Government of Bombay

Report

of the

Special Officer appointed to enquire into allegations regarding the use of police in connection with collections of land revenue in the Bardoli Taluka and the Valod Mahal of the Surat District

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From

R. G. GORDON, Esquire, I.C.S.,
Special Enquiry Officer, Bardoli;

To

The CHIEF SECRETARY to GOVERNMENT,
Bombay.

Nasik, 4th December 1931.

Subject :—**Bardoli Enquiry.**

Sir,

I have the honour to submit herewith the report in connection with the enquiry into certain allegations regarding the methods of revenue collections in certain villages of the Surat District which I was deputed to make by the orders contained in Government Resolution (Revenue Department) No. 5398-B dated 26th September 1931. As will be seen later, the enquiry came to an abrupt conclusion on November 13th, as the parties making the allegations, viz. the Congress and the khatedars, withdrew and declined to take further part in the proceedings. In these circumstances this report deals merely with the facts brought out in the evidence as recorded up to the date when these parties withdrew.

The Terms of Reference.

2. Paragraph 3 of the communique of the Government of India dated August 28th, 1931, and the terms of reference to the Enquiry Officer run as follows :—

"In regard to collections of land revenue in the Surat district the point in issue is whether in those villages of Bardoli taluka and Valod Mahal which were visited by Revenue Officials, accompanied by a party of police, during the month of July 1931, more severe demands, having regard to their material circumstances, were made from revenue payers and enforced by coercion exercised through the Police than were made from and met by revenue payers of other villages of the Bardoli taluka. The Government of India in consultation and full agreement with the Government of Bombay have decided that an enquiry shall be held into this issue in accordance with the following terms of reference :—

'To enquire into the allegations that khatedars in the villages in question were compelled by means of coercion exercised through

the Police to pay revenue in excess of what would have been demanded if the standard had been applied which was adopted in other villages of the Bardoli taluka where collections were effected after March 5th, 1931, without the aid of the police and to ascertain what sum, if any, was so paid. Within the terms of reference evidence may be produced on any matter in dispute.' "

3. According to these terms of reference I had to enquire into the allegations—

(1) that khatedars in the villages concerned were compelled to pay revenue on a standard higher than that adopted since March 5th, 1931, in other villages of the same taluka;

(2) that these demands were enforced by coercion exercised through the Police;

and to report—

(3) what was the sum, if any, so exacted;

4. On these issues I would venture to make the following remarks :—

(*a*) The names of "the villages in question" are not stated in the terms of reference and had to be settled as part of the enquiry;

(*b*) Of the two main issues the first regarding the collection of revenue is clearly the most important: that regarding the action of the Police is secondary: in fact, in the event of the first issue not being proved the second does not properly arise, as the "coercion" referred to in the terms of reference is "coercion to make excess payments" and not "coercion" in and by itself. I make these remarks in view of the efforts which have been made during the enquiry to force the Police issue to the front as the main issue and as independent of its connection with the payment of revenue;

(*c*) In the first issue the most important question is that of the standard of demand which was adopted in the other villages of the taluka, as this is the touchstone by which the issue as a whole, whether the payments made by the khatedars in the villages concerned were in excess, can alone be judged. In this connection I may remark that the phrase "standard of demand" must be interpreted as meaning "standard of collection" as "demand" is a technical word meaning the whole amount standing in the revenue papers as due from the khatedar and there can be no "standard" applicable in this case;

(*d*) According to the terms of reference the question of this "standard" is one of plain matter of fact relating to conditions within the Bardoli taluka alone and having no concern even with other talukas in the same district. The date "March 5th" as it appears there is merely a point of time defining the period within which the Enquiry Officer is to confine his investigations.

Here again I have to make this point at the outset because of the attempts which have been made by the Counsel for the Congress during the course of the enquiry to extend its range into altogether unauthorised regions. It has actually been claimed that the mere

mention of the date " March 5th " is sufficient to authorise the Enquiry Officer to investigate the manner in which the Government of India and the Government of Bombay have implemented the terms of the Delhi Pact on the ground that because March 5th is the date of the Delhi Pact and because the parties to the Pact and this enquiry are the same, therefore the mention of the date " March 5th " must mean that the question of how the Delhi Pact has been implemented must be a point at issue in this enquiry: not merely so but that it also gives authority to enquire how the Pact has been implemented in other districts and to call for all the papers from both Governments and from other districts for this purpose. It is hardly necessary to say that the terms of reference authorise no such investigations and that it was quite impossible to accede to these demands.

Procedure during the Inquiry.

5. The instructions received from the Government of Bombay regarding the powers of the Enquiry Officer and the methods of conducting the enquiry were as follows :—

(1) The enquiry was to be held under the provisions of Chapter XII of the Land Revenue Code and was to be an ordinary enquiry under section 197 of that Code;

(2) The enquiry was to be full and open and khatedars were to be allowed to lead as well as to test evidence before the Special Officer with the help of their representatives, including legal advisers;

(3) The Enquiry Officer was also given the powers of a Collector in the Surat District under section 19 of the Land Revenue Code.

6. In accordance with these instructions a public notice was issued in the villages concerned on the 28th/29th September giving the terms of reference, which, it was stated, would be strictly adhered to, notifying that a preliminary discussion would be held at Bardoli on October 5th and that thereafter the villages would be visited, and calling on any individuals, public bodies or organisation desiring to make a communication to the Enquiry Officer to do so. I went to Bardoli on October 4th and the same day a notice was issued to the villages directing those khatedars who might wish to make complaints to do so within one week.

7. On October 5th the proceedings opened at Bardoli. The Collector of Surat was represented by Diwan Bahadur Thakorram Kapilram, Government Pleader, Surat. The only organisation which appeared was the Congress which was represented by Mr. Bhulabhai J. Desai, Bar-at-Law. He also appeared on behalf of a number of khatedars, though it may here be stated that the real complainant was the Congress on whose behalf the khatedars really appeared as witnesses and not as independent complainants. The Congress brought them, made all arrangements for them and produced their documents for them, and, as was fairly clear, made them appear or not as it suited the Congress case. Indeed, one khatedar (Exhibit 6 of Moti Falod) stated that he

had no personal complaint against Government at all, but merely appeared because he had been told to do so and because others came. At this meeting I first read out a statement giving the terms of reference, stating the issues on the lines given in paragraph 3 of this report, which were accepted, and making general remarks as to procedure. The question of the villages to be admitted to the enquiry was discussed, the names of 10 were agreed upon and the question of 6 others which Mr. Bhulabhai wished to be added was reserved for later consideration. It was decided to begin the examination of witnesses on the 8th with Rayam. Mr. Bhulabhai also put in a written statement outlining his case. (A copy of which is attached to this report).

On the 7th a further discussion was held at which the following questions were discussed :—

(*a*) the order of the examination of the villages admitted to the enquiry ;

(*b*) the issues in the case ;

(*c*) the important question of the "standard" referred to in paragraph 4 (*c*)-(*d*) above.

8. As regards this last subject, Mr. Bhulabhai stated definitely that the standard which was the foundation of his case as having been in operation during the period from March 5th up to the date of the visits and as having been then violated was that by which no cultivator should be compelled to pay land revenue by borrowing for the purpose. That this "standard" was actually the basis of the Congress case is proved by the details given in the written statement and by the fact that every khatedar who gave evidence stated as the main part of his evidence that he had to borrow and the only other evidence given on the revenue issue, other than that regarding the khatedar's resources, was in connection with lending and borrowing. In fact, even as late as October 22nd this "standard" was maintained in a requisition for papers which stated in conclusion that "our case is that . . . no defaulter was obliged to pay except from his own depleted resources and therefore he was not to be obliged to pay if he had to borrow for the purpose of paying." On November 6th, however, in his oral statement on the subject of the production of papers referred to below Mr. Bhulabhai made the surprising statement that the "standard" was in point of fact undefinable, that he knew nothing about it and that only Mr. Gandhi knew, thus falsifying the whole of the Congress case up to date and in fact almost automatically leading to withdrawal, apart from the question of the production of papers.

9. During the further course of discussion on October 7th Mr. Bhulabhai produced and tried to get admitted the letter of Mr. Gandhi which is referred to in his written statement : he also raised the question of the correspondence between Mr. Gandhi and the Collector of Kaira also referred to therein. Though the subject of the "standard" with which these papers were connected was postponed pending the taking of evidence and the collection of facts Mr. Bhulabhai was given plainly to understand that the question of correspondence relating to other

districts did not arise. The letter from Mr. Gandhi was clearly inadmissible under the Evidence Act, but its production is interesting as proving that there can have been no intention of calling Mr. Gandhi personally as a witness at this stage : otherwise there would have been no point in trying to exhibit this letter.

10. From 8th October onwards the examination of the khatedars from the villages was proceeded with till 7 villages had been finished—those of Rayam, Moti Falod, Timberva, Pardi Khadod, Khoj, Vaghech and Bardoli. During this period also—

(*a*) I paid visits to the villages of Rayam, Khoj, Timberva and Pardi. I may add that I visited Vaghech later on November 17th and Bardoli on November 27th.

(*b*) Orders were issued on the subject of the 6 villages which Mr. Bhulabhai wished to be added to the original 10. Of these 6 one, Nava Falia, was added by agreement, but I decided that the other five did not fall within the terms of reference.

11. On November 5th the first Government witness, the Mamlatdar of Bardoli, was taken up. During the course of his cross-examination the question of the production of certain documents arose. Further consideration of the question was postponed by mutual agreement till the next day pending the submission of a statement on the subject of the production of documents by Mr. Bhulabhai. On the 6th, therefore, he produced a long written statement asking for the production of a mass of documents comprised under the following heads :—

(*a*) All orders, directions or notifications of the Government of India or of the Government of Bombay issued for the purpose of implementing the terms of the agreement of March 5th, 1931, and in particular clauses 16-B and 17-B and also with reference to revenue suspensions in Gujarat, which may have been issued between March 5th and the date of the order of the enquiry, i.e. 26th September 1931 ;

(*b*) All local orders issued in connection with the working of the agreement of March 5th. These "local orders" meant orders issued in different districts ;

(*c*) All documents which must have come into existence at or about the time when the visits took place ;

(*d*) Any communications which will throw light on the organised arrangements between the revenue officials and the police for and in connection with these visits.

The reasons given for asking for the production of the first two classes of documents were those already referred to in paragraph 4 (*d*) above, viz., that the reference to the date "March 5th" in the terms of reference and the fact that the Delhi Pact and the agreement regarding this enquiry was between the same parties necessarily involved the whole question of the implementing of the Delhi Pact as a point at issue in the enquiry.

These requests were combined in Mr. Bhulabhai's address on the subject with the statement previously referred to, that the Congress now

did not know what the "standard" was nor could they define it, but that only Mr. Gandhi knew; and it was finally also intimated that unless the decision on the production of papers was in favour of the Congress, they would withdraw from the enquiry.

12. On November 13th after the Divali holidays I issued an order stating my inability to accede to these requests. The main reasons given may be summarised as follows:—

(*a*) that the Congress, after having up to date conducted the whole case on the basis of the "no borrowing standard", had now come forward to say that they did not know what the standard was and had none to put forward. Hence the request for papers was merely a fishing enquiry with the object of going through the Government papers in order to try and find some grounds for a case against Government on the basis of evidence provided by Government;

(*b*) that as the case for Congress depended solely upon the evidence to be provided by Government regarding the standard it was their duty to have asked for papers long before and not when three-fifths of the evidence had been recorded.

In this connection I may add that as regards the first class of papers asked, viz. the orders of the Government of India and the Government of Bombay, a request for their production had already been made on October 22nd and refused on October 31st, yet no protest was made at that time, though according to the subsequent statement their production was essential to the Congress case;

(*c*) that the papers covered a very wide range and were quite undefined, and that the terms of reference had no connection at all with the Delhi Pact.

(*d*) that documents which came into existence after the date of the visits could not have any bearing on the question of the standard at that period unless they contained admissions.

Finally I added:—

> "If any reasonable request for the production of documents which are really shewn to have a bearing on some definite case put forward by the Congress and having relation to the terms of reference are put forward I will do my best to accede to them but it is impossible to agree to the vague and unreasonable demands made in the reference now in question."

Thereupon the Counsel for the Congress intimated the next day that they had decided to withdraw from the enquiry on the ground that it would be infructuous unless these papers were produced and that they could not in justice be withheld.

13. After the withdrawal of the Congress Government decided to present no more witnesses. I also considered it undesirable to call for any Government officers to give statements before me. Any such statements would merely have been declared to be ex-parte and of no value,

and would have given cover for charges against the impartiality of the enquiry. In the remainder of this report therefore no evidence is taken into account save that which was given before me in the presence of the Congress. In order, however, to fill in the details given in paragraph 16 I obtained from the District Superintendent of Police, Surat, a list giving the number and names of the Police Officers who accompanied the revenue officers to the villages in question.

Consideration of the recorded evidence.

14. I shall now proceed to consider the evidence as recorded in the enquiry up to the date of the withdrawal of the Congress.

15. As I have already stated in paragraph 7 above, 10 villages were admitted to the enquiry by agreement on the first day and one subsequently, the claim of Mr. Bhulabhai that 5 other villages should be admitted having been negatived. Eleven villages were consequently admitted in all, their names being :—

Bardoli Taluka ..	Rayam, Moti Falod, Timberva, Pardi Khadod. Khoj, Vaghech Sarbhon, Bardoli, Vankaner.
Valod Mahal ..	Siadla, Sikher, Nava Falia.

Evidence was recorded for the first seven villages, but then the Congress retired and with them the prospective witnesses from the remaining 4 villages. Notices were issued in these villages giving them an opportunity to make complaints independently, but no one came forward within the time fixed, so these villages are left out of consideration in this report.

16. The statement given below shews the composition of the combined parties of Revenue and Police Officers visiting the villages in question with the dates of visit :—

Village.	Revenue Officers.	Police Officers.	Date of visit.
1. Rayam ..	Mamlatdar ..	1 Deputy Superintendent of Police. 1 Sub-Inspector of Police. 6 Constables.	July 17th.
2. Moti Falod ..	(As above but with	5 constables) ..	July 18th.
3. Timberva ..	Aval Karkun ..	1 Sub-Inspector of Police 6 Constables. ..	July 20th.
4. Vaghech ..	Collector, Mamlatdar.	1 Deputy Superintendent of Police.. 1 Sub-Inspector of Police. 5 Constables.	July 20th.

Village.	Revenue Officers.	Police Officers.	Date of visit.
5. Pardi Khadod.	Aval Karkun ..	1 Sub-Inspector of Police. 6 Constables.	July 21st.
6. Khoj ..	Aval Karkun ..	1 Sub-Inspector of Police. 6 Constables.	July 21st.
7. Bardoli ..	Aval Karkun ..	1 Sub-Inspector of Police. 5 Constables.	July 22nd.

The general allegations made against these parties are on the same lines in all the 7 villages. They are that on arrival the Police were employed either, as in Rayam and Moti Falod, to prevent the khatedars from either going into or leaving their houses as the case might be or going out into the fields, or as in Timberva, Pardi and Khoj to prevent people or cattle leaving the village. The khatedars in arrears were then directed to be present and pay their dues. It is alleged that in every case the complainant khatedars, who number 62 out of the 146 from whom collections were made at the time of the visits, had to go out and borrow for the purpose of paying the amount of the land revenue collected on that day.

17. The table given below shews the total number of khatas in these villages, the number of resident khatedars and the number of complainants. The villages are shewn in the order in which their examination was taken during the enquiry :—

Village.	Total khatas.	Resident Khatedars.	Complainants.	Amount collected from 57 complainants.
1	2	3	4	5
				Rs. a. p.
1. Rayam	148	69	11	431 10 0
2. Moti Falod	136	76	6	493 5 0
3. Timberva	166	91	10	420 6 0
4. Pardi	134	100	6	331 8 0
5. Khoj	114	95	9	469 1 0
6. Vaghech	114	83	10	414 2 0
7. Bardoli	304	479	10	242 4 0
Total ..	1,316	993	62	2,802 4 0

The amount given in column 5 includes the sums paid on the date of the visit for the village concerned and also for other villages in which the complainants held khatas. Five of the complainant khatedars, however, paid after the date of the visit and nothing on that date. The sum involved is Rs. 319-14-0. This sum is not included in the figures

given above, but will be found in Appendix A attached to this report which gives the names of all the complainants together with the sums paid by them on or after the date of visit. It will be contended later on that those who paid only after the date of visit do not fall within the terms of reference. The actual number of khatedars involved in the payment of the total given in column 5 of the above statement therefore is 57. Ten of the complainant khatedars who did pay revenue on the date of visit also paid additional sums after that date. These sums are shewn in the Appendix, but are not included in the above figures. It will be argued later that these khatedars also do not fall within the terms of reference.

18. It will be seen that the number of complainants, whether compared with the total number of khatedars or the number of resident khatedars only is small while the sum involved is also a small figure. It may be argued that both the total number of khatas and the number of resident khatedars include joint khatas in which persons holding independent khatas have shares and that therefore these individuals are counted twice over, but there are a number of khatas in which persons have shares whose names do not appear in the records and on the whole the probability is that the number of khatas is not far out in representing the total number of actual landholders.

19. I have visited all these villages except Moti Falod. Bardoli is the taluka town and is situated on the extreme west of the taluka. The complainants are 2 Muhammadans and the rest Kachias, who are mainly irrigators. The other six are Kunbi villages, Vaghech being situated by itself to the south of the taluka and the remainder more or less in a group to the northwest, Timberva being rather more in the centre on the Railway. I have seen the houses of all the khatedars concerned, who are all, except one, Kunbis of the better class. In Rayam, for example, the complainants are the biggest khatedars in the village.

20. The evidence of all the witnesses was taken at Bardoli. They were produced by the Congress without any summons. The evidence of each khatedar witness consisted, first of a statement regarding the land held, the crops obtained in this year with their value and disposal: the amount of assessment paid, the number of cattle lost on "hijrat" and those acquired since; the number of the family and whether the khatedar was in debt, without details of the debts. To save time, these details, after Timberva, were reduced to a form which will be found attached to each statement. Then the visit of the combined party was described, so far as it touched the witness, and the borrowing of the money to pay the assessment. The only other witnesses except two were the persons who were either the lenders or were connected in some way with the borrowing of the money. The witnesses were cross-examined by the Government Pleader and re-examined. Only one Government witness was examined, the Mamlatdar of Bardoli, and his cross-examination had not been completed when the enquiry came to a close nor was he re-examined at all. The total number of witnesses examined was 135.

21. The subjects dealt with naturally divide themselves into two parts according to the issues in the enquiry, viz. Revenue and Police matters, so I will discuss the evidence under these two heads separately.

A.—Evidence regarding Revenue matters.

22. I would premise that under the terms of reference the enquiry under this head should have been a comparative one, the collections made from the complainant khatedars being compared with those made on the standard adopted in other villages of the taluka. This question of standard was therefore, as has been previously remarked, the crucial point of the whole enquiry. At the outset the Congress put forward as the basis of their case the "no borrowing standard" and the whole of the examination and the cross-examination of the witnesses up to the date of withdrawal had been conducted on this understanding. But Mr. Bhulabhai on November 6th stated that this was no longer their "standard", that the Congress did not know what it was and that only Mr. Gandhi knew. In these circumstances it is not possible for me to comply with the terms of reference exactly as they stand, as no standard is before me on the basis of which to make a comparative enquiry, Government having not had to put any case forward. In these conditions I propose to review the evidence put forward as it stands in order to see what light is thrown on the allegations made against the authorities of the Surat district of oppression in the collection of land revenue. It would obviously be unfair to allow these charges to remain unexamined simply because the Congress for their own reasons have chosen to withdraw from the enquiry.

23. In this connection I will first deal with certain points of practical revenue interest which come out in the evidence and in the statistics prepared in connection with the position of these khatedars :—

(*a*) The first point is the large amount of unauthorised arrears of land revenue appearing against the majority of these khatedars at the beginning of the revenue year. Thus, in the villages of Moti Falod and Pardi all the complainant khatedars except one had paid not a pie of assessment for the previous two years and in other villages most other khatedars were in the same position in only a somewhat lesser degree. For the year 1928-29 the failure to pay was put down partially to the occurrence of frost, but for 1929-30 no reasons could be given other than that of political agitation. Thus, the villagers of Rayam, and khatedars in other villages too, confessed that they had sworn not to pay any assessment in that year so long as Mr. Gandhi and Mr. Vallabhbhai Patel were in jail. At the same time, however, they had no reason to give why they did not pay when these gentlemen were released.

(*b*) But in spite of these facts the evidence about the measures actually taken during the visits to collect land revenue shows that they were mild in the extreme. The only coercive measure employed was that of distraint of moveable property and even this was only done in three cases, two in Rayam and one in Vaghech : and in only one of these three

cases was it carried through and the property actually taken over, as in the other two cases the khatedars paid some revenue and the property was released. It may be added that in the case of the only khatedar whose property was distrained (Daya Kala—Exhibit 2 of Rayam) he admitted in cross-examination that he actually did have Rs. 123 in cash in his house on the day of visit at the time when he said he was unable to pay anything. In no other villages were any coercive measures taken at all. Some notices of $\frac{1}{4}$th fine were issued, but none of these have been put into effect. With the allegations about action by the Police I deal under that head but so far as the Revenue department was concerned the measures taken were milder than those in an ordinary Deccan taluka in an average year for the collection of authorised arrears.

(c) As regards the amounts collected, the evidence proves without any doubt that, so far from the people being squeezed to pay more than they could, the amounts they offered were accepted without making any difficulties even though they might still be in arrears. It would be possible to quote a number of instances of this, but I will content myself with the three following :—

Bhula Mahadev (Exhibit 15* Khoj):—"They told me to bring more. But I was allowed to go." He had then paid only $1\frac{1}{4}$ times the assessment which is less than he would have had to pay in the ordinary way even with suspended arrears ;

Lala Uka (Exhibit 17 Khoj) :—"I was told I had arrears in Bharampur and was asked to pay them, but I said I could not do it then" and nothing more was said, even though for the villages in question he had paid only Rs. 20-12-0 out of a demand of Rs. 122-11-0.

Chhotu Rama (Exhibit 21 Timberva).—This man had a khata of Rs. 546 out of which he had paid only Rs. 20 up to date. He gives two different accounts of the same affair, in one of which the Sub-Inspector and in the other the Aval Karkun take the chief part, but in both cases he explained his position and he is told he can pay later and nothing more is done : and this though he had only paid Rs. 20 out of Rs. 546. I may add that after being treated in this considerate manner he shewed his gratitude by going off immediately, as he himself states, to the Congress Ashram at Bardoli, there to tell stories of oppression about the very officers who had been so merciful to him.

In point of fact out of the 62 complainants in only 8 cases is there any statement of a definite sum mentioned as being asked for. In three of these Rs. 100, 100 and Rs. 43 were first asked for while the sums actually collected were Rs. 25, 20 and 5. In one other case it was the Patel who asked for an additional sum.

24. There are also examples of khatedars who according to their own statements were quite prepared to pay much more than was actually

*Note.—The exhibit numbers shown are those given on the statement of recorded evidence for the villages concerned.

offered and readily accepted by the Revenue Officers: thus, in the village of Pardi Naran Vithal (Exhibit 1) states that he tried to borrow Rs. 125, but could only get Rs. 30; Khushal Morar (Exhibit 3) says that he tried to borrow Rs. 125 "as this was the amount of his arrears" but also only obtained Rs. 30: while Dayal Bhula (Exhibit 7) asked for Rs. 100, but only got Rs. 40.

25. At the end of the visits 39 out of the 62 complainants were still in arrears, of whom 10 had paid an amount only either equal to or less than one assessment of their holding and 19 had paid only between 1 and 1½ times one assessment which is less than would have been demanded in an ordinary year in any district in the Presidency.

26. The next two points which arise concern certain claims which it was apparently intended to make on account of the economic condition of the khatedars:—

(*a*) The details of crops given in the statements seem intended to prove that the khatedars had not the wherewithal to pay from their produce. As to this it is only necessary to say that the statements are entirely uncorroborated and, like all ex-parte statements of a cultivator's income, could not possibly be accepted as they stand;

(*b*) The second claim is on behalf of the complainant khatedars in the Kunbi villages on the ground that they are Hijratis. The facts are that in October 1930 the majority of the Kunbi cultivators of these villages migrated temporarily as a political gesture of which a good deal was made at the time. It is claimed that their crops must have suffered and that therefore these Hijrati khatedars are entitled to special treatment. To which it must be replied that if other Hijrati khatedars can pay there is no reason why these particular khatedars should be exempted unless they show special reasons, which they have failed and indeed not tried to do. But further, nearly 50 per cent. of the alleged loans came from the near relatives of the Hijratis who themselves went on "Hijarat" so that we have Hijratis proving that they as a class cannot pay the assessment by the evidence of loans borrowed from Hijratis.

27. I shall now proceed to consider the evidence in some detail and in this connection the first point I would make is that on the facts alone and apart from any consideration of the reliability of the evidence the following khatedars should in my opinion be excluded as not coming within the terms of reference, reasonably interpreted:—

(*a*) Those who had or could have no complaint;

(*b*) Those who paid the sums complained of after the date of the visit;

(*c*) Those who paid on the day of visit, but also made additional payments after that date.

To take these in order:—

(*a*) *Those who had or could have no complaint.*

(i) *Dhana Ganesh* (Exhibit 6 of Moti Falod) :—He stated before me that he had no complaint to make and that he had only come because he was told to come.

(ii) *Daya Ranchhod* (Exhibit 1 of Timberva) :—He was absent himself on the day and his brother, Naran Jiva, represented him. The latter stated that he did not see any coercion by the Police and that he was not ordered to pay assessment on that day, though he did actually pay it. This khatedar also comes under exclusion under (*b*) following as he paid Rs. 34 for Timberva and Rs. 38 for Rayam 3 and 5 days after the visit.

(iii) *Punja Deia* (Exhibit 16 of Timberva) :—He admitted that he had paid in cash and his complaint was withdrawn.

(*b*) *Those who paid the sums complained of after the date of the visit.*

I am unable to see how payments of this kind come within the terms of reference, when there was *ex-hypothesi* no fear of Police coercion at the time of payment. If this principle were admitted, then the period might be extended to any length of time :—

(iv) *Hira Kunverji* (Exhibit 10 of Timberva) :—This man paid Rs. 223-10-0 two days after the visit. He says he borrowed the money on the day of the visit and produces a document. He says he was too tired to pay on that day and went to the fields the next day, so only paid on the third day. I do not see how the case can stand.

(v) *Bhula Harkha* (Exhibit 12 of Timberva) :—His case is exactly similar to the above—including the excuse of being tired. He paid Rs. 149-15-0.

(vi) *Bhika Kuber* (Exhibit 24 of Vaghech) :—This man has no case at all. He was absent on the day of the visit. His wife said he would pay the next day and he did.

(vii) *Lallu Ranchhod* (Exhibit 16 of Bardoli) :—This man also has no case at all. He paid the day after the visit and does not even allege that he borrowed on that day.

(c) *Those who paid additional sums after the date of the visit.*

It seems entirely illogical to argue that a person has been coerced into paying beyond his capacity when he afterwards proceeds to make additional payments, in some cases even more than that paid on the date of the visit, voluntarily without any pressure at all. I consider that such khatedars have put themselves out of court and should be excluded.

These persons are the following :—

(viii) *Bai Kunver* (Exhibit 8 of Rayam) :—She paid an additional Rs. 40 seven days after the visit.

(ix) *Baber Rama* (Exhibit 8 of Timberva) :—He paid Rs. 20-9-0 the next day. On the day of the visit he had paid Rs. 6 only.

(x) *Parshotham Daya* (Exhibit 22 of Timberva) :—He paid Rs. 10 extra a week after the visit.

(xi) *Natha Madhav* (Exhibit 6 of Vaghech) :—He paid Rs. 15-13-0 extra five days after the visit.

(xii) *Bai Sami* (Exhibit 11 of Vaghech) :—She paid Rs. 43-1-0 for Vaghech four days after the visit and Rs. 8 for Pera later.

(xiii) *Bawa Bhagwandas* (Exhibit 14 of Vaghech) :—He paid Rs. 35-2-0 four days after the visit.

(xiv) *Bai Bhani* (Exhibit 21 of Vaghech) :—She paid Rs. 30-1-0 five days after the date of visit, having only paid Rs. 20 on that day.

(xv) *Ahmed Mahomed Lasania* (Exhibit 1 of Bardoli) :—He paid Rs. 13-12-0 on August 20th, i.e. one month after the visit.

28. Next I should like to make remarks about some features of the evidence as regards borrowing in general :—

(*a*) In 25 cases the lenders are the close relatives of the borrowers : either an uncle or a cousin or an aunt, etc. These circumstances as they stand of course connote merely temporary family arrangements and not true borrowing.

(*b*) In no case is the lender a *savkar* even though most of the khatedars are in debt to *savkars*. There is a case of a goldsmith and of a blacksmith and of a couple of vegetable sellers who are alleged to have lent money, but no savkar at all. The persons who are said to have done the lending in the six Kunbi villages are practically all Kunbis of the same village as the borrower except in the case of Timberva where for some reason or other which is unexplained 6 out of the 10 khatedars according to their statements went out miles into the Gaikwari territory in heavy rain, or in one case to Bardoli, to borrow.

(*c*) In only 5 cases are any documents produced : in all the other cases the lending was by oral agreement without even a record of any kind. Also in only two of these cases was any third party stated to be present at the time of the loan so that there is no corroborative evidence that it was made nor could it be proved in Court.

(*d*) Another striking feature is the case with which the money is said to have been obtained. The usual formula in the evidence is "I was told to find money so I went and got it from so-and-so." In only a few cases does a man say that he has to make a hunt for a lender. What he wants he gets without any difficulty on the mere promise to pay at the harvest. In one case (Hira Kunverji of Timberva) Rs. 250 are stated to have been lent without security by a man from the Gaikwari territory, without even knowing him or seeing him, on the word of another man. In another case (Parshotham Daya of the same village) a servant was sent without even a letter to a Gaikwari village some miles off and he was given Rs. 100 immediately by a man who had never lent money before.

(*e*) In every case about which this evidence was given the interest is stated to be 6 per cent. only.

The picture here presented by the witnesses is certainly not that of a helpless peasantry driven to raise loans from money-lenders at high rates of interest, but of khatedars who borrow in a friendly way from their relatives or from people who at any rate are not in any sense of the term money-lenders and who come mainly from the same village and are of the same caste, on an exceptionally low rate of interest, which any business man would jump at, and get the money required immediately without any security or indeed even any witness to prove the transaction on the mere promise to pay at the next harvest.

29. There is, however, another important feature of the situation which comes out strongly in the evidence which is that while khatedars are making these complaints because, as they allege, they have had to borrow sums amounting on the average to Rs. 50 per head for the payment of land revenue, yet they have no hesitation in spending far larger sums in other directions either out of their own funds or by borrowing while not paying land revenue. I give some examples of cases of this kind below :—

1.—Moti Falod.

(i) *Bai Pemi* (Exhibit 2):—She admits that 3 years ago she spent Rs. 2,000 on the marriage of her son on borrowed money, yet for the past two years including that year she has paid no assessment at all.

(ii) *Ranchhod Madhav* (Exhibit 5):—He admits having paid regularly for the past 10 years Rs. 200 as annual rent for an area half the size of his Government holding, the assessment of which is Rs. 111. Yet he paid only Rs. 13 in all as assessment in the previous 2 years.

2.—Timberva.

(iii) *Hira Kunverji* (Exhibit 10):—He settled two debts of Rs. 4,100 and Rs. 1,500 in June by the sale and transfer of land, but paid only Rs. 130 as assessment out of Rs. 501.

3.—Pardi Khadod.

(iv) *Jaga Gopal* (Exhibit 6):—This man's total assessment in 3 villages amounts to Rs. 124 on which he had paid only about Rs. 20 during the previous 2 years, yet during this period he has paid annually assessment of Rs. 250 for land in Gaikwari territory where he has no arrears. Though he says he is in debt, he also admitted that he is owed considerable sums by Banias in his own village. He is obviously a man of large means.

4.—Khoj.

(v) *Bhika Ratanji* (Exhibit 4):—He has leased an area just over half the size of his Government holding on a rent of Rs. 211 out of which he states he has paid Rs. 161 this year. Yet before the visit he had only paid Rs. 97-7-0 on his Government holding; even now he has only paid Rs. 129 on it which is less than 1½ times the assessment.

(vi) *Lala Govind* (Exhibit 9):—Last year he sold land for Rs. 4,100 but paid only Rs. 30 as assessment out of a khata of Rs. 77.

(vii) *Hansji Bhikha* (Exhibit 11):—This man bought a bullock in June for Rs. 255 and a buffalo in September for Rs. 170, paying cash in both cases. In 1928-29 (the "frost" year) he bought land for Rs. 2,433, paying Rs. 900 in cash and the rest in subsequent instalments of Rs. 500 a year. This year he paid Rs. 800 in cash. It is true that he says he sold land this year for Rs. 1,200 but he forgets the name of the man to whom he sold it!

(viii) *Naran Mavji* (Exhibit 14):—Two years ago this man and two partners bought land for cash for Rs. 1,100. He says the money was borrowed, but declined to say from whom. The sum he now complains about is Rs. 24-6-0 only.

5.—VAGHECH.

(ix) *Govind Naran* (Exhibit 1):—This man admits having two years ago received land valued at Rs. 1,185 for a debt due to him. The sum he objects to pay was Rs. 40 and even so he has only paid just over once the assessment.

(x) *Natha Madhav* (Exhibit 6):—He admits that 4 years ago he sent his brother to South Africa at a cost of Rs. 1,000 of which Rs. 400 were paid in cash and Rs. 600 borrowed. This borrowed money has been paid off during the last 3 years in instalments of Rs. 200 per annum, though in the last 2 years he only paid Rs. 45 as assessment.

(xi) *Bai Sami* (Exhibit 11):—She was repaid a sum of Rs. 400 in May by a debtor, yet paid no Government assessment out of it.

(xii) *Bawa Bhagwandas* (Exhibit 14):—This man is the village priest He admits that he is owed Rs. 1,500 by one debtor and that he does moneylending.

6.—BARDOLI.

(xiii) *Lallu Vallabh* (Exhibit 6):—He admits that for the past 3 years including this year he has been regularly paying rent of Rs. 125 for an area half the size of his Government holding which is only assessed at Rs. 37; yet during the past 2 years he has only paid Rs. 15 in all as assessment; even now he has only paid a total of Rs. 37, equal to one year's assessment of his holding.

(xiv) *Ranchhod Natha* (Exhibit 7):—He admits that this year he has paid Rs. 80 in rent for an area which is only two-thirds the area of his Government land which is assessed at Rs. 8-5-0. Even now he has only paid a total amount of Rs. 18-5-0 as assessment.

30. The present complaints in fact really imply that money may be spent to any amount, whether from a khatedar's own pocket or from loans, on any other object other than on that which, according to the

law, constitutes the first charge on a landowner's property, viz. the land revenue : that a khatedar has the right to hold up the payment of this revenue not because he has not had the crops but on account of political reasons and then, when he has spent his money on his private affairs or rent or other similar objects, he has a right to make loud complaints because he is asked to draw on his extensive credit for the payment of a small sum of land revenue, at a cost in interest which amounts to an average of Rs. 2-4-0 per head in the case of the present complainants for the 9 months till the cotton season.

31. I respectfully submit that this claim could not be admitted as valid even if the allegations as regards the necessity for borrowing in these particular cases were held to be proved. In point of fact, however, there is clear proof that in a number of cases the allegations as regards the fact of borrowing are either demonstrably false or else so highly suspicious that the statements made cannot be believed. I give these cases below :—

1.—Rayam.

(i) *Lallu Naran* (Exhibit 12) :—He states that he borrowed Rs. 15 from his sister who was staying with him. The story is a most unlikely one and is uncorroborated as the lady did not come forward to support it.

2.—Moti Falod.

(ii) *Bai Lakhi* (Exhibit 4).

(iii) *Ranchhod Madhav* (Exhibit 5) :—

The alleged lender is an old woman, Bai Manchhi. The loans were Rs. 50 each. In order to make the loans she had to have the wherewithal and so she had obviously been coached to say that she had been left an inheritance by her father : no other independent source of income is stated. When, however, at the outset of her examination-in-chief she was asked the direct question by Counsel she said without hesitation that she had not been left any inheritance by her father, and on being asked a second time gave again an emphatic denial. But a minute afterwards when she was allowed to repeat her story by rote she told a long tale of this very inheritance. As everyone saw, she had been taught to repeat this story by heart as a piece of repetition without realising it as a matter of fact. In her evidence about Lallu Hansji, the brother of the Bai Lakhi, she said that both brother and sister had come to see her the same afternoon about the loan, that Lallu has fits and that he had come to sign the document produced in the evening when he got well. His sister, however, had stated in her evidence that her brother had gone to Bulsar that day to see the doctor and had only returned late in the evening. In her re-examination next day therefore Bai Manchhi stated that she had "remembered" during the night "when she had fever" that the brother had really gone to Bulsar. The "document" was written in an old book with a one-anna stamp and she admitted that she had never used such stamps before.

3.—TIMBERVA.

(iv) *Gopal Bhawan* (Exhibit 18):—This man says he "borrowed" Rs. 21 from the wife of his son who lives with him. She says that she had collected the money "in small presents" from relatives. An absurd story.

4.—PARDI KHADOD.

(v) *Jaga Morar* (Exhibit 4):—The amount alleged to have been "borrowed" was really as he admitted, part of the price of land sold to the "lender" which was due to the complainant and there was no loan at all.

(vi) *Parbhu Bhika* (Exhibit 9):—He is a boy of 15. The "lender" refused to give evidence and wrote to say that he knew nothing of the matter. He was summoned, but did not appear and the Counsel for the khatedars took the matter no further.

5.—KHOJ.

(vii) *Natha Bhika* (Exhibit 3):—In this case also the "lender" wrote to say he knew nothing of the matter and declined to appear.

6.—VAGHECH.

(viii) *Bai Jasoda* (Exhibit 8):—My note about this woman's evidence is as follows:—"This woman was obviously lying from start to finish, but much against her will. She was much ashamed of herself and very reluctant to tell the lies she was forced to tell in cross-examination to support her story." Her tale of how two constables removed her furniture was quite irreconcileable with that of her daughter, aged 15, while her story of how she borrowed Rs. 40 from her servant, a Dubla, is quite incredible. He is just an ordinary Dubla without any land who used to be employed in drawing water for the village cattle and the chances of his possessing or still more of being able to lend Rs. 40 are nil inspite of his attempt to account for the transaction from the proceeds of the recent sale of his only bullock.

(ix) *Bawa Bhagwandas* (Exhibit 14):—This is the man in whose house the incidents referred to later on in paragraphs 37 (6) and 38 (2) (*b*) under the head "Police" are alleged to have occurred. By occupation he is the Village priest. He stated on the date of the visit that he had no money, yet on a search of his house the sum of Rs. 39 was found and credited. The "loan" of Rs. 90 paid on the date of visit is alleged to have been arranged for him by one Madhav Ranchdod (Exhibit 15). The evidence of this man is suspect for several reasons and the evidence for the loan itself is nonsensical. The "lender" is a woman, Bai Nani (Exhibit 17), who stated that she lent the money in currency notes which she had had with her for 5-6 years having been given her as gifts at the time of the marriage of her two daughers. She says that her husband knew nothing of her having this money. On the day when she "lent" it her husband himself was in arrears of land revenue to the extent of Rs. 131. From her manner of giving evidence she was clearly telling falsehoods:

(x) *Nana Lalla* (Exhibit 19) :—This man alleged that he borrowed Rs. 20 from his widowed granddaughter, aged 20, who was living with and had been dependent on him since the date of her husband's death 18 months before. The granddaughter herself told an untruthful story stating that she was not living with and was independent of her grandfather owing to an inheritance, which she was forced to withdraw in cross-examination.

(For other untruthful stories from this village see under the head of "Police" later on).

7.—Bardoli.

(xi) *Musa Ibrahimji* (Exhibit 2) :—He admitted in cross-examination that he had other land not shewn in his statement for which he paid Rs. 11 in cash the next day after the visit out of his own pocket. He admitted that he had this money with him the day before when he had said that he had had to borrow Rs. 10 in order to pay his assessment. His story was therefore entirely false. The "lender" also wrote to me to say that he knew nothing of the matter.

(xii) *Keshav Lala* (Exhibit 14) :—The "lender" is a labourer who gets 8 annas a day and his wife also goes out to work for 4 annas a day. He has land with an assessment of Rs. 50 which he says he has leased for Rs. 150, he paying the assessment. He does no cultivation himself yet was able to produce on the spot for lending Rs. 100 in currency notes.

(xiii) *Lallu Ranchhod* (Exhibit 16) :—My note about this man is :—"He told lies in almost every sentence : not a word of truth in his deposition." He denied knowing his own nephew and also told lies about money which he said he had not paid but which he obviously had paid.

32. The evidence detailed in the last paragraph can only have come about in one of two ways : either the witnesses have been deliberately put up to make false statements or they themselves have given false information which has been taken as true and put before me as such: I am afraid that I am unable to accept the latter alternative, especially when taken in conjunction with the facts given later on under the head of "Police" in connection with the conspiracy to give false evidence against one particular Police Officer. Old Kunbi women and young girls do not make up false stories on their own account and there is no doubt that they were taught to this end. Who is individually responsible for doing this it is not possible to say, but the Congress have been responsible for putting up the case as a whole and they must be held responsible for the details also.

33. In the light of these facts it is at the same time impossible to place any reliance upon any of the stories about borrowing except possibly those where there is a document and two of these have been discredited in the last paragraph. As has previously been pointed out, in only two of the cases where there are no documents is there any corroborative evidence other than that of the borrower and the lender themselves. In view of this fact and the peculiar circumstances of the

case as a whole I should certainly be unable to accept the statements of the khatedars about their borrowings without other good corroborative evidence in any of these instances. It is possible that some, perhaps a good number, may be true stories, but there is no way of distinguishing the true from the false and taken individually they are just as likely to be inventions as those recorded in the last paragraph, and seeing that they are also made in the interests of the witnesses so far as this enquiry is concerned it would be impossible to accept them as they stand. My opinion therefore is that even from the standpoint selected by the Congress this evidence is valueless and no reliance can be placed upon it: and I would remark in conclusion that it is impossible to see how research into such documents as the orders of the Governments of India or Bombay regarding the Delhi Pact could have made any difference favourable to the Congress case when the facts are so clear.

On the comparative basis laid down in the terms of reference there is no evidence to be taken into account at all.

B.—Evidence regarding action taken by the Police:

34. As I have previously remarked in paragraph 4 (*b*), if the first issue is not substained, then that relating to action taken by the Police does not properly arise, as it is only coercion to pay land revenue on the higher standard which is in question according to the terms of reference and not coercion in and by itself. At the same time in view of the allegations which would certainly be made that the whole matter was being hushed up if it were left out of account, I propose to deal with the evidence recorded on the subject of Police action simply as it stands, premising that this evidence is solely that of the khatedars and that none has been taken on behalf of Government except the partly heard statement of the Mamlatdar of Bardoli.

35. The foundation of the allegations of Police coercion is presumably the telegrams sent by Mr. Vallabhbhai Patel to Mr. Gandhi at Simla on the 17th, 20th and 21st July which are printed in the written statement. I will transcribe the final telegram of 21st here :—

"Police prosecution becoming intolerable . . . Several Timberva peasants not allowed to work by Police: had to go other villages and borrow money heavy interest. To-day reports received that Khojand Pardi villages surrounded by Police since early morning. Neither people nor cattle allowed to go out. Complete blockade of those who owe money. Police posted several houses Bardoli town blockading entrance. Men women complain filthy abuses harassment. For God's sake allow fight if this cannot be stopped."

In another telegrams of the same date it was also stated "Police broke open backdoor of a Muhommadan of Bardoli. Two children injured: property taken out for Rs. 24 for frost year . . . Similar attachments for past arrears continue."

36. I will now proceed to give a summary of the evidence for the different villages. Before giving the details, however, I would first

remark that in no case is there any allegation of force or violence having been used by any policeman, except in that of one Sitaram Ganpat to which I refer in detail below. No khatedar or witness alleges that he was even touched or that any personal restraint was exercised upon him, nor is there any evidence given as to the number of Police alleged to be included in the parties beyond a very occasional remark that they were about "20" or "15—20". Turning now to the summary of evidence for each village :—

(1) Rayam.

The general allegations are that in one case Police were placed at the back and front of the house : in another that Police were found in the house when the khatedar arrived : in a third that Police came and forced the back door : in a fourth that 4—5 Police came and said "Pay revenue". Next that "Police were made to come and stay in the house" and that "I was not allowed to enter my house", or that "a sepoy sat and refused to let me enter my house."

(2) Moti Falod.

The allegations are the same kind as those made above and details are unnecessary.

(3) Timberva.

One witness (No. 2) stated that he saw no coercion by the Police. In other cases the general allegations are that the khatedars were told not to leave the village nor to take out their cattle before paying their dues but no instance is given of any particular cattle having been restrained : also that the Sub-Inspector of Police sat at the house of Lala Uka with the Aval Karkun and told people to pay when they came.

(4) Pardi Khadod.

As above for Timberva. The Sub-Inspector of Police sat with the Aval Karkun at a khatedar's house and told people to pay. The Police (in general) said that cattle were not to be released.

(5) Khoj.

In this village the khatedars stated that they were merely called by the Patel to his house and ordered to pay and told that cattle would be allowed to go out if revenue was paid.

(6) Vaghech.

At the village the Collector was present and stayed at the house of Bhagwandas and later at that of the Patel where people were called. The allegations against the Police include three cases of distraint by constables on their own account, an alleged entry upon a shrine with shoes on by constables and a Mahomedan talati and the charge against Sitaram Ganpat referred to below in para. 38.

(7) BARDOLI.

Apart from the evidence of two Mahomedans, the first of whom said that 15 Policemen came to his house, told a story of a distraint of property which never took place and was otherwise proved to be lying, and of a second Mahomedan who was also proved to be telling falsehoods about his alleged loan, the only evidence is that the Aval Karkun and the Sub-Inspector sat at one house and told the people to pay revenue when they were called.

37. It is clear that the allegations are mostly of that general and miscellaneous kind which are easy to make and which quoted in the mass give the impression that something bad at any rate must have occurred. Nothing is easier than to say "The Fauzdar abused me" or "told me to pay revenue" or that "4 or 5 constables came to my house" and it is equally easy to create prejudice by quoting such cases at large as though their very number made them true. But ten untruths do not make one truth nor do ten uncorroborated statements make one corroborated statement and no judicial Court would think of taking merely general statements of this kind seriously. Even one case definitely proved would have its effect, but in no case has this been done. In these circumstances and in view of the fact that no rebutting evidence of the Government officers has been heard all I can do is to make remarks on such points regarding which it seems possible to arrive at any definite conclusions on the basis of the evidence produced :—

(1) RAYAM.

The allegations that constables were posted at the front and rear of houses or went in bodies to other houses and other similar statements are obviously untrue. There were only 6 Policemen in all of whom 3—4 were used for guarding the distrained property, while to have done the acts alleged would have needed a small army. It is in evidence that khatedars were allowed to go about freely in order, as they state, to borrow money and it would be simply foolish to prevent them going into their houses to get money in order to pay the assessment. There is also, as I shew below, clear evidence that some of the Rayam people were in the conspiracy against the Policeman Sitaram Ganpat and this must throw doubts over the whole of the statements made in that village.

(2) MOTI FALOD.

Here again the allegations about the actions of the Police are absurd. The actual number in the party was five, whereas in order to carry out the operations described at least 15 or so would have been necessary.

(3) TIMBERVA.

(4) PARDI.

(5) KHOJ.

In these three villages the Aval Karkun was in charge attended by a Sub-Inspector of Police and 6 constables. Here except in a couple of

cases where we get the familiar posting at front and rear the only allegations are that the khatedars were called to the place where the Aval Karkun and Fauzdar were sitting and told to pay up : also that the cattle were not allowed to be taken out. In these cases it is quite possible that the constables were employed to call the khatedars to see the Revenue Officer ; it is also possible that it was ordered not to take the cattle out till the assessment was paid. After all assessment cannot be collected from people who are absent and buffaloes are attachable property. But this is not coercion.

(6) VAGHECH.

The three stories about distraint by Police constables on their own account are uncorroborated except in two cases by the statement of Madhav Ranchhod whose evidence is quite unreliable and in that of Bai Jasoda the story is undoubtedly false as the account given by her is irreconcilable with that given by her daughter. This is the case referred to in paragraph 31 above under No. (viii). Not word was said to the Collector about these alleged incidents though he was on the spot. As for the allegations against Head Constable Sitaram Ganpat attention is invited to paragraph 38. With regard to the alleged entry upon a temple by Police and a Mahomedan talati with shoes on, the facts are as follows :—I have seen the place personally. The scene is the house of the village priest, Bawa Bhagwandas, for whom *vide* paragraph 31 (ix) above. It is an ordinary house with the doorway from the verandah opening directly on to a large room. Round the corner on the right and invisible from outside is a small compartment about 8 ft. square railed off to the ceiling and behind this and quite out of sight except on close inspection is apparently a small private shrine. No one entering the house could possibly know it was there without close scrutiny. What happened was that under the Collector's orders the Talati went inside the house to distrain certain moveable property accompanied by two or three constables. No objection whatever was taken by the Bawa to this action either then or at any other time, even though the Collector was on the spot. This incident is now sought to be turned into a case of profanation of a shrine

(7) BARDOLI.

No particular remarks are necessary regarding this village. With the allegation made in Mr. Vallabhbhai's telegram of 20th July regarding assault and damage at the house of a Mahomedan I deal below in paragraph 38.

38. In the remarks on the allegations made in the village of Rayam above I have referred to a conspiracy against a certain Policeman, Sitaram Ganpat, of which I will now furnish details. As is clear from the evidence given in this enquiry this Constable had made himself obnoxious to the Congress workers in the Bardoli taluka for political reasons and the enquiry was taken as a good opportunity to have revenge by bringing him into trouble. To this end the following series of incidents was trumped up against him in 3 different villages :—

1.—RAYAM.

Sitaram is mentioned by two witnesses as having been present among the party which visited this village and one of them, Lallu Naran, (No. 12), stated that Sitaram escorted him to his house and threatened him with distraint of his property. He also stated definitely that he knows Sitaram "very well". But actually Sitaram was not among the party. His name does not appear in the list furnished by the District Superintendent of Police and the Mamlatdar also says he was not there, and as he is admitted as having been present in Vaghech and Bardoli where much more serious incidents are alleged to have occurred there would be no point in denying his presence in Rayam had he been among the party.

2.—VAGHECH.

(*a*) Two old women, Bai Gomti (Exhibit 2), and Bai Bhikhi (Exhibit 5), aged 60 and 65 respectively, stated, the first that Sitaram headed a body of Police who came and threatened her with distraint of property and the latter that he had broken open her cupboard. The statement of the latter is illuminating, her exact words being: "I carnot see very well, and I cannot say who broke open my cupboard. Sitaram himself broke it open." No reasons could be given for this conclusion. On being cross-examined they both admitted that they would not be able to recognise him if he were produced before them and that they were half-blind. It was perfectly clear that they had been told to bring in Sitaram's name somehow and that they had done it

(*b*) In this same village Ramdas Guru Bhagwandas (Exhibit 17), who is the *chela* of the village priest, stated that while he was on the threshold of the shrine in the house Sitaram pulled him out, abused him, took him by the neck and dragged him out, and then paraded him holding by the arm round the village to look for his master. He admits that at the time the Collector, Mr. Kothawala was sitting within a few feet of the place on the verandah, and stated that he was dragged past him, yet admits that he made no complaint nor did the Collector take any notice. Of this story, however, he brings no corroboration whatever though many people must have been on the spot, and he admits that while he was being taken through the village he met no one. The whole story is an obvious invention.

3.—BARDOLI.

Still more illuminating is a story of which no evidence was actually given, but which appears in the general statement of evidence to be given for the village submitted by Counsel. I give the details in full:—

"*Ismail Sale Acchla*:—He was in his fields transplanting rice. When the Police entered his house by breaking open the rear doors and began to take out his belongings his nephew went to call him. On his return he saw that all his belongings were taken out of the house and were lying in the rains in the street. The womenfolk were crying. His daughter

Rokaiya aged about 16 was injured on the head. His infant daughter aged 7 or 8 months was also injured. The dung floor of the house was damaged by the removal of big boxes fixed therein. When he told the Police that they ought not to have done all that mischief. . . . Sitaram Jamadar asked him abusively to shut up otherwise he would be fired at."

Here is a comprehensive story involving not merely damage to property but also injury to a girl and a baby and the guilt of Sitaram, and one too which could have been proved if any could, yet the khatedar does not appear. The only conclusion which can be drawn is that the story as it stands is an invention meant to involve Sitaram in trouble if possible, but was withdrawn as impossible to prove.

39. Tested by the facts given above the allegations made in Mr. Vallabhbhai's telegrams seem to vanish into somewhat thin air, so far as these villages are concerned. Of Police persecution such as could be termed "intolerable" there is no trace at all and even on the evidence as it stands the utmost that could be said is that possibly the Police were used to tell people to see the Revenue Officer before going to their fields and even on this point the rebutting evidence of the Officers concerned has not been heard. The force which is alleged to have completely surrounded and blockaded the two large and straggling villages of Khoj and Pardi, which are situated side by side and were dealt with on the same morning, was 6 constables, and in Bardoli there is no complaint at all about harassment and filthy abuse while the story of the breaking open of the backdoor of a Muhammadan's house and the assault on two children is not even attempted to be proved. In fact it is pretty clear that this latter incident which formed the subject of a special telegram to Mr. Gandhi was in its existing shape one of a series meant to involve Head Constable Sitaram Ganpat in serious trouble on account of his anti-Congress activities.

General conclusions.

40. I may now sum up my general conclusions as follows :—

(1) As regards the first issue, there is no evidence at all that khatedars in the villages concerned were forced to pay revenue on a higher standard than that adopted in other villages of the same taluka after March 5th. As regards the evidence produced, even on the ground selected by the Congress, that of the "no borrowing standard", which itself was never attempted to be proved, that evidence must be pronounced highly unreliable and in some cases deliberately false, while the cases of some 25 per cent. of the complainants do not fall within the terms of reference ;

(2) As for the second issue regarding the allegation that the excess payments were enforced by coercion exercised through the Police, in view of the failure of proof under the first issue it does not properly arise. Taking the allegations however, as they stand, even without the rebutting evidence of the Officers concerned the only charge which could stand as requiring investigation is that of using the Police to call khatedars

to see the Revenue Officer and telling them not to go to their fields or loose their cattle till they had done so; and this is not coercion. In any case suspicion is thrown over the whole matter by the deliberate attempts made to involve one particular Police Officer in trouble by trumping up false charges against him;

(3) The third issue, that of the excess amounts paid, does not arise.

I have the honour to be,

Sir,

Your most obedient servant,

R. G. GORDON,

Special Enquiry Officer, Bardoli.

Appendix A.

List of complainant khatedars and sums paid.

Running No.	Village No.	Name.	Amount.			
			For village concerned.		For other villages.	
			At visit.	After visit.	At visit.	After visit.
1	2	3	4	5	6	7
		Rayam.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
1	1	Dahya Lala ..	26 0 0	..	..	..
2	2	Dahya Kala ..	6 2 0	..	..	..
3	3	Chhita Parbhu ..	100 0 0	..	..	..
4	4	Rama Daya ..	30 9 0	..	..	..
5	5	Bai Kunver ..	43 0 0	40 0 0	..	..
6	6	Chhita Bhikha ..	5 0 0	..	..	..
7	7	Dayal Lala ..	40 15 0	..	..	..
8	8	Morar Galal ..	25 0 0	..	..	..
9	9	Lallu Naran ..	25 0 0	..	..	..
10	10	Dullabh Morar ..	30 0 0	..	..	..
11	11	Bai Motli ..	100 0 0	..	..	..
		Total ..	431 10 0	40 0 0	..	..
		Moti Falod.				
12	1	Makan Chhita ..	132 6 0	..	..	..
13	2	Bai Pemi ..	73 0 0	..	..	..
14	3	Bai Lakhi ..	46 0 0	..	..	..
15	4	Ranchhod Madhav ..	111 10 0	..	..	..
16	5	Dhana Ganesh ..	31 10 0	..	..	..
17	6	Ganesh Mitha ..	98 11 0	..	..	..
		Total ..	493 5 0	..	..	..

Running No.	Village No.	Name.	Amount.			
			For village concerned.		For other villages.	
			At visit.	After visit.	At visit.	After visit.
1	2	3	4	5	6	7
		Timberva.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
18	1	Dahya Ranchhod ..	34 3 0	34 0 0	..	38 5 0
19	2	Kunverji Jivan ..	150 13 0	..	..	..
20	3	Lala Jivan ..	62 1 0	..	..	..
21	4	Babar Rama ..	6 0 0	20 9 0	..	..
22	5	Hira Kunverji ..	..	159 9 0	..	64 1 0
23	6	Bhula Harkha ..	..	110 0 0	..	39 15 0
24	7	Natha Jivan ..	49 14 0	..	..	..
25	8	Punjia Deva ..	6 0 0	..	..	..
26	9	Gopal Bhawan ..	21 0 0	..	..	..
27	10	Parshotam Dahya ..	90 7 0	..	..	10 0 0
		Total ..	420 6 0	324 2 0	..	152 5 0
		Pardi Kadod.				
28	1	Naran Mithal ..	30 0 0	..	..	..
29	2	Khusal Morar ..	30 0 0	..	..	..
30	3	Jaga Morar ..	59 6 0	..	39 1 0	..
31	4	Jaga Gopal ..	50 0 0	..	20 9 0	..
32	5	Dahya Bhula ..	37 8 0	..	..	..
33	6	Parbhu Bhikha	65 0 0	..	..	..
		Total ..	271 14 0	..	59 10 0	..
		Khoj.				
34	1	Kalidas Nathu ..	30 0 0	..	..	..
35	2	Natha Bhikha ..	77 10 0	..	7 13 0	..
36	3	Bhikha Ratanji ..	..	..	32 5 0	..
37	4	Nagar Nathu ..	58 2 0	..	16 14 0	..
38	5	Lala Govan ..	22 11 0	..	35 8 0	..
39	6	Hansji Bhikha ..	..	..	80 0 0	..
40	7	Naran Mavji ..	11 6 0	..	13 0 0	..
41	8	Bhula Madhav ..	7 4 0	..	12 10 0	..
42	9	Lala Uka ..	4 6 0	..	59 8 0	..
		Total ..	211 7 0	..	257 10 0	..

Running No.	Village No.	Name.	Amount.			
			For village concerned.		For other villages.	
			At visit.	After visit.	At visit.	After visit.
1	2	3	4	5	6	7
		Vaghech Sarbhon.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
43	1	Govind Naran (Khatedar Bhikha Naran).	40 0 0	..	..	..
44	2	Bhula Vallabh ..	40 0 0	..	..	..
45	3	Natha Madhav ..	40 0 0	15 13 0	..	..
46	4	Bai Jasoda ..	40 0 0	..	..	..
47	5	Bai Sami ..	50 0 0	43 1 0	..	8 0 0
48	6	Bava Bhagwandas Guru Laxmandas.	139 2 0	35 2 0	..	..
49	7	Nana Lallu ..	20 0 0	..	..	..
50	8	Bai Bhani ..	20 0 0	30 1 0	..	..
51	9	Hira alias Bhana Bava.	25 0 0	..	..	..
52	10	Bhikha Kuber ..	..	23 0 0	..	..
		Total ..	414 2 0	147 1 0	..	8 0 0
		Bardoli.				
53	1	Ahmed Mahmud Lasania.	..	13 12 0	50 0 0	..
54	2	Musa Abhramji Behra..	..	..	10 0 0	..
55	3	Vallabh Naran ..	28 6 0	..	..	..
56	4	Lallu Vallabh ..	19 0 0	..	..	..
57	5	Ranchhod Natha ..	8 5 0	..	..	..
58	6	Madhav Ranchhod ..	39 10 0	..	..	..
59	7	Narsinh Mulji ..	10 12 0	..	..	..
60	8	Keshav Lala ..	58 3 0	..	..	..
61	9	Lallu Ranchhod ..	..	25 5 0	..	..
62	10	Ranchhod Govind ..	18 0 0	..	..	..
		Total ..	182 4 0	39 1 0	60 0 0	..
		Grand Total ..	2,425 0 0	550 4 0	377 4 0	160 5 0

Statement of the Congress Case.

During the course of the Civil Disobedience movement the no-tax campaign was adopted and carried out among others by the khatedars of Bardoli and Borsad Talukas. The khatedars of several villages migrated out of British territories and in most of the instances the crops remained unharvested or if harvested the yield was comparatively small.

As a result of conversations between Mahatma Gandhi and Lord Irwin an agreement was entered into which was published in the *Gazette of India* dated the 5th March, 1931, whereby a truce was declared. The material portion of that agreement was as follows :—

"16. (*a*) Moveable property which is not an illegal possession and which has been seized in connection with the civil disobedience movement, under the Ordinances or the provisions of the Criminal Law, will be returned, if it is still in the possession of Government.

(*b*) Moveable property forfeited or attached in connection with the realisation of land revenue or other dues will be returned unless the Collector of the district has reason to believe that the defaulter will contumaciously refuse to pay the dues recoverable from him within a reasonable period. In deciding what is a reasonable period, special regard will be paid to cases in which the defaulters, while willing to pay, genuinely require time for the purpose and if necessary the revenue will be suspended in accordance with the ordinary principles of land revenue administration.

(*c*) Compensation will not be given for deterioration.

(*d*) Where moveable property has been sold or otherwise finally disposed of by Government compensation will not be given and the sale-proceeds will not be returned except in so far as they are in excess of the legal dues for which the property may have been sold.

(*e*) It will be open to any person to seek any legal remedy he may have on the ground that the attachment or seizure of property was not in accordance with the law."

Soon after the conclusion of the agreement Mahatma Gandhi and Sardar Vallabhbhai and the other Congress workers felt it their duty to facilitate and assist in the collection of the land revenue which had remained unpaid and Mahatma Gandhi and Sardar Vallabhbhai devoted a considerable portion of their time and energy in this matter. After considerable collections had been made in Borsad and Bardoli Talukas, defaulters notices were issued on several khatedars in the Bardoli and Borsad Talukas. From time to time Mahatma Gandhi had publicly called upon verbally or by written communications the peasants to pay up the taxes according to the measure of their respective abilities. One

of the typical appeals is annexed hereto and marked A and a translation thereof is as follows :—

"To the khatedars of the Kaira District."

With reference to my writing in *Navjivan* that no khatedar is obliged to pay revenue by incurring debt I write the following with a view to make the matter more clear :—

1. Whether the khatedar has gone in "Hijarat" or not but if he has suffered substantially by reason of Satyagraha movement such khatedar is not obliged to pay revenue by incurring debt.

2. Those who have not taken part in the satyagraha movement or having taken such part have not suffered substantially the duty of such khatedar is to pay the revenue even if it becomes necessary to incur debt for such purpose.

3. The khatedars covered by item No. 1 should realise that in my opinion their interest lies in keeping the truce. I shall make every endeavour to get suspension of their land revenue up to next year but if I fail the peasants will have to undergo considerable suffering and this suggestion does not apply to those who are not prepared to undergo such suffering."

All these appeals were issued with the tacit if not an active approval of the District Officers.

During the course of the correspondence with Mr. Perry, the then Collector of Kaira, Mahatma Gandhi defined his view of "the ability to pay" as "ability to pay without having to resort to borrowing after the peasant's actual tangible means were exhausted" and Mr. Perry agreed with that view. Relevant portions of the said correspondence are as follows :—

Letter from Mahatma Gandhi to Mr. Perry dated May 3, 1931 :—

* * * * *

"It is common cause between us that the people should pay revenue to the utmost of their capacity. I know that in defining the word 'capacity' there may be difference or there is a difference as I now see from your letter. During our talk I thought that you agreed that no one need borrow money in order to pay the revenue dues. I am carrying out that healthy formula. I know that it has not been carried out before and may not be carried out in future. In any case for this exceptional year I think that there is no way out of it as I hope to show conclusively in due course. This of course does not mean that those who wish to pay by borrowing should be prevented by me from doing so. Only I could not take it upon me to press them to do so.

* * * * *

Letter from Mr. Perry to Mahatma Gandhi :—

* * * * *

I agree with you about borrowing on interest. We do not exclude I think arrangements amongst friends or the like.

* * * * *

Mahatma Gandhi made similar appeals to the khatedars of the Bardoli Taluka and the response was very great. A very large portion of the revenue of the Bardoli Taluka and the Valod Mahal was paid up by the khatedars at the request and with the assistance of the Congress organisation before the end of June. Even then Mahatma Gandhi and Sardar Vallabhbhai did not spare any efforts to invite further payments within the measure of the ability of the khatedars.

After the first large collections were made correspondence took place from time to time objecting to the use of any coercive processes against Khatedars to exact further payments. During the course of that correspondence Mahatma Gandhi made it clear that though no remission was asked for on account of the voluntary sufferings of the peasants during the civil disobedience movement the fact of actual privation of their means could not possibly be ignored in considering the question of their ability to pay particularly because of the Gandhi-Irwin Pact.

Rains set in on or about the 10th of June in the Bardoli Taluka and sowing or transplanting operations commenced in or about the beginning of July.

On the 8th of July a police party raided the village of Varad practically supplanting the revenue officers in the matter of collecting land revenue. From the 17th of July onwards regular police campaign was inaugurated for the purpose of revenue collections. The villages concerned were the following :—

Rayam, Khoj, Pardi (Kadod), Moti Falod, Timberva, Rajpara-Lumbha, Alghat, Jamnia, Goddha, Nava Falia (Valod).

On receiving information Sardar Vallabhbhai wired to Mahatma Gandhi about the police raids and the illegal means employed for collecting further revenue as Mahatma Gandhi had then gone to Simla. The telegrams are as follows :—

Bardoli, 17th July 1931.

Since Surat interview pressure collection increased probably after reference Commissioner *stop* Collector arrived here last evening local revenue authorities with Ismail Desai and fifteen police constables raided Rayam village for collection previous years' arrears attached property including cots, beds, cooking utensils belonging Daya Kala who had already paid current year's revenue all attached property removed *stop* Peasants in midst agricultural operations find themselves between devil and deep sea urgent solution one way or other imperative.

VALLABHBHAI.

Bardoli, 20th July 1931.

Mahatma Gandhi, Simla.

Since my last telegram village raids continue police parties raided several villages to-day. Wire probable arrival.

VALLABHBHAI.

Bardoli, 21st July 1931.

Mahatma Gandhi, Simla.

Police broke open backdoor of a Mahomedan of Bardoli two children hurt property taken out for twenty four rupees arrears for frost year he had paid last year two years' full dues similar attachments for past arrears continue.

VALLABHBHAI.

Bardoli, 21st July 1931.

Mahatma Gandhi, Simla.

Police persecution becoming intolerable crowds of peasants rushing Ashram with complaints yesterday several families of Sankali remained closed doors Police patrolling in front all day several Timberva peasants not allowed to work by police had to go other villages and borrow money heavy interest Rajpura peasants dragged to Timberva by police to-day reports received that Khoj and Pardi villages completely surrounded by police since early morning neither people nor cattle allowed to go out complete blockade of those who owe money police posted several houses Bardoli town blockading entrance men women complain filthy abuses harassment for Gods sake allow fight if this cannot be stopped.

VALLABHBHAI.

The khatedars in all the villages abovementioned where Police were employed have given statements to the Congress organisation and the circumstances attending the police raids and the manner in which each individual was coerced into making the payment which he or she did and the amount thereof. So far as the Congress organisation is aware there is no other khatedar who has a complaint to make in connection with this matter and after the preliminary discussion as to the procedure the Congress organisation will furnish the particulars of the khatedars and the villages from time to time as they are taken up for inquiry.

The result of the conversations at Simla is embodied in the communique which is as follows whereby among other measures the Congress requisition of demanding the present inquiry was agreed to. The communique is as follows :—

"3. In regard to collections of land revenue in the Surat District the point in issue is whether in those villages of Bardoli Taluka and Valod Mahal which were visited by revenue officials accompanied by a party of police during the month of July 1931 more severe demands having regard to their material circumstances were made from revenue payers and enforced by coercion excercised through the police than were made from and met by revenue payers of other villages of the Bardoli Taluka. The Government of India in consultation and full agreement with the Government of Bombay have decided that an inquiry shall be held into this issue in accordance with the following terms of reference.

TERMS OF REFERENCE.

To inquire into the allegations that khatedars in the villages in question were compelled by means of coercion exercised through the police to pay revenue in excess of what would have been demanded if the standard had been applied which was adopted in other villages of the Bardoli Taluka where collections were effected after March 5, 1931, without the assistance of the police and to ascertain what sum, if any, was so paid.

Within the terms of reference evidence may be produced on any matter in dispute.

The Government of Bombay have appointed Mr. R. G. Gordon, I.C.S., Collector, Nasik, to hold the inquiry."

Thereafter Mr. Gordon, the Inquiry Officer, issued the following publication on the eve of the opening of the inquiry.

The Government of India in consultation with the Government of Bombay had agreed in their public despatch, dated August 28, 1931, to order inquiries into the allegations made in connection with the land revenue collections in some of the villages of Bardoli Taluka and Valod Mahal of the Surat District. This Inquiry will begin on October 5, 1931, at Bardoli town.

The terms of reference for this inquiry are as follows and they will be strictly adhered to :—" After March 5, 1931, the land revenue collections were made without the help of the police in the villages of Bardoli taluka.

Allegations have been made that demand was made for a larger land revenue from the Khatedars of certain villages and that they were forced to pay more by coercion through the police than what they would have paid if the method adopted in the other villages was resorted to.

" An inquiry into these allegations and as regards the total amount of additional land revenues thus collected will be made. Subject to these terms of reference evidence can be led on the disputes in question.

" A preliminary discussion regarding the method of the inquiry to be followed will take place at Bardoli. Thereafter a visit will be paid to these villages. All proofs and evidence subject to these terms of reference will have to be led and the necessary issues of the inquiry will be raised.

" If any man or a public body or a society wishes to correspond with the Inquiry Officer he shold send the communication to him to the address of the office of the Collector of Nasik District up to September 30th, thereafter he should either write or see him personally at Bardoli Camp.

The points for determination in the inquiry therefore are :—

1. Whether the police was employed in connection with the collection of land revenue in the abovementioned villages.

2. What were the acts and conduct of the police officials and subordinates in connection with these matters.

3. What was the amount of revenue collected from the khatedars as the result of employment of the police.

4. Whether the revenue so collected was in excess of what would have been collected if the standard which had been applied to other villages was observed in reference to the villages in question—or in other words—was any revenue paid in excess of what would have been paid, by reason of the employment of the police which was an illegal method not sanctioned by the Land Revenue Code. As regards the "standard" it has been maintained throughout the assistance given by the Congress in collection of land revenue after the truce that the only fair and sensible standard to adopt is the measure of individual ability to pay having regard to the actual financial state of the khatedar concerned (not omitting from consideration the fact that his means had suffered by reason of the Hijrat).

Within two days after the inquiry was agreed to Mahatma Gandhi proceeded to England and it became necessary to get a statement from him relating to the basis of the Agreement. The Mahatma Gandhi has sent the following statement :—

"With reference to the revenue collections in Bordoli and Borsad it was from the very beginning a clear understanding that the khatedars affected by the civil disobedience were to pay only as much as they could without borrowing. This was repeatedly brought out in the conversations between the Collector Mr. Perry of Kaira and his successor Mr. Bhadrapur and Mr. Kothawalla, Collector of Surat. The correspondence carried on with them confirms this statement. So far as the terms of reference to the Enquiry Officer are concerned, I have distinctly understood that the standard referred to therein means ability to pay without borrowing."

From the general trend of the public statements, it appears that the Government seek to justify the presence of the police on the ground that they were taken to different villages as a means of protection to the Revenue Officers, that the revenue officers alone carried out the revenue collection operation and that the police took no part in any such measures. It is further stated that the measures were taken against persons who were able to pay, but contumaciously declined or refused to pay. The payments which according to the statements given by the khatedars concerned were recovered between the 17th and 24th under coercion and by resorting to measures not sanctioned by the Land Revenue Code and with the assistance of the police or by the police have been claimed by the Government as payments which were made voluntarily and promptly as soon as it came to be known that coercive processes would be adopted and also as showing that the khatedars who paid were well able to pay. The khatedars deny this version and the method and means by which revenue was collected with the assistance of the police between the 17th and the 24th July in the several villages above-mentioned. They maintain that the recoveries were made by police coercion and illegal processes and that the payments made were beyond their ability to pay.

These are substantially the two versions of the events which have got to be tested in this inquiry. For the purpose of giving a fair outline of the case I am giving below the details of two villages of Rayam and Timberva :—

Rayam.

This village was raided on the 17th of July 1931. The raiding party consisted of the Mamlatdar, Mr. Esmail Desai, Deputy Superintendent of Police, Sitaram Jamadar and Dayabhai, a clerk, Patel and Talati and 15 to 20 constables. It was raining on that day and the khatedars were busy in their fields transplanting rice. The raiding party arrived at the village at about 10 in the morning and Vethias were sent out to the fields to call the khatedars and the khatedars were asked to accompany them to the Saheb. Police were posted at the house of various khatedars and nobody was allowed to enter such house or go out of it. The khatedars on returning from the fields were not allowed to enter their respective houses. Demand notices were handed to them there and then and they were asked to make payments immediately, and were informed that unless they did so they would not be allowed to go into their houses. The police would not allow food to be taken to the fields where Dublas were working and the Dublas remained without food.

The police made attachments on two houses and all the articles were taken out in the street and left in the rain. Among the articles so attached were those which were not liable to attachment under the Land Revenue Code. In case of one of the persons the articles were returned on his making payment of Rs. 25. Only Re. 1 was found from among his articles. In the case of the other, articles worth about Rs. 600 including unattachable articles are still in the police custody in the village Chora. This khatedar had paid Rs. 235 towards his current year's dues out of Rs. 272 and he has been given credit for Rs. 27 recovered from the sale proceeds of his rice-stock taken in attachment. The rice-stock was worth about Rs. 350. Rs. 6-1-9 were found in cash among the articles taken from his house.

In case of two other khatedars a police broke open the locks of their houses and no Punch was called. The village people were generally abused and a threat was held out that the properties of those who did not pay up the arrears of revenue in full would be sold away and their lands would be lost like those in the village of Babla.

In the case of khatedar Bhikha Kalian his lands were forfeited and sold and the crops were taken by the purchaser. It now appears that through some error in the sale-deed two small plots of 21 and 31 gunthas were not included and they continue to remain therefore in his name. The khatedar was under the belief that as his lands are all sold away he had not any land revenue to pay the more so because he knew that all the crops had been taken away by the purchaser. This khatedar was called upon to pay Rs. 43-0-10 presumably the revenue attributable to the portion not included in the sale-deed. He ultimately paid Rs. 5 under protest when the police were removed from his house where they were posted.

TIMBERWA.

This village was raided on the 20th of July 1931 early in the morning. The raiding party consisted of Mr. Dave, the Aval Karkun, Mr. Shaikh, the Fouzdar, and about 12 to 13 policemen. The police were posted at various houses in the village and cattle were not allowed to be taken out for grazing and some were actually driven back. It had been raining and transplanting was going on and the villagers and their Dublas were not allowed to go out to their fields. Vethias were sent to fetch those who had left early and after this detention of the khatedars and their cattle threats were given by the police that if the khatedars did not pay up the arrears of revenue in full their property would be attached and sold away. The police entered some of the houses of the khatedars who will give evidence before the Inquiring Officer. Being terrorised by the above threats the khatedars borrowed several sums of money and made some payments beyond the measure of their ability to pay.

This statement of the case will I hope be sufficient to enable us now to discuss the outline.

(Sd.) BHULABHAI DESAI.

Counsel for the Indian National Congress and the Khatedars concerned in this Inquiry.

5th October 1931.

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