we discussed the matter, that at the interview—which presumably you would obtain—you would point out to the appropriate article in the Jahagirdar's "Thaili" and demand a reference on the point to the Resident. It has since occurred to me that the Darbar might hold that the Thaili is a personal one to the Jahagirdar only. This would be true, but it would not alter the supervisory position of the Resident under it, and to that supervisory position you can appeal. But I think that you would find it easier to make the appeal to the Resident's supervisory position through the Darbar—whether in conversation or in writing. Such an appeal could not be ignored, and if it were ignored you would have very strong grounds for complaint. Will you please let me know the result of your interview?

Yours sincerely,
Sd/- H. WILBERFORCE BELL.

To,

J. L. Goheen, Esquire,

Administrator, Ichalkaranji.

Accompaniment to Representation No. dated December
1941, addressed to H. E. the Crown Representative in India.

Secretary to the Jahagirdar of Ichalkaranji.

Appendix H.

Draft Letter from the Political Agent, Kolhapur and Southern Maratha Country, to Rao Saheb Narayanrao Govind alias Babasaheb Ghorpade, Chief of Ichalkaranji.

AFTER COMPLIMENTS.

In your letter dated 30th November 1891, you expressed your desire to take over charge of your Estate. I have taken the orders of Government on your wishes and they have now authorised me to say that they are glad to comply with them, subject to your acceptance of and in conformity to the conditions which I am now to communicate.

2. During your minority, the Estate has been well managed by the Kolhapur Darbar, under the supervision of the Agency; the revenue of the Chiefdom has increased from Rs. 2,09,500 in 1875-76 to Rs. 2,24,500 in 1890-91. An excellent system of administration has been built up. A fine palace for your residence has been constructed at Ichalkaranji. Several works of public utility, such as roads, bridges, school houses, dispensaries, water-works, etc., have been carried out and every improvement, which the income of the Jahagir could allow, has been effected. Notwithstanding the very considerable outlay, thus involved, there still remains even after excluding the succession Nazarana, a balance to the extent of about Rs. 35,000 in Government securities which we now have the pleasure to hand you. You have been given an excellent education at no little cost, winding up with a tour in Northern India, so that as far as has been possible, your guardians have done for you all that lay in their power. I am to express the hope of the British Government that you will maintain the administration in the same efficient condition in which it is handed over to you.

3. Article 8 of the Treaty of 1862 between the British Government and the Kolhapur State defines the position in which you stand to the British Government and to the Kolhapur Darbar; and the superior or residuary criminal jurisdiction is therein defined and made to rest with the British Government. You will therefore be able to try, or, with the aid of your Karbhari, to dispose of all Criminal cases punishable under the Indian Penal Code, with imprisonment upto seven years. Offences involving longer terms of imprisonment, transportation or death and hence adjudicable by the Political Agent, or cases which in the course of inquiry are found to fall in that category are, if a case *prima facie* is supported by credible evidence, to be committed to the Court of the Political Agent for trial. In the event of Government having reason to doubt whether, in any case, justice is being properly administered, you will attend to such advice as the Political Agent may see fit to give you and at all times, submit such records of proceedings as the Political Agent may call for.

4. Any Civil cases against you personally will be tried by a Joint Court consisting of the Political Agent and a representative of the Kolhapur Darbar appointed by it. All other Civil cases arising in the Ichalkaranji State will be tried by you, subject to supervision on the part of the British Government represented by the Political Agent and to any orders they may hereafter issue authorising the Kolhapur Darbar to

exercise appellate powers in any class of civil cases, the extent whereof will be communicated to you.

5. The jurisdiction over the Police vests in you; but it is the desire of Government that you should so organise and administer the force that it may effectually maintain order and promote justice. You are required to surrender, on demand, fugitive criminals from other parts of Kolhapur, as well as those demanded for extradition by the British Government. The organisation of your police must be such as to repress offences against both the Jahagir and the State laws and the Kolhapur State Police must have the power to follow up, in hot pursuit or in cases of emergency, criminals escaping from Kolhapur into your territory. In the event of doubt as to whether a case is one of emergency, the decision of the Political Agent shall be final.

6. The ordinary internal administration of the revenue will be under your control, subject to the general supervision of the Political Agent and to a strict obligation that you are not to encumber your Estate beyond your life interest in it or to alienate any portion of your Jahagir without the consent of the Government. As a branch of the revenue administration, you would have power to administer your forests; but you will understand that it is only reasonable that you should assist, to the best of your powers, the suzerain State in its forest arrangements; and in this matter, as occasion may require, the Political Agent will advise you. You will have to submit to general measures of customs, excise and opium, in which the State of Kolhapur is already doubly interested, not only in its own account but also on account of its engagements with the British Government. The proceeds of the toll bar at Ajra on the Gadhinglaj-Sankeshwar road will, as hitherto, be divided in equal moieties between you and the Kolhapur Darbar. As hitherto the sum of Rs. 2,000 will have to be paid by you annually towards the maintenance of the Military force of the Kolhapur State. The amount sanctioned by Government in 1876 on account of succession Nazarana due by you to the Kolhapur State on assuming charge of the Jahagir is Rs. 85,000,

7. Government advise you to retain the present Karbhari for three years but thereafter you are free to appoint your own Karbhari subject only to the approval of your nomination by Government. If, however, before the expiration of three years you should desire to remove your Karbhari, you may submit your views to the Political Agent. As regards other subordinates, who are servants of the Kolhapur State, it will be incumbent on you to give that State a reasonable notice of reversion say six months; but otherwise you will be free to choose your own servants.

8. All the laws and body of rules introduced during your minority and now in force must be maintained; and all orders passed during your minority must be respected and not altered without the approval of the Political Agent having been first obtained. Whenever the Kolhapur State enacts a new law applicable to the Feudatory Estate, it will come into force in your Estate, if the Political Agent sanctions it with the permission of Government previously obtained.

9. If cases arise in which further submission on your part is required by the Kolhapur Darbar, they have a right to represent their views to the Political Agent, who in exercise of the powers of the supervision

conferred upon him by the Treaty, will decide whether the circumstances justify such request.

10. The Political Agent will always, as occasion may arise, have the power of calling for any cases in exercise of his powers of supervision and should he think fit, he will empower the Council of Administration of Kolhapur to enquire into the same and favour him with their opinion. The final determination however will rest with the Political Agent. But you may rest assured that minute interference in the internal administration will not be permitted, and the Government only desire that you should govern well and with due regard to the seignorial rights of the Kolhapur State.

11. Such generally are the terms which the British Government acting in concert with the Kolhapur State thinks fit to lay down and if in any respect you require further explanation of them, I am ready to afford it.

12. I am confident that you will in every respect comport yourself towards His Highness the Raja and the Darbar with all the respects due from a Feudatory Chief to his suzerain and I trust that you may live many years and rule your Estate with justice and moderation ensuring the content and prosperity of your subjects.

Your investiture will take place at the hands of the Kolhapur Darbar in my presence and a suitable date will hereafter be fixed in communication with yourself.

(Sd.) C. WODEHOUSE, COLONEL,
Political Agent, Kolhapur and S. M. C.

Accompaniment to Representation No. dated December 1941, addressed to H. E. the Crown Representative in India.

Secretary to the Jahagirdar of Ichalkaranji.

Appendix I.

Paragraph 8 of the Darbar's Notification No. 2, Political Department, dated 26th April 1935, issued by His Highness the Chhatrapati Maharajasaheb of Kolhapur on the Ajra Firing Inquiry.

8. "On a consideration of the report as a whole, His Highness accepts all the recommendations contained therein and can arrive at the one conclusion possible; that the officials of the Jahagir have failed in the proper discharge of their duties and that had they acted with precision and calculated deliberation they could certainly have avoided the terrible catastrophe which befell His Highness' subjects in Ajra on the 8th of January. The gravity of the offence of these officials is the more serious when it is borne in mind that women and children were interspersed in the mob and the officials seem to have little realised the fateful steps they were resorting to. His Highness realises that this conduct on the part of the officials calls for a censure of the administration of the Ichalkaranji Jahagir. The Jahagirdars of the State are permitted to exercise certain Revenue, Judicial and Administrative powers for the definite purpose of the convenience and the primary control over such departments is of necessity centred in them and they are considered as the intermediate guardians of His Highness' subjects in those Jahagirs. The present is a case in which it has been undeniably established that the officials employed by the Jahagirdar to carry out these delegated responsibilities have shown their incapacity of shouldering the trust which was reposed in them. In such circumstances it is necessary that His Highness must employ means as would ensure for the future no such repetitions, and that those who have been responsible for the deplorable incident of the 8th January 1935 should be adequately punished."

Accompaniment to Representation No. dated December 1941, addressed to H. E. the Crown Representative in India.

Secretary to the Jahagirdar of Ichalkaranji.

Appendix J.

No. 284 of 1933.
Prime Minister's Office,
Kolhapur, 15th December 1933.

From,

The Prime Minister of Kolhapur.

To,

The Jahagirdar of Ichalkaranji.

Sir,

I have the honour to refer to letter No. 89, dated 29th August 1933, from the Administrator of Ichalkaranji and under instructions from His Highness the Chhatrapati Maharajasaheb to inform you that under Notification No. 3, dated 7th April 1905, the Government of His Highness is the only central authority to regulate the traffic in arms and ammunition in the whole of the Kolhapur State including the Feudatory Jahagirs.

2. The Feudatory Jahagirdars of Kolhapur do not enjoy any inherent powers. They are allowed to exercise such powers only as are delegated to them by the Darbar. Under Section 2 of the Sub-rules of the Notification No. 4, dated 13th May 1905, the concession granted by the Darbar in favour of the Police Officers and Magistrates in the Feudatory Jahagirs, being considered inexpedient, has been withdrawn by the Darbar under Notification No. 11, dated 8th August 1933.

3. The Darbar is responsible for the proper working of the Arms Rules in the entire State and consequently it has been considered expedient that they should regulate the traffic of arms and ammunition in the whole of the Kolhapur State including the Feudatory Jahagirs.

4. In the circumstances I have to inform you that the orders of the Darbar communicated under my Nos. 138 and 153, dated 3rd August 1933, are final.

5. As regards the withdrawal of exemption of arms licence, etc., granted to you personally under Rule 29 of the Schedule A of the Kolhapur State Arms Rules of 1905, I have the honour to state that the Administrator's reference to your being a First Class Sardar in British India has nothing to do with your status as a Feudatory Jahagirdar of the Kolhapur State. You stand on a footing of equality with the other Jahagirdars mentioned in Article 8 of the Agreement of 1862.

6. The effect of the withdrawal of exemption is that your case has been drawn into the category of those Sirdars etc. who have been enumerated in the Schedule under Rule 8 attached to Darbar Notification dated 22nd July 1922 published under the signature of the Huzur Chitnis R. J. Branch. It follows therefore that you will have to apply to the

Darbar for possessing Arms and Ammunition the only concession being that you will be permitted to possess any number of Arms etc. at the discretion of His Highness the Chhatrapati Maharajasaheb without pay-

I have the honour to be,
Sir,
Your most obedient servant,
Sd/- D. A. SURVE,
Prime Minister of Kolhapur.

Recd. 19-12-33.
Sd/- G. D. K.

Accompaniment to Representation No. dated December 1941, addressed to H. E. the Crown Representative in India.

Secretary to the Jahagirdar of Ichalkaranji.

Appendix K.

Urgent Please.

Subject :—Delegation of Powers.
No. 84 of 1941.

Jahagirdar's Office,
Camp Poona, dated $\frac{8\text{th}}{11\text{th}}$ September 1941.

From,

**Meherban Narayanrao Babasaheb
Jahagirdar of Ichalkaranji.**

To,

**The Resident for Kolhapur and the Deccan States,
Kolhapur.**

Sir,

I have the honour to appeal to you against the orders* of the Kolhapur Darbar communicated to me in Prime Minister's letter No. 1061/P/FD dated 4th September 1941, rejecting my representation† on the subject noted above.

* See Enclosure A.

† See Enclosure B.

I submitted the representation in pursuance of a suggestion which I understood you to make on the occasion of my interview with you on the 9th of August last, so that the way might be cleared for the appointment by me of a "locum tenens" with the Darbar's sanction.

2. My position is fully explained in my representation to the Darbar and I need not recapitulate here the arguments which I have advanced in it. I humbly trust that it may be possible for an early decision to be reached on this appeal, so that I may be enabled to gain the relief from administrative burdens which I sorely need, by obtaining with the Darbar's sanction the services of a well-qualified and competent officer.

I am already negotiating with possible candidates for the post, but if after I have found a suitable man, the Darbar reject my proposal for his appointment on the ground stated in the orders under appeal, namely that they are not prepared to accept the averments made by me in my representation as correctly stating either the facts or the Law, then the whole matter will be hung up indefinitely, pending my appeal against the Darbar's rejection of my proposal.

In the meanwhile, the candidate whom I may have selected will probably have found other employment and I shall have to begin the search all over again.

3. With reference to the Darbar's observation that my representation was made "merely to air the theories held by you on the subject and divorced from any concrete basis", I would respectfully point out that my representation has the concrete basis of the Darbar's orders in their letter No. 178 dated 9th of July 1935, addressed to Lt.-Colonel A. G. Frere as Administrator of Ichalkaranji. I submitted an appeal to His Excellency the Viceroy on the point in paragraph 15 of my Memorial No. 7 to the Government of India, dated 22nd January 1937, in con-

nection with what was known as the "Ajra Firing Enquiry", but I refrained from pressing the constitutional issue on that occasion because the severity of the Darbar's original orders in that case was mitigated by the clemency and generosity of His late Highness. I respectfully urge, however, that my right of appeal on the particular decision of the Darbar in the case of Lt.-Colonel Frere's appointment should not be considered to have lapsed because in the peculiar circumstances I withdrew my protest against the Darbar's orders penalising Jahagir officers for their conduct in the Ajra Firing Case. And I further submit that, in any case, since a constitutional issue of great moment to the Jahagir needs to be decided in the present emergency, the Memorial Rule regarding the period of limitation should not be rigidly applied. The Darbar's interpretation of the source and intrinsic nature of the Jahagirdar's powers must colour and determine their orders on many questions of vital importance to Ichalkaranji, and in my humble judgment the Government of India's transfer to the Darbar in 1930 of the "*primary* exercise of the power of supervision" does not in fact cover such an interpretation on a fundamental question of principle.

By the second clause of the preamble to the Transfer Notification of 1930 :—

"The Government of His Highness the Maharaja of Kolhapur as a consequence of the transfer becomes responsible to the Government of India for the strict observance of any assurances or promises which have been given or made to the nine Feudatory Jahagirdars by the Government of India and Bombay at or subsequent to the signing of the Agreement of 1862".

I have every confidence that His Excellency the crown Representative will be determined that this responsibility shall be scrupulously discharged and will hold that, in the quite special circumstances, no limitation rule is applicable.

I have the honour to be,
Sir,

Your most obedient servant,
Sd./- NARAYANRAO BABASAHEB,
Jahagirdar of Ichalkaranji.

Sd./-G. L. D.

Accompaniment to Representation No. dated December
1941, addressed to H. E. the Crown Representative in India.

Secretary to the Jahagirdar of Ichalkaranji.

Enclosure A

Subject :—Delegation of powers.

No. 1061/P/FD of 1941.

Prime Minister's Office,
Kolhapur, 4th September 1941.

From,

The Prime Minister of Kolhapur.

To,

The Jahagirdar of Ichalkaranji.

Sir,

I have the honour to refer to your representation No. 77 dated the 23rd August 1941 submitted to the Darbar on the subject noted above, and to state that, in raising this question in this fashion, apart from any concrete case or background to it, you appear to have acted on a misapprehension of what actually transpired, in the course of the discussion at the Residency on the 9th August last, referred to in paragraph 2 of your representation. What the Resident actually suggested then, so far as my appreciation of the interview goes, was that you should take up this question by way of appeal against any actual orders that may have been passed in the matter, with which you might feel dissatisfaction. He therefore simply intended to point out to you the legal course to be followed, in accordance with rules governing the matter, and did not in my view contemplate such a representation as this, made merely to air the theories held by you on the subject, and divorced from any concrete basis (such as an adverse order) for representing matters. Your present action therefore in submitting an academic representation to the Darbar does not justify them in taking it into consideration.

2. Under the circumstances, it is both unnecessary and superfluous to touch on any of the points whether of fact or of law raised in your representation, beyond indicating that your exposition thereof is not acceptable to the Darbar; neither are they prepared to accept the averments made by you as correctly stating either the facts or the law.

3. The Resident is also being informed accordingly.

A spare copy of your representation may kindly be forwarded to me by return.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/-D. A. SURVE,

Prime Minister of Kolhapur.

Recd. 5-9-41.

Sd/-G. L. D.

Accompaniment to Representation No. 84 dated $\frac{8\text{th}}{11\text{th}}$ September 1941, addressed to the Resident for Kolhapur and the Deccan States.

Sd/- G. L. DEODHAR,

Secretary to the Jahagirdar of Ichalkaranji.

Enclosure B.

Subject :—Delegation of Powers.

No. 77 of 1941.

Jahagirdar's Office,

Ichalkaranji, 23rd August 1941

From,

The Jahagirdar of Ichalkaranji.

To,

**The Prime Minister and President Executive
Council of the State, Kolhapur.**

Sir,

I have the honour to address you on the subject of delegation of my powers as Jahagirdar of Ichalkaranji to a "Locum tenens" on occasion arising.

2. As you will remember, during our interview with the Resident which you so kindly arranged on the 9th of August, he suggested that I should submit a representation on the question, which arose during discussion, namely, whether such a "locum tenens" appointed with the sanction of the Darbar should be held to derive his powers by delegation from myself or from the Darbar. I fancy that during the course of the conversation, you informed the Resident (in connection with the question of the powers of Mr. Sathe, new Sessions Judge at Ichalkaranji) of the Darbar's ruling that, since a Jahagirdar does not possess inherent powers, any delegation of his powers can only be made by the Darbar who granted them originally to the Jahagirdar, and that it is the right of the Darbar to impose any conditions on the exercise of such powers by the individual to whom they are delegated.

3. The Darbar's position is very plainly stated in the sub-joined extracts from a letter * which you addressed to Lt.-Col. A. G. Frere, as Administrator of Ichalkaranji, in 1935. They are as follows :—

"It was the Darbar who appointed an Administrator who was permitted by the Darbar to exercise powers etc., as defined in the order of his appointment. The Jahagirdar's connection with the Jahagir ceased as jurisdiction being personal and granted to another, the Jahagirdar's Thaili ceased to operate. At the time of your appointment you were permitted to consult the Jahagirdar in important matters. The wording of the order says "may" and not "shall". Therefore the question of consultation was optional and laid no limitation on your activities as Administrator. You exercise powers etc. under the direct supervision of the Darbar".

"(1) The Jahagirdar no longer exercises the powers granted to him in his Thaili.

(2) Powers which are for life are not inherent. Your reference "inherent in him for life" is inconsistent with the legal and political position under which the Jahagirdars exist.

During an absence of a Jahagirdar, his Thaili falls in abeyance and is redundant as all powers and functions of a Jahagirdar, in the above position, automatically revert to the Suzerain Darbar, the grantor of these powers, and the Darbar act without reference to the Thaili and paragraph 14* of the Darbar's Notification No. 1 dated 31st May 1930, P. D. begins to operate."

* This is perhaps a typographical error for paragraph 12.

As you are aware, I have at various times submitted protests on this subject, and in particular, I raised† in connection with what was known as the "Ajra Firing Enquiry," the question whether an officer appointed, with the Darbar's approval, to carry on the Administration during my temporary withdrawal, should be held to derive his powers by delegation from myself or from the Kolhapur Darbar. The severity of the Darbar's original orders in that case was, however, mitigated by the clemency and generosity of His late Highness the Chhatrapati Maharajasaheb on the occasion of the Coronation of Their Imperial Majesties, and I therefore withdrew my appeal, so that the constitutional points which I raised in it never came under the consideration of Government.

† See paras 8-15 of Memorial No. 7 to the Govt. of Iddia dated 22nd January 1937.

In compliance, however, with the Resident's expressed desire that the question should be raised and settled with a view to my relief from responsibilities, I now have the honour to submit this representation for a favourable consideration.

4. I will now briefly recapitulate certain events of the past which in my humble judgment have a bearing on the matter.

The Kolhapur Darbar issued a Circular Order‡ in 1909 enjoining upon Jahagirdars (who were described as "responsible for the proper exercise of the jurisdiction conferred on them") the necessity for informing the Darbar and the Political Agent of the arrangements made for carrying on the administration on any occasion of absence for a considerable period. It was intimated in Clause 5 of the Circular that when a Jahagirdar, being unable to discharge his duties owing to illness or otherwise, wants to seek relief from work by the appointment of an Administrator, he will have to apply for and obtain special sanction of the Darbar for the arrangements *he proposes to make* for the conduct of his administration during his absence from the Jahagir.

‡ See Ex. B.

On the various occasions when I was permitted to absent myself from the Jahagir, either on holiday or for reasons of health, between the years 1913 and 1934, the Darbar's orders were couched in the terms noted below:—

1913. "As desired by you, you have been allowed to go to England and until your return from your trip, *you have been allowed to delegate* your Civil, Criminal and Revenue powers to Raosaheb Deshpande whom you have recommended"§

§ See Ex. C.

1914. "With reference to your request, the Huzur has been pleased to order that *you are allowed to take rest for six months and to delegate* your Civil, Criminal and Revenue powers to Rao Bahadur R. M. Deshpande."§

§ See Ex. C.

1916. "With reference to your letters Nos. 265 and 266 dated 18-2-1916, stating that on account of your indifferent health you are required to go out of the Jahagir limits every now and then and on your

return you suffer from the pressure of work. For this purpose you propose to delegate your Civil and Criminal powers to your Karbhari Raosaheb B. K. Rashingkar and the Revenue powers to Raosaheb R. M. Deshpande the Huzur has been pleased to sanction the delegation of powers as requested by you in your letters under reply.**

* See Ex. C 2.

1919. "The Darbar's orders were that" you have been allowed to go on tour and to delegate your powers to Mr. Laxman Vishnu Joshi as requested."†

† See Ex. C 3.

1925. "With reference to your letter of request No. 52 dated 19-11-1924 stating that it is necessary for you to go to a foreign country for the recuperation of your health and therefore you should be allowed to delegate your powers to Raosaheb G. D. Kulkarni for one year, the Huzur has been pleased to order that the most important business that are submitted to the Huzur should come under your own signature. Except this, all other work (Judicial and the correspondence with the Darbar) should be carried on by Raosaheb G. D. Kulkarni as requested by you for one year as a special case."‡

‡ See Ex. C 4.

1926. The above delegation was again extended by the Darbar for a further period of three years on the same conditions, by the Darbar's order.§

§ See Ex. C 5.

1929. In response to my request, His Highness has graciously pleased to remove the restriction that I should myself sign "the most important business" and extended the delegation for a further period of two years.¶

¶ See Ex. C 6.

1932. "The powers you exercise are to be delegated to your nominee if and when his selection is approved by the Kolhapur Government. His Highness has, therefore, been pleased to direct that the revenue and general powers which you exercise at present should be exercised by Mr. J. L. Goheen who should in future be designated as Administrator. Mr. Goheen will exercise these powers subject to the general supervision of the Kolhapur Government. You state that you do not wish to be altogether divested of the responsibility of the administration of your Jahagir, therefore in order to meet your wishes as far as possible, Mr. Goheen will be instructed to carry on the general administration, as far as circumstances permit, in consultation with you while you are in or outside India."+

+ See Ex. C 7.

1934. Colonel Frere was appointed Administrator in succession to Mr. Goheen, and on that occasion the Darbar, instead of merely approving my selection as on other occasions, informed me that His Highness the Maharajasaheb had been pleased "to entrust the administration of the Ichalkaranji Jahagir to Lt.-Col. A. G. Frere"= and that he was to work under the direct supervision of the Darbar but might consult me in important matters. In November 1934, when Colonel Frere's appointment was confirmed, the Darbar again repeated that he was to work under the direct supervision of the Darbar, but said nothing about consultation with me.x

= See Ex. C 8.

x See Ex. C 9.

5. It will be seen from the above that while at first assenting readily and unconditionally to my request for being allowed to delegate my powers, or part of them, to approved nominees, of later years, the Darbar has imposed progressively stringent restrictions and qualifications in sanctioning delegations. In 1935, the culminating point was reached

when with reference to the Administratorship of Lt. Col. Frere, the Darbar uttered the ruling from which extracts have been quoted in paragraph 3 above, and formulated fully the theory, which I humbly regard as unsustainable, in regard to the severance of my connection with the Jahagir administration and the falling into abeyance of my Thaili, when an administrator has been appointed.

6. I earnestly desire that the administration of my Jahagir should, so far as possible, be homologous with and in every way as up-to-date as that of the Darbar, so that subjects residing in Ichalkaranji may not be handicapped for want of any administrative advantages or blessings of civilization that are enjoyed by their fellow subjects elsewhere. I also submit myself readily to the Darbar's orders that when a Jahagirdar seeks partial or temporarily, entire relief from work, the arrangements for carrying on the administration must be such as can be approved by the Darbar, and I acknowledge the desirability of a commonsense arrangement for the working of the Administrator, in some respects, under the Darbar's general supervision on any occasion when I may be absent from the Jahagir for a considerable period of time, as for instance, when I am travelling in a foreign country. But I respectfully protest against the assumption made by the Darbar that all powers and functions of an absent Jahagirdar automatically revert to the Darbar, that his Thaili falls into abeyance and that for the time being he loses all status and rights as a Jahagirdar. I am sure that this would be opposed to the interests of my Estate, and entirely unwarranted by the terms of my Thaili.

7. I humbly submit that the theory at the base of the Darbar's ruling is the contention that a Feudatory does not enjoy any inherent powers. This theory is set out not only in the extracts, already quoted from the Darbar's letter to Lt. Col. Frere, but in the following sentence which is quoted from an order* passed by the Darbar on the 26th April 1935 with reference to the Ajra Firing Enquiry.

* See paragraph 8 of the Darbar's Notification No. 2, dated 26th April 1935.

"The Jahagirdars of the State are permitted to exercise certain Revenue, Judicial and Administrative powers for the definite purpose of convenience, and the primary control over such departments is of necessity centred in them, and they are considered as the intermediate guardians of His Highness' subjects in those Jahagirs".

In another letter,† regarding the subject of Arms Licenses, the Ichalkaranji Administrator was informed by the Darbar in 1933 that:—

† See Prime Minister's letter No. 284, dated the 15th December, 1933.

"The Feudatory Jahagirdars of Kolhapur do not enjoy any inherent powers. They are allowed to exercise such powers only as are delegated to them by the Darbar".

8. The conception that a Jahagirdar is merely a local agent or representative of the Darbar, to whom is entrusted the duty of watching over the interests of Kolhapur subjects within a given area is, I submit, subversive of the terms of my Thaili which the Darbar, by Clause (2) of the 1930 Notification, has undertaken to observe scrupulously.

I need only refer to paragraph 3 of the Thaili, which says that "Article 8 of the Treaty of 1862 between the British Government and the Kolhapur State defines the position in which you stand to the British Government and the Kolhapur Darbar": to paragraph 10, which says that "you may rest assured that minute interference in the internal

administration will not be permitted" : to paragraph 12, which contains the phrase "rule your Estate with justice and moderation ensuring the content and prosperity of your subjects" : and to the detailed instructions in the Thaili regarding my judicial, revenue, police and other powers.

9. The Darbar put forward the theory once before, so early as 1891, with reference to the judicial powers of a Jahagirdar, when the terms of the Thaili of the Jahagirdar of Vishalgad were under discussion. It was then rejected very positively by the Government of Bombay in the following terms* :—

* See G. R. No. 6522 dated 27th August 1891.

"In conclusion, Government desire to notice the expression used in the 21st Paragraph, and elsewhere, of the letter from the President of the Council. The Diwan writes that ‡ the Chief, as a Feudatory, is bound to exercise such powers only in judicial matters as the parent State may consider proper, in the interests of the subjects committed to his care, to confer on him. ‡ The Treaties of the Kolhapur State indicate with sufficient clearness that such language ignores the proper relations of the mediatised Chiefs of Kolhapur, both with their Suzerain and the British Government".

‡ (Underling is added).

In my humble judgement, a careful study of the terms of the Bombay Government's Resolution referred to above, affords convincing proof that, subject of course to the Suzerainty of His Highness the Maharaja (which is exercised, mainly on defined lines, through the Darbar,) and to the supervisory authority of the British Government, my Jahagir forms an entity by itself with positive rights and a clearly defined status, as settled by the decisions of the British Government.

10. The Darbar's idea seems to be that my investiture with powers in 1892 was on all fours with the grant by the State of a licence to an individual authorising him to exercise in person particular functions such as, for instance, to drive a motor car, to shoot game or to practice medicine. The holder of a licence to do things of this kind could clearly make no delegation of the powers conferred on him, and therefore the Administrator's powers were held to be derived direct from the Darbar. From this, it was an easy step to advance to the position that the Jahagirdar's Thaili during his absence falls into abeyance and all his powers and functions revert to the Suzerain Darbar ; the Jahagir administration thus becoming for all practical purposes merged into the State Administration.

11. I respectfully contend that the investing of a Jahagirdar with powers over his Estate is a call to him to enter upon a 'life-time' task. He does not take out "a licence to practise as a Jahagirdar" under which he may at will try his hand at administration or refrain from doing so. But on the contrary, he receives upon his shoulders a burden of responsibility coupled with obligations to abide by conditions, and this burden he must carry until he dies, unless he abdicates or is ousted from his position for wrong doing or incompetence.

He cannot slide in and out of the coil of his responsibilities at will and as may suit his convenience, nor can he be capriciously ousted from the post of duty. On the contrary, the fact that his investiture was marked by solemn and ceremonial formality, and by special action on the part of the British Government's representative, warrants the inference that termination of the arrangement, for whatever reason, must be the

occasion for similar formality and for similar display of interest on the part of the British Government.

12. Again, Article 8 of the 1862 Agreement indicated that the British Government, acting in concert with the Darbar, would assume guardianship in the event of the powers of a Jahagirdar being in abeyance through minority, and under the new conditions created by the transfer of control. The contingency has been specifically provided for in Clause 12 of the Darbar's Notification No. 1, dated 31st May 1930, where it is stated that "the Government of His Highness the Maharaja will be prepared to allow the revenue and judicial administrations of the minority Jahagirdars to be conducted, as far as is consistent with the interests of the Jahagirs, as separate entities."

Nothing could be clearer than this provision or could more effectually allay a Jahagirdar's apprehensions on the important subject of the safeguarding of the Jahagir's identity during the precarious period of minority, and I submit with deference, that it is quite necessary to suppose, as a corollary to this provision, that in the event of abeyance of the Jahagir's powers for any other reason than minority, corresponding arrangements for conserving the individuality of the Estate should automatically come into force. The minority administration precautions would be completely stultified, if the Darbar's view was correct that whenever an Administrator is appointed during a Jahagirdar's holiday, the Thaili must cease to operate and all powers and functions revert to the Darbar.

13. I respectfully submit that the Darbar's ruling ousting me from my position as Jahagirdar during the period of Colonel Frere's appointment was inconsistent with the Bombay Government's dictum of 1891 and with the provisions of the Darbar Notification of 1930 (especially of clause 8), and contrary to the terms of my Thaili. If the Darbar had thought that some particular submission on my part, e. g. my temporary withdrawal from affairs, was required in connection with the appointment of an Administrator, they ought, I submit, to have asked the Resident to exercise the supervisory powers specially reserved to him under Paragraph 9 of my Thaili, instead of assuming his authority.

I am personally handicapped by the Darbar's theory regarding the reversion of the Jahagirdar's power to the State during his absence from the Jahagir, because while that theory holds the field, I cannot take leave with a quiet mind.

14. I trust that it is not irrelevant to mention before concluding that the Jahagirdars of the Maratha State of INDORE, although of a different type and origin to those of the KOLHAPUR State, and possessing no inherent right to Judicial or Revenue powers*, yet are permitted to exercise *and delegate their* Judicial powers under the provisions of the State "Manual for Jahagirdar," subject to the general supervision of the Darbar. I quote below relevant extracts from the Manual :—

* Foot-note:— From the account given in Vol. IV of Aitchison's Treaties (1933 edition) under the heading "Mediatized Estates" it appears that there are no Jahagirdars in the Indore State whose status, holdings or revenue are at all comparable with those of the nine Feudatories of the Kolhapur State.

The Lalgadh Estate, which appears to be the most important, is only 14 square miles in area, having a population of about 2000 and revenue of Rs. 20,000. Nevertheless, in spite of these limitations, the Darbar does not, apparently, exercise civil or criminal jurisdiction in respect of it.

“ 61. Jahagirdars invested with Judicial powers may either exercise them themselves or delegate them either in whole or in part to their Kamdars or Managers.

Provided that such Kamdars or Managers are competent to exercise those powers.

Provided also that intimation of such delegation shall in all cases be given by the Jahagirdars to the Government ”

“ 63. If jahagirdars delegate lower powers to their Kamdars or Managers, appeals from the orders of the latter will lie to the Jahagirdars who will decide them under the powers vested in them. ”

15. My prayer, therefore, is that so long as the terms of my Thaili remain unaltered, any administrator appointed by me with the Darbar's approval may be held to derive his powers by delegation from myself and not from the Darbar, and that my own powers under the Thaili may not be regarded as having fallen into abeyance in consequence of the appointment of an Administrator.

I humbly trust that it may be possible for an early decision to be reached on the present reference concerning delegation of my powers, so that I may be enabled to seek the relief which I sorely need by obtaining, with the Darbar's sanction, the services of a well qualified and competent officer.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/- NARAYANRAO BABASAHEB,

Jahagirdar of Ichalkaranji.

Exhibit A

No. 178 of 1935.
 Prime Minister's Office,
 Kolhapur, 9th July 1935.

From,

The Prime Minister of Kolhapur.

To,

The Administrator of Ichalkaranji.

Sir,

With reference to your letter No. 86 dated 18th June 1935 I have the honour to reply as follows :—

- (a) The Jahagirdar was granted the Thaili by the British Government who were then administering the State of Kolhapur not on their behalf but on behalf of the Darbar. Your impression that it was granted by the British Government only is therefore incorrect.
- (b) At the time the Jahagir was under administration, due to minority, under Article 8 of the Agreement of 1862.
- (c) On attaining his majority and only after the grant of the Thaili his case began to be governed by latter part of clause 8 of the Agreement of 1862.
- (d) Your impression is correct.
- (e) Your impression is incorrect. It was the Darbar who appointed an Administrator who was permitted by the Darbar to exercise powers etc., as defined in the order of his appointment. The Jahagirdar's connection with the Jahagir ceased as jurisdiction being personal and granted to another the Jahagirdar's Thaili ceased to operate. At the time of your appointment you were permitted to consult the Jahagirdar in important matters. The wording of the order says "may" and not "shall". Therefore the question of consultation was optional and laid no limitation on your activities as administrator. You exercise powers etc., under the direct supervision of the Darbar.
- (f) The powers of exemption from High Court supervision and Kadim Inams have no relation to a Thaili of powers given to a Jahagirdar. Those powers being granted, independent of the Thaili, have to be exercised according to the conditions etc., that may be laid down when they were granted. They have no relation to the Thaili of powers. Your inferences therefore in para 3 are incorrect as :
 - (1) The Jahagirdar no longer exercises the powers granted to him in his Thaili. (2) Powers which are for life are not inherent. Your reference "inherent in him for life" is inconsistent with the legal and political position under which the Jahagirdars exist.

During an absence of a Jahagirdar, his Thaili falls in abeyance and is redundant as all powers and functions of a Jahagirdar, in the above position, automatically revert to the Suzerain Darbar, the grantor of these powers, and the Darbar act without reference to the Thaili and paragraph 14 of the Darbar's Notification No. 1 dated 31st May 1930 P. D. begins to

operate. Should the Jahagirdar before or after your term of appointment desire to assume control of his Jahagir and the Darbar consent, then the conditions of the Thaili again come into force.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- D. A. SURVE,
Prime Minister of Kolhapur.

Recd. 11-7-35
Sd/- A. G. F.

Accompaniment to representation No. 77 dated 23rd August 1941,
addressed to the Prime Minister and President Executive Council of the
State, Kolhapur.

Sd/- G. L. DEODHAR,
Secretary to the Jahagirdar of
Ichalkaranji.

Exhibit B.

No. 332 of 1909.

Huzur Office

Kolhapur, 23rd June 1909.

Memorandum :—

Considering that the order dated 8th April 1902 regulating the procedure to be followed by the Feudatory Jahagirdars in regard to the conduct of their administrative business during the period of absence from their Estates is rather inconvenient, His Highness the Chhatrapati Maharajasaheb has been pleased to modify it as follows :—

(1) The Jahagirdars being responsible for the proper exercise of the personal jurisdiction conferred upon them, it is not necessary for them in future to report for approval and sanction what arrangements they propose to make for the general administration of their Jahagirs and the conduct of civil and criminal work when they absent themselves for short periods say a week or two, within the Bombay Presidency, as they can always be communicated with or recalled should an emergency arise.

(2) When they propose to be absent for lengthened period, information should previously be given to the Darbar and the Political Agent as to what arrangements have been made for the prompt despatch of business arising from correspondence. This information is necessary because undue delay is frequently experienced in getting replies to references owing to the Jahagirdar's absence and his Karbhari having no authority to deal with the matter.

(3) When the Jahagirdar leaves the Presidency it is necessary that he should previously inform the Darbar and the Political Agent of the arrangements he would like to make and the persons he would authorise to deal with unforeseen emergencies that require prompt action.

(4) On all occasions mentioned above they should report in time the dates of their departure and return and the place of destination with full address of their residence.

(5) The above rules do not govern cases of continuous or frequent absence from Jahagirs with but short intervals. rest from work owing to illness or otherwise, incapacity to discharge administrative duties, long travel on pilgrimage or for the sake of recruiting health in India or elsewhere and the like. In such cases the Feudatory concerned will have to apply for and obtain special sanction.

(6) Copies of the order should be forwarded to all the Feudatories of Kolhapur for their information and guidance.

Kolhapur.

By order of His Highness,
Sd/- K. GAIKWAD,
Huzur Chitnis.

34

No. 2413 of 1909,
Diwan's Office,
Kolhapur, 9th July 1909.

Copy forwarded with compliments, to Meherban Narayanrao Govind Ghorpade, Jahagirdar of Ichalkaranji, for favour of compliance.

Recd. 12-7-09 }
Sd/- G. D. J. }

Sd/-R. V. SABNIS
Diwan

Accompaniment to Representation No. 77 dated 23rd August 1941, addressed to the Prime Minister and President Executive Council of the State, Kolhapur.

Sd/- G. L. DEODHAR,
Secretary to the Jahagirdar of
Ichalkaranji.

Exhibit C.

इ. ज. जा. नंबर २६/२५—१—१९१३.

यादी मेहेरबान नारायणराव गोविंद घोरपडे, जहागिरदार इचलकरंजी यांजकडे.

दिवाण निसबत सरकार करवीर यांजकडून पाठविणेची ऐसाजे.

आपल्याकडून नं. १८६ ता. १४ डिसेंबर १९१२ चें विनंति पत्र हुजूर सादर करणेंत आलें त्यांत प्रकृती सुधारणेसाठीं व विश्रांति घेऊन शिक्षण मिळविणें करितां विलायतेस जाणेचा आपला हेतू आहे व सदरचा प्रवास मुंबईहून निघाल्यापासून अजमासे सहा महिनेंत पुरा होईल. म्हणजे मार्च १९१३ महिनेंत निघणें झाल्यास सप्टेंबरचें अखेरीस परत येणें होईल. सदरचें मुद्दींत आमचें दिवाणी, फौजदारी व मुलकी अधिकार इंग्रज सरकारकडून मागून घेतलेले रावसा. रामचंद्र मल्हार देशपांडे यांजकडे सोंपविणेंत येतील. तसेंच जहागिरीच्या नफा नुकसानीची व मोठ्या खर्चाची कामें आम्ही परत येईपर्यंत साधारणपणें तहकूब राहतील त्यास मंजूरी असावी म्हणून मजकूर असले लगत काम चालून अखेर हुजूरची आज्ञा दी. जावक नंबर ४ ता. ९ माहे जानेवारी सन १९१३ ची सदरप्रमाणें विलायतेस जाणेची परवानगी दिले बद्दल व आपण विलायतेहून परत येणेच्या मुद्दींत आपले जहागिरीचें दिवाणी फौजदारी व मुलकी कामाची व्यवस्था आपण शिफारस केलेले रावसा. देशपांडे यांजकडे सोंपविणेंबद्दल जाहली असोन त्यास मेहेरबान रेसिडेंट साहेब बहादूर कोल्हापूर व पोलिटीकल एजंट सर्दर मराठा कंट्री स्टेट्स यांजकडून डायरी नंबर १४८ ता. २१ माहे जानेवारी सन १९१३ ची संमती आलेली आहे. आपण कोणते तारखेस विलायतेस जाल ती तारीख कळविणेची तजवीज मेहेरबानानिं व्हावी. मेहेरबानास कळावें, तारीख २५ माहे जानेवारी सन १९१३.

हुजूर आज्ञेवरून.

सही इंग्रजी/—

आर. व्ही. सबनीस.

दिवाण नि॥ सरकार करवीर.

ता. २७-१-१३

दिगर नों. नं. ९१/१९२२.

Accompaniment to Representation No. 77 dated 23rd August 1941, addressed to the Prime Minister and President Executive Council of the State, Kolhapur.

Sd/- G. L. DEODHAR,

Secretary to the Jahagirdar of Ichalkaranji.

English translation of a Vernacular Yadi No. I. J. J. 26 dated 25-1-1913, addressed to the Jahagirdar of Ichalkaranji by the Diwan of Kolhapur.

From,

The Diwan of Kolhapur.

To,

**Meherban Narayanrao Govind Ghorpade,
Jahagirdar of Ichalkaranji.**

SIR,

With reference to your Vinantipatra No. 186 dated 14th December 1912, in which you have stated that you propose to visit England for the benefit of your health, and for rest and education and that the trip will last for nearly six months i. e. if you leave for England in March 1913 you will come back at the end of September 1913. Similarly you have requested therein that you will delegate your Civil, Criminal and Revenue

powers to Raosaheb Ramchandra Malhar Deshpande whose services have been lent by the British Government and that the works entailing heavy expenditure and the cases concerning the (permanent) interest of the Jahagir will generally be kept pending till your return, for which you have asked for the sanction (of the Huzur). Your request was duly submitted to Huzur , and the orders passed by the Huzur by D. A. No. 4 of 9-1-3913 are as follows :—As desired by you you have been allowed to go to England and until you return from your trip you have been allowed to delegate your Civil, Criminal and Revenue powers to Raosaheb Deshpande whom you have recommended and that the arrangements have received the approval of Meherban Resident at Kolhapur and Political Agent, Southern Maratha Country, as communicated by his Diary No. 148 of 21st January 1913. The date of your departure to England may please be informed.

Be it known, dated 25th January.

By Huzur Order,

Sd/-. R. V. SABNIS.

Diwan of Kolhapur.

Recd. 27-1-13.

Accompaniment to Representation No. 77 dated 23rd August 1941, addressed to the Prime Minister and President Executive Council of the State, Kolhapur.

Sd/-. G. L. DEODHAR,

Secretary to the Jahagirdar of Ichalkaranji.

Exhibit C 1.

यादी मेहेरवान नारायणराव गोविंद घोरपडे जहागिरदार ऑफ इचलकरंजी यांजकडे.

दिवाण निसबत सरकार करवीर यांजकडून, पाठविणेची ऐसाजे.

आपलेकडून हुजुरास नंबर ३३८ ता. २२ माहे एप्रील १९१४ इसवीचें विनंतीपत्र पाठविणेंत आलें त्यांत विलायतेंतील डॉक्टर लोकांचा सल्ला घेतला त्यावरून इकडे परत आलेवर दगदग न करतां थंड हवेच्या ठिकाणीं राहून विश्रांती घेणें जरूर आहे असा सल्ला दिला व अलीकडील अनुभवावरून सहा महिने पर्यंत कामाची दगदग न करितां विश्रांती घेणेचा विचार आहे. सदर मुदतींत आपलेकडील दिवाणी फौजदारी अधिकार रावबहादूर रामचंद्र मल्हार देशपांडे यांजकडे देणेचा विचार असलेवरून काम चालून अखेर हुजूरची आज्ञा ठराव नंबर १९३ चा होऊन दि. आ. नं. २७०/३०-५-१४ ची जाहली कीं आपले विनंतीप्रमाणें सहा महिने विश्रांती घेणेस व सदरचे मुदतींत आपलेकडील दिवाणी फौजदारी व मुलकी अधिकार रावबहादूर रामचंद्र मल्हार देशपांडे यांजकडे सोपविणेस मंजूरी आहे. त्या प्रमाणें आपण कोणते तारखेपासून विश्रांती घेतली व अधिकार कधीं सोंपविले ते मे. कळमी होऊन येईल असें व्हावयाचे. मेहेरवानास कळवें. ता. १०-६-१९१४.

सही इंग्रजी/—

दिवाण सरकार करवीर.

Accompaniment to Representation No. 77 dated 23rd August 1941, addressed to the Prime Minister and President Executive Council of the State, Kolhapur.

Sd/- G. L. DEODHAR

Secretary to the Jahagirdar of
Ichalkaranji.

English translation of a Vernacular Yadi No. 1. J. J. 1 dated 10-6-14, addressed to the Jahagirdar of Ichalkaranji by the Diwan of Kolhapur.

From,

The Diwan of Kolhapur.

To,

**Meherban Narayanrao Govind Ghorpade,
Jahagirdar of Ichalkaranji.**

Sir,

With reference to your request No. 338 dated 22nd April 1914 addressed to the Huzur, it was stated that upon the advice of the doctors whom you consulted in England, it was necessary (for you) on your return here to take rest in some cool place and be free from the worries (of work) that as the result of your recent experience you wish not to be bothered by work and to take rest for six months and that during the said period, you propose to delegate your judicial and criminal powers to Rao Bahadur Ramchandra Malhar Deshpande. Thereupon a resolution No. 193 was passed by D. A. No. 270 dated 30-5-14 as follows:—The Huzur has been pleased to order that you are allowed to take rest for 6 months and to delegate your civil, criminal and revenue powers to Rao Bhadur R. M. Deshpande. Accordingly the date on which you will take rest and delegate your powers should please be communicated.

Be it known. Dated 10-6-1914.

Sd/- In English (Illegible)

Diwan of Kolhapur.

Accompaniment to Representation No. 77 dated 23rd August 1941, addressed to the Prime Minister and President Executive Council of the State, Kolhapur.

Sd/- G. L. DEODHAR

Secretary to the Jahagirdar of
Ichalkaranji.

Exhibit C 2.

इ. ज. जा. नंबर ३८/१२-३-१९१६.

यादी मेहेरबान नारायणराव गोविंद घोरपडे जहागिरदार ऑफ इचलकरंजी यांजकडे.

दिवाण निसबत सरकार करवीर यांजपासून पाठविणेची ऐसाजे.

आपल्याकडून हुजूरचे नविं नंबर २६५-२६६ ता. १८-२-१६ ची विनंती पत्रे आली त्यांत प्रकृतीचे स्वास्थ्याकरितां वरचेवर जहागिरीचे हद्दीबाहेर जाणे भाग पडते, व त्यामुळे आपले-कडील काम शिलक पडते, आणि परत आल्यानंतर कामाचा बोजा विशेष पडून पुन्हा प्रकृतीस अस्वास्थ्य उत्पन्न होतें, या करितां दिवाणी व फौजदारी कामें आपल्याकरितां रावसाहेब बळवंत कृष्ण राशिंकर याना सांगणेंत येतील त्यांनीं करावीत. त्याच प्रमाणें करवीर दरबारशीं वरचेवर पत्रव्यवहार वेळेवर होणेंसाठीं व मुलकी कामाचें तजविजीसाठीं रावसाहेब रामचंद्र मल्हार देशपांडे याजकडे व्यवस्था सोपवावी असा विचार आहे त्यास मंजूरी मिळावी म्हणून वगैरे मजकूर असल्या वरून विनंती केलेप्रमाणें तजवीज करणेंस मंजूरी दिलेबद्दल हुजूरची आज्ञा ठराव नंबर ५४ चा होऊन दी. जावक नंबर ३९/१६-३-१६ ची जाहली आहे. मेहेरबानास कळावें. ता. १६-३-१९१६.

सही इंग्रजी/-

दिवाण सरकार करवीर.

Accompaniment to Representation No. 77 dated 23rd August 1941, addressed to the Prime Minister and President Executive Council of the State, Kolhapur.

Sd/- G. L. DEODHAR
Secretary to the Jahagirdar of
Ichalkaranji.

English translation of a Vernacular Yadi No. I. J. J. 38 dated 16-3-1916, addressed to the Jahagirdar of Ichalkaranji by the Diwan of Kolhapur.

From,

The Diwan of Kolhapur,

To,

**Meherban Narayanrao Govind Ghorpade,
Jahagirdar of Ichalkaranji.**

Sir,

With reference to your letters Nos. 265 and 266 dated 18-2-1916 stating that on account of your indifferent health you are required to go out of the Jahagir limits and on your return you suffer from the pressure of work that had accumulated during your absence and that for this purpose you propose to delegate your civil and criminal powers to your Karbhari Raosaheb Balvant Krishna Rashingkar and the revenue powers to Raosaheb Ramchandra Malhar Deshpande, a Resolution No. 64 was passed by D. J. No. 39. dated 16-3-16 that the Huzur has been pleased to sanction the delegation of powers which you have proposed in your letters under reply.

Be it known to Meherban. Dated 16-3-1916.

Sd/- In English (Illegible)
Diwan of Kolhapur.

Accompaniment to Representation No. 77 dated 23rd August 1941, addressed to the Prime Minister and President Executive Council of the State, Kolhapur.

Sd/- G. L. DEODHAR,
Secretary to the Jahagirdar
of Ichalkaranji.

Exhibit C 3.

दिगर नं. ७९.

इ. ज. जा. नं. २३.

यादी मेहेरबान नारायणराव गोविंद घोरपडे पंतसचीव जहागिर इचलकरंजी यांजकडे.

दिवाण निसबत सरकार करवीर यांजकडून पाठविणेची ऐसाजे.

आपलेकडून नं. ७१ ता. २५ नवंबर सन १९१८ चें विनंतिपत्र हुजूर सादर करण्यांत, आलें त्यांत आपले प्रकृतीला योग्य फायदा होणें करितां ब्रह्मदेश, जपान, ऑस्ट्रेलिया वगैरे देशी सफर करणेंचें योजिलें आहे. तरी प्रवासाहून परत येईपर्यंत आपलेकडील दिवाणी, फौजदारी, मुलकी वगैरे अधिकार चि. रा. लक्ष्मण विष्णु जोशी यांजकडे सोपविणेचा मानस आहे त्यास मंजुरी असावी म्हणून वगैरे मजकूर असलेवरून हुजुराची आज्ञा सादर प्रमाणें मि. लक्ष्मण विष्णु जोशी यांजकडे अधिकार सोपून आपल्या प्रवासास जाणेंची परवानगी देणेंत आली आहे म्हणून झाली आहे.

मेहेरबानास कळावे ता. १६ माहे जानेवारी सन १९१९.

हुजूर आज्ञेवरून,
सही इंग्रजी/-

दा. ता. २०-१-१९.

अ. दिवाण सरकार करवार.

Accompaniment to Representation No. 77 dated 23rd August 1941 addressed to the Prime Minister and President Executive Council of the State, Kolhapur.

Sd/- G. L. DEODHAR,
Secretary to the Jahagirdar
of Ichalkaranji.

English translation of a Vernacular Yadi I. J. J. No. 23 dated 16-1-19, addressed to the Jahagirdar of Ichalkaranji by the Diwan of Kolhapur.

From,

The Diwan of Kolhapur.

To,

**Meherban Narayanrao Govind Ghorpade,
Jahagirdar of Ichalkaranji.**

Sir,

With reference to your Vinantipatra No. 71 dated 25th November 1918, in which you state that you propose to visit Burma, Japan, Australia etc. for the benefit of your health and that until you return from your tour, you propose to delegate your Criminal, Civil and Revenue powers to Mr. Laxman Vishnu Joshi, for which you have asked for sanction.

40

The matter was submitted to Huzur and the Huzur orders are that you have been allowed to go on tour and to delegate your powers to Mr. Laxman Vishnu Joshi as requested.

Be it known. Dated 16-1-1919.

By Huzur Order,

Sd/- ILLEGIBLE

Ag. Diwan of Kolhapur.

Accompaniment to Representation No. 77 dated 23rd August 1941, addressed to the Prime Minister and President Executive Council of the State, Kolhapur.

Sd/- G. L. DEODHAR,

Secretary to the Jahagirdar
of Ichalkaranji.

Exhibit C 4

इ. ज. जा. नंबर २२/१७-१-१९२५.

यादी मे. नारायणराव गोविंद घोरपडे पंत सचीव जहागिरदार ऑफ इचलकरंजी यांजकडे.

दिवाण सरकार करवीर यांजकडून.

आपणावर आलेल्या आपत्तीमुळे मनास स्वास्थ्य नाही व प्रकृतीचे अस्वास्थ्यामुळे काम-काजाचे श्रमही सोसणार नाहीत करिता डॉक्टरच्या सल्ल्याप्रमाणे परदेशी सफरीस जाणे जरूर आहे व त्या मुदतीत जहागिरीकडील काम रावसाहेब जी. डी. कुलकर्णी यांजकडे एक वर्ष मुदतीने सोपविणेबद्दल हुजूरून कृपाळूपणे मंजूरी व्हावी म्हणून वगैरे मजकुराचे विनंतीपत्र दि. नंबर ५२ ता. १९ माहे नवंबर सन १९२४ चे हुजूर सादर जाहलेवरून हुजूरून फ्यु. ठ. नंबर ७५/१०-१-२५ ने आज्ञेत आले वरून कळविणेत येते की, हुजूरुस सादर होणारी अत्यंत महत्वाची कामे आपले सहीनेच यावीत व बाकीच्या (जुडिशियल व दरबारकडे होणारे इतर पत्रव्यवहार) कामाबद्दल आपले विनंतीप्रमाणे रावसाहेब जी. डी. कुलकर्णी यांनी एक वर्ष मुदतीने पहाणेस स्पेशल केस समजून मंजूरी देणेत आली आहे. मे. कळावे तारीख १७ माहे जानेवारी सन १९२५ इसवी.

हुजूर आज्ञेवरून,
सही इंग्रजी/-
के. गाइकवाड.

अ. दिवाण सरकार करवीर.

सही इंग्रजी/-

व्ही. आर. रेघे.

दाखल ता. १८-१-२५.

सही हंग्रजी/-

जी. डी. के.

दिगर नंबर ७७/३४ अ.

Accompaniment to Representation No. 77 dated 23rd August 1941, addressed to the Prime Minister and President Executive Council of the State, Kolhapur.

Sd/- G. L. DEODHAR,
Secretary to the Jahagirdar
of Ichalkaranji.

English translation of a Vernacular Yadi I. J. J. No. 22 dated 17-1-1925, addressed to the Jahagirdar of Ichalkaranji by the Diwan of Kolhapur.

From,

The Diwan of Kolhapur.

To,

**Meherban Narayanrao Govind Ghorpade, Pant Sachiv,
Jahagirdar of Ichalkaranji.**

Sir,

With reference to your letter of request No. 52 dated 19th November 1924, stating that you are not feeling at ease on account of the calamity that has befallen you and that you won't be able to bear the strain of work owing to indifferent health and therefore it is necessary for you to go to a foreign country for the recuperation of your health,

and therefore you should be allowed to delegate your powers to Raosaheb G. D. Kulkarni for one year, the Huzur has been pleased to order in his Feudatory Order No. 75/10-1-1925 that the most important businesses that are submitted to the Huzur should come under your own signature. Except this all other work (judicial and the correspondence with the Darbar) should be carried on by Raosaheb G. D. Kulkarni as requested by you for one year as a special case.

Be it known to Meherban. Dated 17th January 1925.

By Huzur order,

Sd/- K. GAIKWAD,

Ag. Diwan of Kolhapur.

Accompaniment to Representation No. 77 dated 23rd August 1941, addressed to the Prime Minister and President Executive Council of the State, Kolhapur.

Sd/- G. L. DEODHAR,
Secretary to the Jahagirdar
of Ichalkaranji.

Exhibit C 5.

इ. ज. जा. नंबर १३.

यादी मे. नारायणराव गोविंद घोरपडे पंत सचीव जहागिरदार ऑफ इचलकरंजी यांजकडे.

दिवाण सरकार करवीर यांजकडून.

रावसाहेब जी. डी. कुलकर्णी यासी आपलेबद्दल जहागिरीचें काम पाहणेंसाठीं एक वर्ष मुदतीनें तजवीज होणेंबद्दल हुजूरून मंजुरी देणेंत आली होती. परंतु ती मुदत येत्या फेब्रुवारी महिनेंत संपणार असोन पुढेंही कामकाज पाहणें इतकी आपली प्रकृति सुधारली नसल्यानें आणखी पांच वर्षे तरी ही व्यवस्था मंजूर व्हावी म्हणून हुजूरास दिगर नंबर ११/३-८-२५ चें विनंती पत्र सादर जाहलेवरून हुजूरून फ्यु. ठ. नंबर २३/१७-९-२५ नें आज्ञेंत आले वरून कळविणेंत येतें कीं, ज्या शर्तीवर एक वर्ष मुदतीनें पूर्वी इ. ज. जा. नंबर २२/१७-१-२५ नें मंजुरी देणेंत आली होती त्याच शर्तीवर पुढें तीन वर्षे पावेतो राहसाहेब जी. डी. कुलकर्णी यांजकडे कामें सोपविणेंस मंजुरी आहे. मे. कळावे तारीख ३० माहे सप्टेंबर सन १९२५.

हुजूर आज्ञेवरून,

सही इंग्रजी/-

इ. दिवाण सरकार करवीर.

Accompaniment to Representation No. 77 dated 23rd August 1941, addressed to the Prime Minister and President Executive Council of the State, Kolhapur.

Sd/- G. L. DEODHAR,

Secretary to the Jahagirdar
of Ichalkaranji.

English translation of a Vernacular Yadi No. I. J. J. 13 dated 30-9-1925, addressed to the Jahagirdar of Ichalkaranji by the Diwan of Kolhapur.

From,

The Diwan of Kolhapur.

To,

Meherban Narayanrao Govind Ghorpade, Pant Sachiv,

Jahagirdar of Ichalkaranji.

Sir,

With reference to your letter No. 11 dated 3-8-25 stating that the delegation of powers that was allowed for one year in favour of Rao-sahab G. D. Kulkarni expires in February but as your health is not sufficiently recovered to cope with the work, the period of delegation should be extended at least for 5 years more, your request was duly submitted to

the Huzur and the orders passed by the Huzur by Feu. Resolution No. 23/17-9-25 are as follows :— The sanction that was given to Raosaheb D. G. Kulkarni for one year by the I. J. J. No. 22/17-1-25 has been extended for three years more subject to the same conditions

Be it known to Meherban. Dated 30th September 1925.

By Huzur Order.

Sd/- In English

I/c. Diwan of Kolhapur.

Accompaniment to Representation No. 77 dated 23rd August 1941, addressed to the Prime Minister and President Executive Council of the State, Kolhapur.

Sd/- G. L. DEODHAR,
Secretary to the Jahagirdar
of Ichalkaranji.

Exhibit C 6

इ. ज. जा. नंबर ९

यादी मे. नारायणराव गोविंद घोरपडे पंत सचीव जहागिरदार ऑफ इचलकरंजी यांजकडे.

दिवाण सरकार करवीर यांजकडून जाणेची ऐसीजे

आपल्या प्रकृतीच्या मानानें सरकारी कामाचे श्रम इकडे सोसत नसल्यानें दरबारशीं होणारा पत्रव्यवहार वगैरे काम आपले कडील सेक्रेटरी रावसाहेब गणेश दत्तात्रय कुलकर्णी यांनीं पाहणेबद्दल हुजूरून इ. ज. जा. नंबर २२/१७-१-२५ नें परवानगी देणेंत आली आहे परंतु त्या आज्ञेंत अत्यंत महत्त्वाचीं कामें मात्र आपले सहीनें आलीं पाहिजेत असें आहे. महत्त्वाचीं कामें कोणतीं याजबद्दल कांहीं ठरलें नसल्यानें महत्त्वाचीं समजलीं जाणारीं कामें बरींच चालत असोन मिळावी तितकी विभ्रंती मिळत नाहीं करितां रावसाहेब कुलकर्णी यांना आपले करितां सहा करून दरबारकडे कामें पाठविणेबद्दल सररहा बिन मुदतीची परवानगी मिळावी म्हणून वगैरे मजकुराचें विनंतीपत्र नंबर १७/१६-८-२९ हुजूरस सादर झालेवरून हुजूरून आज्ञेंत आलेवरून कलमी करणेंत येते कीं, रावसाहेब कुलकर्णी यांनीं आपलेकरितां म्हणून दरबारकडे येणाऱ्या सर्व पत्र-व्यवहारावर सहा करून पाठविणेस दोन वर्षे मुदतीनें मंजूरी देणेंत आली आहे. मे. कळावें ता. २६-८-२९.

सही इंग्रजी,

ए. बी. लठे,

अ. दिवाण सरकार करवीर.

Accompaniment to Representation No. 77 dated 23rd August 1941, addressed to the Prime Minister and President Executive Council of the State, Kolhapur.

Sd/- G. L. DEODHAR,

Secretary to the Jahagirdar
of Ichalkaranji.

English translation of a Vernacular Yadi I. J. J. No. 9 addressed to the Jahagirdar of Ichalkaranji by the Diwan of Kolhapur.

From,

The Diwan of Kolhapur.

To,

**Meherban Narayanrao Govind Ghorpade, Pant Sachiv,
Jahagirdar of Ichalkaranji.**

Sir,

With reference to your letter No. 17 dated 16-8-29, requesting that on account of your ill health you cannot bear the strain of office work, and permission has been granted by I. J. J. No. 22 dated 17-1-25 to Raosaheb G. D. Kulkarni, Secretary to carry on, on your behalf all the correspondence with the Darbar but that the order does not mention what sort of work is to be taken as very important and consequently

much work falls under the category of important and so you are not in a position to get sufficient rest you need, and that Raosaheb Ganesh Dattatraya Kulkarni should be allowed to sign all the correspondence for you to be held with the Darbar without any time limit the Huzur has been pleased to order that Raosaheb G. D. Kulkarni has been allowed to sign all the correspondence for you for a period of 2 years. Be it known to Meherban. Dated 26-8-29.

Sd/- A. B. LATHE,
Diwan of Kolhapur.

Accompaniment to Representation No. 77 dated 23rd August 1941, addressed to the Prime Minister and President Executive Council of the State, Kolhapur.

Sd/- G. L. DEODHAR,
Secretary to the Jahagirdar
of Ichalkaranji.

Exhibit C 7

No. 15 of 1932

Prime Minister's Office,
Kolhapur, 17th March 1932.

From,

The Prime Minister of Kolhapur.

To,

The Jahagirdar of Ichalkaranji.

Sir,

With reference to your Vinantipatra No. 51 dated 10th June 1931 I have the honour under instructions from His Highness the Chhatrapati Maharajasaheb to inform you that considerable constitutional difficulties come in the way of the Kolhapur Government in accepting the request referred to in your Vinantipatra dated 10th June 1931. It is to be pointed out that the powers you exercise are to be delegated to your nominee if and when his selection is approved by the Kolhapur Government. His Highness has, therefore, been pleased to direct that the revenue and general powers which you exercise at present should be exercised by Mr. J. L. Goheen who should in future be designated as Administrator. Mr. Goheen will exercise these powers subject to the general supervision of the Kolhapur Government. You state that you do not wish to be altogether divested of the responsibility of the administration of your Jahagir, therefore in order to meet your wishes as far as possible Mr. Goheen will be instructed to carry on the general administration, as far as circumstances permit, in consultation with you while you are in or outside India.

2. As Mr. Goheen will now work as Administrator, it will no longer be necessary for Mr. G. D. Kulkarni to sign papers on your behalf and the sanction given by His Highness will now be considered as withdrawn.

3. As regards the criminal and civil powers which His Highness has allowed Mr. D. B. Joshi to exercise, I am directed to inform you that Mr. Joshi will be allowed to exercise these powers subject to any orders which may be passed hereafter regarding exemption from High Court Supervision in criminal matters vested in you personally under Notification No. 15 dated 10th January 1905.

4. The proposed arrangement sanctioned by His Highness will be notified in the State Gazette in due course.

I have the honour to be

Sir,

Your most obedient servant,

Sd/- D. A. SURVE,

Prime Minister of Kolhapur.

Recd. 22nd March 1932

Sd/- G. D. K.

Accompaniment to Representation No. 77 dated 23rd August 1941, addressed to the Prime Minister and President Executive Council of the State, Kolhapur

Sd/- G. L. DEODHAR,

Secretary to the Jahagirdar,
of Ichalkaranji.

Exhibit C 8

No. 101 of 1934.
 Prime Minister's Office,
 Kolhapur, 28th April 1934.

From,

The Prime Minister of Kolhapur.

To,

The Jahagirdar of Ichalkaranji.

Sir,

With reference to your Vinantipatra No. 19, dated the 1st February 1934 in the matter of the appointment of Lt.-Colonel A. G. Frere in place of Mr. J. L. Goheen whose term of office as Administrator of Ichalkaranji expires on the 6th May 1934, for a period of two years, I have the honour to inform you that His Highness the Chhatrapati Maharajasaheb has been pleased to entrust the administration of the Ichalkaranji Jahagir to Lt.-Col. A. G. Frere for a period of six months in the first instance. The powers of the District and Sessions Judge exercised at present by Mr. D. B. Joshi are withdrawn and Lt.-Col. Frere is to exercise them from the date on which he assumes charge as Administrator of the Ichalkaranji Jahagir i. e. 6th of May 1934 for a period of six months in the first instance. The dispensation from High Court supervision granted to you under Notification No. 15 dated 10th January 1905 in criminal matters being personal, is not extended in the case of Lt.-Col. Frere.

2. Lt.-Col. Frere is to work in revenue and administrative matters under the direct supervision of the Darbar and in important matters he may consult you. Lt.-Col. Frere is to exercise those powers which are at present exercised by Mr. Goheen.

3. With a view to see how Lt.-Col. Frere conducts the administration of the Jahagir, his appointment as Administrator as well as District and Sessions Judge has been sanctioned for a period of six months which means that his appointment is probationary for the first six months. If the Darbar find his work satisfactory during the six months, the period of his appointment will be extended up to two years as requested by you.

4. As Lt.-Col. Frere is a pensioner of the British Government, the Agent to the Governor General for the Deccan States and Resident at Kolhapur was requested to accord his approval to his employment and he has accordingly communicated his approval to me for the same.

I have the honour to be,

Sir

Your most obedient servant,

Sd/- D. A. SURVE,
 Prime Minister of Kolhapur.

Recd. 30-4-34 }
 Sd/- R. G. P. }

Accompaniment to Representation No. 77 dated 23rd August 1941, addressed to the Prime Minister and President Executive Council of the State, Kolhapur.

Sd/- G. L. DEODHAR,
 Secretary to the Jahagirdar of Ichalkaranji.

Exhibit C 9.

No. 329 of 1934.

Prime Minister's Office,
Kolhapur, 12th November 1934.

From,

The Prime Minister of Kolhapur.

To,

The Jahagirdar of Ichalkaranji.

Sir,

I have the honour to refer to your Vinantipatra No. 127 dated the 27th October 1934 addressed to His Highness the Chhatrapati Maharaja-saheb and under instructions from His Highness to inform you that His Highness has been pleased to appoint Col. A. G. Frere as Administrator of Ichalkaranji for a period of 18 months from the 6th November 1934. He is to exercise the Revenue Powers which his predecessor Mr. Goheen was empowered to exercise and to work under the direct supervision of the Darbar.

2. As Col. Frere is not conversant with the Vernacular Court language, His Highness has been pleased to withdraw the powers of the District and Sessions Judge granted to him under Notification No. 5 dated 5th May 1934 and to confer the same on Mr. V. V. Rajwade, Karbhari of the Ichalkaranji Jahagir for a period of 18 months from the 6th November 1934.

3. His Highness has been pleased to extend to you personally the privileges enumerated in the Notification No. 15 dated 10th January 1905 (dispensation from the closer supervision of the High Court) which had been withdrawn consequent upon the appointment of an Administrator.

I have the honour to be,
Sir,

Your most obedient servant,

Recd. 13-11-1934 }
Sd/- G. D. K. }

Sd/- D. A. SURVE,
Prime Minister of Kolhapur.

Accompaniment to Representation No. 77 dated 23rd August 1941,
addressed to the Prime Minister and President Executive Council of the
State, Kolhapur.

Sd/- G. L. DEODHAR,
Secretary to the Jahagirdar of Ichalkaranji.

Appendix K 1

**Subject:—Representation in regard to
the delegation of powers to
an Administrator**

No. 1337/P/FD of 1941.
Prime Minister's Office,
Kolhapur, 30th October 1941.

From,

**E. W. Perry, Esq., C.I.E., I.C.S.,
Prime Minister of Kolhapur.**

To,

The Jahagirdar of Ichalkaranji.

Sir,

I have the honour to refer to your Memorial No. 84 dated the 8th/11th September 1941 addressed to the Resident for Kolhapur and the Deccan States on the above subject and to state that the Resident has requested me to kindly inform you of his decision in the matter in the following terms:—

“I regret it is not possible for me to entertain his Memorial No. 84 dated the 8th / 11th September 1941 since the issue involved therein does not relate to a grievance against an order actually passed and is, therefore, theoretical and as such not covered by rule 14 of the rules for the exercise of the supervisory control, accompanying Darbar Notification No. 1 dated the 31st May 1930. The Jahagirdar's attention may also kindly be drawn to the fact that the present issue was also involved in the decision passed by Col. Evans-Gordon in the Ajra firing case and communicated to him in the Prime Minister's letter No. 77 dated the 18th September 1936. Since the Jahagirdar failed to memorialise against that decision within the prescribed time-limit, I am unable to waive the rule of limitation and permit the reopening of that case.”

2. The date of the receipt of this letter may kindly be communicated to me.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/-E. W. PERRY,
Prime Minister of Kolhapur.

Recd. 1-11-41.

Sd/- M. V. L.

Accompaniment to Representation No _____ dated _____ December
1941, addressed to H. E. the Crown Representative in India.

Secretary to the Jahagirdar
of Ichalkaranji.

Appendix L

No. 496 of 1940.
Prime Minister's Office,
Kolhapur, 30th May 1940.

From,

The Prime Minister of Kolhapur.

To,

The Jahagirdar of Ichalkaranji.

Sir,

I have the honour to refer to your memorial No. 55 dated the 11th August 1938 submitted to His Highness the Chhatrapati Maharajasahab in the matter of certain orders passed by the Kolhapur High Court and under orders from the Huzur to communicate to you as under.

2. You have enclosed copies of three communications (Exs. A, A 1 and A 2) to your representation, and have contended that the demand for papers contained in them has infringed upon your guaranteed powers. Exhibit A shows that the Kolhapur High Court has entertained a revisional application against the decision of the District Magistrate, Ichalkaranji. In accordance with the provisions of the Criminal Procedure Code, a revision against the order of the District Magistrate lies to the High Court. As it has been distinctly ruled by Government on several occasions that the Feudatory Jahagirdars of Kolhapur have no High Court powers, your protest against supplying the case papers does not deserve any consideration. The powers of a High Court which you have attempted to claim in your representation have been denied to you, and hence your action in refusing to send the case papers was irregular. Further, clause (b) inter alia, of the recent High Court Notification No. 21 dated the 17th August, 1938, makes it clear that the Kolhapur High Court does possess High Court powers over the Jahagir courts.

Exhibit A and A 2 show that the Kolhapur High Court has entertained revisional applications against the decisions of the Sessions Judge, Ichalkaranji. The powers of a Sessions Judge have been conferred upon you only as a matter of favour and not of right. The fact that the Darbar has allowed a subordinate Jahagir official to exercise those powers can under no circumstances be interpreted as having conferred any additional powers on you. The Kolhapur High Court is the only competent authority to revise the decisions of the Sessions Court, Ichalkaranji. There is thus no question of any infringement of your powers. You are therefore requested to send the record of all the three cases without any further delay if you have not done it so far. You are also informed that if you continue your present attitude in the matter, the powers of the Sessions Judge would have to be withdrawn from the official concerned and that you shall be directed either to exercise them personally or that the powers would, as a last resort, be completely withdrawn.

The latest Notifications Nos. 21 and 22 both dated the 17th August 1938 about the High Court constitution clearly refer to and confirm the Kolhapur High Court's jurisdiction over the Jahagir Courts. The Sessions Court of Ichalkaranji is not a Jahagir Court. It is a Darbar's Court functioning within the jurisdiction of the Jahagir. The said Notification has not, therefore, affected the position regarding both the points involved in the present question.

3. In para 4 of your representation you have stated that you have taken the liberty of deferring compliance with the High Court requisition and have assigned certain reasons for this action. But as these requisitions are in order you were not at all justified in resorting to such a course, nor in the manner adopted by you.

I have the honour to be,

Sir

Your most obedient servant,

Recd. 31-5-40 }
Sd/- V. V. R. }

Sd/- D. A. SURVE,
Prime Minister of Kolhapur.

Accompaniment to Representation No. dated December
1941, addressed to H. E. the Crown Representative in India.

Secretary to the Jahagirdar of Ichalkaranji.

Appendix M

No. 497 of 1940.
Prime Minister's Office,
Kolhapur, 30th May 1940.

From,
The Prime Minister of Kolhapur.

To,
The Jahagirdar of Ichalkaranji.

Sir,

I have the honour to refer to your Memorial No. 45 dated the 28th June 1939 submitted to his Highness the Chhatrapati Maharajasaheb in the matter of entertaining by the Kolhapur High Court of appeals and revision applications in Criminal cases and under orders from the Huzur to communicate to you as under :—

2. You have raised the following questions in your present Vinantipatra.

- (1) What is the correct interpretation of the Notification No. 15 dated the 10th January 1905 regarding the exemption from High Court supervision granted to you and whether it confers the powers of a High Court on you ?
- (2) Which authority is empowered to exercise the powers of a High Court over the Feudatory Jahagirs, including those whose Jahagirdars have been granted exemption from close High Court supervision ?
- (3) What are the relations of the Ichalkaranji Sessions Judge with the Kolhapur High Court ?
- (4) Whether the requisition for papers by the Kolhapur High Court has in any way infringed your powers ?

3. As regards the first question, it is to be stated that till the year 1903, the residuary Criminal Jurisdiction over the Feudatory Jahagirdars of Kolhapur vested in the Political Agent, Kolhapur and S. M. C. States. In that year however His Excellency Lord Northcote, the then Governor of Bombay, by his Kharita of the 17th June 1903 restored to His Highness the Chhatrapati Maharajasaheb this residuary jurisdiction, entirely. Before this restoration of powers to His Highness the Political Agent (in view of the residuary jurisdiction vested in him) used to act as the High Court for the Feudatory Jahagirs. But the four Major Jahagirdars of Vishalgad, Bavada, Ichalkaranji and Kagal Senior were exempted from the close supervision of the High Court, as after the restoration of the Residuary jurisdiction to His Highness the question of the exemption of the above mentioned Jahagirdars from the High Court supervision, prominently came up for consideration. In order to clarify the whole issue a Notification No. 15 dated the 10th January 1905 was published in the extraordinary issue of the Kolhapur Government Gazette and it was laid down therein that, " His Excellency Lord Northcote by his Kharita of 17th June 1903 restored to us the entire residuary jurisdiction over our Feudatories therefore exercised and exercisable by the Political Agent and consequently we have the right to exercise all the criminal powers of a High Court allowed by the Code of Criminal Procedure."

4. The said Notification further made clear His Highness' intention to continue to them (i. e. the Jahagirdars of Vishalgad, Bavada, Ichalkaranji and Kagal Senior) " personally and so long as necessity does not arise for the exercise of it, that dispensation from close High Court supervision as specified above which they have hitherto enjoyed." It is thus abundantly clear that the powers of a High Court formerly reserved to the Political Agent were restored to His Highness in 1903, and the exemption from closer supervision of the High Court was continued to the Jahagirdars of Bavada, Vishalgad, Kagal Senior and Ichalkaranji as a matter of policy and not of statutory right. This view is corroborated, inter alia, by the fact that His late Highness had in 1910 actually withdrawn these enhanced powers from the Jahagirdars of Ichalkaranji and Vishalgad.

5. The Jahagirdar of Vishalgad who was exercising exactly the same criminal powers as yourself, misinterpreted the provisions regarding the scope of his criminal powers. Lt.-Col. Ferris the then Political Agent under his letter No. 172 dated the 18th January 1905 informed him that he was wrong in supposing that he (i. e. the Jahagirdar) ever had the powers of a High Court even in a limited form. The letter further lays down as follows :—

"You could thus take appeals as a second court from the decisions of your subordinate magistrates, but not from those of your Karbhari, who exercised your powers by delegation and had already in that capacity accepted and disposed of an appeal. In doing so you acted under the provisions of Section 439 Criminal Procedure Code as a High Court which you are not. Government have emphatically laid down that the Feudatory Chiefs of the Kolhapur State cannot exercise the powers of a High Court in criminal cases; but they can, as directed in 1902, in exercise of the usual supervision over their subordinate courts, call for the proceedings in any case, and should they consider that an injustice has been done by their Magistrates they can point it out to the Political Agent who acted as a High Court so far as these matters are concerned."

"The resolution was passed when the Political Agent was the Feudatories' High Court, but his functions as such have since been transferred to His Highness the Maharaja who now alone is the High Court for all the Feudatory States.....His Highness continued to you the same measure of freedom from High Court supervision that you enjoyed when the Political Agent was the High Court, but nothing more; and *you must clearly understand that you have no authority to exercise any of the functions of a High Court or to enlarge the powers specifically conferred on you by your Thaili of Investiture.*" A copy of this letter was forwarded by Col. Wodehouse under his letter No. 3311 dated the 9th July 1910 to you for your guidance, as you had also cherished exaggerated and erroneous notions about your jurisdiction.

6. You have in your present representation argued that the orders of 1910 denying you High Court powers were passed when the exemption from close High Court supervision was withdrawn by the Darbar. But the orders of Government relied upon by Col. Ferris were passed in 1908 when the Jahagirdar was enjoying the exemption from High Court supervision, and they are, therefore, fully applicable even in the circumstances of the present case.

7. It is thus clear that the powers of a High Court were never possessed by you and the Government. have repeatedly and invariably held that the Feudatories of Kolhapur cannot exercise the powers of a High Court. It is also evident from the above decision of Col. Ferris that you and the Jahagirdar of Vishalgad had wrongly interpreted the Notification No. 15 dated the 10th January 1905, and that the said Notification simply continued the exemption from close High Court supervision and did not imply the possession of the powers of a High Court even in a limited form. It is an undisputed fact that before the restoration of the Residuary jurisdiction the Political Agent acted as a High Court for the Feudatories of Kolhapur, and that since then those powers are transferred to His Highness. There is not a single piece of evidence to show that before the restoration of the Residuary criminal jurisdiction to the Darbar, the Jahagirdars had the powers of a High Court. On the other hand the Political Agent has, in the most emphatic terms, laid down that he was the High Court for the Feudatories during the period in question. Hence when the powers of the Political Agent were, by the Kharita of His Excellency Lord Northcote, transferred to the Darbar, the powers of the Feudatories remained unchanged. The word 'continue' occurring in Notification No. 15 dated the 10th January 1905 in connection with granting exemption from close High Court supervision confirms this view. Indeed, the simple fact that "exemption" is granted from such supervision is enough to show that the power of High Court supervision resides in an authority outside the Jahagirdars, and could not be possessed by those Jahagirdars. Your pretensions regarding your possessing High Court powers are, therefore, absolutely incorrect and baseless. The Notifications Nos. 21 and 22, (P. D.) dated 17th August 1938, also make it clear that the same powers of general superintendence and control over the Jahagir courts continue to remain vested in the Suzerain, and that all the other powers which the Huzur Court of His Highness exercised over the Jahagirs before the constitution of the Kolhapur High Court, have now under section (b) of the said Notification No. 21 dated the 17th August 1938, been transferred and have passed to the Kolhapur High Court, as provided in these Notifications.

8. As regards the second question it is to be stated that the facts stated in the foregoing paragraphs clearly show that the Darbar alone is the High Court over the Feudatory Jahagirs.

9. As regards the third question, it is to be stated that it has already been pointed out in my letter No. 496 dated the 30th May 1940, that neither you nor your officer can enjoy the powers of a Sessions Judge as a right of the Jahagir. This power has been conferred as a matter of favour. The Sessions Court in the Jahagir therefore stands on the same footing as the Darbar's Sessions Court. In fact it is a Darbar's Court, but is doing its work in the jurisdiction of the Jahagir. It is a subordinate court of the Kolhapur High Court and this fact has been duly intimated to you in 1333. The situation has not at all been changed by the recent Notifications Nos. 21 and 22 dated the 17th August 1938, as those Notifications do not affect any change in the Sessions Court, Ichalkaranji, as the Darbar's Court. The Kolhapur High Court has therefore every right to correspond directly with the Sessions Court, Ichalkaranji, just as with the other Courts. It is the Kolhapur High Court which can, under Section 410 of the Criminal Procedure Code, hear appeals, or under Section 439 entertain revisions, against the decisions of the Sessions Judge, Ichalkaranji. As you have not constitutionally the powers of a Sessions Judge, you cannot be allowed to entertain appeals and revisions

against the decisions of the Sessions Judge, Ichalkaranji, as, according to the ruling of Col. Ferris quoted in paragraph 6 above, you have no authority "to enlarge the powers specifically conferred upon you by your Thaili of Investiture." Only a High Court can hear appeals and entertain revisions against the orders of the Sessions Court, and, as has already been shown above, you do not possess those powers. Besides, this claim on your part amounts to a request to confer High Court powers on you which have been denied to you by Government. If the Darbar asks you to yourself exercise the powers of a Sessions Judge, you cannot of course entertain appeals or revisions against your own decisions and they would necessarily have to be heard by the Kolhapur High Court. You cannot be allowed to take advantage of the fact that the Darbar has been pleased as a matter of favour to confer those powers upon a subordinate officer of the Jahagir; just because the Darbar have appointed an independent person as a Sessions Judge, there is no warrant for the supposition that he is exercising your powers, and that at the same time you have the power to hear appeals and revisions against that officer's decisions. The stand taken by you is indeed manifestly absurd, and it would equally be preposterous to say that two officers are thus to exercise the same powers in the same jurisdiction.

10. In your present Vinantipatra, you have protested against the High Court's orders regarding the submission of the papers of two cases decided by the Sessions Judge, Ichalkaranji, and have complained that these orders infringe your criminal powers enjoyed by you under Notification No. 15 dated the 7th January 1905. Really speaking you should not have confused the issue thus. That Notification clearly lays down that the Jahagirdars are to enjoy the exemption from close supervision of the High Court, "so long as necessity does not arise for the exercise of it;" and "so far as is known, the suspension of such closer supervision has not resulted in injustice to the people residing within their jurisdiction." The exemption granted under that Notification applies, therefore, only to an order passed by yourself, if it is one that you are yourself legally competent to pass, but not otherwise.

11. It is thus abundantly clear that when the necessity occurs, the Darbar as the High Court has the power to entertain applications. The words "close supervision" occurring in the Notification are important. It means that in spite of the Jahagirdar's enjoying exemption from close supervision, the Darbar has got every right to exercise the supervision of the High Court according to law, in proper cases, in order to satisfy itself of the impartiality and fitness of the Jahagirdar's Court. Further it is to be remarked that the Notification of 1905 clearly lays down that the Jahagirdars are exempted from "close supervision usually exercised over the *subordinate courts*." (Italics added). This shows that they are to be regarded as unquestionably subordinate to a higher court, viz. the Darbar High Court. A regular High Court having now been constituted, the necessity for due exercise by it (of its jurisdiction of the High Court,) is deemed fit to have arisen. The cases referred to by you in your present Vinantipatra are those decided by the Sessions Judge. The Sessions Court not being a Jahagir court established under Thaili powers, is not covered by the Notification of 1905. The question of the exemption from High Court supervision, therefore, cannot at all arise in the case of the Sessions Court.

12. The powers of the Sessions Judge were conferred upon you under the Darbar's Notification No. 10 dated the 22nd April 1927. The concluding portion of that Notification clearly stated that,

"The partial exemption from supervision conferred upon the aforesaid Jahagirdars of Bavda and Ichalkaranji by Notification No. 15 of 10th January 1905 shall not apply to the powers hereby conferred upon him."

13. From the exposition of the matter as given above, it would be evident that it is unnecessary to consider the 4th question, as the High Court's demand for papers is quite reasonable and just from both the legal and constitutional points of view.

14. Under clause 3 of the Notification No. 1 (P.D.) dated the 31st May 1930, regarding the transfer of supervisory powers to the Darbar it is distinctly laid down that, "decisions which have been passed on all matters *appertaining the rights* ... of the Feudatory Jahagirdars" shall be scrupulously respected. You are therefore bound by the rulings of 1906 etc. already quoted above, respecting your not being in possession of High Court powers. You are informed therefore that if you persist in your attempts to set past decisions at naught in this matter, the Darbar will be constrained to consider the question of the withdrawal of the additional or extra powers, conferred on you as a matter of favour and continuable solely at the Darbar's pleasure, as they are in no way dependent on the Agreement of 1862.

15. Under the circumstances detailed above your present Vinanti-patra is rejected. You are accordingly requested to comply forthwith with the requisitions made to you in the matter.

I have the honour to be,

Sir.

Your most obedient servant,

Sd/- D. A. SURVE,

Prime Minister of Kolhapur.

Red. 31-5-40.

Sd/- V. V. R.

Accompaniment to Representation No. dated December 1941,
addressed to H. E. the Crown Representative in India.

Secretary to the Jahagirdar of
Ichalkaranji.

Appendix N

INTERFERENCE IN JUDICIAL MATTERS

*Suits Nos. 1 of 1928, 40, 41, 42, 43 and 175 of 1929 in the Sub-Judge's Court of Ajra.

†No. 23 dated 8th June 1938.

1. Several civil cases* between private litigants, pending in the Jahagir Courts, have been stayed indefinitely by the orders of the Kolhapur Darbar since the year 1930. The issue of such stay orders in civil suits amounts to unnecessary interference with the natural course of justice in the Jahagir law courts. A representation† on this subject was submitted to the Kolhapur Darbar in 1938. It is still pending disposal by the Darbar.

*No. 90 dated 6th November 1939.

†Prime Minister's letter No. 1221 dated 21st October 1940.

2. According to the High Court Notification (No. 22 dated 17th August 1938) issued by the Kolhapur Darbar, the Kolhapur High Court is not empowered to transfer suits falling within the jurisdiction of the Jahagir Courts, except at the instance of the Government of His Highness the Chhatrapati Maharajasaheb. But in contravention of the terms of the above Notification (which was issued with the approval of the Government of India), the Kolhapur High Court entertained an application for transfer of a civil appeal pending in the District Court of the Jahagir. A representation* on the subject was made to the Resident at Kolhapur, who decided† the matter in favour of the Jahagir in the following words:--

"Now in this case we are concerned with an application to the High Court for the transfer of a case. Such an application can in no manner be construed as an appeal or a revision or a review. Failing, as it does, to come within the category of these three classes of cases, it therefore follows that this application lies outside the purview of the Kolhapur High Court."

3. The Kolhapur Registration Rules (based on Act VIII of 1874) which are in force in the Jahagir, provide that an application can be made to the District Court against the decision of the District Registrar, refusing to register a document. No such application was made to the District Court in a case decided by the District Registrar of the Jahagir. Instead of resorting to the above legal remedy provided under the Rules, the aggrieved party in this case submitted a petition for political revision to the Kolhapur Darbar; and in spite of the clear provision of law, the application was entertained* by the Darbar and the case papers called for.

*Prime Minister's I. J. J. No. 378 dated 12th May 1938.

4. In 1927, the criminal powers of the Jahagirdar were enlarged; and he was invested with the full powers of the Session Judge, subject to the condition that only the sentences of death and transportation for life should be submitted for confirmation to the Court of His Highness the Chhatrapati Maharajasaheb. Since then the Jahagir Sessions Judge had been exercising these powers on behalf of the Jahagirdar for twelve years from 1927 to 1939, when in the latter year, the Kolhapur High Court, all of a sudden called† upon the Sessions Judge of the Jahagir to explain why sentences of more than five years passed by him were not submitted to the Kolhapur High Court for confirmation.

†Mag. Out. No. 131 dated 27th May 1939.

5. According to the Schedule of powers under the Criminal Procedure Code, which was introduced in the Jahagir with the approval of the Political Agent in 1909†, the powers of the Local Government under Sec. 206 (1) are vested in the Jahagirdar. In exercise of this power, the Jahagirdar had empowered the Second Class Magistrate at Ajra with the Committing powers. But in spite of this, the Prime Minister in his Vernacular communication I. J. J. No. 58 dated 20th September 1937, observed that the Jahagirdar had no power under Sec. 206 (1) of the Criminal Proce-

†See Diwan's letter No. 1430 dated 4th May 1909.

Code to empower a Second Class Magistrate with Committing powers ; and consequently the exercise of Committing powers by a duly empowered Second Class Magistrate in the Jahagir was illegal. A representation* on this subject was submitted to the Darbar in 1938 which is still pending disposal.

*No. 10 dated 14th February 1938.

6. According to Sub-section (3) of Section 435 of the Criminal Procedure Code (Act V of 1898 without amendments) which is in force in the Jahagir, no revision lies to the High Court against the orders passed by a First Class Magistrate under Section 145. Disregarding this explicit provision of law, the Kolhapur High Court entertained revision applications in two such cases† decided by the First Class Magistrate of the Jahagir.

†Miscellaneous cases No. 4/1932 and 1/1935.

It was however held by the High Courts in British India that under Section 107 of the Government of India Act of 1915 and the Letters Patent which conferred extraordinary powers of superintendence upon the Chartered High Courts over subordinate Courts. The High Court could entertain a revision in such cases in order to determine whether there was want of jurisdiction on the part of the Magistrate concerned.

But in the Kolhapur State, the new High Court is not given any extraordinary powers as stated above by any of the enactments of the State. The powers of the Kolhapur High Court are all contained in the High Court Regulation of 1931 but after it was introduced, there was a great controversy raised about the relative powers of the High Court and the Feudatory Courts with the result that the Kolhapur Darbar ultimately modified their High Court Regulation by which the Courts in the Feudatory Jahagirs were taken out of the superintendence and control of the Kolhapur High Court and they were placed under the control and superintendence of the respective Jahagirdars. So the whole ground on which the High Courts in British India exercised revisionary powers over the subordinate courts in British India was taken off from the Kolhapur High Court and according to the law as obtains in the Kolhapur State and the Jahagirs, the Kolhapur High Court cannot entertain any revision applications in proceedings under Section 145 of the Criminal Procedure Code.

The Jahagir had raised this point and made a representation* to the Kolhapur Darbar in 1939 but it has not yet been decided.

*No. 6 dated 23rd January 1939.

7. Even before the question of the powers exercisable by the Kolhapur High Court over the Jahagir Courts was still undecided, the Kolhapur High Court entertained‡ a number of transfer applications in respect of criminal cases pending in the Jahagir Courts, issued stay orders by telegrams and called for the papers. The Jahagir protested against these orders and the case papers were returned for disposal by the Jahagir Courts after a year or so.

‡See Appendix D of the Annexure No. 1.

8. Almost at the initial stage of proceedings in two Criminal cases pending in the First Class Magistrate at Ichalkaranji, the Prime Minister called for the papers on a petition by the accused. Soon after this, the Prime Minister telegraphed to the Jahagir ordering the release of the accused. Subsequently after retaining the papers for ten months, the Prime Minister informed the Jahagir that the proceedings in these two cases were quashed. Orders such as these stopping and quashing proceedings, at an early stage, in cases pending in the Jahagir Courts, are calculated to impede the administration of justice, and to impair the prestige of the Jahagir Courts. The Jahagir has submitted a representation‡ on this subject to His Excellency the Crown Representative.

‡Representation No. 19 dated 10th February 1941.

9. In the year 1937, the Kolhapur High Court ordered the release of an accused person on bail whose bail applications were rejected by the Second Class Magistrate at Ichalkaranji and also by the Sessions Judge at Ichalkaranji. As the Jahagirdar enjoys an exemption from High Court supervision under the Darbar's Notification No. 15 of 1905, the action of the Kolhapur High Court was unauthorised. A representation was made to the Resident on the subject who held* that "the order of the Kolhapur State High Court dated the 3rd March 1937 has been held to be *ultra vires*, being without jurisdiction".

*See Prime Minister's
No. 392/P/FD dated
31st March 1941.

Accompaniment to representation No. dated December 1941,
addressed to H. E. the Crown Representative in India.

Secretary to the Jahagirdar of Ichalkaranji.

Appendix O.

*English translation of the Prime Minister's endorsement No. 52,
dated 20th November 1934, on Ichalkaranji's annual return
of Statistical information.*

From,

Ich. J. No. 52.

The Prime Minister of Kolhapur.

To,

The Administrator of Ichalkaranji.

It has been ordered by His Highness to ask you for explanation and the necessary action in the following matters regarding your Account Sheet for the Fasli year 1341-42 (1931-32).

1. This sheet includes in all 109 villages. Out of those there are 22 villages including Karambali, which have gone from the dual control to the single control of Darbar. Also there are six Inam Dumala villages and a village under a single control. There are two villages which are under the control of Sundarwadikar Bhosale. There is a village of Watan. The above mentioned 31 villages have no connection with the Jahagir and their names should be struck out from the sheet.

2. There was no regular heirship inquiry held according to the Rules but the name of the Jahagirdar was entered to the several villages and Inams that are held by him. Therefore you should send all the documentary evidence such as Sanads, extracts of accounts, etc., to prove your title to the said property so that after examining the evidence according to the rules, it would be settled what villages belong to the Ichalkaranji Jahagir.

3. By what authority and with whose order are the following 14 villages in Ajra Taluka, turned into Khalsa, which were formerly let out on farming system?

Savarwadi, Madilge, Hajguli-khurd, Chandewadi, Yamewadi, Satewadi, Avandi, Jeur, Ite, Bhadwanwadi, Maligre, Sule, Devarde, Shirsangi.

The records of the cases concerning the above should also be sent.

4. With whose sanction the villages of Shippur, Matiwade, and Arjuni are transferred from the list of the Ichalkaranji Taluka to the list of the Ajra Taluka? By what authority the changes were effected? This should be explained with necessary papers.

5. The papers in connection with the succession inquiry of the Inamdars in the Inam villages of Bolkewadi, Shringarwadi and Velvatti are not sent as yet although reminded before. The papers should be sent immediately.

6. Narsingrao Murrarao Mutalik Desai holds the Inam village of Kine. He also holds Shirgaon in Gadinglaj Taluka, the village of Huberhatti in Raibag Mahal and some scattered holdings in various villages. The Dumaldar being dead, his estate is managed by the Court of Wards. According to this the above estate (in the Jahagir) also should be managed by the Court of Wards through the Darbar.

7. The rental sum of Watan holdings held by the Jahagir was entered in the Account sheet up to this time. Why is it not entered at present? It should be explained as to whether any more sums, if there be any, except those that are on the sheet, either accounted in the Khasgi or any other account?

8. In the Account sheet of the year 1301 (1891-92) there were some villages in the sheet which were not surveyed and so the land in those villages was registered in Bhigas, but after settlement the lands were registered in the measure of acres. And so there are no means to see whether there is any increase or decrease. The information for all these years (regarding all the lands in all the villages) should be sent. While examining the Inam lands under different heads it appears that the Sheri lands which were 30/14 acres assessed at Rs. 101-15 in 1891 are at present 1651-10 acres assessed at Rs. 7812-9-6. It should be explained when, how and by whose order this change was effected?

9. Under the heading interest there is a big amount shown as interest on loans which shows that the Jahagir has a money-lending business from the Jahagir income. If it is so under what authority the business has been started?

10. While examining the sums on the credit side in the demand sheet, it is found out that the following items have been added. Land revenue and under miscellaneous heads of income, oil tax, service commutation, hut tax, cow grazing fees, auction sale of trees, water cess, water cess in the town, fishery auction and a fee on selling cattle. These are new taxes levied. The Jahagir cannot levy these taxes by rules and so it should be explained by what authority are they brought into force? And until the final decision is given about these matters, the collection of the above taxes should be suspended.

Also there are sums for Madilge profits, miscellaneous rents and attachments. It should be explained with reference to what villages and for what purpose they are there.

11. After comparing the sheet of 1301 Fasli (1891-92) and the sheet of 1341-42 (1931-32), it is found out that there is an increase and decrease in Inam. To what it is due to is not known. It should be explained.

12. While examining account sheet of 1342 (1932 A. D.), it is found that under the Sayar heading there is a sum of Rs. 801 credited as a sum for mutton auction. This should be stopped at once as it is against the principle of the free trade. It should also be explained under what authority this practice has been observed?

13. There is a sum in the P. W. D. account received for the toll at Shippur. This toll is newly established by the Jahagir for which there is a separate enquiry going on, and the Darbar will pass orders in that matter in due course.

14. In the sheet of 1301 (1891 A. D.), the waste and unassessed land in the town, cow grazing land and the mountain area amounted to 20928-23 acres and 2018 and odd Bhigas. It is now 34785-36 acres. Why is it so?

15. How, to what extent, with whose orders and in what villages the forest area has been increased? Also it should be explained what sums have been received for Myrabollam giving reference to each village.

16. There is a tax for selling cattle. Explain at what rate it is assessed with reference to each village.

17. In the Taluka Account, there is one item as Inamdars' profits. To what village does it refer? There is also an item as Inam remuneration and 1/12th share of Inam. Also explain to what village does it refer?

18. Send your cash accounts of 1341-42 Fasli (1931-32) in order that we may be able to see if there are any other sums realised except those allowed in the demand sheet.

These are the orders of H. H. and you are requested to give effect to them soon. Be it known dated 20-11-1934.

Sd/- D. A. SURVE,
Prime Minister of Kolhapur.

Accompaniment to Representation No. dated December 1941,
addressed to H. E. the Crown Representative in India.

Secretary to the Jahagirdar of Ichalkaranji.

Appendix P.

Undue interference in the revenue administration of the Jahagir.

1. The Darbar entertained a petition by one Jija Amte of Ichalkaranji, complaining to the Darbar that as the result of the City Survey Inquiry, her house in Ichalkaranji was unauthorisedly auctioned by the Jahagir authorities; and that the possession of her house was given over to the auction purchaser. Thereupon the Prime Minister asked* the Jahagir to explain the authority under which City Survey was introduced by the Jahagir into the town of Ichalkaranji; and the papers of the case were called for. In reply, a Memorial† was submitted by the Jahagir to the Darbar, pointing out that the City Survey was introduced by the Jahagirdar in exercise of his revenue powers under the provisions of the Land Revenue Code which had already been made applicable to the Jahagir during his minority in 1888. The Jahagir's Memorial was rejected‡ by the Darbar; and against this decision of the Darbar the Jahagir has submitted a memorial§ to the Resident.

*Prime Minister's letter No. 67 dated 22nd March 1937.

†Ichalkaranji's Memorial No. 37 dated 29th May 1937.

‡Prime Minister's No. 405 dated 6th May 1940.

§Ichalkaranji's Memorial No. 53 dated 4-8-1940.

× Prime Minister's L. J. J. No. 340 dated 23rd March 1939.

2. An application× was entertained by the Prime Minister of one Anandibai Sontakke, in which she complained that her lands were going to be attached by the Jahagir authorities for recovery of land revenue. The Prime Minister wrote that the applicant should be given postponement for payment of the assessment in accordance with the instructions separately issued by the Darbar to postpone the recovery assessment; and that the Jahagirdar should inform the Darbar of the steps taken by him in this matter. According to clause 5 of the Supervision Notification (Notification No. 1 dated 31st May 1930) it is only against a final decision of the Jahagirdar that a political revision lies to the Darbar and not until then. Here in this case, there was no decision passed by any of the Jahagir authorities. Hence the application to the Darbar was premature.

3. The Darbar entertained another petition by the same applicant (Anandibai Sontakke) and called for the case papers relating to certain Kadim Inam lands in the Jahagir. In this case, the petitioner had gone up direct to the Darbar against the orders passed by the Jahagir Karbhari, without approaching the Jahagirdar in the first instance. According to the Darbar's Kadim Notification (No. 61 of 1932), no applications in such cases can be accepted by the Darbar until the applicants had exhausted the remedies open to them in the Jahagirs. The Jahagir submitted a Memorial* to the Resident against the orders of the Darbar in this case, which was decided‡ in favour of the Jahagir.

*No. 15 dated 20th February 1940.

‡Prime Minister's No. 1143 dated 12th October 1940.

‡Prime Minister's No. Ver. L. J. J. 54 dated 17th September 1937.

4. A further proof of the Darbar's tendency to interfere too minutely with the affairs of the Jahagir is afforded by the Prime Minister's communication‡ asking for an explanation about the authority under which the Jahagir Karbhari was invested with power to hear appeals in Madat cases (Assistance suits under the Land Revenue Code).

It is submitted that the Darbar had needlessly raised this question in view of the fact that the Jahagirdar enjoys full control over the internal revenue administration of the Jahagir and it was quite competent for the Jahagirdar, in exercise of his revenue powers to invest the Jahagir Karbhari with powers to hear appeals in Madat Cases.

5. A further instance of minute interference in the internal revenue administration of the Jahagir is afforded by the Prime Minister's

communication* asking the Jahagir to remove at once the boundary stones on the Ichalkaranji-Narsobawadi Road, fixed by the Jahagir Survey Department; and calling for the papers about the scheme to metal and reconstruct a part of this road. The facts of the case are as follows :--

*No. Ver. I. J. J. 41 dated
31st August 1939.

The section of the Ichalkaranji-Narsobawadi road lying in the Jahagir Jurisdiction passes through deep black soil; and being not metalled, it becomes unfit for vehicular traffic during the rains. The width of the road lying in Ichalkaranji territory is far in excess of the requirements of the traffic. The actual needs of the traffic can be adequately met by a much smaller road width. It was therefore proposed by the Jahagirdar to reduce the road-width to 33 ft. and metal it out of the proceeds by sale of the portion of the road not required for traffic. Accordingly, the northern strip of the road was divided into plots, which were proposed to be sold to the owners of adjoining fields and to utilise the sale proceeds for metalling the remaining portion of the road. The Darbar objected to this scheme in 1933 when the then Administrator without replying to the question raised by the Darbar as regards the Jahagir's rights over the road, simply informed the Darbar that as the plots could not be sold owing to a fall in prices, the scheme had been temporarily dropped. The Prime Minister again asked the Jahagir to remove the boundary stones fixed to mark the reduced width of the road, and observed that a highway belonged to the Suzerain State, implying thereby that the Jahagir had no right or authority over it.

Even an ordinary Inamdar without jurisdiction is the owner of the roads and vacant sites in an Inam village in British India but to deny these powers and rights to a mediatised Jahagirdar possessing full revenue powers is most unjustifiable. In this connection it may be pointed out that like the rest of the Jahagir's possessions the town of Ichalkaranji within the limits of which the road lies was given in Inam to the Jahagirdar's ancestors. The Jahagir has its own separate Public Works Department. It maintains and repairs old roads in the Jahagir and constructs new ones where necessary. In the face of these undisputed facts it would seem that the right of the Jahagir over the ancient highways cannot be disputed.

Apart from the question of the Jahagir's rights over the road, it is submitted that the Darbar's action amounts to unjustified and minute interference in the Jahagir affairs to depute the Darbar's District Surveyor to survey the condition of the road and to ask the Jahagir to remove the stones fixed by the Jahagir Survey Department, especially when the Darbar had been informed that the scheme had been abandoned temporarily by the Jahagir.

6. A similar case of undue interference occurred when the Watandar Patils of Ichalkaranji applied to the Darbar that the Jahagir authorities had enhanced the Scale Judi and Nim Judi and that the Jahagir authorities were pressing for the recovery of these dues. They also alleged that they were not supplied with a copy of the order passed by the Jahagir in the matter.

Without first ascertaining whether the applicants had not been, in fact, furnished with a copy of the Jahagir order in this matter, the Darbar at once asked* the Jahagir to send the case papers. Such peremptory orders calling for papers, without ascertaining the truth or otherwise of the allegations made by the applicants, are calculated to lower the Jahagir's

*Prime Minister's I. J. J.
No. 65 dated 19th January
1937.

prestige. As a matter of fact, the applicants had not even applied to the Jahagir authorities for the copies of the order in this case.

7. Though the Darbar's High Court had recognised the validity of a guarantee given by the Jahagir in the year 1847 to a sale transaction of an Inam village (Kasar Kandgaon) in the Jahagir, the Darbar recently questioned* the validity of this guarantee.

*Prime Minister's I. J. J. No. 4 dated 17th June 1937.

8. Contrary to the terms of the Kadim Notification No. 61 of 1932 which was issued by the Darbar with the approval of the British Government and which has recognised the right of the Jahagir to receive Nazarana and service commutation etc. in respect of all the Inams within the Jahagir, the Darbar claim that the Notification does not apply to the whole Kadim Inam villages in the Jahagir. (Vide succession Inquiry decisions of Mendholi and Uchangi and the Jahagir's representations Nos. 1/3-1-1935 and 28/27-4-1939 addressed to the Resident.)

9. Although by the adoption of the Jahagirdar in 1876 and subsequently by the Thaili of his Investiture which was approved by the British Government, the Jahagirdar succeeded to the entire possessions comprised in the Ichalkaranji Estate the Darbar recently questioned the right of the Jahagirdar to a number of Kadim Inam villages in the Jahagir which, the Darbar contend, do not form part of the Ichalkaranji Jahagir (Vide Mendholi succession Inquiry decision F. R. No. 126 dated 20th September 1934).

10. There is a ferry across the river Panchganga at Ichalkaranji which is greatly used by the public. Formerly it was run by certain village servants called 'Ambis' who used to tax very high fares from passengers. In order therefore to put a stop to the exorbitant fares charged by the Ambis, it was decided in 1925 to farm out the ferry to a contractor on the same conditions as those imposed in British India and the Kolhapur territory. The proceeds realised by this farming were utilised towards repairing and building new ferry boats and for keeping in good order the approaches to the river. The system worked well for about 10 years, the Ambis fully acquiescing in the arrangement and themselves bidding for and securing the contract on various occasions. In 1935, however, on an application by one of the Ambis who failed to secure contract the Kolhapur Darbar at once passed ex parte orders* asking the Jahagir to stop the new system and revert to the old system. The Jahagir explained the whole situation to the Darbar but the Prime Minister rejected† the explanation of the Jahagir Administrator and insisted upon the compliance of his former orders. The Jahagir submitted a representation‡ against the Darbar's orders to the Resident and pending the decision of it requested the Darbar for a stay of their order under appeal. This request was peremptorily rejected by the Darbar and an explanation was demanded within 48 hours as to why the Darbar's orders were not complied with with a threat that in the case of further recalcitrance, the Mamlatdar of Hatkanangale§ would be instructed to enforce them. Written representation was again made to the Darbar on the subject with the result that the orders are so far permitted to remain in abeyance.

*Prime Minister's No. I. J. J. 12 dated 26th July 1935.

†Prime Minister's No. 386 dated 23rd December 1935.

‡Ichalkaranji's No. 20 dated 7th April 1936.

§An adjoining Taluka of Kolhapur.

This case affords a vivid example of the kind of minute interference in the internal administration of the Jahagir that has been specifically prohibited by Article 10 of the Thaili of Investiture.

11. The Jahagirdar's powers in respect of Kadim Inams, in the Jahagir are regulated by the provisions of the Kolhapur Watan Act, by which the necessary powers are conferred on revenue officers such as the Collector and the Mamlatdar. The Act was introduced in the Jahagir in 1888, and a long controversy that arose between the Darbar and their principal Feudatories regarding the relative rights of each over the Kadim Inams was concluded by a Darbar Notification No. 61 dated the 20th March 1932, which was issued at the instance of the Bombay Government.

In 1935, however, the Prime Minister issued orders to the Administrator of Ichalkaranji to the effect that as the Jahagirdar, was not personally controlling the administration, neither the Administrator nor the Karbhari could exercise the Jahagirdar's powers in respect of Kadim Inams, and therefore that any orders which might have been passed in such matters without the approval of the Darbar were ultra vires. All cases which had been decided regarding the appointments of police patels, revenue patels and Kulkarnis and the framing of their service registers were to be forwarded to the Darbar for sanction. The Administrator at once addressed to the Darbar, pointing out that their orders were calculated to dislocate the administration and to deprive the Jahagir of its control over village officers and other minor Kadim Inamdars, but no reply was received and an appeal* was therefore submitted to the Resident through the Darbar on the 24th June 1935 which was decided† in favour of the Jahagir.

*Ichalkaranji's No. 90
dated 24th June 1935.
†Prime Minister's No. 15
dated 6th January 1941.

12. The Darbar has withheld, since the year 1930, an annual cash payment of Rs. 1,930-11-0/- which has been paid to Ichalkaranji since the foundation of the Jahagir as a part of the Sirdeshmukhi rights. In this case also, the Darbar have put forward the claim that the Jahagirdar's title to the payment ought to be proved by documentary or other evidence, after a regular heirship inquiry, under the Darbar's Summary Settlement Rules. It may, however, be noted that these Rules have been held by the Resident for Kolhapur to be not applicable to the Feudatory Jahagirs.

13. In April 1941, the Kolhapur Darbar passed orders§ directing the Feudatory Jahagirdars to submit a yearly statement of seals that were in use in the Jahagir with their impressions and the numbers of the Darbar's orders sanctioning the same. The question of seals in the Jahagir has gone through different stages and it was decided by Government that it was the right of the Feudatories to grant seals to their Courts but before such seals were given they should be got approved from the Darbar. The orders of Government never contemplated the submission of annual returns of the impressions of the seals in the Feudatory Courts to the Darbar and the orders passed by the Darbar exhibited an utter want of confidence in the Feudatory Jahagirdars and virtually nullified the object of the orders¶ passed by the Government of Bombay in 1903 giving a free hand to the Feudatories to make their own arrangements for everything within their own jurisdiction and generally to exercise their jurisdiction relatively to the Darbar with freedom. A representation was made therefore to the Resident for Kolhapur and the Deccan States who upheld the claim of the Jahagir and advised+ the Darbar to cancel their orders.

§Prime Minister's Ver.
No. 133 dated 26th
April 1941.

¶Political Agent's letter
No. 4112 dated 22nd
October 1903.

+Prime Minister's letter
No. 1584/P/FD dated
29th November 1941.

Accompaniment to Representation No. Dated December
1941, addressed to H. E. the Crown Representative in India.

Secretary to the Jahagirdar of Ichalkaranji.

Appendix Q.

Political pin-pricks.

1. Formerly, on the occasion of ceremonial functions, such as weddings, etc., held in the houses of the Feudatories, it was customary for His Highness the Maharaja to present a dress of honour to the Jahagirdar. His late Highness, however, discontinued that practice and on the occasion of the wedding of the Jahagirdar's grand-daughter in 1934, although His late Highness graced the occasion with his presence and was good enough to present Poshakh to the bride and bride-groom, he did not present one to the Jahagirdar. Similarly, no dress of honour was presented to the Jahagirdar on the occasion of the thread-ceremony of his grand-son in 1928.

2. In 1936, the Jahagirdar received on the 14th of July, through the Darbar, a letter from the Chief Secretary to the Bombay Government, inviting him in his capacity as a First Class Sardar in the Deccan to be present at the Governor's Darbar in Poona in August. The Darbar asked the Jahagirdar to let them know at an early date whether he intended to be present at the Darbar. The Jahagirdar replied to the Darbar intimating that he proposed to attend the meeting at Poona and enclosed a formal reply to the Bombay Political Secretary, asking that the same might be forwarded. The Darbar, however, returned to the Jahagirdar his letter to the Political Secretary with the observation that it was unnecessary as the Bombay Government had been informed that he would attend the meeting at Poona.

- It is submitted that the withholding of the letter was in itself a discourteous act, and the procedure adopted by the Darbar in this matter seems to have been motivated by a determination to cut the Jahagirdar off from all communication with British Political officers and to emphasise his complete dependence upon the Darbar.

3. Over a period of 60 years or more, the territories of the four Principal Feudatories were shown in separate colours in a map attached to the Kolhapur Administration Report. But in the reports published since the year 1931-32, the colour distinction in the maps has been done away with and the territories of the Principal Feudatories are shown included in the boundaries of different Talukas of Kolhapur to which they are adjacent, and coloured accordingly. This may seem a small matter, but it is humiliating to the Feudatories to lose even the smallest indication of their separate entities in the State.

4. In the State Administration Report, the military contribution which the Jahagirdar makes to Kolhapur as a Mediatised Feudatory has since the year 1930-31 been shown as "Service Commutation", in contravention of the uniform practice of the last 80 years by which it has been termed as 'military contribution.' The object of this change seems to be to assert that the Jahagirdar is under an obligation to render service to Kolhapur and that, as a consequence, the amount of the Jahagirdar's contribution under this head is liable to increase at the Darbar's will. Such a claim has already been made in respect of the Bavada and Kagal (Senior) Jahagirs, and the matter is under reference to Government. But in case of Ichalkaranji, the question was long ago fought and decided in favour of Ichalkaranji in the year 1849, when the Court of Directors held that the tenure of Ichalkaranji was simple Inam, free from any liability of rendering service to the Kolhapur Darbar.

5. In 1935, the Darbar refused to forward to the Resident the Jahagir's memorial No. 149, dated the 23rd November 1935, regarding Ichalkaranji's exemption from High Court supervision, on the ground that the phrase 'My administrator', which the Jahagir had used in it, was objectionable.

Under protest, and with much humiliation, the Jahagirdar altered the word 'my' to 'the' in order to secure the submission of the Memorial. But it is submitted that an Administrator appointed by the Jahagirdar with the Darbar's approval is in fact the Jahagirdar's Administrator.

6. The Darbar have refused to grant even such a small request of the Jahagirdar as a temporary exemption from the Kolhapur Motor Vehicles Tax Act until it is introduced in the Jahagir. While the Jahagirdar's proposal to introduce the Act in the Jahagir, which will automatically secure him the exemption from taxation and which will enable him to efficiently control the growing motor traffic in the Jahagir, has been held up for the last twenty years or so by the Darbar. Even the courtesy of granting a temporary exemption from the tax has not been shown to him. This is not so much a question of monetary loss to the Jahagir but it is a question affecting the Jahagirdar's prestige and position.

7. It was also a somewhat painful surprise to the Jahagirdar when the Prime Minister asked him by his letter No. 581 dated 18th September 1939 to explain how in the absence of any legislation he had made the appointment of a Labour Conciliation Officer. Though there are no labour laws in the Jahagir, authorising the Jahagirdar to appoint a Labour Conciliation Officer, it is submitted that even in the absence of these laws, it is his duty, as head of the Jahagir administration, to maintain law and order in the Jahagir and to secure the well-being of the Factory workers. So the Jahagirdar at the request of the mill-owners and mill-hands at Ichalkaranji appointed a 'Labour Conciliation Officer' at Ichalkaranji to look after the welfare of the workers and to bring about by private negotiation amicable settlement of their disputes with the Factory owners. It will thus be seen that the appointment of such an officer was not only justified but was also quite necessary. It is needless to add that, there being no law in the Jahagir, the officer appointed by the Jahagirdar was not clothed with any legal authority. His designation, too, was different from the one under Industrial Disputes Act which is 'Labour Officer' while that of the officer appointed by the Jahagirdar was 'Labour Conciliation Officer'.

Accompaniment to Representation No. dated December 1941,
addressed to H. E. the Crown Representative in India.

Secretary to the Jahagirdar of Ichalkaranji.

Appendix R.

*Undue delay in forwarding cases to the Resident.
Delay in forwarding proposals for introduction of up-to-date
laws in the Jahagir.*

1909.

1. The Bombay District Police Act (Bombay Act No. IV of 1890).

A Schedule of this Act was received from the Dewan of Kolhapur by his letter No. 1636 dated 24th May 1909 for the Jahagir's remarks thereon. A reply to this was sent by the Jahagir Karbhari by his letter No. 321 dated 25th August 1909. However, nothing was done by the Darbar in the matter until 1941, when a fresh Schedule was received from the Prime Minister of Kolhapur by his letter No. 1101/P/FD dated 16th September 1941 and the Jahagir Karbhari submitted the Jahagir's remarks to the Prime Minister by his letter No. 482 dated 14th October 1941. The Act has not yet been introduced in the Jahagir.

1917.

2. The Motor Vehicles Act (Bombay Act II of 1904).

A proposal for the introduction of the Act was made by the Jahagirdar by his Vernacular letter No. 279 dated 10th May 1917, addressed to H. H. the Maharaja. This proposal was lying with the Darbar for more than a score of years.

It was only in 1939 that the Prime Minister of Kolhapur sent a fresh schedule of the Act by his letter No. 398 dated 17th July 1939 and remarks thereon were supplied by Jahagir's letter No. 85 dated 5th October 1939. Though it is more than two years since the Jahagir's remarks were forwarded to the Darbar, the Act has not been made applicable to the Jahagir.

3. The Public Conveyance Act (Act VI of 1863).

A proposal was made by the Jahagirdar with the necessary schedule for the introduction of the above Act by his letter No. Ver. 278 dated 10th May 1917 addressed to H. H. the Maharaja. It is nearly twenty-five years since the proposal was sent to the Darbar, who, however, have not extended this necessary piece of legislation to the Jahagir.

1921.

4. The Indian Companies Act (Act VI of 1882).

A proposal was made by the Jahagir accompanied by a schedule in the prescribed form for the introduction of the above Act in the Jahagir, by its ver. letter Javak No. 77 dated 9th December 1921 addressed to H. H. the Maharaja. Nothing was done by the Darbar in this matter until 1941 when a fresh schedule was received from the Prime Minister of Kolhapur by his letter No. 1101/P/FD dated 16th September 1941. The Jahagir's remarks thereon were submitted to the Darbar on 14th October 1941.

1926.

5. The Court Fees Act (Act VII of 1870).
6. The Indian Stamp Act (Act II of 1899).

In reply to the Diwan's No. 170 dated 26th May 1926 consent was given by the Jahagirdar for the introduction of these two Acts mutatis mutandis into the Jahagir by Ichalkaranji Karbhari's letter No. 244 dated 6th September 1926, addressed to the Diwan of Kolhapur. However, for about 12 years the Darbar took no step to introduce the Acts in the Jahagir, which has resulted in a loss of thousands of Rupees to the Jahagir.

Two years ago fresh schedule was received from the Prime Minister of Kolhapur by his letter No. 398 dated 17th July 1939. The stamp Act was introduced into the Jahagir from 1st November 1941 and the Court Fees Act from 15th December 1941.

1929.

7. The Bombay District Municipal Act (Act III of 1901).

The Jahagir sent its proposal for the introduction of this Act to the Darbar by its No. 70 dated 20th June 1929. It is very unfortunate that such a useful piece of legislation should have been delayed for more than a decade.

A fresh schedule of the Act was received from the Prime Minister of Kolhapur by his letter No. 643/P/FD dated 22nd May 1941 ; and the Act will be introduced in the Jahagir from 1st February 1942.

8. The Local Fund Cess Act (No. 69 dated 20th June 1929).
9. The Record of Rights (No. 104 dated 7th August 1929).

The proposals for the above two Acts were sent in 1929 and it took more than ten years to introduce the Acts into the Jahagir. These Acts have been introduced from 1st June 1941 and 15th August 1941 respectively into the Jahagir.

1930.

10. Cotton Ginning and Pressing Act (No. 60, dated 28th July 1930).

Nothing has so far been done in the matter by the Darbar.

1935.

11. Kolhapur Electricity Act.

The Jahagir moved the Darbar for the introduction of this Act by its letter No. 155 dated 26th December 1935. Nothing was done in the matter by the Darbar for 6 years.

A schedule was received from the Prime Minister of Kolhapur by his letter No. 727/P/FD dated 20th June 1941 and the Karbhari supplied the Jahagir's remarks by his letter No. 359 dated 31st July 1941. The Act has not yet been made applicable to the Jahagir.

Delay in forwarding the Jahagir's representations.

12. Representation No. 112 dated 27th September 1934 addressed to the A. G. G. against the Darbar's orders in the heirship inquiry of Haloli. This was forwarded to the Resident in 1940 that is 6 years after it was submitted to the Darbar.

13. Representation No. 1 dated 3rd January 1935 addressed to the A. G. G. against the Darbar's orders in the heirship inquiry of Mendholi. This representation has not yet been forwarded to the Resident.

14. Representation No. 20 dated 7th April 1936 addressed to the A. G. G. against the Darbar's orders in the matter of the Ferry Service at Ichalkaranji. This was forwarded by the Darbar on 5th October 1941 that is more than five years after it was submitted.

15. Representation No. 16 dated 5th April 1938 addressed to the Resident for Kolhapur and Deccan States against the orders of the Darbar ordering the refund of the service commutation and Nazar levied by the Jahagir on the income of Subrao Rachoji Desai, Chinchalikar. This was forwarded by the Darbar on 5th October 1941, that is more than three years after it was sent to the Darbar.

Accompaniment to Representation No. dated December 1941,
addressed to H. E. the Crown Representative in India.

Secretary to the Jahagirdar of Ichalkaranji.

Appendix S.

Instances of the disregard by the Kolhapur Darbar of the procedure laid down in the supervision Notification and the Rules thereunder :—

1. In total disregard of the assurance contained in Clause (3) of the Supervision Notification, "that all decisions which have been passed or which may be passed, or advice which has been given or which may be given, by the British Government or the Resident at Kolhapur on all matters appertaining to the rights, privileges and dignities of the Feudatory Jahagirdars will be scrupulously respected" the Kolhapur Darbar sanctioned the sale of myrobolan from the forest of Mendholi (an Inam village in the Jahagir which is at present under the management of the Court of Wards at Kolhapur) the right over which was decided in 1895 by the Resident at Kolhapur to belong to the Jahagir. The Jahagir has submitted a memorial* in this matter to the Darbar.

*Ichalkaranji's Memorial No. 35 dated 3rd June 1939.

2. So also in utter disregard of the above assurance, the Kolhapur Darbar unwarrantably intervened in three cases of intestate succession in the Jahagir by calling for records in spite of the fact that the right over intestate property in the Jahagirs of the four principal Feudatories, including Ichalkaranji, was recognised by the Political Agent so long ago as in the year 1880. Against the orders of the Kolhapur Darbar, the Jahagir has submitted a memorial* to the Resident at Kolhapur.

*Memorial No. 73 dated 6th September 1940.

3. The Darbar's Notification No. 37 dated 8th August 1939, relating to the seals in the Jahagir Courts, affords yet another example of breach of the assurance given by the Darbar. In the Preamble of the Darbar's Notification No. 37, it is stated that the right to grant seals to the subordinate Courts in the Jahagir is vested solely in the Darbar. This claim to grant seals to subordinate Courts in the Feudatory Jahagirs is inconsistent with the Political Agent's decision passed in this matter in 1907, according to which the right to grant seals to subordinate Courts in the Jahagir's belongs to the Jahagirdars, while the right of merely sanctioning the inscription on the seals vests in the Darbar. Although the Jahagir protested* against the wording of this Notification, the Darbar refused to amend it.

*Ichalkaranji's letter No. 114 dated 18th December 1940.

4. Another similar instance occurred when the Prime Minister questioned* the right of the Jahagirdar to grant Sanads to pleaders, practising in the Jahagir Courts, although this question on a reference by the Darbar had been decided by the Government of Bombay in favour of the Jahagir as far back as the year 1900. This is one more example of the way in which the Kolhapur Darbar disregard Government's orders relating to the rights of the Jahagirdars, which they (the Darbar) have undertaken scrupulously to maintain.

*Prime Minister's No. I. J. J. 56 dated 20th September 1937.

5. According to Clause 8 of the Jahagirdar's Thaili of Investiture, which is still in force and which the Darbar have undertaken scrupulously to respect, a new law can come into force in the Jahagir, "if the Political Agent sanctions it with the permission of Government previously obtained". But in contravention of this specific provision of the Thaili, the Kolhapur Darbar introduced the Kolhapur Wireless Telegraphy Act, and the Kolhapur Wireless Telegraphy (possession Rules), and some other Acts into the Jahagir, without the previous sanction of Government and without calling

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for the Jahagir's remarks on the Schedule of powers under the Acts, as required by the orders of Government (See G. R. No. 8146 dated 10th November 1900). The Jahagir's protest * in the matter proved of no avail.

*Ichalkaranji Karbhari's letter No. 258 dated 7th October 1936.

6. Often petitions for political revisions are prematurely entertained by the Darbar from the Jahagir people in contravention of Rule 5 of the Notification which provides that no political revision can lie to the Darbar unless the parties have exhausted the remedies open to them in the Jahagir. As an example may be cited the Prime Minister's Vernacular letter,* by which he asked the Jahagir to give explanation in regard to a petition made directly to the Darbar by certain people in the Jahagir without approaching the Jahagir authorities in the first instance. It is submitted that instead of entertaining the application, the Darbar should have directed the petitioners to seek redress of their grievances in the first instance in the Jahagir. The Jahagir has given its explanation* in this matter to the Darbar, to which no reply has yet been received.

*Prime Minister's Ver I. J. J. No. 57 dated 24th October 1939.

*Ichalkaranji Karbhari's No. Ver. 852 dated 16th December 1939.

7. The Darbar sometimes entertain revision applications against Jahagir's decisions in complete disregard of Rule 6 of the Supervision Notification which provides that in the absence of very exceptional reasons no application for political revision will be entertained unless presented within 60 days from the date of the decision complained of. As an instance, may be quoted an application to the Darbar by one Jija Amte of Ichalkaranji which was entertained after 22 years from the passing of the order by the Jahagir authorities. No reasons were given by the Darbar as required, for entertaining the petition in question. The Jahagir had represented** this matter to the Resident.

**Representation No. 53 dated 4th August 1940.

8. According to Rule 1 of the Supervision Notification, all petitions for exercise of supervisory powers must be preferred to His Highness the Chhatrapati Maharajasaheb. But ignoring this rule, the Prime Minister took** action on certain telegrams in a case against one Samangadkar addressed to him and called for explanation from the Jahagir. It is submitted that this action of the Prime Minister was unauthorised.

**Prime Minister's letter No. 773 dated 14th November 1939.

9. Again in the same case (i. e. Samangadkar's case) the procedure laid down in Rule 4 of the Notification was entirely disregarded by the Darbar. The Jahagir was never informed of the day fixed for hearing of petition nor was the Jahagir representative given an opportunity to be present at the hearing, as required by this Rule.

The Jahagir has submitted a memorial* in this case to His Excellency the Crown Representative.

*Ichalkaranji's representation No. 19 dated 10th February 1941.

10. In contravention of Rule 2 of the Notification which lays down a sound principle for the exercise of political supervision, namely that the Kolhapur Government will take no action unless the Jahagir's decisions are perverse, unjust, or oppressive, the Darbar entertained a revision application and reversed the Jahagir's orders, in a case relating to Magdumki Inam land in the Jahagir, which was twice decided by the Jahagirdar and twice confirmed by the Resident at Kolhapur. Presumably the decision in a case like this, which had gone up twice to the Resident, cannot be said to be perverse, unjust, or oppressive. The Jahagir has submitted a memorial,* against the Darbar's orders in this case to the Resident.

*Representation No. 87 dated 29th October 1940.

11. The Jahagir possesses from old times a cannon for firing on ceremonial occasions and to give salutes to persons entitled to such honour.

The present cannon was supplied to the Jahagir in 1884 specifically for the above purpose. In 1940, the Darbar framed certain Rules for the possession of the cannon and its firing and asked** the Jahagir to obtain a license from the Darbar authorities. These Rules affected the rights and prestige of the Jahagir and put stringent restriction on the use of the cannon. The Jahagir represented its case to the Darbar to which the Prime Minister replied * that "the rules communicated by the Darbar to Jahagir in this matter have been framed after consulting the Residency in the matter, and embody as to their executive part, the substance of the points that have emerged in the result". A representation* was made against this to the Resident who upheld the claim of Jahagir and ruled * "Rule 3 of the cannon rules is new and not contemplated in the 1905 Arms Rules, and, as such, the Resident should have been consulted before it was applied to the Jahagirs. A verbal arrangement alleged to have been arrived at between the Resident and Darbar cannot be invoked unless it has been reduced to writing and is on record for the information of subsequent Residents. In the circumstances the Darbar are advised to cancel the cannon rules under appeal."

**Prime Minister's letter
No. 763 dated 27th July
1940.

*Prime Minister's letter
No. 1381 dated 15th No-
vember 1940.

*No. 23 dated 17th
February 1941

* Prime Minister's letter
No. 706/P/FD dated 17th
June 1941.

This illustrates the Darbar's disregard for the observance of the Rules made by the Government of Bombay in their G. R. No. 8146 dated 10th November 1900 and of the rights, dignities and privileges of the Jahagirdars which the Darbar had undertaken to maintain in the Supervision Notification.

Accompaniment to Representation No. dated December 1941,
addressed to H. E. the Crown Representative in India.

Secretary to the Jahagirdar of Ichalkaranji.

Appendix T

Bombay, 12th May 1936.

My Dear Gordon,

I thank you for your invitation for the 21st May, which has reached me here on the eve of embarkation Ex. India, probably for good (my address, C/o. Thos. Cook & Son, Berkeley, St. W. 1.).

Before departure I think it well to let you have a copy of certain notes on the Ichalkaranji situation as observed by me during my tenure of the office of Administrator which I believe to be a fair and impartial statement of facts.

The information may be of use to you or you may put it in your W. P. B. Delhi has it.

Yours sincerely,
(Sd.) A. G. FRERE.

Notes on the General Situation of Ichalkaranji vis-a-vis Kolhapur.

1. On taking up the appointment of Administrator I was told by Colonel Wilberforce-Bell then Resident, that it was not open to me to approach him for advice on any account whatever, as it was not desired to give the Darbar the idea that anything was going on behind its back.

2. I spent a lot of time going through correspondence of the years preceding my appearance on the scene and it immediately became clear to me as an impartial observer that, since the 1930 handing over of a primary supervision to Kolhapur, the Darbar had adopted a policy to spoil the Feudatories. All of them, not Ichalkaranji alone, though I am concerned with Ichalkaranji alone.

From what I read and from my own experiences it appears that four main lines of attack can be distinguished. I will confine myself to what I have seen and hope to prove that the story put about by the Darbar that the whole situation is due to the intransigence of Ichalkaranji is false, where it is not directly provoked by the Darbar's own action.

- I. A policy of personal humiliation which may appear petty but which means so much to men whose personal dignity is their life's blood.
- II. Every means is seized to lower their prestige and their authority in the eyes of their officers and subjects by minute interference in the internal administration of the Jahagir.
- III. Open attacks upon their holdings.
- IV. The stifling of all communication to higher authority.

3. I will mention the following instances from any own knowledge in Ichalkaranji but similar cases occur in other Jahagirs feudatory to Kolhapur.

- I. (i) At the farewell reception to Col. Wilberforce Bell, the Maharaja's Staff Officers were given precedence over Ichalkaranji. This was noticed by Col. Bell but not remedied.
 - (ii) Ichalkaranji is forbidden to fly his own ancestral family flag on the grounds that to do so is to pretend to sovereign powers.
 - (iii) Saluting cannon business which is known to you.
 - (iv) Forbidden to wear distinctive Brahmin head-dress at the Darbar.
- II. (i) Paid Agents are maintained in the Jahagir who encourage petitioners against the Jahagir. Improper and calumnious petitions are accepted and it is not unknown that *ex parte* orders are passed (Ichalkaranji ferry case).
 - (ii) A Geography book prescribed and withdrawn though no legal enactment runs known to you, final letter Annex. B.
 - (iii) A demand is made (1934) that the Jahagir should submit to a regular heirship enquiry and prove his title to all the lands, individual villages, and rights he holds, in spite of the fact that he succeeded to the Jahagir more than 44 years ago with the sanction of the British Government; and holds a guarantee of the British Government for undisturbed enjoyment of his Estate. (Annex. C.)
 - (iv) Enquiry into the matters that were settled years ago under the supervision of British Government.
 - (v) Right of farming out ferries to ensure efficient service is challenged.
 - (vi) Right of Municipality to levy local taxes under Municipal Act, is challenged.
 - (vii) Jurisdiction over Kadim Inams enjoyed for 200 years is questioned, see (III) (i) below.
 - (viii) All dues levied over Inam villages for some 150 years with confirmation of the Political Agent are ordered to be paid into Kolhapur Treasury pending enquiry.
 - (ix) Requests for the introduction of laws have been pigeon-holed since 1907. District Police Act, Arms Act, Motor Vehicle Act, Court Fees Act, Stamp Act, and Local Fund Cess Act. Want of funds which could be levied under these Acts hamper education, Public Works, Sanitarian, Village Improvements, etc., etc. Reminders are without effect.
- III. (i) Two villages have been taken away from the Jahagir. Appeals pigeon-holed since October 1933 and January 1934. Direct orders issued to village officers and use of armed forces threatened (Haloli, Mendholi villages); twenty other villages are to receive similar treatment.

- IV. (i) In 1932 Kolhapur issued a circular (dated 14-5-32), laying down that communications with the Resident should *ordinarily* be made to the Prime Minister and not direct. There could be no objection to this *if the Prime Minister forwarded them*. Neither are advance copies nor reminders admitted. The Resident refuses to receive *any* correspondence official or unofficial, even reminders, direct and refuses to see the Feudatory or his representative on any business or for advice, though so far as Ichalkaranji is concerned, Colonel Bell wrote in August 1932, that Ichalkaranji was still under the supervision of the Resident. In effect this circular order permits the Darbar to completely withhold matters from the Resident and the Feudatory has no remedy, the most flagrant cases at the moment are Haloli and Mendholi villages above mentioned. This circular should be relaxed and either advance copies permitted or a time limit set for forwarding, failing which the Feudatory may forward direct. The Feudatories should be allowed open (not confidentially) access to the Resident to discuss business and for advice. Many outstanding cases could be settled amicably, and much heart-burning and stationery saved. During 1934, I did my best in spite of various personal humiliations (such as having my subordinates called upon to verify my statements to the Prime Minister), by conciliatory visits to Rao Bahadur Surve to smooth things out and was partially successful in some small matters. Colonel Bell saw fit to compliment me upon my efforts before he left.

Regarding the theory of the Jahagirdar's Thaili falling in abeyance because of the appointment of an Administrator. This idea was not suggested until August 1935, more than three years after the first appointment of an Administrator, in reply to certain questions as to powers asked by Colonel Frere.

The Thaili is a formal appointment by the British Government ; and so not liable to suspension by the Darbar without either the formal application of the holder or the assent of the British Government. Nor can the holder divest himself of powers and responsibilities by his own act alone.

And finally even if the Thaili *was* in abeyance that would not relieve the A. G. G. of the responsibility of supervision, rather the contrary.

(Sd.) A. G. FRERE.

Accompaniment to Representation No. dated December
1941, addressed to H. E. the Crown Representative in India.

Secretary to the Jahagirdar of Ichalkaranji.