

**Annexes to the Rejoinder of the  
Government of India**

**ANNEX F**

## Annexes to the Rejoinder of the Government of India

## Annex F. No. I.

## REPORT OF CAPTAIN JAMES INCHBIRD

*Public Department Diary Duplicate No. 13A of 1740 pages 53 to 60.*

Captain  
Inchbirds  
return from the  
Moratta  
Countrys.

ARRIVED at Sion on his Return from the Maratta Countrys Captain James Inchbird who instantly forwarded the following relations of his Journey to the President.

Hon'ble Sir,

The relation  
of his  
proceedings.

UPON my Arrival over the Boregauts, I learnt that the Bajerow had taken the field near Nagar, and that Chimnajee Appah had marched from Poona to Join the Bajerow, in regard to which I had many various Reports that I thought the most effective way to meet with him of either of them would be to despatch one of the Horseman with a letter to Appah to advise him that I had urgent Business with him, that I should pursue the Road to Poonah, without I met with advise from him to the contrary, at the same Time delivered the Messenger your Honrs. Letter to Chimnajee that it might have the more weight on him for the Quicker Dispatch of my Negotiation, then pursued my way to Poonah: but for Brevity's Sake I shall omit what passed at Poonah, and pursue Chimnajee and Bajerow who I reached in eleven days from my Departure from Bombay and opened my Negotiation to them with the utter most Caution. I received civil Treatment from them but am not able to express their Pride and haughty despal of the Portuguese and talked as even Demaun Choul and also Goa were theirs; however I lost no Time to Convince them their good Effects a Peace would be to their Conquests, on the other hand [illegible] Treasure and blood it would cost to reduce the places offered them [illigible] upon granting the Portuguese reasonable [illegible] Benifits that would arise from it both to [illegible] was Master of in promoting and [illegible] and strong efforts from many Partys, especially from Vicant Raw, who would undertake to reduce Goa, and proposed them many Terms in fear of Losing that Government, and produced Letter from Kempsaunt pressing the Bajeraw to vigorously push on the War against Goa Island, and that he would undertake to find ways and Means to get their Forces upon that Island, from which they observed when they have cut off the Root what would become of the Branches, and that they were determined to reduce Damaun and Choul the Fortress being shut up but their Forces were deprived the Benefit of the country, and that they was determined as soon as they could conveniently to invest them both, and promised them selves and easy Conquest. These seeming Resolutions and the others circumstances put me out of all Hopes to obtain any Thing for them, 'till I discovered from Chimnajee by his often sending for me (which were only bear suspicions of mine) that he was inclined to grant them some Terms, believing he had not forgot the Loss of Blood and Treasure in Reducing Bassein, I often observing to him the superior strength of that Place to Bassein, and the Danger of their refusing these offers of that important Place falling into other hands, and all that I could urge upon that Head. My first proposals were their Quitting of Goa and all Demands and preten-

tions what-soever. Damaun and its Limits; upon such conditions your Honr would put Choul into their hands, accepting the artillery and ammunition and the Portuguese making to them a perpetual Cession Bassein with all its Dependencys. Those proposal they despised with great Indignation, and was merry upon the offers made them of what they had already Conquered and were in their possession. As to Choul they observed it was supported before from Damaun, Bassein and Goa being only a bare Fortress without either Country or Revenues, therefore despised it, and insisted upon the Evacuation of Damaun and forty Cent upon the Revenue of Goa and all its Dependencys and three secure places for the gathering of that Tribute and securing their Contract which they had lately made with that Port on their suspension of Arms, by which agreement they now owe them five Lacks of Rupees Making slight of Choul and despising what they proposed, as not being equivalent to which I demanded, from which the most convenient Opportunity I could lay hold on. I lowered my demands, but found little Effect, and could discover the little or no inclination they had to come to Terms. I Employed Ragonaut to the uttermost of my Power to discover their real Intentions, he being a man consulted in all their affairs (especially the maritime and new conquests) and they on the other hand employing their Agents to discover the uttermost of my Commission [illegible] these Topicks we continued searching each other minds eight days [illegible] slow marches Inland to raise contributions, and carrying [illegible] the many Days, assuring me of my Despatches, we expressing [illegible] other making me a compliment for the trouble [illegible] slighting all proposals in regard to the Portuguese 'till at last I found it necessary to let them know the uttermost of my power, Expressing that no other Interest or conveniency induced your Honr to this Mediation but a sincere Friendship and value we had for their Interest: to which they made a suitable Return, but despise the Proposals, which were they should entirely quit Goa of all Tribute and Pretensions whatsoever, give up two Preganas for the support of Damaun, and acceptance of the Forts of Choul and Morro as a Balance of all their Demands: and in that I persisted till the fourth of January, at which Time they despised everything and talked of nothing but despatching of me, and rather raised their Demands than lowered them, and on the same Day gave me a Sirpaw and told me they would despatch me, and gave me their last proposals, which were to keep two places at Goa for the security of the Tributes of forty Cent, to leave Damaun bare of any Revenue whatsoever a free Excise of their religion at Goa upon which terms they would accept of Choul and grant them Peace. I discovered their Intentions were to keep both a fore and back door open to enter Goa at their Pleasure. Finding their proposal of no Utility to the Portuguese persisted in my Proposals as the uttermost of my power, and discovered notwithstanding I had so often repeated that the artillery and munitions of Choul must be withdrawn, that they had reserved that in their Breast, and gave no answer to it, not so much as taking Notice of it, but were resolved neither Gun Powder nor Ball should go out of the Place if they came to an agreement. Thus stood affairs when I hourly expected to be sent for to be dispatched, but discovered they were still in strong Debates in regard to the Place, as I never omitted with all the Force I could insinuate to them that the Portuguese could dispose of that Place with great Utility to themselves, and that upon their Refusing them any

Terms your Honrs. Power as a Mediator would end and that you must in course wash your hands of it, therefore the steps your Honr had taken I did not doubt but convinced them that if proceeded from no other motive but a sincere Regard your Honr had for their Friendship and Interest, and that in case the Portuguese should dispose of that important Place to other not in their Interest, they must impute any ill consequences that may ensue to any ill Management of ours, but to the contrary referring them to the before mentioned convincing Proofs of your Honrs. sincerity and Friendship towards them, which I found took such an effect and wrought upon them so much, that without sending for me they held ... a Council for one day and a Night, upon Result of which they sent for me, and had a Debate for three or four Hours Part of which I heard, and found the Vincent Raw and his Counsellours still kept their Resolutions in suspense, which Chimmajee Appah took up very smartly and spoke very favourably of the [illegible] a good inoffensive use full people, which induce [illegible] without being gratified in some measure; from [illegible] Art of them People that they know when [illegible] taken their Resolutions in private So soon as they had concluded I was sent for into their Tent of Retirement, and Received compliments in regard to their Condescensions to your Honrs Mediation, and that that and nothing else induced them to grant the Portuguese following Terms (also that your Honr must observe that you must be a Mediator between the Kempssaunt and the Portuguese as you have been betwixt with them and the Portuguese) and desire that your Honr would write to the Kempssaunt to send up a proper Person to Bombay to conclude the same with them, and at the same another from the Portuguese promising at the same Time they would lose no opportunity in sending a proper person to the Kempssaunt to prompt him at it, observing that Kempssaunt at least must not be lessened from their old standing of articles of Peace between them two Nations, upon which they will give up all Demands upon Goa the five Lack and Tribute of forty Cent upon the Revenues and of all Dependencys thereabouts and grant one Pragana for the Support of the Fortress of Damaun in which Ports and Places they (the Portuguese) shall live peaceably, and shall enjoy the Fruits of Peace in them places by Land, they allowing the same to the Morttas by sea, a mutual peace on both sides in all Respects, upon consideration of their putting the Forts of Choul and Morro into their Hands which they have engaged me to do in Case the Portuguese approved of it, and that a Peace was concluded on all sides, that is, that Goa was evacuated by them and the Kempssaunt and freed from all Demands.

The above is the materiall circumstances of my Negotiation, I having had a long and fatiguing March to get at them and many Days March with them, almost too much for the patience of Mankind to bear and a hard and expeditious March from them begging your Honrs. Patience 'till tomorrow for further satisfaction, believing that your Honr is impatient to hear from me, have taken leave to send this to your Honr by Serjeant Levick, being with uttermost Respect.—

Hon'ble Sir  
 Your Honour's  
 Most obedient  
 Humble servant.  
 JAMES INCHBIRD.

Sion Fort  
 13th January 1739/40.

THE article of Peace proposed by the Morattas referred to in the foregoing Letter.—

Articles of  
peace proposed  
by Moratta.

- ALL Morattas will withdraw all their Forces now employed in the District of Goa that the Portuguese may possess their former Boundaries that way in full Tranquillity.—
- 2ndly THE Portuguese shall in consequence thereof deliver up to the Morattas the Fortification of Choul and other adjacent called Morro.—
- 3rd UNTIL the Morattas are actually retired from the Parts near Goa, the Fortress of Choul shall receive an equal Number of Men appertaining to the English and said Morattas, then the place shall be left in the Hands of the Latter, with all the Guns thereunto belonging.
- 4th THE City of Damaun shall remain to the Portuguese and a share of Land appropriated for its subsistence, but as the Morattas have erected a new Fortress near the city, it shall stand.
- 5th THE Portuguese shall not in any manner molest the Jurisdictions of Bassein, Damaun, Tannah, Island of Salesett, Bellafloar, and other Places in Possession of the Morattas, nor will the Latter in any wise disturb the Territorys of the Portuguese near Goa.
- 6th THAT an accommodation may be fixed between the Kempssaunt and Portuguese they shall respectively send their People to treat, but said Kempssaunt must enjoy what he was anciently entitled to, and in Case the Portuguese insist otherwise the Morattas esteem themselves obliged to favour him.—
- 7th THE Kempssaunt shall enjoy the Places called Karzuem and Panellem as belonging to him long since, and be exempt from paying any Tribute to the Portuguese.—
- 8th THE Portuguese shall aid the Morattas in their attempts on Pondem Zambolly, Panchamall, Sundah and Bednure, and should those Places with their Territorys fall to the Marattas, the Portuguese shall not offer to give any Molestation.—
- 9th SHOULD the Morattas attack Sambajee Angria, the English and Portuguese must assist with their Fleets.—
- 10th FOR Establishing all Points, the Portuguese shall order up their Secretary or Manager of their Revenues.—
- 11th THE Gentoos Inhabiting Goa and its Districts shall be allowed the free exercise of their Religion.—
- 12th THE Fleets of the Portuguese and Marattas shall not molest each other.

## Annex F. No. 2

*Public Department Diary (Duplicate) No. 13 A of 1740. Pages 64-65.*

## LETTER OF THE GOVERNOR OF BOMBAY TO THE VICEROY OF GOA

MAY IT PLEASE YOUR EXCELLECY.

I immediately on the Receipt of your Favour of the Giving me full Powers to treat the Badjerow, I deputed Captain James Inchbird to him for that end, letting the said Captain into all the Particulars your Excellency had imported to me at the same Time pressing him to adjust in your Behalf the Conditions best attainable.

The Captain was obliged to follow Badjerow more than one hundred Leagues, and after frequent Meetings found it impracticable to attain other Conditions as a Plan for a peace than are contained in the enclosed Paper, one part is in the Moratta Language as it came from Bajerow, and the other translated by our People here.

'Tis needless Informing your Excellency of the Haughtiness of the Morattas, who in Discourse with the Captain frequently expressed their Resolution to enter Goa, as then by the Roots being cut off, the Branches would fall of course, and nothing but the want of money (which there was a Prospect of beign soon possessed of) had retarded the execution of their Design.

Kempsaunt they insist shall remain on the Terms he formerly enjoyed, and it is apprehended that Point will not be given up by them, nor that the Artillery or Ammunition be withdrawn from Choull or the [illegible] denied the free Exercise of their Religion in your Dominion in and [illegible] Goa.

The 3rd Article as to the manner of Vacating Choul, as well as the [illegible] to Damaun 'tis presumed may be managed in a way not disagreeable. [illegible] the Morattas will insist on Holding their new Fortress erected thereabout. The 8th 'tis apprehended may be got over entirely by your Excellency's promising to stand neuter in the Efforts they intend to apply against the Territorys therein noted.

On your Excellency's weighing all circumstance you will please to determine whether to appoint a proper person hither with full Powers to conclude with the Morattas on the Plans now forwarded, or transmit me a speedy and final answer for drafting a treaty, as at present we are at entire Liberty to do either, but 'tis is absolutely necessary your Excellency does impart to me with speed and clearness your Ultimate Determinations as I am not without apprehensions that by Holding matter in long suspence, we may be drawn into Disputes with them, which is what we must avoid as directly contrary to our interest and Welfare.

Should your Excellency approve of the Treaty, be pleased to transmit the enclosed Letter Kempsaunt for his sending a proper Person forthwith or otherwise let the said Letter be returned.

Your Frigate is now at the Choul for conveying hither the Brass Artillery, which we shall keep here until we know what Issue attends the Treaty prementioned, by which your Excellency will perceive how

truly we consult the interest of your state, in preference to any immediate Interest of our own.

I ought to have noted that in Case the Morattas Proposals are accepted, they then will give up the whole Territorys about Goa and excuse the paying the five lack of Rupees which they say your state has engaged to pay.

I am &ca.  
STEPHEN LAW.

Bombay Castle  
the 16th January 1739/40.

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### Annex F. No. 3

#### TREATY OF 1760<sup>1</sup>

*Archives of India*, Book No. 2 of Peaces, page 119.

Treaty of Peace concluded between the Count of Ega, Viceroy and Captain-General of India, and the Most Happy Balaji Rao Pandit Pradhan (Nana), executed by the Secretary of State, Belchior Jose Vaz de Carvalho, and the hon'ble Vistu Naique and Madagi Quensou, by the necessary powers conferred on them, dated the 20th March, 1760.

.....

#### Art. XV

"Whereas by the present Treaty of friendship between the Most Happy and the Majestic State is renewed and ratified, both the powers *undertake reciprocally to forget completely any* reasons for discord, hindrance or *previous claims*, and the capitulations clashing with the agreement of this Treaty shall not have any effect."

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### Annex F. No. 4

LETTER FROM BALAJI BAJI RAO, COMMONLY KNOWN AS NANA, TO THE VICEROY, COUNT OF ALVA, DATED THE 9TH NOVEMBER, 1755<sup>2</sup>

"... I have received reports that you are sending your fleet to assist the Illustrious Tulaji Angria, and it is not just that you should send your Army for the assistance of the said Tulaji Angria, as there is between me and you good exchange of friendship. The above-mentioned has committed various disorders, and with a view to obtain a satisfaction from him, I have appointed an army, in view of which fact you should see to it that our friendship increases and on this matter the esteemed Ganes Trimbak has already written to you, owing to which fact *you should not help the above-mentioned Angria...*"

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<sup>1</sup> Translation from Biker's Collections of Treaties, Vol. VII, page 143.

<sup>2</sup> Translation from Biker's Collections of Treaties, Vol. VII, p. 42.

## Annex F. No. 5

LETTER FROM THE VICEROY, COUNT OF ALVA, TO BALAJI BAJI RAO PRADHAN, DATED THE 4TH JANUARY, 1756<sup>1</sup>

"... The news of the grand friend are always pleasant to me and these with greater reason because Tucu Sinai informed to the grand friend all the circumstances which contributed to the matter in which Tulaji Angria took advantage of the protection of the Majestic State and about the same I did not allow myself to be convinced about his friendship nor would I seek to follow any path which might change the good friendship existing between the Majestic State and the grand friend, and even if this had not meant a good reason, the knowledge of the bad faith of Tulaji Angria would suffice; ... owing to which fact after withdrawing even this small favour which in no way was opposed to the progress of the grand friend you may be assured that on my part I always maintain a like desire for our good friendship hoping that it may increase day by day..."

## Annex F. No. 6

LETTER FROM THE SECRETARY OF STATE, BELCHIOR JOSE VAZ DE CARVALHO TO BALAJI BAJI RAO PRADHAN, DATED THE 4TH JANUARY, 1756<sup>2</sup>

"... As regards the reports sent to the grand friend by the Commander who is in the Angria territory, to the effect that the Majestic State has given assistance to the said Angria for the defence of his territories, I can assure you that it is inaccurate because even the guard, under Ismail Khan, allowed to the said Angria was merely for the purpose of the safety of his family with the express instruction not to fight against the troops of the grand friend or with any other Captain with whom we were in peace..."

## Annex F. No. 7

ROYAL INSTRUCTIONS TO THE COUNT OF LOUZA<sup>3</sup>

"The Count of Ega was succeeded in the Government of India by the Count of Louza who, however, died in Mozambique. In the Royal Instructions which he carried with him on coming to India, bearing the date of 9th April 1765, the following passages are found, inter alia:

"You shall establish as a basis for all your plans, and all your actions a firm and unshakable intention of preserving what exists, *without even giving a thought to anything that may smack of restoration, and much less conquest...*

<sup>1</sup> Translation from Biker's Collections of Treaties, Vol. VII, p. 43.

<sup>2</sup> Translation from Biker's Collections of Treaties, Vol. VII, p. 44.

<sup>3</sup> Translation from P. Pissurlencar: "Portuguese Maratas - VI", page 44.



"... You shall however observe these instructions with such a discretion, as never to give the slightest indication, either by words or actions, that you have received such orders, because otherwise the result would be opposite and you will be more easily subjected to provocations. Therefore, you shall rather, owing to your aim of preserving the Country, show outwardly that you are prepared for war, by maintaining the troops in complete discipline, and the Fortresses garrisoned to the extent permitted by the possibilities available to the State.."

"Amongst them (the neighbouring rulers) the most powerful are the Marathas, and hence, the ones who should be the object of your most urgent vigilance, because they are encouraged by the English, and possess forces much stronger than those of the State, *and have excuses to break off, after the Count of Alva assisted, inconsiderately, the Angria, and attacked the Citadel of Phonda, garrisoned by men of the same Nana, in the war which he declared on Sunda, breaking the faith, so contrary to my Royal Orders, as well as to My Religious Intentions...*"

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#### Annex F. No. 8

LETTER FROM THE SECRETARY OF STATE, FRANCISCO XAVIER DE MENDONCA FURTADO, TO THE VICEROY, COUNT OF EGA, DATED THE 26TH MARCH, 1761 <sup>1</sup>

"... It being true that the decadence and the almost complete ruin of that State was caused by ambitions for conquests made by your predecessors without pondering on the fact that the vastness of the dominions and the multiplicity of the fortresses would divide and consequently weaken the forces which prudence advises should be maintained united for upholding respect, without which the State cannot subsist, as long as the time does not permit carrying out of the steps which the said Master will necessarily take in due course, without wanting in justice, with which we must conduct ourselves towards the neighbours, contiguous to us, and without which no State can subsist and much less prosper, His Majesty reiterates his directive, more strictly, to you that his aim is to maintain always peace with the same neighbours; to keep them satisfied as far as possible and to seek to extend the trade, and in no way the dominions of the territory which their legitimate owners should be allowed to cultivate as long as we obtain a frontier which will be respected.

.....

"In another letter which you wrote on the said date of 30th January enclosing a document entitled 'Memorandum of the Negotiations for which purpose Jacques Phelippe de Landreset is proceeding to the Court of Punem', His Majesty has approved your plan in the spirit of the said first instructions with which you left this Court and of the principles which you have well observed in the above mentioned manner, that is, of seeking an alliance of the State with the Maratha or commonly known as Nana, because it will be certainly profitable to maintain it with all

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<sup>1</sup> Translation from Biker's Collections of Treaties, Vol. VII, pages 272 to 281.

caution dictated by prudence, as long as it can be maintained. Towards this and you should seek all means which are practicable and decorous. For this purpose it would appear convenient that you should maintain with the same Nana a personal and close and friendly correspondence.

"His Majesty has approved entirely the said instructions carried under the above mentioned title by the said Jacques Phelippe de Landreset considering it thoughtfully written and in everything conforming to his Royal Order, as long as they are directed towards the maintenance, *without any aim of future conquests, not even of the Island of Salcete or any other Northern Territory; because the said Master again reiterates to you that he does not want absolutely any extension in his dominions but rather and only in the trade and shipping towards which he will in due course take steps as time permits.*"

#### Annex F. No. 9

LETTER FROM THE VICEROY, COUNT OF EGA, TO THE SECRETARY OF STATE, DATED THE 12TH JANUARY, 1762

[Translation of the parts omitted by the Portuguese Government in the printed Annex 16 to its Reply.]

Letter from the Viceroy, Count of Ega, to the Secretary of State, dated the 12th January, 1762.

"... The instructions issued by H. Majesty to me at the time of my departure for India, ordered me that I should endeavour to make efforts for the preservation of peace, promotion of trade, spread of the Gospel, the good administration of justice, policy with European nations and for establishing good relations with the neighbouring Chieftains, and that I should not entertain ideas either of conquests or restorations, as long as the same Master did not decide otherwise in due course . . .

"You tell me in the same letter that H. Majesty was pleased to approve the instructions with which I sent Lt. Col. Jacques Filipe de Landreset to the Court of Punem finding that those instructions were in accordance, with the Royal Order, as long as he went for the purpose of preservation, without any other objective of future conquest, not even of the conquest of the Island of Salcete, or of any other land of the North, because the said Master does not absolutely desire the extension of the dominions, but only of commerce and shipping, and you stress in the next paragraphs the matter which is put down in such specific terms and which relate to the same end..."

#### Annex F. No. 10

REPLY OF THE COUNCIL OF BOMBAY TO THE GOVERNOR OF GOA, DATED THE 18th OCTOBER, 1780<sup>1</sup>

"To the Honorable Don Frederick William De Souza, Governor and Captain General of Her Most Faithful Majesty's Possessions in India at Goa.

"Honorable Sir.—We have now the honour to reply to Your Excellency's letter dated the 17th of July received here in the time of the monsoon.

<sup>1</sup> Translation from Biker's Collections of Treaties, Vol. VIII, p. 82.

"When the reduction of Salcete was undertaken by the English troops in the year 1774, we received letters of protest from Signor Jose Sanchos de Brito, commander of His Most Faithful Majesty's fleet, and from Your Honourable Predecessor Don Pedro Jose de Camera. Our replies are no doubt deposited in the public Archives at Goa, and we conceived, were very sufficient; but as Your Excellency has now been pleased to revive the subject, and in like manner with Your Predecessor advanced arguments to prove that the right ... (of your nation still continues in the) <sup>1</sup> countries conquered by the Mharattas nearly forty-two years ago protested against this Government for an invasion of that right, and endeavoured to alarm us for the safety of the British interests derived from the national alliance with the Kingdom of Portugal, we are constrained to give a more minute reply, lest the public, unacquainted with the real circumstances of the case, should put a disadvantageous construction upon our reserve.

"We should have wished to confine ourselves to our former answer, because we confess *we find a difficulty in treating seriously or with regular arguments a position so contrary to reason and received maxims as the existence of a right of sovereignty in your nation to territories dismembered from its dominions almost half a century, or that a regard on our part to such a supposed right should prevent the English from carrying the war into such part of the Mharatta dominions as they may find most convenient or conducive to their success.* The English in their proceedings have been governed by the plain dictates of reason, and of the laws of nature and of nations. They are engaged in a war with the Mharattas, and for their own safety and advantage they prosecute it with all possible vigour. They attack the Mharatta dominions wherever they judge an impression may be made with most advantage to themselves, or injury to the enemy, and when their armies come before the walls of a fortress where the Mharatta colours are flying, they are under no necessity to consult history before the batteries are opened to discover the ancient possessor, or to deliberate whether any of them may not possibly have an intention again to attempt the conquest at some future period.

*"The Portuguese acquired most of their territories in India by conquest and force of arms. In the same manner they were deprived of what they term the Province of the North, and their right consequently expired on the same principle that it originated..."*

#### Annex F. No. II

LETTER FROM THE SECRETARY OF STATE, MARTINHO DE MELLO E CASTRO,  
TO THE GOVERNOR OF GOA, DATED THE 6TH MARCH, 1782 <sup>2</sup>

[Translation of the Government of India of certain parts of the photocopy of Annex 16 to the Portuguese Reply].

"Her Majesty has been shown your letter in which you refer to the objectionable behaviour of the British nation to the detriment of this State...

<sup>1</sup> These words were obliterated in the original in English and have been supplied from its Portuguese Translation.

<sup>2</sup> Translation from Biker's Collections of Treaties, Vol. VIII, page 96.

"... You also state that a result of these conquests you had lodged a protest to the Council of the said City of Bombay, which you forward under No. 1, to which the said Council replied as under No. 2, following which the British launched an attack against the citadel of Bassein which finally surrendered to them on 11th December 1781. As a result of this it goes without saying that, after having lost the abovementioned cities and territories of Thana, the Island of Salsette and Bassein, and the Maratha being in possession of the same for over thirty or forty years, when the British made their conquest, *we have no right to blame the said British for having done so, and the reply given by them to your protest is based on such solid grounds that they cannot be challenged. The only thing we must feel more keenly, in the circumstances, is the fact that the State should have been reduced to such a deplorable plight that the only weapons and forces that we resort to should consist of useless protests which only provoke laughter amidst those against whom they are directed...*"

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Annex F. No. 12

LETTER OF VITHAL RAO GORAKSH, PORTUGUESE EMISSARY  
1st June 1791<sup>1</sup>

No. 56

A SUMMARY TRANSLATION OF A LETTER OF VITHAL RAO GORQUI, WRITTEN IN MARATHI TO THE SECRETARY OF STATE, SEBASTIAN JOSE FERREIRA BARROCO

Jivaji Visram wrote from Sawantwadi to the Court of Punem to the effect that the Portuguese had prepared their fleet and that he believed that they were proceeding against Vyayadurg, on the excuse of the ship "Sant'ana" (which had been seized from them by the Marathas).

He also wrote that two envoys to Punem were proceeding from Goa under disguise, making it believe that they were on pilgrimage to the holy places; these envoys were Narayan Rao (Dhume) and Vithal Rao Gorqui; and that the aim of their journey was to start negotiations both with Raghoba Dada, and Savai Madhav Rao. Consequently before our arrival at Punem, the news about our impending journey to the same city was already known in that Court through the Bhonsle...

Because Bhonsle imparted the said news to the Court of Punem, guards were posted at a distance of three leagues from that city, and Narayan Rao and I were interrogated about our intentions. *At this we concealed the letter addressed by the State to Raghoba and produced the other one which was addressed to the Ruler of Punem... The same night we were interviewed, secretly, by Moroba Fadnis who requested us that we should write to Goa asking the Portuguese to help Raghoba and not to support the group of the Ruler of Punem. However, as we had been issued instructions to negotiate with the most powerful party, we entered into negotiations with the Ruler of Punem, or rather with Nana Fadnis...*

<sup>1</sup> Translation from "Agentes da Diplomacia Portuguesa na India", by P. Pissur-lencar—"Tipografia Rangel", Bastora (Goa), 1952.

*Finally, it was decided to conclude the Treaty between the State and the Peshwa... We were here for one year. Then I became ill and left the Court (of Punem) informing that I was leaving for Pandharpur...*

*Narayan Rao (Dhume) went on postponing the negotiations for 15 years of his stay in Punem, staking believe that it was he who arranged the Treaty, when the fact is that, when I left that Court, I had already arranged for its settlement under the necessary conditions. What can he do that I cannot? The entire success is due to my Master...*

VITHAL RAO GORQUI.

Punem, dated the 1st June 1791

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Annex F. No. 13

LETTER FROM RAGHOBHA TO LAXMAN APPAJI <sup>1</sup>

[2 September 1776.]

To,

Laxman Appaji, Suhur Sabah Sabain Maya va Alaf.

The letter sent by you was received on 13th Rajab. "I put it to the General if he really meant to undertake the Scheme, if not should we accept the friendship of another who would offer it? The General replied if there was any chance of succeeding, we might. At present John Carnac had arrived from home. He was supreme to all other members of the Council. When General Horny would be dismissed from his post he would step in. Therefore Sarkar's letter be sent to him. For the present I have no work here. Therefore a letter be sent to me to return to Huzur." You write thus. This is understood. The General is a friend of the Sarkar. He should naturally be happy at the success of the Sarkar's scheme. As regards your return, though we have opened negotiations with the Firangi it does not mean that our policy towards the English has changed. You should remain there for conducting negotiations. As soon as fresh orders of the English are received from home we are here in the vicinity and we will go where invited. We continue to have perfect confidence in the English. We have made friendship with them and we continue it. Your remaining there will be useful for our designs; therefore you should not think of coming back. You should stay there. Further details have been communicated to you by a special messenger from Balsad. After you receive those papers, speak to the General accordingly. A letter of similar content has been addressed to John Carnac who has arrived from England. If you return at this time it will create an impression in the Council that we have abandoned them altogether. This will be rather dishonourable. *Having formed alliance with the Firangi we propose to make a move. But his resources are poor, his strength is inconsiderable, honesty is also lacking. We were riding the elephant. Now unfortunately we have taken to a small horse. The reason for this, the elephant no doubt is respectable and reliable, but on account of an injury*

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<sup>1</sup> No. 178, Marathyanche Ithasachi Sadhane, Vol. XII, Edited by Rajwade, page 119.

*to the foot he cannot walk. Therefore we are obliged to ride the horse. As soon as the elephant is up on his feet and can walk, we will again go back to the elephant.* For the present we are carrying on somehow. The General offers us 15000 rupees per month which though according to him, a liberal allowance, is altogether inadequate. Therefore it is convenient to both that we keep away (from the English) and sustain the army. We are asking you to remain with the English because it is very useful to us. There is no other reliable person at Surat. When your stay would be of no use we will recall you. 18 Rajab.

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**Annex F. No. 14**

MEMORANDUM RELATING TO RETURN OF SARAI, 1775

*(Wad's Peshwa Dairy, Vol. VI, page 78.)*

Sita Sabain Maya Wa Alaf,  
Rajab 20.

(16th September 1775)

It has been agreed to return the ship (Sarai) of—Firangee Govekar which was captured previously by Sarkar. Yashvantrao Sadashiv has been deputed for that purpose. With his help Sarai may be made to sail in waters along with its old—equipment, mast, ropes, anchor, etcetera. Of its equipment which has already been utilised by the Navy, only part of it, required to make it sail may be returned. Some of our ships should accompany it to see that it has landed in Goa port. The receipt of the same be obtained and forwarded to Sarkar.—Letter to the Navy Chief of Vijaydurg. 'Anand Rao Dhulap... Letter I.'

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**Annex F. No. 15**

SANAD FOR RETURN OF BOTELLO, 1776

*(Wad's Peshwa Dairy, Vol. VI, page 78.)*

Sita Sabain Maya Wa Alaf,  
Safar 18

(18 April 1776)

Narayan Vithal Vakil from Firangee Govekar, represented that a botello of Pandurang Shenvi of Davan carried by one Narayan Prasad to Davan from Goa loaded with coconuts and other merchandise, accompanied by naval ships of Firangee, met with Sarkar's Navy, was captured and carried away to Vijaydurga by Dhulap. It was confiscated and further auctioned by Dhulap. The same should be returned. It has been, therefore, decided to return the said botello and its equipment without the goods loaded, *considering the friendship between Sarkar and Firangee.* This Sanad is, therefore, issued.

You have already auctioned the botello and have entered the sale proceeds in Government account under receipts ..... in all Rs. 450. The said amount should be paid back to the Saukar who purchased it and botello be obtained from him with its equipment and be returned to the agent of the Portuguese, after obtaining his receipt. It is not possible to sail it to Daman, and, therefore, it should be sent to Goa. Sanad to Anand Rao Dhulap to this effect."

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**Annex F. No. 16**

LETTER FROM THE GOVERNOR FRANCISCO DA CUNHA A MENEZES TO THE  
SECRETARY OF STATE MARTINHO DE MELLO E CASTRO, DATED  
[12TH MARCH, 1787]<sup>1</sup>

"... This is how the affaires stand at present, and as the said Narana Sinai Dumo was instrumental in concluding in Punem the negotiations for making up to the State the losses suffered by the latter owing to the seizure of the frigate '*Santa Anna*' and *S. Joaquim*', as a compensation for which we have been given Rs. 63,000, besides the 72 villages in Pragana Nagar Aveli and duties of the Customs, which the State took over on the 22nd July, 1785; ..."

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**Annex F. No. 17**

EXTRACTS FROM "A INDIA PORTUGUESA"<sup>2</sup>

The Portuguese territory of Daman is situated on the coast of the Gulf of Cambay at 20.22' latitude N. and 72.35' longitude east of Greenwich . . .

It is geographically divided today in four distinct parts:  
Pragana Near, Daman-grand or Division of South-Pragana Colana Pavori,  
Damao-pequeno or Division of North-Dadra-e Pragana Nagar Aveli.

*Daman* . . . . .

"*In common agreement with the British Government a third class road of 5 kilometres in length, from Daman-pequeno to Vappy, was constructed in 1868 to link this district with the railway which goes from Bombay to Baroda*". . . . .

*Pragana de Nagar Aveli*. This small pragana is situated at South-east, and, as can be seen in the attached map, is completely separated from the old Portuguese territory of Daman. The smallest distance between the western limits of villages of Nagar-Aveli and the fort and town of

<sup>1</sup> Translation from Biker's Collections of Treaties, Vol. VIII, p. 223.

<sup>2</sup> Translation from "A India Portuguesa", by A. Lopes Mendes—agronomist, member of "Sociedade de Geographia de Lisboa", and Deputy to the "Cortes"—published by order of the "Ministerio da Marinha" by the "Sociedade de Geographia", Lisbon, 1886. page 217 *et seq.*

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Daman is of 20 kilometres. They are separated by British territories and the railway of Guzerathi, which, as we mentioned, goes through Vapi—a British village near Daman-pequeno. . . .

“By the Treaty signed with the Court of Poona on January 6, 1780 the King Xahu, Lord of people and Treasure of Happiness, ceded to the Portuguese in pragana of Nagar Avely, situated in the lands of Ramnagar of the jurisdiction of Bassein, a certain number of villages, which would bring the rent of Rs. 12,000 or francs 24,000 per year, *in order to indemnify for some captures, which the Marathas had taken in time of peace.* In the execution of the said Treaty, the Portuguese commissaries took possession of the said villages in the village of Noroly on June 10, 1783”.

“*Dadra was ceded to the Portuguese by the order of the Most Happy Madoram Pandito Pradana, Lord of Poona and its dominions.* The Portuguese took possession of Dadra and the villages of Marcol, Ranademgrande, Sily, Saily and Ambely on July 22, 1785”.

### Annex F. No. 18

#### PROVINCE OF THE NORTH<sup>2</sup>

“... the province of the North which comprises, in distance twenty-four leagues, continuously without interruption of foreign dominion, many and very fertile lands, divided into various jurisdictions and defended by fortifications, of greater or lesser strength; it was the best heritage of the same State, both owing to plentiful quit-rents and revenues which were paid into the treasury of its factories, and owing to the moneys which were paid by the vassals of H. Majesty, tenants of the same lands, through the revenues of which they were in a better position to attend to his Royal Service, and in all that body the most important territory was the Island of Salsete (close to the Citadel of Bassein, on the South of the latter) both for quality of its lands as well as for the security which it enjoys in the rivers which surround it: however as the jurisdictions of Bassein, Saybana, Sabajo, Manora, Asserim, Mahim, Trapor, and Daman are open lands and bordering with those of the Marathas on the side of Galiana and Biundy, they were exposed to his invasions which were repeated often . . .”

### Annex F. No. 19

#### I

LETTER FROM DOMINGOS MASCARENHAS TO NARAIN SINAI DUMO,<sup>2</sup>  
dated 26 June, 1783

“... but that I had heard from some persons that at the time when the King Chotia ruled, they did not yield more than six thousand to eight thousand rupees...”

<sup>1</sup> Translation “from Portugueses e Marathas”, *Boletim do Instituto Vasco da Gama*, No. 9, 1931, p. 26.

<sup>2</sup> Translation from Biker’s Collections of Treaties, Vol. VIII, p. 108.



## 2

BIKER'S NOTE TO THE LETTER OF GOVERNOR OF GOA,  
dated 22 March, 1780<sup>1</sup>

“Nagar Aveli belonged in olden times to the king of Sarceta or Assar-  
ceta, commonly called by us King Chotia and also King of Ramnagar  
and at present Raja of Dramapore or Darampor.”

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<sup>1</sup> Translation from Biker's Collections of Treaties, Vol. VIII, p. 139.

## Annex F. No. 20

FIRST DRAFT OF THE PROPOSED TREATY, 1775<sup>1</sup>

Treaty:—Agreement has been made between the Majestic frangi Estad and Shrimant Peshwa Pant Pradhan that from today both parties should act in perpetual amity, and never resort to hostilities. On account of this both parties have given sincere assurances and detailed provisions (are as under).

Formerly treaties between Hazrat Estad and Shrimant Pant Pradhan were concluded. Much time has elapsed since then. During the intervening period the Sardars and Subahdars of both sides having acted contrary to the spirit of the treaty caused a cleavage in friendly relations. However they were never strained so excessively by either of the Parties as to cause a complete break. Both sides had a feeling of despair. At that time Dom Jose Pedro da Camara arrived at Goa as Captain and General Viceroy. He deputed Rajashri Narayan Vithel Dhume to Rajashri Modhau Rao Narayan Pant Pradhan. After a meeting Shrimant ordered Rajashri Trimbak Vinayak, Sar Subahdar, that the above Vakil and he conferring together, should remove differences and cement friendly relations. Accordingly both sides drew up an agreement. Details are as below:

(1) In case the fleet of Hazrat Estad and that of the Shrimant meet they will inquire of each other in a friendly manner and will extend reception in a respectful way. The Hazrat Estad should be shown the honour which other Western Powers extended to it. Article.

(2) In case the fleet of the Shrimant encounter a single ship of Hazrat Estad it should behave in the same friendly and respectful manner. In the same way should the fleet of the Hazrat Estad encounter a single ship of the Shrimant they should behave as above. Article.

(3) In case fighting Sibars, Galbats and other small vessels of Hazrat Estad should encounter the fleet of the Shrimant they should inquire in a friendly and respectful manner according to the above agreement. In the same way should fighting Sibars and other small Galbats of the Shrimant encounter a big ship or fleet of the Hazrat Estad they should act in a respectful and friendly manner. Article.

(4) In case the fleet or a ship of the Hazrat Estad has plenty of water and fuel and the fleet of the Shrimant be deficient in them and the Sardar (Commanding Officer) of the fleet should ask of the Sardar of the Hazrat Estad, he should give (them). In the same manner should the fleet of the Shrimant have the articles in plenty and should a ship, fleet or small vessel of Hazrat Estad be deficient and should demand them, they be given. Should the fleet of one party have provisions and the fleet of the other be deficient and should ask for them they be given against payment of price in cash. Article.

(5) In case the fleet of the Shrimant run short of water and fuel and should seek refuge in a creek in the territory of Hazrat Estad the Commanding Officer of the creek should not fail in providing the articles. On the contrary, rendering all possible aid he should make kindly enquiries. In the same manner should the fleet of Hazrat Estad or a ship or Sibar

<sup>1</sup> This is a revised translation of the document at Indian Annex E. No. 3.

running short of water and fuel, seek refuge in a creek in the territory of Shrimant, the officer of the place after making respectful inquiries should give all possible help, provide water and fuel, and should there be deficiency in provisions the same be allowed to be carried against payment of reasonable price.

(6) In case the fleet of the Shrimant encounter an enemy and should a fight occur, if on that occasion the fleet of the Hazrat Estad or a frigate arrive on the spot the latter should render all possible assistance to the former, provided the enemy is not an ally of the Estad. The fleet of the Shrimant will act in a reciprocal manner.

(7) In case a grab, Sibar, Pal or merchant-vessel after being defeated seek refuge in a creek in the territory of Hazrat Estad, it should be made free of the fear of the enemy. Should the damaged vessel be held up on account of inclement weather it should be given help for repairs involving even expenditure of money and when ready be respectfully conveyed to a place of safety. In like manner should the fleet of the Hazrat Estad or a ship or Sibar, a fighting vessel or merchant vessel arrive in the jurisdiction of the Shrimant it should receive similar treatment.

(8) Merchant ships of the territory of Hazrat Estad which enter the dominions of the sarkar for trading purposes, shall do so on payment of (zakat) duties in the usual manner. They will not be harassed. Traders selling their commodities shall be permitted to carry freely foodgrains and other commodities. Likewise, traders from the dominions of the Shrimant entering those of the Hazrat Estad with their river boats shall be permitted to sell in them food grains and other commodities and shall buy in exchange whatever they want, and paying usual duties in respect of same. They shall be permitted to return freely without being harassed by any body. They shall agree to this reciprocally.

(9) Merchant ships from the dominions of both parties sail on the sea. Should they come across the fleet of either party or any warship or sloop, they will not be seized on the ground that they have no pass. They will be allowed to go unmolested after ascertaining the origin of the country. Ans also, in case, an enemy at sea should seize any merchant craft belonging to either of the dominions, the navy or a ship from either party shall, when coming across them, render assistance, setting free the ships seized, which they shall convoy safely until they near their own rivers. The commanders acting in this manner shall be rewarded.

(10) In case a merchant from either of the dominions hire a vessel from a merchant belonging to foreign territory and load it with merchandise and should that vessel be seized by the fleet or warship of either party, the goods after inquiry will be returned to the person concerned, and the vessel may be retained by the Captor. In like manner should a ship from the territory of the Hazrat Estad be hired by a foreigner and found carrying goods without pass, it will be released after due inquiry. The merchandise will be dealt with in whatever manner (the Shrimant) thinks proper. Merchantships from the Shrimant's dominion will be treated by the Hazrat Estad likewise. In case foreign merchants possess the Shrimant's but not the Permit of Hazrat Estad they may be seized. Likewise ships carrying Hazrat Estad permits without the Shrimant's pass will be liable to seizure.

(11) The ships of China seas, from the ports of Hazrat Estad sailing the sea and visiting ports for the purpose of trade, will not be molested

by the fleet of the Shrimant. They will be given all possible help as other merchant ships.

(12) The Hazrat Estad and Shrimant shall direct the officers Subhaddars and Killedars on the bordering territories of both dominions to foster friendly relations between the parties and those who will deviate will be punished.

(13) In case Desai, Mirasdar or any person from the dominion of the Hazrat Estad escapes and takes refuge in the dominion of the Shrimant and plans treason such person shall not be allowed to do so and not be given asylum on the border of the respective dominions.

(14) Neither party shall give assistance to the enemies of the other, nor shall it help them with provisions or commodities.

(15) In case a slave, male or female, escapes from the dominion of the Hazrat Estad officers of the Shrimant shall not punish them, but shall send them back under escort with letter. Also the Hazrat Estad will not punish slaves escaping from the Shrimant territory but will restore them to the Shrimant.

(16) In case the Shrimant requires from the Hazrat Estad ammunition, cannon, swords or any other military stores and if these are available with the Hazrat Estad, they shall be supplied to the Shrimant against payment of its price in cash.

(17) Differences previous to this treaty will not be revived.

(18) Both parties will instruct the commanders of their respective fleets about the treaty directing them to observe the same. So also both parties shall instruct Kamavisdars, Subhedars. In case, either party fails to observe the treaty, the matter will be taken up by the envoys of the respective Governments. The party which will be found to have deviated from this agreement shall satisfy the other party by removing misunderstanding and the person who shall be found guilty will be punished. There will be no ground for disturbing friendly relations.

(19) When either of the two parties becomes weak, the other shall not start a quarrel but shall help according to the articles mentioned above. Neither will commit aggression on the other. Both will behave in a friendly and sincere manner.

(20) In case the Hazrat Estad needs troops or infantry for defending itself against an enemy the Shrimant will send them on payment according to convenience.

(21) Accordingly agreement is drawn up. The Hazrat Estad shall conclude the same ceremoniously according to his custom and shall seal and sign it. The Shrimant shall put his seal on this agreement ceremoniously according to his custom and shall deliver it to the Hazrat Estad and the Hazrat Estad shall deliver it to Sarkar. On the delivery of these copies to each other, both parties shall issue instructions to this effect to the Amaldars, Subhedars of Commanders of the navy of respective dominions and a notice by the Public crier shall be circulated in both dominions so that nobody shall act due to ignorance contrary to this agreement and there shall be no reason for breach of friendship. This shall be good for the benefit of both.

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## Annex F. No. 21

EIGHTEENTH CENTURY PRATICE IN INDIA RELATING TO SIGNING, SEALING  
AND RATIFICATION OF TREATIES

*Extracts from "Treaties, Agreements and Engagements between the Honorable East India Company and the Native Princes, Chiefs, and States in Western India; the Red Sea; the Persian Gulf &c. Also between Her Britannic Majesty's Government, & Persia, Portugal, and Turkey" by R. Hughes Thomas—1851. Pages 476, 479, 483, 487, 490, 493, 509, 512, 513, 519, 520, 530, and 536.*

\* \* \*

Page 476.

Articles of Agreement settled by THOMAS BYFIELD and JOHN SPENCER, Esquires, on the part of the Honorable RICHARD BOURCHIER, Esquire, President and Governor of Bombay in Council, and on behalf of the Honorable East India Company, with *Balajee Bajee Rao (Nana) Pundit Prudhan*, dated the 12th October 1756, or of the Gentoo Style, 17th Mohurrun 1170.

Page 479.

The foregoing Articles being agreed to by us, and accepted of, *we do, in confirmation thereof, affix to these presents the seal of the Honorable United English East India Company, and do attest the same with our own proper names in Poona, the day and year above written.*

\* \* \*

Page 483.

Treaty with *Raghoba* (Rughoonath Rao Bajee Rao).—Dated the 6th March 1775.

Articles of Agreement and Treaty between the Honorable WILLIAM HORNBY, Esq. President and Governor, & Council of Bombay, and of all its dependencies, on the part and behalf of the Honorable United English East India Company, on the one part, and *Rughoonath Rao Bajee Rao Peshwa*, on the other part.—Dated the 6th day of March, in the year of our Lord 1775 (or the 3rd day, of the month Mohurrun, and year of the Hijree 1189, or the year 1176 Arabic Style).

Page 487.

The foregoing Articles having been agreed to by the Honorable the President and Council of Bombay, who have empowered me to accept the same in their behalf, *I do, in confirmation thereof, affix the seal of the said Honorable Company, and sign my own proper name thereto, in Surat, the day and year above written; and I do engage to procure a ratification of this Treaty, under the seal of the Honorable Company, and under the hands and seals of the Hon'ble the President and Council of Bombay, within thirty days from this date.*

Dated 6th March, 1775.

(Signed) ROBERT GAMBIER.

*We, the President and Council of Bombay aforesaid, having empowered Mr. Robert Gambier to execute a Treaty with Rughoonath Rao Bajee Rao Peshwa, in our behalf, on account of the Honorable Company, of the foregoing tenor, which he has accordingly done, of the date above-mentioned, and the same having been signed to, ratified, and confirmed, by Rughoonath Rao Bajee Rao Peshwa; and whereas, by the last Article, it is covenanted and agreed, that a ratification of the said Treaty shall be transmitted by us, under the seal of the Honorable Company, and under our proper hands and seals, within one month from the above date; these therefore are to certify, that we hereby ratify and confirm the foregoing Treaty, in all and every part. In testimony whereof, we have caused the seal of the aforesaid Hon'ble Company to be hereunto affixed, and do now sign the same with our hands, and affix our proper seals thereto, this 16th day of March, in the year of our Lord 1775.*

\* \* \*

Page 490.

Treaty between the Honorable the English East India Company and the Muratha State, dated the 1st March 1776.

Page 493.

## Article XVIII.

A copy of this Treaty, under the seal of Colonel Upton, shall remain with the Ministers of the Muratha Government, and a copy shall be sent to Calcutta, to be signed and sealed by the Honorable the Governor General and Members of the Supreme Council of Fort William, and afterwards given to the Peshwa.

Dated the 1st March 1776.

(Signed) J. UPTON.

*The signature of BALAJEE PUNDIT.**The signature of SUKHARAM PUNDIT.*

\* \* \*

Page 509.

Treaty of Alliance between the Company, *the Peshwa*, and the Nizam against Tippoo Sultan, 1790.

Treaty of offensive and defensive alliance between the Honorable United English East India Company, the Peshwa, Suvaee Madhow Rao Narayun Pundit Prudhan Bahadoor, and the Nuwab Nizam Aly Khan Asif Ja Bahadoor, against Futteh Aly Khan, known by the denomination of Tippoo Sultan; settled by Mr. CHARLES WARRE MALET, on the part of the said Honorable Company, with the said Pundit Prudhan, by virtue of the powers delegated to him by the Right Honorable Charles Earl Cornwallis, K.G., Governor General in Council, appointed by the Honorable the Court of Directors of the said Honorable Company to direct and control all their affairs in the East Indies.

Page 512.

## Article XIV.

This Treaty, consisting of fourteen Articles, being this day settled and concluded by Mr. Malet, with the Peshwa, Suvaee Madhow Rao

Narayun Pundit Prudhan Bahadoor, Mr. Malet has delivered to the Pundit Prudhan one copy of the same in English and Persian, signed and sealed by himself; and the Pundit Prudhan has delivered to Mr. Malet another copy, in Murathee and Persian, executed by himself; and *Mr. Malet has engaged to procure and deliver to the Pundit Prudhan, in seventy-five days, a ratified copy from the Governor General, on the delivery of which, the Treaty executed by Mr. Malet shall be returned.*

Poona, 1st June 1790.

(Signed) C. W. MALET,  
Resident.

The Company's  
Seal.

*Ratified by the Governor General in Council, at Fort William in Bengal, the 5th day of July 1790.*

(Signed) CORNWALLIS. L.S.  
,, CHARLES STUART.  
,, PETER SPEKE.

\* \* \*

Page 513.

Treaty with the *Peshwa*, commonly called "The Treaty of Bassein," dated the 31st December 1802.

Page 519.

Signed, sealed, and exchanged at Bassein, the 31st December A.D. 1802 (or the 5th of Rumzan, Anno Hijree 1217).

(Signed) BARRY CLOSE,  
Resident at the Court of the *Peshwa*.

The Seal of Pundit  
Prudhan.

The *Peshwa's* Signature.

Page 520.

Signed, sealed, and exchanged at Bassein, the 31st of December A.D. 1802 (or the 5th Rumzan, A.H. 1217).

The seal of Rao Pundit  
Prudhan.

The *Peshwa's* Signature.

(True copy.)

(Signed) BARRY CLOSE,  
Resident at the Court of the *Peshwa*.

MEMORANDUM.—This Treaty was *ratified* by the Governor General in Council on the 11th February 1803.

\* \* \*

Page 530.

Treaty between the Honorable East India Company and His Highness Bajee Rao Rughoonath Rao *Pundit Pradhan*, his heirs and successors, concluded at Poona, on the 13th of June 1817, by the Honorable M. ELPHINSTONE, on the part of the Honorable Company, and by MORO DIXIT and BALAJEE LUXOOMAN, on the part of the RAO PUNDIT PRUDHAN, by virtue of full powers from their respective Governments.

Page 536.

*Peshwa's Seal*

*Peshwa's signature.*

*Governor General's Small Seal.*

(Signed) HASTINGS.  
N. B. EDMONSTONE.  
A. SETON.  
G. DOWDESWELL.

This Treaty was *ratified* by the Governor General in Council, this fifty day of July, one thousand eight hundred seventeen, at Fort William in Bengal.

(Signed) J. ADAM,  
Acting Chief Secretary to Government.

\* \* \*

TRANSLATION FROM BIKER'S "SUPPLEMENT TO THE COLLECTION OF TREATIES", VOL. X, NATIONAL PRESS, LISBON—1873, PAGE 320

*Treaty of Peace between the Viceroy and Captain General of India, Francisco Jose de Sampaio e Castro and Baji Rao Pandit Pradhan. 9th January, 1722.*

His Excellency the Viceroy and Baji Rao Pandit Pradhan undertake to observe and fulfil, each of them on his own part, all the clauses of Peace which have been agreed upon, etc. Field of Alibagh, dated the 9th January 1722. *I sign on authority conferred on me by His Excellency the Viceroy, Antonio Cardim Froes. Seal and sign of Baji Rao.*

"And the same is considered as having been agreed with the British nation, as the ally of the Portuguese, and at the end of eight days the General of Bombay shall send somebody to sign what has been stated, the copy of which has been handed over to Knight Robert Cowan, with the stamp of the Pradhan Baji Rao, by the ship "Nossa Senhora da Piedade", on 12th January 1722.

JOAO ROIZ MACHADO.



## Annex F. No. 22

LETTERS OF SADASHIV DINKAR AND MAHADJI SINDIA.

17th NOVEMBER 1779

(*Historical Papers Relating to Mahadji Sindia*, edited by G. S. Sardesai. 1937, at page 43.)

No. 54

SHRI

17 November 1779.

Sadashiv Dinkar presents compliments. The news from here upto 8th Zilkad is allright. A letter sent with a camel rider was received by me. It contained your orders as follows:

Copy of the treaty with the Firangi has been sent to Patil Baba. *A reply to it must be received early to negotiate with the envoy of the Firangi.* Therefore reply of the Patil Baba be sent early. (I am to say) in this connection that the packet was delivered by the Camel rider to Baba. Its reply with memorandum of the treaty was given and the same has been despatched to your honour. It should reach you.

No. 55

SHRI

(17 November 1779)

Received 9 Zilkad Samanin.

To, Rajashri Balajipant Nana.

After compliments I am in receipt of the letter despatched by you. Narayan Rao, Vakil of the Govekar (Firangi of Goa) is at this Court. A Treaty is being negotiated for the last two, three years. In respect of this, a treaty drawn by the Firangi was sent here; of this a copy is sent to you. This may be scrutinised (by you). This was understood (by me). I also understood the gist of the talk with the envoy. There was a talk with you at the time of your departure. Therefore this intimation to you. Four days' promise has been made to him. You have written that a reply be sent early. All this is understood. Whatever has been decided by drawing a treaty between the Firangi and the Sarkar, *accordingly you should negotiate with the envoy.* Memoranda in respect of the treaty have been sent back. Despatched 8 Zilkad.

**Annex F. No. 23**

PORTUGUESE OFFICIAL TEXT OF 4TH MAY 1779. CONTAINING THE „TREATY“  
IN PORTUGUESE AND MARATHI LANGUAGES, UNDER THE SIGNATURE AND  
SEAL OF CAMARA, THE PORTUGUESE VICEROY AT GOA

*Facsimile copy of the document in Arquivo do Estado da India. Pazes e  
Tratado No. 3—Ano de 1755 fols. 277—284. With English translation  
made by Government of India given on the opposite page.*

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(Arch. da India, livro 2° de pazes, fol. 277.)

(Seal)

P.<sup>1</sup> Treaty of agreement made by His Excellency the Governor and Captain General of India, Dom Jose Pedro da Camara, on behalf of the Majestic State, with the Most Happy Madou Rau Naraen Pandit Pradan. Naraen Vital Dumo was sent to the latter and, having conferred upon matters relating to friendship, made the agreement between the same Majestic State and the said Grand Pandit Pradan in following manner:—

M.<sup>2</sup> His Excellency the Governor and Captain General of India, Dom Jose Pedro Da Camara, on behalf of Hazrat Estad despatched Narayan Vithal Dhume to the presence of Rajeshri Madhav Rao Pandit Pradhan. After friendly discussions a treaty was concluded between the Firangee State and the Pandit Pradhan. The articles are detailed below:

I

P. Should the fleet of the State and that of Pandit Pradan meet at sea, or should single ships encounter each other, or a ship of one party

<sup>1</sup> P. indicates English translation from the Portuguese text.

<sup>2</sup> M. indicates English Translation from the Marathi text.

Encargos de ... na embarcação de ... para ... toda a ...  
... procedimento ...

9

उत्ताराख्याप्रास्तापीपञ्चमप्रधानयाख्याप्रास्तापी  
महोपाध्यायान्यापीपञ्चमप्रधानयाख्याप्रास्तापी  
पण्डितप्रधानयाख्याप्रास्तापीपञ्चमप्रधानयाख्याप्रास्तापी  
नेपथ्यापि

2

A continuação encontros no Mar Arábico de  
Estado do Pradit Pradan

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...  
...  
...  
...

2

उत्ताराख्याप्रास्तापीपञ्चमप्रधानयाख्याप्रास्तापी  
महोपाध्यायान्यापीपञ्चमप्रधानयाख्याप्रास्तापी  
पण्डितप्रधानयाख्याप्रास्तापीपञ्चमप्रधानयाख्याप्रास्तापी  
नेपथ्यापि

meet the entire fleet of the other, they shall proceed amicably upon their way.

1

M. When the fleet of the Firangee State meets the fleet of the Sarkar or even a single ship at sea, or one ship of one party were to meet the fleet of the other, they will behave in a friendly manner.

2

P. Should the fleet of the State and that of Pandit Pradan meet at sea, one fleet being in want of wood and water, and the other abundantly provided therewith, they shall provide the other fleet therewith. And in the same way should one fleet be in want of provisions and the other have abundance thereof, they shall give them of their provisions, receiving the price thereof in current rupees; and so they shall act reciprocally.

2

M. When the fleet of the Firangee State meets the fleet of the Pandit Pradhan on its way and one side is short of wood or fuel the other side will give them to the former if it has sufficient to spare; and if provisions are short in the fleet of one party and the other has more than it needs, it should give them on payment of cash. Both will act accordingly.

ॐ नमो भगवते वासुदेवाय

3

3. Naves de Portugal de China dos Barros do  
Cuzco que naufragou no Mar a orientar, deixado alguns  
de gente e alguns para Bico, para fazer mais e alguns  
debrido, não conhecendo a estrada do Brasil. Foi  
dado nome a Bico a respeito a Barros do Bico do  
Brasil. Brasil, que se tem conhecido no de Brasil.

31

नमो भगवते वासुदेवाय  
नमो भगवते वासुदेवाय  
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4

4. Naves de Portugal de China dos Barros do  
Cuzco que naufragou no Mar a orientar, deixado alguns  
de gente e alguns para Bico, para fazer mais e alguns  
debrido, não conhecendo a estrada do Brasil. Foi  
dado nome a Bico a respeito a Barros do Bico do  
Brasil. Brasil, que se tem conhecido no de Brasil.

## 3

P. The ships of Chinese parts and from the ports of the State which navigate the sea for commerce putting into any port laden with merchandise, to buy and sell, shall not be impeded by the fleet of Pandit Pradan, nor shall the State impede the ships from the ports of Pandit Pradan, which may trade in those of China.

## 3

M. Vessels from ports of the Firangee State in China territory laden with merchandise sail on the sea for trading at various ports. The fleet of the Pandit Pradhan will not obstruct them. Nor will the vessels from the ports of the Pandit Pradhan going to China ports for trading be obstructed by the Firangee State.

## 4

P. The male and female slaves from the dominions of the State who may fly to the lands of Pandit Pradan, shall be restored. And this shall be reciprocally practised.



*Com*  
Taurus na

यारायभा  
जंगलव

*Com*  
entre ambos  
dequel que  
parcia de G  
com Conoída

कारकातव

4

M. Female slaves and male slaves escaping from the Dominion of the Firangee State into the territory of the Sarkar will be delivered up. Both to act accordingly.

5

P. The differences which existed before this treaty shall be reciprocally forgotten.

5

M. Disputes prior to the present treaty will not be revived.

6

P. This treaty being concluded, should there still be any motive of jealousy and discord the matter shall first be treated through the Attorney, and both parties shall reciprocally act with all sincerity.

6

M. A bilateral treaty has been now concluded. Should there arise between the two parties anything contrary to it, after carrying on negotiations through the Vakil, both sides should act in strict accordance with it.

*[Faint, mostly illegible handwritten text at the top of the page, possibly a header or title.]*

6

*[A large block of handwritten text, oriented upside down relative to the page's main orientation. The text is dense and difficult to decipher due to fading and bleed-through.]*

7

*[A line of handwritten text at the bottom of the page, possibly a signature or a date.]*

7

P. The vessels, parangues, and boats, for trading, which come from the dominions of the State to those of Pandit Pradan with merchandise for commerce, may do so on paying duty in the manner practised from ancient times, without vexation from anyone. The merchants having sold their merchandise, may freely take with them vegetables, and other produce. In the same way the merchants from the dominions of Pandit Pradan, entering those of the State with their boats and parangues, will sell their vegetables and other merchandises and buy what they like in exchange, paying duty thereon according to the ancient custom established from the beginning and may withdraw freely without suffering oppression from any person whatever. And this shall be reciprocally observed.

7

M. Merchant ships of various types—Tarandis, Padgis, or Batelas—from the Dominion of the Firangee State will visit the Dominion of the Pandit Pradhan carrying merchandise. They will engage in trading, paying customs duties according to usage and will not suffer molestation from anybody. Merchants will sell their merchandise and purchase provisions and other articles and carry them safely. Similarly merchant

श्रीगणेशाय नमः  
ॐ नमो भगवते वासुदेवाय  
ॐ नमो भगवते वासुदेवाय

As Condições para a união  
entre os povos que nascejam, a guerra, por  
exemplo, sobram as "Armas" de  
guerra. Não é a mesma coisa de  
os indivíduos com espírito de  
amor. Não há "Liberdade" para  
também, mas o amigo de  
em mercados de arado e Lavoura.  
ou mesmo se for de um  
país quando os mercados não  
com "Liberdade" a respeito que  
em que se ignoram os seus  
mercados, que não, porém, a  
promissão.

श्रीगणेशाय नमः  
ॐ नमो भगवते वासुदेवाय  
ॐ नमो भगवते वासुदेवाय

vessels from the Dominion of the Pandit Pradhan—Batelas, Padgis—visiting the territory of the Firangee State, will sell provisions and other articles and buy in exchange produce from there. After paying customary Zakat they will sail in safety. They will receive no molestation from anybody. This is agreed to by both parties.

## 8

P. The trading vessels of both the dominions going to any port, meeting the fleets of either party, or any ships or vessels of war, shall not be taken upon the pretext that they have not safe-conducts but shall be allowed free passage. And should the enemy take trading vessels from the dominions of either party, at sea, the fleets, or even a vessel of either side, which shall meet them in the power of the enemy, shall go to their assistance and liberate them, and convoy them in safety to the vicinity of their own rivers. And the commanders who shall so act shall be rewarded by their superiors.

## 8

M. Merchant vessels of both Dominions sail on the sea to visit whatsoever State. If they came across the fleet of either party or a man-of-war or a sibad they should not be seized on the ground of not carrying permits. They should be allowed to proceed in safety. If a merchant vessel belonging to either State happens to be carried away by the enemy at

नरिगाणिपुत्राणांमन्त्रोपदेश्चमणिसिद्धये  
यायेषांनरसिद्धयेकथंतांशुंशिवपुत्रमपराधिन  
मन्त्रोपदेश्चनरसिद्धयेकथंतांशुंशिवपुत्रमपराधिन  
पद्यमन्त्रोपदेश्चनरसिद्धयेकथंतांशुंशिवपुत्रमपराधिन

3.

C

El Mundo afortunado de Parado  
Pueden ser enconada de Suroeste, nuyes, u  
lunas caloparal raris sempre e fribidos, u  
Prayades de Estrad. Us duna quida e Jacoro,  
and lunas sales Suroeste a ludo de 1770. 1770  
Bridges. Errores obliuati a. fribidos de Paro  
de Parado. Hinc, forme diuinas, ruyes, nuyes,

2

दुर्गाप्रथमपद्याप्यप्यनराउजनीकरीगाउपशुन  
दुर्गाप्रथमपद्याप्यप्यनराउजनीकरीगाउपशुन  
दुर्गाप्रथमपद्याप्यप्यनराउजनीकरीगाउपशुन  
दुर्गाप्रथमपद्याप्यप्यनराउजनीकरीगाउपशुन  
दुर्गाप्रथमपद्याप्यप्यनराउजनीकरीगाउपशुन

sea and should it come across the fleet or a single ship of either party it should be given help and if there is sufficient force, rescued and escorted to the nearest creek. Action taken as above by commander of a ship will be rewarded by his master.

## 9

P. The fleet of Pandit Pradan having encountered the enemy's fleet and being engaged with it, and the fleet and frigates of the State coming up at that time, the latter shall give them aid and succour, if the said enemy be not an ally of the said State. The fleet of Pandit Pradan shall act in the same manner. This shall be arranged reciprocally.

## 9

M. If the fleet the Firangee State or its frigates arrive at the time when the fleet of the Pandit Pradhan is engaged by the enemy, they will give provisions and render whatever help is possible provided the enemy be not an ally of the Firangee State. The fleet of the Pandit Pradhan will do accordingly. This is agreed to by both parties.



El Rey de España  
por su poder y para su efecto  
de los señores, contra los  
de su presencia y por ser  
Gobernadores de A. N.  
de Navarra, o de los  
de ellos o de cualquiera  
de los señores de Navarra,  
en orden de los señores  
apreciados.

Et la Royne de France  
par son pouvoir et pour son effect  
des seigneurs, contre les  
de sa presence et par son  
de Navarre, ou de  
de eux ou de l'un d'eux  
de Navarre, ou de  
de l'un d'eux, ou de  
de Navarre, ou de  
de l'un d'eux, ou de

Responde

## IO

P. This treaty between the State and Pandit Pradan shall be made known in particular to the Governors upon the confines and others, and to the commanders of the fleets, with orders to take the necessary precautions. The same shall be ordered by Pandit Pradhan to the Governors, Fleet, and the Marathas of his dominions. And in case the Governors concerned and Marathas should fail in its execution, they shall arrange matters by their intervention. And this shall be observed on both sides.

## IO

M. Instructions in pursuance of the treaty between the Firangee State and the Pandit Pradhan will be issued to frontier officers and the navy. The Pandit Pradhan will likewise instruct his officers, navy and Marathas (Maratha Chiefs). In case the Mamlatdars and Saranjamdars act in variance thereof they should be ordered to carry it out. Both parties to act accordingly.

## II

P. Military men and high officers and other people from the dominions of the State taking refuge in those of Pandit Pradan, and continuing

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Handwritten text in a cursive script, oriented upside down relative to the page above, consisting of approximately 10 lines of text.

their plots and conspiracies in the said lands of the State, shall not be allowed to take refuge and conspire there, not shall the said traitors be permitted to live especially upon the confines of its dominions. In the same way, military men and high officers of the household, high or low, or others of the dominions of Pandit Pradan taking refuge in those of the State, and continuing their plots and conspiracies in the said lands of Pandit Pradan, shall not be allowed to take refuge and conspire there, nor shall the said traitors be permitted to live especially upon the confines of his dominions. And this shall be observed reciprocally.

## II

M. Ancient respectable land-holders and other from the Dominion of the Firangee State escaping into the Dominion of the Pandit Pradhan and creating disturbances and fomenting treason in the territory of the Firangee State will not be given asylum; neither will they be allowed to foment treason nor to stay on the border of each other's Dominions. Similarly seniors and juniors from land-holders of respectable families from the Dominion of Pandit Pradhan escaping and creating disturbances and fomenting treason in the Sarkar's territory should not be given asylum; neither will they be allowed to foment treason nor to stay on the border of each other's Dominion. Both parties to act accordingly.

Les J<sup>rs</sup> Messieurs de l'Etat nous  
no 2. Requête Prud'homme, pour l'uy provision,  
sur quoy quer'genou. Or l'Etat  
n'as' d'ant' s'eloye' pour auver' l'ouves  
de Prud'et Prud'ou

प्रकारायागाम्बुलीराप्रधानागाम्बुली  
राणीप्रधानादीशिवलीराप्रधाना  
गाम्बुलीरागाम्बुलीराप्रधानादीशिवली

Les uns des deux parties, qu'on ne s'uy  
prouve, on n'ayge' foye' d'auver', d'ant' auo'  
all'egand' n'auver' d'ant' d'ant' d'ant' d'ant'  
et n'auver' on s'uy' d'ant' d'ant' d'ant'

12

P. The enemies of the State shall not be succoured by Pandit Pradan, or supplied with provisions or any sort of produce. Neither shall the State give succour, or anything else, to the enemies of Pandit Pradan.

12

M. The Pandit Pradhan will not render assistance to the enemy of the Firangee State and will not provide him with supplies and other commodities. The Firangee State likewise will not aid the enemy of the Pandit Pradhan.

13

P. When one of the two parties shall be weaker or stronger than the other, the strongest shall not contend against the other upon alleged pretexts, but both shall correspond with sincere friendship, in conformity with the agreement.

पिकप्रतिपद्ये मन्त्रे तन्मोपेयेने कीप्योपीम  
मोममयवसेनेकसाप्रसाउष्णीजने पीजासु  
यरादि

*Supra dicta Saltema... omnia genti  
de... Terras de... Pradent...  
has demora... se...  
...  
...  
...  
...*

पिकाप्रतिपद्ये मन्त्रे तन्मोपेयेने कीप्योपीम  
मोममयवसेनेकसाप्रसाउष्णीजने पीजासु

## I3

M. Should either of the parties become weaker the other will not start a quarrel on some pretext of other, but will act in friendship according to the agreement.

## I4

P. Portuguese soldiers and other people of the State flying to the lands of Pandit Pradan shall not be allowed to remain there nor sheltered but shall be forced to return for the purpose of being surrendered. In the same way sepoys and others, flying from the dominions of Pandit Pradan to those of the State, they shall not be allowed to remain there, and without being given shelter, shall be forced to return.

## I4

M. Firangees and other people from the Firangee State escaping into the Dominion of the Pandit Pradhan should not be entertained nor be given asylum. They should be delivered over. Likewise soldiers escaping from the Pandit Pradhan's Dominion into the Dominion of the Firangee State should not be entertained nor be given asylum. They should be delivered over.





## 15

P. Henceforward the State shall not build any fortifications in any of the dominions of Gujrat, Saut, Cantevad, Sorat, and other places belonging to Pandit Pradan, and shall allow free entry into its dependencies through the ancient ports which the State now possesses.

## 15

M. The Firangee State will not establish in future posts in any place of the Dominion of Pandit Pradhan such as Gujarat, Sawant's territory, Kathiawad and Sorat. There shall be amadraft from the ports he already has from the beginning.

## 16

P. The trading vessels from the dominions of the State, reputed lost, and wrecks coming ashore in the ports of Pandit Pradan, the said vessels with their cargoes of merchandise shall be restored. And in case they should put into port for fear of any enemy they shall not be interfered with and this shall be observed reciprocally.

con sua sempre de foy e foy de foy e foy  
de foy e foy de foy e foy de foy e foy  
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de foy e foy de foy e foy de foy e foy

19

Como o Magistao Estado corrigido

com maior demonstração da amizade com  
de foy e foy de foy e foy de foy e foy  
de foy e foy de foy e foy de foy e foy  
de foy e foy de foy e foy de foy e foy  
de foy e foy de foy e foy de foy e foy

16

M. Merchant vessels from the Firangee State wrecked and cast in the ports of the Pandit Pradhan will be returned with cargo. If out of fear of the enemy they take shelter in a port they shall not be molested. Both parties will act accordingly.

17

P. As the Majestic State has evinced the greatest friendship towards this Pandit Pradan, as proved by the Attorney, Pandit Pradan has agreed to make a contribution in Daman of 12,000 rupees starting from this year through his Daman jurisdiction by virtue of which he shall specifically give to the State the Sanad or the confirmatory order of the villages.

# En conformidad de lo

"Mediana de sea, para que se ordene  
 en dicha ciudad, segun el traslado  
 que se hizo en conformidad con lo que  
 de S. M. se acordó, para el efecto de  
 portar los de ruyos...  
 como habia en el punto de ruyos...  
 foy acordado, segun el traslado...

"Liquidamente en conformidad de lo  
 que se ruyos segun...  
 puntualmente o donde se ruyos de...  
 estado a su traslado, para que se...  
 estado de ruyos para ruyos de...

*[Signature]*

11

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 ...~~

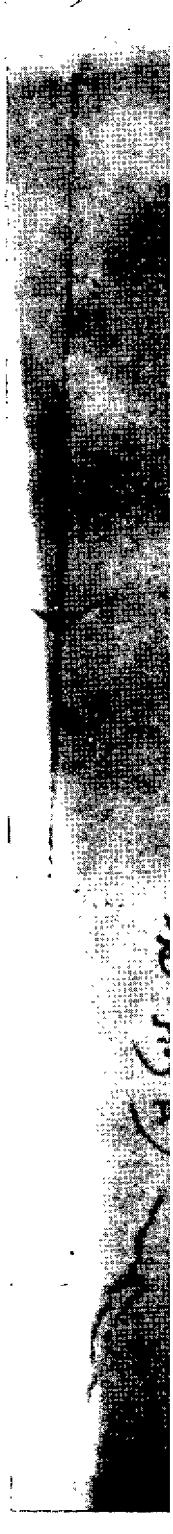
17

M. The Firangee State entertains friendly sentiments towards the Pandit Pradhan; the envoy conveyed assurances. Therefore it is agreed that the Pandit Pradhan should assign towards Daman from the current year a *Jagir* of the revenue of twelve thousand rupees in Prant Daman. Accordingly a sanad listing the villages be given to the Firangee State by making a separate agreement.

P. In the past its frigate was restored to the State and for its approximate effects Pandit Pradan promised the State the following sum in rupees:—

Net in one year . . . . .	66454
Teak wood for the ordinary fitting of the said frigate, to be transported in one year from Basaim to Daman, of the value of . . . . .	3000
Total . . . . .	<u>69454</u>

In accordance with the above agreement Pandit Pradan shall give the State what is stipulated. Goa, 4th May, 1779.



M. A frigate belonging to the Firangee State was returned previously; for equipage on the same the Pandit Pradhan agreed formerly to give as under. :—

Rs. 66454—in cash within a year.

Rs. 3000—in Teakwood to be sent from Bassein to Daman for loss of miscellaneous equipage.

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Rs. 69454— within a year.

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Accordingly as agreed the Pandit Pradhan will compensate the Firangee State. Written at Goa, 4th May, 1779, 16 Rabilakhar, Suhur 1179

(Signed) Dom Jose Pedro DA CAMARA..



## Annex F. No. 24

EXTRACT FROM ELPHINSTONE'S HISTORY OF INDIA, 1841

*(The History of India, the Hindu and Mohamedan Periods, by the Hon. Mountstuart Elphinstone, with notes and additions by E. B. Cowell, M.A., late Principal of Sanskrit College, Calcutta, 9th Edition, London, 1916, pp. 80-82)*

It has been mentioned that the king can alienate his share in a village. In like manner he often alienates large portions of territory, including numerous villages as well as tracts of unappropriated waste. But in all these cases it is only his own rights that he makes over: those of the village landholders and permanent tenants (where such exist), of district and village officers, and of persons holding by previous grants from himself or his predecessors, remaining unaffected by the transfer.<sup>1</sup> These grants are made for the payment of troops and civil officers, for the support of temples, the maintenance of holy men, or for rewards of public service. Lands given for the two first purposes are called Jagirs.<sup>2</sup> This mode of remunerating the services of certain officers, and of providing for holy men, is as old as Menu. When it came to be applied to troops is uncertain. It was in use in Bayanagar, and other states of the south of India, when they were overturned by the Mussulmans; but the more perfect form in which it is now found among the Marattas is probably of modern date. Such grants originate in the convenience of giving an assignment on a district near the station of the troops, instead of an order on the general treasury; a mode of transfer particularly adapted to a country where the revenue is paid in kind.

These assignments at first were for specific sums equal to the pay due: but when they had long been continued, and were large enough to swallow up the whole revenue of a district, it was natural to simplify the arrangement, by transferring the collection to the chief of the military body. This was done with every precaution to prevent the chiefs appropriating more than the pay of the troops, or exercising any power not usually vested in other collectors. The system adopted by the Marattas gives a full illustration of the means resorted to for this purpose.

According to their plan, the number and description of troops to be maintained by each chief was described; the pay of each division carefully calculated; allowances made for officers, sometimes even to the extent of naming individuals; a sum was allotted for the personal expenses of the chief himself; and every particular regarding the terms of service, the mode of mustering, and other arrangements, was laid down. A portion of territory was then selected, of which the share belonging to the government should be sufficient, after deducting the expenses of collection and other charges, to supply the amount which had been shown

<sup>1</sup> Want of advertence to this circumstance has led to mistakes regarding the property in the soil. The native expression being "to grant a village," or "a district," it has been inferred that the grant implied the whole, and excluded the notion of any other proprietors.

<sup>2</sup> "Jagir, which is a Persian word in its origin, is applied to lands given by government for personal support, or as a fief for the maintenance of troops for the service of the state. Some service is implied in the personal, as well as the military, Jagir."—(Col. Sykes on Land Tenures in the Dekkan, Jour R.A.S. 1835.)—ED.

to be requisite; and the whole territory yielding that amount was made over to the chief. The chief was now placed in the situation of the governor of a revenue division, and exercised all the other functions which are now united in the holder of that office.

The power to interfere for the protection of subordinate rights was, however, retained by the government, as well as a claim to any revenue which the tract assigned might yield beyond the amount for which it was granted. Those stipulations were enforced by the appointment of two or more civil officers, directly from the government, to inspect the whole of the chief's proceedings, as well in managing his troops as his lands.

Notwithstanding all these precautions, the usual consequences of such grants did not fail to appear. The lands had from the first a tendency to become hereditary; and the control of the government always grew weaker in proportion to the time that had elapsed from the first assignment. The original principle of the grant, however, was never lost sight of, and the necessity of observing its conditions was never denied.

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### Annex F. No. 25

PROCLAMATION MADE BY ELPHINSTONE ON BEHALF OF BRITISH  
GOVERNMENT, 15TH DECEMBER, 1818

(*Alienation Office Records, Deccan Commissioners Marathi Records Rumat  
No. 165*).

Seal of the Company.

15th December, 1818.

Shri

A proclamation of the Honourable Company's Sarkar Suhur Tisa Ashara Maya Tain Wa Alaf. This proclamation is being written for the information of all Jahagirdars and Saranjamdars that the Sardars, Shiledars, and Mutsaddis and Sipais etc., were holding Talukas, Villages, lands and allowances, etc. since ancient times and from the Peshwa Sarkar for the maintenance of troops and personal dignity, in lieu of services or without any service, and that it has now been ordered by the Sarkar that their claims (to their holdings) be scrutinised and arrangement be made for their personal expenses. This may be made known to all concerned. Those who were in possession of Saranjam and Jahagir in 1807—1808 and till the end of the War continued to hold them, for whatsoever purpose, should bring to Poona their documents of evidence sanads and yadis of agreements etc., and within one month should produce their evidence regarding whatever they were holding and also whatever was resumed previously. Assignments will be made for their maintenance on ascertaining their claims. Those who would give false statements, would be considered as untrustworthy and will not get anything. Those who would not present themselves within a period of one month, their *Yadis* will not be scrutinised and will not get anything. Dated 15th December, 1818, Safar order of Elphinstone Sahab.

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## Annex F. No. 26

## BOMBAY SARANJAM RULES OF 1898 AND 1901

(Accompaniment to Government Resolution No. 2674, dated the 5th May, 1898.)

## RULES

In exercise of powers referred to in Rule 10 of Schedule B of Act XI of 1852 and of the second subclause to clause 3 of Section 2 of Bombay Act VII of 1863, His Excellency the Governor in Council is pleased to issue the following rules for the purpose of determining the terms to which the continuance of Jaghirs and Saranjams and other alienations of a political nature shall be subject:—

1. Saranjams shall be ordinarily continued in accordance with the decision already passed or which may hereafter be passed by Provincial Government in each case.

2. A Saranjam which has been decided to be hereditarily continuable shall ordinarily descend to the eldest lineal male representative, in the order of primogeniture, of the senior branch of the family descended from the first British grantee or any of his brothers who were undivided in interest. But Provincial Government reserve to themselves their right for sufficient reason to direct the continuance of the Saranjam to any other member of the said family, or, as an act of grace, to a person adopted into the said family with the sanction of Provincial Government. When a Saranjam is thus continued to an adopted son, he shall be liable to pay to Provisional Government a Nazarana not exceeding one year's value of the Saranjam, and it shall be levied from him in such instalments as Government may in each case direct.

3. In the case of Saranjams which have been decided to be continuable for two generations with a pension to the third, the eldest surviving son shall be considered to represent a generation, and the entire Saranjam shall descend to him when he represents the second generation from the first British grantee, and a pension when he represents the third. But if the elder son or sons of the first British grantee have died before their father, but leave sons, the grandson who ranks first in order of primogeniture shall, on his grand father's death, be regarded as the second generation, and the entire Saranjam shall be continued to him, no pension being granted to the next generation.

4. Proposed orders regarding succession of Saranjams in accordance with the above rules, must as they constitute a technical regnant of the Saranjam be submitted, in all cases, for the sanction of Provisional Government.

5. Every Saranjam shall be held as a lifeestate. It shall be formally resumed on the death of the holder, and in cases in which it is capable of further continuance it shall be made over to the next holder as a fresh grant from Provisional Government, unencumbered by any debts or charges save such as may be specially imposed by Provisional Government itself.

5 A.—In cases in which there is no suitable person to whom a regrant can immediately be made or in which an immediate regrant would be injurious to the interests of the estate, the Saranjam may be attached and placed under Government management for such period as Provisional Government may consider necessary; and the revenues of the Saranjam, after deduction of the expenses of management, may be assigned for the maintenance of the representatives of the deceased Saranjamdar, in such manner and in such proportion as Provisional Government may from time to time direct. (G.R.P.D. No. 4684, dated 29-6-1901).

6. No Saranjam shall be capable of subdivision.

7. Every Saranjamdar shall be responsible for making a suitable provision for the maintenance of the widow or widows of the preceding Saranjamdar, his own brothers, or any other member of his family who, having a valid claim arising from infancy, mental or physical infirmity, rendering such member incapable of earning a live lihood, may be deemed deserving of support at his hands. When this obligation is not fulfilled by any Saranjamdar, Provisional Government may direct him to make suitable provisions for such persons and may fix the amount, which he shall pay, in each instance: provided that no one who has independant means of his own, or is in the opinion of Provisional Government otherwise sufficiently provided for, shall be entitled to maintenance from the Saranjamdar.

8. Every order passed by Provisional Government under the above rule for the grant of maintenance by a Saranjamdar shall hold good during his life only.

9. If an order passed by Provisional Government under Rule 7 is not carried out, Provisional Government may, whatever the reason may be, direct the Saranjam, or a protion of it, to be resumed, as the circumstances of the case may require. Provision for the members the Saranjamdar's family entitled to maintenance shall then be made by Provisional Government out of the revenues of the Saranjam so resumed.

10. Whenever it appears that a Saranjam or its revenues have passed by attachment or any other process of the Civil Court into the hands of a person other than the Saranjamdar, Provisional Government will ordinarily direct the Saranjam to be resumed and pass such order as to its regrant or other disposal as may seem to them fitting.

11. The above rules shall be applicable not only to Saranjams proper, but also to Chouth Saranjams.

12. Any Inam granted on political considerations shall be continued in the terms of the Sanad or order creating the grant. In the event of any such Inam passing out of the possession of the family for whose support it was granted, it shall be liable to resumption, unless there be an express provision permitting such transfer in the terms of the grant.

*Addition to the Rules regarding Saranjams published with Government Resolution No. 2674, dt. the 5th May, 1898.*

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No. 4684.

POLITICAL DEPARTMENT

Bombay Castle, 29th June, 1901.

*Resolution of Government.*

In exercise of the powers, referred to in Rule 10 of Schedule B of Act XI of 1852 and of the second sub-clause 3 to clause of Section 2 of Bombay Act VII of 1863, His Excellency the Governor in Council is pleased to make the following addition to the Rules published with Government Resolution No. 2674, dated the 5th May, 1898:

Rule 5 A.—In cases in which there is no suitable person to whom a regrant can immediately be made, or in which an immediate regrant would be injurious to the interest of the estate, the Saranjam may be attached and placed under Government management for such period as Government may consider necessary; and the revenues of the Saranjam, after deduction of the expenses of management, may be assigned for the maintenance of the representatives of the deceased Saranjamdar, in such manner and in such proportion as Government may from time to time direct.

2. This Rule should be published in the Bombay Government Gazette and communicate to the officers concerned.

3. A copy of the Rule should be forwarded to His Majesty's Secretary of State for India in continuation of Bombay Government Despatch No. 18, dated the 16th May 1898.

J. L. JENKINS,  
Acting Secretary to Government.

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## Annex F. No. 27

DECISION IN DAULATRAO MALOJIRAO v. PROVINCE OF BOMBAY BEFORE  
THE HIGH COURT OF BOMBAY, 1947

THE INDIAN LAW REPORTS  
BOMBAY SERIES  
1947

## APPELLATE CIVIL

Before Sir LEONARD STONE, Kt., Chief Justice, Mr. Justice MACKLIN  
and Mr. Justice LOKUR.

DAULATRAO MALOJIRAO GHORPADE  
(Original Plaintiff), Appellant v.

THE PROVINCIAL GOVERNMENT OF BOMBAY AND OTHERS  
(Original Defendants), Respondents. <sup>1</sup>

*Saranjam tenure, incidents of—Saranjam rules, operation of—Adverse possession of saranjam land—Resumption of lands by levy of full assessment payable to Government—Lands cease to be part of Saranjam lands and become Khalsa lands—Bombay Revenue Jurisdiction Act (X of 1876), s. 12.*

The whole structure of saranjam tenure is founded in the sovereign right, which can only change by request or by treaty. So founded, jagirs and saranjams, with the feudal incidents connected with them are granted or withheld at the will and pleasure of the sovereign power, and, if granted, the fixity of tenure is always subject to interruption and revocation by resumption, be it temporary or absolute in character. No incident normally applicable to private rights between subject and subject can fetter or disturb the sovereign will. Hence adverse possession by a private person for however long a duration is nugatory before a paramount resumption or re-grant.

The saranjam rules made by Government are rules of convenience only. They do not exhaust the general power of Government or prevent Government from making a decision or determination referable to a particular saranjam without altering the rules with regard to all of them.

The suit lands having an area of about 60 acres were situated in the village of Kodaganur, which was one of the villages comprising the saranjam called Gajendragad Estate. Prior to 1842 the suit lands were granted in Inam by a member of senior branch to an ancestor of defendant No. 2 for Kulkarni services to the estate. In course of time the estate came to be divided among the three branches of the original saranjamdar's family, which division was recognised by Government at a later date. In 1939, defendant No. 2 sold the land to defendant No. 3. The portion of the estate, which comprised the 60 acres of land, fell to the share of the plaintiff, who complained to Government about the alienation. In 1892, Government directed that "full assessment should be levied and the assessment so recovered should be credited to Government."

<sup>1</sup> Civil Reference No. 2 of 1945.

This was followed in 1936 by another resolution, which stated: "The recognition of the above said shares and their entry in the revenue records as separate shares shall not be deemed to amount to a recognition of the estate of Gajendragad as in any manner partible or alienable and shall not in any way effect the right of Government to treat the said estate as an entire impartible or inalienable saranjam estate." The dispute between the plaintiff and defendant No. 3 was settled by Government by a resolution dated October 26, 1937, which directed: "The lands which gone into the possession of one who is a total stranger to the saranjamdar's family and who does not do any service to the family should be resumed but the resumption should be by the levy of full assessment which should be credited to Government and not to the saranjamdar, as the lands have been lost to the saranjamdar's family for a long time and there is no obligation on Government to pay the assessment to the Saranjamdar". The plaintiff having made a claim to the 60 acres of land, Government made a reference to the High Court, under s. 12 of the Bombay Revenue Jurisdiction Act, 1876, referring the following questions for opinion:—

"(1) Whether on the 25th February 1936, being the date of the sub-divisional grant of the Gajendragad estate, the Saranjam tenure in the 60 acres had been destroyed by the adverse possession of the Kulkarni and his predecessors-in-title.

(2) Whatever be the answer to question (1), what is the effect upon the tenure of the 60 acres as it existed immediately before the 25th February 1936:

(a) as a result of the 1936 Resolution, and

(b) as a result of the 1937 Resolution".

Held, (1) that the saranjam tenure in the 60 acres of land had not been destroyed by the adverse possession of Defendant No. 2 and his predecessor-in-title;

(2) that the Government Resolution of 1936 did not change the nature of the tenure of the 60 acres already existing;

(3) that as a result of the resolution of 1937 the 60 acres were resumed by Government by the levy of full assessment payable to Government, and thereby they ceased to be part of the saranjam lands and became khalsa lands.

Shekh Sultan Sani *v.* Shekh Ajmodin. <sup>1</sup> Raghojirao *v.* Laxmanrao, <sup>2</sup> referred to.

REFERENCE was made by the Government of Bombay under s. 12 of the Bombay Revenue Jurisdiction Act in pursuance of recommendation made by the High Court in its judgment dated 17th March 1944 in Cross Appeals Nos. 341 and 383 of 1940 from the decision of T. B. Shanbag, Civil Judge (Senior Division), at Dharwar in Special Suit No. 53 of 1938. The reference was made in terms as follows:—

The suit lands, bearing old survey No. 83 but known by Revision Survey Nos. 121/1, 122, 123 and 124 having an area of about 60 acres, were situated in the village of Kodaganur, which is one of the 27 villages comprising the saranjam called the Gajendragad estate. The whole estate was formerly registered in Government records in the name of the senior

branch of the family of Daulatrao (plaintiff). Prior to 1842, the suit land was granted in inam by a member of the senior branch to an ancestor of defendant No. 2 for kulkarniki service. The particulars of the grant, viz. the names of the grantor and grantee were not known. In the year 1867, as a result of litigation in the family, the estate was informally divided between the three branches of the family. In that division, the village of Kodaganur fell to the share of Malojirao Daulatrao Ghorpade, the father of the plaintiff. The history of that litigation would be found in the case of *Bhujangrao v. Malojirao* (5 B.H.C.R. 161). The partition was recognised by Government in their resolution of the Revenue Department No. 2735, dated April 26, 1882, and it was directed that the shares allotted to the younger brothers should be regarded as their private property in virtue of the High Court decree and that the saranjam estate should be restricted to the portion awarded by the High Court to Bhujangrao as the head of the family.

In the year 1891 the question of settlement of the nature and tenure of the Gajendragad jahgir cropped up for the first time. By their resolution in the Political Department, No. 1769, dated March 17, 1891, Government passed the following order without reference to the informal division of the estate between the three branches of the family:—

“It appears to Government that the whole Gajendragad estate is a saranjam continuable as hereditary in the fullest sense of the word as interpreted by the Court of Directors in paragraph 9 of their Despatch No. 27, dated December 12, 1855. It is continuable to all male legitimate descendants of the holder at the time of the British conquest and should Government ever sanction an adoption the terms of sanction would be those applicable to saranjamdars. The property should be dealt with like other saranjams in the Political Department. In the event of the saranjam or any part of the original saranjam being included in the scheme for the revision of the Hyderabad Bombay Frontier, the reversionary interest would have to be calculated, and the rights of the saranjamdar should be guarded as recognised by Government. The family of the saranjamdar should be made acquainted with this decision.”

In accordance with the order the name of Daulatrao Bhujangrao, the senior member, was entered in the saranjam list for all the 27 villages (including Kodaganur) as the sole saranjamdar and continued as such till his death in May 1931.

In 1896 the plaintiff's father Malojirao died and thereafter the plaintiff assumed occupation of that portion of the estate which had been allotted to his father without any formal sanction of Government. The suit land continued in the name of Daulatrao Bhujangrao the main saranjamdar. In 1927 the plaintiff and his cousin Bhujangrao Yashvantrao applied to the revenue authorities for the introduction of survey settlement in the villages in their possession and for recognition and separate entry of their share in the estate in the saranjam list. Government, by their resolution in the Political Department, No. 5376, dated March 19, 1928, ordered that “Daulatrao Malojirao Ghorpade and Bhujangrao Yeshavantrao Ghorpade cannot be regarded as holders of any separate saranjam estate. The lands in their possession form part of the Gajendragad saranjam which is held by Saradar Daulatrao Bhujangrao Ghorpade.” Up to that time (i.e. from 1842 to 1928) the suit land had remained in possession and enjoyment of the Kulkarni family of defend-



ant No. 2. In 1929 the lands in the suit were sold by defendant No. 2 to defendant No. 3, a stranger to the kulkarni family, for Rs. 8,000.

After the death of Daulatrao Bhujangrao in 1931 his son Bhujangrao II applied that the whole of the saranjam should be resumed and regranted to him making suitable provision for the proper maintenance of the junior members in accordance with r. 5 of the Saranjam Rules, 1898. The application was opposed by other members of the family including Bhujangrao Yeshvantrao who prayed that he and Daulatrao Malojirao should be declared to be independent saranjamdars in regard to the villages in their possession, or in the alternative the villages in their possession should be treated as their private property. Government directed in their Resolution in the Political Department, No. 8969, dated June 7, 1932, that the saranjam should be formally resumed and regranted to Bhujangrao Daulatrao, the eldest son of the deceased saranjamdar, and it was further ordered that the shares held by the junior branches "as potgi holders should be continued to them as at present." Against the decision the plaintiff and Bhujangrao Yeshvantrao filed civil suit No. 23 of 1934. Thereafter, as a result of the negotiation between Government and the plaintiff's representative Government decided to recognise the junior branches of the family as de facto saranjamdars of the portion of the estate in their possession provided the plaintiff withdrew the suit. The suit having been withdrawn Government declared by their Resolution in the Political and Reforms Department, No. 8969, dated February 25, 1936, as follows:—

"I. After careful consideration the Governor-in-Council is pleased to confirm the decision in Government Resolution, Political Department, No. 1769, dated March 17, 1891, and to declare that the whole of the Gajendragad estate shall be continuable as an inalienable and impartible saranjam on the conditions stated in the said Resolution. Having regard however to the manner in which different portions of the estate have been held by different branches of the family, the Governor-in-Council, in modification of the orders contained in Government Resolution, No. 8969, dated June 7, 1932 is pleased to direct that the portion of the said estate held by Sardar Bhujangrao Daulatrao Ghorpade, Daulatrao Malojirao Ghorpade and Bhujangrao Yashvantrao Ghorpade respectively, shall henceforth be entered in the revenue records as de facto shares in the said estate held by the said persons as representatives respectively of the three branches of the Ghorpade family. Each of the said de facto shares shall be continuable hereditarily as such as if it were a separate saranjam estate in accordance with the rules made for the continuance of the saranjam by the Governor-in-Council in exercise of the powers referred to in the rules framed under the Bombay Rent Free Estate Act, 1852 and s. 2 (3) of the Bombay Summary Settlement Act (VII of 1863) and such special orders as the Governor-in-Council may make in regard to the Gajendragad estate as a whole or in regard to the said share. The recognition of the aforesaid shares shall not be deemed to amount to a recognition of the estate of Gajendragad as in any manner partible or alienable and shall not in any way effect the right of Government to treat the said estate as an entire impartible and alienable Saranjam estate.

The Governor-in-Council further directs that the aforesaid shares shall in no case be capable of sub-division and shall not in any way be alienated or encumbered except in accordance with the rules and orders referred to, above. The three shares referred to above shall be continuable hereditarily to the three holders named above and to such of their respective heirs as shall be male legitimate descendants of the holders of the Gajendragad estate at the time of the British conquest in accordance with the orders issued in paragraph 9 of the Despatch of the Court of Directors No. 27, dated December, 12, 1855, and in Government Resolution (Political Department), No. 1769, dated March 17, 1891. The holders of each of three shares shall have the right to be consulted in the appointment of any village officer in any village comprised in his respective share, but he shall have no right to interfere with the management of the shares of the other holders."

The whole of the Gajendragad was thus divided into three separate shares held respectively by the three named persons, and pursuant to this order entries were made in the revenue records and the 60 acres comprising the suit lands were entered in the name of the plaintiff.

The alienation of the suit land by defendant No. 2 in favour of defendant No. 3 came to the notice of the main saranjamdar Sardar Bhujangrao Daulatrao Ghorpade in 1933. He therefore applied to the Collector for resumption and restoration of the land to him. Thereupon the plaintiff, who was recognised by the resolution of 1936 as a saranjamdar of 1/3 of the Gajendragad estate and to whose share the village of Kodaganur had gone, applied to the Collector that the land in dispute should be resumed and restored to him in preference to Sardar Bhujangrao, the main saranjamdar. At or about the same time one Laxuman Ruknangad, the officiating Kulkarni of the village of Kodaganur, applied to the Collector that the land should be resumed and restored to him as it had been originally assigned for kulkarniki service and alienated to a stranger recently. There were several other similar alienations of lands belonging to the estate which were standing for more than 60 years with the alienees. Government, to whom the matter was referred by the Commissioner, Southern Division, passed the following order in their resolution in the Political and Reforms Department, No. 8969/2951, dated October, 26, 1937:—

"Government agree with the view of the Remembrancer of Legal Affairs that the Saranjam lands which were alienated to an outsider and which have been in his possession for more than 60 years cannot be claimed by the saranjamdar. The lands which have gone in the possession of one who is a total stranger to the saranjamdar's family and who does not do any service to the family should be resumed but the resumption should be by the levy of full assessment which should be credited to Government and not to the saranjamdar's family for a long time and there is no obligation on Government to pay the assessment to the Saranjamdar."

Dissatisfied with these orders the plaintiff filed a suit against Government and others for a declaration that as a de facto saranjamdar of a share in the Gajendragad saranjam he was the owner of the suit lands and for possession, and in the alternative, for a declaration that the

suit lands were liable for contribution towards the remuneration of the officiating kulkarni of Kodaganur and liable to pay judi of Rs. 15 a year to the plaintiff.

The trial Judge rejected Government contention on the question of the Court's jurisdiction under s. 4 (1) of the Revenue Jurisdiction Act and partly decreed the plaintiff's claim by declaring that he was entitled to recover judi from defendants Nos. 3 to 6 and that the suit lands were liable to contribute in proportion to the potgi payable to the officiating kulkarni.

Against this decision appeals were filed both by the plaintiff and Government. The High Court held that as the plaintiff's claim was advanced and rested upon a saranjam tenure, s. 4 of the Revenue Jurisdiction Act was a bar to any relief being granted to the plaintiff against Government. At the same time their Lordships were of opinion that the main questions involved in this suit were very important for the general body of the saranjamdars and they required to be judicially considered. As those questions could not be decided in view of s. 4 of the Revenue Jurisdiction Act, their Lordships recommended that Government should make a reference to the High Court under s. 12 of the said Act. (See 47 Bom. L.R. 214).

Government accepted the recommendation and, as suggested by the High Court, submitted the following questions for decision:—

(1) Whether on February 25, 1936, being the date of the sub-divisional grant of the Gajendragad estate, the saranjam tenure in the 60 acres had been destroyed by the adverse possession of the kulkarni and his pre-decessors-in-title?

(2) Whatever be the answer to question (1), what is the effect upon the tenure of the 60 acres as it existed immediately before February 25, 1936.

(a) of the 1936 Resolution and,

(b) of the 1937 Resolution?

H. C. COYAJEE with G. R. MADHAVI, for the plaintiff.

S. A. DESAI, with S. A. KHER for the defendants.

C. K. DAPHTARY, Advocate General, with B. G. RAO, for the Government of Bombay.

STONE C. J. On March, 17, 1944, judgment was delivered in appeal by my brother Divatia and myself, by which we held, that as the plaintiff's claim is advanced and rests upon a Saranjam tenure, s. 4 of the Revenue Jurisdiction Act of 1876 is a bar to any relief being granted to the plaintiff against Government relating to the suit lands, in so far as they are classified to be granted or held as Saranjam. At the same time, we pointed out, that the appeal raised a very important question so far as the general body of the Saranjamdars is concerned and we have intimated that Government might desire to have it judicially determined by making a reference under s. 12 of the Revenue Jurisdiction Act. Accordingly, before passing any order, we gave an opportunity for a reference to be made, and it is such reference which is now before this Full Bench. The facts sufficiently appear from the judgments delivered on March, 17, 1944, and arising out of what was then said Government have referred to us the following questions:

"(1) Whether on February 25, 1936, being the date of the sub-divisional grant of the Gajendragad estate, the Saranjam tenure in the 60 acres had been destroyed by the adverse possession of the Kulkarni and his pre-decessors-in-title.

(2) Whatever be the answer to question (1), what is the effect upon the tenure of the 60 acres as it existed immediately before February 25, 1936.

(a) as a result of the 1936 Resolution, and

(b) as a result of the 1937 Resolution".

In its reference Government have concisely set forth the propositions upon which it relies and it will be convenient to refer to these. They are as follows:—

(1) That every Saranjam is held by the Saranjamdar as a life estate.

(2) That Government have a common law right to resume it at pleasure.

(3) That the law does not require Government to exercise that right within a particular time.

(4) That land held on Saranjam tenure does not lose its Saranjam character until the tenure is terminated; so long as the tenure subsists, no possession of the land can be adverse to that tenure; on the contrary it would be subject to the tenure.

(5) That the character of land held on Saranjam tenure does not change by efflux of time.

(6) That no period of limitation being provided for the exercise by the Government of their right to resume, such right is not extinguished by efflux of time.

(7) That the 60 acres of land in dispute were all along held on Saranjam tenure, irrespective of whether the Saranjamdar or the Kulkarni was in possession.

(8) That the Resolution of 1936 formally resumed and regranted the acres to Daulatrao Malojirao, the Plaintiff, Saranjam tenure therefore continued.

(9) That by the Resolution of 1937 Government finally exercised their common law right of resumption as they found that the land had passed into the possession of non-Saranjamdar. Saranjam tenure was therefore extinguished."

The propositions are a substantial departure from the allegations contained in the written statement filed by Government in the suit; but this is immaterial, because Government has succeeded in this appeal by virtue of the Court's want of jurisdiction, and the issues now before us are circumscribed by the reference. The contention now advanced on behalf of Government is in substance that land held by virtue of Saranjam tenure cannot be alienated to a stranger, because the tenure is but an adjunct of and springs from the sovereign right, and only subsists at all by virtue of the will and pleasure of the sovereign power. It is therefore contended that the Crown's paramount right to the overlordship in the land is unassailable by adverse possession by a subject for however long duration. We are indebted to Counsel for all

the parties for the interesting debate which has taken place before us. The principal authorities to which we have been referred are the cases *Shekh Sultan Sani v. Shekh Ajmodin*<sup>1</sup> and *Raghorirao Laxmanrao*.<sup>2</sup> We have also been referred to the treatise written by Colonel Etheridge in the year 1874 and which is contained as a preface to a book described as "List of Saranjams", and also to an admirable little book, "the Law of Saranjams", by Mr. N. H. Phadnis. An examination of the authorities, in my judgment makes it clear, that the whole structure of Saranjam tenure is founded in the sovereign right, which can only change by conquest or by treaty. So founded, Jaghirs and Saranjams, with the feudal incidents connected with them, are granted or withheld at the will and pleasure of the sovereign power, and, if granted, the fixity of tenure is always subject to interruption and revocation by resumption, be it temporary or absolute in character. No incident normally applicable to private rights between subject and subject can fetter or disturb the sovereign will. Thus adverse possession by a private person for however long duration is nugatory before a paramount resumption or re-grant. But Mr. Coyajee on behalf of the appellant, the Saranjamdar, submits that even so the sovereign power has by its legislative constituent bound itself by rules, and that even if historically the basis of the tenure was the sovereign will and pleasure, the rules have created a new quality of durability. In my previous judgment I referred to these rules as being *rules of convenience only and a further examination of them and their origin confirms me in that view*. These rules which were made on 1898 are made under r. 10 of schedule P to Act XI of 1852 and under the second sub-cl. to cl. (3) of s. 10 of Bombay Act VIII of 1863, Rule 10 in the 1852 Act is as follows:

"These rules shall not be necessarily applicable to jaghirs, and saranjams or other tenures for service to the Crown, or tenures of a political nature, the titles and continuance of which shall be determined as heretofore under such rules as the Provincial Government may find it necessary to issue from time to time."

And the sub-cl. in the 1863 Act provides:

"Lands granted or held as saranjam or on similar political nature, shall be resumable or continuable in such manner, and on such terms, as Government on political considerations, may, from time to time see fit to determine."

It should be observed in passing, that there is a distinct contract between that sub-clause and the next one which provides that "lands held for service shall be resumable or continuable under such general rules as Government may think proper, from time to time, to lay down." In my opinion the rules with which we are concerned cannot exhaust the general power or prevent Government from making a decision or determination referential to a particular Saranjam without altering the rules with regard to all of them. Accordingly in my opinion the answer to question I referred to us is "No", that is to say the Saranjam tenure was not destroyed by adverse possession.

It follows from this and from an examination of the Resolution of 1936, that question 2 (a) should be answered by saying that the Resolution had no effect upon the nature of the tenure of the 60 acres. It is to be observed that when examined the 1936 Resolution is not itself a re-grant, for it provides that each of the said de facto shares of the existing grant of the whole estate shall be continuable hereditarily as such as if it were a separate Saranjam estate. It did not in fact change the nature of the tenure of the 60 acres already existing.

Question 2 (b) causes at first sight a little difficulty, not because there is now any doubt as to Government's power to resume arbitrarily the Saranjam or any part of it if it so thinks fit and to re-grant it in whole or in part as Khalsa land, but as to the effect of the Resolution itself. It is dated October 26, 1937, and is as follows:

"Government agree with the view of the Remembrancer of Legal Affairs that the Saranjam lands which were alienated to an outsider and which have been in his possession for more than 60 years cannot now be claimed by the Saranjamdar. The lands which have gone in the possession of one who is a total stranger to the Saranjamdar's family and who does not do any service to the family should be resumed, but the resumption should be by the levy of full assessment which should be credited to Government and not to the Saranjamdar as the lands have been lost, to the Saranjamdar's family for a long time and there is no obligation on Government to pay the assessment to the Saranjamdar. The orders of the Collector of Dharwar directing the assessment to be paid to the Saranjamdar are hereby cancelled."

This was based on the view which then prevailed with Government's advisers and which we have referred to in our previous judgment in the quotation that:

... the alienees who obtained possession in 1863 and 1870 at execution sales have been in possession in contravention of the rules or orders governing Saranjams and can claim to hold adversely to Government. As these alienees have, by a lapse of 60 years, acquired an indefeasible right to remain in possession, under s. 28 read with art. 149 of the Limitation Act, their indefeasible right has now ripened into a prescriptive title. The Saranjam tenure of these lands has been extinguished and Government cannot exercise their common law right of resumption, although such right was exercisable at pleasure."

But because Government gives a wrong reason for something it does, the wrong reason does not operate to abrogate the operative part of the Resolution, since it is not necessary for Government to give any reason at all. The order of the Collector referred to in the Resolution is dated the 26th of August 1934, is in fact in two parts, by the first part he ordered the resumption of the land by levy of full assessment and by the second part he ordered that such assessment be paid to the Saranjamdar. It is the latter part of the order which is referred to in the last sentence of the Resolution of 1937. Although this Resolution is not happily worded, since the body of it is couched in words of future, whereas cancellation of the Collector's order is expressed as being "hereby cancelled"; it does in my opinion operate to resume the Saranjam estate and accord-

ingly in my opinion the answer to question 2 (b) should be that as a result of the Resolution of 1957 the 60 acres were resumed by Government by the levy of full assessment payable to Government and thereby they ceased to be part of the Saranjam lands and become Khalsa lands.

Having thus finished with the reference before us, there is an outstanding point on the appeal with regard to the position of the Kulkarni. But Mr. Coyajee on behalf of the appellant the Saranjamdar is now content to leave this question in the hands of Government. So we need say no more about it.

There remains the question of costs. The order which is proposed is that the appeal be dismissed with one set of costs to be paid to Government, that the cross-appeal be allowed with one set of costs to be paid to Government. As to the other defendants they will get from Mr. Coyajee's client one set of costs on the appeal but they must pay their own costs of the cross-appeal and of the reference, and Government will pay its own costs of the reference.

MACKLIN J. I agree and have nothing to add.

LOKUE J. I agree and have nothing to add.

Per Curian—The order for costs will be as proposed above.

Answered accordingly  
and  
Appeal dismissed.  
J. G. R.

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#### Annex F. No. 28

DECISION IN RAMCHANDRA *v.* VENKATARAO BEFORE THE HIGH COURT OF BOMBAY, 1882

THE INDIAN LAW REPORTS  
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June 12.

APPELLATE CIVIL

Before Mr. Justice MELVILL and Mr. Justice KEMBALL.

RAMCHANDRA MANTRI (*Original Defendant*), *Appellant*, *v.* VENKATRAO and B. M. MANTRI (*Original Plaintiffs*), *Respondents*.<sup>1</sup>

*Saranjam—Jaghir—Grant of revenue—Grant of soil—Pensions' Act XXIII of 1871—Evidence—Burden of proof—Impartibility—Primogeniture.*

The grant in jaghir or saranjam is very rarely a grant of the soil, and the burden of proving that it is in any particular case a grant of the soil lies very heavily upon the party alleging it.

It is for the Government to determine how saranjams are to held and inherited, and in cases where the Civil Courts have jurisdiction over claims relating to saranjams in consequence of the non-appli-

<sup>1</sup> Regular Appeal, No. 21 of 1880.

cability of the Pensions' Act XXIII of 1871 or otherwise, they would be bound to determine such claims according to the rules, general or special, laid down by the British Government. In the absence of such rules the Courts would be guided by the law applicable to impartible property.

Semble, that a saranjam is impartible, and on the death of the eldest son descends to his son, in preference to his surviving brother.

This was an appeal from the decision of Rao Bahadur P. S. Binivale, Subordinate Judge (First Class) of Satara.

The material facts of the case are as follows:—

The plaintiffs and the defendant are members of the Mantri family, the last head of which was one Vyankatrao, who died on the 19th of August, 1863. He left three sons, Narayanrao, Madhavrao and Bhaskarrao. The first of these was the eldest, and was the father of the defendant, Ramchandrav; the second was the father of the plaintiff Venkatrao; and the third is the plaintiff No. 2. The propositus owned considerable property, moveable and immoveable, amongst which were the villages of Bagni and Kameri in the Satara District, Kochre in the Ratnagiri District, and Pandharpur in the Sholapur District. The plaintiffs alleged that they and the defendant were undivided and sued for division in the Court of the First Class Subordinate Judge of Satara, who was empowered by the High Court to try the suit. The defendant contended, among other things, that he was a sardar exempt from the jurisdiction of the ordinary Civil Courts by Regulation XXIX of 1827; that the village of Bagni was impartible and descendable to the eldest son only as being a grant in saranjam. He also contended that the grant was a grant of the revenue, and not of the soil, and that without a certificate from the Collector of Satara the Civil Court under the Pensions' Act XXIII of 1861 no jurisdiction to try the suit. The Subordinate Judge, holding that a saranjam was necessarily a grant of the soil, awarded the bulk of the plaintiff's claim. The defendant appealed to the High Court.

Jardine and Hon. V. N. Mandlik for the appellant.—Our contention is that the grant of Bagni in saranjam was an alienation of the land revenue and not of the soil of the village, and that a saranjam was impartible. The evidence adduced shows that saranjams are grants of revenue. The onus was on the plaintiffs to show that such is not the case; and they have not discharged their onus. The leading case in support of our proposition is *Krishnarav Ganesh v. Rangrav*<sup>1</sup> and is followed in *Vaman Janardan Joshi v. The Collector of Thana*<sup>2</sup> and *Ramchandra Sakharam Vagh v. Sakharam Gopal Vagh*<sup>3</sup> and other cases. Saranjams are of three classes, but as to impartibility there is no distinction between them. They are all impartible, and descend to the eldest son and senior representative of the family. Inverarity and Shantaram Narayan for the respondents, the original plaintiffs.—We submit that the evidence shows that the soil, and not merely the revenue of the village of Bagni, was alienated; that the defendant was a sardar for rank and precedence only, his name being included in the red portion of the Saranjam List,

<sup>1</sup> 4. Bom. H. C. Rep. 1, A.C.J.

<sup>2</sup> 6 Bom. H. C. Rep. 191, A.C.J.

<sup>3</sup> I.L.R. 2 Bom. 346.



and that the rulings cited as to the nature of a saranjam were considerably modified by the ruling in *Ravji Narayan Mandlik v. Dadaji Bapuji Desai*<sup>1</sup>. It is not invariably the case that a grant in saranjam is an alienation of the revenue merely. The Pensions' Act is, therefore, not applicable to this matter, and no certificate of the Collector is required.

MELVILL, J.—This is an appeal from the decision of the First Class Subordinate Judge of Satara, who has allowed the claim of the plaintiff to a partition of certain ancestral immoveable property.

The suit was for a division of lands, situated in the villages of Bagni in the Satara District, Kameri in the same district, Kochre in the Ratnagiri District, and Pandharpur in the Sholapur District. The plaintiffs also demanded a share in certain moveable property alleged to be in the defendant's possession.

The defendant claimed exemption from the jurisdiction of the Civil Courts, on the ground that it is a grant in saranjam, and, as such, impartible; and he further contended that the claim thereto is barred by the provisions of the Pensions' Act of 1871. He alleged that, as regards the villages of Kochre and Padharpur, the suit is defective for want of parties. He claimed to be entitled himself to a share of certain property, moveable and immoveable, in the possession of the plaintiffs. Finally, he took a general objection to the whole claim as being barred by limitation: but this objection was not seriously pressed, and has clearly nothing to support it: for Venkatrav, the ancestor of the parties, and the last holder of the estate, died in 1863, and the suit was brought in 1872. It is, moreover, admitted that there has never been any partition between the parties and that each is in enjoyment of some portion of the family property.

The objection to the jurisdiction is equally untenable. The defendant has put in the Bombay Government Gazette of the 18th July, 1872, which contains a "List of the Three Classes of Sardars", to which is appended a note that "the names in red ink are those of the Sardars for Rank and Precedence only". The defendant's name is one of those entered in red ink. It is clear therefore, that the Government did not intend to grant to the defendant the privileges which belong to certain sardars under Regulation XXIX of 1827; and, although it was contended that the Government could not deprive a sardar of those privileges, when his name has once been entered in the list prepared under the Regulation, yet the answer to this is that there is no evidence that the defendant's name was ever entered in the list prepared and furnished to the Judge under section iii, clause 2, of the Regulation. It was held in *Maharajgir v. Anandrav* and another<sup>2</sup> that a sardar, whose name is entered in red ink, is not thereby exempted from the jurisdiction of the ordinary Civil Courts; and we see no reason to dissent from that decision.

The principal contention in the case is in regard to the village of Bagni; and, as respects this village, two questions arise, namely, first, whether the claim is barred by the provisions of the Pensions' Act, No. XXIII of 1871; and, secondly, if it be not so barred, whether the village, being admittedly a grant in saranjam, is impartible.

The Subordinate Judge, before whom the case first came, decided that the claim to Bagni, (and indeed the whole claim, though it is not

<sup>1</sup> I.L.R. I Bom. 523.

<sup>2</sup> 8 Bom. H. C. Rep. 25, A.C.J.

clear how the same reason could apply to the whole claim), was taken out of the cognizance of the Civil Courts by the Pensions' Act, inasmuch as he held that the grant of Bagni was a grant, not of the soil, but of the land revenue only, and the plaintiffs had not produced the certificate of the Collector, which is necessary to enable the Civil Court to deal with a claim relating to a grant of land revenue.

The case came before the High Court in appeal, and on the 15th January, 1879, it was remanded to the Subordinate Judge, in order that the parties might have an opportunity of giving evidence as to the real nature of the grant, and of showing whether it was a grant of the soil, or only of the revenue; it appearing to the High Court that the grant, or continuance, of a village in saranjam does not necessarily, and in terms, import either the one estate or the other.

The present Subordinate Judge has now taken the evidence offered by the parties; but it does not appear to have influenced his decision. He has disposed of the question before him in the same summary way as his predecessor; and has come to an opposite conclusion on equally insufficient grounds. The former Subordinate Judge held that a grant in saranjam is necessarily a grant of land revenue, and nothing more: his successor seems to hold that it is necessarily a grant of the soil. We cannot, without some qualification, support either conclusion: but, we think, that the former comes nearer to the truth than the latter.

In *Krishnarav Ganesh v. Rangrav*<sup>1</sup> Westropp, C. J., said: "Sanadi grants in inam, saranjam, jagir, wazifa, wakf, devasthan, and sevasthan are, generally speaking, more properly described as alienations of the royal share in the produce of land, i.e. of land revenue, than grants of land, although in popular parlance, and in this judgment, occasionally so-called." This observation has frequently been quoted with approval and the principle involved in it was the foundation of the decision in *Vaman Janardhan Joshi v. The Collector of Thana*<sup>2</sup>, which has been followed in many subsequent decisions. In *Rowji Narayan v. Dadaji Bapuji*<sup>2</sup> Westropp, C.J., repeated his former observation as being undoubtedly true, though he qualified it by adding that "if words are employed in a grant, which expressly, or by necessary implication, indicate that Government intends that, so far as it may have any ownership in the soil, that ownership may pass to the grantee, neither Government nor any person subsequently to the date of the grant deriving under Government, can be permitted to say that the ownership did not so pass." He then added: "In the sanad in evidence here, whosoever framed it, was apparently determined that no ambiguity should exist as to what the force of the term 'village' might be; "and, in order to be explicit, he added to the grant of the village in inam the words "including the waters, the trees, the stones, (including quarries), the mines, and the hidden treasures therein." Consequently, in that particular case the Chief Justice refused to hold the Pensions' Act applicable; remarking that "an enactment of a character so arbitrary as Act XXIII of 1871, which purports to deprive the subject of his right to report to the ordinary Courts of Justice for relief in certain cases, ought to be construed strictly, and the Courts should not extend its operation further than the language of the Legislature requires". But the principle that grants in

<sup>1</sup> I.L.R. I Bom. 523.

<sup>2</sup> I.L.R. I Bom. 523.

inam are ordinarily to be regarded as grants of land revenue, and nothing more, is in no way weakened by the decision in that case.

If this principle be true as regards grants in inam generally it appears to us to be specially applicable to grants in Jaghir or saranjam.

Of these two terms Colonel Etheridge says in the Preface to the List of Saranjams, published by him as the same stood on the 1st August, 1874, "Under the Mahomedan dynasty such holdings were known as jaghir, under the Mahratta rule as saranjam. If any original distinctive feature marked the tenure of jaghir and saranjam, it ceased to exist during the Mahratta Empire: for, at the period of the introduction of the British Government, there was no practical difference between a jaghirdar and a saranjamdar, either in the Deccan or Southern Mahratta Country. The terms jaghir and saranjam are convertible terms in these districts. The latter is now almost universally adopted. These holdings, being of a political character, were not transferable nor necessarily hereditary, but, as a rule, were held at the pleasure of the Sovereign. On succession a nazrana was levied. When of a personal nature, they were termed Zat Saranjam, when for the maintenance of troops Fouj Saranjam."

Colonel Etheridge's observation that jaghirs were not necessarily hereditary, hardly conveys a correct idea of the fact. It would have been more correct if he had said that jaghirs were not necessarily grants for life only, but might occasionally be hereditary. This is how the fact is stated by the Judicial Committee in *Gulabdas Jajgivandas v. The Collector of Surat*<sup>1</sup> where their Lordships say that a jaghir must be taken, prima facie, to be an estate only for life, although it may possibly be granted in such terms as to make it hereditary. Similarly, in the Fifth Report from the Select Committee on Indian Affairs (p. 86) it was said: "With regard to the jaghirs granted by Mohomedans either as marks of favour, or as rewards for public service, they generally, if not always, reverted to the State on the decease of the grantee, unless continued to his heir under a new sanad; for the alienation in perpetuity of the rights of Government in the soil was inconsistent with the established policy of the Mahomedans, from which they deviated only in the case of endowments to the religious establishments and offices of public duty, and in some rare instances of grants to holy men and celebrated scholars."

The circumstance that grants of this kind were ordinarily of so temporary a nature, raises a presumption, even stronger than that which exists in regard to inams generally, that the grants were ordinarily grants of the land revenue, and not of the soil. And the best authorities on the subject agree in so defining the nature of jaghirs and saranjams. Colonel Etheridge, in the preface to which we have already referred, says: "It was the practice under former Governments, both Nahomedan and Mahratta, to maintain a species of feudal aristocracy for State purpose by temporary assignments of revenue, either for the support of troops for personal service, the maintenance of official dignity, or other specific reason. Holders of such grants were entrusted at the same time with the powers requisite to enable them to collect and appropriate the revenue, and to administer the general government of the tract of land which produced it. Under the Mahomedan dynasty such holdings were known

<sup>1</sup> I.L.R. 3 Bom. 186.

<sup>2</sup> 7 Moore I. App. 555.

as jaghir; under the Mahratta rule as saranjam." Professor Wilson in his Glossary defines saranjams as "temporary assignments of revenue from villages or lands for the support of troops, or for personal service, usually for the life of the grantee; also grants made to persons appointed to civil offices of the State to enable them to maintain their dignity. They were neither transferable, nor hereditary, and were held at the pleasure of the Sovereign." The term jaghir he defines as "a tenure common under the Mohamedan Government, in which the public revenues of a given tract of land were made over to a servant of the State, together with the powers requisite to enable him to collect and appropriate such revenue, and administer the general government of the district". Mr. Steele (*Hindu Castes*, page 207) says: "Grants by the Native Government in jaghir were either Fouj Saranjam, subject to the performance of military service, or Jat Saranjam, personal jaghir. The subject of these grants were the whole or particular portions of the revenues of villages belonging to the Sarkar... Usually the grants depended on the pleasure of the Sovereign, and the fidelity of the grantee... They were not, in general, hereditary; sanads seldom exist; on the first grant it was usual to give the grantee a khat or order addressed to the Government officers of the district." Mr. Neil Baillie, in his *Essay on the Land Tax of India*, says (page xlv) "the jaghir is, properly speaking, an order upon the khiraj of particular lands, which are said to be granted by way of jaghirs. Two examples of it are given in the Appendix; and the terms in which they are expressed are worthy of attention. In both a sum of money, so many lakhs of dams is said to be bestowed out of a particular pergunneh, the officers and inhabitants of which are directed to account for their just rents and dues of the Divani (that is of the Civil Government), to the agent of the jaghirdar, up to the sum specified, from which they are forbidden to withhold or deduct a single dam." He then goes on to say: "Though the jaghir was, in form, an order for the payment of the khiraj, there is no doubt that the jaghirdar was treated, in some respects, as the zamindar, or holder of the land. Thus No. IV of the Appendix is a perwanneh, addressed to the agent of a jaghirdar, in which he is required to do justice to a complainant; and though the purpose of the jaghir was to make a provision, by an order on the revenue, yet this was said to be by way of jaghir, as if some holding or taking of the land itself was necessary to give due effect to this object. The jaghir is thus sometimes treated as an estate in land, not only in the Regulations of the Indian Government, but also in the decisions of the Courts of Justice, and in this sense it is considered to be, essentially, an estate for life. There is reason, however, to think this view of the jaghir to be erroneous. As an order for payment of the Khiraj to a particular person, it necessarily fell to the ground on his death, unless some other persons, by name or description, were included in the grant. Such other persons might be his children: and if a jaghir were granted to a man and his children, there seems to be no just reason why it should not pass to them at his death; much less is there any just cause for suspecting the genuineness of a document constituting a jaghir, because it contains such words, as seems to have been done in the case above alluded to." We understand Mr. Neil Baillie as expressing in this passage a clear opinion that, although the etymology of the word jaghir has sometimes given rise to the idea that the term involves a taking of land, or an estate in land, and although a jaghirdar has been treated as having some of the powers of a

land-holder, yet, in fact, the great is nothing more than an assignment of land revenue. And the case of *The East India Company v. Syed Ali*<sup>1</sup> shows that it was upon this ground that the Madras Government justified the resumption of jaghirs, when it assumed the Government of the Carnatic in 1801. At page 575 of the Report is the plea of the East India Company, that "even when the language of the grants might seem to convey a proprietary interest in the soil, the grantees confessedly possessed no such interest, the subject-matter of the grant being a mere jaghir, or portion of public land revenue, together with the Government powers of collecting the same".

The authorities which we have quoted (and none have been shown to us which support a different conclusion) may, we think, be taken as at least establishing that a grant in jaghir or saranjam is very rarely a grant of the soil, and that the burden of proving that it is in any particular case a grant of the soil lies very heavily upon the party alleging it. If it had not been that in the present case, in which there is no sanad, a Division Bench remanded the case for the taking of evidence, we should have been disposed to say that such a contention could not be made out by any evidence except such a sanad as was produced in *Ravji Narayan, v. Dadaji Bapuji* already referred to. As, however, other evidence has, by the direction of this Court, been taken, we feel bound to consider it: but we have no difficulty in coming to the conclusion that it not only fails to discharge the plaintiffs from the burden which lies upon them, but that it supports the defendant's contention that the grant of the village of Bagni was nothing more than the grant of the land revenue. The evidence on the point is meagre, as was to be expected: but it shows that the jamabandi of the village is made by the Collector, and that the village officers are appointed and paid by the Government. It shows (exhibit 313) that, if dry-crop land was converted into garden land, and so became liable to a higher rate of assessment, the saranjamdar had to obtain the permission of the Mamlatdar to levy the increased assessment. There is nothing to show how the village was entered in the Government accounts previously to the year 1863—64, but the tharavbund for that year (exhibit No. 62) shows the village to be described as "Khalsa Ryatava land", i.e. land cultivated by Government tenants, and it is stated that out of the assessment Rs. 6, 847-9-0 is to be continued to the Inamdar. Further on, the amount (which is liable to deductions for certain payments) is stated as Rs. 7,902.9.0, "Purbhara Juma Khurch", i.e., to be levied by the Inamdar without reference to Government. The tharavbund for 1872-73 (exhibit Nol. 336) shows that the village was ordered to be entered under the heading "Political", and the dumaldar's (or saranjamdar's) interest in it is stated as Rs. 6,610-9-0, payable in cash. Some stress was laid by the plaintiffs' counsel on the circumstance that in Colonel Etheridge's List of Saranjams "the entire village of Bagni" is entered under the leading "Description of Saranjam", while in many other cases the entries show merely a grant of the whole or part of certain 'Amuls', or items of revenue. We do not, however, think that this difference in the mode of description indicates an intention on the part of Colonel Etheridge to draw a distinction between the grant of the soil in one case and the grant of the revenue in another. Having regard to the general description of saranjams, which we have quoted from his

<sup>1</sup> 7 Moore I. App. 555.

Preface, it is very unlikely that he should, without any explanation, declare that in certain cases there had been an exceptional grant of the soil of a village. If he did intend to make such a declaration in case of Bagni, we can only say that he appears to us to have had no sufficient grounds for so doing. It is not suggested that he had any materials in 1874 which are not before us now; and we are quite unable, on the evidence before us, to come to any other conclusion than that the plaintiffs have wholly failed to prove that the grant of the village of Bagni was anything more than a grant of the land revenue.

It follows that, in our opinion, the Pensions' Act is applicable; and as the plaintiffs have failed to produce a certificate from the Collector, their claim, so far as it relates to the village of Bagni, must be rejected.

Some argument has, indeed, been addressed to us, founded on the circumstances that certain lands in Bagni are described in the pleadings as "sheri" lands, which are explained to be lands which were unoccupied at the time of the grant, or in which tenant-rights have since lapsed. It was contended that the saranjamdar might deal with the lands as he pleased, and that, therefore, he is, as regards them, something more than an alience of the land revenue. But we are unable to appreciate this argument. The saranjamdar may, of course, deal with all unoccupied lands as may be best for the purposes of revenue, and may either cultivate them himself or through tenants; but this is because he is entitled to realise as much revenue as he can, and as best he can, and not because he has a grant of the soil of unoccupied lands.

Our decision upon this preliminary point of the application of the Pensions' Art puts it out of our power to give any decision on the second question which we have mentioned as arising in regard to the village of Bagni, namely, whether, the grant being one in saranjam, the plaintiffs would be entitled to claim a partition of the village. As, however, the case may go before a higher tribunal, it may not be out of place to offer a few remarks upon this question.

The history of the manner in which Deccan saranjams were dealt with by the Government of India and the East India Company, when it succeeded to the Government of the Peishwa, is succinctly stated in Colonel Etheridge's Preface. The correspondence cited by him shows clearly enough that, when on the advice of Mr. Mountstuart Elphinstone, then Commissioner at Poona, it was determined that all saranjams granted prior to A.D. 1751 should be considered hereditary, this concession was made, not as of right, but as an act of grace and State policy, and the Government reserved to itself the power of determining, whenever occasions might arise, the nature and extent of its own bounty. This reservation of the power of Government has been recognised in all the legislation on the subject since Mr. Mountstuart Elphinstone, as Governor of Bombay, framed his Code of Regulations. Section 38 of Regulation XVII of 1827 provides that "land held exempt as jaghir shall be liable to resumption and assessment under the general rules at the pleasure of Government". This is explained in clause 3, section I, Regulation VI of 1833, which says: "Jaghir or other lands held on service tenure are declared to be resumable at the pleasure of Government, under the forms laid down in Clause First, Section 38, Regulation XVII, A.D. 1827", it being understood that the expression used in the said clause, viz. "under the general rules", meant "such rules as Government may think proper to issue from time to time". Act XI of 1852, after

providing for rules for adjudicating upon titles to exemption from payment of land revenue, says (Section 10): "These rules shall not be necessarily applicable to jaghirs, saranjams or other tenures for service to Government, or tenures of a political nature, the title and continuance of which shall be determined, as heretofore, under such rules as Government may find it necessary to issue from time to time." So, in Bombay Act II of 1863, which was an Act to facilitate the adjustment of unsettled claims to exemption from the payment of Government land revenue in those parts of the Bombay Presidency which are subject to the operation of Act XI of 1852, section 1, clause 2, says: "The excepted cases, to which the authority of adjustment and guarantee vested in the Governor-in-Council by this provision shall not extend, are the cases of lands held as follows:— 1st. . . . . 2nd. Lands granted or held as jaghirs or saranjams, or on similar political tenure."

And the, lest any question should be raised (as was attempted to be raised in the argument in this case), whether the mere order of Government that land should be entered in the accounts under the heading "Political" is conclusive as to the political character of the grant, section 16 of the Act goes on to say: "Political tenure" is defined to be tenure created from, or dependent upon, political consideration, the existence of which shall be determined by the Government." So, in Bombay Act VII of 1863, which is a similar Act relating to districts not subject to the operation of Act XI of 1852, section 2, clause 2 provides that "lands granted or held as saranjam, or on similar political tenure, shall be resumable or continuable in such manner, and on such terms as Government, on political considerations, may from time to time see fit to determine"; and section 32 contains a definition of the term "political tenure", similar to that which we have quoted from Bombay Act II of 1863. The Regulations and Acts which we have cited show beyond all question that it is for the Government to determine how saranjams are to be held and inherited, and that, if the Civil Courts had jurisdiction over claims relating to saranjams, they would be bound to determine such claims according to the rules laid down by the Government. It would, therefore, be useless to refer, as in this case we have been referred, to evidence tending to show, that under the Native Government, the ancestors of the parties dealt with their saranjam villages as if they were proprietors of the soil, and partitioned the villages among their families. The questions which the Courts would have to consider would simply be, what are the terms of the grant by which the British Government continued the saranjam? and what is the rule of succession laid down by the British Government for saranjams in general, or for this saranjam in particular?

In the case before us the saranjam was continued in the family of Venkatrav Bhaskar, the father and grandfather of the parties, by a Resolution of Government in the Political Department, No. 1819, dated 17th June, 1864; that Resolution is as follows:—

"The Honourable the Governor-in-Council is of opinion that it has been satisfactorily shown that the villae of Bagni was held as a personal saranjam by the family of Venkatrav Bhaskar for a century before the introduction of British rule. It should now be pronounced a saranjam of the first class, and be continued hereditarily to the representative of the first British grantee, Venkatrav Bhaskar."

Unless it were an accident (and in so important a document this is unlikely), that the singular word "representative", and not the plural, was used, the Resolution indicates that it was the intention of Government that the saranjam should descend always to the eldest member of the family for the time being, and should not be divided amongst all the representatives of the last incumbent. That this was the view taken by the Revenue authorities in 1865 may be gathered from an order of the Revenue Commissioner, dated 13th September, 1865, of which we have allowed a certified copy to be put in in appeal. It appears to be an answer to a petition from Madhavrav, the second son of Venkatrav, and father of the present minor plaintiff Venkatrav. Venkatrav's eldest son, Narayanrav, had died during his father's life-time, and thereupon the saranjam had been continued to Narayanrav's son, the present defendant Ramchandravar, and not to Venkatrav's eldest surviving son, Madhavrav. Madhavrav, having obtained a certificate of heirship or administration to Venkatrav, (and no doubt he was properly recognized as having the best right to administer such portion of Venkatrav's estate as was governed by the ordinary rules of inheritance or survivorship), seems to have applied to have the saranjam continued to him as the senior representative. The reply of the Revenue Commissioner was as follows:—

"Madhavrav Venkatesh Muntri is informed, in reply to his petitions of the dates marginally noted, that the Alienation Settlement Officer, S.D., has reported that the village of Bagni was decided to be continuable, as a first class personal saranjam hereditarily, to the representative of the first British grantee Venkatrav; that on Venkatrav's death it was restored, in accordance with the saranjam rules, to Ramchandravar, the eldest surviving son of Venkatrav's eldest son; and that the certificate of heirship granted to the petitioner by the Judge of Poona cannot divert the succession of holding, which is a political one, from the representative line. Under these circumstances, the Acting Revenue Commissioner, S.D., sees no reason to interfere with the order of the Collector of Satara, against which the petitioner complains."

From this document it would appear that, under "the Saranjam rules" an hereditary saranjam is considered by the Revenue authorities to descend entire to the eldest representative of the last holder, and that, if the eldest son pre-deceases his father, his son takes precedence of the next surviving son of the last holder. If this be the rule, the defendant's title in the present case is established. During the hearing of this appeal we caused a letter to be written to the Government, asking that we might be favoured with a copy of the Saranjam Rules; and, in reply, we have been informed that the only rule are those contained in the Preface to Colonel Etheridge's List of Saranjams, to which we have so repeatedly referred. As the Regulations and Acts which we have quoted contemplate that jaghirs and saranjams should be continuable under general rules to be issued from time to time by Government, it seems strange that no rules should be forthcoming, bearing the authorisation of the signature of a Secretary to Government. We must, however, take it that Colonel Etheridge speaks under the authority of Government when he says, in the Preface to which we have been referred, that succession to saranjam is restricted to lineal male heirs in the order of primogeniture; and that the eldest son is the heir in the first instance. Colonel Etheridge says that in saranjams of the second class, if the eldest son of the first British



grantee dies before his father, but leaves a son, that son, on his grandfather's death, is to be considered the second generation, and the whole saranjam will be continued to him. But, curiously enough Colonel Etheridge does not say whether the same rule of succession would be applicable to hereditary saranjams; and on this point, therefore, we are left without any distinct rule. The rule to which the Revenue Commissioner referred in 1865, as giving to the son of a pre-deceased eldest son a preference over his uncle, is not forthcoming in the Secretariat; nor does Mr. Nairne in his Handbook mention any such rule, except that which we have already quoted from Colonel Etheridge's Preface, as applicable to saranjams of the second class. In the absence of a rule made by Government, the Courts would, if they had jurisdiction in the matter, be obliged to decide according to the ordinary rule of Hindu law applicable to impartible property; and although, as stated by Mr. Mayne in his work on Hindu Law (section 461), there is rather a want of authority as to the rule to be adopted where an eldest son, who has never taken the estate, has died, leaving younger brothers, and also a son, yet the Courts would probably hold that the grandson took in preference to his deceased father's eldest surviving brother. In the present suit it is to be observed that the second plaintiff, Bhaskarrav, who is Venkatrav's only surviving son, does not claim the saranjam, to the exclusion of his nephews, as being himself the eldest representative, but joins with one nephew in claiming a partition from the other. It would, therefore, be a sufficient answer to the present suit for partition, if the Court were merely to say that a saranjam is impartible, and it would not be absolutely necessary to determine whether the defendant, Ramchandrav, as the son of Venkatrav's eldest son, or the plaintiff Bhaskarrav, as Venkatrav's only surviving son, is entitled to be regarded as Venkatrav's representative.

As regards the question of the impartibility of a saranjam, the rule stated by Colonel Etheridge is in accordance with the orders conveyed in a despatch from the Court of Directors, No. 27, dated 12th December, 1855. In paragraph 20 of that despatch they say: "We agree with you that saranjams should not be sub-divided, but that the holders should be required to make a suitable provision for their younger brothers." A jaghir, to which service is attached, is certainly not divisible, but descends to the eldest son: *Hurlall Singh v. Jorasun Singh*<sup>1</sup>, cited with approbation by Lord Kingsdown in 6 Moore's Indian Appeals, 125, and *Rajah Nilmoney Singh v. Nakranath Singh* decided by the Privy Council, 10th March, 1882. There is some evidence in the present case that the saranjam was originally given for the maintenance of a body of horse, and was, therefore, in its inception a jaghir held for service. But independently of this, and of any Government rule, the same principle would probably be applied to all saranjams on the ground stated by Mr. Mayne (Hindu Law, Section 393), that an estate, which has been allotted by Government to a man of rank for the maintenance of his rank, is indivisible, as otherwise the purpose of the grant would be frustrated.

The claim of the plaintiffs, so far as it relates to the village of Bagni, being rejected, the remaining questions at issue between the parties are not of an important character.

The plaintiff's right to a share in the lands mentioned in the plaint as situated in the village of Kameri in the Valva Taluka of the Satara

<sup>1</sup> 6 Calc. S. D. 169, 204.

District, does not appear to have been disputed, and the Subordinate Judge's award of this share must be confirmed.

As regards the lands in Pandharpur and Kochre, it is in evidence that these lands have never been divided, but that they are held jointly by the parties to the suit and other co-parceners. The income derived from Pandharpur is said to be devoted to religious purposes, while the rents and profits of the lands in Kochre are divided among the co-parceners. If the plaintiffs desire that these lands should be divided by metes and bounds, they must make all the co-parceners parties to their suit; but they are not entitled to a decree for partition in a suit so defectively constituted as the present. Nor can they recover anything from the defendant as mesne profits of the village of Kochre. It is not proved that the defendant has received any profits from that village, which should have been paid to the plaintiffs. On the contrary, as the Subordinate Judge observes the evidence of witness No. 91, who was called for the plaintiffs, shows that the plaintiff, Bhaskarrav and his deceased brother Madhavrav have received their share of the proceeds, though the accounts have not been made up for two or three years.

It is admitted that the house and other property at Poona, which is mentioned in the plaint, is in the possession of the plaintiffs. The defendant is entitled to a share in this property. We agree with the Subordinate Judge in holding that the plaintiffs have not proved that the defendant has any moveable property in which they are entitled to share. On the other hand, the defendant has endeavoured to show that there is a very large quantity of moveable property in the plaintiffs' possession, which ought to be brought into hotchpot. Although he raised an issue in regard to the existence of this property, the Subordinate Judge does not appear to have recorded any definite finding on the subject. The defendant relies chiefly upon a document, exhibit No. 232, which purports to be a testamentary disposition, of his property made by Venkatrav shortly before his death. It enumerates all the estate belonging to Venkatrav, and distinguishes those portions of the moveable property which were at the time in the possession of Madhavrav, Bhaskarrav and Ramchandrav, respectively. The defendant refers to this document as showing that, at the time of Venkatrav's death, Madhavrav and Bhaskarrav had a much larger share than he had of the family jewels and other valuables, and he argues that the plaintiffs are bound to account to him for his proper share of this property. We are not aware of any rule of evidence by virtue of which the statements contained in the document, exhibit No. 232, could, even if the document be genuine, be admitted as establishing the existence of property in the hands of the plaintiffs. But, in fact, the document was considered by the Subordinate Judge to be a forged document: and we see no sufficient reason for dissenting from his conclusion. The account given by the witnesses (Nos. 260, 262, 263 and 265) of the manner in which the document came into the hands of the defendant at a late period of the suit is very unsatisfactory; and, considering how much it was to the defendant's advantage that effect should be given to Venkatrav's will, it is almost incredible that for twelve years the witness No. 260, who was in the defendant's employ, should not even have informed his master of the existence of the will.

We have been referred to the evidence of a number of witnesses (Nos. 178, 180, 183, 184, 187 to 192, and 194) as showing that the plaintiffs have, at some time or other, been in possession of valuable orna-

ments and other moveable property. We have carefully perused the depositions of these witnesses; but we find that they are of too vague a character to enable us to say with any certainty that the plaintiffs are, or have been, in possession of any particular articles which are liable to partition, or, if such articles exist, to determine their nature and value. It is clear that, until the present suit was brought the defendant never thought of claiming a share in the moveable property in the hands of the plaintiffs; and it is not likely that he would have acquiesced, from Venkatrav's death in 1863 until this suit was brought in 1872, in such a very unequal apportionment of the family jewels, &c., as he now alleges to have been made. On the whole, therefore, we are of opinion that the Subordinate Judge properly declined to make a decree in regard to the moveable property in favour of either party.

We amend the decree of the Subordinate Judge, and direct that the defendant do deliver to the plaintiffs two-thirds of the property in the village of Kameri which is mentioned in the plaint, and that the plaintiffs do deliver to the defendant one-third of the house and other property at Poona mentioned in the plaint. The rest of the plaintiffs' claim is, for the reasons stated in this judgment, disallowed.

The plaintiffs must bear all costs throughout.

Decree varied.

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### Annex F. No. 29

DECISION IN SECRETARY OF STATE *v.* LAXMIBAI BEFORE  
THE PRIVY COUNCIL, 1922

THE LAW REPORTS

INDIAN APPEALS, THE PRIVY COUNCIL

VOL. L.—1922-1923

J. C. <sup>1</sup> 1922 Dec. 8	SECRETARY OF STATE FOR INDIA IN COUNCIL . . . . . }	<i>Appellant;</i>
	AND	
	LAXMIBAI AND ANOTHER . . . . .	<i>Respondents.</i>

ON APPEAL FROM THE HIGH COURT AT BOMBAY

*Saranjam—Grant of Revenue or of Land—Absence of Presumption—Right of Resumption.*

A *saranjam* may be either a grant of the soil, and the whole revenue derived from it, or a grant of the royal share of the revenue only. It must be determined in each case upon the facts what was

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<sup>1</sup> Present: Lord Phillimore, Sir John Edge, Sir Lawrence Jenkins, and Lord Salvesen.

the quality of the original grant, although it may be that it is ordinarily a grant of the royal revenue only.

*Suryanarayana v. Patanna* (1918) L.R. 45 I.A. 209, and *Chidambara Sivaprakasa v. Veerama Reddi* (1922) L.R. 49 I.A. 286 applied.

In the present case, in which the plaintiff's ancestor appeared to have been in possession of the land at the time of the original grant, it was held, having regard to the language of the documents and to other circumstances, that the grant was of the land; and that the Government, exercising the right of resumption, was entitled to eject the plaintiff, not merely to reassess the land. Although there was a certain onus upon the Government to justify its dispossession of the plaintiff, that was of little materiality, since a definite conclusion in fact could be drawn as to the quality of the estate granted.

*Judgment of the High Court* (I.L.R. 41 B. 408) reversed.

APPEAL (No. 56 of 1921) from a judgment and decree of the High Court (December 22, 1916) reversing a decree of the District Judge of Dharwar (January 6, 1913).

The suit was brought by one Gururao, since deceased and represented by his widow the first respondent, against the appellant, the Secretary of State, and Vithalrao, the second respondent, to recover certain lands forming part of the Hebli estate.

That estate had been granted by the Government of the Peshwa at some date prior to 1775. No sanad was in existence, but proceedings before the Inam Commission of 1858, which contained certain records, were put in evidence.

On the introduction of British rule the estate was enjoyed in two moieties, one (which was not in question in the present proceedings) by Lakshmanrao representing the senior branch of the family, and the other by Ramchandrao representing the junior branch. On the death of Ramchandrao in 1818 the estate was continued, a nazrana being paid. Each of his two sons entered into separate enjoyment of a portion of their father's estate, and that was recognized by the authorities. On the death of the elder son, which took place in 1842, the estate was continued to his son Pandurangrao above mentioned, on payment of a nazrana. In 1858 the Inam Commissioner decided under the Inam Rules that the Hebli estate was granted as a saranjam, which is a political tenure resumable by Government. In 1879 Pandurangrao executed a document purporting to partition his estate among his four sons. Pandurangrao died in 1899 and Government then resumed his estate and bestowed it on the second defendant.

In 1907 Ramrao, a grandson of Pandurangrao, filed a suit against the Secretary of State claiming to be entitled to one-sixteenth share of the saranjam, alleging it to be sarva inam and non-resumable, but his suit was dismissed both in the District Court and by the High Court at Bombay on appeal (see I.L.R. 34 B. 232).

The present plaintiff was another grandson of Pandurangrao, and the second defendant was the son of Pandurangrao's eldest grandson. The plaintiff alleged that the Hebli estate was a sarva inam, granted to the plaintiff's ancestor, and that consequently the lands in suit were his absolute property. By an amendment the plaintiff raised an alternative case as follows: "Saranjam grant is a grant of the revenue only and the Government cannot resume the raitava rights which the plaintiff and

his ancestors have been enjoying from ancient times. And even if the saranjam grant be of the soil, Government has no right to resume it. And the estate in suit is partible."

The District Judge dismissed the suit. He held that the estate was a saranjam and not a sarva inam. In his view the saranjam was a grant of the land revenue only, but he was of opinion that the right to hold the lands was a part of the grant and that they were consequently resumable with the saranjam. He further held that under s. 4 of the Revenue Jurisdiction Act (X. of 1876) the Court had no jurisdiction to hear the suit, save so far as the plaintiff had acquired occupancy rights apart from the grant; and he found that no occupancy right had been acquired. The learned District Judge in the passage in his judgment which is referred to in the judgment of the Judicial Committee, said in relation to facts appearing in the Inam Commission proceedings: "Now as Hebli was in the possession of Balwantrao in 1757-8 and was resumed by the Peshwa in 1761 and given in farm to Balwantrao, and was in the following year included in the saranjam grant to others who were merely directed to pay a certain cash allowance to Balwantrao, it seems clear that under the original grant the right to hold the land was taken to be a part of the saranjam and resumable with the saranjam." He also found that the documents showed that the nazrana had been levied not only on the royal share of the revenue, but upon the entire revenue derived by the saranjamdar, including that which he obtained in the same way as an occupant of unalienated land.

Upon appeal to the High Court the plaintiff abandoned his contention that the estate was a sarva inam, but upon his alternative claim his appeal was allowed. The appeal was heard by Bachelor and Shah J.J., the former concurring with the judgment delivered by the latter learned judge. The proceedings are reported at I.L.R. 41 B. 408.

Shah J. in the course of his judgment said: "Now it is well established that in the case of saranjam or jahagir (the terms being convertible) the grant is ordinarily of the royal share of the revenue and not of the soil and that the burden of proving that in any particular case it is a grant of the soil lies upon the party alleging it: see *Krishnarao v. Rangrao*<sup>1</sup>; *Ramchandra v. Venkatrao*<sup>2</sup> and *Ramkrishnarao v. Nanarao*<sup>3</sup>... On not a single occasion does the grant appear to have been made in terms which would indicate a grant of the soil or which would indicate that the grant had any relation to the occupation of the lands. The grantees were in prior occupation of the lands and they were continued in possession of the lands without any liability to pay the royal share of the revenue. It is also a settled rule in this Presidency that in the case of an inam, where the grant is merely of the royal share of the revenue and not of the soil, resumption means only the discontinuance of exemption from payment of land revenue, and that interference with actual occupation is not allowable. The Government Resolution of 1854 is clear on the point. This Court has consistently taken the same view as to inams: see *Vishnu v. Tatia*<sup>4</sup>, and *Balwant Ramchandra v. Secretary of State for India*."<sup>5</sup> He was of opinion that the decided cases supported

<sup>1</sup> (1867) 4 Bom. H. C. (A.C.J.) 1.

<sup>2</sup> (1882) I.L.R. 6B. 598, 606.

<sup>3</sup> (1903) 5 Bom. L.R. 983.

<sup>4</sup> (1863) 1 Bom. H.C. (H.C.R.) 22.

<sup>5</sup> (1905) I.L.R. 29 B. 480, 498.

the view that the right to the possession of the land in the case of a saranjam grant of the royal revenue did not form part of the saranjam but was independent. He considered that it was unsafe to infer from the circumstances of the resumption and regrant by the Peshwa's Government that the original grant was of the soil.

1922. Nov. 6, 7. Sir George Lowndes K.C. and Kenworthy Brown for the appellant. Having regard to the decisions of the Board in *Suryanarayana v. Patanna*<sup>1</sup> and *Chidambara Sivaprakasa v. Veerama Reddi*<sup>2</sup> it should not be presumed that the grant was only of the royal share of the revenue; the nature of the grant should be ascertained from the evidence. If, however, the grant was of revenue, the District Judge rightly held that the saranjam included the right to the possession of the land, and that that right could be resumed with the saranjam. The view of the High Court proceeded upon a misapprehension of the judgments in *Ramchandra v. Venkatrao*<sup>3</sup> and *Ganpatrao Trimbak Patwardhan v. Ganesh Baji Bhat*<sup>4</sup>, and upon the basis of "seri" right: see Wilson's Glossary "Seri". *Rajya v. Balkrishna Gangadhar*<sup>5</sup>, which was relied on, does not touch the present case. A saranjamdar cannot, as seridar or otherwise, become a permanent occupier adversely to Government. The right as seridar is not independent of the right as saranjamdar, but part of that right; it ceases upon resumption of the saranjam. The principle to which s. 90 of the Indian Trusts Act (II. of 1882) gives effect applies. If there is any presumption as to the nature of the grant it is displaced by the evidence in this case. The history of the saranjam and the terms of the documents appearing from the proceedings before the Inam Commission show that the grant was of the soil. The original sanad, as there recorded, refers to grants of the land in inam with any hidden treasures. That the documents showed a grant of the soil is supported by the judgment of the Board in *Shekh Sultan Sani v. Shekh Ajmodin*<sup>6</sup>; the sanad in that case is set out in *Trimbak Ramchandra v. Ghulam Zilani*.<sup>7</sup> On this point see also *Vasudeo v. Collector of Puna*<sup>8</sup>, and *Raoji Narayan Mandlik v. Dadaji Bapuji Desai*.<sup>9</sup> If the saranjam was a grant of the soil it is clear that the Court had no jurisdiction. (*Ramrao Govindrao v. Secretary of State*<sup>10</sup> referred to.)

De Gruyther K.C. and Parikh for the first respondent. The burden of proof was on the Government to establish that it had the right, not merely to reassess the land, but to dispossess the plaintiff. There is a presumption that a saranjam is a grant of revenue only; the decisions in India to that effect are not touched by the recent decisions of the Board referred to. The plaintiffs' ancestors had been in possession since before 1775, at which period the Government had not any property in the land. A saranjam is partible only by consent of the Government, but in the present case there were divisions of the land without any consent. If

<sup>1</sup> L.R. 45 I.A. 209.

<sup>2</sup> L.R. 49 I.A. 286.

<sup>3</sup> (1882) I.L.R. 6 B. 598.

<sup>4</sup> (1885) I.L.R. 10 B. 112.

<sup>5</sup> (1905) I.L.R. 29 B. 415.

<sup>6</sup> (1892) L.R. 20 I.A. 50.

<sup>7</sup> (1909) I.L.R. 34 B. 329.

<sup>8</sup> (1873) 10 Bom. H. C. 471, 474.

<sup>9</sup> (1875) I.L.R. 1 B. 523, 527.

<sup>10</sup> (1909) I.L.R. 34 B. 232.

the grant was merely of the revenue the plaintiff has the right to possession, although the Government can reassess. The terms of the grant so far as they appear from the record, do not show that the grant was of the soil: see Elphinstone's Report on Territories conquered from the Mahrattas, pp. 22, 129. (Reference was also made to Etheridge's Narrative of Bombay Land Commission, pp. 12, 15; and to the Inam Rules (Bombay), 1898, rr. 5, 6.)

Sir George Lowndes K.C. in reply. The District Judge found that there was no right of occupancy, and in the High Court it was not contended that that finding was wrong .

Dec. 8. The judgment of their Lordships was delivered by Lord SALVESEN. This is an appeal against a decree of the High Court of Judicature at Bombay, dated December 22, 1916, which reversed a decree of the District Judge of Dharwar, dated January 6, 1913. The suit relates to a part of the Hebli estate, from which the plaintiff was evicted by the Government on the death of his grandfather, Pandurangrao. Their object in doing so was to prevent partition of what they regarded as an impartible estate held under a grant of saranjam.

It is not necessary to recapitulate the facts, which have been very fully stated in the judgment of the District Judge of Dharwar, or to consider the majority of the points which were disposed of by him and on appeal by the High Court at Bombay. The sole issue which remains for determination is whether the saranjam grant made by the British Government in favour of an ancestor of the plaintiff was a grant of the royal revenue only, or was a grant of the land itself, or of the whole revenue of the land coupled with a right to hold it. The learned District Judge held that the original grant by the British Government was a grant of the whole revenue of the land, and that this carried with it the right to make the best possible use of unoccupied land. The High Court at Bombay in reversing his decision held that the grant was one of the royal share of the revenue only and not of the soil. In reaching this conclusion it is impossible to resist the view that the judges of the High Court were much influenced by their view that there is a presumption that a grant of saranjam is a grant of royal revenue only, and accordingly that the burden of proving that, in any particular case of saranjam, it is a grant of the soil, lies upon the party alleging it. They relied upon various cases cited and which at that time seemed to establish this proposition. They had not, however, the benefit of two recent decisions of this Board —namely, *Suryanarayana v. Patanna*<sup>1</sup>, and *Chidambara Sivaprakasa Pandara Sannadhigal v. Veerama Reddi*<sup>2</sup>, in both of which it was held that there is no such presumption.

In conformity with these decisions their Lordships are of opinion that a grant of saranjam may be either of the soil and the whole revenue derived from it, or a grant of the royal share of the revenue only. It must be determined in each case upon the facts what was the quality of the original grant, although it may well be that it is ordinarily a grant of the royal revenue only. It may be that as the plaintiff was dispossessed by the British Government in 1901 there is a certain onus upon the appellant to justify his dispossession, but this becomes of little materiality

<sup>1</sup> L. R. 45 I.A. 209.

<sup>2</sup> L. R. 49 I.A. 286.

when evidence is adduced from which a conclusion in fact may be legitimately drawn. In the present case the oral evidence is of no value as supporting the plaintiff's case, and an inference must be drawn one way or the other from the documents that have been produced in the case. These have been examined in detail by the District Judge, and their Lordships concur generally in the result of his analysis. It is plain that the original grant was made in respect of political services; and while it is no doubt possible that the grantees were at that time the owners of the estate, and that all that the grant was intended to give them was a release from payment of the royal share of the revenue, there is nothing in any of the documents produced which suggests such a limitation. On the contrary in one of the early documents founded on the grant was made expressly of the Kasba Hebli with its hamlets and Watnahal, with the Mahal Jukath and Mokassa "with the whole of the dues and cesses and hidden treasures, exclusive, however, of the dues of Huckdars and Inamdars"<sup>1</sup>, and the language of the other documents is in similar terms. It is significant also that in the deed of partition executed by Pandurangrao in 1879, the property partitioned is described as the Jahagir villages of Kasbe Hebli and Majre Watnahal and the Mouza of Talvai and Kurdapur "obtained from the British Government". Throughout the documents there is no suggestion that what was conveyed was merely the royal share of the land revenue. They assume throughout that the whole revenue of the lands was conveyed to the grantees, and the amount of the nazarana which has been levied from time to time appears to have been based on the yearly revenue of the estate, "there being no suggestion (as the learned District Judge says) that revenue derived by the holder as occupant, as distinct from saranjamdar was not liable to nazarana." All these considerations are sufficient, in their Lordships' opinion, to justify the inference that the original grant was a grant of the soil.

It is significant as bearing on the result at which their Lordships have arrived, that the plaintiff in his original plaint nowhere maintained the view upon which the learned judges of the High Court proceeded. His main claim was that he was a full owner of the property in dispute, and that the estate in question was granted as sarva inam hereditarily in recognition of the services which his ancestors had rendered in assisting the British in settling the country conquered from the Peshwas. This claim was rejected by the District Judge and has now been admitted by the plaintiff to be untenable. As an alternative to this claim, based on the grant by the British Government, the plaint proceeds as follows: "Saranjam grant is a grant of the Revenue only, and the Government cannot resume the Raitava rights which the plaintiff and his ancestors have been enjoying from ancient times. And even if the saranjam grant be of the soil, Government has no right to resume it. And the estate in suit is partible."

It is not clear what is meant by "raitava rights", but the statement sufficiently discloses that they are rights of occupancy only and not of

<sup>1</sup> The extract is from the Appx. A to the decision of the Inam Commissioner, that appendix consisting of "The substance of documents produced by the jaghir-dara of Hebli in support of their claim to the village of that name, and to its hamlet of Watnahal." This document was referred to as an original sanad of 24th Moharam, A.D. 1771-2.—A.M.T.



ownership, and a claim of this kind was strenuously maintained in the lower Court with regard to the occupation of lands which were unoccupied at the date of the original grant. This latter claim has now been abandoned. In no part of the plaint is it possible to find a claim that the saranjam grant was a grant of the royal share of the revenue only. It appears, however, that this point was argued, and it has not been the practice of their Lordships to construe the pleadings too strictly, or to exclude a plea, which was not embodied in the plaint, from being made an issue in the case. The fact, however, that it did not occur to the plaintiff's advisers to propound this contention on the evidence which he adduced has a bearing on the question as to the proper inference to be drawn in fact from that evidence.

As the case was framed, the jurisdiction of the Civil Courts in India was apparently not ousted. But in the view which their Lordships now take, the right of the Government to resume these lands could not be questioned in the Civil Courts.

In the result their Lordships will humbly advise His Majesty that the decree of the High Court at Bombay should be set aside and the suit dismissed with costs, here and in the Courts below.

Solicitor for appellant: Solicitor, India Office.  
Solicitor for first respondent: E. DALGADO.

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Annex F. No. 30

DECISION IN SECRETARY OF STATE *v.* GIRJABAI BEFORE  
THE PRIVY COUNCIL, 1927

THE LAW REPORTS

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INDIAN APPEALS, THE PRIVY COUNCIL

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Vol. LIV. — 1926-1927

SECRETARY OF STATE FOR INDIA IN } COUNCIL ( <i>defendant</i> )	} <i>Appellant</i>
<i>and</i>	
GIRJABAI ( <i>plaintiff</i> )	<i>Respondent</i>

ON APPEAL FROM THE HIGH COURT OF BOMBAY

*Saranjam—Grant of Revenue—Saranjamdar taking Possession on Determination of Khatedar's Interest—Resumption of Saranjam—Extinction of Saranjamdar's Interest.*

Where land included in a saranjam grant of the revenue of villages has passed into the possession of the saranjamdar upon the khatedar's family becoming extinct, or through his default in paying the revenue, the saranjamdar's right therein ceases upon resumption of the saranjam. On the death of the saranjamdar the

Government is entitled to resume not only the revenue, but also all rights and benefits which the grantee has secured by virtue of the grant.

Quaere, whether a saranjamdar can create in favour of third persons rights which do not terminate upon resumption of the saranjam.

Ganpatrav Trimbak Patwardhan v. Ganesh Baji Bhat (1885) I.L.R. 10 B. 112; Hari Sadashiv v. Shaik Ajmudin (1886) I.L.R. 11 B. 235; and Gururao Shrinivas v. Secretary of State for India (1916) I.L.R. 41 B. 408 (reversed on the facts (1922) L.R. 50 I.A. 49), disapproved in law.

*Judgment of the High Court reversed.*

APPEAL (No. 116 of 1925) from a decree of the High Court (August 15, 1924) varying a decree of the District Court of Nasik (February 28, 1920).

The suit was brought by Shivdevrao (since deceased, and represented by his widow, the respondent) for a declaration of his right to possession of certain lands in the village of Manmad. Shivdevrao was the adopted son of Raghunathrao, who died in 1889. Raghunathrao was the holder of a saranjam grant originally made by the Peishwa to his ancestor of certain villages, including Manmad; the grant was not of the land of the villages, but of the royal share of the revenue. Upon the death of Raghunathrao the Government had resumed the saranjam. The Commissioner had held that on the lapse of the saranjam the lands in suit became the property of the Government, who were entitled to assess them accordingly and to possession in default of payment.

The primary contention in the plaint was that the lands in suit were not included in the saranjam, but were part of lands purchased from the village patils in 1755 by Raghunathrao's ancestor; the plaintiff contended that the Government was estopped from denying the mirasi rights of the family, and was barred by adverse possession. He further contended, however, that if, as was held by the Commissioner, the lands in suit had passed into the possession of the saranjamdars through the khatedar's family becoming extinct, or on failure to pay the revenue, nevertheless he was entitled to possession.

The facts more fully appear from the judgment of the Judicial Committee.

There were concurrent findings by both Courts in India:

- (1.) against the alleged title by estoppel and by adverse possession,
- (2.) that the lands were not included in the sale deed of 1755,
- (3.) that the lands in suit originally belonged to khatedars or mirasi tenants, and on their interests coming to an end, the saranjamdar had assumed possession and caused his name to be entered upon the village papers.

The District Judge held that in the circumstances above stated certain decisions of the High Court were conclusive that the saranjamdar could give himself the occupancy rights, and that these survived the resumption of the saranjam. He held however that as Raghunathrao had two brothers, the plaintiff's right extended to a third only of the lands claimed.

Cross-appeals were preferred to the High Court. While the appeal was pending the decision of the High Court in *Gururao Shrinivas v. Secretary of State*<sup>1</sup>, upon which among other decisions the District Judge had relied, was reversed by the Privy Council<sup>2</sup>. The learned judges who heard the appeal (*Shah A.C.J.* and *Fawcett J.*) considered however that the view expressed in that case by the High Court on the basis that the saranjam in question was a grant of the revenue only was not affected by the reversing judgment in the Privy Council in which it had been held that the grant was of the land itself. They accordingly affirmed the view that the rights created by the saranjamdar in his own favour survived the resumption of the saranjam. *Fawcett J.* however stated that had the matter been *res integra*, he would have decided otherwise; in his view the saranjamdar having obtained occupancy rights merely by virtue of being saranjamdar, those rights could not survive the saranjam. The learned judges rejected the view of the District Judge that the plaintiff was entitled to a third only of the lands in suit and gave him a decree for the whole.

1927. May 3, 5, 6, 9, 10, 12, 13. *Sir George Lowndes K.C.* and *Kenworthy Brown* for the appellant. By r. 5 of the rules made in 1918 under Act XI. of 1852, a saranjam is a life estate only, consequently all interest under the grant ceased on the death of *Raghunathrao*. A saranjamdar cannot, whether as *khatedar* or otherwise, acquire any permanent right against Government in the saranjam lands. He is precluded from doing so by the principles enacted by s. 90 of the *Indian Trusts Act, 1882*. *Gururao Shrinivas v. Secretary of State for India*<sup>1</sup>, which was relied on below, was reversed on appeal to the Privy Council: *Secretary of State for India v. Laxmibai*<sup>2</sup>. The decision of the Privy Council was on the ground that the grant was a grant of the land, not (as the High Court had held) a grant of the revenue; the present contention, though argued on behalf of the appellant, was not dealt with. The decision however was that the interest of the saranjamdar ended; a fortiori it ends where the grant is of the revenue only. *Ganpatrav Trimbak v. Ganesh Baji*<sup>3</sup>, which was followed in *Hari Sadashiv v. Shaik Ajmudin*<sup>4</sup>, is against the appellant, but it was decided upon a misunderstanding of the judgment in *Ramchandra v. Venkatrao*<sup>5</sup>. Further, the judgment appealed from relied on decisions as to inams, but there are essential differences, statutory and otherwise, between a saranjam and an inam; an inam is a heritable estate whereas a saranjam is an estate for life. The judgment of the Privy Council in *Laxmibai's case*<sup>6</sup> shows that the inam rules do not apply to a saranjam; if they applied that would have been conclusive of the case. [Reference was made also to *Vishnu v. Tatia*<sup>7</sup>; *Shekh Sultan Sani v. Shekh Ajmodin*<sup>8</sup>; *Ramkrishnarao v. Nanarao*<sup>9</sup>; and *Bom. Reg. XVII. of 1827, ss. 40, 41.*]

<sup>1</sup> I.L.R. 41 B. 408.

<sup>2</sup> L.R. 50 I.A. 49.

<sup>3</sup> (1885) I.L.R. 10 B. 112.

<sup>4</sup> (1886) I.L.R. 11 B. 235.

<sup>5</sup> (1882) I.L.R. 6 B. 598.

<sup>6</sup> L.R. 50 I.A. 49.

<sup>7</sup> (1863) 1 Bom. H. C. (A.C.J.) 22.

<sup>8</sup> (1892) L.R. 20 I.A. 50.

<sup>9</sup> (1903) 5 Bom. L. Rep. 983, 987.

De Gruyther K.C. and E. B. Raikes for the respondents. The onus of proof was wrongly placed upon the plaintiff; it was upon the Government to prove the title of the Government: *Hanmantrav v. Secretary of State for India*<sup>1</sup>. That being so the possibility that the plaintiff's predecessors acquired title under the sale deed of 1755 cannot be excluded, and the findings to the contrary do not operate as concurrent findings. But even if the lands were originally taken possession of by the plaintiff's predecessor as saranjamdar the right to possession continues. Under the Mahratta system of land tenure, which was continued by the British in 1826, the person bringing land under cultivation obtained a permanent and heritable title, subject to the payment of a standard rent: see Elphinstone's Report, 1821, republished 1838. The plaintiff's predecessors have been recorded as khatedars since 1820 for a large portion of the land in suit, and in land acquisition proceedings they have been treated as owners. The Government thereby recognized them as mirasidars, and is estopped. The saranjamdar was not in the position of a trustee. The rent being a standard rent there was no conflict of duty. Government can resume only what it granted—namely, the revenue; it is not material that the revenue is paid by the saranjamdar as khatedar. That view is strongly supported by the decisions of the Bombay High Court: *Ganpatrav Trimbak v. Ganesh Baji*<sup>2</sup>; *Hari Sadashiv v. Shaik Ajmudin*<sup>3</sup>; *Rajya v. Balkrishna Gangadhar*<sup>4</sup>; *Balvant Ramchandra v. Secretary of State for India*<sup>5</sup>; *Gururao Shrinivas v. Secretary of State for India*<sup>6</sup>. The reversal of the last named decision by the Privy Council did not affect its authority on the question now at issue. There is no distinction material to this case between a saranjam, an inam, or a jaghir: *Raghojirao v. Lakshmanrao*<sup>7</sup>. There being no distinction between a saranjam and an inam the decision in *Vishnu v. Tatia*<sup>8</sup> applies, establishing that the resumption was not a resumption of possession but of the revenue. [Reference was made also to Bom. Reg. XVII. of 1827, ss. 1, 2, 3, 6, 7, 12, 15, 17; and Bom. Act V. of 1879, ss. 45, 48, 52, 54, 56, 72, 85, 217.]

Sir George Lowndes K.C. replied.

July 26. The judgment of their Lordships was delivered by Lord SINHA. This is an appeal against a decree of the High Court of Bombay, dated August 15, 1924, which varies the decree of the District Court of Nasik, dated February 28, 1920, and made in Civil Suit No. 5 of 1914.

The suit arose under the following circumstances:—

Manmad village, now grown to an important railway junction, was held by the Vinchurkar—one of the lesser Mahratta chiefs—together with many other villages in saranjam grant from the Peishwa, the then ruler of the country. The last holder of the entire saranjam was the late Sardar Raghunathrao Vinchurkar, commonly known as Anasaheb, who held it from 1836 till 1889, when he died. On his deathbed

<sup>1</sup> (1900) I.L.R. 25 B. 287, 289.

<sup>2</sup> I.L.R. 10 B. 112.

<sup>3</sup> I.L.R. 11 B. 235.

<sup>4</sup> (1905) I.L.R. 29 B. 415.

<sup>5</sup> (1908) I.L.R. 32 B. 432.

<sup>6</sup> I.L.R. 41 B. 408.

<sup>7</sup> (1912) L.R. 39 I.A. 202.

<sup>8</sup> (1863) 1 Bom. H. C. (A.C.J.) 22.

he adopted as a son the plaintiff Shivdevrao, but the Government refused to recognize the adoption, and in 1892 re-granted half of the saranjam to the late Sardar's brothers and their sons and resumed the other half, which included Manmad village. The adopted son, though thus excluded from any share in the saranjam, would still be entitled to the private as opposed to the saranjam property of his adoptive father. Between 1892 and 1913 there were disputes between Government and Shivdevrao Vinchurkar as to certain lands in Manmad (the subject-matter of the present suit) which he claimed as his adoptive father's mirasi or private property by virtue of a sale deed of 1755. These are five plots in the village site (described as A to E in the plaint) and six plots of agricultural lands within the village limits but not forming part of the village site, and described as plots F to K in the plaint.

These disputes led to an order by the Commissioner of Revenue G.D. on April 9, 1913, whereby it was held that the lands in dispute were not covered by the sale deed relied upon but "must have passed into the possession of the Vinchurkars by forfeiture of lands through the khatedar's (i.e. modern occupancy tenant) family being extinct or through default in the payment of land revenue". The Commissioner held that on the lapse of the saranjam to Government these lands also became the property of Government, who thereupon became entitled to levy not merely the Government revenue assessed thereupon, but the actual ground rent in respect of the plots included in the village sites, the tenants being liable to pay these rents to Government and not to the Vinchurkars; and, further, that in respect of the other plots, i.e., the agricultural lands, Government as owner was entitled to recover from the Vinchurkars not the assessed Government revenue, but the market rent, which was considerably larger, and in default of payment the Vinchurkars were ordered to be evicted.

This order of the Commissioner was in due course given effect to, and Shivdevrao Vinchurkar instituted the present suit for declaring the Commissioner's order illegal and for recovery of possession of the first five plots and an injunction against the threatened eviction in respect of the other six plots, and for mesne profits in respect of both.

In his plaint he based his title primarily on the sale deed of 1755 above mentioned, by which the then Patils of the village conveyed half of their rights to the ancestor of the Vinchurkar. He also relied on adverse possession "for over 150 years", and claimed that by virtue of certain admissions at different times on the part of various Government officials, Government was estopped from disputing the mirasi or private rights of the Vinchurkar family. But he alleged as an alternative basis of his title, and apparently in view of the Commissioner's finding, that "even if perchance the Court comes to the conclusion that the right of mirasi ownership ... did not pass to the plaintiff's ancestors under the sale deed of 1755 A.D., but that the property in suit must have gone into the possession of the plaintiff's ancestors by reason of the extinction of the khatedar's family or by reason of its resumption for arrears of assessment, still no manner of right whatever has accrued or accrues to the defendant in law over the said property. The said property is in law of the absolute personal and mirasi ownership and vahiwat of the plaintiff and his ancestors."

By his written statement the defendant denied all these allegations of fact and submissions of law by the plaintiff, and contended that

the lands in suit were held by the plaintiff's ancestors as saranjamdars and all saranjam rights, including the right to hold lands that had passed into his possession and enjoyment by the death of the khatedars without heirs or by forfeiture, had lapsed on the death of Annasaheb and had been resumed by Government (except as to one-half not now in question).

On the question of title by adverse possession and by estoppel, both the District Judge and the High Court held against the plaintiff, and their Lordships see no reason to differ from them.

Of the remaining issues the first was as follows: Does the plaintiff prove that he (i.e., his ancestors) purchased the suit land by a sale deed of 1755 A.D.?

The District Judge held that the construction of the deed in question presented some difficulty, for "it is in archaic language, and deals with a state of affairs to which no one now has the key", but on a review of the whole evidence, including village papers and accounts, he came to the conclusion that the lands sold by that deed did not include the lands in suit, and he found the first issue in the negative.

The High Court accepted this.

Notwithstanding this concurrent finding, some argument was addressed to their Lordships to prove that some, though not all, of the lands in suit are, in fact, covered by the sale deed of 1755. After careful consideration, their Lordships see no reason to differ from the finding of both the Courts in India on this point.

Issue No. 2 was to the following effect:—

Does the plaintiff prove that his ancestors became owners of the suit lands either through forfeiture or through extinction of the khatedar's line?

The concurrent finding of both Courts on this issue appears to their Lordships to be that the lands in suit originally belonged to khatedars or mirasi tenants, and on their interests coming to an end in the manner mentioned the saranjamdar caused his own name to be put in their place in the khatas or village papers, and assumed possession of those lands.

The only other material issue remaining to be considered is issue No. 6—namely, Was the suit land included in the half of the saranjam resumed by the Government? This was intended to raise the question whether as an effect of the resumption, the Government was entitled to oust plaintiff from the possession of those lands. The answer depends on the legal effect of the finding on issue No. 2.

Both the Courts below have answered it in the plaintiff's favour, the District Judge, on the ground that he was bound by the decision of the High Court in *Gururao Shrinivas v. Secretary of State for India*<sup>1</sup> (then under appeal to this Board and subsequently reversed), and the High Court on the ground that the judgment of this Board on that appeal<sup>2</sup>, though it reversed the above decision of the High Court, had not decided this particular point, with regard to which the High Court was of opinion that decisions of that Court had established the law in the manner contended for on behalf of the plaintiff. One of the learned judges, Fawcett J., expressed his personal dissent from

<sup>1</sup> I.L.R. 41 B. 408.

<sup>2</sup> L.R. 50 I.A. 49.

that view of the law, but considered himself bound by previous decisions of the High Court.

It is necessary, therefore, to consider what are the incidents of a saranjam grant, and how far the same can be gathered from statutes or judicial decisions, in the absence of the deed of grant.

But before doing so their Lordships think it necessary to deal with two points argued by Mr. De Gruyther on the respondent's behalf:—

1. That the onus of proof has been wrongly placed on the plaintiff, who, having been dispossessed, was entitled to succeed unless the Government affirmatively proved its own title to the lands in question.

The plaintiff accepted the onus on the issues as they were framed. Evidence was gone into on that basis, and the parties proceeded to trial evidently on the assumption that the plaintiff could derive title only in one or other of the ways mentioned in paras. 2 and 3 of the plaint. But for that, the procedure might have been different in many respects, and it appears to their Lordships too late to raise any such question at this stage.

Their Lordships would further observe that no basis of title other than those mentioned in paras. 2 and 3 of the plaint has up to the last been suggested on behalf of the plaintiff.

2. The second point was that the village papers, kept by the village officials, having entered the name of the Vinchurkar as khatedar in respect of the lands in suit, this must be taken to have been acquiesced in and accepted by the Collector on behalf of the Government, and it amounted in effect to a new agreement for a permanent tenancy, which remained unaffected by the subsequent resumption of the saranjam. This is a new case not suggested till the last moment, and even if their Lordships were inclined to entertain it (which they are not) it seems to have little foundation in fact. The position of the saranjamdar enabled him to have complete control over the management of the village and the village officials, and there is no reason to assume that these entries, or the papers themselves, were in any way brought to the cognizance of, or acquiesced in, and much less sanctioned by the Collector.

It is no doubt correct to say, as Shah J. does, that "the fact that the saranjamdar is in a sense a life tenant does not alter the ordinary incidents of a grant by way of saranjam."

But what those ordinary incidents are, must be ascertained, when there is no deed of grant forthcoming, from (a) the evidence, if any, in the case; (b) from legislative enactments; and (c) from judicial decisions. Failing all these, there would be nothing else but general principles of law to apply.

Now we find from Wilson's Glossary that amongst the Mahrattas the term "saranjam" was applied specially to a temporary assignment of revenue from villages or lands for the support of troops or for personal military service, usually for the life of the grantee; also to grants made to persons appointed to civil offices of the State to enable them to maintain their dignity, and to grants for charitable purposes. These were neither transferable nor hereditary, and were held at the pleasure of the Sovereign. They were divided into two classes—namely, (a) grants of revenue only, i.e., of the royal share of the produce of the lands comprised in the grant, and (b) grants of the soil itself. It would

seem to follow from the nature of saranjams that whether they were grants of the soil itself or of the revenue only of specified lands, they could not and were not meant to interfere with rights in those lands existing previously to and at the time of the grant. If and so far as there were occupancy tenants on those lands, they would retain their right of possession (whether it can be called ownership or not is immaterial) but subject to paying the assessed land revenue (i.e., the royal share of the produce) payable before the grant to the Government and after the grant to the grantee. On principle, the grantee would not, unless specially authorized, be able to convey a title larger than his own. He could not convey a permanent title to any portion of the land, either by sale or by lease. Such sale or lease might be good as against himself but would be void as against the grantor.

In the case of a grant of the soil itself, it has been decided by this Board that, on the grant coming to an end, the Government representing the original grantor is entitled to resume actual possession: *Secretary of State for India in Council v. Laxmibai*<sup>1</sup>. But it is urged that in the case of the other kind of grant, Government can take back only what it granted—namely, the royal share of the produce; in other words assess the land revenue payable in respect of the land, but it cannot interfere with the possession of the grantee. This would be quite consistent with principle, if the grant made the grantee a chargeholder pure and simple. But if the grant also conveys by implication or otherwise the right to take possession of the land itself under certain circumstances, it is difficult to hold that though the charge might come to an end the possession taken under and by virtue of that charge should still continue, or, as Fawcett J. put it, that the incident should survive the grant.

There is no legislative enactment which is applicable in the circumstances of this case. The Saranjam Rules of 1898 do not apply proprio vigore, as this saranjam was resumed in 1892, and even if they can be held to be merely declaratory of the previous law, they do not throw any light on the question under consideration.

As regards judicial decisions, those with regard to inams do not seem to be necessarily applicable. The word inam is sometimes vaguely applied to all grants of revenue-free land, without reference to perpetuity or any specific conditions. But it would be unsafe to apply to a peculiar grant like the Mahratta saranjam rules which were held applicable to grants in perpetuity.

Shah J. refers to what he calls a "long course of decisions" in Bombay as establishing two propositions. The first is admittedly overruled by the above mentioned decision of this Board in *Secretary of State v. Laxmibai*. His second is that in the case of a saranjam grant of the royal share of the revenue, it is open to the grantee to make the best use of the grant for his own benefit, i.e., to appropriate the lands to his own use, subject to the payment of the royal share of the revenue and to create rights of occupancy in his own favour or in favour of third parties.

On examination it appears that there are only three decisions which directly bear on the point—namely, *Ramchandra v. Venkatrao*<sup>2</sup>;

<sup>1</sup> L.R. 50 I.A. 49.

<sup>2</sup> I.L.R. 6 B. 598.



Ganpatrav Trimbak Patwardhan *v.* Ganesh Baji Bhat<sup>1</sup>; and Har Sadashiv *v.* Shaik Ajmudin<sup>2</sup>.

In the first of these cases Melvill J. said<sup>3</sup>: "The saranjamdar may deal with all unoccupied lands as may be best for the purposes of revenue, and may either cultivate them himself or through tenants." And it was observed by Batchelor J. in *Balvant Ramchandra v. Secretary of State*<sup>4</sup> that since the judgment of Melvill J. in 1882 the law in Bombay has always been that a grantee of the revenue is entitled to make such profit as he can out of the unoccupied lands.

But this is very far from holding that the right to make such profit survives the grant and continues after the grant has been resumed. This construction was, however, placed on the words of Melvill J. quoted above in I.L.R. 10 B. 112, where Sargent C.J., after quoting the passage from Melvill J.'s judgment in I.L.R. 6 B. 598, paraphrased it as follows: "or, in other words, that the saranjamdar may acquire occupancy rights which ... remain unaffected by the resumption of the saranjam, except as to the assessment thenceforth payable to Government".

These observations were not necessary for the decision of that case, and their Lordships are unable to agree that the language of Melvill J. in I.L.R. 6 B. 598 bears the meaning or has the effect attributed to it by Sargent C. J.

The same observations would apply to the case in I.L.R. 11 B. 235. The Government was not a party to either of these cases, and the lands in dispute were held on the evidence in both cases to be the private property (sheri lands in the one case and mirasi lands in the other) of the grantee. Their Lordships are therefore unable to hold that there is any long course of decisions in the High Court of Bombay laying down with regard to saranjams of this nature the broad rule enunciated by Shah J.—that the grantee would be entitled to create in his own favour occupancy rights in lands unoccupied at the time the grant was made or held by others then but forfeited on one ground or another during the subsistence of the grant.

The question whether he could create such rights in favour of third persons by virtue of the powers of management above referred to does not arise in this case, and their Lordships refrain from expressing any opinion upon the point. But their Lordships hold that he could not create such rights in his own favour and that when the saranjam was resumed, the Government became entitled to resume not only the land revenue, but also all the rights and benefits that the grantee had secured by virtue of his grant.

Their Lordships will humbly advise His Majesty that this appeal should be decreed with costs and the plaintiff's suit dismissed with costs in both the Courts in India.

Solicitor for appellant: Solicitor, India Office.

Solicitors for respondent: T. L. WILSON & Co.

<sup>1</sup> I.L.R. 10 B. 112.

<sup>2</sup> I.L.R. 11 B. 235.

<sup>3</sup> I.L.R. 6 B. 598, 603.

<sup>4</sup> I.L.R. 32 B. 432.

## Annex F. No. 31

EXTRACT ON WATAN, FROM DANDEKAR.  
 "THE LAW OF LAND TENURES", 1912

THE LAW OF LAND TENURES  
 (IN THE BOMBAY PRESIDENCY.)

by

GOPAL KRISHNA DANDEKAR, *B.A.L.L.B.*

1912

*Vol. I.*

WATANS.

Next in order come for consideration the service tenures, generally known as Watans in the Bombay Presidency, Watan was mentioned in Bombay Reg. I of 1823 and Bom. Reg. XVII of 1827 as a tenure recognised by the custom of the country.

In India, at least in the Bombay Presidency, hereditary service-public or private-was the rule, and it was customary to remunerate the services

**Hereditary service.** by cesses and taxes or by interests granted or conferred in lands. The offices the duties of which were rendered hereditarily appertained not only to villages but also parganas or districts, and were useful not only to Government but also to the village community. In this connection it is interesting and desirable to have some idea of the constitution of the village community of former times. The inhabitants of a village were divided into several classes which resulted from private interests and conventional forms.

**Village officers.** The two principal divisions were the cultivators and the office-bearers. The latter were called the balutedars and alootedars in the Deccan and the Southern Maratha Country, and Wuswaeeyas in Gujrat. The office-bearers were required to render certain services and were entitled to certain huks and perquisites from the villagers. Even if the villagers declined to employ the services of the office-bearers the former were bound to pay the latter their huks. The village staff, in some places called the village community, were public servants of the village and had to discharge certain duties. The duties they had to perform were in some cases useful to Government, the services they were remunerated by some interest in land created or conferred by the State, and some perquisites or payments from villagers direct, called the paranhara huks.

As there were the village officers useful to Government such as the **District officers.** Patel, Matadar (in Gujrat), Kulkarni, Mahar &c. so there were the Pargana (district officers) useful to Government. They bore different names in the different parts of the Presidency, such as Deshnukh, Deshpande, Sirdeshpande, Sirdeshmukh, Sirdesai, Nadgavda, Madkarni, Dehaikulkarni, Mujmoodar, &c. As they

were the officers not only of the individual villages but of Parganas, that is, groups of villages, their remunerations were naturally of considerable extent and value. They held and even now hold entire villages in Inam-inams of the district officers in the Southern Maratha Country were and are called *desgat* or *deskat* inams. The lands were and are called *Chavrat* lands, probably because their dimensions were mentioned not in *bighas* but in *Chahoors* (a *Chahoor* being a land measure containing 120 *bighas* or from 96 to 102 acres).

The following, among others, were the duties which the district hereditary officers had to perform in old times:—To frame an abstract of the *Jamabandi* settlement of each village and of the *mahal* or *pargana*; to countersign receipts for cash transmitted from the several villages; to prepare summary statements of all collections and balances; to keep a register of the villages of his district specifying the tenure and the management of each; to keep a register of *inam* villages and lands; to keep a register of pensions, *warshasans*, *devasthans*, of *mirasdars* and other hereditary occupants; to keep a register of lands given on *Cowls* (leases); to prepare a general statement of the population of his *pargana*; to write any papers ordered by the *Mamlatdar* when his leisure would permit; to examine the village accounts and to report any defects; to assist in the preparation of the population returns and their divisions, and to examine, verify and attest the registers of births, deaths and migration in their villages.

Besides these there were a number of hereditary officers rendering service to Government, such as the *potdars* weighing and assaying public money, the *Shetias* or the *bazar* masters, *ghatpandes*—officers in charge of toll-offices at *Ghats*, and others. Some persons had to serve hereditarily in the Salt and Custom Departments as *tolats* (weighers of salt). Even now at some places they have to work personally or to supply some hands to discharge their duties and are remunerated by some hereditary cash allowances.

Thus hereditary Officers may roughly be divided into (1) those of a *pargana* or district and (2) those of a village; the latter being sub-divided into (3) those useful to Government and (4) those useful to the village community. Officers useful to Government are useful (5) in police and revenue concerns, or (6) in concerns other than police and revenue. Officers in police and revenue concerns have been sub-divided into (7) superior officers and (8) inferior officers. Hereditary village officers useful to village community are either (9) those who actually render service or (10) those who have ceased to render any service, and cannot, therefore, be said to be servants at all.

The expressions “*watan*”, “*watandar*” and “hereditary officer” were never defined before 1874, 1827 and VI of 1833 and Act XI of 1843 considerably dealt with hereditary officers, their rights, liabilities and remuneration. **Meaning of Watan.** *Watan* meant, and even now is understood in the *Ratnagiri* District to mean ancestral, hereditary property. It was not and is not, according to this meaning, connected with any idea of service and the remuneration therefor. The words “*Watan*”, “*Watandar*”, “Hereditary Office” and “Hereditary Officers” are for the first time defined by Bombay Act III of 1874, and are understood, since the introduction of the said Act, in a technical sense.

In old times all hereditary servants whether of a *pargana* or of a village, and whether they rendered service to Government or to the

village community, were regarded as hereditary officers. Act XI of 1843 recognized only the hereditary servants rendering service to Government as hereditary officers under the AXT. Under the Act of 1874 the circle of the hereditary officers has become more limited. Hereditary officers under that Act mean persons hereditarily holding any office for the performance of duties connected with the administration or collection of the public revenue or with the village police, or with the settlement of boundaries or other matters of civil administration. In short, hereditary servants rendering service to Government in police and revenue concerns are the only hereditary officers under the Act of 1874. Hereditary officers rendering service to the village community are not within the definition. Accordingly carpenters, barbers, washermen, Kazis and others are not recognized as hereditary officers. The pargana officers such as, Deshnukhs, Deshpandes, Majmudars, Nadganaudas (although their services have ceased to be demanded) and the village officers, such as the Patel, Gauda, Matadar, Kulkarni, Mahar &c. are the only officers or servants falling under the definition of "Hereditary Officers" under the Watan Act.

The hereditary office and its remuneration together constitute the watan. Both the remuneration and the office go hand in hand. A person having an hereditary interest in a watan is a watandar. He must be the actual owner or holder of a watan, or must be a person having a vested interest in the watan. A person having merely a spes successionis—a mere right to succeed—is not a watandar. Thus during the life-time of a watandar his wife or daughter is not a watandar, because they have a mere chance to succeed.

Gradually steps were being taken to settle the questions relating to the duties and services of hereditary officers and their emoluments. Practically the first step in that direction was the abolition of some of the direct cesses and taxes, Kalee imposts, that is, cesses and taxes on cultivated lands and Pandhree imposts, that is, cesses and taxes on trades and professions stand abolished from 1839 and 1844 respectively. The next step was to limit, as far as possible, and at least as far as Government was concerned, the rule of hereditary service. This is to a certain extent apparent from comparing the circles of hereditary officers under Act XI of 1843 and Bombay Act III of 1874. Besides, sometime about the year 1862, commissions were appointed for making enquiries as to district hereditary officers in Gujrat, and Deccan and the Southern Maratha Country. The reports made by the commissions were printed for Government in 1865-66 in Government Selection No. 174 new series. Settlements were effected with the Pargana Watandars under which Government remitted, or agreed not to enforce the liability for service on condition of taking annually a fraction of their remuneration from the Watandars. The Gujrat settlements are generally known as the Pedder's settlements; and the settlements in the Deccans and the Southern Maratha Country are known as Gordon's settlements. The settlements have been confirmed by the Act of 1874. By reason of the settlements the pargana officers have ceased to render their usual services, but their watan properties continue as watan properties in matters of alienation and succession except in exceptional cases.

#### Service Communication.

On account of civilisation, liberty of action and other causes of similar nature the services of some of the balutedars or wussaweeyas (hereditary village artisans) have ceased to be demanded. Government too does not want to force the services of those artisans on unwilling customers. Consequently at the time of Surveys Government increased the Joodi or quit-rent on their original service inam lands. Their lands have become their ordinary private property without any obligations as to service and not liable to pay anything in excess of the fixed Judi (quit-rent) and local cess.

Settlements were also effected with holders of inam lands or villages rendering service to village communities, such as village astrologers (Joshis), Village priests (Upadhyayas, Jangam etc.). Under the settlements the office-holders agreed to pay Chauthai (one fourth) or, any other fraction of the assessment as quit-rent over and above the old (mamul) Judi or quit-rent. Government recognised the title of the office-holders and guaranteed the continuance of their inams as long as their services were required to the community. The settlements not only did not affect but affirmed the rights of the village community for services from those hereditary officers. Their inams are service tenures, their offices hereditary offices, but not under Watan Act of 1874. The incumbants have no interest in the property beyond life.

Thus were settled the questions relating to the services and the emoluments of hereditary officers except the village hereditary officers falling under Bombay Act III of 1874, an Act declaring and amending the law as to hereditary officers. Before that Act there were no regular enquiries, and binding decisions arrived at. The Collector had, no doubt, under Regulation XVI of 1827 to record in a book, kept for that purpose, the land and allowances attached to hereditary district or village offices. The duties and the respective rights of hereditary officers inter se were not determined. Under the Act of 1874 it became one of the duties of the **Watan Register**. collectors to prepare and keep watan-registers in forms prescribed by Government from time to time. The Act provided for the preparation and keeping of two registers, one register of lands and allowances in consideration whereof liability to perform service exists, and another of lands and allowances in respect of which no such liability exists. In the register of lands and allowances in consideration whereof liability to serve existed and exists the Collector had and has to specify:

- (a) The area of the lands, the names of the occupants, the survey number and assessment, the quit-rent, if any, leviable, and the net revenue alienated by Government, the amount and nature of the cash or other allowances, the source from which they are payable, and the land and allowances assigned for the remuneration of officiators.
- (b) The names of the heads of families and of the representative watan-dars.
- (c) Whether the service is performed by one representative watan-dar or otherwise; if by several in successive periods, the order in which they are to succeed each other.
- (d) The proportional share of the watan possessed by each head of family.
- (e) The number of officiators required to perform the duties.

Bombay Act III of 1874 also made it the duty of the Collector to determine, which was necessary for the preparation of the Watan Register, the custom of the watan as to service and what persons shall be recognised as representative watandars and to register their names. The Act prescribed certain rules and principles which had to be followed in determining the above matters. As the Civil Courts were competent to try all matters of a civil nature and as the Collector was also empowered

**Jurisdiction of the Civil Courts.** to decide certain matters, naturally a question arose as to the jurisdiction of the civil courts in such matters. The Collector and the Collector alone can admit any members of Watan family to the class of representatives capable of officiating under the Act of 1874. This he would have to do on an investigation made by himself according to his own Judgment, not according to the views taken by the Civil Courts. The Act seems to exclude, by direct implication, any right on the part of the civil courts to declare that persons are eligible to serve as hereditary officers falling within the scope of the Act. The Civil Courts have no jurisdiction to register any person as a representative watandar or to direct that he should be so registered by the Collector.

The Collectors proceeded with their work, have determined the customs of watans as to service and have determined as to what persons in a watan family or what persons in the different branches of watan family, if divided, shall be recognised as the representative watandars and already registered their names.

Thus the questions as to service and the emoluments (consisting of an interest in land or cash allowance or other perquisites) of all the hereditary officers have been settled and put at rest.

When no watan exists, it is declared lawful for Government to create one, and in so doing to assign such property of Government as to Government may seem fit. The Collector may combine two or more watans held for the performance of similar services in the same village or parts of the same village.

**Continuance.** The titles and continuance of the tenures for service to Government are to be determined under such rules as Government may find it necessary to issue from time to time. The rules now in force concerning the resumption and continuance of lands held for service were issued by His Excellency the Governor in Council in 1902 and slightly amended in 1904.

The most important matters in considering the subject of watans are the performance of service and the remuneration therefor. All watandars of whatever denomination whose liability to serve has not been commuted are legally bound to render such service as has been customary or as is required by law. That was also the law in old times as one finds in Bom. Reg. XVI of 1927. The duties appertaining to any hereditary office under the Watan Act shall be performed by the representative watandars, or by their deputies or by substitutes and by no other persons. The person actually performing the duties of any hereditary office for the time being is called the Officiator. Every representative watandar whose duty it is to officiate shall, if a fit and proper person, perform the duties of the hereditary office himself on being so required by the Collector, but may be permitted by the Collector to appoint a deputy.

Underage, overage, want of certain amount of education, lunacy, imbecility, and general bad character are, among **Disqualifications.** others, the general grounds which render a person unfit to officiate. Females are disqualified to act.

It was and even now is the practice for the watandars to appoint **Deputies.** gumastas (dupties). In old times hereditary gumastas were in some cases appointed and they were denominated as watani gumastas. Before the passing of Bombay Regulation XVI of 1827 the creation of a permanent deputyship coupled with an assignment of a part of the watan property was permissible, valid and binding on the successors. The practice of appointing deputies was in 1848 strongly depreciated by the Local Government. It was stated at that time that the institution of pargana watans must have had in view to provide a body of public servants of a permanent character, who, from the constant residence and employment in their villages or districts would acquire and perpetuate a knowledge of the minutest details. The very object of the institution is lost by their being allowed to sit at home at ease, doing all their duties by employing deputies—men removable at their pleasure, and who can take no permanent interest in their work. It is only in cases of nonage, or mental or bodily infirmity that the regulations recognized the right to employ deputies by other than females. After the passing of Bom. Reg. XVI of 1827 appointment of deputyship and assignment of property is not valid and binding against the successors of the watandars making the appointments. What was said by the Local Government as to pargana officers must apply also to hereditary village officers.

During the suspension of an officiating representative watandar or deputy, and during any vacancy, the duties shall temporarily **Substitute.** be performed by a substitute, whether a watandar or not, appointed by the Collector.

It may be mentioned here, though the matter is not of much importance, that when there is a service commutation settlement effected with respect to any watan no service which ordinarily appertained to the watan has to be performed.

Watan property being property held, acquired or assigned for providing remuneration for the performance of the duty appertaining to an hereditary office is, in a sense, a trust property and must always be forthcoming for providing remuneration to the officiator. The Collector was and is empowered to assign a certain portion of the watan property for the remuneration of the officiator. The portion so assigned is liable to be decreased or increased as circumstances require. From the nature of things there ought to be some provision preventing the dissipation of the said property by alienations.

Watan properties were alienable before 1827. In that year for the **Alienation of Watans.** first time restrictions came to be imposed upon the established right or practice of alienation. The restrictions came to be re-stated in 1874. The language in which the restrictions were expressed in 1874 was vague and ambiguous and had to be amended in 1886 by Bom. Act V of 1886.

The restrictions on alienations now stand in the following way, namely:

- (1) Without the sanction of Government it shall not be competent
- (a) to a watandar to mortgage, charge, alienate or lease, for a period beyond the term of his national life, any watan, or any part thereof, or any interest therein, to or for the benefit of any person who is not a watandar of the same watan;
  - (b) to a representative watandar to mortgage, charge, lease or alienate any right with which he is invested as such under the Watan Act.
- (2) In the case of any watan in respect of which a service commutation settlement has been effected either under section 15 of the Watan Act or before that section came into force, the above clause shall apply to such watan, unless the right of alienating the watan without the sanction of Government is conferred upon the watandars by the terms of such settlement or has been acquired by them under the said terms.

Watan property assigned as remuneration of an officiator and the profits of Watan property so assigned shall not be alienated or assigned to any person whatever without the sanction of Government, and are not liable to process of Civil Courts.

To supplement the prohibitions against alienations provisions are made empowering the Collector to interfere in cases of alienations contrary to the prohibitions.

There are three ways by which he may proceed. He may submit himself to the jurisdiction of the civil courts by bringing a suit; or if the alienation is or is going to be effected through the process of any civil court, he may send a certificate of a particular kind; or he may himself make an inquiry, declare an alienation null and void and restore the watan property to the person entitled.

When the Collector has formally issued a certificate the Civil Court shall, on receipt of the certificate, remove any attachment, or other burdens then pending, against the said watan, or any part of profits thereof, and shall cancel the decree or order complained of so far as it concerns the said watan or any part or profits thereof.

Collector's interference, when it is not by a suit in the civil courts, is not affected or governed by any laws of limitation. But it is to be borne in mind that the Collector cannot interfere where the alienation does not offend against the provisions containing the restrictions on alienations.

The fact that the Collector may take an action for restoration of the Watan property does not prevent the person entitled thereto from seeking remedies in, or enforcing his rights through civil courts.

It has to be remembered there that the lands or other properties forming remuneration of the village officers rendering service to the village community are not alienable beyond the officiator's life time.

Hereditary offices whether religious or secular were treated by the Hindu text-writers as naturally indivisible; but modern custom whether or not it be strictly in accordance with the ancient law, has sanctioned such partition as can be had of such property, by means of a performance of the duties of the office and the enjoyment of the emoluments

**Partition.** by the different coparceners in rotation. It may be stated generally, and not with reference to any species of watan, that watans are



ordinarily partible, and impartibility is merely an exception which may be established by a family custom.

When a watan is broken up into two shares or takshims, those shares or takshims do not constitute separate watans. A watan by the partition thereof is not split up into two distinct watans.

There seems, however, one peculiarity about division of watans, and it is that the Collector is not bound to recognise any subdivision which he considers to be contrary to any custom of the watan as to service determined by him.

In the Bombay Presidency watans are heritable. They are not hereditary in the fullest sense of that expression. The personal law of watandars is slightly affected by positive enactments. The important deviation from the personal law is the case of females other than widows of the last male holder of the watan. The special provision about succession now is that every female member of a watan family other than the widow of the last male owner, and every person claiming through a female shall be postponed in the order of succession to any watan, or part thereof or interest therein devolving by inheritance after Bom. Act V of 1886 came into force, to every male member of the family qualified to inherit such watan, or part thereof, or interest therein. It has to be remembered that this special rule of succession has been held applicable even to watans settled under Gordon's or in the case of properties to which Summary Settlements were applied, because in such a case there is the previous decision by Government that they are not watan lands (service lands). Being private (non-watan) properties they are not subject to the special rule of succession laid down by Bom. Act V of 1886.

In watans the ordinary law of adoptions, where by the personal law adoptions are permissible, remains unaffected by the Watan Act. The Act only requires a notice of adoption to be given to the Collector. This general rule as to adoption is subject to specific agreements in particular cases between watandars and Government whereby the ordinary rights as to adoption have been curtailed.

When a representative watandar dies it is the duty of the Patel and village accountant to report the fact to the Collector; and the Collector shall, if satisfied with the truth of the report, and subject to the law as to succession register the name of the person appearing to be the nearest heir of such watandar as representative watandar in place of the watandar so deceased. Civil Courts possess the jurisdiction to declare a person as the nearest heir of a deceased representative watandar. This jurisdiction is affirmed by S. 2 of Bom. Act III of 1910 which substituted a new section for S. 36 of the Act of 1874. To a suit for a declaration that the plaintiff is the nearest heir of a deceased representative watandar brought for the purpose of getting an entry made by the Collector modified, the Collector is not only not a necessary party, but such a suit cannot be brought in the Civil Courts against Government or the Collector. That was the case law before 1876 and is now the positive law under the Revenue Jurisdiction Act of 1876.

It is now the settled law that the Civil Courts have power to declare a person to the status of watandars. Bombay Act III of 1874 in giving the Collector Jurisdiction to pronounce who amongst the watandars shall be representative does not give him jurisdiction to determine who, in disputed

cases, shall be watandars within the definition given in the Act. A particular mode of dealing between persons whose relative status is unquestioned does not extend to the determination of a question as to the status itself, and where the question is as to the plaintiff's right to rank as a watandar in a watan, the jurisdiction of Civil courts over the dispute does not admit of serious doubt. Generally to the same effect are the provisions of S. 4 cl. (a) of the Revenue Jurisdiction Act (X of 1876) which bar the cognizance of the Civil Courts in certain matters connected with watans.

Watan properties are like other properties subject of the law of limitation. The restrictions on alienations of watans do not prevent the operation of the Statutes of limitation. The plea of adverse possession is available in respect of watan lands as well as in respect of other immoveable properties. It is a settled principle that in matters of limitation and *res judicata* a succeeding watandar, except in some cases, claims under his predecessor. Adverse possession for twelve years during the life-time of one holder of service-watan lands is a bar to succeeding holders; so also adverse possession commenced in the life-time of one watandar avails as against the subsequent watandars and will not be stopped by his minority at the death of such preceding watandar.

A watan estate might be extinguished in more ways than one: such as, by surrender, escheat, forfeiture and others. A watandar may relinquish his watan, but he must, if he wants to relinquish, relinquish both the office (its duties) and its remuneration or emoluments. He cannot retain the property and relinquish the service or refuse to do it. Relinquishment of watan property does not relieve the watandar from his obligation to render service. A watan being as service-inam (an inam held conditionally on the performance of certain services) is liable to resumption or forfeiture if the services are not required at all, or, being required, the watandar refuses to render them.

A watan is liable to be forfeited for conviction by certain Criminal Courts of the watandar for certain offences.

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### Annex F. No. 32

GOVERNOR GENERAL'S INSTRUCTIONS TO ELPHINSTONE  
14TH JULY, 1818

(ENGLISH RECORDS OF MARATHA HISTORY, VOL. 13. *Page 430.*)

The wisdom and justice of taking for the basis of the new system of administration the existing institutions of the country except when they are inconsistent with reason and equity and of avoiding any innovations not indispensable for the removal of gross corruptions and abuses, are incontestable and the earnest desire shewn for the conciliation of all classes of inhabitants, the preservation of their just rights and the security of their persons and property, the abolition of the farming system and all the intolerable grievances resulting from it and the introduction of a moderate and equitable assignment, the abolition of odious and unjust taxes and the establishments of the ready means of access to

redress through the medium of institutions founded on models known to and respected by the people, together with the vigorous administration of the police through the same channel as were employed by the ancient Government, all these objects are provided for by your instructions to the provincial collectors and are calculated to render the British Government equally popular and just.

Page 435.

*All the Jageerdars will be feudatories of the British Government with the exception of two or three whom it may be expedient to place in that relation to Rajah of Sattarah.*

### Annex F. No. 33

BOMBAY LAND REVENUE CODE 1879, S. 88, S. 89 AND SCHEDULE F

GRANT OF SPECIAL POWERS TO HOLDERS OF ALIENATED LANDS.

88. Governor in Council may, by commission, confer on holders of alienated lands power
- It shall be lawful for the Governor in Council at any time to issue a commission to any holder of alienated lands, conferring upon him all or any of the following powers in respect of the lands specified in such commission (namely):—
- (a) to demand security for land-revenue; to demand security for the payment of the land-revenue or rent due to him, and, if the same be not furnished, to take such precautions as the Collector is authorized to take under sections 141 to 143;
  - (b) to attach defaulter's property; to attach the property of persons making default in the payment of such land-revenue or rent, as aforesaid;
  - (c) to fix time at, and instalments in, which revenue due shall be paid; to fix from time to time the time at which, and the instalments in which, the land-revenue or rent due to him shall be payable;
  - (d) to exercise Collector's powers; to exercise the powers of a Collector under sections 65 and 66;
  - (e) to receive notices of relinquishment; to receive notices of relinquishment under section 74, and to determine the date upto which such notices shall be received as in that section provided;

(f) to arrange for repair of boundary-marks;	to take measures for the maintenance and repair of boundary-marks in the manner provided for Survey-officers in section 122:
Provisio	provided that the powers contemplated in clauses (c) to (f) shall be conferred only on holders of lands to which a survey-settlement has been extended under the provisions of section 216.
89. Form of such commission.	Every such commission shall be in the form of Schedule F, and shall be liable to be withdrawn at the pleasure of Government; and a commiss- ion may, if the Governor in Council see fit, be issued to one or more agents of a holder of alienated lands as well as to the holder in person.

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*Schedule F.*

FORM OF COMMISSION TO BE ISSUED TO A HOLDER OF ALIENATED LAND  
OR VILLAGES OR HIS AGENT, UNDER SECTION 89.

Seal.

The Governor in Council of Bombay, by virtue of the powers vested in him by the Bombay Land-Revenue Code, is pleased to confer on you (jagirdar, etc., or agent, etc., as the case may be) power to in (or in respect of) the villages and lands specified in this commission, in the manner prescribed in (or in section of the said Code).

The villages and lands over which the power thus conferred upon you extends are as follows:—

*(Here enter the description.)*

The within delegated power is vested in you during the pleasure and subject to the recall of the said Governor in Council.

*(Signed.)*

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## Annex F. No. 34

DECISION IN RAGHOJIRAO *v.* LAKSHMANRAO BEFORE THE PRIVY COUNCIL  
1911-1912

THE LAW REPORTS, INDIAN APPEALS, THE PRIVY COUNCIL  
VOL. XXXIX 1911-1912

SHRIMANT RAJE BAHADUR RAGHOJIRAO SAHEB	<i>Defendant</i>
and	
SHRIMANT RAJE LAKSHMANRAO SAHEB	<i>Plaintiff</i>
ON APPEAL FROM THE HIGH COURT AT BOMBAY	

*Grant of Lands by Sanad-Construction-Lands attached to Deur.*

By a Government sanad dated October 10, 1861, "the title of Raja Bahadur of Deur together with the lands attached to Deur" were granted to the father of the appellant and respondent and his heirs in succession whether begotten or adopted in perpetuity:—

Held, having regard to the circumstances under which the sanad was given, the whole of the lands forming the Bombay estate comprised therein having been prior to the grant jagir and as such impartible, and the Government, its successors and officials, having from the date of the grant and for a long period of time treated the whole of the Bombay estate as the appanage of the title, that according to the true construction of the sanad the expression "lands attached to Deur" meant the whole of the said Bombay estate. Accordingly the appellant succeeded thereto as the elder son on the death of the grantee in 1881.

Appeal from a decree of the High Court (November 14, 1907) affirming a decree of the Subordinate Judge of Poona (December 7, 1904).

The question decided was as to the impartibility, as alleged by the appellant, the defendant in the suit, of certain property consisting of villages, lands, houses, and cash allowance in the districts of Poona, Ahmednagar, and Sholapur, in the Presidency of Bombay.

The respondent plaintiff and the appellant were half-brothers and the only surviving male representatives of the Nagpur branch of a family known as the Bhonle family, the history of which is sufficiently given in their Lordships' judgement.

Raghoji III., the last ruling Prince of Nagpur, died without issue on December 11, 1853. Thereupon the Nagpur State lapsed to the British Government and its possessions were annexed. The Government further declared the Bombay estate the subject of appeal to have lapsed, though as a matter of grace a small portion was allowed to remain with the widows for their lives.

In 1855 the widows adopted Janoji Bhonle—the father of the present litigants—as the son of the deceased Raghoji III.; but this adoption not having been officially sanctioned conferred no rights on him. After the Mutiny the Government of Bombay, while declining altogether to revive the Nagpur Raj, proposed to recognize Janoji to a limited extent, to confer on him the title of Raja Bahadur, and to release to him and his

heirs the vatans, &c., situated in the Collectorates of Poona, Ahmednagar, and Sholapur, and in the Satara territory, being the Bombay estate of the late Raja, which had lapsed as stated. The Government of India on February 7, 1861, sanctioned this course and proposed that the title should be that of Raja of Deur. A sanad was issued on October 10, 1861, bestowing on Janoji and his heirs the title of Raja Bahadur of Deur and the Deur lands, or the lands of Deur, or the lands attached to Deur; which expression (it was contended) meant the whole of the Bombay estate of the late Raja. It was admitted that all the lands comprised in the sanad formed the special appanage of the Rajaship of Deur and were impartible, and that they were not restricted to the village of Deur. But it was contended on behalf of the respondent that they did not include more than the holdings in the district of Satara.

On the death of the Raja in 1881 the Court of Wards managed all his possessions until the appellant came of age in 1893. In 1900 the respondent sued for a partition of the Bombay estate. The appellant pleaded that the whole of it was impartible by custom, also from the nature of its tenure, because it had been granted to his remote ancestor with the title of Sena Saheb Subha on his appointment to high military office and had been inherited as impartible property attached to that office and title and liable by family usage to the rule of primogeniture; and because under the British grant it had been attached to the new title.

The Subordinate Judge decreed in favour of the appellant so far as concerned the lands in the district of Satara, which he held constituted the entire appanage of the appellant's title of Raja, but in favour of the respondent for partition of the other properties in question. He was of opinion that according to the original tenure, as well as to the terms of the new grant made by the British Government, those properties were both heritable and divisible. He said: "There is nothing in the foregoing history of the property and the family drawn out from the old records to indicate that the properties in the districts of Poona, Ahmednagar, and Sholapur were ever indivisible saranjams and descendible only to the eldest son of the last holder by rule of primogeniture. It is true that some of these villages have been referred to as jagirs in the old records alluded to above; but that fact per se is not sufficient to make them impartible, more especially as the British Government, in regranteeing them, has expressly made them not only heritable, but also divisible, inasmuch as in the resolution releasing this property the Government of India distinctly declared that all possessions are to be continued hereditarily to Janoji and his heirs without further inquiry. The resolution contemplates continuance to Janoji's heirs (mark the word heirs in plural) and not to the eldest son as the representative or the head of the family. The use of the plurals 'heirs' indicates that it was the intention of Government that these properties should descend to all the sons of Janoji, and the same intention was made clear even after the death of Janoji in Exh. 37." Dealing further with the contention that the estate was impartible before 1853, the Subordinate Judge considered that, as against the appellant's plea, weight should be attached to the following circumstances, namely, that the territories of the Nagpur State had been divided on three different occasions, and the conduct of the appellant in allowing a partition of the estate in other parts of India militated against his present plea. And as to the effect of the British grant the Subordinate Judge held that the property in the Poona, Ahmednagar, and Sholapur

districts in question in the suit did not form part of the appanage of the Raja Bahadur of Deur.

The High Court held the construction of the earlier documents that the villages in question were held before 1853 as jagirs, and were therefore impartible, and further held that the decision of the Judicial Committee in *Culabdas Jugjivandas v. Collector of Surat*<sup>1</sup> and other authorities established a presumption that being jagirs they were not hereditary holdings. "We do not think", they added, "that the circumstance that the grant was generally or even usually continued to the senior living male of the family is of itself adequate to rebut the presumption." On the other hand they considered that since the regrant of 1861 the villages were clearly hereditary. They further held that, as to such of the holdings as constituted under the regrant "an appanage of the Rajaship", it was clear that they remained impartible as before and descended as such by the rule of primogeniture. But as to the Poona, Sholapur, and Ahmednagar grants the High Court agreed with the Subordinate Judge that they were part of the general family property and as such liable to partition among the coparceners. They were not included in the special saranjam assigned by the Government as an appanage of the title, but on the regrant were made heritable and lost their character of impartibility.

Kenworthy Brown, Lowndes, and G. P. Dick, for the appellant, contended that the Bombay estate the subject of appeal was proved to be impartible by custom and also by reason of the nature of its tenure. The revenue records in evidence classify all the villages in the Bombay estate as saranjams, which expression is merely the equivalent of jagir and connotes impartibility. Various official documents in evidence refer to the whole Bombay estate as the impartible appanage of the Deur title. There was no presumption under the circumstances that the villages were not heritable up to 1853 as being jagir when Raghoji III. died. *Gulabdas Jugjivandas v. Collector of Surat*<sup>1</sup> was referred to and, it was contended, did not govern this case. On the evidence the Subordinate Judge was right in holding that the estates in question were heritable up to 1853 and the High Court was right in holding that they were impartible. They were also shown to be by custom subject to the rule primogeniture. They did not become the partible lands of the appellant's family by virtue of the terms of the regrant by the British Government in 1861. The lands were held after the regrant on the same tenure as previously thereto, subject to the same incidents, and were so treated both by grantor and grantee. It was not shown to have been the intention of the regrant that they should become partible, but there was evidence that they continued to constitute the appanage of the Raja. Reference was made to *Krishnarav Ganesh v. Rangrav*<sup>2</sup>; *Beer Pertab Sahee v. Rajender Pertab Sahee*<sup>3</sup>; *Mutta Vadagandha Tevar v. Dorasinga Tevar*<sup>4</sup> the Inam Commissioners Act (XI. of 1852) and rr. 3 and 6 made under that Act; and *Sultan Sani v. Ajmodin*<sup>5</sup>.

De Gruyter, K. C., Ross, and G. K. Gadgil, for the respondent, con-

<sup>1</sup> (1878) L.R. 6 Ind. Ap. 54; I.L.R. 3 Bomb. 186.

<sup>2</sup> (1867) 4 Bomb. H. C. A.C.J. 1, 7, 9.

<sup>3</sup> (1867) 12 Moo. Ind. Ap. 1, 35.

<sup>4</sup> (1881) L.R. 8. Ind. Ap. 99.

<sup>5</sup> (1892) L.R. 20 Ind. Ap. 50, 51, 52.

tended that there had been concurrent findings of fact that the Bombay estate under appeal was partible and not impartible property. The sanad of 1861 read with the list drawn up by the Inam Commissioner in 1858 shews that it was the lands in the Satara district alone that were regranted as saranjam. The lands of Deur or attached to Deur as specified in the sanad meant lands within the district of Satara and did not extend beyond that district. Reference was made to Sultan Sani v. Ajmodin<sup>6</sup>; Aitchison's Treaties (1863 ed.), vol. iii, pp. 93 and 94; Inam Commissioners Act (XI, of 1852); Bombay Act II, of 1863; Vinayak Waman v. Gopal Hari<sup>7</sup>, shewing that grants on inam tenure by the Peishwa were considered to be liable to partition; Adrishappa v. Gurushidappa<sup>8</sup>; Nairne's Handbook of Revenue for the use of Revenue Officers, p. 490; Rules revised by the Government of Bombay in Bombay Gazette, May 19, 1898; Mutta Vadaganadha Tevar v. Dorasinga Tevar<sup>4</sup>; Gopal Hari v. Ramakant<sup>9</sup>; Krishnarav Ganesh v. Rangrav<sup>10</sup>; Ramchandra v. Venkatrao<sup>11</sup>; Ramkrishna Rao v. Nanaroo<sup>12</sup>; Gulabdas Jugjivandas v. Collector of Surat<sup>13</sup>; Baden Powell's Land System of British India, vol. iii, bk. iv. (ed. 1892), pp. 299, 303.

Kenworthy Brown in reply.

The judgment of their Lordships was delivered by Lord SHAW OF DUNFERMLINE. This appeal is made against a decree of the High Court of Justice at Bombay, dated November 14, 1907, which affirmed a decree of the Subordinate Court of Poona, dated December 7, 1904. The plaintiff (respondent) and the defendant (appellant) are brothers. The main object of the suit is contained in the first prayer of the plaint, and is to have it declared that the whole of the immovable and movable estate mentioned in the schedule annexed to the plaint belongs to these two brothers as equal owners thereof. The elder brother, the defendant appellant, is Raja of Deur, and the claim is resisted by him upon the ground that the various properties referred to had been succeeded to by him, under the law of primogeniture, as an appanage to the title of Raja conferred upon him by a sanad issued under the hand of the Governor General, Earl Canning, in the year 1861.

The properties are situated in the districts of Poona, Ahmednagar, Satara, and Sholapur, all in the Presidency of Bombay. They include five mouzahs or villages, together with various watans, hakks, and cash allowances, set forth in the schedule. It was a matter of agreement in the High Court that the main question in the case should be treated as one applicable to the villages or mouzahs, and that when the question of partibility or impartibility should be settled in regard to them, the remaining items in the schedule should follow that decision.

Of the mouzahs mentioned, that of Deur is situated in Satara. In the course of the proceedings it has been admitted that the property in the Satara district is an appanage of the title of Raja of Deur, is impartible, and is succeeded to along with the title and position of Raja accordingly,

<sup>1</sup> L.R. 20 Ind. Ap. 50, 57.

<sup>2</sup> (1903) L.R. 30 Ind. Ap. 77, 78, 79.

<sup>3</sup> (1880) L.R. 7 Ind. Ap. 162.

<sup>4</sup> (1896) I.L.R. 21 Bomb. 458, 460.

<sup>5</sup> 4 Bomb. H.C.A.C.J. 1.

<sup>6</sup> (1862) I.L.R. 6 Bomb. 598.

<sup>7</sup> (1903) 5 Bombay Law Reporter, 983.

<sup>8</sup> L.R. 6 Ind. Ap. 54.



that is to say, by the rule of primogeniture. It is submitted by the appellant that the same result should have followed with regard to the rest of the properties in dispute. The question in the case is whether that submission is correct.

The whole of the properties are, as stated, within the Bombay Presidency. This fact throws light upon the construction of many of the official minutes, despatches, entries, and others, referred to in the case, and appears to be one of cogency. It can hardly be denied that the language used in all these official documents for a period of about fifty years is at least *ex facie* language applicable to the possessions of the Raja in the Bombay Presidency as a whole.

Points of great historical interest are naturally suggested by a review of the pedigree put in by the parties. The records of the Bhonle family—the Rajas of Nagpur—are bound up during a long period of time with many stirring adventures and achievements in the course of the Maratha ascendancy and its decline. The position of the family was one of great note from the middle of the seventeenth and during the whole course of the eighteenth and the first half of the nineteenth centuries. The possessions of these Rajas were extensive, stretching throughout many portions of the Central Provinces, the North-West Provinces and Berar, as well as of the Bombay Presidency.

The last of the Rajas of Nagpur, Raghaji III., held the title, estates, and rights from the year 1817 till his death in 1853. The forfeiture of 1818 followed by the treaty and free gift of 1826 need not be referred to, the facts of ownership and possession being substantially as stated. He died without issue. He himself was an adoptive son of one Pursoji Bhonle, and with his death in these circumstances the Bhonle dynasty of Nagpur came to an end. It is an admission of parties that in that year the title of Raja of Nagpur lapsed and that the estates and rights of the deceased Raghaji III., fell to the British Government.

The widows of Raghaji, however, adopted Janoji in the year 1855. He survived till 1881, leaving behind him the two sons who are contestants in the present case.

During the Mutiny of 1857 a female member of the family, the Rani Baka Bai, appears to have powerfully and loyally assisted the British cause and to have rendered services worthy of official recognition. She was the widow of a former Raja of Nagpur, namely, Raghaji II., and she was anxious for the continuance in the family of the title of Raja and the attachment to it of such property as would mark and maintain its dignity. The Government of the day declined to restore the Nagpur title, but was willing to create—by sanad issuing from the Governor-General—a fresh Rajaship. The title pitched upon was derived from Deur, a small village in the Satara district of the Bombay Provinces. It is manifest from the official documents issued that it was one of the objects of the Government to make such a provision—in land and revenues accompanying the title—as, though small and unimportant if viewed relatively to the ancient Nagpur possessions, would still be sufficient to gratify, so far, the desire of Baka Bai, and to support in becoming dignity the newly created title.

<sup>1</sup> That Maharani Bakabai Saheh was loyal towards the noble Government and the good behaviour and loyalty of that family during the Mutiny has been moved and verified.

It is accordingly important to note what were the exact terms of the sanad under the hand of Earl Canning, Governor-General. It is dated October 10, 1861. The Subordinate Judge of Poona has closely examined it and the translations. As stated by the learned judge, it is written in Urdu, and its text is translated as follows, it being super-signed by Lord Canning and bearing the seal of the Government of India:—

“Sanad granted by His Excellency the Viceroy and the Governor-General of India in Council to Raja Janoji Bhonle Bahadur conferring upon him the title of Raja Bahadur of Deur.

“Whereas it has been proved and verified; in recognition thereof the title of Raja Bahadur of Deur together with the lands attached to Deur has been conferred upon and given on this auspicious occasion, to that Meherban himself and his heirs in succession whether begotten or adopted in perpetuity and the sanad thereof has been executed. It must be deemed incumbent that in return of this gift and kindness you will always remain loyal to the noble British Government and you will look upon this sanad (sic) a perfect one.”

The point of the case is, what meaning is to be given to the words “lands attached to Deur”? Are these lands limited to the village of Deur itself? Or do they extend to the possessions in the Satara district? Or do they cover the possessions as a whole which lay within the Presidency of Bombay?

Neither party to the case maintains that the grant should be confined to the lands in the village of Deur alone; and it is conceded by the respondent that other lands in the Satara district must be held to be included. This concession is perfectly reasonable, for otherwise the lands attached to Deur if confined to the village of Deur itself, would reduce the maintenance of the dignity of the Raja almost to a shadow.

But the mere inclusion of the Satara lands also reaches a very considerable total. These lands are worth over Rs. 3000 per annum. The villages, lands, and others in the whole of the Bombay Presidency, mentioned in the plaint, yield a total revenue of over Rs. 12,000, and it would appear from this that if all these lands were dealt with as lands which were attached to Deur by the sanad they would form, taken together, a fund for the maintenance of the dignity of the Raja which could not be said to be over ample. But if the lands attached to Deur are confined to those in the Satara district alone, then the result of such a construction of the sanad is to set up this Raja with an appanage of about Rs. 3000 per annum for the support of his dignity and title. Their Lordships are not surprised to learn that during all the years since the sanad, in many of which the Court of Wards have had possession, and in all of which the Government have had cognizance of the facts, no one apparently until the institution of this suit ever thought of maintaining that the possessions attached to the position of Raja were of the slender proportions described. Upon the contrary, they have throughout been dealt with as those within the Bombay Presidency at large.

As mentioned, the properties of the former Rajas were situated not only in the Bombay Presidency, in which their extent was very limited, but in the Central Provinces and Berar. A large donation or stipend of Rs. 120,000 per annum was enjoyed by the late Raja Janoji at the time of his death. After that event, in 1881, the Government of the day had to consider the question of the allowances to be made to his successors,

namely, his two sons. A pension amounting to Rs. 90,000 was fixed, and in the despatch of February 10, 1882, by the Assistant Secretary to the Chief Commissioner, the grounds are explained of the distribution of this pension. "The two sons", it is said, "will succeed to the landed property of the late Raja in the Central Provinces and Berar, and to the personalty in equal shares. This is in accordance with the Hindu law and Maratha custom. The elder son will succeed to the title of Raja of Deur and to the estate in the Bombay Presidency, which goes with that title. The value of this estate is, however, comparatively small, the bulk of the landed property of the late Raja being situated in the Central Provinces and Berar. There will not, therefore, be much difference in the private income of the two sons should they hereafter separate." This passage is quoted as an indication of the view which is repeatedly exhibited in the documents with regard to the attitude of the Government, from whom the grant by way of sanad proceeded. This interpretation was undoubtedly that the Raja of Deur should take the estates in the Bombay Presidency, which were comparatively small, as an appanage of the title; that these should accordingly follow the rule of primogeniture; whereas the larger and more important estates in the Central Provinces and Berar should be partible equally between the two sons.

Contemporanea expositio as a guide to the interpretation of documents is often accompanied with danger, and great care must be taken in its application. But in the present case their Lordships do not feel themselves able to reject the assistance which it affords. The sanad upon which these important rights are founded is a document of a general and informal character. It admittedly is capable of a variety of constructions. The extreme literal construction—its confinement to the single village of Deur—is adopted by neither party. And when the ambiguity covers the geographical and pecuniary extent of an admittedly ambiguous grant, their Lordships think it legitimate to observe what was the footing upon which the grantors, namely, the Government and its successors and officials, from the date of the grant and for a long period of time, proceeded.

It may be pointed out that since 1881, namely, since the death of Janoji, the question of partibility was, of course, practically and sharply raised, and the fact is that the whole of the income derived from the estates in the Bombay Presidency, amounting to about Rs. 12,000 per annum, has been uniformly treated as the exclusive income of the elder son, namely, the present appellant. This was done both while he and his brother were wards in the Court of Wards and at other times. That Court managed the possessions of the appellant until he came of age in 1893. Again in 1895 the Court of Wards re-entered, by request of the Raja, into possession and management for a time. In 1899 the younger brother came of age, the property in the Central Provinces and Berar was divided equally, and the Bombay estate was treated as impartible and continued with the Raja as an appanage of the title. In the opinion of their Lordships, this throughout was a correct course; and the present suit the object of which is to diverge from that course, is not in accordance, with the rights of parties.

In one view, what has been said might appear to be sufficient for the disposal of this case. But in the judgments of the learned judges of the Courts below, and in the arguments addressed to their Lordships, further considerations were urged as assisting towards a conclusion

and falling to be dealt with. There can be little doubt that the whole of the lands in issue were originally jagir lands, and the legal position of such property quoad succession, and the competency or incompetency of assisting the construction of the sanad of 1861 by such considerations, were much discussed. There are three points with reference to the position of property such as that now in suit which stand logically clear of each other, and with regard to which there has been a certain element of confusion. These three points are, first, was the land impartible? Secondly, did the law of hereditary succession apply to it? And thirdly, was it subject to the law of primogeniture?

The Subordinate Judge, after referring to the fact that some of the villages are referred to as jagirs in the old records, is of opinion that "that fact per se is not sufficient to make them impartible". If this be stated as a conclusion with regard to the jagir tenure in general, their Lordships cannot agree with it; but, upon the contrary, they are of opinion that the following statement in the judgment of the High Court is correct, namely, "The grants were manifestly grants in jagir of the ordinary character, that is to say, they were personal and not hereditary, and were resumable at pleasure. Being personal and temporary, they were necessarily impartible." This accurately distinguishes between partibility as such, and any consequence, whether in the direction of hereditary or primogenital succession, which may be supposed to flow from such a fact. The impartibility of jagir lands is in truth entirely separated from the idea of succession by the fact that the impartible lands were held together as a unit in the hands of one man who was rendering personal service to the Government of the day. It may be that upon his death a fresh grant, again to one man, and again in return for personal service, was made; and it may also be that the one man selected was in the ordinary case the eldest son; but these matters of practice were not consequences of law, and the impartibility and unity which attached to personal service were not related to, but, on the contrary, were distinct from, the idea of succession by force of law to the impartible lands.

It is at this point that the case appears to have been confused and encumbered by a plea put forward by the appellant to the effect that the lands in question were not only impartible and hereditary, but were, by custom, subject to the law of primogeniture. Once granted that the lands were jagir and impartible as such, a custom of the kind alleged was not a subject for proof, because such a custom would have been radically inconsistent with the personal and non-transmissive character of a grant in jagir. Their Lordships agree in holding with the Courts below that this case accordingly cannot be decided on the custom alleged.

All that remains on this issue, consequently, is the fact that prior to the regrant by Earl Canning the lands had been formerly jagir. But this term implied no grant of the soil, but a personal grant only of the revenue to the grantee. The Marathi equivalent to the term jagir, namely, *saranjam*, came in course of time to be applied to the lands; and no doubt it was also a fact in the history of the property that the senior living male of the family had in the ordinary case succeeded to it.

In those circumstances, it is interesting to observe what was the delivery order issued with reference to the lands which were the subject of the sanad. This forms a not unimportant item to that contemporanea expositio to which reference has been made. Much importance—and,

in their Lordships' opinion, too much importance—has been attached in the judgments of the Courts below to the distinction between the term inam and saranjam. The importance has reached this point, that the learned judges treat the lands of Satara referred to in one or two of the documents as saranjam, by way, as they apprehend, of distinction from the other lands which are treated as inam. In their Lordships' views, the terms are mutually exclusive in the sense indicated. The latter term, namely, inam, is one of mere generic significance, applicable to a Government grant as a whole. But in the next place it is a very striking fact in this case that in the initial delivery order now being referred to (as indeed in many of the subsequent documents) the rights in the Bombay Presidency are dealt with comprehensively and as covered, not by one name, but by all, or at least many, of the names applicable to land and revenue rights. In the Mamletdar's order, for instance, of March 19, 1862, applicable to the village of Mouje Devi Nimbgay, one of the properties in Ahmednagar, the matter is treated of in this way. The village "is a jagir to the Bhonles and as a village was placed under japti (attachment); the revenue of the same was received for being credited in Government records". Then follows the definite statement: "But the watan, inam, saranjam, hakks, &c... have been entered in the name of Janoji..." Therefore certain definite orders are given pursuant to the Government resolution, "directing the said village, watan, &c., to be delivered" into the charge of Janoji's managers. It would therefore accordingly appear that the term saranjam was not in point of fact confined to the lands of Satara. This ground of the judgments of the Courts below accordingly disappears.

A matter of much significance must now be dealt with. On the death of Janoji in 1881 the question of partibility or impartibility,—there being two sons of that Raja,—became matter for definite consideration and regulation. What light is thrown upon the case by the conduct at and after this juncture of the Government, including the Court of Wards, which was charged with the correct distribution of these two sons shares? Upon this head their Lordships do not conceal that they have viewed with some dissatisfaction the conduct of certain parts of the plaintiff's case. On May 6, 1882, an important letter was written by Mr. Lawrei, manager of the estates, to the Deputy Collector, "Satara, Sholapur, Ahmednagar, and Poona". That is to say, this letter was addressed to the persons acting as Collectors in reference to all the estates within the Bombay Presidency which were the subject of issue in this case. He forwards his appointment by the Deputy Commissioner of Nagpur as manager of the estate of the late Raja's minor sons: and then there follows his passage, or what was supposed to have been this passage, as the document was produced in the suit: "I have the honour to request you to be so good as to cause mutation of names to be made for all villages held by the late Raja in your collectorate in favour of his two sons, Raja Raghojeerao Bhonele (only for Satara) and Laxmanrao in equal shares with my name as manager." So stated, this document would appear to suggest that all the properties except that of Satara were partible; and this would have been an important adminicle of evidence to that effect. The document however, has a history. It is deposed to in the evidence of the plaintiff's own witness Abaji Belaji. Interlineations and remarkable alterations occur in the document, and the witness confesses, "I cannot say why and by whose order the words 'only for

Satara', 'two', the 's' added to the word 'son', and the words 'and Laxmanrao in equal shares with my name as manager' were written". As the document stands it suits the plaintiff's case; but it appears to be legitimate, and, indeed, proper and just, to read, the document without the doubtful and unexplained interlineations and alterations. So read, the letter is as follows: "I have the honour to request you to be so good as to cause mutation of names to be made for all villages held by the late Raja in your collectorate in favour of his son Raja Raghojeerao Bhonle." The letter is addressed to the Collector, not of Satara alone, but to the Collectors of Satara, Sholapur, Ahmednagar, and Poona, and it would read, accordingly appear to demonstrate that, at the important time when the administration of the deceased Raja Janoji's estate was taken up by Government, all the estates in the Bombay Presidency were treated, without exception, as an appanage to the title of Raja.

It is right that a further reference should be made to a cognate topic. It would rather seem that the learned judges of the Court below have been induced to treat as authentic various entries in the Collector's books which were not the entries as originally made, but were entries subject to "correction"; a correction made upon an ex parte application on behalf of the plaintiff. This application was preferred and apparently granted, behind the back of the defendant, and during the course of this present litigation. The date of the suit was August 22, 1900, and on August 5, 1901, a memorial was presented to the Governor in Council at Bombay with the statement: "This is forwarded to the Chief Secretary by letter of the 13th August, 1902." It is plain from a perusal of these documents that certain registers, including in particular the register of the Collector of Ahmednagar, together with certain despatches, had been the subject of investigation on behalf of the plaintiff, and that that investigation had revealed facts which were considered to be contrary to his interests. The application admits that in these documents the Collector of Ahmednagar had "been directed to treat the villages referred to in the petition as impartible saranjam". Then the letter proceeds: "The villages of Devi Nomgaon, Jat Deola, and Jalapur, in the Ahmednagar district, were up to 1864 regarded as inams and saranjams, and the desh mukhi and other hakks as wattans, as contradistinguished from saranjams. There was and is no room for asserting that they were ever treated as impartible saranjams held on political tenure." This remarkable document winds up thus: "In view of the facts and arguments above set forth, you will be pleased to issue orders to correct the Land Revenue Register by expunging that portion of it in which" the villages "are specified as political saranjams". The facts and arguments here referred to are simply those which have been urged in the present litigation. The one fact outstanding from the whole of these proceedings is that the argument now preferred, to the effect that the Satara property and that alone was treated as saranjam, while the other properties were throughout treated as inam, is contrary to what is admitted to have been the original entries in the books referred to. In these circumstances, it appears to their Lordships to be quite unsafe to place reliance upon a denomination of these lands dependent upon a "correction" which appears, or is alleged, to have been made while the case was sub judice, and upon an ex parte representation. Their Lordships think that the original state of the records before the so-called corrections were made was that alone to which a Court of law should have looked. This would at

least be the safe and ordinary rule, and there do not appear to be any facts in the present case to ground an exception to it. It is not for their Lordships to pronounce upon the procedure by which such "corrections" of official documents and records can be possible in those districts in circumstances such as are here disclosed.

Various difficulties are presented by reason of expressions which appear in despatches from those in authority in the Central Provinces. In those despatches language is used which would appear to signify that the lands attached to Deur in the Bombay Presidency were the Satara lands alone. The language is not clear, and it had reference to a matter lying beyond the jurisdiction of the writers.

Difficulties also arise with regard to the terminology employed in some of the entries in which *saranjam* is applied to Satara and *inam* to the other districts, whereas in others there appears to be an application of both terms to the same lands and in various districts.

Their Lordships, upon the whole, have had little difficulty in coming to the conclusion that too restricted an application has been made by the Courts below of the term "the lands attached to Deur". They think the expression extends to the whole scheduled lands in the Presidency of Bombay. They will humbly advise His Majesty that the judgments of the Courts below should be reversed, that the lands referred to in this suit are impartible, that they are attached as an appanage to the title of the Raja of Deur, and that the suit be dismissed with costs here and below.

The respondent will also pay the costs of a petition for further documents which was before the Board on February 24, 1911.

Solicitors for appellants: SPEECHLY, MUMFORD and CRAIG.

Solicitors for respondent: LATTEYS and HART.

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## Annex F. No. 35

DECISION IN SHEKH SULTAN SANI *v.* SHEKH AJMODIN  
BEFORE THE PRIVY COUNCIL, 1891

THE LAW REPORTS, INDIAN APPEALS, VOL. XX 1892-93

*Pages 50-69.*

SHEKH SULTAN SANI,

AND

SHEKH AJMODIN,

*Plaintiff;*

*Defendant.*

J. C. <sup>1</sup>  
1891  
June 18, 19.  
24, 25;  
July 1.  
1892  
Nov. 19.

AND THE REVIVED APPEAL.

ON APPEAL FROM THE THE GOVERNOR IN COUNCIL OF BOMBAY.

*Grants by Treaty-Saranjam and Inam Tenures—Political Tenure—Jurisdiction of Civil Tribunals.*

Held, with regard to both the saranjam and inam tenures in suit, that having been originally granted by treaty to be held on a political tenure, they had continued to be so held, with the result that they were resumable at the pleasure of the Government. Such right of resumption had been recognized by legislation (see Bombay Act. VII of 1863). It accordingly rested with the Government to regrant the same at its discretion on the death of their holder, and it was not within the competency of any legal tribunal to review its decision.

APPEAL with the permission of the Government of Bombay from a judgment of the Governor in Council, termed a resolution in the Political Department (25th of April, 1887), varying a decision of the Court of the Agent for Sardars in the Deccan at Poona (8th of June, 1886). The proceedings were held under Bombay Regulations on XXIX of 1927. The suit was brought to set aside the acts of the Bombay Government, which upon the death of Shekh Khan Mahomed, a sardar of the second class, had recognised as his successor the Respondent, and had placed him in possession of certain saranjams or jaghirs and inam lands held by Khan Mahomed up to his death. The Plaintiff claimed to be entitled to them as son and heir of the deceased, and also general devisee under his will. The fact of the will was undisputed.

The Agent for the Sardars held that the Plaintiff was the only son of Khan Mahomed, and as such was entitled to share in all his property in respect of which the Court was competent to pass any decree. As to the saranjams he considered that they were completely at the disposition of the Bombay Government, and that the Government would not be bound to respect any decree which he might pass. As to the other property he decreed to the Plaintiff that share to which he was entitled as

<sup>1</sup> Present: Lord Hobhouse, Lord Macnaghten, Lord Hannen, Sir Richard Couch, and Lord Shand.



only son by the Mohamedan law. On appeal the Governor in Council held that the Plaintiff was not the son of Khan Mahomed, and that as regards the larger part of the property claimed Khan Mahomed had, by virtue of certain proceedings of the Bombay Government, been deprived of any heritable or descendible estate. It was admitted, however, that the Plaintiff was the devisee of Khan Mahomed under his will, and effect was given to this will in his favour, to the extent permitted by Mahomedan law, in respect of all property of the testator which was not affected by the above-named proceedings of Government.

The material portion of the resolution of the Bombay Government was as follows:—

The great mass of the property which forms the subject of the suit was held by Khan Mahomed's ancestors under grants of old date, which merged into a regrant under the agreement concluded with Shekh Mira Waikar, dated the 3rd of July, 1820, which will be found at page 377 of the 4th vol. of Aitchison's Treaties. By this agreement the "Jaghirs & c." were restored to Shekh Mira, and the "Inam villages, watans, and other allowances" were continued to him. Upon Khan Mahomed's death, the Government, in accordance with the decision already referred to, resumed the jaghir or saranjam and after a while regranted it to the Defendant, Ajmodin. There is no doubt whatever that the Government had a perfect right to do this, and that its action cannot be questioned. It is settled law that the Government may resume jaghirs or saranjams whenever it pleases, and that the civil Court cannot question such action. Even therefore if the resumption of a saranjam were wholly unjustifiable, it would be none the less valid; but certainly no resumption could be more justifiable than one made as a punishment to the Saranjamdar for palming off upon Government a spurious son as his heir. This has hardly been disputed; and the argument at the Bar has been mainly directed to the question whether the resumption and regrant to Ajmodin of the inam, as distinguished from the saranjam can be upheld as an act legally within the competency of Government. Now, it certainly appears from the old Sanads that the inams were originally held on a somewhat different tenure from the saranjams. They seem to have been granted for maintenance and as a reward for past service, rather than on condition of future service. The same distinction may perhaps have been intended, though it is not very clear in the agreement of the 3rd of July, 1820. It is also evident that, after it had been determined to resume the saranjam Government did not for some time contemplate a resumption of the inam, but rather intended that all claims to the inam should be adjudicated on the usual course by the civil Court. But in 1876 Government finally determined to resume the inam, and regrant it to Ajmodin: and the question is, not whether this determination was consistent with the advice of all its officers, or with its own previous views and opinions, but whether its action was within the powers vested in it by law. Now, looking to the provisions of Sched. B, rule 10 of Act XI. of 1852 to sect. 1, clause 2, and sect. 16 of Bombay Act II, of 1863, and to sect. 2, clause 2, and sect. 32 of Bombay Act XVI. of 1863, it must, in the opinion of the Governor in Council, be held that Government has the power to resume on political considerations, any property which is held on political tenure; and that it is for Government to determine in every instance whether the tenure is political. This being so, the question is whether Government did, in 1876 resume the inams of the Waikar family

on the ground that they were held on political tenure. Now, the decision of Government is contained in its Resolution No. 6836, of the 6th of November, 1876, which in its preamble sets forth a memorandum of the alienation settlement officer, containing his opinion that "as Government have sanctioned the adoption" (i.e. of Ajmodin) "the whole estate, intact, saranjam and inam, as restored after the war under the treaty of 3rd of July, 1820, is continuable as a guaranteed estate to the adopted son as the head of the family, and should be entered in the accounts accordingly, the same as all other treaty estates of mixed saranjam and inam"; and then the resolution is passed in the following terms: "The suggestions of the alienation settlement officer are approved, and should be carried out." So that Government adopted the view of the alienation settlement officer, and that view clearly was that, under the terms of the treaty of 1820, and other similar treaties, a mixed estate of saranjam and inam is all held on the same political tenure, and ought to pass intact to the person whom Government may recognise as the head of the family. This view may have been right or wrong (and looking to the terms of the treaty of the 3rd of July, 1820, the Governor in Council would find it difficult to say that it was wrong); but, at any rate, as it was adopted by Government as the ground of its action, it does not appear open to any Court to dispute it.

The facts of the case and the proceedings are stated in the judgment of their Lordships.

Doyme, for the appellant, contended that the Agent for Sardars in the first instance was wrong in rejecting the claim relating to the saranjams, though right in his ruling as regards the inams and the other property. But the Government on appeal deprived him of everything except what it considered to be within the disposing power of Khan Mahomed. He contended, with regard to the saranjam properties, that they had been recognised and confirmed as hereditary estates of Shekh Mira by the Government of the East India Company in 1819 and 1820. Reference was made to the treaty of the 25th of September, 1819, Aitchison's Treaties, vol. 6, No. 2 arts. 1, 7, between the company and the Rajah of Satara; and to an agreement made with Shekh Mira II., dated the 3rd of July, 1820, *ibid.* vol. 6, p. 78. It was contended that thereafter the Government did not possess or retain any power to alter the right of succession to those properties according to the rule of primogeniture. As regards the resolution of the Government of the 5th of April, 1860, to the effect that, even if Khan Mahomed should leave a legitimate son, the saranjams will not be continued to him, it was contended that it and all subsequent proceedings of the Government in derogation of that son's right of succession were beyond the scope of the Government's authority and illegal. Reference was made to Ramchandra Mantri *v.* Venkatrao Mantri<sup>1</sup>, and Premshunkar Raghunathji *v.* Government of Bombay<sup>2</sup>. Saranjams no doubt, are resumable at the pleasure of the Government, unless the Government has by its own act made them hereditary: see *Dosibhai v. Ishwardas Jagjiwandas*<sup>3</sup>.

As regards the inam tenures and other private properties of Khan Mahomed which were not comprised in the resolution of the 5th of April, 1860, they, on his death, descended by law to his heir or heirs-at-law,

<sup>1</sup> Ind. L. R. 6 Bomb. 598.

<sup>2</sup> 8 Bomb. H. C. R. (A.C.J.) 195, 201.

<sup>3</sup> Law Rep. 18 Ind. Ap. 22.

and the Government could not by its resolution of 27th of March, 1874, recognising the Respondent as the head of the family, to whom the saranjam should be continued, affect the rights of those who were entitled to the inams by the ordinary law of inheritance. Reference was made to the Inam Act XI of 1852; Bombay Act II of 1863, sect. 2; Madhavrar Manohar *v.* Atmaram Kashar<sup>4</sup>. Reference was also made to a judgment on the evidence in the former case: Gujju Lal *v.* Futtehdal<sup>5</sup>, and to Naranji Bhikhabhai *v.* Dipa Umed<sup>6</sup>. Upon the question of legitimacy the evidence was sufficient to establish the Appellant's case, regard being had to the strength of the presumptions in its favour according to Mahomedan Law: see Ashrufood Dowla Ahmed Hossain Khan *v.* Hyder Hossein Khan<sup>7</sup>, Nawab Muhammed Azmut Ali Khan *c.* Mussumat Lalli Begum<sup>8</sup>.

Finalay, O.C., and Mayne, for the Respondent, contended that on the evidence the Appellate Court was right in holding that the Appellant had not made out his title as son and heir to Khan Mahomed. The law of inheritance applicable to this case is as laid down in Gulabdas Jagjiwandas *v.* Collector of Surat<sup>9</sup>, recognised in Dosibhai *v.* Ishwardas Jagjiwandas<sup>8</sup>. The Appellant's right, however, to both saranjams and inams depends, in the first instance, on the treaty of 3rd of July, 1820, which was of political character, is not subject to interpretation by the Civil Courts, but was within the exclusive interpretation of the executive authority. The Government recognise that treaty as conferring only a life tenure as to both saranjams and inams. The tenure of those was of a political character. The title was as Government grantee; and although the grantee's son succeeded at his death, the son's title was not by right of descent, but the Government selected him because of his descent. What the Government did, having conquered the territory, was to parcel out the tenures between the Rajah of Satara on the one side, and the jaghirdars on the other. To the latter their titles were guaranteed, and the rajah had his title to the raj subject to respecting the title of the jaghirdars. The result was that the jaghirs and the inams were to be enjoyed as before by holders whose title was personal and military in its origin. They obtained no more than life tenures. Saranjams, moreover, are by their own character, and by the law and customs of India, at the absolute disposal of the Government. The particular saranjams in this case are shewn to have been held on a political and not an hereditary tenure. The same principle applies to the inams, which both before and after the treaty of 1820 were held for life only; and the Court of Directors in the transaction of 1842 had no intention to alter the character of either the one or the other. Reference was made as to political tenures to Act. XI of 1852, and to sects. 10 and 11 of Sched. B; to Bombay Act II of 1863, Sects, 1, 16 (c); Act VII, of 1863, sect. 2 clause 3; sect. 32 (c). Doyne, replied.

The Judgment of their Lordship was delivered by Lord Hannen:—

The Plaintiff, Sultan Sani, claims to be the son of Shekh Khan Mahomed, who died on the 31st of December, 1872, and as such son to be

<sup>4</sup> Ind. L. R. 15 Bomb. 519.

<sup>5</sup> Ind. L. R. 6 Calc. 171.

<sup>6</sup> Ind. L. R. 3 Bomb. 3.

<sup>7</sup> 11 Moore's Ind. Ap. ca. 94.

<sup>8</sup> Law. Rep. 9 Ind. Ap. 8.

<sup>9</sup> Law. Rep. 6 Ind. Ap. 54.

entitled to certain properties alleged to have been held by Khan Mahomed by a tenure known as saranjam, and certain other properties alleged to have been held by a tenure known as inam. The nature of these tenures will be considered presently.

The Plaintiff also claimed the property as devised to him under the will of Khan Mahomed.

The suit was on in the Court of the Agent for Sardars, a tribunal created in 1827 (Bombay Regulation XXIX. of 1827) for the trial of suits against certain Deccan sardars, an appeal being given to the Governor in Council of Bombay and, from him to the Queen in Council.

In this suit the Plaintiff sought to recover possession from the Defendant Ajmodin (the predecessor of the present Respondents) of the saranjam and inam lands of which (as the Plaintiff alleged) the Defendant had been put into wrongful possession by the Bombay Government after the death of Khan Mahomed.

In answer to this suit it was contended by the Defendant that the Plaintiff was not the son of Khan Mahomed; and, secondly, that the tenure of the lands claimed was such that the Government was entitled on the death of Khan Mahomed to resume them and assign them to whom it pleased.

The title of the Plaintiff under the will of Khan Mahomed was not disputed as to the property of the testator over which the Government had not such a disposing power.

The Agent for Sardars held (the 8th of June, 1886) that the Plaintiff is the son of Khan Mahomed, but that the saranjams were completely at the disposal of the Government. As to the other lands, which he distinguished as inam, he held that the plaintiff was entitled under the Mahomedan law also recover as only son of the testator.

On appeal to the Governor in Council, His Excellency in Council held that the Plaintiff was not the son of Khan Mahomed, and that the Government had power not only to resume the saranjam, but also the so-called inam property, and to assign them to whom it pleased.

From this decision the present appeal is brought to Her Majesty in Council.

The Agent for Sardars and the Governor in Council have both held that the saranjam lands were of such a tenure that the Government was entitled to resume them and to regrant them to whom it pleased. Their Lordships propose to consider this question in the first instance.

"Saranjam" is stated in Wilson's Glossary to be an "assignment of lands or their revenue by the State for the support of troops."

"Mokasa", a word which will be found in several of the documents hereinafter referred to, appears to have a meaning nearly equivalent to that of saranjam. It is defined as "villages or lands, or a share in the rule over them and revenue arising from them, granted on condition of military service or in inam".

"Inami" is stated by Wilson to mean "grants of land held rent free, and in hereditary and perpetual occupation".

The history of the property to which this suit relates is as follows:—

In 1708, one Shekh Meeran (or Mira) was in the service of the Rajah of Satara. For assistance rendered to the rajah "he received the inam village of Pasarni, a pension of Rs. 1,800 monthly, and was raised to the rank of a commander of sixty horses, for the maintenance of which he held mokasa amals (meaning 'share of revenue') to the amount of

Rs. 40,000. The pension ceased with the first Shekh Meeran, and the mokasa has since fallen off to about Rs. 18,000, which with Pasarni, is still enjoyed for the performance of service to the Rajah of Satara with ten horsemen."

This is given on the authority of Lieutenant-Colonel Briggs, formerly resident at Satara. The date does not appear.

The property thus granted was situated in the districts of Satara, Poona, and Khandesh.

The earliest document relating to the property is of the date of 1709 A.D. This document is headed, "Body of horse under the control of the State", and it runs thus: "Body (of horse under) Shekh Mira; saranjam, total as in last year (as per) mandatory letters"; and it includes nine mokasa villages and the inam village of Pasarni.

The next documents dated 1715 A.D., and is also headed "Body of horse under the control of the State, Body (of horse) Shekh Mira", and is as follows: "the letter of command dated 18th moon Saval (regarding) the village of Pasarni, Samat Haveli, Prant Wai. A deed of inam was formerly given about the grant of this village as inam to the aforementioned person, together with all rights and cesses, the present and future taxes, and together with sardeshmukhi. The deed having been burnt, new deeds have been prepared and given."

In 1718 A.D. a document headed, "Saranjam for the Body of horse under the control of the State ... in the charge of Shekh Mira", includes and comprises "village of Pasarni, inam village," also "inam lands in Kasba Wai (called) Katban, the place of residence of the afore-named person, are granted in inam".

Katban appears to have been granted to Shekh Mira (date uncertain, 1715), "to him and his son, grandson, &c. from generation to generation".

The grant of Pasarni was confirmed in 1752 by the mother of the then Rajah of Satara to Shekh Kahn Mahomed, I., the son of Shekh Mira, in the same terms.

In a document described as the Peshwa's diary of 1763 A.D., it is recorded that "Mokasa villages, &c., have been continued by the Government from former times to Shekh Khan Mahomed in the service of Government. They are in the same manner confirmed."

Amongst the properties enumerated and "the whole village of Pasarni, Samat Haveli, Prant Wai, together with the deshmukhi and sardeshmukhi (rights) being inam."

In 1785 A.D., in the diary of the Peshwa, is registered: "the sanad for continuing the saranjam to Shekh Mira Waikar", i.e., Mira II., and the saranjam is thus described:— A saranjam (consisting) of amal (shares of revenue), of mahals, and of single villages, as also inam villages and lands, were continued from former times to Shekh Khan Mahomed Walad Shekh Mira, for the support of troops. He having died, the saranjam and inam villages and lands have as before been confirmed upon his son Shekh Mira, for the support of troops." Then follows an enumeration of the properties, which includes the mokasa lands and inam villages and lands, amongst these latter being the whole village of Pasarni, Samat Haveli, Prant Wai.

It is to be observed that this document clearly includes the inam villages and lands with the mokasa as parts of one saranjam for the support of troops.

When the power of the Peshwa was overthrown, Shekh Mira II was in possession of this saranjam. A portion of the conquered territory was placed under the Government of the Rajah of Satara, with whom a treaty was entered into on the 25th of September, 1819, by which it was provided that the Possessions of jaghirdars within the Rajah's territory were to be under the guarantee of the British Government, which engaged to secure the performance of the service due to the Rajah according to established custom.

Separate agreements were entered into with several jaghirdars, of whom Shekh Mira II. was one. The agreement with Shekh Mira II., which was made on the 3rd of July, 1820, thus commences:—"These jaghirs &c., were formerly held by you as a personal and military jaghire; but having come into the possession of British Government along with the rest of the country, they are now restored, in consideration of the antiquity and respectability of the family, to be held as formerly in personal and military jaghirs."

The 7th Article stipulates the "without orders from Government no extra troops are to be levied, and none assembled for the purpose of making war on any one. In matters of family disputes concerning relationship and such like, no appeal to arms can be permitted, but the case is to be represented to the Agent of the British Government, who will communicate with the Government of His Highness, and whatever decision is given must be reckoned binding."

This agreement does not specify the jaghirs to which it relates. The 5th Article is as follows:—"Whatever inam villages, watans, and other allowances have hitherto belonged to Shekh Mira Waikar within the territories of the British Government or of His Highness, shall be continued, and whatever items of revenue belonging to His Highness's Government may be within the jaghir, shall be continued to be paid."

There are no words in this agreement having reference to the descendants of Shekh Mira, and it distinctly states that the jaghirs are to be held "as formerly in personal and military jaghirs". This agreement must be regarded as the root of the title (whatever it may be), which was acquired by Shekh Mira II.

With regard to the expression contained in some of the sanads previously cited of the grant being to the person named, "his son, grandson, &c., from generation to generation" it has been observed by many writers of authority on this subject, that they do not, as might be supposed, impart a fixed hereditary tenure. Colonel Etheridge, in his preface to the narrative of the Bombay Inam Commission, quotes the language of Sir Thomas Munro, in a minute of the 15th of March, 1822, in which he states that the "terms in such documents (sanads) for ever, from generation to generation or in Hindu grants, while the sun and moon endure, are more forms of expression, and were never supposed, either by the donor or receiver, to convey the durability which they imply, or any beyond the will of the sovereign"; and in a subsequent minute of the 16th of January, 1823, Sir Thomas Munro shews that while the seizure of private property by the native princes would have been considered unjust by the country, jaghir grants were not regarded by the people in the light of private property (Etheridge, p. 14).

Their Lordships entertain no doubt that the engagements entered into by the English Government with the Rajah of Satara and with the several jaghirdars, did not impart any greater fixity of tenure than had been

previously enjoyed by those jaghirdars under the native rulers, and that their jaghirs were liable to resumption at the will of the Government, although from reasons of political expediency the English authorities would not be disposed to add to the disturbance and confusion attending a conquest, by dispossessing the holders of property to any greater extent than was necessary for safety.

Thus, on the death of Shekh Mira II., in 1827, the saranjam which he had enjoyed was continued to his son Shekh Khan Mahomed II., but the character of his tenure was distinctly stated in the document by which possession was given to him: "Your father Shekh Mira Waikar died this year, and the saranjam in his possession was thereupon placed under attachment by Government. A petition having now been submitted by you, it has been decided to continue the saranjam to you as before, for service to be rendered by you. The attachment has therefore been removed, and ... this sanad has been issued to you. The amount which is always paid from the Government treasury on account of the mokasa, which forms part of the saranjam shall therefore continue to be paid to you. As regards the alienated lands, you should take them back in your possession and enjoy them in accordance with past usage, and in accordance with the agreement passed by you to Government you must continue to honestly and faithfully perform the service."

This last clause apparently relates to lands which had been alienated by Shekh Mira II, but which, as the Government pointed out, he had no right to do.

There were the terms on which Shekh Khan Mahomed II. acquired the position of jaghirdar under the Rajah of Satara. He accepted that position as the gift of the British Government, which had decided to continue the saranjam to him. In this document there is no reference to the descendants of Khan Mahomed, and the grant is made for service to be rendered by him, and is in its terms personal. One of the questions to be determined in this case is whether, on the death of Khan Mahomed, the Government had or had not the same power of deciding to whom it would grant this saranjam, which it had exercised on the death of the previous holder in favour of Khan Mahomed. In making that grant the Government was, no doubt, influenced by the fact that Khan Mahomed was the son of the previous jaghirdar, and that it was politically expedient to continue the possession of the saranjam in the same family, but there is nothing to shew that the Government recognised any right of succession in the son; the language of the grants in the cases both of Shekh Mira II. and Shekh Khan Mahomed II., points in the opposite direction. The practice of re-granting jaghirs to the sons of preceding jaghirdars naturally had the effect of leading sons to expect to succeed their fathers, and when this practice was long continued in one family, the original character of the holding became obscured. This process has been commented on by many writers on the subject in India. In the Hon. Mauntstuart Elphinstone's *History of India*, it is said (5th edition, p. 82): "Notwithstanding all these precautions, the usual consequences of such grants (jaghir) did not fail to appear. The lands had from the first a tendency to become hereditary, and the control of the Government always grew weaker in proportion to the time that had elapsed from the first assignment. The original principle of the grant, however, was never lost sight of, and the necessity of observing its conditions was never denied." In the present instance, there was but the one re-grant to

Khan Mahomed since the original grant to Shekh Mira, and in the regrant the character of the holding as saranjam (or jaghir) derived from the decision of the Government in the applicant's favour was expressly stated.

In 1834 an inquiry arose as to the tenure of certain jaghirs in Khandesh, and as to that of Shekh Mira. Mr. Warden, the Deputy Agent, writing to Mr. Saville Marriott on the 3rd of January, 1834, says: "Shik Meera Waeekar was a Satara feudatory chief, serving the Raja with a few horse, and holding a saranjam for his life in Khandesh. I have referred to his sunnud or title deed, and find that his estate was clearly a life grant, the customary provision for the continuance of it by inheritance to be found in the sunnads of all hereditary saranjamdars, being omitted, and the usual form of life grants adopted."

What document Mr. Warden refers to does not appear; possibly it was the sanad of 1785.

In the course of the inquiry arising out of Mr. Warden's report, Mr. Elphinstone, who had been engaged in the settlement of the Deccan in 1818-19, was referred to by the Court of Directors for his advice, and he, in the year 1838, recommended that all jaghirs "granted by the Mogul Emperor or the Rajahs of Satara should be hereditary in the fullest sense of the word", and with regard to Shekh Mira, he stated that his impression was that Shekh Mira's ancestor commanded a Mogul fort at the time of the first conquest by the Mahrathas, and surrendered on terms, one of which was the receipt of an hereditary jaghir. If this be so "we can have no right to resume his lands unless we can annul the agreements of former Governments"; and he added that a reference to his secretary's list of jaghirdars, prepared in 1818-19, would settle the question.

Upon reference to this list (transmitted the 25th of October, 1819, which is headed, "Mr. Elphinstone's list of saranjams") Shekh Mira's name appears. He is there stated to belong to the class of sirdars, or great chiefs. It is stated that he made his submission the 28th of March, having left the Peshwa at least a month before; that he is an old jaghirdar of the Shohoo Rajah, and under the heading "Decision" is written: "To have all his jaghirs except those in the Nizam's country on account of his early submission and ancient family." And under the heading, "For what period recommended", is written, "Hereditary".

It has been seen, however, that this recommendation was not acted upon at the time, and that the grant which was in fact made to Shekh Mira did not contain any language importing that the grant was of an hereditary jaghir.

In consequence of the advice of Mr. Elphinstone, the Court of Directors, in a Despatch of the 26th of October, 1842, directed that all jaghirs in "Class" I. of Mr. Mill's list which bears date anterior to 1751, be as Mr. Elphinstone recommends, hereditary in the fullest sense of the word, together with those of which the dates are unknown, but which are known to be ancient. The latter class, though small, includes the three resumed jaghirs of Shekh Meera, Sumsher Bahadur, and Eshwant, Rao Dabhary. The first of these, already restored to the son of the last holder, but for life only, "must be considered hereditary".

It is to be observed with regard to this direction that it recognises that the jaghirs of Shekh Mira have been restored to the son of the last holder (that is, to Shekh Khan Mahomed II., son of Shekh Mira II.),



but for life only, and that the time for taking any action with reference to the succession would not arise in the ordinary course of things until the death of Khan Mahomed. No fresh grant was made to Khan Mahomed, and his rights must depend upon the grant which had in fact been made to him on the death of his father. It remained for the Government, when the necessity should arise, to determine to whom it should regrant, or in whom it should recognise a right of succession to the jaghirs then possessed by Khan Mahomed.

This was the state of things down to 1857, when one Shaikh Sultan Inamdar presented a petition to the Assistant Inam Commissioner. At Satara complaining that, although he and others shared in the inams held by the family of Khan Mahomed, their names were purposely omitted by him (Khan Mahomed) in a genealogical table, which he produced before the Mamletdar of Wai in a certain inquiry affecting those shares, while a son of one Manik Dewtia was mentioned in it as his (Khan Mahomed's) son.

This petition was forwarded to the Magistrate of Satara who directed an inquiry into the charge thus made against Khan Mahomed of putting forward the child of another man as his own.

This inquiry was conducted by the first Assistant Magistrate Lieutenant Sandford (afterwards Sir Herbert Sandford), whom the Governor in Council describes as a magistrate of great experience and intimate knowledge of the people and politics of Satara. With him was associated in the inquiry Gopalrao Hurry, of whom the Governor says that he was an officer held in high estimation, who was afterwards raised to several important judicial posts.

This inquiry appears to have been a preliminary investigation with a view to considering the expediency of instituting criminal proceedings against Khan Mahomed, and those supposed to have assisted him in putting forward a supposititious child as his own.

This inquiry was conducted in a judicial manner, the witnesses were examined on oath, and Khan Mahomed was offered the opportunity of cross-examining the witnesses who deposed against him, and he produced many witnesses in his defence.

In the result Lieutenant Sandford and Gopalrao Hurry concurred in reporting that the charge had been established, and that the child put forward by Khan Mahomed as his son, namely, the present Plaintiff, was not his child, but the child of Manik.

The report of Lieutenant Sandford and the evidence taken by him were transmitted by the Magistrate of Satara to Mr. Ellis, described as the Acting Revenue Commissioner for Alienations, and were by him forwarded to the Government at Bombay.

Mr. Ellis concurred in the view of Lieutenant Sandford, and he deprecated putting Khan Mahomed, and the others concerned on their trial, and for reasons which he gave, he did not recommend the confiscation of his saranjam, but suggested that the name of Khan Mahomed be struck off the list of sirdars, and that he be deprived of all the honorary privileges enjoyed by persons of his rank, the only exception in his favour being the retention of the arrangement then in force, whereby a portion of his saranjam was assigned to his creditors, and the balance allowed to him for subsistence.

In a subsequent letter of Mr. Ellis to the Secretary to Government, dated the 16th of April, 1858, he suggested that the Government should

declare that even if Khan Mahomed "should leave a legitimate son, the saranjam will not be continued to him".

This recommendation was ultimately, on the 5th of April, 1860, adopted by the Government, and communicated in a letter of that date to the Revenue Commissioner for Alienation, Captain T. A. Cowper.

This resolution was communicated to Khan Mohamed, who thereupon, on the 22nd of October, 1860, petitioned the Governor in Council to review the proceeding.

The petition was referred to Mr. Inverarity, the Collector at Satara, who on the 21st of March, 1861, reported that he was not of opinion that Khan Mahomed had succeeded in shaking the validity of the evidence which had been brought forward, and that he did not recommend that a fresh inquiry be granted.

And on the 8th of April, 1861, Mr. Forbes, the Acting Secretary to the Government, informed Mr. Inverarity that, on a review of all the circumstances of this case, His Excellency the Governor in Council was of opinion that no reasons had been advanced by Khan Mahomed which would justify the grant of a fresh inquiry, and that the decision which he appealed against must therefore, be regarded as final.

Communication to this effect was directed to be made to Khan Mahomed.

In 1863, Khan Mahomed again appealed to the Governor in Council, and his memorial was referred to the Duke of Argyll, Secretary of State for India in Council, who, on the 26th of October, 1871, declined to reopen the case.

Khan Mahomed died on the 31st of December, 1872. It then became necessary to determine to whom his saranjam should be granted. Amongst the candidates was Shekh Ajmodin, the present Respondent, a descendant of Shekh Abdul Khan, the half-brother of Shekh Mahomed II.

This led to a resolution of the Government, dated the 23rd of October, 1873, "That the Agent for Sirdars should be requested to investigate judicially, and after due notice to all parties concerned, whether Shekh Ajmodin is under Mahomedan law the legitimate successor to the headship of the family, either by adoption or descent."

Baron Larpent, the Agent for Satara, in pursuance of the resolution of the 23rd of October, 1873, proceeded to investigate judicially the questions referred to him after due notice to all parties concerned. Amongst the parties who appeared before him were Sultan Khan Sani, claiming to be the son of Khan Mahomed.

On the 28th of November, 1873, Baron Larpent made his report. The important passages are as follows: "The fourth issue remains for decisions viz., Is Ajmodin, under Mahomedan law, the legitimate successor to the headship of the family of Sahik Khan Mahomed? I think that there can be no doubt he is not. As I have already said, Shekh Khan Mahomed left a daughter, and she has sons, and these sons are nearer the head of the family than the son of a daughter of Shekh Abdul Kadar. The decision as to who should be recognised by Government as head of this family does not, in my opinion, rest on a consideration of who may be the next of kin to Shekh Khan Mahomed under Mahomedan law. Government appears to me to have decided in their letter, No. 1497 of the 5th April, 1860, that Shekh Khan Mahomed's branch should forfeit all right to succeed to the estate. Paragraph 6 is as follows: 'Shaik Khan Mahomed will not probably have another son of his own loins, but the Right

Honourable the Governor in Council concurs with Mr. Ellis in considering that the Waikar should be told that even if he have a son, that son will not be allowed to succeed... The forfeiture was imposed on account of the fraud practised by Shekh Khan Mahomed. His name also was struck off the list of sirdars, and although subsequently the name was re-entered, for certain reasons the order of forfeiture was not rescinded. It appears to me, therefore, that any property, the succession to which Government has the power to regulate, should go to Shekh Abdul Kadaris heir, Ajmodin, both on the grounds of the former decision, and because of the great wrongs which Khan Mahomed inflicted on his brother."

On the 27th of March, 1874, the Government confirmed Baron Larpent's report in the following terms:—

"Resolution.—The proceedings of the Agent for Sirdars are approved, and for the reasons given by Baron Larpent, Shekh Ajmodin should be recognised as the head of family, to whom the saranjam should be continued. To avoid disputes the allowances for maintenance of the widows of the deceased Shekh Khan Mahomed, and Shekh Abdul Kadar, and of any others who have a claim for maintenance on the estate, should be settled by order of Government after receiving the recommendation of the Agent.

"The allowances now paid to Shekh Rakmodeen and to Rahimanbee, under Government letter, No. 1293, of the 28th of March, 1861, should be continued."

And on the 18th of June, 1874, Lord Salisbury, as Secretary of State in Council, expressed the Government approval of the above resolution in these terms:—

"In reply to the letter of Your Excellency's Government in this department, No. 17, of the 4th of May, 1874, in which you report the death of Khan Mahomed Waikar, and the nomination by you of his kinsman Ajmodin, a lineal descendant of the first British grantee, as the head of the family, to whom the saranjam should be continued, I have to inform you that I see no objection to this arrangement. Shekh Khan Mahomed's fraud in endeavouring to obtain the succession of a supposititious child having been punished by the exclusion of his own progeny from the succession, Her Majesty's Government can only express their hope that the branch of the family now installed may prove itself worthy of your selection."

In pursuance of these resolutions the whole of the jaghir and inam incomes were made over to Shekh Ajmodin, and the Agent, and the administrators of the estate which had been taken into the hands of the Government, called on all persons to acknowledge him as owner. On the 6th of October, 1876, Colonel Etheridge, the Alienation Settlement Officer, reported as follows:—

"He (Colonel Etheridge) is of opinion that as Government have sanctioned the adoption, the whole estate intact, saranjam and inam as restored after the war, under the treaty of the 3rd of July, 1820, is continuable as a guaranteed estate to the adopted son (Ajmodin) as the head of the family and should be entered in the accounts accordingly, the same as all other treaty estate of saranjam and inam."

On the 6th of November, 1876, Colonel Etheridge's report was confirmed by the Government in the following Resolution:—

"The suggestions of the Alienation settlement Officer are approved, and should be carried out."

Thus it appears that the Government, on the death of Khan Mahomed, resumed the saranjam held by him, and re-granted it to Ajmodin, on the ground that the Government has the right to resume jaghirs. It is not to be supposed that this right would be exercised capriciously, but assuming it to exist, it would not be competent for any Court to review this decision of the Government on the ground that the reasons upon which it proceeded were erroneous. This Board, therefore, does not feel called upon to express any opinion upon the question whether the spurious birth of Sultan Sani has been established. Their Lordships, however see no reason to doubt that the inquiry by Lieutenant Sandford was conducted in a judicial manner, and that full opportunity was given to the accused to cross-examine the witnesses called against him, and to call witnesses in his favour. The good faith of Lieutenant Sandford and his coadjutor, Gopalrao Hurry, has not been called in question, and the various persons whose duty it has been to consider the findings of those officials have arrived at the conclusion that there was no ground to set aside those findings. Their Lordships are of opinion that the question to whom a saranjam or jaghir shall be granted upon the death of its holder is one which belongs exclusively to the Government, to be determined upon political considerations, and that it is not within the competency of any legal tribunal to review the decision which the Government may pronounce. This principle is clearly expressed, not for the first time, in Bombay Act VII, of 1863, sect. 2, clause 3, and is recognised in cases where the question has been raised.

Thus far as to the saranjams claimed by the Appellant. It has been contended that a different question arises with regard to the inams. Their Lordships, however, are of opinion that no distinction can be drawn between the inam and the other property in question. As has been pointed out, the sanads of 1785 included the inam villages and lands with the mokasa as parts of one saranjam for the support of troops. The effect of the treaty of the 3rd of July, 1820, was to continue to Shekh Mira the whole of the property, including the inam as a personal and military jaghir. This was done by the Government on political considerations, and the tenure thereby created was political. This was the view taken by the Government in 1876, when it adopted the report of the Alienation Settlement Officer, that "the whole estate intact, saranjam and inam, as restored after the war under the treaty of the 3rd of July, 1820, is continuable as a guaranteed estate to the adopted son" (Ajmodin) "as the head of the family".

Their Lordships, therefore, concur in the opinion expressed by the Governor in Council that a mixed estate of saranjam and inam was granted by the treaty of July, 1820, to be held on the same political tenure, and passed intact to the person whom the Government might recognise as the head of the family, and that it is not competent for any court of law to dispute it.

In this view of the case it is unnecessary to consider the various other questions which have been discussed on the argument of this appeal.

Their Lordships will humbly report to Her Majesty that the decision of the Governor in Council be affirmed. The Appellant must pay the costs of the appeal.

Solicitors for Appellant: BLOUNT, LYNCH, & PETRE.

Solicitors for Respondent: BURTON, YEATES, HART, & BURTON.

## Annex F. No. 36

DECISION IN THE BARODA SARANJAM CASE, BEFORE THE  
HIGH COURT OF BOMBAY, 1928

INDIAN LAW REPORTS

BOMBAY SERIES, VOLUME LIII, 1929

APPELLATE CIVIL

*Before Sir Charles Fawcett, Kt., Acting Chief Justice, and Mr. Justice  
Murphy*

1928  
July 16

SHRIMANT SAYAJI MAHARAJ GAIKWAR OF BARODA REPRESENTED BY THE SAR SUBHA OF THE BARODA STATE (ORIGINAL DEFENDANT No. 1), APPELLANT *v.* MADHAVRAO RAGUNATHRAO DHAVALA AND OTHERS (ORIGINAL PLAINTIFF AND DEFENDANTS Nos. 2 TO 7), RESPONDENTS <sup>1</sup>.

*Saranjam—Grant whether Inam or Saranjam—Jurisdiction of Civil Courts—Saranjam grant of Royal share of revenue—Grant by Saranjamdar of soil together with mirasi rights therein—Resumption and regrant of Saranjam by British Government—Resumption operative on mirasi rights—Grantee takes the estate free from alienations by previous holders—Alienation of mirasi rights by the Saranjamdar in favour of stranger—Evidence of resumption—Indian Evidence Act (I of 1872), section 91—Civil Procedure Code (Act V of 1908), section 86—Indian Limitation Act (IX of 1908), sections 3, 13, and Article 142—Deduction of time taken up in obtaining certificate to sue from Government of India—Residence out of British India—Exclusion of time.*

In the year 1728, Shahu Maharaj, the Raja of Satara, granted a village in British India to Pillaji Gaikwar under a Sanad under which the village was to be continued as Inam to Pillaji's family from generation to generation. The grant was of the royal share of the revenue. In 1863 the then Maharaja Khanderao Gaikwar granted the village to L; this grant was in terms a grant of the soil including the mirasi rights in the lands in suit. On L's death in 1879, he was succeeded by his son and grandson, M and R respectively. R left two widows; C being the senior widow, her name was entered as occupant of the lands, whereupon the Baroda State contested the entry and succeeded in 1904 in getting it removed and the name of the Gaikwar entered instead. In October 1905, C adopted the plaintiff. The Baroda State succeeded in recovering possession of the suit lands in 1906-07. On July 25, 1916, the plaintiff applied under section 86 of the Civil Procedure Code to the Government of India for permission to file a suit against the Gaikwar in connection with these lands and got the permission on November 15, 1920. He filed the present suit on June 2, 1922, to recover possession of the lands in suit. The trial Court decreed the plaintiff's claim. Defendant No. 1 appealed to the High Court:—

<sup>1</sup> Appeal No. 244 of 1925 from the original decree passed by V. C. Sane, Joint First Class Subordinate at Poona, in Suit No. 593 of 1922.

*Held*, (1) that the grant to the Gaikwar was one of Saranjam subject to the restrictions that apply to the grant of that nature and that the mere use of expressions such as grant of land "for ever" or from "generation to generation" in the grant did not prevent the grant being one of Saranjam, nor was the use of "Inam" instead of "Saranjam" in the grant conclusive;

(2) that primarily it is for the Government to decide in any particular case whether a political tenure such as Saranjam exists as enacted in Bombay Act II of 1863, section 16, and Bombay Act VII of 1863, section 32, and that the Civil Court cannot interfere with that decision;

*Ramchandra v. Venkatrao*<sup>1</sup> and *Shekh Sultan Sani v. Shekh Ajmodin*<sup>2</sup>, followed:

(3) that the grant by Khanderao Gaikwar in 1862 being a grant of the soil which covered the mirasi rights in the lands in suit, the Government would be entitled to resume these rights as part of the Saranjam estate:

*Secretary of State for India v. Girjabai*<sup>3</sup>, followed:

(4) that the alienation of the mirasi rights in the lands in suit was not valid and binding on any successor of the then Saranjamdar inasmuch as it was an alienation to a stranger which conferred no benefit on the Saranjam estate and was not acquiesced in by the holder:

*Madhavrao Hariharrao v. Anusuyabai*<sup>4</sup>, *Sakharam v. Trimbakrao*<sup>5</sup> and *Madhavrao Raste v. Inam*<sup>6</sup>, referred to;

(5) that the act of resumption was not a matter which was required by the law in force in British India to be reduced to writing under section 91 of the Indian Evidence Act, nor was there any law in the Baroda State where resumption was made, requiring the act of resumption to be reduced to writing;

(6) that the plaintiff was not entitled to deduct the time spent in obtaining a certificate under section 86 of the Civil Procedure Code to file a suit against the Gaikwar in view of the express provisions of section 3 of the Indian Limitation Act:

*Rupchand Makundas v. Mukunda Mahadev*<sup>7</sup>, distinguished, and *Domun v. Shubul Koolall*<sup>8</sup>, *Deutsch Asiatische Bank v. Hira Lall Bardhan & Sons*<sup>9</sup>, referred to;

(7) that section 13 of the Indian Limitation Act must be read consistently with sections 85, 86 and 87 of the Civil Procedure Code so far as a Sovereign Prince or a Ruling Chief is concerned: such a Prince or Ruling Chief can be held to reside in British India within the meaning of that section, in so far as he actually carries on his business through his representatives in British India:

<sup>1</sup> (1882) 6 Bom. 598 at p. 610.

<sup>2</sup> (1892) 17 Bom. 431 at p. 456.

<sup>3</sup> (1927) L. R. 54 I.A. 359.

<sup>4</sup> (1916) 40 Bom. 606.

<sup>5</sup> (1920) 23 Bom. L. R. 314.

<sup>6</sup> (1925) 50 Bom. 195.

<sup>7</sup> (1914) 38 Bom. 656.

<sup>8</sup> (1868) 10 W. R. 253.

<sup>9</sup> (1918) 46 Cal. 526.

*Atul Kristo Bose v. Lyon & Co.*<sup>1</sup> and *Poorno Chunder Ghose v. Sassoon*<sup>2</sup>, not followed in regard to the case of a Sovereign Prince or Ruling Chief;

(8) that the suit was barred under Article 142 of the Indian Limitation Act, in view of the fact that the suit was filed more than 12 years after dispossession.

This was an appeal from the decision of V. G. Sane, Joint First Class Subordinate Judge of Poona, in Suit No. 593 of 1922—Suit to recover possession with mesne profits.

The village of Davdi in the Poona District was in the year 1728 A.D. conferred by Shahu Maharaj, the Raja of Satara, upon the then Gaikwar Pallaji under a Sanad, Exhibit 180, which was worded as follows:—

“New Inam has been granted to Pillaji bin Gaikwar who is under the control of Rajeshri Khanderao Dabhade Senapati. Because he is a devoted servant of Swami (King), it is considered necessary to support him and the King has been pleased with him and has granted a new Inam of below-mentioned village to be enjoyed in lineal succession from generation to generation:—

1 Mouje Davdi Tarf Chakan together with Kul Bab and Kul Kanu exclusive of Hakdars and Inamdars.

\* \* \* \* \*

It was a grant of the royal share of the revenue. The lands in suit, viz., Survey Nos. 1, 2, 3, 81, 89, 100, 101, 340, 343, 368 and 369 situate in the said village of Davdi were in the possession and enjoyment of the Gaikwar family from about 1834 to 1854.

In 1862 the then Gaikwar Khanderao made a grant of the village Davdi to Limbaji, the ancestor of the plaintiff, in the following terms:—

“Knowing that you have been devotedly serving the State, the Sarkar has graciously conferred upon you the village of Davdee Taraff Chakan, Zilla Poona, which is held by the State as a hereditary grant × (torn) × together with rates and taxes (torn) rights of Patilship, four boundaries being defined, exclusive of share and grant holders and inclusive of water, grass, herbs, wood and trees, stone quarries, mines and buried treasure has been granted to you in perpetuity and without condition enjoying this grant according to the prevailing system from generation to generation continue to serve the State loyally, faithfully and obediently. The English Government will be addressed regarding the carrying out of the grant of the village to you.”

The grant is a grant of the soil and is so worded as to show that whatever rights the Gaikwar family had in the village Davdi were assigned to the plaintiff's family, including the mirasi rights in the lands in suit, enjoyed by the Gaikwar family from 1834 to 1854.

Limbaji died in 1879. On Limbaji's death the Dewan of Baroda passed orders as per Exhibit 155 to the effect that the village of Davdi should be continued to the son for life and until further orders. He was succeeded by his son Madhavrao who held the lands in dispute till his death.

<sup>1</sup> (1887) 14 Cal. 457.

<sup>2</sup> (1898) 25 Cal. 496.

Madhavrao's son Raghunathrao was also the occupant of these lands till 1902 when he died leaving two widows Chandrabai and Sitabai. Chandrabai being the senior widow, her name was entered by the Collector as the occupant of these lands. The Baroda State contested this entry and succeeded in 1904 in getting it removed and the name of the Gaikwar entered instead. In that year the Bombay Government declared by their orders dated April 4, 1904 (Exhibit 190), that the grant by Shahu Maharaj to the Gaikwar should be treated as a Saranjam formally regranted to His Highness the present Gaikwar. In these orders the Government clearly point out the nature of the tenure on which the village Davdi was subsequently transferred by the Gaikwar to Limbaji in 1862 and state that His Highness Khanderao Maharaj had no power to confer on Limbajirao any tenure lasting beyond the former's lifetime and that so far as this grant purported to confer an heritable estate beyond that period, it was invalid as against the British Government.

Chandrabai adopted the plaintiff in October 1905. After the name of the Gaikwar had been entered with the approval of the Government of Bombay against these lands, the Baroda Durbar took action to take possession. Among other things they entered into an agreement with Sitabai on February 27, 1906, by which in consideration of a grant of maintenance allowance, she assigned to the Gaikwar such rights she had in the lands including those under rent notes which she had already passed to certain tenants. The Gaikwar then through his representative took proceedings in the form of assistance suits with the result that eventually he got possession of these lands some in 1906 and some in 1907.

On July 25, 1916, the plaintiff applied to the Government of India for permission to file a suit against the Gaikwar of Baroda in connection with these lands; but he did not get permission to file the suit until over four years afterwards, namely on November 15, 1920. Plaintiff filed the present suit on June 2, 1922. In his plaint he claimed that he was entitled to exclude the period from July 25, 1916, to November 15, 1920, which had been spent in obtaining the necessary certificate under section 86 of the Code of Civil Procedure.

The trial Court held that the plaintiff was the validly adopted son of Raghunathrao Dhavale, that he was the owner of the lands in suit on the ground that in spite of resumption and regrant of the village Davdi to the present Gaikwar by the British Government the mirasi rights enjoyed by the Dhavale family in the lands in suit remained unaffected, that he was entitled to exclude the time spent in obtaining the necessary certificate under section 86 of the Code of Civil Procedure and that the suit was in time by reason of section 13 of the Indian Limitation Act and decreed the plaintiff's claim as per its decree dated April 6, 1925.

Defendant No. 1 appealed to the High Court.

*H. C. Coyajee*, with *R. W. Desai*, for the appellants:—It has been found by the lower Court that before the grant to Limbaji in 1862, the lands in suit were held by His Highness the Gaikwar's family as mirasi lands, that by the grant Limbaji's family became entitled to the mirasi rights in the suit lands, to the Patilki rights in four survey numbers not in suit, and to the right to recover the royal share of the revenue of the village Davdi which the Gaikwar was entitled to receive till then. In other words, Limbaji's family acquired the rights as mirasdars in the suit lands by virtue of the grant of 1862. It is not the plaintiff's case that



Limbaji's family acquired these mirasi rights subsequent to and independently of their grant in 1862 as inamdars by reason of any forfeiture, lapse or resumption. Thus *Secretary of State v. Girjabai*<sup>1</sup> relied upon by the lower Court, does not apply, but the remarks at pages 1186 and 1189 make the point clear, and the view there expressed is accepted by the Privy Council in *Secretary of State for India v. Girjabai*<sup>2</sup>: see also *Secretary of State for India in Council v. Laxmibai*<sup>3</sup>. Further, the grant to Limbaji has been, as found by the lower Court, not only of the right to receive the royal share of the revenue but of the soil also. When the Gaekwar resumed the grant he acquired also the mirasi rights which Limbaji might have acquired during the continuance of the grant. The view of the lower Court that there was no formal order of resumption on the death of Madhavrao is not correct, in view of the protests made by H. H. the Gaekwar, when the village was entered in the name of Raghunathrao by the Collector, and on Raghunathrao's death in the name of his widow Chandrabai, and the representation made by the Gaekwar. In 1904 the Bombay Government formally resumed the village and re-granted it to the Gaekwar. The effect of the resumption and regrant is that the grant to Limbaji is resumed and along with the resumption of the village of Davdi, the mirasi rights in the suit lands, which Limbaji acquired along with the said village, were also resumed. The Bombay Government had, in passing the resolution, made the position clear that the grant by Shahu Maharaj to Khanderao Gaekwar was made as a Saranjam, and that a grant by the Saranjamdar in excess of his powers would not bind his successors.

Moreover, the plaintiff's claim is clearly barred. The plaintiff is not entitled to claim exemption of the period required for getting the certificate under section 86 of the Civil Procedure Code. There is nothing in the Indian Limitation Act to allow such an exemption. The case of *Rupchand Makundas v. Mukunda Mahadev*<sup>4</sup> is clearly distinguishable, as it was a case under section 48 of the Dekkhan Agriculturists' Relief Act, which section expressly provides for exclusion of the period required in obtaining a conciliator's certificate. The maxim "*lex non cogit ad impossibilia*" cannot apply to the present case. There was no real hardship or impossibility in the case. The plaintiff allowed nine years to pass before applying for permission and waited another eighteen months after getting the permission before he brought the suit: see *Jamini v. Nagendra*<sup>5</sup> and *Jag Lal v. Har Narain Singh*<sup>6</sup>.

Section 13 of the Indian Limitation Act does not apply for two reasons. First, the section must be read with sections 84, 85, 86 of the Civil Procedure Code. The residence of a Ruling Chief is not relevant. What is relevant is the consent of the Government. The word "defendant" is defined in the Civil Procedure Code, and it must be interpreted in the light of the relevant provisions of the Code. Secondly, the section does not apply to suits for possession brought on the ground of dispossession. To such a suit Article 142 of the Indian Limitation Act applies: see

<sup>1</sup> (1924) 26 Bom. L. R. 1173.

<sup>2</sup> (1927) L. R. 54 I. A. 359.

<sup>3</sup> (1922) L. R. 50 I. A. 49.

<sup>4</sup> (1914) 38 Bom. 656.

<sup>5</sup> (1925) 43 Cal. L. J. 155.

<sup>6</sup> (1888) 10 All. 524.

*Harrington v. Gonesh Roy*<sup>1</sup>. The cases of *Atul Krsto Bose v. Lyon & Co.*<sup>2</sup> and *Poorno Chunder Ghose v. Sassoon*<sup>3</sup> are not directly in point. This being an ejectment suit, the plaintiff must succeed on the strength of his own title.

*G. S. Rao*, for the respondent:—The original grant is only a grant of the royal share of the revenue. It was an inam grant to the Gaekwar and his descendants from generation to generation; in other words, it was a hereditary and absolute grant. The use of the word "inam" in the Sanad shows that the grant was inam and not Saranjam. The subsequent grant to the plaintiff's ancestor Limbaji by Khanderao Gaekwar was a grant, in consideration of faithful services rendered by the former, of the Patilki watan conveying the soil also, and not merely a grant of the royal share of revenue. The plaintiff's family became entitled to the mirasi rights in the suit lands, to the Patilki rights in the four lands not in suit, and to the right to recover the royal share of the revenue which the Gaekwar was entitled to receive till then. The orders passed by the Divan of Baroda in 1879 clearly show that the grant was to continue during the lifetime of Limbaji's son and until further orders. No orders were passed by the Gaekwar putting an end to the grant, in fact there was no resumption. There has been no reference to any resumption even in the written statement of the defendant. The agreement made between Sitabai and the officers of the Gaikwar shows that up to the date of the grant in 1906, there was no resumption. On the strength of this agreement, rent suits were filed in 1906-08.

Rule 5 of the Saranjam Rules does not prohibit alienations of Saranjam estate as in the case of watan estate or cases falling under section 56 of the Land Revenue Code: see *Madhavrao Hariharrao v. Anusuyabai*<sup>4</sup>; *Sakharam v. Trimbakrao*<sup>5</sup> and *Madhavrao Raste v. Imam*<sup>6</sup>. A grant of mirasi tenure is not an alienation but an act of management binding on the successors of the Saranjam estate: see *Sakharam v. Trimbakrao*<sup>7</sup> and *Madhavrao Raste v. Imam*<sup>8</sup>. Rule 5 does not expressly prohibit alienation by way of mirasi rights. The Privy Council case of *Secretary of State for India v. Girjabai*<sup>9</sup> does not decide the question whether a Saranjamdar can create mirasi rights in favour of strangers, but it leaves the question open. The grant in favour of plaintiff's ancestors has never been impeached: the defendants' ancestors have acquiesced in it.

As regards limitation, although the plaintiff's right to recover possession accrued in 1906-07, still he is entitled to deduct the time required in obtaining the permission of the Governor General in Council to file a suit against defendant No. 1, under section 86 of the Civil Procedure Code. The maxim "*lex non cogit ad impossibilia*" applies: see *The Generous*<sup>9</sup>: *Hick v. Rodocanachi*<sup>10</sup>; *Mayer v. Harding*<sup>11</sup>; and *Rupchand*

<sup>1</sup> (1884) 10 Cal. 440 at p. 442.

<sup>2</sup> (1887) 14 Cal. 457.

<sup>3</sup> (1898) 25 Cal. 496.

<sup>4</sup> (1916) 40 Bom. 606.

<sup>5</sup> (1920) 28 Bom. L. R. 314.

<sup>6</sup> (1925) 50 Bom. 195.

<sup>7</sup> (1920) 23 Bom. L. R. 314.

<sup>8</sup> (1927) L. R. 54 I. A. 359.

<sup>9</sup> (1818) 2 Dodson Adm. R. 322.

<sup>10</sup> [1891] 2 Q. B. 626 at p. 638.

<sup>11</sup> (1867) L. R. 2 Q. B. 410.

*Makundas v. Mukunda Mahadev*<sup>1</sup>; see also section 13, Indian Limitation Act. The word "defendant" is as much applicable to a Ruling Chief as to any other individual: see *Atul Kristo Bose v. Lyon & Co.*<sup>2</sup> and *Poorno Chunder Ghose v. Sassoon*<sup>3</sup>.

*Coyajee*, in reply:—There can be no case of acquiescence on the part of the Saranjamdar, in view of the protests made by H. H. the Gaekwar from time to time. It is not a case of a transfer of mirasi rights in favour of strangers, the transfer was of the whole village of Davdi including the mirasi rights in the suit lands. In fact the grant was a grant of a village intact. It was not as if Khanderao was creating occupancy rights in favour of outsiders. The grant that was made to Limbaji was not on account of any unavoidable necessity. The grant to Limbaji was not in consideration of past services, but was by way of remuneration for military services—first as Binidar and subsequently as Senapati—to be rendered by Limbaji. The order passed by the Minister of Baroda Sir T. Madhav Rao makes it clear that so far as Limbaji's father was concerned he was an unknown quantity in the Baroda State and Limbaji himself began his career as folder of turbans in the military camp.

As regards the point left open by the Privy Council in the case of *Secretary of State for India v. Girjabai*<sup>4</sup>, it should be observed that there was no benefit reserved to the State by the grant of mirasi rights. I call attention to this distinction which has been referred to in the judgment of this Court in *Girjabai's case*<sup>5</sup>, at page 1189.

On the question of limitation, the plaintiff does not offer any explanation as to why there was a delay of ten years in applying for permission under section 86 of the Civil Procedure Code. If section 13 of the Indian Limitation Act is held to apply it would mean that there is no period of limitation as against a Ruling Chief, which would be going contrary to section 3 of the Act.

FAWCETT, AG. C. J.:—In this suit against the Gaikwar of Baroda, the plaintiff seeks to recover possession of certain lands situate in the village Davdi, in the Poona District, to which he claims to be entitled as the adopted son of one Raghunathrao, who died in February 1902. There is now no dispute that the plaintiff was in fact validly adopted by Raghunathrao's widow Chandrabai in October 1905. The main question in dispute is whether these lands vested in the plaintiff at his adoption, or, as the Gaikwar of Baroda alleges, had been validly resumed by him prior to the plaintiff's adoption. Then there is a subsidiary issue as to whether the plaintiff's suit is not in any case time-barred.

The main facts may be briefly stated. The village of Davdi was in the year 1728 A.D. conferred by Shahu Maharaj, the Raja of Satara, upon the then Gaikwar, Pilaji, under a Sanad which is Exhibit 180. The lands in suit are proved by evidence in this case to have been in the enjoyment of the Gaikwar or members of his family from about 1834 to 1854. In 1862 the then Gaikwar, Khanderao, made a grant of the village to one Limbaji, who was the grandfather of Raghunathrao. The grant is worded so as to confer even more than what was granted by the original Sanad of 1728, and would certainly cover the particular lands in suit. Limbaji

<sup>1</sup> (1914) 38 Bom. 656.

<sup>2</sup> (1887) 14 Cal. 457.

<sup>3</sup> (1898) 25 Cal. 496.

<sup>4</sup> (1927) L. R. 54 I. A. 359.

<sup>5</sup> (1924) 26 Bom. L. R. 1173.

died in 1879 and was succeeded by his son Madhavrao. There is evidence that Madhavrao had possession and that after his death in 1900 the lands were in the occupation of his son Raghunathrao till his death in February 1902. Raghunathrao's name had been entered by the Collector of Poona as the occupant of these lands in 1901. Raghunathrao left two widows, Chandrabai and Sitabai; and the name of Chandrabai was then entered by the Collector because she was the senior widow of Raghunathrao. The Baroda Darbar contested this entry, and succeeded in 1904 in getting it removed, and the name of the Gaikwar entered instead. As already mentioned Chandrabai adopted the plaintiff in October 1905. After the name of the Gaikwar had been entered with the approval of Government of Bombay against these lands, the Baroda Darbar took action to take possession. Among other things, they entered into an agreement with Sitabai on February 27, 1906, by which in consideration of a grant of a maintenance allowance she assigned to the Gaikwar such rights as she had in the lands, including those under rent notes that she had already passed to certain tenants. The Gaikwar then through his representative took proceedings in the form of assistance suits with the result that he eventually got possession of these lands, some in 1906, and some in 1907. The plaintiff applied on July 25, 1916, to the Government of India for permission to file a suit against the Gaikwar of Baroda in connection with these lands. But he did not get permission to file the suit until over 4 years afterwards, namely on November 15, 1920. He then brought the present suit on June 2, 1922, in order to recover possession with mesne profits, as already mentioned. In his plaint he claims that he was entitled to exclude the period from July 25, 1916, to November 15, 1920, which had been spent in obtaining the necessary certificate under section 86 of the Code of Civil Procedure, in calculating the period of limitation of the suit, and that therefore the suit was not barred. The two main issues, therefore, were the 2nd and 4th of those framed by the Subordinate Judge, namely, (1) "Is it proved that the plaintiff is the owner of the lands in suit?" and (2) "whether the plaintiff's suit is within time."

As to the first issue, the original grant to the Gaikwar (Exhibit 180) was a grant merely of land revenue and not of the soil, as is mentioned in paragraph 7 of the Subordinate Judge's judgment and is common ground before us. Government in their Resolution of 1904, which is Exhibit A in this appeal, held that that grant was one of Saranjam. I may here mention that Exhibit A was admitted by consent in this appeal in view of the fact that a copy of the same Resolution had been tendered in the lower Court but had been rejected as being a copy of a copy, and therefore technically inadmissible. This Court also considered it highly desirable that the original Resolution should be on the record of the case. Therefore, it has been admitted, as additional evidence in appeal under Order XLI, rule 27, Civil Procedure Code. The Gaikwar accepts the position that in fact this was a Saranjam grant. It is contended by Divan Bahadur Rao for the plaintiff-respondent that really it is not a Saranjam grant but an ordinary inam grant without any of the restrictions connoted by the word "Saranjam". Divan Bahadur Rao points out that the grant contains wide words namely "a new Inam" of the villages mentioned "to be enjoyed in lineal succession from generation to generation" and that the word used is "inam" and not "Saranjam". But, in my opinion, this does not justify this Court in differing from the

view that Government had taken on this point. Primarily, it is for Government to determine in any particular case of this kind, whether a political tenure such as Saranjam exists. This is enacted in Bom. Act II of 1863, section 16, and Bom. Act VII of 1863, section 32 (cf. Act XI of 1852, Schedule B, clause 10). It has accordingly been laid down in *Ramchandra v. Venkatrao*<sup>1</sup> and in *Shekh Sultan Sani v. Shekh Ajmodin*<sup>2</sup> that questions of this kind are primarily for Government to decide and that no civil Court can interfere with their decision. The last mentioned case also points out that the mere use of wide expressions such as the grant of land "for ever" or "from generation to generation" does not prevent the grant being one of Saranjam. Nor again is the use of the word "inam" instead of "Saranjam" conclusive. The grant is mentioned as being given to Limbaji by virtue of his rank of Senapati, a military title, and of his being a devoted servant of the king; this supports the view that the grant was one primarily for military purposes, so as to fall under the description of Saranjam. Again, the grant has been so shown in the Alienation Register kept under section 53 of the Land Revenue Code. Even before the Resolution of 1904 it was so shown, as is mentioned in paragraph 3 of the letter of the Commissioner, C. D., dated May 5, 1903, which is recited in the preamble of that Resolution. Therefore, I am of opinion that this grant to the Gaikwar must be held to be one of Saranjam, and subject to the restrictions that apply to a grant of that nature.

The grant by Khanderao Gaikwar to Limbaji in 1862 was undoubtedly a grant of the soil, as has been held by the Subordinate Judge in paragraph 9 of his judgment, as it uses words which are associated with a grant of the soil. Divan Bahadur Rao contends that such a grant would cover *mirasi* rights in the lands in suit. That is a contention which, I think, must be conceded. Those rights are shown by Exhibits 197 and 202 to have vested in the Gaikwar, whose family cultivated them through servants. How exactly they acquired such rights is not in evidence, but it has been common ground before us that they were presumably acquired by virtue of the powers of management that a Saranjamdar or Inamdar has to utilise vacant lands for the best purpose available, or to dispose of lands, that have lapsed either through forfeiture, resignation or want of heirs. There is no evidence of this, but for the purpose of this suit, that may, I think, be taken to be the manner in which the Gaikwar obtained possession, in the absence of anything suggesting that the Gaikwar had acquired any rights in these lands apart from the grant of the village to him in 1728.

That being so, Divan Bahadur Rao further contends that these *mirasi* rights would not be resumable under the Saranjam rules or otherwise, assuming that the original grant of 1728 is one of Saranjam. The Subordinate Judge's remark in paragraph 8 of this judgment that "it is immaterial whether the rights to these lands were held by the Gaikwar before the grant by Raja Shahu or thereafter" is clearly wrong in view of the decision of their Lordships of the Privy Council in *Secretary of State for India v. Girjabai*<sup>3</sup>. As I have already stated there is no suggestion in this case that the Gaikwar acquired any right in these lands prior

<sup>1</sup> (1882) 6 Bom. 598 at p. 610.

<sup>2</sup> (1892) 17 Bom. 431 at p. 456.

<sup>3</sup> (1927) L. R. 54 I. A. 359.

to the grant of 1728, and, therefore, the case is one which is of a similar nature to that which was the subject-matter of the decision in *Girjabai's case*<sup>1</sup>. That also was a case of land included in a Saranjam grant of the revenue of certain villages, and the Privy Council held that land included in such a Saranjam grant, which had passed into the possession of the Saranjamdar upon the Khatedar's family becoming extinct, or through his default in paying the revenue, did not go as the private property of the Saranjamdar to his heirs, but was property, which, on the death of the Saranjamdar, Government was entitled to resume as part of the Saranjam estate. In the present case, however, the Saranjamdar transferred his rights in these lands to a third party, and their Lordships in *Girjabai's case*<sup>1</sup> kept open the point whether a Saranjamdar could create rights in favour of third persons by virtue of his powers of management, which would not be resumable but could be treated as the private property of such third party. It is, therefore, contended that this case is not governed by *Girjabai's case*<sup>1</sup>, and that the alienation of the *mirasi* rights in these lands by the Gaikwar Khanderao in 1862 to the great grandfather of the plaintiff is valid and binding on any successor of the then Saranjamdar, Khanderao. In support of this contention Divan Bahadur Rao has cited *Madhavrao Hariharrao v. Anusuyabai*<sup>2</sup>, *Sakharam v. Trimbakrao*<sup>3</sup> and *Madhavrao Raste v. Imam*<sup>4</sup>. It is unfortunate for him that I am rather tied in regard to this point by the opinion I have already expressed against such a contention, or at any rate against the contention that, in every case, an alienation of this kind is binding upon a Saranjamdar's successors. I refer to my remarks in *Secretary of State v. Girjabai*<sup>5</sup>, with regard to the decisions in *Madhavrao Hariharrao v. Anusuyabai*<sup>2</sup> and *Sakharam v. Trimbakrao*<sup>3</sup>. It is true that in *Madhavrao Raste v. Imam*<sup>4</sup> I was a party to a decision that the grant of *mirasi* rights is not necessarily an alienation invalid beyond the life-time of the Saranjamdar making the grant. That decision draws a distinction between an alienation of *mirasi* rights to a stranger which confers no benefit on the Saranjam estate and a grant of such rights to a cultivator for the benefit of the estate. At page 438 I pointed out that none of the kabulayats conferred a rent-free estate. At page 439 I said that each case must stand on its own facts. I further remarked that there had been acquiescence in the grant by the plaintiff's predecessor-in-title, and under the circumstances I held that there was a legitimate presumption that the grant had been made for necessary purposes and, therefore, was binding on the present Saranjamdar. Such a case is on a quite different footing to the one we have to consider in the present suit. Here the alienation was one which is absolutely rent-free. No benefit is reserved to the Saranjam estate in the way of rent or in any other manner. The rents of these lands all went into the pocket of Limbaji and his descendants. Limbaji appears from the remarks of Sir T. Madhavrao in Exhibit 195 to have been an undeserving favourite of Khanderao; and although he is represented in a better light in Madhavrao's petition of 1880 (Exhibit 186), he had no previous connection with this estate. Far from there

<sup>1</sup> (1927) L. R. 54 I. A. 359.

<sup>2</sup> (1916) 40 Bom. 606.

<sup>3</sup> (1920) 23 Bom. L. R. 314.

<sup>4</sup> (1925) 28 Bom. L. R. 433; 50 Bom. 195.

<sup>5</sup> (1924) 26 Bom. L. R. 1173 at p. 1191; 49 Bom. 126.

having been any acquiescence on the part of the present Gaikwar, who succeeded to the Gadi in about 1874-1875, we find that upon Limbaji's death in 1879, clear orders were passed that his son Madhavrao was held to have no right to a continuance of the village, but it was continued for his life-time and until further orders as an act of grace (see paragraphs 6, 7 and 8 of the orders in Exhibit 195). These orders were enforced, as clearly appears from Madhavrao's petition dated July 8, 1880 (Exhibit 186), where he says that the decision was enforced by the attachment of the village of Matraj and by the withdrawal of certain allowances. In view of these circumstances, I think that this is clearly not a case of an alienation that can properly be held to bind the successor of Khanderao Gaikwar. In regard to such an alienation I adhere to the view I have expressed in *Secretary of State v. Girjabai*<sup>1</sup> and *Madhavrao Raste v. Imam*<sup>2</sup>. Therefore, I differ from the view expressed by the Subordinate Judge in paragraph 10 of his judgment that the rights of the Dhavle family remained unaffected by the formal resumption of the Saranjam in 1904 by the Bombay Government and its regrant to the present Gaikwar. Upon such regrant the Saranjam estate would pass as an estate unburdened by any alienation that is not binding beyond Khanderao's life-time. If there was any technical defect in the validity of any prior resumption by the Gaikwar, that would be cured by the order of Government passed in 1904; or at any rate persistence in such resumption after the re-grant would be valid. It is to be noted that the re-grant was long before the plaintiff's adoption in 1905, so that, a valid resumption in 1904-1905, consequent on the death of Raghunathrao in 1902, would suffice to prevent the plaintiff obtaining any title to these lands.

I next come to the contention that there is no evidence of any further orders of the kind contemplated in paragraph 8 of the Divan's orders of July 14, 1879, Exhibit 195. That is a view which has been adopted by the Subordinate Judge in paragraph 12 of his judgment. But in my opinion there is clear evidence of action by the Gaikwar showing that he was opposed to any further continuance of the grant of this village at any rate after Raghunathrao's death in 1902. This is, for instance, shown by the representation from the Baroda Darbar, which is recited in full in the preamble to the Government Resolution of February 26, 1904, Exhibit A. In paragraph 6 of that representation a reference is made to a communication by the Baroda Darbar, asking that the Collector of Poona should not entertain any application from the heirs of Madhavrao to enter their names in the records of the village, until the question of succession to Madhavrao's emoluments was finally disposed of. That is relevant as an admission by defendant No. 1, which is against him so far as it implies that in 1901 there had been no final orders passed, as to the resumption of the grant. Paragraph 7 says that after Raghunathrao's death in February 1902, a representation was made stating that on his death the village had reverted to His Highness' Government. That is no doubt an admission in favour of the person making the statement, which is not admissible in evidence. But apart from that statement there is clear evidence that the Gaikwar's Government took action to get the order of the Collector entering the name of Chandrabai on the revenue record upset and to have the name of the

<sup>1</sup> (1924) 26 Bom. L. R. 1173; 49 Bom. 126.

<sup>2</sup> (1925) 50 Bom. 195.

Gaikwar entered instead. That is a fact proved by Exhibit A, and it is also deposed to by the Watandar Kulkarni of Davdi in paragraph 4 of his deposition, Exhibit 118. There is the further evidence that the Gaikwar got possession of these lands in 1906-1907.

Against this, it is contended that there is no actual order of resumption on the record, and certainly this is a contention, which might in certain circumstances be conclusive against defendant No. 1. If such a resumption is a matter which by law requires to be reduced to the form of a document, then under section 91 of the Indian Evidence Act no other evidence would be admissible *except the document or secondary evidence of its contents* in any case where secondary evidence is admissible. For instance in regard to a case where a Collector is alleged to have passed orders against an alienation of watan land under the Hereditary Offices Act of 1874, such a document would have to be produced to support a resumption under section 9 or 11 of that Act, because these sections prescribe the Collector recording his reasons in writing, that is to say, the law requires the matter to be reduced to the form of a document. But, there is no law which requires that a resumption by a Saranjamdar should be reduced to the form of a document. In the present case the resumption is one made by a Native State. i.e., not by an authority in British India, and the law applicable would be that of the Baroda State. It has not been alleged that in the Baroda State there is any law which requires that such a resumption should only be made after the Gaikwar or the Divan has recorded his reasons in writing for the resumption. Even if it was a case of a resumption by a Saranjamdar in British India, there is no law, so far as I am aware, which requires a document of this kind. Therefore, in my opinion, the case is not one to which section 91 of the Indian Evidence Act applies, and other evidence is admissible to show that in fact there have been orders of the kind contemplated in paragraph 8 of the Divan's orders of 1879. The case is one which, in my opinion, falls under section 114 of the Indian Evidence Act. The clear evidence of the action taken by the Baroda Darbar is such that the Court can safely presume that there were orders for the resumption of the grant to Limbaji after the death of his grandson Raghunathrao.

It may be added that this is not a case where the plaintiff gave notice to defendant No. 1 to produce any such order of resumption and defendant No. 1 failed to comply with such a notice. Mr. Coyajee for the appellant has, in the course of his arguments, said that, on account of the vague nature of the assertions in the plaint as to the plaintiff's title, in spite of the attempt made by defendant No. 1 to get him to state it more clearly, there has been a failure to put on record documentary evidence that might otherwise have been produced. It seems to me that, if the defendant No. 1's advisers had realised the importance of showing that the order of the Divan in paragraph 8 of Exhibit 195 had been followed by "further orders", a plain assertion to that effect would no doubt have been made and the orders produced. The comments of the Subordinate Judge in paragraph 13 of his judgment about there being no plain allegation of resumption in the defendant No. 1's written statement are to some extent justified. But it seems to me that in this matter the plaintiff is also to blame, and that the omission to make such an allegation cannot in the circumstances be treated as virtually amounting to an admission by defendant No. 1 that in fact there was no such resumption. The evidence clearly goes all the other way.



Divan Bahadur Rao has urged that the agreement, Exhibit 98, which was made in February 1906 with Sitabai, supports his contention that in fact there was no resumption, and he has also drawn our attention to allegations in the plaints in the assistance suits that the lands sued for had been in the possession of Raghunathrao owing to some right and that this agreement with Sitabai gave defendant No. 1 a right to claim rents from the tenants. On the other hand, Exhibit 98 refers to the *mirasi* lands as belonging to the Gaikwar, and the only real admission against him is the statement that the village of Dāvdi, including the *mirasi* lands, was continued up to the death of Raghunathrao. That is not inconsistent with what I have held to be proved, namely, that after the death of Raghunathrao it was decided that the grant should no longer be continued in the family of Limbajirao. It was natural that, in order to get possession of these lands and recover rents, defendant No. 1 should have entered into an agreement of this kind with Sitabai, especially as she had already given rent notes for the lands, on which, under the agreement of February 27, 1906, the Gaikwar could sue as an assignee. The agreement saved the necessity of establishing title *aliunde* and having to adduce evidence in a rent suit such as has been given in this suit. I do not think, in the circumstances, that this agreement suffices to contradict the plain evidence of resumption that I have referred to above. In my opinion, the view taken by the Subordinate Judge in paragraph 15 of his judgment that there are inconsistent allegations made by defendant No. 1, is not substantiated; and I hold, contrary to the Subordinate Judge, that there was a resumption after Raghunathrao's death and that such resumption was valid, at any rate, after the Bombay Government Resolution of 1904. I would accordingly answer the first issue (that is issue 2 in the lower Court) in the negative.

Then I come to the issue as to limitation. According to the cause of action alleged in the plaint there was dispossession of the plaintiff in 1910, that is to say, the suit falls under Article 142 of the Indian Limitation Act. On the 3rd issue in the lower Court the Subordinate Judge held that dispossession really took place in 1906-1907, and there is now no dispute before us about this. Therefore, in the ordinary course the suit should have been filed in 1918 or 1919, whereas, in fact it was brought on June 2, 1922. As I have already mentioned the plaintiff claims that he is entitled to deduct a period of 4 years, 3 months and 21 days from July 25, 1916, to November 15, 1920, as time required to obtain permission to file a suit against defendant No. 1 under section 86 of the Code of Civil Procedure. On the 5th issue in the lower Court, the Subordinate Judge has held (paragraph 17 of his judgment) that this period can be deducted, in spite of the provisions of section 3 of the Indian Limitation Act, and although there is no express provision in that Act under which such a deduction can be made. He bases this decision on the principle referred to in *Rupchand Makundas v. Mukunda Mahadev*<sup>1</sup>, namely, that "when the law creates a limitation, and the party is disabled to conform to that limitation, without any default in him, and he has no remedy over, the law will ordinarily excuse him". This is merely an application of the ordinary maxim "*lex non cogit ad impossibilia*". But with due deference, this general principle, in my opinion, cannot prevail against the express provisions of section 3 of the Indian Limitation Act,

<sup>1</sup> (1914) 38 Bom. 656 at p. 658.

any more than principles of equity can prevail against the provisions of statutory law such as section 49 of the Indian Registration Act and sections 91 and 92 of the Indian Evidence Act. Thus it has been held that the fact of a plaintiff being absent from India on account of a sentence of transportation makes no difference and that time continues to run against him during such absence: *Domun v. Shubul Koolall*<sup>1</sup>. Again it has been held that the time during which an alien Bank had its right to bring suits suspended by an order of the Government of India could not be deducted: *Deutsch Asiatische Bank v. Hira Lall Bardhan & Sons*<sup>2</sup>. As pointed out in that case, there was really no hardship or impossibility and the plaintiff had time to bring his suit in spite of the suspension. Similar remarks apply to the present case. There was no real hardship or impossibility in this case. No doubt 4 years is an extraordinary time for the plaintiff's application to have been under consideration by the Government of India. But the plaintiff could have applied very much earlier than he did, for instance, in 1910, and so obtained permission in plenty of time to bring his suit within 12 years. He allowed 9 years to pass before applying for permission and 18 months after getting permission before he brought the suit. The maxim "*vigilantibus non dormientibus jura subveniunt*" applies, therefore, to the present case. Even the maxim "*lex non cogit ad impossibilia*" is subject to the consideration "that the party who was so placed used all practical endeavours to surmount the difficulties which already formed that necessity, and which, on fair trial, he found insurmountable" as pointed out by Sir W. Scott in a passage referred to in 'Broom's Legal Maxims,' 8th Edition, page 202. Therefore, in my opinion, the plaintiff is not entitled to deduct this particular period.

Finding that this excuse was a weak one, the plaintiff shortly before the case was decided relied on section 13 of the Indian Limitation Act, see Exhibit 205, dated March 23, 1925; and the Subordinate Judge has allowed this plea. In paragraph 20 of his judgment he holds that defendant No. 1 was a Ruling Prince, who lived at Baroda, which is outside British India and practically must have been so outside, excepting for a few casual visits to Bombay or Poona, and that accordingly by reason of section 13 of the Indian Limitation Act the present suit was in time. Section 13 says "In computing the period of limitation prescribed for any suit, the time during which the defendant has been absent from British India ... shall be excluded." This view leads to a somewhat extraordinary result in the case of a suit against a Ruling Chief, viz., that ordinarily a suit against him can never be barred. The same plea might be raised as to a suit against the Secretary of State for India in Council, who resides in London. The point is, therefore, one of considerable practical importance. One thing to be borne in mind is that in a case like the present the suit is really against the Baroda State. Section 87, Civil Procedure Code, requires that ordinarily suits should be brought against a Sovereign Prince or Ruling Chief in the name of his State. The Gaikwar has agents or representatives who manage his business in British India. That is shown clearly by the documents in the present case. Thus Exhibits 197 to 202 speak of the Gaikwar's Vahivatdar (manager) in Davdi and Exhibit A of his Vakil at Poona. The assistance

<sup>1</sup> (1868) 10 W. R. 253.

<sup>2</sup> (1918) 46 Cal. 526.

suits, Exhibit 177, etc., were brought by his representative; so also the agreement, Exhibit 98, was entered into by his vahivatdar. In the present suit he is represented by the Sar Subha of the Bardoda State as a person specially appointed under section 85, Civil Procedure Code (Exhibit 13). His position, therefore, is analogous to that of the Secretary of State, who has representatives, i.e., officers of Government under him in British India. The question is how section 13 of the Indian Limitation Act applies to cases of this description. In my opinion section 13 must be read consistently with the provisions contained in Part IV of the Code of Civil Procedure for 'suits in particular cases' against defendants who ordinarily would be always out of British India; e.g. (1) The Secretary of State for India in Council, see section 79, Civil Procedure Code, and section 32 of the Government of India Act, which lays down that he can be sued as a corporate body; (2) an alien corporation, cf. section 83, Civil Procedure Code, and see *Singer Manufacturing Co. v. Baijnath*<sup>1</sup>, and *Girdhar Damodar v. Kassigar Hiragar*<sup>2</sup>, approved by the Privy Council in *Annamalai Chetty v. Murugasa Chetty*<sup>3</sup>; and (3) a Sovereign Prince or Ruling Chief sued in the name of his State: cf. sections 85, 86, 87, Civil Procedure Code, Section 13 must, in my opinion, be read so as to avoid the obvious absurdity that arises, if such corporate bodies are deemed to reside out of British India, so that suits against them can never be barred at all. And this can be done by treating them as defendants, who, by reason of their special character, are not absent from British India within the meaning of the section, because they have not the same liberty as private individuals to reside personally in British India and attend to their affairs, and they must do so through agents or representatives. They can be held to reside in British India, in so far as they actually carry on their business through representatives in British India. In such cases the contrary view adopted in *Atul Kristo Bose v. Lyon & Co.*<sup>4</sup> and *Poorno Chunder Ghose v. Sassoon*<sup>5</sup> does not apply. There it was held that to hold that the section did not apply to cases where the defendants are, during the period of absence, carrying on business in British India through an authorised agent, would be legislating rather than adjudicating upon the section as it stands. But there are provisions of law which go against such an interpretation in the case of a defendant who is a Sovereign Prince or Ruling Chief. The ordinary law of England is that the English Courts have no jurisdiction over foreign Sovereigns, unless such persons, submit to the jurisdiction (Halsbury, Volume VI, Article 278, page 182). Section 86, Civil Procedure Code, alters this by allowing a Sovereign Prince or Ruling Chief to be sued with the consent of the Governor General in Council, but there can clearly be no intention to put him in a worse position than a person, who is a resident in British India, as regards limitation of suits against him. The Sovereign Prince or Ruling Chief only represents his State for the purpose of such suits, as is shown by section 87 which I have already mentioned. The whereabouts of his personal residence are therefore immaterial. The plea is really on the same footing as an absurd one

<sup>1</sup> (1902) 30 Cal. 103.

<sup>2</sup> (1893) 17 Bom. 662.

<sup>3</sup> (1903) 26 Mad. 544.

<sup>4</sup> (1887) 14 Cal. 457.

<sup>5</sup> (1898) 25 Cal. 496.

that was set up in regard to the Crown in mediæval times. In Pollock's 'History of English Law', Second Edition, Volume I, page 525, it is stated that in the fourteenth century it was contended that the Crown, like a Church, was always under age and that no lapse of time would bar the demands of this *quasi* infant. This is a reverse case to the plea set up here that there is never any bar of limitation in a suit in British India against a Sovereign Prince or Ruling Chief.

There are no English precedents exactly on this point, because, as I have already mentioned, a Sovereign cannot be sued without his consent in British Courts. But there are some analogous decisions in regard to the domicile or residence of a corporation and a number of cases on this point are collected in Dicey's "Conflict of Laws", 4th Edition, pages 151 to 154. At page 152 he summarises what has been laid down as to the difference between the domicile of a natural person and that of a corporation as follows:—

"The domicile of a human being is a fact which, on certain points subjects him to the law of a particular country. The domicile of a corporation is a fiction suggested by the fact that a corporation is, on certain points, e.g., the jurisdiction of the Courts, subject to the law of a particular country... Hence a corporation may very well be considered domiciled, or resident, in a country for one purpose and not for another, and hence, too, the great uncertainty as to the facts which determine the domicile, or residence, of a corporation. In each case the particular question is not, at bottom, whether a corporation has in reality a permanent residence in a particular country, but whether, for certain purposes (e.g., submission to the jurisdiction of the Courts or liability to taxation), a corporation is to be considered as resident in England, or in some other country."

At page 154 it is pointed out that in the case of corporation sole, there may be a distinction between the private domicile of the person, e.g., the bishop at any given moment constituting the corporation, and his corporate domicile. Thus the bishop may in his private capacity even acquire a foreign domicile and yet in his corporate capacity, he would be in any case held to be domiciled in his diocese. This point of the residence of a corporation is discussed in a recent case: *New York Life Insurance Co. v. Public Trustee*<sup>1</sup>. At page 120, Lord Justice Atkin says:—

"Now, when you are dealing with a corporation, you are dealing again with a legal notion, and you have to examine the question where the debt can be said to be situate. It appears to me plain that a corporation according to our law is deemed to reside for the purposes of suit in the place where it carries on business in its own name, and in the case of corporations, you have many activities in many countries, such as the big insurance companies—for example, the plaintiffs in this case. It appears, to me that the true view is that the corporation resides for the purposes of suit in as many places as it carries on business, and it is to be noticed that in ordinary cases where an obligation is entered into by the corporation without any particular limits of the place where it is payable, inasmuch as that obligation is an ordinary personal obligation which follows the person, you have in each jurisdiction a right to sue the

<sup>1</sup> [1924] 2 Ch. 101.

corporation there; the corporation is resident there, and the obligation is enforceable there. Under ordinary circumstances the debt would be situate in each place where the corporation can be found.”

This view has been taken also in an Indian case, viz., *Bank of Bengal v. Sarat Ch. Mitra*<sup>1</sup>, in regard to a Bank which carries on business in various branches throughout India. Explanation II to section 20, Civil Procedure Code, is also based on a similar principle. Therefore, I think that, if the distinction about the Gaikwar really being the State of Baroda, so far as this suit is concerned, is borne in mind, it is a just conclusion that he was not absent from British India within the meaning of section 13 of the Indian Limitation Act, as he carried on business through representatives in British India, in regard to his rights in the village of Davdi, where the suit lands are situate. Therefore, I hold that section 13 of the Indian Limitation Act cannot be relied upon in this case, and that the suit, not having been brought within the 12 years specified in Article 142, is clearly timebarred, even supposing the plaintiff has otherwise a good title.

Tor these reasons I would reverse the decree of the Subordinate Judge and dismiss the plaintiff's suit with costs throughout.

MURPHY, J.:—The facts necessary to relate for the purpose of this appeal are the following:—

In 1727-28 A.D. the village of Davdi in the Poona District was granted in inam by Shahu Rajah of Satara to Pilaji Gaikwar. Exclusive of the rights of the hakdars and inamdars the village was to be continued hereditarily to Pilaji's family. The terms of the grant are those of one of the royal share of the revenue, and not of the soil. In 1863 the late Maharaja Khanderao Gaikwar, in his turn granted the village to Limbaji Dhavle, who appears to have been one of his courtiers, or servants. This grant is in terms one of the soil as well as of the royal share of the revenue, though actually all that could be granted was what had been given originally by the Raja of Satara. Limbaji Dhavle took possession and retained the village till his death on May 16, 1879. At this time Khanderao Gaikwar, the original grantor, was dead and there was an inquiry by the Baroda State authorities into the grants and allowances which had been given to Limbaji Dhavle. These are detailed in Exhibit 195 which also contains the orders passed on the report by the then Dewan of Baroda, Sir T. Madhava Row. This order states that neither Limbaji nor his father had rendered any real services to the State, and that Limbaji had originally been a folder of turbans. Most of his allowances and a second inam village in Baroda State were resumed; but by paragraph 8 of the order it is directed that “Let the Poona village of Davdi be continued to the son during life and until further orders as heretofore. The half Patilki, etc., under head No. 2 may also be continued to the son as heretofore.” The son was Madhavrao Dhavle who appears to have died in 1899, and to have left a son Raghunathrao who died in 1902. Raghunathrao left no son, his heirs being his two widows, Chandrabai and Sitabai. Chandrabai was the senior widow, and in 1905 she adopted the plaintiff in this case.

The original Court has found the adoption proved, and this point is not disputed in appeal. The suit was filed in 1922, and was for possession

<sup>1</sup> (1918) 4 Pat. L. J. 141.

of 6 fields which include 20 survey numbers, and for future mesne profits at the rate of Rs. 1,000 a year and costs.

The title on which this relief is prayed for is not exactly stated in the pleadings, though information on this point was sought by the other side.

The fact is that in addition to his rights as an inamdar H. H. the Gaikwar of Baroda also held this particular property as Khatedar or occupancy tenant and it had been so held by Limbaji, Madhavrao and Raghunathrao in their turns. When Raghunathrao died there was a question as to the name in which the village should be entered. At first, the Collector of Poona entered it in the names of the widows, but there was a protest, and in the end the Government of Bombay held that the grant of Davdi village was a Saranjam and it was resumed and formally regranted to His Highness the present Gaikwar, with the intimation that it would in future be treated under the Saranjam rules. This is shown in Exhibit 190, a letter addressed to the Minister of the Baroda State on April 4, 1904. It has accordingly since been held and managed by H. H. the Gaikwar, and all possible claims to the Saranjam have been extinguished by these political proceedings.

The real foundation of the claim is that though the Saranjam had been taken from plaintiff's family by these orders, the land in question, which includes the occupancy rights, has never been formally resumed, and for some time it remained in the possession of Sitabai, the second of Raghunathrao's widows. The plaint alleged that the plaintiff had received the income of the land till 1910, but for the reasons stated in paragraph 18 of the learned Subordinate Judge's judgment, it is clear that this statement is not true, there being ample evidence in the shape of rent notes, and the proceedings in assistance suits, to show that plaintiff was not in possession between 1906 to 1910.

This fact is further established by what occurred in that year. Chandrabai had adopted the plaintiff in 1905; but Sitabai, the junior widow, appears to have been in actual possession of the property. She entered into an agreement with the local representative of the Baroda Darbar, and in consideration of an allowance of Rs. 45 per month, she surrendered the property to the Darbar. The document is Exhibit 98 in the case dated February 27, 1906. Of the survey numbers handed over, one, namely, No. 329, is not involved in the suit.

All these facts taken together show that the plaintiff's real claim is, that though the village may have been, the property in the occupancy right of these survey numbers was never, formally resumed, and that consequently it descended in the ordinary way to the heir on his adoption, as private property. This is the ground on which the learned Subordinate Judge has decided in plaintiff's favour.

Whether the suit is in time, and the learned Subordinate Judge is correct in holding that this property was unaffected by the resumption of the village, are the two issues which arise in appeal.

The question of limitation comes up for decision in the following manner. Defendant No. 1 being a Sovereign Prince, he could not be sued without the consent in writing of the Governor General, obtained under section 86 of the Civil Procedure Code. This consent was sought on July 25, 1916, and was received on November 15, 1920.

The plaintiff accordingly claimed to exclude from the period of limitation 4 years 3 months and 21 days, spent in obtaining the necessary consent. The rule is that subject to the provisions of sections 4-25 every

suit not brought within the period of limitation prescribed shall be dismissed; but sections 4-25 contain no statutory provision enabling a plaintiff to deduct the time spent in obtaining the Government of India's consent under section 86 of the Civil Procedure Code. In view of this difficulty, the learned Subordinate Judge has stated that the principle laid down at the end of the judgment reported in *Rupchand Makundas v. Mukunda Mahadev*<sup>1</sup> would come to the plaintiff's help, and that it is that when the law enacts a limitation, and the party is disabled to conform to that limitation, without any default in him and he had no remedy over, the law will ordinarily excuse him. The dictum is no doubt true in the circumstances of that case: but this is not an adjacent one, and I cannot agree that the suit was within limitation on this ground. A second ground has, however, been put forward. It is, that since defendant No. 1 has not resided in British India for a very large proportion of the period 1910-1922, plaintiff can avail himself of the provisions of section 13 of the Indian Limitation Act.

The facts are peculiar. The suit is against a Sovereign Prince who does not ordinarily, and cannot be expected to, reside in British India. Does the law of limitation contemplate that in such a case section 13 continues to extend limitation or, in other words, for pushed to a logical extreme in its application such would be the effect of section 13, is there no period of limitation for such a suit? I do not think that can have been the intention of the Legislature, for the Indian Limitation Act is a complete statement of the law, and it cannot have been intended, by one of the general exceptions, to nullify the effect of Article 120 which provides for the cases where no specified period of limitation is laid down.

Again, the provisions of the sections relating to suits filed against Ruling Chiefs and Sovereign Princes in the Code of Civil Procedure are peculiar. They are an exception to the general law as to the jurisdiction of the Courts, against such persons, and consent can be given and a suit brought when it is, irrespective of such a defendant's residence in British India, or without it. I think that it cannot have been the intention of the Legislature when enacting these provisions to give the result, owing to section 13 of the Indian Limitation Act, that in certain cases no period of limitation should be available to a Ruling Chief or Sovereign Prince, and that the case is analogous to that of a suit against the Secretary of State for India in Council, whose residence is, seldom if ever, in India, and who is sued, though nominally in his own name, actually through his agents in India. It has never been suggested that on this ground the period of limitation against the Secretary of State may be indefinitely enlarged, and though the analogy is not exact, owing to the varying provisions regulating a suit against the Secretary of State and a Ruling Chief or Sovereign Prince respectively, I think it is close enough to justify the Court in holding that section 13 of the Indian Limitation Act cannot apply to such a suit in the circumstances. This view does not involve any hardship on litigants in British India, for in fact a suit against such persons can always be brought, and it has not even been suggested that opportunity was taken of the temporary residence in British India of H.H. the Gaikwar to bring this one. His Highness has been throughout represented by the Sar Subha of the Baroda State under the provisions of section 87 of the Civil Procedure Code, and the

<sup>1</sup> (1914) 38 Bom. 656.

provision in this section is evidently intended to meet the difficulty. I also concur generally in the reasons given by my Lord the Acting Chief Justice for the finding on this point. I, therefore, think that the learned Subordinate Judge's finding on this issue is wrong and that plaintiff's suit, which was brought in 1922, he having lost possession in 1906, was time-barred.

On this view of the case it is really unnecessary to decide the main question in the appeal, but since it has been argued at some length, it is perhaps advisable to do so.

Radically, the plaintiff's case is that of an inamdar who is also a Khatedar, or occupancy tenant, in the village of which he owns the royal share of the revenue. But the case is not precisely that dealt with in the decided cases on this point such as *Secretary of State for India v. Girjabai*<sup>1</sup>, which related to the Vinchurkar Saranjam. As against the British Government the Saranjamdar is H. H. the Gaikwar, and there has never been any question of a resumption by the British Government of these lands which could involve the point in *Girjabai's case*<sup>1</sup>. The question is really a narrower one. It is whether the Baroda Darbar, having granted the Saranjam of the village to plaintiff's predecessor-in-title, including these occupancy rights, can, in the circumstances, resume them, or can be deemed to have resumed them.

The Dewan's orders of 1879 (Exhibit 155) assume the right of resumption and actually resume a village in Baroda territory and many different allowances, and in the absence of evidence to the contrary, I must assume that such orders are legal. The orders on this point are, that the village of Davdi should be continued to the son, for life, and until further orders, and we have seen, it was afterwards resumed on the grandson's death. There is no formal order produced in the case, resuming the occupancy rights granted to Limbaji; but there must have been such an order preceding the arrangement with Sitabai in 1906, for the allowance of Rs. 45 per mensem is very similar to that passed in the case of Limbaji's son, in paragraph 11 of the Dewan's orders, giving Madhavrao a compassionate allowance of Rs. 5,000 per annum.

There remains the fact that H. H. the Gaikwar's Government did actually take over these properties from the member of plaintiff's family in whose possession they were in 1906, and granted a compassionate allowance in their place, and has been managing the property ever since. I also think that in the circumstances this property was resumable, and that it must be assumed that it was resumed by His Highness' Government, and that plaintiff has therefore no title to it.

For these reasons, I agree with my Lord the Acting Chief Justice that the original Court's decree must be reversed and plaintiff's suit dismissed with costs.

Respondent No. 1, Madhavrao Raghunathrao, shall pay his own and the Saar Subha of Baroda State's costs of the appeal.

*Decree reversed.*

B. G. R.

<sup>1</sup> (1927) L. R. 54 I. A. 359.



## Annex F. No. 37

EXTRACT FROM G. D. PATEL'S "THE INDIAN LAND PROBLEM AND LEGISLATION", BOMBAY, 1954, PP. 48-54.

6. *The Resumption Rules of 1952.*

[See Annex E No. 1 (4), Vol. II, pp. 246-248 (to line 23).]

7. *Effects of the rules.*

The consequences of the Rules may be classified into financial, administrative and social.

It may be recalled that in the case of the Saranjam estates, there was a presumption that the grant was of the royal share of the revenue only. But the decision in the Hebli Saranjam case (Secretary of State *v.* Laxmibai, 25 Bom. L.R. 527) has done away with this presumption. The present law is that there is no presumption either way and the nature of the grant (whether of royal share of revenue only or of the soil) is to be determined according to the facts of each case. Under the Resumption Rules, Government has resumed what it originally granted i.e. in the case of grant of revenue only, the resumption of the inam has been made by levy of full assessment (I.L.R. 41 Bom. 408) and in the case of the grant of soil, it is by taking actual possession of the land (I.L.R. 47 Bom. 327).

In the above background, the compensation payable has to be decided by reference to the nature of the original grant. Secondly, all saranjam grants were life-grants under rule 5 of the Saranjam Rules, although they were generally regranted to the successors of the deceased Saranjamdars.

The holders of inams consisting of exemption from payment of land revenue only are not entitled to any compensation, except that they will get the benefit of the concession of that amount upto 1-8-1953 and 1-8-1955 according as the amounts of exemption are over Rs. 5,000 or less, respectively. The Rules will come into force completely with effect from 1-8-1955.

Government will get Rs. 4½ lakhs as an additional land revenue, which was enjoyed formerly by the Inamdars as nuksan. Further, Government will not have to pay cash allowances amounting to Rs. 1,29,892 per year. But this will only be a negative gain.

As most of the villages and lands are surveyed and settled, Government has not to incur any expenditure on this account. The financial implications may be broadly stated as follows:

Receipts		Expenditure	
Recurring	Non-recurring	Recurring	Non-recurring
Rs. 4,50,000 (net additional revenue)	. . . . .	. . . . .	Rs. 8 lakhs (compensation for cash allowances)

After payment of compensation, the increase of land revenue is estimated of the order of Rs. 4½ lakhs per annum. It should be clearly understood that the compensation is not to be paid in cash but in

transferable bonds redeemable during a period of 20 years in equated annual instalments of principal and interest and carrying interest at 3%. As a result, the payment of the compensation is to be spread over 20 years and not to be paid in lump.

From the administrative point of view, no change is required to be made in the administrative structure of the villages. Before the resumption of the inams, there existed a village administration, in these villages consisting of a talati, a patil and inferior village servants paid out of the village revenues. The Saranjamdars were paid the revenues after deducting the amount of village expense called chillar<sup>1</sup>. As a result, Government has after resumption, not to make any administrative arrangements. It is true that in some unsurveyed and unsettled inam villages, Government will have to introduce survey and settlement and the Record of Rights. This will entail additional expenditure on Government which could, however, be spread over years. But the cost of these operations will not be considerable.

However, the social and economic consequences of the resumption are likely to be tremendous. Many historical families have banked upon the income from these inams for their maintenance. Incentive for hard work or, say, any work was sadly lacking in several cases. Saranjams and political inams were considered as good security for obtaining credit. And as debt followed credit, the inamdars sank deeper and deeper in debt without any hope of extricating themselves from the clutches of the shaukars. The resumption of the inams has opened the eyes of the smug and self-complacent saranjamdars to the stark realities of life around them. In the interest of social justice, it was necessary that they should be awakened from their slumber of generations and made to work and earn their bread with the sweat of their brow. It is hoped that they will direct their energies to greater effort and play their part in the society. It was also necessary for creating a classless society that those inams should be resumed by Government.

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<sup>1</sup> Wilson defines "chillar" as sundry or petty expenses or deductions from the revenue allowed for village expenses and for the contingent expenses of the native revenue servants.

## Annex F. No. 38

OPINION OF SIR THOMAS MUNRO ON THE  
JAGIR TENURE

Extracts from the book "*Life of Thomas Munro, Bart*", by the Rev. G. R. GLEIG, pages 376, 380-381, 382, 286-387, 388-389, 390, 392-393 and 400-401.

P-376.

The terms employed in such documents, "for ever," "from generation to generation," or in Hindoo grants, "while the sun and moon endure," are mere forms of expression, and are never supposed, either by the donor or the receiver, to convey the durability which they imply, or any beyond the will of the sovereign. The injunction sunnud with which they usually conclude—"Let them not require a fresh sunnud every year," indicates plainly enough the opinion, that such grants were not secure from revocation.

P-380-381.

The Chief Justice supposes that a private property in the land is granted, from the expressions used by the Chief Secretary, "deliver over these lands;" and in Walajah's grant, "put him in possession of the pergunnah." It is well known that the usual meaning of these terms is nothing more than that the deshmoors, deshpendies, and other public officers, shall make over the management of the village, or pergunnah, to the jagheerदार, and pay him the public revenue. The sunnud says nothing of private revenue, estimated according to the kamil jumma, or perfect, or standard assessment.

If we suppose the gross produce of the lands of any village of a pergunnah to be one hundred—

That of this amount the expense of cultivation is . . . .	- 40
The landlord's rent or share . . . . .	- 20
The Government revenue or share . . . . .	- 40
	100

If this village, or pergunnah, be granted as a jagheer, it is the forty only, composing the Government revenue or share, which is granted. The twenty, forming the landlord's rent, is not granted, but remains, as before, in the hands of the owner, as also the forty, making the expense of cultivation, as he must defray it. If the jagheer be resumed, the property of the landlord is not affected by the change: it is the forty only, composing the Government revenue or share, which is affected by the resumption. It is paid to the Government instead of the jagheerदार, in the same manner as it was before the grant. The jagheerदार ceases to have interest in the village or pergunnah, because he never had any property in the land, but merely in the revenue, which is now resumed. Nothing can be clearer, therefore, than that wherever private proprietary right in land exists, whatever is granted by Government must be public revenue only.

*P-382.*

The jagheer sunnud conveys the rights of Government, whatever they are, and no more. These rights vary in different parts of the country. Wherever the lands are held, as in the Carnatic, by rayets having an hereditary proprietary right in the whole lands of the village they are limited to the public revenue, or Government share of the produce, and do not give a foot of land. In some provinces of India, where the lands are held by rayets having an hereditary right to the lands in cultivation, but not to the waste, the jagheer sunnud gives the government revenue, or share of the produce only, in the cultivated land, whatever it may be, by the custom of the country. When such a jagheer is resumed, no private rent is affected by the resumption. The ancient hereditary rayets pay the public revenue of their lands to Government, in place of the jagheerdar, and the jagheerdar himself pays the public revenue of the waste-lands which he may have brought into cultivation; and if he agree to this condition, he retains possession of them with the same proprietary right as the other land-owners, or rayets of the district. It is obvious, therefore, that though in rare cases of unclaimed, or waste-lands, Government may confer a private proprietary right, it never resumes it, and that there is no foundation for the opinion, that resumption is an unjust violation of private property, since the thing resumed is always public revenue, never the landlord's rent.

*P-386-387.*

The Chief Justice denies the sovereignty of the Company, and considers the words of Lord Thurlow as a clear authority against their being regarded as a sovereign power, except in the case of dispute with a sovereign relative to peace and war with Pagan states. Whether the Company have or have not either an independent or delegated sovereignty, in the technical sense that the Chief Justice or Lord Thurlow may have affixed to the expression, is of little consequence; for, though the sovereignty be reserved to the Crown, all the powers of the State, by the present constitution of things, as far as regards the Natives of the country, are exercised by the Company. They make peace and war—raise and maintain armies—have articles of war for enforcing their discipline—acquire and cede territories—impose and collect taxes, and make laws, founded on ancient usage, for the administration of the affairs of the country.

The land revenue in India is what the excise and customs are in England—the main source of revenue, and cannot be permanently alienated with safety to the state. The Kings of England never could alienate the public revenue in perpetuity, nor could any government do so. No government can debar its successors from the use of the public revenue. The existing government must always have the power calling it forth, for the preservation and defence of the state. In India there is no assembly or public body between the prince and the people, to regulate the rate or the amount of the taxation or revenue. The sovereign himself is the only authority by which revenue is levied and disbursed, and by which it is granted or resumed. The power to resume as well as to grant must be lodged somewhere; and in India, where there is no other authority, it is obvious that it must be vested in the Prince.

The alienation by the Indian Prince was a transfer from the state, of all public taxes on land, to individuals as private property.

It has already been shown, that all grants of jagheers in India, are grants of public revenue. They cannot indeed be otherwise, because there are no crown-lands.

*P-388-389.*

Crown-lands, according to the English acceptation of the term are unknown in India. The most powerful monarchs had none; neither Akbar Akhba nor Aurungzebe had any; and the despotism of the sovereign was itself the very cause of their being none, because, by giving him unlimited control over all land throughout the empire, it rendered the aid of any private domain altogether unnecessary. A small part of the public revenue arose from customs; the rest, about nine-tenth of the whole, from the land revenue or tax. All land was assessed to the public revenue; a part of the land was allotted to religious and charitable purposes, and to municipal institutions, and the public revenue of such lands was enjoyed by the incumbents. But the public revenue of all other lands came to the royal treasury, unless when assignments of particular villages or districts were made to civil and military officers for their personal allowances, and the pay of their respective establishments; all which assignments, however, varied, ceased at the will of the sovereign.

*P--389.*

An Indian grant gives away the public revenue of the lands, it exempts them from military service, from every kind of tax or public burden, and renders them entirely useless as a resource to the state.

If all Indian Princes could grant altamgha jagheers, and if none could resume them, a great portion of the country might, in time, be released from affording any aid to the state, either in revenue, or in military service. Some idea may be formed of the probable effect of such a system by looking at what happened in a few years under the NabobWalajah and his son Amdut ul Omra. Family jagheers were granted to the amount of six lacs of pagodas, and containing a population of above six hundred thousand persons. Of these jagheers, only about one-fourth was altamgha; but the whole might have been so, and the state would have been deprived of every kind of aid from more than half a million of its subjects. Many of the jagheers, too, might have been held, as was actually the case, by persons who, though attached to the donor, were inimical to his successor;

If, therefore, the increase of altamghas during successive reigns, might, if not checked, have materially impaired, if not altogether exhausted, the resources of the state, and as the evil could only be remedied by resumption, it seems to follow, from the reason of the thing, that the sovereign must have had the right to resume as well as to grant.

*P-390.*

The usage of the country is undoubtedly the rule by which the question ought to be decided; and, in a case of this kind, the common practice of the Native princes must be admitted to be the usage. It can easily be shown that princes resumed altamghas at pleasure. It cannot be shown, that when they were disposed to resume, the act of resumption ever was or could be prevented. It may be said that they were despots, and acted unjustly. Had they seized private property, they would have been

regarded as unjust by the country; but no injustice was attached to the seizure of an *altamgha*, as the people knew that it was a grant of public revenue. The princes were, it is true, despotic; but they were liberal, and even profuse in their grants, and the grants themselves grew out of their very despotism; for it was because they found no difficulty in resuming, that they made none in granting. *Altamghas* were not, in fact, more respected than money pensions, which, though every day liable to resumption, are frequently continued for generations.

*P-392-393.*

The old grants which have passed through several generations, are not *altamgha*, as might have been expected from the principle of their not being resumable, but common *jagheer* grants, neither hereditary, nor for life, but temporary. Many of these common *jagheer*dars were *killedars* of strong forts, and, from this circumstance, held their *jagheers* longer than they would probably have done under the dynasty by which they were granted; because, in the convulsions attending the decline of the Mogul power, their forts enabled them to secure terms for themselves. But even after the new Government became strong, and could easily have removed them, they frequently permitted these to remain, either on account of family alliances, out of respect for their high birth, or some other cause.

*P-393.*

For the commissioner at Poonah, in answer to a reference made to him on the subject, has stated that he has not been able to find a single *altamgha* in the Deccan, and has transmitted a list of five hundred and fifty-nine *jagheers*, resumed by the Peishwah's Government within the last fifty years, none of which are *altamgha*. Of these, he observes, three hundred and sixty-four were resumed for reason assigned, usually offences against the state; and one hundred and ninety-five without any reason assigned. In the Nizam's dominions, too, the resumption of *jagheers* appears from the note of his minister, Chundoo Lal, transmitted by the resident, to have been regulated, as in the Carnatic, by the will of the Prince.

*P-400-401.*

All Native states exercise, in the most unlimited manner, the right of granting and revoking *enaums* at pleasure; sometimes at once, sometimes gradually, by a small quit-rent at first, and then raising it to a greater, next to a half, and so on to the full rate of assessment. In India, revenue always follows the population and the produce, wherever they go. This is the usage, and it cannot be relinquished without endangering the future resources of the country; because, as the Government wastelands, together with the *jagheer* and *enaum* lands, are equal to from one-fourth to one-half of the whole of the lands in cultivation, if they were permanently exempted from the payment of revenue, they would gradually, instead of lying half waste and poorly cultivated, as at present, become completely cultivated, by drawing off the cultivators and stock from the lands now paying revenue, which would be proportionably diminished. If an effect of this kind has not already been experienced, in provinces containing a large proportion of *jagheer* and *enaum*, it is because it is prevented by the usage of transferring the assessment from

the deserted to the newly cultivated lands. Whenever it is found that the revenue of a district has been considerably diminished by the abandonment of assessed, and the occupation of waste lands belonging to jagheerdars or enaumdars, an assessment, proportionate in some degree to the loss, is imposed on the jagheer or enaum. It is this which guards the public revenue from loss, by former profuse grants; and if this power were relinquished, we should have no means of saving it from very considerable defalcation. The smaller enaums, though they separately contain only a few acres each, are very extensive collectively. They have, for the most part, been granted without authority, by heads of villages and revenue servants; and when they have escaped notice for a few years, and have afterwards been discovered, they have been allowed to continue, from charitable or interested motives, and they have, from various causes, a constant tendency to increase.

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### Annex F. No. 39

GRANT OF VILLAGES IN SARANJAM TO THE EAST INDIA COMPANY, THEIR  
SUBSEQUENT ATTACHMENT AND THE REMOVAL OF THAT ATTACHMENT,  
1657-1784

ASSIGNMENT OF VILLAGES IN SARANJAM.

*Document No. 1 (Peshwa Daftar) Ghadin R. 481.*

“Treaty concluded between Sarkar Rajashri Pant Pradhan and John Spencer and Thomas Byfeld on behalf of the English Company at Poona. Subursan Saba Khamasain Maya Va Alaf (1756-57) articles—  
.... *Article 3*—Bankot and Himmatgad have been granted as place for the factory (Company). For its maintenance *following villages are assigned in Saranjam* which shall be continued with them *for ever* and without any obstruction.

Details of villages—6 from Tarf Vesavi

1 Velas  
1 Vesavi  
1 Sifole  
1 Kuduk  
1 Pandari  
1 Peva

---

6

1 Bagamandal from Pargana Shrivardhan  
1 Kubale from Tarf Tundil  
1 Dasgaon from Pargana Mahad

---

3

Total:— 9

*Article 14*—Yashavantgad will be entirely demolished. The English will not make any fort (Kila) or fortification (Kota) or any additional *Imarat*, on that ground (of Yashavantgad) or in villages or by the side of river. In the same manner Sarkar will not make any fort, fortification or *Imarat* in the villages so assigned. The English will supervise the lands of those villages and the river.

*Article 15*—All the royalty of Bankot and Himmatgad has been granted to the Company. The Company will, therefore, prevent the entry of enemy as much as in their power lies into the Maratha territory through the river.

... In all 19 articles as stated above have been agreed to by both the parties.

#### ORDERS IMPLEMENTING THE TREATY.

*Document No. 2 (Peshwa Daftar, Poona Ghadni—Rumal No. 367).*

“Rajamandal Swari Rajashri Pant Pradhan expenditure on allowances for External Affairs on account of Ingraj of Bombay—orders issued.

27 of Rajav Suhur Sita Khamasain, Camp, Poona. Record of sanads of villages assigned for the maintenance of Fort Bankot to the English of Bombay.

... Village Kubale from Tarf Tundil Pargana Kondhavi Subha Rayari has been assigned (to the English).

Sanad to the head-man of the same village to give the revenue (Amal) to the English regularly. Sanad to Ramaji Mahadev Subedar of Bassein that it has been agreed to assign 8 villages in Saranjam for the Bankot and in exchange of Kalsi another village is to be assigned. Thus, village Kubale, village Velas and village Mandale in all 9 villages are to be appointed.

10th Saban, Camp, Poona. The village Dasgaon has been assigned in Saranjam for the Fort Bankot to the English at Bombay. Sanad to the head-man of the said village to give the English revenue (Amal) regularly.”

#### ENTRY OF THE VILLAGES FROM THE ACCOUNT PAPERS.

*Document No. 3 (Peshwa Daftar N. Konkan R. No. 293).*

“Shri

Village Mandle from Pargana Shrivardhan has been assigned in Saranjam for the Fort Bankot to the English of Bombay in 1756.

Total amount Rs. 1244/7/3

Total receipts in kind which are given here are omitted.

#### *Details*

Half the share belonging to Sarkar is shown on expenditure side as follows:—

1761-62	Rs. 263/12/-
1762-63	Rs. 251/12/-
1763-64	Rs. 239/6/3
Total:—	Rs. 754/14/3



Receipts in kind of the revenue are also given, which are omitted.

The remaining half is to go to the Sidhi of Janjira. But that amount has also been granted to the English according to the orders of Sarkar and the Sidhi has been assigned the share of his revenue from another village. Accordingly the revenue of the share of Sidhi also has been granted to the English. Sidhi is also given in exchange his share of revenue from other village which is debited on the name of the English.

ATTACHMENT OF THE VILLAGES ASSIGNED.

*Document No. 4 (Peshwa Daftar, N. Konkan R. No. 91)*

*From 1775 to 1783 for political reasons.*

RAJAMANDAL.

Swari Rajashri Pant Pradhan receipts mahalwise for the year 1776-77 village Dasgaon from Tarf Mahad Taluk Rayagad and village Kubale from Tarf Tundil from Taluk Suvarnadurga—these two villages have been assigned in Saranjam for the Bankot to the English of Bankot in 1756-57. *Due to friction between the Sarkar and the English these two villages were attached and the attachment was made by Govindrao and Chimanji officials of District Rajapur, according to the orders of Subha. Annual receipts on account of the attachment for the said year in money Rs. 354/1/3 and in kind...*"

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## Annex F. No. 40

EXTRACTS FROM "THE LAW OF LAND TENURES" BY GOPAL KRISHNA DANDEKAR. BOMBAY, 1912. VOLUME I.

*Page XXVII*

DUMALA—In the old times land was divided into MALGUZARI (revenue paying) and LAKHIRAJ (not paying revenue). The same distinction was, and even now amongst the subjects is expressed by the words KHALSA and DUMALA, the first meaning Government land and the second alienated land.

*Page LXVII*

JAGHIRS AND SARANJAMS—GENERAL—Next comes for consideration a species of alienation called JAGHIR or SARANJAM. JAGHIRS or SARANJAMS have been looked upon under the British rule as Political tenures, that is, tenures created from or dependent upon political considerations, the existence of which shall be determined by the Government. It was the practice under former Governments both Mahamedan and Maratha, to maintain a species of feudal aristocracy for state purposes by temporary assignments of revenue either for the support of troops, personal service the maintenance of official dignity, or other specific reason. Under the Mahomedan dynasty such holdings were known as JAGHIR, under the Maratha rule SARANJAM. If any original distinctive feature marked the tenure of JAGHIR and SARANJAM it ceased to exist during the Maratha empire. At the period of the introduction of the British Government there was no practical difference between a JAGHIR and a SARANJAM either in the Deccan or the Southern Maratha Country. The terms SARANJAM and JAGHIR are convertible terms.

SARANJAM is a word the practical use of which appears to have become in some degree technical, though not with so certain a definition as to exclude doubt. It may mean a mere charge on the revenue or a benefit by way of bounty, or in return for service made good in some other way. The true sense of the word SARANJAM ought in every case to be determined by a consideration of all the circumstances. The rules of construction applicable to grants in inam are applicable to grants in SARANJAM or JAGHIR. *It is an established rule that a grant in JAGHIR or SARANJAM is very rarely a grant of the soil, and that the burden of proving that it is in any particular case a grant of the soil lies very heavily upon the party alleging it.*

*In both the parts of the territories forming the Bombay Presidency the ordinary law had been the liability of JAGHIRS or SARANJAMS to resumption at the pleasure of Government.*

*Page XLIV*

ALIENATIONS IN GENERAL.—Alienations generally may be said to be the exceptions to the general principles of State proprietorship and of the liability of land for landrevenue to Government. Grants of land of villages were frequent in ancient times in India. Under the former Governments in India transfer of land (with the soil) or the public revenue thereof was deemed as a better mode of conferring a benefit on individuals or institutions than granting a cash amount from the public treasury.

Grants of land-revenue are not unknown under the British rule. Besides, the British Government has bound itself to respect all grants made by former Governments.

In "The Hand Book for Revenue Officers" by Mr. Nairue, alienations were classified as (1) political tenures, such as Jaghirs, Saranjams; (2) service inams; (3) personal inams; and (4) religious endowments. The same classification practically has been adopted in current revenue accounts of Government. The principal alienations are inams, jaghirs or saranjams and watans. Each of them is considered as a tenure, has got its own history, its own features and peculiarities.

Take first Inams and then the question is what is meant by "inam". The word in its primary sense means a gift, in its derived or secondary sense a grant necessarily including every species of grant, which a granting power could bestow.

*Page LVI*

ALIENATION IN GENERAL.—To grant lands or create inams was and is always deemed to be one of the privileges of the King. Under the former Governments the power to confer grants was either given to or exercised by certain officers of the Governments. Village lands, at least unoccupied, were often times under the control of the village community, who used to confer inams (rights to hold lands free of assessment) and consequently the inams were called GAVNISBAT INAMS. Sometimes one finds what are classed ALTUMGHA grants (al, meaning red and tumgha, a seal) that is, grants bearing a red seal which indicated that they emanated from badshadas (kings or sovereigns). On account of the time of its creation an inam is sometimes call KADIM or JADID.

Inams may be of entire villages or of fractions thereof or may be of any specific lands situate therein. They may be again the grants of the proprietorship of the soil or of the royal share of the produce, that is, the land-revenue thereof.

The objects of or motives for granting inams were and are purely matters of the pleasure of the sovereign power and nobody can say what the pleasure of the sovereign power may consist in. Inams may be classified according to some known or recognised motives or purposes into political, non-political, for service, personal as matters of mere favour, or DHARMADAYA or DEVASTHAN inams.

*Page LIX*

POWERS OF INAMDAR.—Though Government is unwilling to interfere with the internal relations between the inamdar and his inferior-holders, it was thought not only polite but obligatory to interfere for the protection of the inferior-holders having a permanent hereditary interest in their lands. To prevent undue exactions by inamdars it is enacted that in certain cases the inamdar shall not recover his dues direct from his inferior-holders, but he must recover the same through the hereditary village officers.

The inamdar being the superior-holder is given assistance by certain revenue authorities in the collection of his dues from his inferior-holders. Similarly Government sometimes issues a commission to the inamdar empowering him to do certain acts and to take certain measures general in the matter of the collection of his dues.

## Page LXIII

RESUMPTION OF—INAM.—An inam holding may come to an end by revocation of the grant, resumption, forfeiture, surrender, escheat and lapse of time.

If there be not any breach of condition by the donee, the Government cannot, any more than a private person, revoke a gift actually made, without the consent of the donee. Resumption in general use means the action of taking back or recovering something. The expression has been interpreted by Government and declared by Couets to mean "discontinuance of the exemption from payment of public revenue". It is a general principle that an estate held upon a condition, whether expressed or implied, is liable to be defeated by reason of the non-performance of the condition. In the matter of resumption of rent-free or assessment-free lands by reason of failure to fulfil conditions attached to a grant, performance of service plays an important part. There may be a grant of land burdened with service; there may be a grant in consideration of past and future services; and there may be a grant of an office the services attached to which are remunerated by an interest in land. It may be made a condition of either of the first two classes of grants that the interest in the land should cease when the services are no longer required; but in the absence of a provision to that effect, lands held under those grants are not resumable at will. When the inamdar is an alienee of the land-revenue merely and the lands are in possession of permanent holders, resumption removes the tie between the inamdar and the said holders, and makes the latter "occupants" under Government. When the inamdar is the alienee of the soil, or when he is in possession of private lands actually or through tenants, resumption takes away the exemption from liability to pay land revenue and renders the inamdar himself as an occupant liable to pay assessment to Government. Resumption leaves the relations between the inamdar and his tenants unaffected. It diminishes the interest of the inamdar and lessens the security of mortgagees or other incumbrancers from him.

LAND—MEANING OF—In India the expression "land" has in its ordinary sense the same meaning which ordinarily it has under the English law. S. 3, cl. 4 of the Land Revenue Code declares "land" to include benefits to arise out of land and things attached to the earth, or permanently fastened to anything attached to the earth<sup>2</sup>.

Besides its ordinary meaning the expression "land" has, in India, at least in the Bombay Presidency, acquired some other meanings either extended or limited. In its extended sense it includes villages, portions of villages, shares in, or charges on the revenue of rent of villages, and landed estate of every description<sup>3</sup>.

In its limited sense it means merely the public revenue on land. That is the sense which is *prima facie* attributed to the word "land" as used in grants from the State<sup>4</sup>.

<sup>1</sup> Coke upon Littleton 4(a).

<sup>2</sup> See S. 3 of Act X of 1876.

<sup>3</sup> Bombay Act II of 1863, S. 16(B).

Bombay Act VII of 1863, S. 35(B).

Act I of 1894 S. 3 Cl. (a), and Government of Bombay, v. Esufalli, (1910) I.L.R. 34 Bom. 618.

<sup>4</sup> *Krishnarav v. Rangrav*, 4 Bom. H.C.R. (A.C.J.) I.

Thus it will be seen that in India, the expression "land" is ambiguous, and has got at least two meanings, viz., the soil itself and the public revenue on land.

**DUMALA.**—Land is either Government land or not Government land; that is, it is either unalienated or alienated. The expression for unalienated land is **KHALSA** or **RAYATAWA** is some parts as opposed to **DUMALA** or **INAM** lands, that is, alienated lands.

**VILLAGE.**—Inams may be of *villages* or of some specific lands in villages. Grant of villages may be of entire villages or of some fractions of villages such as half or one-fourth. Grants of villages or of lands may be either grants of the proprietorship of the soil of the villages or lands, or grants of the royal portion of the produce, that is, the Government assessment thereof <sup>1</sup>.

**ONUS OF PROOF ON GRANTEE.**—*Crown grants have at all times been construed most favourably for the King, where a fair doubt exists as to the real meaning of the instrument* <sup>2</sup>. *This rule of construction has been adopted in construing Indian grants* <sup>3</sup>.

**JAGHIR AND SARANJAM.**—Like **JAGHIR** the term "**SARANJAM**" has acquired a somewhat technical sense meaning a kind of land tenure. Amongst the Marathas the expression was applied especially to a temporary assignment of revenue from villages or lands for the support of troops or for personal military service. The expression was also applied to grants made to persons appointed to Civil offices of the State to enable them to maintain their dignity, and to grants for charitable purposes <sup>4</sup>. It was the practice under former Governments, both Mahomedan and Maratha, to maintain a species of feudal aristocracy for State purposes by temporary assignments of revenue either for the support of troops, for personal service, the maintenance of official dignity, or other specific reason <sup>5</sup>. Under the Mahomedan dynasty such holdings were known as **Jaghir**, under the Maratha Rule **SARANJAM**. If any original distinctive feature marked the tenure of **JAGHIR** and **SARANJAM** it ceased to exist during the Maratha Empire, for at the period of the introduction of the British Government, there was no practical difference between a **JAGHIRDAR** and a **SARANJAMDAR** either in the Deccan or the Southern Maratha Country. The terms, **JAGHIR** and **SARANJAM**, are convertible terms in these districts. The latter is almost universally adopted <sup>7</sup>. Under the British rule **JAGHIRS** and **SARANJAMS** have been looked upon as Political

<sup>1</sup> For Sanads granting land-revenue, see the Sanad in *Vaman Janardan v. The Collector of Thana*(1869) 6 Bom. H.C.R. (A.C.J.) 191. Lands held rent free in Gujrat are called "Nakroo" lands.

<sup>2</sup> Comyn's Digest Vol. IV 309.

<sup>3</sup> *Vaman Janardhan v. The Collector of Thana*. 6 Bom. H.C.R. (A.C.L.) 191. *Collector of Ratnagiri v. Antaji* I.L.R. 12 Bom. 534 at p. 544.

<sup>4</sup> Wilson's Glossary, p. 465.

<sup>5</sup> Preface to the Saranjam's list of 1874 by Colonel Etheridge, p. 1.

<sup>6</sup> Preface by Col. Etheridge, Alienation Settlement Officer, to the Saranjam List of 1874.

<sup>7</sup> Bombay Act II of 1863, S. 1, cl. 2(2). Bom. Act VI of 1863 S. Cl. 2.

tenures, which have been explained to mean those created from, or dependent upon political considerations, the existence of which shall be determined by the Government <sup>1</sup>.

SARANJAMS AND JAGHIRS—KINDS OF.—Jaghirs were of two kinds; that is, they were either *conditional* or unconditional. The one was military, the other personal; the former for the purpose of maintaining a body of troops for the service of the State, and the latter for the support of an individual or a family. A JAGHIR was never, like an Inam, entirely freehold; some service was, by the original tenure, required <sup>2</sup>. Assignments in SARANJAM were, like JAGHIRS, unconditional or conditional. The former were called JAT SARANJAM as personal pay or provision for maintaining personal dignity; the latter were called FOUJ SARANJAM, for the support of the troops, and the maintenance of forts <sup>3</sup>. The following were the different classes of persons to whom SARANJAMS had been granted <sup>4</sup>:

1. Sirdars or great Chiefs.
2. Mootsudees.
3. Hoozrat.
4. Silledars.
5. Dependents of foreign States.
6. Paga Chiefs.
7. Killedars.

ADMINISTRATIVE POWERS OF—SARANJAMDARS OR JAGHIRDARS.—It will be remembered that holders of JAGHIR or SARANJAM grants had been, under the former Governments, entrusted with the powers requisite to enable them to collect and appropriate the revenue and to administer the general Government of the tract of land which produced it <sup>5</sup>. In matters of collection of revenue, Act XIII of 1842 made it lawful to the Governor in Council to grant any JAGHIRDAR, SARANJAMDAR or Inamdar a commission conferring upon him authority for the collection of his revenue by the exercise of certain powers. Act XIII of 1842 being repealed, corresponding provisions have been made in Ss. 88 to 90 of the *Land Revenue Code* (Bom. Act V of 1879). Bombay Regulation XIII of 1830 made provision for conferring CIVIL JURISDICTION on JAGHIRDARS, SARANJAMDARS and INAMDARS. The Regulation gave Legislative expressions to the custom that existed, in these matters, under the former Governments. S. 1 of the Regulation declares it competent to the Governor in Council to grant sanads to persons of the classes mentioned above, and notified in a list, conferring

<sup>1</sup> Bombay Act. II of 1863, S. 1, 16(c).

Bombay Act VII of 1863, S. 32(c).

<sup>2</sup> Wilson's Glossary—Judicial & Revenue terms (1855) p. 224.

Grant Duff's History of the Marathas (1863) Vol. III p. 370.

<sup>3</sup> Elphinstone's report of the conquered territories of the Peshwas; 2nd Edit. Appx. p. 25.

Saranjam List of 1874. Preface p. 1.

<sup>4</sup> Government Selection No. XXXI, Appx. b. p. 29.

<sup>5</sup> Preface of the Saranjam list of 1874, p. 1.

<sup>6</sup> See Part IIIch. III Sec. A p. 116.

<sup>7</sup> For the list See Bom. Govt. Gazette for 1908, pages 228 to 246. The list is prepared conformably to Govt. Resolution No. 2363 dated 23 July 1867.

on them authority to try, and determine all original suits of whatever amount, that may be either filed in their courts, or may be referred to them by the Agent or Judge. The sunnuds are personal. It is to be clearly understood that without such a Sunnud no Jaghirdar, Saranjamdar, or Inamdar shall have jurisdiction to decide civil actions, unless on arbitration or by consent of the parties<sup>1</sup>. In conferring jurisdiction on Jaghirdars etc., the Regulation provides that all persons residing within the Jurisdiction of a Jaghirdar must bring their civil disputes for adjudication before him excepting in certain cases. Ss. 3 and 4 of the Regulation prescribe the different tribunals for appeals against decisions passed by Jaghirdars or Saranjamdars of different ranks.

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<sup>1</sup> Clause 3rd section 1 of Reg. XIII of 1830.

**Annex F. No. 41**

SOME INSTANCES OF CESSION OF TERRITORY MADE BY THE MARATHAS AND THE USE OF WORDS "CESSION IN PERPETUITY" AND "CESSION OF SOVEREIGNTY"

*Extracts from "Treaties, Agreements, and Engagements, between the Honorable East India Company and the Native Princes, Chiefs, and States in Western India; The Red Sea, The Persian Gulf; &c. also between Her Britannic Majesty's Government, and Persia, Portugal", and Turkey, by R. Hughes Thomas, Uncovenanted Assistant to the Chief Secretary.*

TREATY WITH RAGHOB (RUGHONATH RAO BAJEE RAO),  
DATED THE 6TH MARCH 1775.

*Article V*

In consideration of such effectual assistance on the part of the Hon'ble Company, Raghoba, as Peshwa, and as supreme Governor in the whole Muratha Empire, doth hereby engage, on his part, to **cede and make over to the Honorable Company for ever**, the undermentioned places and territories; and he doth accordingly, by these presents, make over the same to them, in the most full, ample, and effectual manner; and he doth, by these presents, deliver the necessary Sunuds, granting, in the fullest manner, all the present and future full right and title of the Muratha Government to them; and in case of the loss at any time, of the Sunuds now delivered, these presents are, at all times, to be considered as such, and of full and equal validity with any Sunud whatever.

Bassein, and the whole of its dependencies, in its fullest extent, and all rents and revenues thereunto belonging, together with the Fort or Forts, and every thing belonging to the Poona Government in it or them.

Salsette, the whole and entire island, with all the revenues of the different places annexed to it, as collected by Anund Rao and Ramajee Punt.

Jumboosur and Orpar, with the whole of their dependencies, in their full extent together with every thing belonging to the Poona Government in those Parganas.

The four following islands adjacent to Bombay, with every thing belonging to the Poona Government therein; viz.—Kurunja, Kanery, Elephanta, and Hog Island.

*Article XV*

**All the places ceded for ever to the Honorable Company by this Treaty are to be considered as their sole right and property, from the day this Treaty is signed, and this Treaty from that day is to be considered in full force**, just as if the expected services were fully accomplished, whether Raghoba shall make peace with his enemies or not.

*Pp. 513, 514, 515, 519*

TREATY WITH THE PESHWA, COMMONLY CALLED "THE TREATY OF BASSEIN", DATED THE 31ST DECEMBER 1802.

*Article IV*

For the regular payment of the whole expense of the said subsidiary force, His Highness Rao Pundit Prudhan Bahadoer hereby **assigns and**



**cedes, in perpetuity, to the Honorable East India Company, all the territories detailed in the Schedule annexed to this Treaty<sup>1</sup>.**

*Article V*

As it may be found that certain of the territories ceded by the foregoing Article to the Honorable Company may be inconvenient from their situation, His Highness Rao Pundit Prudhan Bahadoor, for the purpose of rendering the boundary line of the Honorable Company's possessions a good and well-defined one, agrees that such exchange of Talookas or lands shall be made hereafter, on terms of a fair valuation of their respective revenues, as the completion of the said purpose may require, and it is agreed and covenanted that the territories to be assigned and ceded to the Honorable Company by the fourth Article, or in consequence of the exchange stipulated eventually in this Article, **shall be subject to the exclusive management and authority of the said Company and of their Officers.**

*Article IX*

Grain, and all other articles of consumption, and provisions, and all sorts of materials for wearing apparel, together with the necessary numbers of cattle, horses, and camels, required for the use of the subsidiary force, shall be entirely exempted from duties, and the Commanding Officer, and Officers of the said subsidiary force, shall be treated, in all respects, in a manner suitable to the dignity and greatness of both States. The subsidiary force will, at all times, be ready to execute services of importance, such as the protection of the person of High Highness, his heirs and successors, the overawing and chastisement of rebels or excitors of disturbance in His Highness' dominions, and the due correction of his subjects or dependents, who may withhold payment of the Sirkar's just claims; but it is not to be employed on trifling occasions, nor, like Sebundy, to be stationed in the country to collect the revenues, nor against any of the principal branches of the Muratha Empire, nor in levying contributions from Muratha dependents, in the manner of Moolukgeeree.

*Article XIX*

It is finally declared that this Treaty, which, according to the foregoing Articles, is meant for the support and credit of His said Highness' Government, and to preserve it from loss and decline, shall last as long as the sun and moon shall endure.

*Pp. 528, 529.*

PARTITION TREATY OF POONA, WITH HIS HIGHNESS THE PESHWA,  
DATED THE 14TH MAY 1804.

*Article I*

The province of Kuttack, including the port and district of Balasore, and all cessions of every description, made by the II. Article of the

<sup>1</sup> Vide pp. 519 & 520.

Treaty<sup>1</sup> of Deogaum, or by any treaties which have been confirmed by the X Article of the said Treaty of Deogaum, shall belong, in **perpetual sovereignty**, to the Honorable English East India Company.

*Article II*

The territories of which Maharaja Sena Saheb Soobah formerly collected the Revenues, in participation with His Highness the Soobedar of the Deccan, and those formerly possessed by Maharaja Sena Saheb Soobah to the Westward of the River Wurdha, ceded by the III. Article of the Treaty of Deogaum, and the territory situated to the Southward of the hills on which are the forts of Nernala and Gawilgur, and to the Westward of the River Wurdha, stated by the IV. Article of the Treaty of Deogaum to belong to the British Government and its allies, shall belong, in **perpetual sovereignty**, to His Highness the Soobedar of the Deccan, with the exception of the districts reserved to Sena Saheb Soobah, in the V. Article of the said Treaty of Deogaum.

*Article III*

All the forts, territories, and rights of Maharaja Dowlut Rao Sindia in the Doab or country situated between the Jumna and Ganges, and all his forts, territories, rights, and interests in the countries which are to the Northward of those of the Rajas of Jeypoor and Jodhpoor, and of the Rana of Gohud, ceded by the II. Article of the Treaty of Surje Anjungaum, shall belong, in **perpetual sovereignty**, to the Honorable Company.

*Article IV*

The fort of Broach, and territory depending thereon, ceded by the III. Article of the Treaty of Surje Anjungaum, shall belong, in **perpetual sovereignty**, to the Honorable Company.

*Article V*

The fort and city of Ahmednuggur, together with such part of the territory depending thereon as is ceded by the III. Article of the Treaty of Surje Anjungaum to the Honorable Company and its allies, shall belong, in **perpetual sovereignty**, to His Highness the Peshwa.

*Article VI*

All the territories which belonged to Maharaja Dowlut Rao Sindia, before the commencement of the late war, situated to the Southward of the hills called the Adjuntee Hills, including the fort and district of Jalnapoor, the town and district of Gandapoor, and all other districts between that range of hills and the river Godavuree ceded by the IV. Article of the Treaty of Surje Anjungaum to the Honorable Company and its allies, shall belong, in **perpetual sovereignty**, to His Highness the Soobedar of the Deccan.

<sup>1</sup> Vide pp. 340 & 343.

*Article VII*

All cessions made to the Honorable Company by any Treaties, which have been confirmed by the IX. Article of the Treaty of Surje Anjungaum, shall belong, in **perpetual sovereignty**, to the Honorable Company.

*Pp. 530, 533, 534, 535, 539-542.*

Treaty between the Honorable East India Company and His Highness Bajee Rao Rughoonath Rao Pundit Prudhan, his heirs and successors, concluded at Poona, on the 13th of June, 1817, by the Honorable M. ELPHINSTONE, on the part of the Honorable Company, and by MORO DIXIT and BALAJEE LUXOMAN, on the part of the Rao Pundit Prudhan, by virtue of full powers from their respective Governments.

*Article VII*

To enable the British Government to supply the place of the contingent above-mentioned, His Highness Rao Pundit Prudhan Bahadoor hereby **assigns and cedes, in perpetuity, to the Honorable Company, all the territories and rights detailed in the Schedule**<sup>1</sup> annexed to this Treaty; and His Highness expressly renounces all claims and pretensions, of whatever description, on the countries enumerated in the said Schedule, and all connexion with the Chiefs and Bhoomeas of those countries.

*Article VIII*

As it may be found that certain of the territories ceded by the foregoing Article may be inconvenient, from their situation, His Highness Rao Pundit Prudhan Bahadoor, for the purpose of rendering the boundary line a good and well defined one, agrees that such exchanges of Talookas and lands shall be made hereafter, on terms of a fair valuation of their respective revenues, as the completion of the said purpose may require; and it is agreed and covenanted that the territories to be assigned and ceded to the Honorable Company, by the VII. Article, or in consequence of the exchange stipulated eventually in this Article, shall be subject to the exclusive management and authority of the said Company and their Officers.

*Article XIII*

His Highness Rao Pundit Prudhan Bahadoor hereby **cedes to the Honorable East India Company all his rights, interests, or pretensions, feudal, territorial, or pecuniary**, on the province of Bundelkund, including Saugur, Jhansi, and the lands held by Nana Govind Rao, and agrees to relinquish all connection with the Chiefs in that quarter.

*Article XIV*

His Highness Rao Pundit Prudhan Bahadoor, for himself, and for his heirs and successors, hereby cedes to the Honorable East India Company all his rights and territories in Malwa, which were secured to him by the IIth Article of the Treaty of Surje Anjungaum, and generally all rights and presentations of every denomination, which he may possess in the country to the North of the river Nurbuda, excepting those which

<sup>1</sup> Vide Appendix 'A' at page 528.

he possesses in the province of Guzerat; and engages never more to interfere in the affairs of Hindoostan.

*Article XV*

His Highness Rao Pundit Prudhan Bahadoor formerly rented his share of the city and province of Ahmedabad, including the tribute of Katteewar, to Bhugwunt Rao Gaekwar, at the rate of four lacs and a half of Rupees per annum, and granted a Sunud to that effect under date the twenty-seventh Jumadee-col-Akhur (1205) one thousand two hundred and five. The tribute of Katteewar, formerly comprehended in that farm, has been ceded to the British Government by the VII. Article of the present Treaty.

His Highness now agrees to grant the remainder of the said farm, in perpetuity, to His Highness Raja Anund Rao Gaekwar Bahadoor, and to his heirs and successors, on the same terms as those contained in the above-mentioned Sunud, dated the twenty-seventh of Jumadee-ool-Akahaur, A. H. one thousand two hundred and five (1205), excepting the terms contained in the II, VIII, XI., and XV. Articles, which are hereby abrogated and annulled. In consideration of the greatness of the actual revenue of the city and province of Ahmedabad, and likewise of the loss to which His Highness Rao Pundit Prudhan Bahadoor has already been subjected by his renunciation of all future claims on His Highness Raja Anund Rao Gaekwar Bahadoor, and by his accepting an annual payment of four lacs of Rupees in lieu of all claims actually due up to the present day, it is agreed that the former sum of four lacs and a half of Rupees shall still be paid for the farm of Ahmedabad, notwithstanding the separation of the tribute of Katteewar.

*Article XVI*

Whereas certain Articles of Agreement<sup>1</sup> (VI in number) regarding the settlement of the Southern Jageerdars, were presented by the Resident at Poona to His Highness Rao Pundit Prudhan Bahadoor, on the 6th of July, one thousand eight hundred and twelve (1812) A.D., to which, after a modification suggested by His Highness, and submitted to him on the seventh of the same month, His Highness gave his entire consent; Those Articles are hereby recognized and declared to be binding on both parties, as much as if they formed part of the present Treaty; and whereas various disputes have arisen, regarding the muster of the troops of the said Jageerdars, and the manner and periods of their service, His Highness Rao Pundit Prudhan Bahadoor hereby agrees to be guided entirely by the advice of the British Government with regard to those subjects, and to issue no orders to the Jageerdars without full concert with the British Government. His Highness hereby agrees to restore to the said Jageerdars any of the lands included in their Sunuds which may now be in His Highness' possession; and in consideration of the recommendation of the British Government, His Highness hereby consents to restore to Madhow Rao Rastia the Jageer formerly held by him, and resumed in the year one thousand eight hundred and fourteen, and to permit him to hold that Jageer as formerly, under the guarantee of the British Government.

<sup>1</sup> Vide page 537.

## Annex F. No. 42

*Translation made by the Government of India of the text contained in the photocopy of the document at Annex No. 26 to the Portuguese Reply.*

LETTER OF THE VICEROY D. FREDERICO CUILHERME DE SOUSA TO THE GOVERNOR OF DAMAN, DATED THE 11TH OF JANUARY 1780

(Instructions of Captain General.) In order that the same Governor of Daman, Jose de Oliveira Leitao e Sousa, (be able to receive from the Mahrattas the ceded villages).

From the copy of the Treaty of Agreement concluded with the Most Auspicious Madou Rao Panditto Pradan, Lord of Punem and its Domains, you will see that he promised to hand over to the Majestic State twelve thousand rupees worth of annual revenue in villages yielding the said revenue.

The Envoy of the State Narana Sinai Dumo will hand over to you the "sanads" and the orders for the said delivery and as this matter is very important for the State, as soon as you receive the said "Sanads" and orders, you will take at the earliest all the steps necessary to obtain from the Lord Subedar or from the person to whom the said "Sanads" are addressed for the handing over of the said villages.

You should see to it that the villages to be delivered are close to the jurisdiction of that place, so as to avoid doubts and litigation if they are not contiguous.

In case it so happens that the villages which are offered have a revenue of less than twelve thousand rupees, and the steps taken by you do not succeed in obtaining a bigger revenue do not fail to accept and to take possession of the villages given, presenting (submitting) the necessary protests and declarations, pointing out that the villages you are taking possession of yield only so much of revenue and that you are protesting in the name of the Majestic State so that competent representations be made to the Most Happy in order to complete and hand over revenues making up the entire twelve thousand rupees per year according to the Treaty of Agreement, because it is more convenient to accept immediately what is offered than to raise doubts which may render the matter uncertain and lead finally to receiving nothing at all.

You should execute solemn deeds of the handing over of the villages, recording the "sanads" which shall be issued by the Most Happy, for their delivery with the copy of the Treaty of Agreement which constitutes the legitimate title, taking possession personally of the said villages in the presence of the magistrate Judge of the Facts and Attorney of the Crown and the Treasury, the Registrar of the Treasury and the Notary Public, by executing deeds of possession of each of the villages with the customary ceremonies consisting of opening and closing of the doors, breaking tree-branches, taking earth and throwing it in the air and going up and down declaring that you are taking possession in the name of the Majestic State, in My Name, and following my order for the Crown of the Queen Most Faithful, Our Lady, arranging for the dates of delivery and possession to be signed by all, and specially by the Sar Subedar or by the Person handing over the said villages by order.

You should forward to me with care the originals of the deeds which shall have been prepared regarding this delivery and possession, by the first war-frigate leaving your port, registering them in the Books of the Assistant Treasurer.

However, a delay being possible in this dispatch in the chance of any (consignment) frigate, you should send to me, seizing the first opportunity, the duly certified copy of the said reports.

The said delivery and possession being effected, you should get collected by the Royal Treasury the revenues of the villages concerned, following the procedure applied in case of other revenues of the said Treasury.

The Most Happy Madou Rao has also promised, apart from the Treaty, to pay to the State twelve thousand rupees of revenue of one year in the villages, and if he gives "sanad" for the said payment you will receive it, May God protect you.

Goa 11th January, 1780.

D. Frederico GUILHERME DE SOUSA.

Livre de Damao, No. 1 FF. 126V—127—Photocopy.

Film Library—Coll of Damao—Photocopies Nos. 2-3.

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## Annex F. No. 43

TRANSLATION MADE BY THE GOVERNMENT OF INDIA OF THE TEXT  
CONTAINED IN THE PHOTOCOPY OF THE DOCUMENT AT  
ANNEX NO. 33 OF THE PORTUGUESE REPLY

To

*Copy of the reply*

Dom Christovao Pereira de Castro

1. I received your letter, dated the 7th instant and through it I have been glad of your health which may always be good, for the making use of which I have...<sup>1</sup>.

2. I am informed about the matter of Cambirgad . . .<sup>2</sup> about the duty of Nagar Aveli. This month is for giving alms and more than 40 thousand Brahmims have gathered. Despite the fact that the alms of the Most Happy are over, there are still those of private individuals, for this has been the reason, in view of the said gathering, for the increased dearness in all kinds of commodities, including grass and firewood, besides which by itself it was ...<sup>3</sup> excessive and unnatural, and now much more in its hardship ...<sup>4</sup> the arrival. The Prime Minister Nana Foddony is busy with the arrangements of the same alms, and our Attorney is ill, and as the courier is continuously causing me annoyance, therefore I wait. The Replies concerning the affairs I shall send with Vitoba Dessai or to you. After receiving this you may send another courier. With the arrival of Vitoba Dessai I came to know about the obstacle which the Subedar of Bassein has put in my villages. Informing the Prime Minister Nana Foddonis, he not only regretted, but was even amazed, and reprimanded for these disorders without giving notice, and ordered him to remove the said obstacle. As regards the hindrance in respect of Gambirgondo, he would study and do what was just, and he sent word to me that I should not be hurt and that I could sent an administrator in the villages, and I replied to him that I was grateful for the kindness, but that I was not sending the administrator in the villages, because I do no longer want, I am a servant of the King of Portugal, I cannot receive gifts from another Nation, as the said King has a lot to give and for my ignorance...<sup>5</sup> I correct myself in this manner, and I shall not fall again. This is the phase in which the affair lies, which I report to you.

3. You should never allow the residents of Daman, to bring goods of any kind on the grounds that they are goods of 'zame' belonging to Nagar Avelly, not to cut the timber of any quality from that Pragana, whether for private purpose or for their sale, except and only the quantity which is necessary for the Royal service. If this is not done, it is not only detrimental to the state, but also it is the sure way of bringing about complaints about the duties, and for the reputation which may help the ...<sup>6</sup> and it will cause great losses, owing to which reason I am compelled to declare as above, and also it seems to me that you will not have leased the forests, nor should they be leased, because only thus will the Pragana be preserved well for the utility of the State, for which purpose they shall be warned not to do cutting themselves, under the pain of being punished and sentenced for which purpose a spy shall be posted for their being caught when they commit the offence.

4. As regards the Parsi, according to the contents of the letter you have acted very wisely and carefully, and also you have ...<sup>7</sup> notice of

the Governor and Captain General. What I can say is that when the said comes to fetch the reply you may give it stating that about this matter I have written to the Judge of the State who is in this Court and he shall reply in this respect about everything; You shall do what you think is the best or in accordance with the orders of the said Governor and Governor and Captain General, while I on my part am ready to do all that is for the benefit of the State even though at this moment I am ailing; Further information you shall have in the reply of Angy Parabhu, Interpreter of that city, because he wrote to me your order.

5. One of the most serious complaints of the Lessor of the Customs of this Sarkar is that the traders of Daman carry goods to various places by the route of Nagar Aveli, and also large quantity of timber for selling, besides carrying goods belonging to the said Na...<sup>8</sup> Avelly; If this is true you must stop it. Otherwise under no circumstances would this Sarkar allow the carrying free of duty, of any goods even from Nagar Aveli;

May God Preserve You...<sup>9</sup> Punem, 24th August 1787.

Very faithfully yours,  
Narana Rao Vittal DUMO.

TRANSLATION MADE BY THE GOVERNMENT OF INDIA OF THE  
TEXT PRINTED AT PORTUGUESE REPLY, ANNEX NO. 33

LETTER OF NARANA SINAI DUMO TO THE GOVERNOR OF DAMAO,  
DATED 24TH AUGUST, 1787

Mr. Dom Cristovao Pereira de Castro:

I received your Lordship's letter dated the 7th of the present month... *I am informed about the affair of the Gambirgar regarding the dues from Nagar-Aveli...* Concerning the obstacles placed in my villages by the Subedar of Bacaim, when the Prime Minister Narana Foddonny received the news, he was not only shocked but amazed, and he reproved him, for having created these disorders without informing him, and he ordered him to remove the obstacles. *As to the enemies of the Gambirgodo, he will deal with them and do the needful...*

*Arquivo Historico do Estado da India,*

fil 870, Doc. 2003, box 12.

Livro de Damao No. 4, f. 181.

<sup>1</sup> Word incomplete, document torn at the edge.

<sup>2</sup> Word missing, document torn at the edge. It will be seen that after the word "Gambirgad" the edge of the leaf is torn and it could be filled only with the word "e", which means "and", and hence the whole sentence should now read as:

"I am informed about the matter of  
Gambirgad and about the duties of  
Nagar Aveli".

<sup>3</sup> Word incomplete, document torn at the edge.

<sup>4</sup> Word incomplete, document torn at the edge.

<sup>5</sup> Word incomplete, word illegible, document torn at the edge.

<sup>6</sup> Word illegible.

<sup>7</sup> Word incomplete, document torn at the edge.

<sup>8</sup> Word incomplete, document torn at the edge.

<sup>9</sup> Words illegible.



## Annex F. No. 44

TRANSLATION MADE BY THE GOVERNMENT OF INDIA OF THE TEXT OF THE PHOTOCOPY OF THE DOCUMENT AT ANNEX NO. 34 TO THE PORTUGUESE REPLY

*In order that Mr. Narana Sinai Dumo may see and inquire about the pensions which the Collector of Duties of Gambirgar, who is posted at the Chauri of Fatepur wishes to collect and which do not belong to him as the Pragana Nagar Avelly has been ceded to the State with its duties and the said pensions are being declared under the following Chapters.*

1. Desiring to bring paddy of 'Jame' which is known as "Massul" of the villages of Pragana Nagar Avelly to this city, the contractor of Gambirgar who is posted in the Chauri of Fatepur and the other Duty Collectors of the Pragana Calone Pomuari and Naher demand the duties; having shown the Sanad of the Sarkar which you sent at the time of my predecessor in order that the said paddy might pass free of all duties which Sanad was communicated to the Subedar of Bassein and to the other Duty Collectors, yet they are always obstructing the carts in which the said paddy is carried, owing to which fact you should *obtain a new Sanad in order that the said 'Jame' may pass without obstruction as well as some timber which comes from the forest of the said Pragana, for the service of this city on which no duties should be paid.*

2. In the said Pragana Nagar Avelly the Duty Collector of the Chauri of Fatepur demands one rupee in each village and if it is small only half rupee in addition to the 'Caredi', rice, pulses, 'urid', butter, and fowl, according to tradition, as per the list sent by him, which I forward for you to see, and even if it had been the custom we cannot consent to it because the said Pragana has been given with its duties.

3. He demands further in the said Pragana in each village 'caredi' of supplies, in order to give one rupee and demand goods of two rupees to the detriment of the villagers while our contractor of Nagar Avelly does not demand in order not to harm the settlers, to which fact we should also not consent even though it might have been customary, in his time.

4. In some villages of the said Pragana the shop-keepers are setting up their shops and wishing to bring the goods in the shops to Daman the Duty Collector of the Chauri of Fatepur who is of Gambirgar obstructs the paddy carts demanding the duties without passing by his Chowki, owing to which fact from the last year they do not wish to set up their shops which fact is detrimental to the duties of Nagar Avelly.

5. The village Camuncha of the said Pragana Nagar Avelly has a passage ...<sup>1</sup> pass the bullock-herders of Balagate with some goods and take back salt by bullocks by the way of the same pass which duties ...<sup>2</sup> to Nagar Avelly as they pass through its district to which the Duty Collector of the Chauri of Fatepur is demanding the duties, alleging that they belong to him without passing ...<sup>3</sup> his Chauri nor dominion and if he collected for some time in Chamuncha being ...<sup>4</sup> territories it was because it was not collected in the Pragana Sulla Funcanara territories of Ramnagar as no clerk was posted in that forest and because by reason they belong to the said pass of the village of Camuncha to the contractor of

Nagar Avelly and in fact our contractor of Nagar Avelly has collected the duties of two years.

6. The merchants who proceed to the said Pragana Nagar Avelly, wishing to bring some goods from there to Daman the said Duty Collector of the Chauri demands the duties without passing by his Chowki and at present he is collecting by placing ...<sup>5</sup> in the villages of the said Pragana.

7. The villagers of the said Pragana are in the habit of selling their bullocks the duties in respect of which belong to our contractor as they are in his jurisdiction. Being ...<sup>6</sup> the said Duty Collector of the said Chauri wants to collect forcibly sending his sepoy, without passing by his chowki, besides which the sepoys are demanding food from the villagers.

8. The people of the Maratha in the Pragana Calone, Ponuari, and Naher bring timber from the forests of Nager Aveli to construct their houses burnt by the British, and as they have to pay the duties of the said Pragana the Subedar of Bassein in consideration for the friendship requested by his letter to the Governor, that the said timber should pass free of duty, and in fact the latter granted, while the Maratha is at the same time collecting the duties on timber which the people of Damao are bringing to construct their houses.

9. The capitulations which were made formerly in the beginning of the peace between both the States, *the Maratha on his side does not fulfil, but rather adds to the duties on the paddy and other goods which come to Damao and having written a number of times he has always made excuses.*

These are the detrimental Chapters which are causing losses and hardship owing to which reason you will apply to the Sarkar for the purpose of stopping the disorders and establishing peace and good friendship.

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1 Word missing, page torn at the edge.

2 Word missing, page torn at the edge.

3 Word missing, page torn at the edge.

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## Annex F. No. 45

TRANSLATION MADE BY THE GOVERNMENT OF INDIA OF THE STATEMENT FOUND ON THE LAST PAGE OF THE PHOTOCOPIES OF THE DOCUMENTS AT ANNEXES NOS. 35 TO 38 TO THE PORTUGUESE REPLY

“Statement of expenses made with the officials and Ministers of the Darbar of the Court of Punem *in order to obtain the Sanad* relating to the Chauri of Fattepor, which the Collector of Ganbirgar collected in the Pragana of Nagar Aveli. The expenses were incurred as under:—

To the Minister Bairopant Baba . . . . .	Rs. 700-0-0
To the Dewan of the Sar-Subedar Madagipant . . . . .	Rs. 200-0-0
To the Dewan of Baba Balagipant Sangamoneri . . . . .	Rs. 50-0-0
To the Servants of Nana Furnis . . . . .	Rs. 50-0-0
To the Secretary of Furnis . . . . .	Rs. 25-0-0
To the clerk of Baba Nararpant . . . . .	Rs. 25-0-0
To Parbacarpant . . . . .	Rs. 25-0-0
To the first courier who carried the letters, dealing with this matter, to the Subedar of Bassein, and who delayed two/twenty-one days <sup>1</sup> . . . . .	Rs. 9-2-0
For taking letters of the Collector of the jurisdiction of Bassein . . . . .	Rs. 20-0-0
To the Dewan of the Sarkar . . . . .	Rs. 110-0-0
	Rs. 1214-2-0

The expenses amount to one thousand, two hundred and fourteen rupees and a half, as per letter of Manuhargi, who is at Punem. This day the 15th November, 1791.”

<sup>1</sup> The figure is not clear.

## Annex F. No. 46

TRANSLATION MADE BY THE GOVERNMENT OF INDIA OF THE TEXT OF THE DOCUMENT AT ANNEX 38 TO THE PORTUGUESE REPLY

Record of the "Sanad" or Order passed by the Very Happy Madou Rao Narana Panta Pradane, to the Collector of Taxes of Chauri of Fatepor, of the Department of Ramnagar, in the year Sur San issane tissaine Malam Vaalaf, that is to say: 1791.

I, Madou Rao Narana Pradane, inform the gentlemen, collectors of taxes of Chauri of Fatepor, belonging to the lands of Ramnagar, of the Domain of the Sarkar, that the Pargana Nagar Aveli, with all its duties has been ceded by the Sarkar to the Portuguese State; in the aforesaid Pargana, the Collector of the Chauri of Fatepor is creating some difficulties in respect of the collection of the Singoti, Motarfa and other taxes, imposing his authority in it, which has been brought to my notice, owing to which reasons I have ordered the Sar Subedar of Bacnim, to command him to observe the order issued, and I order by this letter the handing over of the dominion of the Sarkar with its duties to the said State, in order not to have authority or dominion on it, and no further complaint should come about it.

This day, the 18 of the month of Moram, that is to say the 21st September, 1791.

PANT PRADHAN'S LETTER TO THE TAX-COLLECTOR OF  
FATEPUR CHARDI, 21-9-1791

The Gentleman,

Collector of taxes on behalf of Sarkar of Chavadi (post) Fatepur, in jurisdiction of Ramnagar.

With compliments from Madhavrao Narayan Pradhan Suhur Issanne Tisain Maya Wa Alaf (1791).

Pargana Nagar Aveli in entirety (Darobast) and with its *Zakat* (taxes) is given to the *Firangee Istad*, by the Sarkar. It has been brought to the notice of the Government that you cause it harassment, about the *Zakat* of Singoti, Mahtarfa, etc., which formed the share (Amal) of *Zakat* of Chavadi of Fatepur. The Sar Subha has already been directed to issue to you the necessary instruction in this connection and hence this letter. Sarkar's revenue (Sarkar Amal) from the said Pargana with its *Zakat* has been given to the *Firangee* and Sanad is already issued. You should, therefore, *stop the harassment about the (collection) of share of Zakat of Fatepur Chavadi henceforth*. No more complaint will be entertained in this connection. Be it known 18 Muharam—Huzur's grant—Seal.

## Annex F. No. 47

LETTERS FROM THE GOVERNOR OF DAMAN TO THE PORTUGUESE ENVOY  
AT THE MARATHA COURT, NARAYAN VITHAL GORAKSH

(Translation from "Agentes da Diplomacia Portuguesa na India",  
by P. Pissurlencar, Bastora (Goa), Tipografia Rangel-1952.)

Page No. 481

No. 110

TO VITHAL RAO GORQUI

I received your letter dated the 6th instant which was submitted to His Excellency, who directed me to inform you *that as long as that Sarkar did not withdraw the guard which he posted in Pragana Nagar Aveli, His Excellency cannot entertain any Proposal from the said Sarkar, like the one made at present by Ambruta Rao, nor can he discuss any other matter. And he directs that you should, in the manner you find most convenient, promote to your utmost ability the necessary activities, through the Ruler as well as the Ministers, in order that the Order for the withdrawal of the said guard may be issued and the scandalous decision to wish to ascertain now how it was ceded to the Majestic State, be suspended, and also for restoring everything to the previous state, in observance of the Treaty concluded between the same Majestic State and the said Sarkar.*

*Once this is settled, and as soon as the Governor of Damam informs that the matter has been accordingly settled, His Excellency will entertain THE PROPOSAL FOR THE SALE OF 2,000 WEAPONS AND FOUR ARTILLERY GUNS, warning that, assuming the division and opposition, in which the chief personages in Punem find themselves at present together, consequently, with their own Parties, the said sale shall be effected only with the Ruler, as it is not just to help against him any of the said Parties.* I request you to keep on sending true reports about all that is going on.

I trust in your honour and in your well-known ability to discharge this duty, with the high consideration in which I hold your worth and zeal in the interests of the Majestic State. May God guard you.

Goa, dated the 19th May, 1798.—Jose Caetano Pacheco TAVARES.  
(Book of the Neighbouring Kings, No. 19, Page 91, reverse.)

Page No. 482

No. 111

TO VITHAL RAO GORQUI

I received your three letters, dated the 13th and 17th instant; and a statement of account enclosed with one of them; and two copies written in gentile script which I submitted to His Excellency, who is awaiting to receive, with the utmost expedition, a communication from you, informing about the issue of the order which you state Ambruta Rao has directed to be given for the withdrawal of the Guard

of Pragana Nagar Aveli, and for non-interference with its Revenues; in view of the efficiency with which you deal with the matter entrusted to your care I am sure that you will succeed in this case, and as soon as you inform the Governor of Daman that the said Guard has been withdrawn and the possession in which the Majestic State was, of the said Pragana Nagar Aveli, has been restored, we can accept the proposal regarding the sale of rifles and artillery guns in the manner referred to by me in my last letter to you, according to His Excellency's instructions to me.

Goa, dated the 30th May, 1798.—Jose Caetano Pacheco TAVARES.  
(Book of the Neighbouring Kings, No. 19, Page 92.)

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Page No. 483

No. 112

TO THE SAME VITHAL RAO GORQUI

I received the letter which you wrote to me, on 18th instant and the copies, enclosed therewith, of the order by which that Sarkar directed the withdrawal of the Guard which had been posted in the Pragana Nagar Aveli and the restitution of the revenues which might have been collected, and also the copy of the letter which you wrote to the Acting Governor of the Daman Citadel. I submitted all of them to His Excellency who, to my great satisfaction, "referred in glowing terms to the zeal and activity" with which you have conducted yourself in this matter, and has directed me to write to you expressing thanks on his behalf, and informing that in "consideration of the praiseworthy services", he had promoted your son Gorqui Sinai to the post of Infantry Captain on a salary of forty-eight "Xerafins" per month, and only today he received from my hand the Appointment Order, owing to which fact I convey to you my congratulations, and shall be glad if fresh opportunities are presented to you for enhancing your merit. The letter enclosed herewith for the Governor of Daman you shall immediately forward, by an express courier, and shall also despatch the one enclosed herewith to Gabriel Jao Dos Anjos, and in case the Governor sends you any letter addressed to His Excellency, you shall immediately despatch it to this Court.

Goa, dated the 31st May, 1798.—Jose Caetano Pacheco TAVARES.  
(Book of the Neighbouring Kings, No. 19, Page 93.)

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Page No. 484

No. 113

TO THE ENVOY VITHAL RAO GORQUI

I received your letters, dated the 20th of the last month, as well as the copies, enclosed therewith, of the Sanad and Orders which were

issued by that Sarkar in respect of the dispute about the Pragana Nagar Haveli, and having submitted everything to His Excellency, the latter took due note of the good work performed by you, which is quite in keeping with the zeal that you have always been showing in "promoting the interests of the State" and I hope that with the production of the Sanad the same Pragana will be freed.

*His Excellency has immediately issued the Order to the Treasurer General of the Court to pay to your son the amount of five hundred and sixty-one rupees, which you have spent in gifts, and yesterday I sent notice to your son to take delivery of the said order of payment and to deal with the matter of collecting the amount.*

*Now that the Pragana has been restored and since the persons sent by Ambruta Rao is carrying a letter from the Ruler to His Excellency by the same formality, with which he came on account of the gun powder, the same Excellency will take into consideration the proposal of the above mentioned Ambruta Rao, the latter paying the value of the commodities which he desired to obtain, at the time of delivery, effected to the person who comes to take them, and this is the reply that His Excellency directs to be given on this matter, because without intervention of the Ruler the above mentioned commodities cannot be sold, since they must be considered as having been purchased by that Sarkar.*

Goa, dated the 7th July, 1798.—Jose Caetano Pacheco TAVARES.  
(Book of the Neighbouring Kings, No. 19, Page 94 reverse.)

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Page 486

No. 115

TO CAPTAIN VITHAL RAO GORQUI

I submitted to His Excellency the letter which you wrote to me on the 13th instant, and I shall be glad to hear that you have obtained and despatched to Daman the Sanad, which you expected to receive from that Sarkar, in respect of the Pragana Nagar Aveli. May God guard you.

Goa, dated the 20th Octo., 1798.—Jose Caetano Pacheco.  
(Book of the Neighbouring Kings, No. 19, Page 100.)

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Page No. 487

No. 117

TO THE ESTEEMED AND HONOURABLE LAXUMONA PANTA CHECRADAVA,  
WHOSE FRIENDSHIP MAY BE EVERLASTING

I, Jose Caetano Pacheco Tavares, etc., etc.,

The Honourable Vithal Rao Gorgui, Envoy of the Majestic State in that Sarkar has informed me of the particular favour with which you regarded the matters which interest this Court, having given

proofs of your friendship by the efficient manner in which you arranged for the issue of the Sanads, applied for by the same Envoy, and addressed to the Government of Basséin. I thank you for this attention, with which His Excellency the Governor and Captain General of India was very much pleased, and the latter directs me to inform you of his special affection and at the same time has ordered the said Envoy to hand over to you two pieces of Damasc, which are being sent on this occasion, and I only pray for more opportunities to please you and to make you gifts, and may God enlighten you in His Divine Grace.

Goa, dated the 5th March, 1799.—Jose Caetano Pacheco TAVARES.  
(Book of the Neighbouring Kings, No. 19, Page 104.)

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Page No. 487

No. 118

TO THE STATE ENVOY IN PUNEM VITHAL RAO GORQUI

I received your 3 letters, dated the 15th, 18th and 19th ultimo, together with a copy of the Sanad issued to the Sar Suba of Bassein, and the news about this matter has pleased very much His Excellency, who is quite aware of the great zeal you employ in His Majesty's service.

I enclose two copies with my letters to Naro Panta Chacradeo and Lacximana Panta Chacradeo thanking them for their help in the despatch of the said Sanad, and I send also four pieces of Damasc in two parcels to be offered to the said two brothers in the name of His Excellency, conveying to them the high consideration in which I hold their friendship, and whenever there is occasion to be of service to them, they shall find in me every consideration.

*In compliance with your request I am forwarding the three Guarantees which you have applied for and I have delivered to your son an Order to the General Treasury of the State for payment to him of the sum of hundred and ninety-five rupees, which you have spent with the officials of that Darbar, who have issued the Sanad, and likewise for the payment of two hundred rupees spent in the offer made to Vinayak Panta son of Ambruta Rao.*

Goa, dated the 6th March, 1799.—Jose Caetano Pacheco TAVARES.  
(Book of the Neighbouring Kings, No. 19, Page 104, reverse.)

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Page 400

No. 121

TO THE SAME VITHAL RAO GORQUI

I received four letters which you wrote on the 16th, 21st, 22nd, and 25th of May last, which I submitted to His Excellency, who was very happy to note the contents therein.

On this occasion, I am despatching 200 mangoes for distribution



amongst the usual persons; an order has been issued for the payment to your son of eleven rupees and three quarters spent on the transport of other mangoes which were sent via Bombay, and another order shall be issued likewise for the payment to him of twenty-one 'Chandory' rupees which you have spent with some of the officials of that Sarkar for the purpose of the issue of the Sanad which you have secured by means of those efficient steps taken by you in the interest of the Citadel of Daman, for which I am directed by His Excellency to praise your services.

Goa, 14th June, 1799.—Jose Caetano Pacheco TAVARES.  
(Book of the Neighbouring Kings, No. 19, Page 112; and Monsoons' Book, No. 195-A, Page 225.)

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Page No. 503

No. 141

TO THE ENVOY VITHAL RAO GORQUI

Your letters, dated the 1st, 26th and 29th ultimo were submitted to His Excellency, who, taking due note of the contents therein, has directed me to write the letter which is sent under a sealed cover, the copy of which I enclose herewith, with the request that you should hand over the said letter to Balaji Cunger with whom you should deal in respect of the matter relating to the affair of Nagar Aveli; he further directs me to state that according to the work performed for the settlement of the said matter, the offer of gifts, to which you refer, shall be arranged, in view of the practice which you state having been followed in the negotiations formerly conducted in that Government, in respect of that particular matter and other similar ones.

*You will immediately inform the Governor of Daman about the arrangements of the request made to the said Minister and you shall endeavour with due zeal, so that the old Sanad may be confirmed, despatching the original copy to the said Governor and a copy to this Court. May God guard you.*

Goa, dated the 8th February, 1802.—Jose Caetano Pacheco TAVARES.  
(Book of the Neighbouring Kings, No. 19, Page 144, reverse.)

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Page 504

No. 142

*I received your last letter with the one, which you sent, from the Governor of Daman, and they were submitted to His Excellency. I request you to do your utmost to obtain the decisive Sanad which the said Governor is asking for, in order to avoid the disturbances which every now and then are being caused by the Headmen in the neighbourhood of Pragana Nagar Aveli, and you should use for this purpose all your ability, in order that*

*you may offer a fresh opportunity for receiving due recognition for your service.*

You will continue to convey to me all the interesting news. May God guard you.

Goa, dated the 21st March, 1802.—Jose Caetano Pacheco TAVARES.

To the Honourable Captain Vithal Rao Gorqui.

(Monsoon's Book, No. 195-A, Page 227.)

Page 505

No. 143

TO VITHAL RAO GORQUI, ENVOY OF THE STATE IN PUNEM

*I have received your letter, dated the 6th instant with the duplicate copies of the letters which have been replied to only a few days back. The enclosed copy of the Sanad which the Ruler issued to the Sar Subadar of Bassein, shows the confirmation of the previous Sanads, and the preservation of the entire possession of Pragana Nagar Aveli and the customs, about which the Sar Subadar was raising doubts, alleging that they belonged to the jurisdiction of Gambirgod; owing to which fact it is clearly seen that all doubts have now ceased, and the letter which the Governor of Daman has received about this matter from the said Sar Subadar does not deserve any consideration, and as the result thereby the steps taken by the Governor were so useful that every thing quietened down.*

As regards your services and those of your house, due attention will be given to the matter and you cannot doubt the favours granted to your father, to you, to your brother, to your sons, and grandson, within the possibilities and the greatness of the State. Furthermore, I shall not let slip any occasion of continuing to be of service to you, by using my good offices with His Excellency, as I have done hitherto, in respect of your person. May God guard you.

Goa, dated the 22nd April, 1802.—Jose Caetano Pacheco TAVARES.

(Book of the Neighbouring Kings, No. 19, Page 148.)

Page 505

No. 144

TO VITHAL RAO GORQUI ENVOY OF THE  
STATE IN PUNEM

*I received your 3 letters, dated the 10th and 20th April last, and the 10th instant, together with the Sanad and other papers relating to the new arrangements, which you have secured for the ratification of the previous Sanads, by virtue of which this State is in the just possession of the Customs of the Pragana Nagar Aveli. Everything was submitted to His Excellency, who was pleased to sanction the expenses amounting*

*to three hundred and twenty-one rupees incurred by you in this work, which amount he has ordered to be paid to your son Gorqui Sinai at the usual rate of exchange. You shall continue to report interesting news as well as the movements taking place in the region of Gujarat.*

May God guard you.

Goa, dated the 23rd May, 1802.—Jose Caetano Pacheco TAVARES.  
(Book of the Neighbouring Kings, No. 19, Page 148 reverse.)

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No. 146

TO THE ENVOY VITHAL RAO GORQUI

I received your letter dated the 15th ultimo which was submitted to His Excellency, and the latter took due note of all the reports contained therein, and I request you to continue transmitting to me all interesting news.

You must contact personally Balaji Cunger and assure him that both His Excellency and I hold in great consideration his relations and that we consider consistent all the interest he takes for the maintenance of the friendship existing between this Majestic State and that Sarkar, and also that whenever the occasion presents itself to show him courtesy, His Excellency will give him proofs of the regard in which he is held, because of what he has done in the matter of the Pragana Nagar Aveli. May God preserve you.

Goa, dated the 2nd October, 1802.—Jose Caetano Pacheco TAVARES.  
(Book of the Neighbouring Kings, No. 19, Page 151.)

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## Annex F. No. 48

DASTAKS (PERMITS OR PASSES) ISSUED BY THE MARATHA GOVERNMENT

Poona Daftar,  
Ghadni, Rumal,  
No. 331.  
*Rajmandal*

A.D. 1792  
Shaka 1714

Swari Rajashri Pant Pradhan,

Receipts on account of Dastaks—Orders.  
Date 23 Sawal Akher, Nilkantha.

Baburao Amatya will make purchases of 8 Khandis of rice from Firangan Konkan and will bring it to Satara. He should be permitted to do so and no harassment be caused on account of Zakat. *Dastak to be issued according to last years' Dastak.*  
Dastak 1.

---

[See Annex F. No. 56]

Poona Daftar  
Deccan  
Commissioner.  
R. No. 164.

---

Shri

1816.

Balkrishna Shivaram is proceeding to Baroda. Requests for Rahadari Dastak.

Poona Daftar  
Deccan  
Commissioner.  
Rumal No. 164.

5 horses to carry horse-men.

3 horses to carry the kit.

1 Bullock cart.

25 Men—10 armed-men—15 without arms.

Above items be entered in Dastak.

---

Shri

1816/17 A.D.  
Seal of Bajirao  
Raghunath.

Dastak from Sarkar Shri Pant Pradhan.

To

The Kamavidars, Chokidars, Collectors of transit duties and others concerned with the Zakat collection—of each Mahal. Suhur. Saba-Ashar-Mayatain-Alaf.

Poona Daftar  
Deccan  
Commissioner.  
Rumal No. 164

Rajashri Ramachandra Mahadev Abhankar will bring his rice in bulk of 80 bullocks-load, in three turns, after making purchases from the konkan, excluding Firangan, via Parner to Poona. He shall be allowed to do so without any demands for Zakat. May it be known. Date 5 Muharan. *Ajma Praman.*

(Seal.)

## Annex F. No. 49

TRANSLATION MADE BY THE GOVERNMENT OF INDIA OF THE TEXT OF THE  
PHOTOCOPY OF THE DOCUMENT AT ANNEX 40 TO  
THE PORTUGUESE REPLY

For the same Governor of Damao.

I have been submitted various letters of the months of March of the last year in which you informed me of the obstacles put by the Commanders, your neighbours and subordinates of the Court of Punem, preventing the communications and transport of wholesale commodities of trade inasmuch as they pass through the check-post contiguous to our jurisdiction and that you, by way of reprisal, had likewise prevented the dispatch of commodities which they require from Daman; and that as the result of the efforts of our Envoy in Punem an order had come from the Subedar of Bassein to the Headman appointed by him in that city to remove the above-mentioned obstacle, which was being executed; but that the same Headman had requested you to *send before him a person with authority to deal about the claims of his Court in regard to the revenues of the Pragana Nagar Aveli* to which claims you had not replied nor intended to reply.

Your conduct concerning all this matter has been the most regular and as far as possible decorous to the State, and one must always do so in such cases. inasmuch as there is every reason to believe that such claims emerge from the ambition of the Headman, taking for granted the condescension of the Majestic State to try and see whether thereby they succeed in obtaining some pecuniary sacrifices which they shall repeatedly demand in proportion to our condescension and sacrifice; and therefore this must be avoided more energetically. Nevertheless we must conduct ourselves with greater prudence in order that we might *not reach the extreme point whereby the Court of Punem may support the extortions of the same Headman*; the ban on the despatch to and entry in Daman of the commodities from the Maratha dominions is detrimental to them only, and it cannot last long without those affected by it complaining and demanding the lifting of the obstacle. The ban on the despatch from our territory is detrimental to us because it dislocates the trade and it must only be adopted as a necessary means to put an end to the reciprocal obstacle of the Marathas; and therefore it must not be adopted always and the ...<sup>1</sup> must be kept up.

There should not be any objection to replying to the letter of the Headman of Bassein. It is rather an act of courtesy which should be performed with greater reason between the Public Authorities, as long as you do not meddle into the dispute of the contractor of Pragana as a matter finally settled many years back between the Court of Punem and the Majestic State and that there cannot be any claim about this matter which you may be authorised to deal with, *but in case there is any, it must be dealt with immediately between the Court of Punem and the Supreme Government of Goa.*

You must resist the claims of Lala Morim in order to be reinstated in the post of Patel of Pragana which he has deserted owing to his crimes; that he should justify himself to be admitted as demanded by justice. And as the Pragana is of the State, its settlers are vassals of the same, and must be punished when they misbehave; and in order that the justice

<sup>1</sup> Word illegible.

might be fulfilled in respect of the above-mentioned Patel who had deserted as the result of his crimes, and in consideration of the recommendations from Punem it would be indispensable for him to have his family in Daman and to give proofs of his repentance in order that he might later on deserve my consideration and pardon. Under this principle you should consider this claim and ...<sup>1</sup> may God preserve you. Palace of Panjim, dated the 10th January, 1807. Fr. Ant. da Veiga Cabral.

### Annex F. No. 50

TRANSLATION MADE BY THE GOVERNMENT OF INDIA OF THE PHOTOCOPY  
OF THE DOCUMENT AT ANNEX NO. 42  
TO THE PORTUGUESE REPLY

Illustrious and dear Sir,

The Maratha Headmen of the jurisdiction of Umborgao, alleging that they had orders from the Court of Punem, in order that they should, with armed forces, catch some thieves, who by fixing their residence in their Praganas, raided, for the purpose of robbing, various villages in the same jurisdiction, they entered with this purpose in view in our Pragana with more than 200 men badly armed, where they committed the insolence of arresting and carrying to Umborgao four settlers (men) with their families, cattle and house-effects, on the pretext that they were associated with the thieves of the other mentioned Praganas, owing to which fact I deemed it indispensable to stop this act of violence by sending to our Pragana, Capt. Joao Cordeiro with a detachment of well armed 20 sepoys to which, I ordered the Patels of the same Pragana, to join a detachment of 300 men, also armed, in the same manner as the Maratha troops, who are nothing but "coolies" armed mostly with bows and arrows, some with swords, and few with firearms.

As soon as the said Headmen received news of this step they disappeared from the Pragana, with drawing to Umborgao. *I wrote to them demanding satisfaction for the insult which they had just committed, and they replied to me resorting to futile reasons, through which they intended, by every means, to support the right which the Court of Punem has to demand from me the delivery, not only of those men, reputed to be thieves whom they had arrested and carried away, but also of all the others who, residing, in our Pragana associate themselves with the thieves of their Praganas, who have committed large number of thefts in the territories of their jurisdictions, and that by a list he was acquainting me with the names of the other accomplices, whom I should arrest immediately and send to him, and that otherwise I would be responsible to the Court of Punem, and would have to answer for the thefts which might take place. The same Headmen of Umborgao, who are nothing but some Parsis who only a few years back ceased to be the contractors of "Urraca", FABRICATED A LETTER ADDRESSED TO ME IN THE NAME OF THE GENERAL OF BASSEIN IN SIMILAR TERMS, AND CONTAINING THREATS OF TAKING AWAY FROM THE STATE THE OWNERSHIP OF THE PRAGANA NAGAR AVELI. They have also arranged for the delivery to me of a letter in the name of the Ruler of Punem, in which the latter informed me of having entrusted the task of arresting the thieves, ...<sup>2</sup> in various*

<sup>1</sup> Word illegible.

<sup>2</sup> Word illegible.

*Praganas, to the Parsi Ratangi, who considering it convenient will enter, for the purpose in view, the Pragana of Nagar Aveli which he has GRANTED to the Majestic State, and that I should not prevent him, but that I should rather do him the favour and help him to catch and take away the thieves which might be found to be residing in the said Pragana.*

Without trying to bother Your Excellency with the mortifying vexations with which I have been obliged to tolerate such impudences and threats, I am informing Your Excellency that considering it just to order the arrest of the named thieves in our Pragana, who are already in custody in the jails of this city with the exception of 3 men, who could not be caught, I have not, however, deemed it convenient to hand them over to the Maratha Headmen because I feel this step to be detrimental to the credit of the Nation under whose protection live, in the same manner as the inhabitants of this city, the people of our Pragana, who will otherwise be *confused in determining the authority to whom they are subjected*, when it is true that these men, being in fact thieves, can be punished by the legitimate authorities, whose subjects they considered to be. However, as my reluctance in handing them over to the Maratha Headman may carry consequences, and as my wishes are that I should act justly while I am working for the good of the Royal Service, I hope that *Your Excellency shall communicate as early as possible which should be my line of conduct in this matter*, and how I should proceed with the above-mentioned prisoners as well as with any other inhabitants of our Pragana whom the Maratha Headmen accuse of being associated with the thieves, in the assurance that I shall order their arrest and imprisonment in the jails of this city, but that under no circumstances shall I deliver them to the Maratha justice without Your Excellency's orders.

I must also inform your Excellency that I have issued an order to be published throughout our Pragana in order that the Patels, Naiks, and contractors who, knowing the whereabouts of any thieves in their villages, do not bring them immediately, under arrest, before me shall be punished and branded as thieves. I pray Your Excellency to take into consideration what I have stated above and to convey to me your orders.

May God preserve your illustrious person for many years.

Fortress of Daman, dated the 28th November, 1814.

To the illustrious Count of Sarzedas, Viceroy and Captain-General of India.

D. Jose Maria DE CASTRO ALMEIDA.

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### Annex F. No. 51

TRANSLATION MADE BY THE GOVERNMENT OF INDIA OF THE TEXT OF THE DOCUMENT AT ANNEX NO. 43 TO THE PORTUGUESE REPLY

Illustrious Sir,

Since writing to Your Excellency on the 28th of the last month about the whimsical claims of the Maratha Headmen, neighbours of this Place, of arrogating upon their Courts, the task of taking cognizance of and meting out punishment for crimes, and of interrogating some residents of our Pragana Nagar Aveli, and about my decision not to allow this, disregarding their threats, as long as you did not order me to do other-

wise, it has been reported to me that the said Headmen had started to gather armed people in the village of Umbargao, spreading the rumour that they were making preparations for taking possession of our Pragana, and since this rumour which is rife is in line with the threatening tone of the letter from the General of Bassein, I took the immediate decision of ordering the garrisoning of the two main positions in the said Pragana, viz., the villages of Dadara, lying to the North, and of Naroli, to the South, ordering one detachment of Infantry and of Sepoys of this city to proceed to each of these positions, with one field gun with the required stores and ammunition, under two officers with orders to repel, separately or jointly, as permitted by circumstances, all kinds of insults which the said Maratha Headmen might attempt to commit in the said Pragana. This step was sufficient to change the arrogant tone, in which the said Headmen had addressed themselves to me earlier, into one of friendliness and diplomacy, arguing that the report about their intention to commit insults against our Pragana was false, it being a fact however that they were getting armed people together, in order to go after the robbers who had entrenched themselves in one of the hills of their Pragana; and in the end one of those Headmen came personally to this Fortress where I reside, to present his compliments and to give me explanations for all that had taken place, as the result of which, I on my side, showed him that I was satisfied and expected from them, in future, a behaviour more in keeping with the good alliance subsisting between our two Courts, and subsequently I ordered the withdrawal of the said detachments to this city, all of which I take to Your Excellency's notice, and I must also acquaint Your Excellency with what the Maratha Headman told me confidentially, and which is as follows: The General of Bassein goaded by the fact that a Bania, his relative, had been deprived of the ownership of a property, which he enjoyed in one of the villages in the Provinces of the new Conquest of this State, on the grounds that he was the priest of the Temple in the same village, was seeking in the Court of Punem to invent excuses to cause some damages to the Portuguese Nation, and since the Pragana Nagar Aveli was a freely bestowed grant to the Majestic State by the Ruler of Punem, he feared that his evil intentions could not be visited upon the said Pragana. Since I am not aware of the real origin of this affair, I can do no other thing besides convey it to Your Excellency, as it has been communicated to me.

Eight men arrested are jailed in this city, as associates of those thieves, about whom the Maratha Headmen complained, and the latter have represented to me about the security of the said prisoners, the feeding of whom will be burdensome to this Establishment, when they could, with Your Excellency's permission, be sent to that City, there to be employed to advantage in works connected with the Gunpowder Depot, but Your Excellency shall decide as you think best.

May God preserve the Illustrious person of Your Excellency, for many years. Daman, 23rd December, 1814.

To the Illustrious Count of Sarzedas, Captain-General of the State of India.

D. Jose Maria de Castro Almeida.

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## Annex F. No. 52

TRANSLATION MADE BY THE GOVERNMENT OF INDIA OF THE TEXT OF THE  
PHOTOCOPY OF THE DOCUMENT AT ANNEX NO. 44 TO THE PORTU-  
GUESE REPLY

Letter of the Viceroy to the Governor of Damaun, dated the 8th December, 1914.

I have received yesterday Your letter, dated the 28th of last November, and I have studied its contents; I approve of the steps that you have taken in this connection, one of the principal ones being to take the necessary precautions to see that the inhabitants of our Pragana do not unite with those from outside to go and steal in Maratha territory. As for the individuals who are in prison under your orders and others whom you might arrest in future for the same reasons, they should be punished by the legitimate authorities, as vassals that they are of His Royal Highness the Prince Regent, our Master. As regards the requests that you have received to give them up, you shall reply in that ...<sup>1</sup> and polite manner that should be adopted on such occasions, saying that they will be punished by the authorities of this jurisdiction, and that they will be removed from the places where they can do harm to our neighbours; but that, in any case, you will not give them up, and as you state in your letter that *the Headman of Umbargao fabricated a letter addressed to you in the name of the General of Bassein, and that they have also delivered to you another in the name of the Ruler of Punem, it may well be that the letter also has been fabricated by them, and without orders from the Court of Punem*, since you are, there in a better position to ascertain, in order to decide on the most suitable replies.

May God preserve you, Panjim dated the 2nd December 1814.

Count of Sarzedas.

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<sup>1</sup> Word illegible.

## Annex F. No. 53

*(Record Office, Bombay)*

1890.

POLITICAL DEPARTMENT.

No. 1135.

GOA.

*Infraction of Article XVIII of the Treaty of Commerce and Extradition by the Ratnagiri Police. Procedure to be adopted when moving armed police through Indo-Portuguese territory.*

No. 4138.

POLITICAL DEPARTMENT.

Bombay Castle, 2nd July, 1890.

Telegram from the Secretary General to the Government of Portuguese India, dated the 29th May, 1890:—

“Fifteen sepoy of the Ratnágiri Police landed armed in Marmugao. The arms were retained by the local police for want of previous license. I inform you of this for the necessary action.”

Telegram from the Collector and District Magistrate of Ratnágiri, dated the 2nd June, 1890.

Letter from the Secretary-General to the Government of Portuguese India, No. 64, dated the 30th May, 1890—Confirming his telegram of the 29th May and stating that at the request of the British Consul at Goa the sepoy were allowed to proceed to Belgaum without arms, and expressing a hope that this Government will take the necessary steps to avoid a repetition of this infraction at Article 18 of the Treaty of Commerce and Extradition.

Letter from Her Britannic Majesty's Vice-Consul at Goa, No. B.G.-13, dated the 2nd June, 1890—Reporting, in connection with his letter No. B.G.-12, dated the 17th ultimo, the fact that a party of the Ratnágiri Police proceeding to Belgaum were disarmed by the Portuguese officials. Stating the action taken by him in the matter, and intimating that there has been no friction in the case. Drawing attention to Government Resolution No. 107, dated the 9th January, 1880, and observing that apparently this order is not sufficiently understood or is overlooked, and that it is with the wish that clear instructions on the subject may be issued that he addresses Government, &c.

Further telegram from the Secretary General of Portuguese India, dated the 3rd June, 1890.

Letter from the Collector and District Magistrate, Ratnágiri, No. 1969, dated the 9th June, 1890—Forwarding, with reference to this Department telegram, dated the 31st May, 1890, a copy of a report from the District Superintendent of Police, Ratnágiri, with his remarks thereon, on the subject of the despatch of an armed body of Police from his District to the Belgaum District *via* Mármugao. Stating that personally he was not aware of the intention of the Police Superintendent to send the party armed by Mármugao, and expressing regret for his not having made enquiries as to the route the party was to take, as he would certainly have informed the Superintendent that it should go unarmed. Expressing a hope that the explanation of the Superintendent of Police may be considered satisfactory.

Memorandum from the Commissioner, S.D., No. POL.-205, dated the 14th June, 1890—Forwarding the above, and observing that it seems desirable that some orders should be issued directing the procedure to be followed whenever it may be found necessary to move Armed Police through Indo-Portuguese territory.

RESOLUTION.—Under Article XVIII of the Treaty of Commerce and Extradition between Great Britain and Portugal, ratified on the 6th of August, 1879, it is provided that the armed forces of one of the two high contracting parties shall not enter the Indian dominions of the other, except for the purposes specified in former or in that treaty, or except in consequence of a formal request made by the party desiring such entry to the other. When therefore the Superintendent of Police, Ratnágiri, desired to despatch a party of armed Police to Mármugao for transit to Belgaum, he ought to have moved Government in this Department to prefer a formal request to the Governor General of Portuguese India and awaited the result.

2. The Resolution No. 107, dated 9th January, 1880, quoted by the Vice-Consul deals with other clauses of Article XVIII in respect of the exportation and importation of arms and ammunition, and is not relevant to the present case. The Commissioners of Divisions, and the Inspector-General of Police should have their attention called to the present irregularity, and the regret of Government at the accidental omission to comply with the stipulation of the treaty should be expressed to the authorities at Goa.

W. LEE WARNER,  
Secretary to Government.

To

The Commissicner, N.D.,  
The Commissioner, C.D.,  
The Commissioner, S.D.,  
The Inspector General of Police,  
The Collector and District Magistrate, Ratnágiri,  
The District Superintendent of Police, Ratnágiri,  
The Judicial Department of the Secretariat (with reference to this  
Department memorandum No. 3647, dated 10th June, 1890),  
The Government of Portuguese India (by letter),  
Her Britannic Majesty's Vice-Consul at Goa,  
The District Magistrate of Belgaum.

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No. 4139 dated 2 July/90.

To The Hon. the Sec. General P.I.

Hon. Sir,

I am directed to acknowledge the receipt of your letter No. 64 dt. the 30th of May last bringing to notice an irregularity in the despatch of 15 Policemen with their arms through the territories of Portuguese India by the authorities of Ratnagiri.

2. I am to state that these constables were despatched to Belgaum via Marmagoa by the Dist. Sup. of Police without reference to Govt., and that as soon as the G. in C. learnt the facts he caused inquiries to be made, and has since called the attention of the local officers to the provisions of Article XVIII of the Treaty of Commerce. I am to express regret at the unintentional omission to obtain permission to the entry of the armed police, and to convey an expression of the grateful acknowledgements of His Excy. the G. of B. in C. at the ready response made by H.E. the G.G. of P. India to the request preferred by H.M. Vice Consul for a passage.

*(Signed)*

W. L. W.

No. 4139 A.

Copy to the Vice Consul with the intimation that Govt. hope there will be no recurrence of such irregularities, but should such happen, a report should be made to Govt. by telegraph and a formal request will then be sent by telegram, a course which is commonly adopted by the Port. authorities when sending prisoners or reliefs to Daman.

*(Signed)*

W. L. W.

H. E. the G.

21/6

*(Signed)*

H 22/6.

No. 808 of 1890.

From:

F. S. P. Lely, Esquire,  
District Magistrate,  
Surat.

To:

H. E. M. James, Esquire,  
Commissioner, A.D.,  
Surat.

22nd September, 1890.

Sir,

With reference to the case which is the subject of Government Resolution No. 4138 of 2nd July last in which complaint was made by the Portuguese authorities of the passage of armed British police through their territory in violation of the provisions of Article XVIII of the treaty of commerce and extradition I have the honor to bring to notice that armed men in the service of the Portuguese Government pass through a portion of Pardi Taluka (British territory) on their way from Damann to Nagar Haveli and back (both in Portuguese territory) and the practice does not seem authorized by any of the ways mentioned in the 3rd paragraph of Article XVIII.

I have the honor to be,

Sir,

Your most obedient Servant,

F. S. P. LELY,  
District Magistrate, Surat.  
Js.

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*(Below Surat District Magistrate's No. 808 dated 22nd September, 1890.)*

No. 1496 of 1890.

Ahmedabad.

17 October, 1890.

Returned to the District Magistrate with a request that he will be so good as to state the distance traversed in British Territory and if any practical inconvenience is likely to result.

H. E. M. JAMES,  
Commissioner, A.D.

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No. 935 of 1890.

Forwarded to the Superintendent of Police for favour of report.

F. S. P. LELY,  
D.M.

Surat.

Oct. 20th, 1890.

No. 1847 of 1890.

Surat 7th November 1890.

With reference to the above the undersigned begs to report that the distance traversed in British territory by the Daman Authorities is nearly 12 miles: no trouble has as yet been experienced nor does the undersigned think any trouble is likely to arrive: the undersigned would however suggest that if armed Daman authorities be allowed to pass through British territory *without special licence*, a similar concession should be made to armed British troops & Police having occasion to enter Daman territories.

H. M. GIBBS,  
Distt. Superintendent of Police,  
Surat.

No. 1002 of 1890.

Forwarded to the Commissioner, N.D., with compliments.

F. S. P. LELY,  
D.M.Surat.  
Nov. 8th, 1890.

Arms Surrenders &amp;c.

*(Below Surat District Magistrate's No. 1002 dated 8th November, 1890.)*

No. 1655 of 1890.

Camp Thana.  
19th November, 1890.

## POLITICAL DEPARTMENT.

Forwarded to Government for information and with a request that the Portuguese Government may be addressed with a view to the unauthorized passage of armed men in the service of that Government through British territory being stopped.

H. E. M. JAMES,  
Commissioner, A.D.

A. POL. 7417.

Memo. from the Commissioner, N.D., No. 1655 dated the  
19th November, 1890.

Forwarding, for information, a letter from the District Magistrate of Surat with its enclosure who brings to notice, with reference to the case which is the subject of G.R. No. 4138 of the 2nd July last, that armed men in the service of the Portuguese Govt. pass through a portion of the Pardi Taluka (British Territory) on their way from *Damann to Nagar Haveli and back (both in Portuguese territory)* and that the practice does not seem authorized by any of the terms mentioned in the 3rd para. of Art. XVIII. Requesting that the Portuguese Govt. may be addressed with a view to the unauthorized passage of armed men in the service of that Govt. through British territory being stopped.

Orders.

F.F.G. 26/11.

*Submitted.*—We may invite the remarks of the Portuguese authorities on what appears to be an improper proceeding calling attention to the recent disarming of the Ratnágiri police *en route* to Belgaum.

26/11.

W. L. W.

H.E. the G.

Docketed on 25/11/90.

Registered on 26/11/90.

H. 27/11.

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 No. 7615 of 90.

Pol. Dept.,

B.C.,

8th Decr., 1890.

To The Sec. General to the Govt. of Port. I.

Honourable Sir,

I am directed to request that you will bring to the notice of H.E. the G.G. a *complaint* which has reached this Govt. to the effect that armed men in the service of the Port. Govt. are in the habit of passing without formal request through a portion of the British Pardi Taluka of Surat en route from Daman to Nagar Haveli and back again. It would appear that the provisions of Article XVIII of the Treaty are thus violated; and since this Govt. has learnt from your letter No. 64 d. 30 May 90 of the importance which your Govt. justly attaches to our observance of the Treaty I am to request that the G.G. may be moved to issue orders on the subject, and that you will favour me with an intimation to that effect.

W. L. W.

1891.

POLITICAL DEPARTMENT.

No. 489.

GOA.

*Relative to the unauthorised passage through British territory of armed men in the service of the Portuguese Government.*

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No. 149.

Dated Nova Goa, 22nd December, 1890.

To His Excellency, Lord Harris,  
Governor of Bombay.

Most Illustrious &amp; Ext. Sir,

I have perused the letter from the Secretariat of the Bombay Government, addressed on the 8th instant to the Secretary General of this Government, regarding the passage of troops of Her Imperial & Royal Majesty in Portuguese territory, and of Portuguese troops in British territory.

On so delicate a subject I request leave to observe that Portuguese troops never cross British territory without previous permission, and that small detachments, whenever on the march meet a military post or any force or British Authority, they halt and only proceed further after applying for and obtaining fresh permission.

For centuries has this practice been followed, whereby the treaties have been respected and due deference shown to the British Authorities.

The Portuguese military laws prohibit the entry of troops in a garrison town or a fortified place, and their passage by any territorial military division without the permission of the authority in command.

In Portuguese territory in India the free transit of British military forces and even of large bodies of troops was always permitted, but never were the officers commanding the same wanting in deference towards the Portuguese military authorities, & permission was asked for transit.

Your Exy. is aware that the request for permission being obligatory by law to national troops, I could not give orders to the contrary with reference to other troops. I have, however, instructed the authorities under my orders, not to impede the passage of British troops whenever due notice of their transit is given to the said authorities.

Thus I hope your Exy. will allow the continuance of the practice hitherto followed in regard to the passage of small detachments of Portuguese troops across British territory. Should Your Exy. however not allow this, I shall order that any detachment should go unarmed; and with regard to British detachments, I shall maintain the arrangements above referred to, of permitting their free transit through.



Portuguese territory, whenever notice of their passage has been previously given to the military authorities subordinate to me.

I avail, etc.

(Signed) V. G. DEL E MENIZES,  
Governor General.

(True translation.)

J. C. DA SILVA,  
Portuguese Transr. to Govt.

6th January, 1891.

— — —

A. POL.

90.

*Letter from the Governor General of Portuguese India, No. 149 dated the 22nd December, 1890.*

Stating, with reference to this Depts. letter No. 7615 of the 8th instant, that Portuguese troops never cross British territory without previous permission and that when small detachments on the march meet a military post or any force or British authority they halt and proceed further after applying for and obtaining fresh permission. Making remarks on the subject and observing that the request for permission being obligatory by law to national troops he could not give orders to the contrary with reference to other troops; but that he has instructed the authorities under him not to impede the passage of British troops whenever due notice of their transit is given. Expressing a hope that this Govt. will allow the practice hitherto followed in regard to the passage of small detachments of Portuguese troops across British territory and adding that should this not be allowed the detachments will go unarmed, and that with regard to British detachments the arrangement above referred to will be maintained.

Orders.

F. F. G. 9/1.

*Submitted.* G.L. 7615 d. 8th Decr. stated that certain Portuguese troops were in the habit of passing through British territory without formal request. The Govr. Genl. replies that Port. troops *never* cross Br. territory. Please see last para. of H.E.'s letter.

H.E. 10/1.

Docketed on 8/1. Registered on 8/1/91.

— — —

H.E. the G.G. of P.I. remarks that sanction to the passage of Port. troops through Br. territory is always asked for. The Comer. should be requested, with ref. to his No. 1655 d. Nov. 19, 90, to call on Mr. Gibbs, and Mr. Lely, to give further details as to the occasions of unauthorised

passage of armed servants of the Port. Govt. which led to their reference to Govt.

H.E. the G.  
12/1

W. L. W.

H.13/1/91.

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GOA.

*Relative to the unauthorized passage through British territory of armed men in the service of the Portuguese Government.*

No. 448.

POLITICAL DEPARTMENT.

Bombay Castle, 23rd January, 1891.

Memorandum from the Commissioner, N.D., No. 1655, dated the 19th November, 1890—Forwarding, for information, a letter with enclosures, from the District Magistrate of Surat, who brings to notice, with reference to the case which is the subject of Government Resolution No. 4138, dated the 2nd July, 1890, that armed men in the service of the Portuguese Government pass through a portion of the Pardi Taluka (British territory), on their way from Damaun to Nagar Haveli and back (both in Portuguese territory), and that the practice does not seem authorized by any of the ways mentioned in the third paragraph of Article XVIII. Requesting that the Portuguese Government may be addressed with a view to the unauthorized passage of armed men in the service of that Government through British territory being stopped.

Letter from the Governor-General of Portuguese India, No. 149, dated the 22nd December, 1890—Stating, with reference to this Department letter No. 7615, dated the 8th instant, that Portuguese troops never cross British territory without previous permission, and that when small detachments on the march meet a Military post or any force or British authority, they halt and proceed further after applying for and obtaining fresh permission. Making remarks on the subject, and observing that the request for permission being obligatory by law to national troops, he could not give orders to the contrary with reference to other troops; but that he has instructed the authorities under him not to impede the passage of British troops whenever due notice of their transit is given. Expressing a hope that this Government will allow the practice hitherto followed in regard to the passage of small detachments of Portuguese troops across British territory; and adding that should this not be allowed, the detachments will go unarmed, and that with regard to British detachments the arrangement permitting transit through Portuguese territory when due notice is given will be maintained.

RESOLUTION.—His Excellency the Governor-General of Portuguese India remarks that sanction to the passage of Portuguese troops through British territory is always asked for. The Commissioner should

be requested, with reference to his memorandum No. 1655, dated the 19th November, 1890, to call on Mr. Gibbs and Mr. Lely to give further details as to the occasions of unauthorised passage of armed servants of the Portuguese Government which led to their reference to Government.

W. LEE WARNER,  
Secretary to Government.

To: The Commissioner, N.D.

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(Below Government Resolution No. 448 dated 23rd January, 1891—  
Political Department.)

No. 201 of 1891.

The accompanying Government Resolution (No. 448 of 23.1.91 Political Department) together with vernacular correspondence ending with the Pardi chief constable's No. 27 dated 25.1.91 is sent to the District Police Inspector Bulsar Division for immediate attention.

R. B. Krisnaras Gajanand will personally enquire into this matter returning all the papers sent him. The number of Damaun armed soldiers or policemen or other Government officials who have passed between Daman and Nagar Haveli during the last 2 years should if possible, be given showing the routes the men travelled by: If these men passed through Thanna Villages the police & village authorities of those villages should also be questioned. From whom permission to pass through British limits was obtained, should in each case be given, whether by the District Magistrate, Divisional Magistrate, local police or Village Patel.

The District Superintendent of Police of Thana being today written to for leave to question his police and their assistance.

A detail report should be submitted at an as early a date as possible.

(Signed) H. M. GIBBS,  
District Suprtd. of Police.

Parivat.  
30.1.91.

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No. 80 of 1891.

Bulsar.  
28 February, 1891.

In the matter referred to in the foregoing correspondence, herewith returned, the undersigned made the necessary inquiry from the Railway policemen at the Daman station, Police patels, men of the District police and other persons of the Pardi Taluka and those of the Umbargam Taluka of the Thana District and took down their statements which he respectfully begs to submit herewith as per accompanying list, for the information of the District Superintendent of Police. It appears

that there are two big roads for going to Dadra and Naroli Nagarhaveli from Daman, one passes through the Pardi Villages of Kunta, Chala, Vapi, Chenod and Dungra, and the other passes through the Umbergam Taluka Villages of Mohan Jamburi, Iklara, Navali, Walvada, and Achari. The road passing through Pardi Villages being a metaled one. The people find it more convenient to pass by in the rainy season than the other one; passing through the Thana villages of the Umbergam Taluka. The road passing through the Thana villages of the Umbergam Taluka being a short cut the people generally resort to it in the fair season.

The Portuguese Government have their Thana or Headquarter Station at Dadra and about 15 or 20 armed men of their troops and some Government officers are stationed there. It appears from the enquiry made from the men of the District police police patels and other persons of the Pardi and Umbargam Taluka above referred to, that the men of the troops stationed at Dadra are generally transferred to Daman sometimes once every month, and at others once in every two months and the men from Daman go to Dadra in their places. These men appear to travel through the British territory with their arms. It does not appear that, in any case permission was obtained from the District Magistrate, Local police officers or the police patels for the passing of these armed men through the British Territory.

As no record of the armed men of the Portuguese troops passed through the different British villages on their way from and to Dadra has been kept, it is impossible to find out the exact number of armed men passed by any of the above-mentioned roads and the dates of their passing. However in the inquiry under notice the undersigned has been able to get some information as detailed below:—

1. It appears from the Statement of 2nd Class Head Constable Gulam Misewali of Wapi that 4 armed men had come to Wapi from Daman in the last month, escorting a prisoner connected with a breach of trust case of the Surat city.

2. The Statement of the Railway Policemen serving for a long time at the Daman station herein enclosed show that in the last month some hard cash was sent to Goa from Daman and the treasure was escorted to the Railway station by a guard of 8 armed men of the Portuguese troops. These men also say that the armed men of the Portuguese troops are in the habit of coming to the Railway station on business sometimes with their muskets and bayonets and sometimes with bayonets only.

3. It appears from the statement of Lallow Hari, late police patel and uncle of the present police patel of the Village of the walvada of the Umbargam Taluka that in the last month he had seen 7 or 8 armed men of the Portuguese troops going from Dadra to Daman in consequence of their transfer to the latter station by the road passing through the Umbargam Villages.

4. Rama Babaji a police constable at the Mohan Police Station of the Thana District says that about a month and a half ago he had seen two armed men belonging to the Forest Department of the Portuguese Government passing through the limits of the Village in question on their way from Daman to Dadra.

5. From the Statements of Narawtkha and Mohawji Doolub, police Patels of the respective Pardi Villages of Karwal and Dunga, it appears that in the last month about the time of the collection of the 1st instalment of Land Revenue (from 10 to 20th January last) they had seen within the limits of Dunga 7 or 8 armed men of the Portuguese Troops who were on their way from Daman to Dadra.

6. Parohotam Ramchandra, Police patel of Lavachha, states that the Portuguese Government have their distillery and salt stores at the Daman Village of Ambli and some men of their troops are stationed there. These men are transferred to Dadra and the men at Dadra go in their places to Ambli. In doing this they are required to pass through the limits of Lavachha. He further states that about a fortnight ago he had seen 2 or 3 armed men of the guard going from Dadra to Ambli through the Village.

In the instance given above it does not appear that permission to pass through the British Territory was obtained from the Village Patel, local District Police officer or any other authority.

It appears from the men of the Tanna District Police that they have got no orders to do anything to the armed men of the Portuguese troops or any other official with arms passing through the British Territory on duty. If any one of these men found in the British Territory with arms, doing shikars, they say that they have got orders, to take possession of such arms and to send the same to the Taluka Headquarters. These policemen further say that sometimes they go to the Portuguese Villages with their arms but no one does anything to them for their doing so; similarly they don't do anything to the servants of the Portuguese Government coming to the British Villages on duty with arms. The same appears to be the case with the men of the Surat police, going with their arms on duty through the Portuguese Villages of the Daman Territory.

(Signed) KRISNARAS GAJANAND,  
District Police Inspector.

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No. 442 of 1891.

To District Magistrate Surat.

Surat.

10/11 March, 1891.

Sir,

In forwarding the accompanying copy of a report submitted by the District Police Inspector Bulsar Division called for by me under your No.  $\frac{M}{138}$  dated 29.1.91 I beg to state that I think it clearly shown armed Daman officials do pass through British territory without obtaining permission to do so from any British officer. If the Governor-General of Portuguese India will kindly direct his subordinates at

Daman to forward either the original permits or their copies granted their armed men allowing them to pass through British territory, I shall be very glad to make further enquiries. I do not know of any passes that have been granted by any Surat office and from the District Police Inspector's report, it seems no passes have been granted by any of the Thana District officials.

2. From the accompanying report you will see that British armed men enter and are allowed to go about their business in Daman Territory without let or hindrance and I am respectfully of opinion that the present arrangements should be allowed to continue; asking for passes is only likely to facilitate the escape of persons whom the police are after.

I have, etc.

(Signed) H. M. GIBBS,  
District Superintendent of Police.

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No.  $\frac{M}{320}$  of 1891.

Surat Districts,  
Camp Pardi.

14 March, 1891.

Copies forwarded to the Commissioner Northern Division with reference to Government Resolution No. 448 of 23rd January last. The undersigned thinks it will be more convenient if the present reciprocal understanding be allowed to continue.

F. S. P. LELY,  
District Magistrate,  
Js. Surat.

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(Below Surat District Magistrates' No. 320, dated 14th March, 1891.)

No. 329 of 1891.

Camp Surat.

18 March, 1891.

Political Department.

Forwarded to Government for information with reference to Government Resolution No. 448, dated 23rd January last.

2. The Commissioner, N.D. concurs with the Superintendent of Police and District Magistrate that the present arrangement is convenient and might be allowed to continue.

J. V. SPENCE,  
Commissioner, N.D.

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## A. POL.

2002.

*Letter from the Commissioner N.D., No. 329 dated 18th March, 1891.*

Forwarding copies of a report to its accompaniment received by the Dist. Magte., Surat, from the Supt. of Police, Surat, regarding the transit of Portuguese soldiers through British territory; & concurring with the Dist. Supt. of Police & the Dist. Magte. that the present arrangement is convenient & might be allowed to continue.

Last year the Commr. N.D. forwarded with his No. 1655 dated the 19th November certain correspondence from the Dist. Mag. & Dist. Supdt. of Police, Surat, in which it was brought to notice, with refce. to the case disposed of by G.R. No. 4138 dated the 2nd July, 1890, that armed men in the service of the Portuguese Govt. pass through a portion of the Pardi Taluka (British territory) on their way from Daman to Nagar Haveli & back (both in Portuguese territory) and that the practice did not seem to be authorized by the provisions of Art. XVIII of the Portuguese Treaty.

2. The matter was accordingly represented to the Portuguese Govt. with a view to the issue of the necessary orders on the subject.

3. The Govr. Genl. of Portuguese India in reply stated that Portuguese troops never crossed British territory without previous permission & that when small detachments on the march met a Milty. post or any British authority they would halt and proceed further after permission had been obtained. H.E. at the same time stated that he had instructed the authorities under him not to impede the passage of British troops whenever due notice of their transit was given & expressed a hope that this Govt. would allow the practice hitherto followed in regard to the passage of small detachments of Portuguese troops across British territory. He added that should this not be allowed the detachments would go unarmed and that with regard to British detachments the arrangement permitting transit through British territory when due notice was given would be maintained.

4. By G.R. No. 448 dated the 23rd January, 1891, the Commr. N.D. was requested with reference to his No. 1655 dated the 19th Novr., 90, to call on the Dist. Mag. & Dist. Supdt. of Police, Surat, to give further details on the occasion of unauthorized passage of armed servants of the Portuguese Govt. which led to their refce. to Govt.

5. The Commr. N.D. now forwards (Regr. No. 2002) a memo from the Dist. Mag., Surat, who submits a letter from the Dist. Supdt. of Police together with a report from the Dist. Police Inspector Bulsar Divn., giving the information called for. It will be seen from the report of the Dist. Police Insptr. that that officer mentions 6 cases in which it appears that armed men of the Portuguese Govt. passed through British territory without obtaining permission from the Village Patel, local Dist. Police Officer or any other authority, and the Dist. Supdt. of Police states that if the Govr. Genl. of Portuguese India will direct his subordinates at Daman to forward either the original permits or the copies granted to their armed men allowing them to pass through

British territory he will be glad to make further enquiries. It will also be seen from the report of the Dist. Police Insptr. that the Dist. Police have no orders to prevent armed men of the Portuguese Govt. or any other officials with arms from passing through British territory on duty, and that British armed men enter and are allowed to go about their business in Daman territory without let or hindrance. The Dist. Supdt. of Police is of opinion that the present arrangements should be allowed to continue as asking for passes is only likely to facilitate the escape of persons whom the police are after. The Dist. Mag. thinks it will be more convenient if the present reciprocal understanding is allowed to continue. The Commr. N.D. concurs with the Dist. Supdt. of Police & the Dist. Mag. that the present arrangement is convenient and might be allowed to continue.

Submitted for orders.

W. L. W.

26/3/91.

I fear that the complaint was made on insufficient data. We may now reply that although instances are given of the transit of troops without permission no inconvenience has been caused & the G. in C. does not think that the present arrangements need be interfered with so long as reciprocal treatment is accorded.

W. L. W.

28/3.

H.E. the G.

H. 30/3/91.

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No. 2292 of 9th April/91.

To The Sec. Gen. Port. India.

Hon. Sir,

I am directed by H.E. the G. in C., in the absence of H.E. on tour, to report for the information of H.E. the G.G. of P. India the steps taken by this Govt. on receipt of H.E.'s letter No. 149 of the 22 of Dec. 1890.

2. In that letter H.E. the G.G. observed that Port. soldiers never crossed Br. territory without previous permission, and that whenever they met a Br. authority they applied for fresh permission. H.E. added that he had instructed the authorities not to impede the passage of Br. troops whenever due notice of their transit was given to the Port. authorities, & he expressed the hope that this practice would be allowed to continue. I am now to remind you that in my letter No. 7615 of the 8th of Dec., 90, no complaint was made in regard to the action of the Port. authorities in respect to Br. armed men; nor was it suggested that permission, when applied for in respect to Port. armed men, would not be accorded in consonance with past practice. In that letter I was directed to bring to the notice of your Govt. that the rule which is laid down in H.E.'s letter 149 of the 22 Dec., 90, as the invariable rule was, according to the reports received from Surat, being overlooked.



3. Upon the receipt of His Ex.'s letter this Govt. called on the Surat authorities to explain why they had reported that the rule, which requires due notice of transit and application for permission to pass, was not observed. Their reply was received and considered by H.E. the G. before he proceeded on tour. The Supt. of Police reports several instances of troops escorting treasure from Daman to the Railway Station; taking a prisoner to Wapi from Daman; proceeding through British Villages from Daman to Dadra and back again; or again going from Ambli to Dadra, without any application or notice to the local authorities. These instances have doubtless not been reported to H.E. the G.G.; and under the rule which he has laid down it would seem that notice of such transits should have been made to the Dist. Mag. of Surat.

4. At the same time I am directed to observe that this Govt. has no reason to suppose that the parties or persons, who have passed armed through these strips of Br. territory, have not conducted themselves with perfect propriety; and the G. in C. has given orders that, in the absence of any special reason, they should not be interfered with. If such movements or transfers can be anticipated doubtless the Port. authorities on the spot will prevent the risk of any delay or of any further correspondence by adhering to the rule mentioned in H.E. letter "that Portuguese troops never cross Br. territory without previous permission." But as already stated by me the Dist. Mag. at Surat has been informed that this Govt. does not wish any interference exercised in the circumstances now reported.

I have.

W. L. W.

No.  $\frac{10}{S}$  of 1891.

No. 33.

To the Secretary to Government,  
Political Department,  
Bombay.

Most Illustrious and Excellent Sir,

I placed before His Excellency the Governor General, your letter No. 229, of 9th instant, addressed to me, with reference to the subject of this Government letter No. 149 of 22nd December 1890; and His Excellency directs me to state in reply, that the perusal of the said letter has once more shown how desirous the Government of Bombay is to maintain the cordial relations subsisting between that Government and the Government of Portuguese India, with whose views it entirely coincides.

His Excellency thanks you for the communication with regard to the circumstances in which the matter is placed, and requests me to state that on the part of this Government injunctions will be given

for the strictest observance of the provisions of Article XVIII of the Anglo-Portuguese Treaty.

God preserve you.

Secretariat General, 1st May 1891.

*(Signed)* J. M. C. TABORDA,  
Secretary General.

True Translation.

DA SILVA.

Portuguese Translator to Govt.

7th May 1891.

## Annex F. No. 54

*(National Archives, New Delhi)*TREATIES OF ALLIANCE AND GUARANTEE. FOREIGN DEPT. POL.  
CONSULTATION NO. 157 OF NOVEMBER 1870

No. 57.

No. 71 (Commercial), dated Lisbon, 8th December  
1876 (Confidential).

From

R. B. D. Morier, Esq., Her Majesty's Minister at Lisbon,

To

Earl of Derby, Secretary of State for Foreign Affairs.

Having thus concluded our review of the proposals, Senor Corvo said that there was one more point which it was of the gravest importance to the Portuguese Government to see included in the proposed Treaty. It had nothing to do with the proposals and it might appear to me out of place in a Commercial Treaty, but its insertion or non-insertion, might make the whole difference in the chances the Government had of passing the Treaty itself through the Cortes. The point he alluded to was a renewal of the guarantee of the Portuguese possessions in India by Great Britain. He need not remind me that Bombay had originally been ceded to the British Crown in return for this guarantee, and that Treaty after Treaty had renewed it. The Treaty I had proposed, if it should eventually be concluded, would place the Portuguese possessions upon a footing of intimacy with the British Indian Empire such as they had never yet been on. They would, in many ways conducive to national prosperity, be amalgamated with that Empire. He believed from the depths of his heart that in proposing to do this he was proposing what would turn out to be of the very highest advantage to those possessions, but it was scarcely necessary for him to tell me that these views were not likely to be shared by the noisy Chauvinists, who played so important a part in Parliaments, and Newspapers. He was certain to be abused, attacked, and thwarted as having betrayed, or being ready to betray, the jewels of the most faithful Crown to perfidious Albion. Now a clause such as he proposed would be a weapon that would, more than any other, enable him to repel these attacks, and he therefore urged me, in the warmest way he could, to obtain this from my Government.

I observed that I would of course, if he wished it, lay the matter before Your Lordship, but that I knew there was a strong dislike on the part of the British public to Treaties of guarantee, and that no Government wished to do what was sure to be attacked without a good reason for it. Now, considering that the Portuguese possessions in India were all of them enclaves in our own territory, the defending them against all comers was such an absolute necessity of the situation that a special Treaty guaranteeing them would undoubtedly appear at first sight as a work of supererogation. I could not however conceive there being an objection to such a course, except that the proposing it might cause delays, all the more so, that the Secretary of State for India was now at Constantinople.

On His Excellency however assuring me that the concession of this point might make the whole difference as to whether or not the proposals could be accepted, I said I would telegraph it with the other bases. I should add my belief that besides the reasons given by Senor Corvo, which are very weighty, there is also the fear that, without the provision of guarantee, the Treaty would appear altogether one-sided, and as if Portugal gave all and Great Britain nothing.

No. 69.

No. 78, Commercial, dated Lisbon, 17th December 1876 (confidential).

From

R. B. D. Morier, Esq., Her Majesty's Minister at Lisbon,

To

Earl of Derby, Secretary of State for Foreign Affairs.

Snr. Soares replied that he would come in the course of the day, and added that he begged me to assure H. M.'s Government that what the Portuguese Government desired was, not a formal renewal of guarantees, but simply a reference to the old Treaties in which England engaged herself, in return for Bombay and the other great cessions made in the Treaty of 1661, to defend Portugal and "to take the interests of Portugal and all its dominions at heart". He suggested at the same time that this might be done in connection with the Article having reference to the extradition of criminals, and the police of the frontier, and he proposed the following as a possible redaction.

"La force publique se prêtera mutuellement aide des deux côtés pour réprimer la contrebande, poursuivre les brigands; mais la force armée d'un pays ne pourra pas entrer dans l'autre sans qu'elle soit dûment réclamée par l'autorité compétente pour les buts spécifiés dans ce Traité ou dans les Traités antérieurs et nominement dans le Traité de 1661."

When Snr. Soares called upon me shortly afterwards he explained the exact meaning of this Article. The Portuguese Government could not hide from themselves that the proposed Treaty would meet with great opposition on the part of the public. They would be accused of selling the birthright of Portugal to the British Crown, and of lending their hand to the incorporation of the Portuguese possessions into the British Empire. It would be argued that an intimate union of this kind between a very large and a very small power must lead to constant encroachments and to a gradual exercise of acts of sovereignty on the part of the larger power which would insensibly pave the way to annexation. To this the Portuguese Government would have it in their power to reply that Great Britain did not desire additional territory, but that what she wanted was the unhindered development of her commerce, and in regard to India, the removal of all obstacles and anomalies in the way of the economical system which she had there established. Consequently, that by adopting the economical amalgamation of the Portuguese Colonies with the system of the British Indian Empire, Portugal, whilst thereby doing what was undoubtedly of the greatest use for her own colonies,

would be removing all motives on the part of Great Britain for desiring the acquisition of those colonies. But it was necessary to have something in the Treaty itself to appeal to and to point the arguments which might have to be used in defending the Treaty; and it was this which the proposed Article was intended to furnish. It would, in the first place, show that the removal of the Customs' frontier would not imply the disappearance of the frontier itself, or the promiscuous access to Portuguese territory of British functionaries, as the presence of the armed force of each contracting party on the territory of the other would in each case require the previous consent of the competent authority; and in the next place it would show that Great Britain still maintained her obligation "to assist, defend and protect the subjects of the King of Portugal in those parts", and that if the material intimacy between the two territories was to be greater than it had ever been before, the steadfast purpose to defend the Portuguese territories thus closely bound up with the British Indian Empire "with England's utmost power by sea and land even as England itself" was at least as great as it had ever been before.

I asked Snr. Soares whether his proposed redaction had the consent of Snr. Corvo. He said that he had no doubt it would receive it, as it was in this sense that it had been agreed between them that the Articles should be drawn up. I replied that if he would let me know this for certain I would at once telegraph the ipsissima verba to Your Lordship.

Snr. Soares at once went to Snr. Corvo and returned to say that the proposed article had his approval. I accordingly forwarded to Your Lordship the telegram recorded in my despatch No. 77, Commercial, of this day's date.

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**Annex F. No. 55***(Record office, Bombay)*

BOMB. FOREIGN PROGS.

23 Dec. 1818

P. 6059.

Read the following letter from the Commission in the Deccan to the Chief Secy. dated 8 instant:—

*From the Commissioner, has forwarded the records relating to the Concan and Gujrat for the last ten years, requests that arrangements may be made to receive them at Panwell.*

According to requests conveyed in your letter of 2 ult., the records relating to the Concan and Gujrat for the last ten years will leave Poona tomorrow under the charge of Rajo L. and G. Govind two Karkoons, well acquainted with the accounts and state of the Concan.

The records are accompanied with lists and consist of 652 Dufturs relating to the Concan and Gujrat and may I request that arrangements may be made to receive them at Panwell.

6 Dec. 1818.

*(Signed)* ELPHINSTONE.

## MINUTES

*The Collector Northern Concan to collect such as appertain to the territory under his authority and deliver the others to person to be sent to bring them to the residency by the Superintendent Marine.*

Ordered that a copy of the foregoing letter from the Commissioner intimating that he forwarded to Panwell the records of the late Poona Government, relating to Concan, Gujrat for the last ten years, be transmitted to the Collector in the Northern Concan, with instructions to take charge of such as may relate to the Territory under his authority advised that the Collector of Northern Concan has been instructed to receive charge of the records at Panwell.

**Annex F. No. 56**

POONA DAFTAR, DECCAN COMMISSIONER, RUMAL NO. 164

SHRI

1808/1809

Record (Yadi of Dastak). The mother of Shankaraji Bhikaji Bhide by name Gangabai is proceeding on pilgrimage to Shri Dwarka, accompanied by a palankin carrier, five horses and 25 persons; will proceed on her way without being molested in any way and without any harassment for payment of Zakat. Dastak is issued. *Suhur Tissa Mayalain* Dastak 1.

## Annex F. No. 57

1913 GOVERNMENT OF INDIA, FOREIGN DEPARTMENT INTERNAL-B—  
 PROCEEDINGS, SEPTEMBER 1913, NOS. 164-170, REGARDING EXCISE  
 ARRANGEMENTS IN PORTUGUESE INDIA. PRELIMINARY NEGOTIATIONS TO BE CONDUCTED BY THE GOVERNMENT OF  
 BOMBAY

Pro. No. 164. No. R. and S.956, dated the 11th (received 27th) April 1913.  
 From  
 F. C. Drake, Esq., Secretary, Revenue and Statistics Department,  
 To  
 Lieutenant-Colonel Sir A. H. McMahon, G.C.V.O., K.C.I.E., C.S.I.,  
 Secretary to the Government of India in the Foreign Department.  
 With reference to the Viceroy's telegram of 11th March, I forward,  
 To Foreign Office, R. and S. 956, dated for information, copy  
 3rd April 1913. of the paper noted in  
 the margin on the sub-  
 ject of excise arrangements in Portuguese India.

Encl. Pro. REVENUE.  
 No. 164.

R. & S. 956.

3rd April 1913.

Sir,

With reference to the correspondence ending with your letter of the 4th March, on the subject of the sale of spirits in Portuguese India and the supply of molasses for use in those territories, I am directed by the Secretary of State for India in Council to inform you that he has now received the views of the Government of India on the suggestion that the prohibition of the export of jagri or molasses to Portuguese territory should be relaxed pending consideration of the proposals relating to the regulation of manufacture of spirits in Daman and Nagar Avelly. A copy of their telegram\* is enclosed. The Government of Bombay, it will be seen, are unable to suggest any measures that would guard effectively against an abuse of any such concession, and they understand that the quantity of distilling materials already accumulated in Nagar Avelly is considerable, though the facts are not accurately known; for these and other reasons they are unable to recommend any relaxation of the prohibition. They point out that the proposals contained in your letter of the 11th January last, No. 55240-12, are such as to make it probable that the negotiations will take a considerable time to complete.

I am to suggest, for Sir Edward Grey's consideration, that the Portuguese Government should be informed that, as the result of preliminary examination of the proposals in India, it appears that the points suggested will require careful discussion and that some time must in any case elapse before a definite settlement could be arrived at. In order to facilitate such a settlement, and to avoid prolonged correspondence with India, it seems highly desirable that the local Portuguese authorities should be apprised of the views of the

Government of Portugal regarding the excise arrangements in the territories in question and should be instructed to communicate direct with the British authorities in India with the object of concluding an arrangement, which could, if so desired, be subsequently taken as the basis of an agreement between His Majesty's Government and the Government of Portugal.

As regards the suggestion that while negotiations are in progress the prohibition of the export of molasses from British India to Nagar Avelly should be relaxed, to the extent of permitting the export of the amount of molasses actually required for local consumption, I am to request that the Portuguese Government may be informed that pending the result of examination of the whole question by the local authorities, as suggested above, the Government of India have expressed their inability to adopt a measure which they consider would prove detrimental to their excise administration. The Marquess of Crew concurs in this view.

I have the honour to be,  
Sir,  
Your obedient servant,  
T. W. HOLDERNESS.

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ENDORSEMENT FROM THE DEPARTMENT OF COMMERCE AND INDUSTRY,  
No. 3550-31, DATED SIMLA, THE 5th (RECEIVED 7th) MAY 1913

Copy forwarded to the Foreign Department, for information, in continuation of the communication from this Department No. 1858-31\*, dated the 11th March 1913.

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No. 3549-31, dated Simla, the 5th (received 7th) May 1913.

From

H. A. F. Lindsay, Esq., Under-Secretary to the Government of India in the Foreign Department,

To

The Chief Secretary to the Government of Bombay, Revenue Department.

Telegram from the Secretary of State, dated 5th March 1913.

Telegram to the Secretary of State, No. 202-Camp, dated the 11th March 1913.

Letter from the India Office, No. R. and S. 956 dated the 11th April 1913, and enclosures.

In continuation of the correspondence ending with your telegram No. 2164, dated the 6th March 1913, I am directed to forward for information a copy of the papers specified in the margin on the subject of excise arrangements in Portuguese India.

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OFFICE MEMORANDUM NO. 1363, AND RECEIVED DATED THE 11th JULY 1913, FROM THE ASSISTANT PRIVATE SECRETARY TO THE VICEROY

Transferred to the Secretary to the Government of India in the Foreign Department.

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(Translation.)

To

Encl. 2, Pro.  
No. 166.

His Excellency Lord Hardinge, Viceroy and Governor-General of British India.

Most Excellent Sir,

My Government has just informed me that the negotiations opened in London, in order to determine by means of a convention matter of reciprocal interest concerning the Portuguese territories of Damao and Nagar-Avely and the adjoining British Indian territories, were broken off in view of the wish of Your Excellency's Government that they might be discussed and considered by the British Indian and Portuguese Indian authorities conjointly, as was communicated to the Portuguese Legation in that city by Sir Edward Grey in his letter of the 7th April last.

With this object I was authorised by a telegram (dated) the 4th June last to come to an understanding with Your Excellency in this respect in order to be able to arrive at an agreement which would serve as a basis for a convention between the Governments of His Britannic Majesty and the Portuguese Republic.

I have the honour, therefore, to beg that Your Excellency will kindly inform me whether you desire that the preliminary negotiations of this agreement may be commenced, as, if you agree, I shall have much pleasure to nominate the officers delegated by this Government for the purpose, that they may consider the question of where and how they may proceed most conveniently for the two interested parties.

Health and Fraternity,

Francisco Manoel Conceiro DA COSTA.

Residence of the Governor-General,  
Nova Goa,

4th July 1913.

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No. 1850-I. B., dated Simla, the 31st July 1913.

From

Pro. No. 167.

H. Wilkinson, Esq., Deputy Secretary to the Government of India in the Foreign Department,

To

The Secretary-General to the Government of Portuguese India, Nova Goa.

I am directed to acknowledge the receipt of the letter from His Excellency the Governor-General of Portuguese India to the address of His Excellency the Viceroy No. 99, dated the 4th July 1913, relative to excise arrangements in Daman and Nagar Avely and the adjoining British Indian districts, and to intimate that the matter is under the consideration of the Government of India and that a further communication on the subject will be made to you in due course.

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No. 1851-I.B.

## ENDORSED BY FOREIGN DEPARTMENT

A copy of the foregoing letter, together with a copy of the letter to which it is a reply, is forwarded to the Department of Commerce and Industry for information and further necessary action.

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Dated Simla, the 26th August 1913.

From

Pro. No. 68.

His Excellency the Viceroy and Governor-General of India,

To

His Excellency the Governor-General of Portuguese India,  
Nova Goa.

In reply to your letter No. 99, dated the 4th July 1913, on the subject of excise arrangements in Daman and Nagar Avelly and the adjoining British Indian districts, I have the honour to intimate that the Government of India consider that a settlement of the question is likely to be facilitated if the preliminary negotiations are conducted by the Government of Bombay, who with their greater knowledge of local conditions would be in a position to settle many disputed points without entering into communication with the Government of India. If, on the other hand, the negotiations were conducted by the Government of India frequent references to the Government of Bombay would be necessary, and delay would result. His Excellency the Governor of Bombay is accordingly being requested to open negotiations with you and I trust that this course will commend itself to Your Excellency.

Accept the assurance of my highest consideration.

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No. 2055-I.B.

## ENDORSED BY FOREIGN DEPARTMENT

A copy of the foregoing letter is forwarded to the Department of Commerce and Industry for information and further necessary action, in continuation of the endorsement from the Foreign Department No. 1851-I.B, dated the 31st July 1913.

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ENDORSEMENT FROM THE DEPARTMENT OF COMMERCE AND INDUSTRY, Pro. No 169.  
No. 7181-31 EXCISE, DATED THE 2ND (RECEIVED 4th) SEPTEMBER 1913

Copy forwarded to the Foreign Department, for information, with reference to the correspondence ending with the communication from that Department No. 2055-I.B, dated the 26th August 1913.

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No. 7180-31, dated Simla, the 2nd September 1913.

Encl. Pro.  
No. 169.

From  
J. F. Gruning, Esq., Officiating Secretary to the Government of India, Department of Commerce and Industry,

To

The Chief Secretary to the Government of Bombay, Revenue Department.

In continuation of the correspondence ending with the letter from this Department No. 3549-31, dated the 5th May 1913, I am directed to forward, for information, a copy of the papers specified in the margin on the subject of excise arrangements in Daman and Nagar Avelly.

1. Letter from His Excellency the Governor-General of Portuguese India to His Excellency the Viceroy, No. 99, dated the 4th July 1913.

2. Letter from His Excellency the Viceroy and Governor-General to His Excellency the Governor-General of Portuguese India, dated the 26th August 1913.

2. I am to request that His Excellency the Governor of Bombay may now be moved to open negotiations with His Excellency the Governor-General of Portuguese India in view to a settlement of the matter.

Pro. No 170. OFFICE MEMORANDUM NO. 1812, DATED THE 10th (RECEIVED 11th) SEPTEMBER 1913, FROM THE ASSISTANT PRIVATE SECRETARY TO THE VICEROY

Transferred to the Secretary to the Government of India in the Foreign Department.

A Sua Exa. O Vice-Rei e  
Governador Geral da India Britanica.

Exmo. Snr.

Encl. 1.  
Pro. No. 170.

Acusando a recepcao do officio de 26 do mez findo, tenho a honra de participar a V. Exa. que este Governo concorda com o alvitre proposto, aguardando porisso receber do Governo da Presidencia de Bombaim a communicacao sobre a assunto, a que V. Exa. se refere.

Saude e Fraternidade,  
Francisco Manoel Conceiro DA COSTA,  
O Governador Geral.

Residencia do Governo Geral, em Nova Goa,  
2 de Setembro de 1913.

(Translation)

Encl. 2.  
Pro. No. 170.

With reference to Your Excellency's official letter dated the 26th August 1913, I have the honour to inform Your Excellency that my Government agrees in the proposed procedure, and I hope therefore to receive from the Government of Bombay the communication on the subject to which Your Excellency refers.

## LIQUOR SMUGGLING IN PORTUGUESE INDIA

India Office,  
Revenue and Statistics.

Register No. R & S 2923,  
25th July, 1914.

## MINUTE PAPER

It is assumed that discussion of this matter has been proceeding between the Government of Bombay and the Government of Portuguese India. Evidently they have not got far; which is not surprising, as this liquor manufacture seems to be the principal industry of Nagar-Avely, in the same way as the opium industry is a leading industry in Macao. It will be remembered that Nagar-Avely, the largest of the Portuguese territories, is an enclave in British- or Native State territory, and that the prohibition of export of liquor making materials from British India therefore hits this territory specially hard. Therefore the Government of Bombay have the Government of Portuguese India more or less at their mercy, and may not be willing to surrender their present strong position, by which they may well hope to put an end to this long controversy about liquor smuggling.

The only consideration on the other side is that the F.O. may not be willing that the Portuguese Government be subjected to too great pressure. It must, however be noted that hitherto the F.O. have not shown any signs of such an opinion.

	<i>Date</i>	<i>Initials</i>
Under Secretary	27/7	F.C.D.
Secretary of State Committee	27/7	I.W.H.
Under Secretary	29/7	F.C.D.
Secretary of State Council	30/7	I.W.H.

Approved by R & S Committee.

This preceded the telegram from the Secretary of State to the Govt. of India dated 31st July 1914, copy of which is enclosed.

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1915, GOVERNMENT OF INDIA, FOREIGN AND POLITICAL DEPARTMENT,  
INTERNAL—B, PROCEEDINGS, FEBRUARY 1915, NOS. 47-51

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No. 6466-6467-220, dated the 29th July 1914.

ENDORSEMENT BY THE DEPARTMENT OF COMMERCE AND INDUSTRY      Pro. No. 47.

Copy of the following with a copy of the letter from the Government of Bombay No. 6699, dated the 20th July 1914 and enclosure, forwarded to the Foreign and Political Department for information, in continuation of the correspondence ending with the communication from this Department No. 7181-31 dated the 2nd September 1913.

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Telegram No. 6465-220, dated Simla the 29th July 1914.

From

Enclo to  
Pro. No. 47.

His Excellency the Viceroy, Department of Commerce and Industry,

To

His Majesty's Secretary of State for India, London.

Please refer to correspondence ending with Despatch from Government of India, No. 3-Excise, dated the 23rd Jan. 1913. Prohibition of export to Portuguese possessions in India of bases for distillation of country spirit.

Exportation of mhowa flowers was prohibited with consent of Secretary of State for India and our subsequent prohibitions of jagri and molasses & were reported to Your Lordship for approval. Government of Bombay now report desirability, for similar reasons, of prohibiting, as soon as possible, exportation of refined sugar to Nagar Avely. We concur, but in view of policy indicated by penultimate paragraph of Foreign Office letter No. 52991, dated the 17th December 1913, forming second enclosure to Your Lordship's Confidential Despatch No. 42-Revenue, dated the 27th February 1914, regarding silver smuggling into British India, we solicit Your Lordship's approval before notifying prohibition of exportation of refined sugar.

No. 6699, dated Bombay Castle, the 20th July, 1914.

From

Sub-Enclo to  
Pro. No. 47.

The Honourable Mr. G. S. Curtis, C.S.I., I.C.S., Acting Chief Secretary to the Government of Bombay, Revenue Department,

To

The Secretary to the Government of India, Department of Commerce and Industry.

I am directed to refer to the correspondence ending with the letter from the Government of India in the Department of Commerce and Industry, No. 9545-212, dated 4th January 1913 prohibiting the export of molasses, wherever manufactured, from British India into the Portuguese possession of Nagar Avely.

2. The Portuguese have now taken to refined sugar as a base for the distillation of country spirit. Large quantities of refined sugar are being exported from Bombay for this purpose, and stored in the distillery at Dadra and also at Silvassa. The Governor in Council considers that, unless immediate steps are taken, the result of the measures already adopted will be nullified. I am accordingly directed to submit a draft notification under section 19 of the Sea Customs Act, 1878, and to request that the Government of India may be moved to issue it as early as possible.

3. I am to observe, with reference to the correspondence ending with the letter from the Government of India, No. 7180-31, dated 2nd September 1913, that the Portuguese Government has already been addressed by the Bombay Government on the subject of Excise arrangements in Daman and Nagar Avely, but the final reply of the authorities at Goa has not yet been received. As the settlement of the

negotiations between the Bombay Government and the Government of Portuguese India will take a considerable time, the Governor in Council does not consider it expedient to postpone the measure now proposed until the negotiations under consideration take a practical shape. As usual, the Portuguese Government will be informed of the issue of the notification now submitted.

## DRAFT NOTIFICATION .

In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to prohibit the taking of refined sugar, wherever manufactured, from any part of British India into that Portion of the Indian possessions of the Government of Portugal which is known as the Pargana of Nagar Avely.

TELEGRAM, dated London, the 31st July 1914

From

The Secretary of State for India, London

To

The Viceroy Foreign and Political Department

Your telegram dated the 11th March. Nagar Avely. Portuguese Government represent hardship and loss of revenue anticipated owing to imminent failure of supplies raw materials for manufacture of liquor, and ask that negotiations should be accelerated, prohibition to export raw materials being meantime removed on reasonable terms, which they do not specify. Foreign Office ask for early reply. Please telegraph state of negotiations and what are your views as to proposal for conditional removal of prohibition. Pending your reply, I shall take no action on your telegram of the 29th of July.

No. 6983, dated 1st August 1914

ENDORSED BY THE DEPARTMENT OF COMMERCE AND INDUSTRY

Telegram from the Secy. of State, dated the 31st July, 1914.

Telegram to the Govt. of Bombay, dt. 1st Aug., 1914.

Telegram from the Govt. of Bombay No. 192-P, dt. 4th Aug., 1914.

With a copy of notes.

A copy, with a copy of the papers specified in the margin, is forwarded to the Foreign and Political Department in continuation of the communication from this Department No. 6466-6467-220 dated the 29th July 1914.

TELEGRAM No. 6953, dated Simla, the 7th August, 1914.

From

His Excellency the Viceroy (Department of Commerce and Industry),

To

His Majesty's Secretary of State for India, London.

Your telegram dated the 31st July 1914. Prohibition of exportation

of distilling materials to Nagar Avely. Government of Bombay wire as follows. Begins: On 12th November last, Governor-General of Portuguese India was informed of name of officer selected by Government of Bombay to meet Portuguese India representative to discuss terms and draft convention, discussion being confined to Excise question only. On the 26th December last, Governor-General, Portuguese India, replied proposing discussion should be extended to all pending questions of reciprocal interest. On the 25th February last, Government of Bombay replied dissenting from view that there were any pending questions, other than Excise, requiring settlement and reiterating discussion should be confined to Excise question. To this Governor-General of Portuguese India has not replied and discussion of Excise question, therefore, has not begun. Governor of Bombay in Council wholly unable agree to conditional withdrawal of prohibition. Ends. We concur in view of the Local Government and ask for sanction to proposals for extension of prohibitions to refined sugar as proposed in our telegram dated the 29th July, unless international considerations render such a course inexpedient at present.

TELEGRAM, dated Simla, the 1st August 1914.

From

The Secretary to the Government of India, Department of Commerce and Industry,

To

The Chief Secretary to the Government of Bombay.

Please refer to correspondence ending with your letter No. 6699 dated 20th July. Proposal made in that letter regarding prohibition of export of refined sugar to Nagar Avely having been referred to Secretary of State for approval on the 29th July, His Lordship cables as follows. Begins:—"Portuguese Government represent hardship and loss of revenue anticipated owing to imminent failure of supplies raw materials for manufacture of liquor and ask that negotiations should be accelerated, prohibition to export raw materials being meantime removed on reasonable terms, which they do not specify. Foreign Office ask for early reply. Please telegraph state of negotiations and what are your views as to proposal for conditional removal of prohibition. Pending your reply, I shall take no action on your telegram of the 29th July." Ends. Please telegraph state of negotiations and views of Bombay Government on Portuguese proposal for conditional removal of prohibitions.

TELEGRAM No. 192-P, dated Bombay, the 4th August, 1914.

From

The Secretary to the Government of Bombay, Revenue Department, Bombay,

To

The Secretary to the Government of India, Department of Commerce and Industry, Simla.

Your telegram 258. On the 12th November 1913, Governor General, Portuguese India, was informed of name of officer selected by Bombay

Government to meet Portuguese India representative to discuss terms and draft convention, discussion being confined to Excise arrangements only. On the 26th December 1913, Governor-General, Portuguese India, replied proposing discussion should extend to all pending questions of reciprocal interest. On the 24th February 1914, Bombay Government replied dissenting from view that there were any pending questions, other than Excise, requiring settlement and reiterating discussion should be confined to Excise question. To this, Governor-General Portuguese India, has not replied and discussion of Excise question, therefore, has not begun. Governor in Council wholly unable agree to conditional removal of prohibitions.

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No. 14355, dated the 4th December 1914.

ENDORSED BY THE DEPARTMENT OF COMMERCE AND INDUSTRY

Pro. No. 50.

A copy of the following, with a copy of the telegram from the Government of Bombay No. 11757, dated the 27th November 1914, is forwarded to the Foreign and Political Department for information, in continuation of the communication from this Department, No. 6983, dated the 7th August 1914.

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TELEGRAM No. 14330, dated Simla, the 4th Dec. 1914.

From

His Excellency the Viceroy (Department of Commerce and Industry),

To

His Majesty's Secretary of State for India, London.

Encl to  
Pro. No. 50.

Please refer to correspondence ending with our telegram, dated 7th August last. Excise arrangements in Nagar Avely. Government of Bombay have telegraphed to following effect:—Begins. Discussion of Excise question not begun as the Government of Portuguese India reply to Government of Bombay letter of 24th February last not received. In the meantime, Portuguese authorities in Nagar Avely are arranging with cultivators of adjoining British territory and Dharampur State to purchase all their sugarcane and sugarcane juice and intend to prepare jagri for manufacturing liquor. Government of Bombay strongly recommend prohibition under Indian Sea Customs Act of exportation of these materials to Nagar Avely. Matter is urgent, and very early action required on this proposal and also that regarding prohibition of refined sugar recommended in my letter, dated 20th July last. Ends. We should be glad to be informed whether there is any objection to action being taken as recommended by Local Government.

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TELEGRAM No. 11757, dated Bombay, the 27th November, 1914.

From

The Secretary to the Government of Bombay, Revenue Department, Bombay,

To

The Secretary to the Government of India, Department of Commerce and Industry, Simla.

Reference my telegram No. 192-9, dated 4th August last. Discussion



of Excise question not begun, as Portuguese Government reply to Bombay Government letter of 24th February last not received. Meanwhile, Portuguese authorities of Nagar Avely are arranging with cultivators of adjoining British territory and Dharampur State to purchase all their sugarcane and sugarcane juice and intend preparing jagri for distilling liquor. Bombay Government strongly recommend prohibition under Sea Customs Act, of these materials to Nagar Avely. Matter urgent and very early action required on this proposal and also that regarding prohibition of refined sugar recommended in my letter No. 6699, dated 20th July last.

Pro. No. 51. NO. 311-220, DATED SIMLA, THE 13th JANUARY 1915 ENDORSED BY DEPARTMENT OF COMMERCE AND INDUSTRY

Telegram from the Secy. of State for India, dated the 6th January 1915.

Telegram to the Government of Bombay, No. 171-W dated the 7th Jan., 1915.

\*Pro. No. 50.

Copy of the marginally noted papers is forwarded to the Foreign and Political Department in continuation of the communication from this Department, No. 14355, \*dated the 4th December 1914.

TELEGRAM P., dated London, the 6th (received 7th) January 1915.

From

The Secretary of State for India,

To

The Viceroy (Foreign and Political Department).

Excise arrangements in Nagar Avely. Representations are being laid before the Portuguese Government by the Foreign Office, with a request for an early reply, pending the receipt of which Secretary of State for Foreign Affairs requests that action regarding prohibition of refined sugar to Nagar Avely should be deferred. This is with reference to your telegram of the 4th ultimo.

TELEGRAM NO. 171-W., dated Delhi, the 7th January, 1915.

From

The Secretary to the Government of India, Department of Commerce and Industry,

To

The Chief Secretary to the Government of Bombay.

The Secretary of State wires as follows. Begins. Please refer to your telegram of the 4th ultimo on the subject of Excise arrangements in Nagar Avely. The Foreign Office are laying representations before the Portuguese Government for an early reply and until the receipt of which, it is requested by the Secretary of State for Foreign Affairs that action in respect of the prohibition of refined sugar to Nagar Avely should be deferred.

FOREIGN AND POLITICAL DEPARTMENT INTERNAL-B  
PROGS. OCTOBER 1915, No. 9

No. 3309-101.

GOVERNMENT OF INDIA  
DEPARTMENT OF COMMERCE AND INDUSTRY  
(EXCISE)

Simla, the 26th March 1915.

## TELEGRAM

From

The Secretary to the Government of India, Department of Commerce  
and Industry . . . . . Simla,

To

Chief Secretary to the Government of Bombay . . . . . Bombay.

Please refer to correspondence ending with this Department's telegram 171-W., 7th January, regarding Excise arrangements Nagar-Avely. Secretary of State cables that His Majesty's Minister at Lisbon is informed that the Government of Portugal before replying to representations of His Majesty's Government is awaiting reply from Goa, and that instructions have been given to the Portuguese Consul at Bombay to confer with authorities at Goa on the subject.

No. 3117-101.

A copy, with a copy of the telegram from His Majesty's Secretary of State for India, No. 491, dated the 24th March 1915 is forwarded to the Foreign and Political Department for information, in continuation of the communication from this Department No. 311-20, dated the 13th January 1915.

By order, etc.,

*(Signed)* Illegible.

Under Secretary to the Govt. of India.

## TELEGRAM P.

No. 491

From

Secretary of State

To

Viceroy (Foreign and Political Department).

Dated 24th March 1915.

Received 25th March 1915.

Excise Nagar Avely. Please refer to my telegram of January 6th. His Majesty's Minister at Lisbon is informed that the Government of Portugal before replying to representations is awaiting reply from Goa,

and that instructions have been given to the Portuguese Consul at Bombay to confer with authorities at Goa.

True Copy.

(Signed) Illegible.

Superintendent,  
Department of Commerce and Industry.

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FOREIGN AND POLITICAL DEPARTMENT GENERAL-B  
PROGS. AUGUST 1918, No. 43

CONFIDENTIAL.

No. 6598.

GOVERNMENT OF INDIA  
DEPARTMENT OF COMMERCE AND INDUSTRY

Simla, the 16th July 1918.

From

P. C. Tallents, Esquire, I.C.S.,  
Offg: under secretary to the Government of India,

To

The Secretary to the Government of Bombay, Revenue Department.

Sir,

I am directed to refer to the correspondence ending with your letter No. 1521/99-Confl., dated the 14th February 1918, on the subject of the regulation of the sale of spirits in the Portuguese possessions of Daman and Nagar-Avely and the transit of salt and certain other commodities between them. You forward a revised statement of bases of convention which has been prepared by the Portuguese Government for discussion between the representatives of the British and the Portuguese Governments, with an expression of the views of the local Government and ask for the approval of the Government of India to the conduct of the proposed negotiations with the Portuguese representatives.

2. In reply, I am to say that the Government of India agree generally in the views of the Local Government subject to the following remarks and approve the action proposed by them in regard to the conduct of the negotiations.

3. In paragraph 4 of the letter under reply, the Local Government state that while they are opposed to the free transit of a large number of commodities between Daman and Nagar-Avely, they are willing to agree to the concession in respect of a limited quantity of salt and rice between the two possessions. In this connection, I am to invite a reference to the correspondence ending with the letter No. 3571-Ex., dated the 8th July 1910, from the Government of India in the Finance Department, and to say that the Government of India see no reasons for departing from the policy then suggested by the Local Government and approved by them. Clause 13 as well as 14 of the proposed convention should, therefore, in their opinion, be rejected *in toto*.

4. As regards paragraph 5 of your letter I am to say that the Government of India consider it inadvisable to introduce into the discussion extraneous matters such as the levy by the Portuguese Government of an effective and adequate duty on silver imported into their territories. They accordingly ask that this subject should be omitted from the negotiations.

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

P. C. TALLENTS,

Offg: under secretary to the Govt. of India.

\* No. 6599.

A copy, with a copy of the letter replied to, is forwarded to the Foreign and Political Department, in continuation of the endorsement from this Department No. 3117-101, dated the 26th March 1915. With a copy of the notes. By order, etc.,

(Signed) illegible.

for Offg. Under Secretary to the Govt. of India.

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PROCEEDINGS OF THE  
DEPARTMENT OF COMMERCE AND INDUSTRY, JULY 1918

*Negotiations with the Portuguese representatives for regulating the sale of spirits in the Portuguese possessions of Daman and Nagar-Avely.*

QUESTION OF THE REGULATION OF THE SALE OF SPIRITS IN THE PORTUGUESE POSSESSIONS OF DAMAN AND NAGAR-AVELY AND THE TRANSIT OF SALT AND CERTAIN OTHER COMMODITIES BETWEEN THEM

REVISED STATEMENT OF BASES OF CONVENTION PREPARED BY THE PORTUGUESE GOVERNMENT FOR DISCUSSION BETWEEN THE REPRESENTATIVES OF THE BRITISH AND THE PORTUGUESE GOVERNMENTS

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Telegram P., No. 491, dated London, the 24th March 1915.

From

His Majesty's Secretary of State for India,

Pro. No. 7.

To

His Excellency the Viceroy (Foreign and Political Department).

Excise Nagar-Avely. Please refer to my telegram of January 6th. His Majesty's Minister at Lisbon is informed that the Government of Portugal, before replying to representations, is awaiting reply from Goa, and that instructions have been given to the Portuguese Consul at Bombay to confer with authorities at Goa.

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Telegram No. 3309-101, dated Simla, the 26th March 1915.

From

The Secretary to the Government of India,  
Department of Commerce and Industry,

To

The Chief Secretary to the Government of Bombay.

Please refer to correspondence ending with this Department's telegram 171-W., 7th January, regarding excise arrangements Nagar-Avely. Secretary of State cables that His Majesty's Minister at Lisbon is informed that the Government of Portugal, before replying to representations of His Majesty's Government, is awaiting reply from Goa, and that instructions have been given to the Portuguese Consul at Bombay to confer with authorities at Goa on the subject.

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No. 3117-101.

ENDORSED BY THE DEPARTMENT OF COMMERCE AND INDUSTRY

A copy, with a copy of the telegram from His Majesty's Secretary of State for India, No. 491, dated the 24th March 1915, is forwarded to the Foreign and Political Department for information, in continuation of the communication from this Department No. 311-20, dated 13th January 1915.

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No. No. 1521-99 Confdl.—dated Bombay Castle, the 14th February 1918.

From

J. L. Rieu, Esq., ICS., Secretary to the Govt. of Bombay, Revenue Department,

To

The Secretary to the Government of India, Department of Commerce and Industry.

I am directed to refer to the correspondence ending with the letter from the Government of India No. 7180-31, dated the 2nd September 1913, on the subject of the proposals for regulating the sale of spirits in the Portuguese territories of Daman and Nagar-Avely and the transit of salt between them, and to make the following observations.

2. The original proposals of the Portuguese Government for the settlement of certain questions which they regarded as out standing between themselves and the British Government are contained in the bases of Convention accompanying the letter from the Director General of the Portuguese Colonial Office, dated the 2nd December 1912, which formed an enclosure to the letter from the Government of India No. C-68, dated the 11th February 1913. Revised proposals have since been received by this Government from the Consul General for Portugal at Bombay. These are contained in a fresh statement of bases of Convention, a copy of which is herewith sent. The Consul General has subsequently consented to the omission of clause 12 of the Convention, relating to the grant of permission for the export of salt from the salt works in Daman

to any place in British India or any Native State, in Deference to the expressed disinclination of this Government to enter into any discussion of a condition which, in their opinion, is likely to prove prejudicial to the imperial salt revenue.

3. Clause I of the original proposals contemplated the substitution for the existing outstills of two distilleries, one at Daman and the other at Villa Paco d'Arcos or Silvassa, in the Nagar-Avely. According to their present revised proposals the Portuguese Government would establish three distilleries in places of these outstill namely, one in the Pargana of Daman, and the other two in the Pargana of Nagar-Avely. Prima facie, considering the limited area affected and the short distance between Daman and Nagar-Avely, a single distillery to be located in Daman should prove sufficient. As, however, the Portuguese Government might reasonably argue that the establishment of a distillery in Nagar-Avely would render it easier to check and compete with illicit production, the Bombay Government are prepared to allow a distillery in Nagar-Avely as well as one in Daman. In that case, however, the free transit of country spirit between the two areas should not be permitted, as each area could be supplied from its own distillery.

4. Clause 13 of the revised statement stipulates the duty-free passage of a large number of commodities between Daman and Nagar-Avely; but the Bombay Government are not prepared to acquiesce in any such comprehensive concession as this. The utmost which they would be ready to concede is the grant of free transit in respect to a limited quantity of salt from Daman to Nagar-Avely and to a limited quantity of rice and other grain from Nagar-Avely to Daman the quantity in each case to be determined on a consideration of the estimated needs of the population of the tract concerned. Clause 14 cannot be accepted in any form and will be rejected. Apart from the absence of any valid ground for the sacrifice on the part of the British Government of its export duty revenue, the concession would entail the danger of smuggling from Daman via Bombay and the export of dutiable commodities from Daman in dhows to Arabia and other accessible foreign countries.

5. As silver is known to have been smuggled in large quantities into British India via Goa, the Bombay Government, with a view to checking the practice, propose to take advantage of the present negotiations to stipulate that the Portuguese Government should levy an effective and adequate duty on silver (bar and bullion) imported into their territory.

6. The original proposals contemplated the fixing of the period of the agreement at 12 years with renewals for similar periods, either contracting party having the option of terminating the arrangement by giving one year's notice before the expiration of the prescribed period. It is now suggested on behalf of Portuguese Government that the period of the agreement be fixed at 10 years but the Bombay Government are of opinion that a currency of five years in the first instance would be sufficient.

7. It is proposed that the terms of settlement be discussed in the first instance between representatives of the respective Governments, and the Government of Portuguese India have already nominated their delegates for the purpose. The Commissioner of Customs, Salt and Excise, will be the nominee of the Bombay Government. The instruc-

tions of the latter on the points dealt with in the foregoing paragraphs will be conveyed to that officer for his guidance in the conduct of the negotiations. At the same time, several minor points, such as the width of the shopless zone to be established between the two territories and the regulation of the traffic in cocaine opium, ganja and bhang, will be left for consideration by the delegates. Before, however, referring the whole question to the delegates, the Bombay Government consider that the Government of India should be apprised of their views on the revised proposals made by the Portuguese Government, as some of the concessions contemplated, e.g., in the matter of the transit of salt and rice, will affect Imperial revenues. I am accordingly directed to request that the Government of India may be moved to express their general approval of the conduct of the proposed negotiations on the lines indicated in this letter.

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## Annex F. No. 58

POL. CONS: 1860 No. 6115

*Page No. 225 to 232.*

## POLITICAL DEPARTMENT

From

A. F. Bellasis, Esquire,  
Collector of Surat,

To

H. L. Anderson, Esquire,  
Officiating Chief Secretary to Government  
Bombay.  
Surat, Collectors' Office.  
2nd June 1860.

Sir,

In reply to your letters as per margin relative to an interchange of Territory with the Portuguese Government at Damaun, I have the honor to state the wishes of the Governor General of Goa would be fully met, by the cession of the strip of land between the Damaun Gunga and Kulaye Rivers, which would give free access to the Portuguese Purgunah of Nuggar Havellee.

No. 1819, dated  
2nd May 1860.  
No. 2241, dated  
25th May, 1860.  
Interchange of  
Territory with  
Portuguese  
Government at  
Daman.

2. Knowing that this arrangement would materially affect the Customs Revenue, I referred the matter to Mr. Alexander Stewart, the Deputy Commissioner of Customs N.D. an Officer, who by his great experience in Guzarat, is perhaps the best able to give an opinion on such a subject—Mr. Stewart described the effect of the cession, of the strip of land between the Damaun Gunga and Kulaye Rivers, on the Customs Revenue, and on smuggling, as follows:—

3rd. "The Deputy Commissioner of Customs. N.D. has the honor to state that the effect of the cession of the strip of land in question would be to extend our present frontier preventive line of 14 miles, to one of 100 miles, which moreover would run through a wild, ... difficult and very sickly country, and on a considerable portion of which line (i.e. that running between the Nuggur Havellee and Dharampoor) we can levy no duty on salt and other merchandize passing from, or into the Portuguese territory, under our Custom and Excise laws, which do not extend to the Dhurumpoor state, where we have only a right to levy a small tax called the Maratha Chouth.

2nd. It may be said that this difficulty might be over come by making over to this Government "that portion of the Nuggur Havellee which joins the Dhurumpoor state, but still the difficulty and cost of guarding so extensive a frontier line in so wild and sickly a country, would in the Deputy Commissioner's opinion, be so formidable as to preclude Government from entertaining the proposal."—

3rd. In 1848 Mr. Bettington the Deputy Collector of Continental Customs in charge of the Northern Division reported the annual loss



of Revenue from smuggling across the Damaun Frontier at about Rs. 100,000, and to check this it was found necessary to place a strong preventive Establishment on the short frontier line of 14 miles between, Kolluck on the north and Kalai on the south of Damaun at a cost which at present amounts to Rs. 9,411. per annum, and it therefore follows that if the more extended line of 100 miles were adopted the cost of Establishment to protect it would not fall short of Rs. 60,000.

4th. The object in wishing to join Damaun to Nuggur Havelee by the cession of the strip of land between the Dhamun Gunga and the Kalai River, seems to be to enable the Portuguese to bring timber and grain the produce of the last mentioned district into Damaun free of duty but the Deputy Commissioner thinks that if Government be willing to exempt this produce from duty it might, if the Portuguese authorities act in good faith, be done under a proper system of Certificate, that is to say the Deputy Commissioner would suggest that all timber and grain might be allowed to pass free on the production of a pass from the Portuguese authorities, certifying that the timber or grain covered by the pass or certificate was bona fide the produce of the Nuggur Havelee, great care being taken that passes be not given for timber and grain from Dhurrumpoor and other neighbouring States.

5th. In making this concession the Deputy Commissioner ventures to think that the Portuguese Government might reasonably be called on to make arrangements by which all salt sold for inland consumption should be taken across the frontier by certain fixed routes, and that notice of the sale and intended removal of such salt, should be given to our Establishment so as to enable us to collect the duty leviable on the salt entering British Territory. This arrangement would cost the Portuguese Government nothing, and it might in time enable this department to make such reductions in the preventive Establishment on the frontier as would in some degree make up for the loss which must follow from the Produce of the Nuggur Havelee being allowed to pass free in the manner proposed".

4th. I concur in the opinion expressed in Mr. Stewart's 4th para. of allowing all timber and grain to pass free under a pass by the Governor of Damaun certifying that it was bona fide the produce of Nuggur Havelee but it occurs to me, it would not be a difficult matter to ascertain the average annual produce of Nuggur Havelee in grain and timber etc. and this amount being fixed and known His Excellency the Governor of Damaun might grant pass Certificates to that amount. This arrangement would avoid the minute interference of the several authorities.

5th. The best plan of all would be for the British Government to purchase or exchange the whole of the Damaun Territory—if any inland Purgunnah adjacent to Goa were available this interchange might be mutually acceptable to both Governments.

6th. I have not yet had the Revenue value of the land between the Damaun Gunga and Kullaye Rivers calculated, as His Excellency in Council seemed to wish for an early reply to Your communications. This cession would afford several roads not only into Nuggur Havelee, but thence into the extensive and wild country of Dhurrumpoor, and beyond that again into central India and I fear as Mr. Stewart says, the injury to our customs Revenue would be so formidable as to preclude

Government from entertaining the proposal. Either of the alternatives proposed in my 4th and 5th paras would be far more advisable.

I have the honor to be,  
Sir,  
Your most obedient servant,  
A. F. BELLASIS,  
Collector of Surat.

N.B. In the event of any officer being required to meet the Damaun authorities I would recommend that Mr. H. B. Lindsay the 1st assistant Collector be appointed the Commissioner.

A. F. BELLASIS,  
Collector of Surat.

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P.D. Vol. 26 of 1860

Page 234.

Resolved

That the Governor General of Goa be informed that after full inquiry and consideration the cession of any portion of the Br. territory between Daman and the district of Nagar Haveli has been found impracticable.

(Initialled) Illegible.

July 18.

I think this the best answer to send—so far as I can understand our interests. I should say that Mr. Bellasis and Mr. Stewart have undervalued the loss we should be put to by the cession required by the Portuguese Govt. For, inasmuch as, the whole territory would become Portuguese from Nagar Haveli to Daman if the cession were allowed, we could levy no duties at all between the two rivers. No extension of our preventive frontier would compensate us for losing the command we now possess of the Pargannah Nagar Haveli. It is to be apprehended that the whole of the articles now dutiable would pass from Dharampur into Nagar Haveli and thence into Daman between the rivers and vice versa thus wholly eluding payment.

(Initialled) Illegible.

We have no territory to exchange and the Portuguese will not sell Daman. We ought always to bear in mind the importance of obtaining from Portugal the cession of both Goa and Daman whenever we have an equivalent to offer.

(Initialled) Illegible.

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## Annex F. No. 59

1904, GOVERNMENT OF INDIA, FOREIGN DEPARTMENT, INTERNAL—  
A. PROCEEDING, NOVEMBER 1904. NOS. 51-52

ENCLOSURE NO. 1., P. 52

No. 1456, dated 27th February 1901.

From—the Honourable Mr. J. W. P. Muir-Mackenzie, I.C.S.,  
Chief Secretary to the Government of Bombay,

To—The Secretary to the Government of India, Finance and  
Commerce Department.

In the year 1896 the attention of this Government was drawn to the large quantity of Mhowra flowers brought to the Daman Road Railway station for export to the neighbouring Portuguese districts of Daman and Nagar Haveli. A report from the Commissioner of Customs, Salt, Opium and Abkari, showed the following figures of import at the Railway station named in the three years ending 1895-96:—

Years.	Quantity of Mhowra flowers. Mds.
1893-94 . . . . .	32,860
1894-95 . . . . .	28,722
1895-96 . . . . .	29,782

The last figure would represent on distillation 117,000 gallons of spirit of 60° U.P. The great excess of this quantity, as compared with actual requirements, will be apparent from the terms of the abkari contract, as well as from the numbers of the population of these districts. The abkari farm was leased by the Portuguese Government in 1896 for three years, at an annual payment of R70,200. The normal price of the liquor is stated by His Excellency the Governor General of Portuguese India to have varied from R2-4-0 to R2-8-0 per gallon, though the farmer was not debarred from selling at any lower price. Taking, however, the average price at R2-4-0 per gallon, the contractor would have to sell about 31,000 gallons to realize the amount paid for the farm. An equal amount may be calculated as being necessary to return him a reasonable profit after all expenses of manufacture and management. This total quantity of 62,000 gallons would represent a consumption per head of the 67,000 inhabitants of Daman and Nagar Haveli of 44.4 drams as compared with consumption varying from 22 to 26 drams in the neighbouring districts of Surat and Thana, while the large excess of the quantity represented by the imported Mhowra over the quantity thus calculated to be sold by the contractor would remain unaccounted for. The inevitable conclusion was that a large portion of the excess was smuggled into British territory, and it was borne out by the fact that the sales in the Umbargaon Petha of the Thana district fell from 39,588 gallons 60° U.P. liquor in 1894-95 to 31,052 gallons in 1895-96, and in the Surat district, at shops within 10 miles of the Portuguese frontier, from 44,298 gallons in 1893-94 to 35,803 gallons in 1894-95. The Commissioner accordingly recommended that steps should be taken under

section 19 of the Sea Customs Act to prohibit the export of Mhowra to Portuguese territory. This Government was however, reluctant, for political reasons, to adopt this measure, and it was hoped that a reference to the Government of Portuguese India might lead to steps being taken for the protection of the British excise revenue. The letter from this Government with the reply of the Governor General of Portuguese India will be found in the preamble to Government Resolution, Political Department, No. 5840, dated 28th August 1899, of which a copy is enclosed. His Excellency's letter was carefully considered by this Government, but it was impossible to alter the conclusions previously arrived at. The Governor-General was informed accordingly in the letter from this Government, No. 5735, dated 28th July 1900, a copy of which is enclosed, and His Excellency was invited to consider the necessity of fixing a minimum selling price, and of approximating the prices of liquor sold in shops situated within three miles of the frontier to the prices prevailing in the neighbouring British districts. His Excellency stated in reply his inability to meet the wishes of this Government, owing to a fresh contract having been already given for three years. In regard to this answer it is sufficient to remark that at the time when the disposal of the new contract was in question the subject was under discussion, and as the previous Governor-General had proposed the equalisation of prices, the Portuguese Government might have been expected to make some reservation in giving out any new contract.

2. The sales of liquor in the portions of the Surat and Thana districts adjoining Portuguese territory for the years that have elapsed since the subject was brought to the notice of Government show that the evil complained of still continues. In the Umbargaon Petha the sales have been as follows:—

	Gallons 60, U.P.
In 1896-97 . . . . .	25,538
In 1897-98 . . . . .	33,654
In 1898-99 . . . . .	29,613
In 1899-1900 . . . . .	22,715

The sales of the latter year were materially affected by the presence of plague and scarcity, but the average of the three previous years is so much below the figure, 39,588 gallons, of 1894-95 as to prove extensive smuggling. In the Surat district, the sales at the shops for which figures have been given above have been for the past two years 36,455 and 27,538 gallons respectively as compared with 44,298 in 1893-94. The quantity of Mhowra brought to Daman Road Railway station is not now ascertainable for the years 1896-97 and 1897-98. In 1898-99, 26,673 maunds and in 1899-1900, a year in which the Mhowra crop failed, only 21,784 maunds were brought. These figures are lower than those given in paragraph 1 of this letter for the previous years, but still represent a much higher quantity than would be necessary for the legitimate requirements of the Portuguese territory.

3. Past experience has fully shown that correspondence on such subjects with the Portuguese Government does not lead, however protracted it may be, to any satisfactory result, and this Government are

convinced that, unless power is taken to put a check on the export of Mhowra flowers, there is no probability of the Portuguese Government and their abkari contractor coming to a reasonable arrangement. It will further appear from the accompanying copy of a letter addressed to the Governor-General of Portuguese India on the 6th September 1900, that large quantities of Mhowra flowers are taken privately into Portuguese territory, and, it cannot be doubted, illicitly distilled. The Governor in Council considers therefore that a notification should be issued under section 19 of the Sea Customs Act prohibiting the export of Mhowra flowers from any part of British India to any part of Portuguese India. A copy of the requisite notification, which has been approved by the Remembrancer of Legal Affairs, is enclosed, and I am to request that the Government of India may be moved to sanction its issue.

4. I am to add that it is not intended, should the Government of India sanction the issue of the order, to enforce it until the Portuguese Government have been addressed, and informed of the action about to be taken, and it will not be enforced if the Government of Portuguese India and their contractor take effectual measures to prevent smuggling and improper competition with contractors in adjoining British districts.

5. I am further to add that it would not be possible, owing to the size and configuration of Nagar Haveli, to surround it with a preventive cordon, except at a prohibitive cost, and that it is necessary to include Goa and Diu in the notice to prevent consignments of Mhowra flowers being sent thence by sea to Daman.

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**Annex F. No. 60**

POLITICAL DEPARTMENT VOL. 57, COMP. NO. 234G, 1863

*Pages 129-130.*

No. 10 of 1863.

From

A.B. Warden Esquire,  
Agent for the Hon'ble the Governor at Surat,

To

The Hon'ble H. L. Anderson Esquire,  
Chief Secretary to the Government Bombay.

POLITICAL DEPARTMENT

Dated 7th January 1863.

Sir,

I have the honour herewith to forward for the information of the Hon'ble the Governor in Council copy of a petition from certain Traders etc. of Damaun relative to the construction of a road from Chota Damaun to Wapee which will be the nearest Railway Station. As I have never been in that part of the country I referred the Petition to the Acting

Collector Mr. Ravenscroft for his opinion; and I beg to annex copy of his reply, as also a letter from his Assistant Mr. Pratt together with a Map; from the Collectors reply it will be seen that he does not consider it desirable to recommend to Government the construction of the road on the terms proposed.

When conferring with His Excellency Sir W. Mansfield on the subject of feeders to the railroad I mentioned to him the subject of the petition of the Traders of Damaun and he was of opinion that it was deserving of attention. I have not made any communication on the subject to the Governor of Damaun but will do so should the Hon'ble the Governor in Council deem it desirable that the road in question should be constructed. The road will bring not only Chota Damaun but Damaun itself in communication with the Railway for Damaun is only separated from Chota Damaun by a river.

I have the honour to be,  
Sir,  
Your most obedt Servt.

(Signed) A. B. WARDEN.

Surat Office of the Agent  
for the Hon'ble the Governor.

7th January 1863.

Page 133.

To

*His Excellency the Governor at Surat.*

Hon'ble Sir,

The undersigned traders and other persons of Damaun beg to draw your Excellency's attention to a subject of the highest consideration. "The necessity of a common road in order to connect the Portuguese City and Sea Port of Damaun with the British India for industrious and commercial purposes leading from the point called Small Damaun to the next Railway Station near Wapee.

Your Excellency knows perfectly well that good roads have a powerful influence in the improvement and prosperity of the commerce, and this although of great advantage to the Portuguese commerce will be far more advantageous to that of larger extent of the British Empire which will find an easy and good egress in our Sea Port of Damaun, the best of all in the Cambay Gulf, under the protection and liberty that the Portuguese laws afford to the international commerce.

To carry on this objective we cannot resort to the Portuguese Government alone as the territory through which the road must run belongs to both, this and the British Governments, and the exertion made by one of them only would be useless. We think therefore that it is necessary the concurrence and accordance between the two Governments for the construction of the same road, and to obtain this, we intreat your Excellency's valuable protection hoping that the Portuguese Government always too much interested in the prosperity and improvement of their Colonies, will not hesitate to protect this subject of the most

decided importance, having the previous knowledge of the views entertained by the British Government upon the same matter.

The intended road leading from the Small Damaun through Counta, British village, to Wapee will be no more than 5 miles length, and half the amount of the expense of its construction being incurred by each of the two Governments, according to a plan before hand concerted, will not be a heavy charge.

These are the points we have the honour to submit to your Excellency's consideration.

We have the honour to be  
Your Excellency's  
most obedt. and humble servants.

(Signed) Avelino Je K. DA CUNHA,  
Antonio Constancio MAXARANHY,  
and 42 others.

Damaun 5th August 1862.

"True copy"

(Signed) A. B. WARDEN,  
Agent.

Page 171. No. 24 of 1863.

From

A. B. Warden Esquire,  
Agent for the Hon'ble the Governor at Surat,

To

His Excellency the Governor of Damaun.

POLITICAL DEPARTMENT.

Most Illustrious Sir,

With reference to a petition dated the 5th August 1862 presented to me by certain Traders etc., of Damaun relative to the construction of a road from Chota Damaun to Wapee, I have the honour to request your Excellency will be good enough to furnish me at your earliest convenience with information on the following points, which is required by Government.—

Whether there is any probability of Cotton Presses being erected and made available at Chota Damaun or Damaun.

Whether Cotton has to be put into boats and brought to Bombay to be screwed for shipment.

Whether there is any one at Damaun who can put up screws or any European firm who would if the Portuguese Government ceded them land and gave them permission.

Whether the Portuguese Government will share with the British Government the cost of the road.

Whether export duties are levied at Damaun on Cotton.

I have the honour to be, most  
 Illustrious Sir,  
 Your most obedt. servant,

(Signed) A. B. WARDEN,  
 Agent.

Surat Office of the Agent  
 for the Hon'ble the Governor.

2nd February 1863.

Esta conforme. Secretaria do Governador Gera da India  
 Portuguesa.

25 de Junho or 1863.

Na ausencia do Secretario Geral,

(Signed) Christovao S. XAVIER.

Page 161. No. 10.

From

Mr. Christovao Sebastiao Xavier—  
 Chief Clerk for the Secretary to the Governor  
 General of Goa,

To

The Governor of Damaun.

Most Illustrious Sir,

In reply to your Despatch No. 25 dated the 4 of the last month forwarding to me a copy of certain queries addressed to you by the Agent for the Bombay Governor at Surat, I am directed by His Excellency the Governor General of this State to state, for communication to the said Agent, as follows:—

- 1st. As regards the road, it has already been resolved, that you order the construction of one from Calicashigaum to Wapee, and if you think that besides this it is necessary to construct that which is treated of here for the purpose stated, you can assure the said Agent, that the Portuguese Government will share the cost of the proposed new Road, as you and the said Agent may agree.
- 2nd. As regards the duty on Cotton, there is none to be paid both on import and export.
- 3rd. With respect to the land for the erection of the presses for the Cotton, there will be no difficulty in granting the same to any stranger who may wish to have it.



4th. Finally, as regards the probability of meeting at Damaun, parties who would wish to erect presses for cotton, and as to the mode of conducting it from this place etc., etc., you will reply according to information to be obtained on the spot. You can at the same time state to the said Agent, that His Excellency has already had an opportunity of speaking with the Governor of Bombay on his recent visit here, that in all that concerned the improvement of Commerce and interests of the two countries, they would find me always disposed to co-operate with them most willingly.

May God preserve you.

Secretariat of the Governor General. 5 March 1863.

(Signed) C. S. Xavier —

Chief Clerk for the Secretary.

“True Copy”

(Signed) C. S. Xavier,

for the Secretary.

“True Translation”

(Signed)

Portuguese Translator to Government.

P.W.D. VOL. 93 OF 1863 COMP. No. 1030

Pages 29-30.

Translation of a letter from R. C. Clanchy Esquire, Governor of Damaun to A. B. Warden Esquire, Agent for the Hon'ble the Governor at Surat, dated 14 March 1863 No. 5.

No. 5 of 1863.

Illustrious Excellent Sir,

In reply to your letter of the 2nd February last No. 24, I beg to state as follows:—

The Portuguese Government will share with the British Government half the cost of the road from Chota Damaun to the Railway at Wapee; the cost to be settled before hand by both Governments. No Import or Export duties will be levied at Damaun on Cotton. No Native or Foreigner will meet with any difficulty in obtaining land to put up Screws.

If any Individual or Firm be desirous of putting up Cotton Screws at Damaun the Portuguese Government will give land for the purpose and render every support.

There is no difficulty at the Port of Damaun for cotton being put into boats or ships for conveyance to Bombay.

2. I beg to add that His Excellency the Governor General of Portuguese India personally expressed to the Hon'ble the Governor of

Bombay at his recent visit to Goa, his willingness to adopt commercial measures calculated to be beneficial to both Governments.

(Signed) R. C. CLANCHY,  
Governor of Damaun.

Damaun,  
14th March 1863.

True translation.  
(Signed) A. B. WARDEN, Agent.

Pages 33-34.

Translation of a letter from R. C. Clanchy, Esquire., Governor of Damaun to A. B. Warden Esquire, Agent for the Hon'ble the Governor at Surat, dated 16th May 1863, No. 8.

No. 8 of 1863.

Most Illustrious & Excellent Sir,

In acknowledging the receipt of your Excellency's letter No. 91 dated the 29th ultimo, I have the honour to state in reply.

1. That certain inhabitants of Bombay and Damaun are desirous of forming themselves into a company for the cultivation of cotton, and they have with this view applied to His Excellency the Governor General of Goa. I am unable to state for your Excellency's information whether the conditions proposed by the company alluded to will be accepted or not.

2. I beg to state that there is a press at Damaun fit for cotton; and two British subjects came here to purchase it, but I am not prepared to inform your Excellency whether the owners of the press intend to use it for the purpose of pressing cotton or not.

3. In my letter No. 5 dated the 14th of March last, I have already informed your Excellency that Export duties are not levied at Damaun.

4. The Portuguese Government will guarantee the same privileges to any stranger who may be desirous of establishing Presses or farming lands for the cultivation of cotton, as are conceded to its own subjects.

5. The Portuguese Government are willing to pay half the expenses of constructing a road from Small Damaun to Wapee if the British Government agree to the arrangement.

I hope that your Excellency will send your answer as soon as possible, as in the event of this road not being constructed, the Portuguese Government intend to construct one up to "Khulee Kuchee" at its own cost and I am unable to commence its construction until the receipt of your Excellency's answer.

May God preserve your Excellency'

Illustrious and excellent Sir A. B.

Castle of Damaun,  
16th May 1863.

(Signed) R. C. Clanchy.  
True translation.

Illustrious & Excellent Sir  
A. B. Warden.

(Signed) A. B. Warden, Agent.

Page 157.

No. 51

From

The Governor General of Portuguese India

To

His Excellency Sir H. Bartle E. Frere K.C.B.  
Governor of the Presidency of Bombay.

Most Ill &amp; Esct Sir,

Mr. A. B. Warden, Agent for your Government at Surat, having written to the Governor of Damaun, to know about the utility of a road from Chota Damaun to Wapee, and whether the Portuguese Government would share with the English the cost of making such a road. I have the honour to inform your Excellency, that the road in question would be of great utility, and that this Government will with pleasure share with the British Government the expenses which may be incurred on the road, whose utility your Excellency will likewise admit: I therefore trust that your Excellency will be pleased to decide this matter with the view to its being commenced with after the rains. All the particulars which were on that occasion applied for by the Governor of Damaun, at the requisition of the British Agent at Surat were promptly furnished, as your Excellency will see from the copy annexed. The advantages to both the Governments are such, and the road of so much utility that I shall not tire your attention in enumerating them.

I have the honour to be with the most profound respect,

Your Excellency's very Obedt &amp; Ill: Servant,

*(Signed)* B. dr. TORRES NOVAS.

Nova Goa,

True translation.

25th June 1863.

*(Signed)* Portuguese Translator to Govt.

Page 173.

To

His Excellency the most Illustrious General Count de Ferres Novas,  
Governor General of Portuguese India, Goa.

Most Illustrious and Excellent Sir,

I have had the pleasure of receiving your Excellency's letter (and its enclosures) dated the 25th ultimo, No. 51, pointing out the utility of constructing a road from Chota Damaun to Wapee, and informing me of the willingness of your Government to share the expense of such an undertaking.

2. In reply I beg to express to your Excellency the acknowledgements of my Government for the prompt and cordial co-operation

which is offered by your Excellency's Government in the construction of the proposed road.

I beg most Illustrious and Excellent Sir, that you will accept the assurance of profound respect with which I have the honour to be

Your Excellency's most obedient  
Servant,

(Signed)

No. 2398.

*Resolution.*

In continuation of the Memo from this Department dated the 6th ultimo No. 1742, ordered that the accompanying copy of a correspondence received from the Governor General of Portuguese India, dated the 25th idem, be transferred to the Railway Department for consideration:

2. The report of Captain Gleig dated 10th January, No. 58 of 1863 is at the same time returned.

B.C. (Signed)

29 July 1863.

P.D. VOL. 53 OF 1864—COMP. 35

*Pages 89-91. Poll. Cons: 31st Decembr/64—No. 8027.*

*Draft for approval.*

POLITICAL DEPARTMENT

To

His Excellency the Most Illustrious  
General Count de Torres Novas,  
Governor General of Portuguese India,  
Goa.

Most Illustrious and Excellent Sir,

I have the honour to acknowledge the receipt of your Excellency's letter, No. 46, dated the 22nd July last, on the subject of the proposed road from Wapee to Chota Demaun.

2. In reply, I beg to inform Your Excellency that the plans and estimates for the road are undergoing revision, and are not yet ready.

3. It appears to me that it will be more convenient for each Government to pay for the land within its own territory, and that the cost of the land should, therefore, be kept distinct from the estimated outlay required for the construction of the road.

Does this  
accord with our  
engagements to  
Portuguese  
Govt.

4. I avail myself of this opportunity to forward to Your Excellency the accompanying Extract (paras: 6 & 9) from a letter from the Executive Engineer, Surat, No. 1704, dated the 13th ultimo, and to request

that Your Excellency will be so good as to urge His Excellency the Governor of Demaun to arrange for the transfer to Mr. Woodhouse of the land required within the Portuguese territory.

5. In conclusion, I beg to inform Your Excellency that though the earth-works of the British portion have been nearly finished, no commencement has been made on the Portuguese portion, apparently because the land required has not yet been handed over.

I beg, Most Illustrious and Excellent Sir, that you will accept the assurance of profound respect with which I have the honour to be,

Your Excellency's Most Obedient Servant.

Bombay Castle,  
7th December, 1864.

“With reference to His Excellency's pencil note on the margin of para 3, the A. G. Secretary begs to state that that para was intended as an answer to the following question put by the Governor General of Goa in his Letter No. 46 of 22nd July last.

I beg to request that you will be good enough to say it, the value of these lands should be included in the general estimate, or whether each Government should pay separately for the lands it may require leaving the general estimate to comprise only the expense which may have to be incurred in the construction of the road.”

(Signed) Illegible.

(Signed) Illegible.

2.12.64.

5.12.64.

P.D. Vol.: 50 of 1865 Comp.

Pages 303-304.

Polit. Cons: 31st July 1865 No. 3491.

POLITICAL DEPARTMENT

To

His Excellency the Most Illustrious  
Baron Pestana—Governor General of Portuguese India,  
Goa.

Most Illustrious & Excellent Sir,

Referring to my letter to your Excellency's address of the 7th December last, I have now the honour to forward the revised Plan and Estimate for the road from Chota Damaun to Wapee received from the Superintending Engineer of the Northern Division of this Presidency.

2. It will be seen from the Estimate now forwarded that the cost of the road will be—

In British Territory	—	Rs: 21,724—0—0.
In Portuguese Territory—		Rs: <u>19,443—0—0.</u>
Total:		Rs: 41,167—0—0.

3. Should your Excellency's Government approve of the project it would be desirable if your Excellency would determine at an early date whether your Excellency's Government will undertake the portion of the line within the Portuguese Territory or allow it to be constructed by the Ex: Engineer of Surat & Broach with funds to be furnished by your Excellency's Government.

3. I take this opportunity to enquire whether your Excellency's Government would wish to defray the additional cost for planting trees on the sides of the road, or whether, if trees be considered advisable your Excellency's Government will undertake to provide for them.

4. May I request the return of the Plans and Estimates when no longer required.

I beg, most Illustrious and Excellent Sir, that you will accept the assurance of profound respect with which

I have the honour to be  
Your Excellency's most obedient servant.

(Signed) Illegible.

27.6.65.

Bombay Castle.  
7th July, 1865.

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P.W.D. VOL. 41 OF 1865 COMP. 166

Pages 43-44.

From

The Governor General of Goa,

To

His Excellency Sir H. Bartle Edward Frere, K.C.B.  
Governor of the Presidency of Bombay.

Most Ill. & Exct. Sir,

I have had the honour to receive your Excellency's despatch dated 7th July last, regarding the construction of the road between Damaun and Vipee, and in reply beg to state to your Excellency, that I accept of the proposition that the portion of the said road which lies on Portuguese territory should be constructed by the British Engineer.—The necessary funds will be paid from the Damaun Treasury to any person named by your Excellency to receive it, and at such periods as may to your Excellency appear most convenient.

I also accept of the proposition that the planting of trees along the sides of the road, be carried out under the direction of the same Engineer who is entrusted with the works.

I return the Plans and Estimates.

I have the honour to be with  
the most profound respect  
Your Excellency's  
very Obedient and attentive servant,

Nova Goa,  
7th Aug. 1865.

(Signed) JOZE FERREIRA  
PESTANA.

True Translation.

(Signed) N. FERNANDEZ.  
Portuguese Translator to the Government.

P.W.D. VOL. 41 OF 1865 COMP. 166

Bombay Castle,  
29th August 1865.

Page 304.

Public Works Department.

Transfer from the Political Department, No. 2, 103, dated 23rd August 1865.

Of a letter from the Governor General of Goa, acknowledging receipt of the Bombay Government letter dated 7th July last, and accepting the proposition that the portion of the road between Damaun and Vipee which lies in Portuguese territory should be constructed by the Bombay Public Works Department, the necessary funds being paid from the Damaun treasury to any person who may be appointed to receive it; accepting also the proposal that the planting of trees along the sides of the road be carried out under the direction of the same Engineer who may be entrusted with the works.

RESOLUTION. To be communicated to the Superintending Engineer Northern Division, who should make arrangements to push on the work during the next fair season.

2. The Political Department should be requested to move the Governor General of Goa to issue instructions that the necessary funds should be paid to the nearest Collector.

(Signed) Illegible.

Lieut., R.E.,  
Acting Under Secretary to Government.

To

The Political Department, Secretariat.  
The Superintending Engineer N.D.

(With copy of letter, and plan and estimate.)  
The Controller of Public Works Accounts.

## Annex F. No. 61

P.W.D. VOL. 1057 OF 1868-80, COMP. NO. 417

Pages 47-54.

No.  $\frac{a}{1033}$  of 1876.

PUBLIC WORKS DEPARTMENT.

Superintending Engineer's Office, N.D.

Deolali, 21st September, 1876.

To

The Secretary to Government,  
Public Works Department,  
Bombay.

Sir,

In forwarding the accompanying copy of letter No. 4182 of 16th Instant from the Executive Engineer Surat and Broach, on the subject of the bad state of that portion of the road between Damaun and Wappee, lying within Portuguese Territory, I have the honour to request Government will be pleased to address the Portuguese Government at Goa with a view to some measures being taken to keep their portion of the road in a proper state of repairs.

2. The total length of the road between Damaun and Wappee (a station on the Bombay and Baroda and Central India Railway) is 7 miles and 66 yards, of which 3 miles and 548 yards are in British Territory and the remainder, 3 miles and 1278 yards, are in Portuguese Territory. The former is stated to be in "good order" whereas the latter is in a condition "worse than many of the cleared roads in the Deccan".

3. In the year 1865/66 a sum of Rs. 41,167 was expended upon the construction of this road, by the Public Works Department (as per Government Resolution No.  $\frac{283 \text{ C.W.}}{1222}$  of 7th June 1865 and Government Resolution No.  $\frac{853 \text{ C.W.}}{1853}$  of 29th August 1865), but it appears that the portion within Portuguese Territory has since been neglected, and allowed to fall into disrepair.

4. As the intermediate portions of this road (in British Territory) are annually repaired by the Public Works Department, I would beg to suggest that the Portuguese Government be asked if they have any objection to the other portions, also being repaired by the same agency the necessary funds for which could be made payable through the Damaun Treasury to the Executive Engineer Surat and Broach.

5. Should Government concur in the above proposition, an Estimate for the repairs necessary to the portion of road within Portuguese Terri-



tory will be submitted, as also a statement of the probable amount which will be required annually for keeping the road in proper order.

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

(Signed) Illegible,  
Superintending Engineer, N.D.

Pages 57-59.

No. 5858 of 1876

POLITICAL DEPARTMENT.

To

His Excellency, Counsellor Joao Tavares de Almeida  
Lieutenant General,  
Governor General of Portuguese India,  
Goa.

Most Illustrious and Excellent Sir,

I have the honour to bring to your Excellency's notice that the portions of the Damaun and Wapee road lying in the Portuguese territory are in a very unsatisfactory state of repair being full of hollows and ruts and in several places very muddy.

2. As the intermediate portions of this road (in British territory) are annually repaired by the Public Works Department of this Government, I would beg to suggest, if your Excellency's Government have no objection, that the other portions also be repaired by the same agency, the necessary funds for which could be made payable through the Damaun Treasury to the Executive Engineer, Surat and Broach.

Accept, most Illustrious Sir, the assurance of profound respect with which

I have, etc.,  
(Signed) P. E. WODEHOUSE.

Bombay Castle,  
13th October 1876.

No. 68

To the Most Illustrious and Most Excellent Sir P. E. Wodehouse, K.C.B.,  
Governor of the Presidency of Bombay.

Most Illustrious and most Excellent Sir,

I have the honour to acknowledge your Excellency's official letter No. 5858 of the 13th instant.

I thank your Excellency for the offer you have made to cause the required repairs to be effected to the Road of Wape on the side belonging

to the territory of Damaun by the Public Works Department of your Government, but as there happens to be at Damaun, an officer appointed for such works, I thought it better that these repairs should be entrusted to him, and have therefore already given the necessary orders to the Governor of Damaun and the Director of Public Works Department to execute the repairs referred to with despatch.

I have the honour to be, etc.,  
(Signed) Joao TAVARES DE ALMEIDA.

Nova Goa,  
20 October 1876.

A True translation.

(Signed) E. MENESSE,  
Portuguese Translator to Government.

True copies.

(Signed) Illegible,  
Superintendent.

Page 61.

No. 6481

POLITICAL DEPARTMENT.

Bombay Castle, 13 November 1876.

Letter from the Governor General of Portuguese India, No. 68 dated 20th October 1876—Stating, with reference to this Government letter No. 5858 of 1876, that the necessary orders for executing with despatch the required repairs to the portion of the Wapee Road, lying within Portuguese territory, have been issued to the Governor of Damaun and the Director of the Public Works Department.

*Resolution.*—Copy of the letter from this Government, No. 5858 dated the 13th ultimo, and of the present reply, should be transferred to the Public Works Department, with reference to the transfer from the Department (the papers accompanying which should be returned), dated the 27th September, No. 64-R. of 1876.

(Signed) C. GUNOE,  
Secretary to Government.

To

The Public Works Department of the Secretariat (with copy of the the papers referred to, and returning the enclosures to its No. 46-R, dated 27th September 1876).

The Acting Agent to His Excellency the Governor, Surat.

*Page 65.*

II.—C. W. Roads.  
Road between the Wappee Railway  
Station & Damaun.

No. 724 C.W.—1947 of 1876.

PUBLIC WORKS DEPARTMENT.

Bombay Castle,  
21st November 1876.

Letter from the Superintending Engineer Northern Division, No. A 1033, dated 21st September 1876.

Forwards copy of a letter from the Executive Engineer Surat and Broach, bringing to notice the state of disrepair in which the portions of the road between the Wappee Railway Station and Damaun belonging to the Portuguese Government are, and suggests that the Portuguese Government be asked if they have any objection to their portions of the road being repaired by the Public Works Department, the necessary funds being made payable through the Damaun Treasury to the Executive Engineer Surat and Broach.

Resolution in the Political Department, No. 6481, dated the 13th November 1876.

With reference to Public Works Department, No. 46 R, dated 27th September 1876, forwards copy of a letter from His Excellency the Governor General of Portuguese India, intimating that he has given the necessary orders to the Governor of Damaun and the Director of the Public Works Department, to execute with despatch the repairs to the portions of the Wappee road lying within Portuguese territory.

Resolution.—To be communicated to the Superintending Engineer Northern Division, with reference to his No. 1033 dated 21st September 1876.

W. A. BAKER, Lieut. Colonel, R.E.,  
Under Secretary to Government.

To  
The Superintending Engineer N.D.

## Annex F. No. 62

P.D. Vol. No. 159 of 1900, Comp. 1384.

*Pages 1-2.*

No. 141.

1899.

Translation.

Nova Goa, 18th October, 1899.

To

His Excellency  
Lord Sandhurst, Governor of the Presidency of  
Bombay.

Most Illustrious and Excellent Sir,

Being some roads at Pragana Nagar Aveli, District Damaun, under construction, and wishing my Government to order with the view of preference being given to those that are leading to the stations of the B.B. & C.I. Railway at Vapi and Bilad, situated in the British territory, I have the honour to request your Excellency the favor of informing me whether Your Government contemplate to order this year the construction of the roads from Lavacha, Dugra to Vapi and from the village Bilad to the Railway station, which shall be of considerable advantage to both countries.

Accept Most Illustrious and Excellent Sir the assurances of the highest consideration with which I have the honour to be

Your Excellency's  
Most obedient servant,  
(Signed) J. MACHADO,  
Governor General.

*Pages 17-18.*

No. 7200 of 1899.  
Public Works Department  
Camp Broach,

20th December, 1899.

From

S. Rebsch Esquire In. Inst. &c.,  
Superintending Engineer  
Northern Division,

To

The Hon'ble Mr. John Tato In. Inst. & c.,  
Secretary to Government Public Works  
Department, Bombay.

Sir,

In returning G.M. No. B 763, dated 15 Ultimo and accompaniments, I have the honour to forward Reports Nos. 7356, dated 28th Ultimo from

the Executive Engineer Thana within whose limits Bhilad lies, and 6643 dated 14th instant, with plan, from the Executive Engineer Surat and Broach who deals with the proposed Road from Vapi Railway Station to Lewacha.

2. From these reports it will be seen that it is not at present proposed to construct the Road from the Bhilad Railway station to the village of that name.

I may mention that Kolivada Naroli and other Portuguese villages lie to the east of the village of Bhilad and the enquiry from the Portuguese Government appears to suggest that the Road in British territory might be constructed to the Railway station so as to connect these foreign villages with the Railway.

As regards the Vapi Lavachha Road the Executive Engineer reports that a fairly murammed and drained Road already exists between Vapi and Doongra and a cart track in continuation serves Lavachha. Dungra is in British limits and Dadra, in Portuguese territory, adjoins Dungra on the east and Lavachha is again on the east and in British limits.

There is at present no proposal to undertake the extension of the Vapi Dungra Road through the Portuguese village of Dadra, towards Lavachha, as a famine work.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) S. REBSCH, In. Inst. &c  
Superintending Engineer N.D.

Page 23.

No. 413 of 1900.

POLITICAL DEPARTMENT.

Bombay Castle,

19th January, 1900.

From

His Excellency The Right Honourable  
Lord SANDHURST, Governor of Bombay,

To

His Excellency Colonel JOAQUIM JOSÉ MACHADO,  
Governor-General of Portuguese India.

Most Illustrious and Excellent Sir,

I have the honour to acknowledge the receipt of Your Excellency's letter No. 141, dated the 18th October last, enquiring whether it is under contemplation at present to construct a road (1) from the village of Levacha passing through Doongra to the Vapi Railway Station, and (2) from the village of Bhilad to the Railway Station of that name.

2. In reply, I have the honour to inform Your Excellency that from enquiries I have caused to be made I have ascertained that, as regards the first route mentioned by you, there is already a fairly murammed and

drained road from the Vapi Station to the Doongra village—a distance of about three miles—and thence a cart track to the village of Levacha; and that it is not intended at present to undertake any work in connection with this road. In reference to the second route mentioned in Your Excellency's letter, I understand that it is proposed to construct a road as a famine relief measure from the Bhilad Railway Station to Phanse passing through the villages of Shirgaon, Goradpada, Barnapada, Kalgaon and Phanse. It is not intended as yet to extend the road on the east of the Railway, but if the necessity should arise for providing additional labour in connection with the famine, the road may possibly then be extended to the village of Naroli through Bhilad.

Accept, Most Illustrious and Excellent Sir,  
the assurances of profound respect  
with which I have the honour to  
subscribe myself,

Your Excellency's most obedient,  
humble servant.

Pages 28-29.

A.

1137 POL.

Letter from His Excellency the Governor General of Portuguese India,  
No. 12, dated the 7th February, 1900.

Acknowledging the receipt of a letter from this Government No. 413, dated the 19th Ultimo regarding the roads from the villages of Levacha and Bhilad to the nearest Railway Stations, and requesting for certain reason, that the section of the road between Levacha and Vapi may be rendered suitable for cart traffic and thereby reduce the inconvenience caused to the Portuguese Government.

The Governor General now appears to claim a quid pro quo for what he did *at our request* in 1897 in connection with the repairs of the road between Karwar and Margoa. May this letter be transferred to the Rev. Dept. with reference to that Department Memo. No.  $\frac{B}{854}$ , dated the 23rd December last and with a recommendation that the request of the Governor General may be considered and in the light of his records regarding the repairs to the road between Karwar and Margoa which he effected in 1897 at the request of this Government?

I think the P.D. right to press this request on P.W.D.

It cannot cost very much and we are very apt to complain ourselves in such circumstances e.g., the precedent quoted, the Jankhed piece of road and so on.

(Signed) Illegible.

15. 2. 1900.

H. E.

P.W.D. Vol. No. 553 of 1898-1903 Compl. 1160 W.

*Page 1.*

*Request of the Portuguese Government that the British Government will repair the portion of the road which lies between Levacha and Vapi in the Surat District.*

No. 12, dated the 7th February 1900.

From—His Excellency the Governor-General of Portuguese India;

To —His Excellency the Governor of Bombay.

I have the honour to acknowledge the receipt of Your Excellency's letter No. 413, dated the 19th ultimo, regarding the roads from the villages of Levacha and Bhifad to the nearest Railway station, and from which I infer that Your Excellency's Government do not intend for the present to undertake the construction of such roads.

I beg Your Excellency's leave to refer once more to this subject, inviting your attention to the inconvenience resulting to the Portuguese territory of Nagar Aveli, which, separated from Damaun by a strip of British territory, has no facilities of conveyance to the town of the District (Damaun) on account of the bad condition of a section of the road between Levacha and Vapi (British territory).

I had already an opportunity to travel by that road and I found it partly in a very bad condition and hardly practicable for loaded carts. In fact this road is in a worse condition than that from Margoa to Karwar which was repaired at Your Excellency's request, as I found the same to be reasonable (correspondence ending with Your Excellency's letter No. 7674, dated the 14th December 1897).

The most valuable product of Nagar Aveli consists of heavy timber. There being no road in practicable condition, the cost of its conveyance comes to be so high that the value of the timber becomes nil. Besides, a large portion of the products of the strip of land referred to would be exported by the station of Vapi and carried by the Railway, and then the traffic of the line, which is British, would be fed.

No. 1694.

POLITICAL DEPARTMENT.

Bombay Castle, 1st March 1900.

Copy forwarded to the Public Works Department for favourable consideration, with reference to that Department memorandum No. B.-854, dated the 23rd December 1899.

2. Government in this Department are of opinion that the request of His Excellency the Governor-General of Portuguese India should be complied with for general reasons and especially in view of the fact that the portion of the road between Margoa and Karwar which lies in Portuguese territory was repaired by the Portuguese Government in 1897 in deference to the wishes of this Government.

(Signed) Illegible,  
Secretary to Government.

Page 59.

No. 7359

POLITICAL DEPARTMENT,  
Bombay, 6th October 1900.

To

His Excellency Colonel Eduardo Augusto Rodrigues Galhardo,  
Governor General of Portuguese India.

Most Illustrious and Excellent Sir,

With reference to your predecessor's letter No. 12 dated the 7th February 1900, I have the honour to inform Your Excellency that, in deference to the wish expressed therein, my Government have arranged that the repairs to the road which lies between Levacha and Vapi in the Surat District, should be undertaken early next year.

Accept Most Illustrious and Excellent Sir, the assurances of profound respect with which

I have the honour to subscribe myself  
Your Excellency's  
Most Obedient Humble Servant,  
(Signed) NORTHCOTE.

Pages 118-119.

No. 4068 of 1901

Executive Engineer's Office,  
Surat 24th May 1901.

From

Ali Akbar Esq., A.M.I.C.E.,  
Executive Engineer Surat & Broach,

To

The Collector of Surat.

Sir,

I have the honour to inform you that the Dungra Lavacha Road, which is now under construction from the Provincial funds, forms part of the road, leading from Wapi to Silvas (Portuguese). In the British territory the road ends at the Boundary of the Lavacha village at the Bridge constructed by the Portuguese Government across the Piparia Nulla (Branch of the Daman Gunga River). The total length of the road up to this Bridge is 8½ miles. It may be said to be divided into 4 parts viz.

- (a) From Wapi to Dungra 3 miles. Is in charge of the Local Board, is in a bad state of repairs and impassable during monsoon. It requires improving and metaling and would cost roughly 6600 Rs.
- (b) Dungra to Dadra 2 miles. Is under construction by this Department.
- (c) Dadra to Lavacha 1¾ miles. In Portuguese territory and is to be constructed by that Government.
- (d) In Lavacha 1¾ miles. Is under construction by this department.



2. It will thus be seen that a list of road only  $8\frac{1}{2}$  miles is to be constructed and kept up by 3 different Agencies, which in my opinion is a most unsatisfactory arrangement, I would therefore suggest that the whole road may be handed over to this Department, and the Portuguese Government and the Local Board may be asked to contribute their share towards the construction and annual maintenance of the Road.

3. If my proposal meet with your approval, I shall submit the necessary estimates.

4. I may mention that the portions (b) and (d) will be practically completed by the end of the monsoon, while neither the Portuguese Government nor the Local Board seem to have done anything towards constructing the portions in their charge.

I have, etc.

(Signed) ALI AKBAR, A.M.I.C.E.,  
Executive Engineer S & B.

Through

The Superintending Engineer, N.D.

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Page 141.

No. 3922 of 1902

Surat, 18th July 1902.

From

The Executive Engineer, Surat & Broach,

To

The Superintending Engineer,  
Northern Division, Bombay.

Subject:—Certain particulars in connection with the road lying—  
between Lawacha and Wapi.

Sir,

I have the honour to return herewith, the correspondence forwarded with your No. 4732 of 1st Instant, and to report, that the Portuguese Government are constructing their own portion of the road in the Dadra village; they have already raised the road surface, with earth work, constructed drains and collected Murum up till now, and it appears they will complete this portion by the close of the rainy season.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) L. M. BOSE,  
Executive Engineer,  
Surat & Broach.

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## Annex F. No. 63

BOMBAY PUBLIC WORKS DEPARTMENT VOLUME 89 OF 1859.  
 COMPILATION NO. 387

Extract from letter No. 654 of 1859, Public Works Department,  
 Communications, Unmetalled Roads.

To

Captain W. F. Marriott,  
 Secretary to Government, Bombay,

Dharwar, 25th May, 1859.

Sir,

9. We beg therefore strongly to recommend that a good cart Road should be made, at an early period, over the most promising Ghat to the frontier of Goa. His Excellency the Governor of Goa has assured us that he is prepared to complete the communications to his Port, by constructing without loss of time, equally good roads to meet any made to our frontier. Cart road to the Goa frontier recommended. The Governor of Goa promises Co-operation.

10. We think it would be desirable, however, in order that the portion of the Ghat road lying within the Goa territory should be as good and on as easy an incline as our own, that stipulations should be made that the entire Ghat road should be traced by the Engineers of the two Governments in concert and that the different portions of the whole line should be commenced and opened out for traffic simultaneously. The Engineers of both Govts. should act in concert.

Dharwar,  
 25th May, 1859.

We have the honour to be,  
 Sir,  
 Your most obedient servants,  
 (Signed) Illegible.

No. 135.

From the Governor General of Goa,  
 To the Right Hon. Lord Elphinstone  
 Govt. of the Presidency of Bombay.

Most Illustrious and Excellent Sir,

I have the honor to acknowledge the receipt of your Excellency's Dispatch, No. 2112 of the 11th instant, accompanied by a Report from the Committee appointed to give their opinion on the Road or Roads, which are to run from Dharwar to the Ghauts, with the view to connect themselves with the one which is to be constructed in this territory of Goa, and which will communicate with your port; and beg to state as follows.

That I have already ordered the necessary information on the matter to be obtained, and an estimate to be prepared of a road from Gangem to the foot of the Ghauts of Tinim, stated by the Committee, as the best one to join that, which will run from Dharwar to this State and that soon after this, the work of constructing the road will be commenced with, and finished, as I hope, in as short a time as possible.

That as regards the descent from the Ghauts, I am of the same opinion as the Committee, viz. that the plan and tracings of the road and its execution should be prepared and carried out by the same Engineers both on the British and the Portuguese sides, so that the system adopted may be one and the same and as the Committee state, that more than a third of the descent of the Ghauts is on British territory and less than two thirds on the Portuguese territory, (just the contrary of what would be the case if the descent were to be from the Talavaree Ghauts) it appears to me proper and convenient, that the road should be constructed under one uniform system of management moiety of the expense incurred on the whole length of the descent being defrayed by this Government, and the other moiety by the British Government. I shall await your Excellency's decision upon this matter. The works may be commenced with as early as possible.

I concur in the great convenience pointed out by the Committee, of connecting Talavari with Tinem, so that the merchants who are in the habit of taking the Hell Ghaut Road, may avail themselves of this descent.

Probably your Excellency has by this time received the information solicited by the Committee and furnished by me to Mr. Ogiloy in my dispatch of the 21st July last. From it your Excellency will see the importance which may be attached to the Ports of Goa for shipping Cotton Wool direct for England. Possibly the Harbour or Bay to the south of Sindashagur alluded to by the Committee, may be available for Vessels to enter and receive Cargo direct for England, but I am certain, that place will not offer so many advantages as this Port of Goa, or that of Murmagao, nor the same security in the rainy season, as will be found at the last named place.

The Harbour of the Port of Goa is considered open since the 10th instant and on the 20th a Pattimas came in from Bombay.

New Goa,  
29th Aug., 1859.

I have the honor to be,  
Your Excellency  
Very attentive servant,

*True Translation.*  
(Signed) N. FERNANDES.

(Signed) V. DE TORRES NOVAS.

Portuguese translator to Govt.  
Memorandum No. 6467 of 1859.  
Public Works Department.  
Office of the Chief Engineer at the Presidency,  
Bombay, 21st September, 1859.

*Communications.*

The proposals by the Governor General of Goa that one half of the cost of constructing the Tinai Ghaut Road should be borne by the

Portuguese and the remainder by the British Government appears to me to be equitable. The upper third of the Ghaut which is within British territory will probably cost as much as the lower two thirds as the greatest difficulties in ghaut constructions are usually met with in the upper portion.

(Signed) Illegible.

Colonel  
Chief Engineer at the Presidency.

#### RESOLUTION

The Right Hon'ble the Governor in Council accedes to the proposal of the Governor General of Goa that the cost of constructing the Tinai Ghaut Road should be equally borne by the Portuguese and the British Govt.

2. His Lordship in Council approves of the suggestion of the Chief Engineer that the survey and execution of the whole line be entrusted to a British Officer and direct that Colonel Scott be requested to propose an Officer to be appointed special Assistant to the Executive Engineer Dharwar districts to whom the work could be entrusted.

3. The construction of the line connecting the Tullearree and Tinai Ghauts may remain in abeyance until the road down the latter ghaut approach completion.

The Right Hon'ble the Governor.

I approve but where is the money to come from.

(Signed) Illegible.

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#### Annex F. No. 64

BOMBAY POLITICAL 1881 VOLUME 122.  
COMPILATION NO. 1823

Letter  $\frac{6059}{5979}$  of 1881.

POLL. DEPT.

B.C., 10th Dec. 1881.

To

His Excellency Rear Admiral Alexandre a Almeida e Albuquerque,  
Governor General of Portuguese India, Goa.

Most Illustrious and Excellent Sir,

I have the honour to inform Your Excellency that the Superintending Engineer, S.D. has reported to my Govt. that the portion of the Dharwar and Tenai Ghat Road, within Portuguese limits is in a neglected condition. As this road is now an important one and owing to the construction of the Hubli and Marmagoa Railway is likely to be subjected to much heavy traffic, I have thought it proper to bring the matter to Your Excellency's notice in view to the issue of such in-

structions as Your Excellency may deem necessary for the maintenance of the portion of the road in question in good repair.

Accept, etc.

For approval,

(Signed)

Ag. Chief Secy. to the Govt.

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Annex F. No. 65

BOMBAY POLITICAL DEPARTMENT (GOA), VOL. II. No. 57 OF 1891, COMP.  
No. 1460

Page 235.

Letter from District Judge Kanara to Lee Warner dated 30-5-91.

30-5-91.

Dear Lee Warner,

H.E. has kindly referred me to you on the subject of improved communication between Karwar and the nearest Railway Station, Viz: Margao (N.B. not Mormagao), a considerable town about 17 miles inland on the W.I.P.G. Railway; vide the tracing appended.

The distance between Sadashivgad just opposite Kawar, and Margao, is say 42 miles, about 6/7 of which is as you see within Portuguese territory. About 1887-8, thanks to Fanshawe, this became our postal route in lieu of the long round via Habli and Gellapur, and thereby we have since obtained our mails from Bombay between 2 & 3 days sooner. I understand that the Postal Department pay the Goanese Government Rs. 210 per mensem for the maintenance of this as a postal route. My object then is simply to secure for it the few essentials which at small further cost would throw it open to wheel traffic, and make it traversable throughout the year by carts in 24, or by carriage or on horse back within 8, hours; and for purposes of transfer and relief, as well as of supplies, bring Karwar within 20 hours of Belgaum or Dharwar at any time. Castle Rock, Tinai Ghaut, and Londa, Stations at the top of the Railway Ghaut, being actually in Kanara, the route immediately connects the remote North of the District with its headquarters.

You will note that this route passes over two principal wide tidal creeks, viz: Shajibag or Kankon, within Goanese territory, respectively about 15 and 18 miles from Sadashivgad. While most of the road may now be called exceedingly good, these two creeks remain not merely unbridged, but destitute at present of anything like *organised ferriage for carriage or cattle*, and in a few places the road between them runs too close to the port to be free from risk of being washed away. Thus although there are carts both at Margao and Sadashivgad, as things are at present goods can be conveyed by head loads only, while travellers must do the distance by manchils and bearer *sent out from Kanara* making this probably the most expensive 42 miles in all India.

Pending the construction of bridges over these two creeks—which as yet I by no means suggest—all I ask for at present is:

That each creek may be furnished with a well built *jangal*, i.e. two strong canoes joined, Calais—Doruses fashion, with a railed raft, like those on the Kanara ferries, for the transit of carriage and cattle, and that temporary shelters may be erected at each landing stage. These *jangals* might be constructed by us and handed over to the Goanese Government with a suggestion that they should be worked under rules as to lading, fare, &c., similar to ours.

2. That the portions of the road between the creeks, above indicated, may be protected or diverted from possible sea encroachments.

3. That as there is at present not a single resthouse of any sort on this route, temporary shelters for Europeans, and Dharmshalas for natives, may be put up, say at Shajibag or Balli.

4. That the bridge at Pisone, which crosses the bed of a monsoon torrent and seems always precarious and in disrepair, be repaired and made *pukka* as soon as possible.

In course of time, I should hope that our Government might see its way to giving us a steam ferry in connection with this route across the Kalinadi, the crossing of which is at present of course subject to all delays of wind or tide.

Yours sincerely,

(Signed) Illegible.

D. J. KANARA.

Page 249.

No. 5301 of 8th July/91.

To

H.E. the Governor General of Portuguese India.

Most Illustrious and Excellent Sir,

I beg to address your Excellency on the subject of the road from Margaon to the Southern limit of Portuguese India on the direct road to Karwar. I find on record a letter from Your Excellency's predecessor No. 66, dated the 19 of June/85 expressing his appreciation of the importance of the road as a feeder to the railway, and stating that H.E. had applied for funds. I cannot at present find any further communication on the subject, although I have no doubt that the road was taken in hand and duly constructed. The line is now the postal route, but I am informed that some difficulty is experienced in passing two creeks the Ghajibag and the Kankon on which well built *jangals* are required. There are also no rest houses or Dharmshalas which would prove a great convenience at Shajibag and Balli. It is also reported that the bridge at Pisone needs repair, and that the road between the two creeks needs protection from the sea.

2. In the interest of the Railway and of postal communication I venture to invite the attention of your Excellency to this matter, and to enquire whether these defects can be supplied. If your Excellency should think that the interests of Karwar constitute any claim to the

cooperation of this Govt., in the works indicated, I shall be happy to consider any suggestion that you may wish to make.

I have,  
(Signed) Illegible.

H.E. the G.  
after Un. Ref. to the P.W.D. No. 221 dt. 30th June/91.  
It'd: xxx  
27/6 Submitted.  
It'd: xxxx  
2.7.91

(Signed) Illegible.  
H.E. the Governor.  
U.O. No. 144.

Page 253.

No.  $\frac{22}{S}$  of 1891.

No. 72. Dated New Goa, 15th July, 1891.

To

His Excellency Lord Harris,  
Governor of Bombay.

Most Illustrious and Excellent Sir,

In acknowledging the receipt of Your Excellency's letter No. 5301 of 8th instant, I beg to assure your Excellency that your just observations regarding the completion of the works on the public road from Margao to Karwar have my best consideration. I have ordered an inquiry to be made in the Public Works Department, and shall in due course inform Your Excellency of the measures adopted by this Government in the matter.

I avail, &c.,  
(Signed) F. M. DE CUNHA,  
Governor General.

(True Translation.)  
(Signed) Illegible,  
Portuguese Translator to Government.

23rd July, 1891.

Page 263.

No.  $\frac{25}{S}$  of 1891.

No. 98. Dated New Goa, 21st September, 1891.

To

His Excellency Lord Harris,  
Governor of Bombay.

Most Illustrious and Excellent Sir,

In reply to Your Excellency's letter No. 5301, of 8th July last, and in continuation of my letter No. 72 of 15th idem, I have the honour to

inform Your Excellency that the road from Margao to Polem has been constructed and opened for traffic, with the exception of the portion from Talpona to Galgibaga, which will be completed shortly. The estimate for the bridges over the Talpona and Galgibaga rivers are pending the approval of the Home Government, which I am again going to solicit as it is an undoubted fact that the want of those bridges renders the crossing by boats difficult during the rains, owing to the force of the currents; and it appears, the same will happen by substituting the boats by rafts, as suggested by Your Excellency. To the Pissondichi-noi bridge, there is only the arch wanting, which will be built after the rains; but the temporary wooden bridge supplies the wants of transit. The necessary orders have been issued for the preparation of an estimate for two rest-houses at Galgibaga and Bally.

I avail, &c.,

(Signed) F. M. DE CUNHA,  
Governor General.

(True Translation.)

(Signed) Illegible,  
Portuguese Translator to Government.

30th September, 1891.

Page 271.

POLITICAL DEPARTMENT

Dated 14th October, 1891.

No. 7471.

To

Genl. F. M. De Cunha,  
Governor General of Portuguese India.

Most Illustrious and Excellent Sir,

I have the honor to acknowledge the receipt of your Excellency's letter No. 98, dated the 21st September 1891, and desire to thank Your Excellency for the information communicated therein regarding the measures adopted by Your Government for the improvement of the public road from Margao to Polem on the direct route to Karwar.

Accept, &c.

*Id*: Illegible.

*Id*. XXXX  
8/10.



BOMBAY POLITICAL DEPARTMENT (GOA), VOL. NO. 92 OF 1894—COMP.  
No. 639

Page 87.

POLITICAL DEPARTMENT

No. 1332.

Dated 2nd March, 1894.

To

H.E. Senhor Raphael d'Andrade,  
Governor General of Portuguese India.

Most Ill: & Exc: Sir,

I have the honour to invite Your Excellency's attention to the correspondence ending with my letter No. 3894, dated the 15th June, 1892, regarding the construction of certain bridges and rest houses on the road from Karwar to Margao, and to enquire whether Your Excellency's Government are now in a position to put the portion of the road in such condition as to establish through communication at all seasons between Karwar and Margao.

It'd: W.D.N.

23.2.94.

It'd: xxxx

23/2.

It'd: xxx

26/2.

For approval.

It'd: Illegible.  
27/2.

Page 89.

No.  $\frac{4}{S}$  of 1894.

No. 20.

Dated New Goa, 9th March, 1894.

To

His Excellency, Lord Harris,  
Governor of Bombay.

Most Illustrious and Excellent Sir,

In acknowledging the receipt of Your Excellency's letter No. 1332, of 2nd instant, I have the honour to inform Your Excellency that, as I have not received any authorization from the Home Government for the construction of bridges and rest-houses on the road from Karwar to Margao, I have again, this day, solicited the said authorization.

I avail, &c.,

(Signed) Raphael D'ANDRADE,  
Governor General.

(True Translation.)

(Signed) Illegible,

14th March, 1894.

Portuguese Translator to Government.

BOMBAY POLITICAL DEPARTMENT (GOA), VOL. II. No. 97 OF 1897—  
COMP. No. 1484

Page 225.

POLITICAL DEPARTMENT

No. 6031.

Dated 2nd October, 1897.

To

H.E. Colonel Joaquim José Machado,  
Governor General of Portuguese India.

Most Ill. and Ext. Sir,

I have the honour to invite Your Excellency's attention to the correspondence ending with H.E. Senhor Raphael d'Andrade's letter No. 37, dated the 23rd of June, 1894, regarding the repairs to that portion of the road from Karwar to Margao which lies within Portuguese Territory, and to enquire whether Your Excellency has received the sanction of the Government of Portugal for the carrying out of the work.

2. I would at the same time enquire whether, if bridges cannot be provided, Your Excellency is prepared to consider the question of the establishment of a suitable ferry service.

3. I have further the honour to inform Your Excellency that my Government contemplate as soon as funds are available, several improvements on the portion of this communication which runs through British Territory, including (a) a bridge over the Mooinhalla River (b) the establishment of a ferry at Kalanadi and (c) improvements to the Kodibag and Sadashivgad piers; and should be glad to learn whether, in these circumstances, Your Excellency's Government would be disposed to carry out the improvements noted in the accompanying extract from a letter from the Executive Engineer Kanara.

*Itd*: xxxx  
24/9.

*Itd*: xxxx  
24/9.

*Itd*: xxxx  
25/9.

For approval.

*Itd*: Illegible.  
26/9.

Page 229.

*Translation.*

To

His Excellency Lord Sandhurst,  
Governor of the Presidency of Bombay.

New Goa, 3rd November, 1897.

Most Illustrious and Excellent Sir,

I have the honour to acknowledge the receipt of Your Excellency's letter No. 6071, dated 2nd ultimo, concerning the improvements required

in the section of the road leading from Margao to Karwar within the Portuguese territory, and to station reply:—

1st.—That I have been already authorized by the Government of Portugal to carry out all the necessary works in the above-mentioned road.

2nd.—That these works shall be completed by the end of the month of June 1898, and the road shall be in good condition for the public transit.

3rd.—That the rivers Talpona and Salgibaga being very broad I am unable, until the circumstances of the treasury of this Province are in bad condition, such as are at present, to bind myself to order the construction of bridges across these rivers, which would demand a large sum of money. I shall, however, provide for ferry boats to be plied in both of them for the conveyance of passengers and goods.

I have the honour to be with the highest consideration.

Your Excellency's  
Most obedient servant,  
(Signed) J. MACHADO,  
Governor General.

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BOMBAY POLITICAL DEPARTMENT (GOA AND GUJARAT), VOL. I. NO. 99  
OF 1898—COMP. NO. 916

Page 15.

*Translation*

No. 41 of 1898.

Nova Goa, 12th May, 1898.

To

His Excellency Lord Sandhurst,  
Governor of the Presidency of Bombay.

Most Illustrious and Excellent Sir,

With reference to Your Excellency's letter No. 6031, dated 2nd October, and this Government No. 82 of 3rd November 1897, I have the honour to inform Your Excellency that the road from Margao to the frontier on the south of this territory is repaired and considerably improved for easy transit, and that in the rivers of Talpona and Galgibaga there are ferry boats suitable for the conveyance of persons and packages. It appears therefore, that there is no difficulty for the regular conveyance of the British mail through this territory to Karwar. Should Your Excellency, however, prefer to employ in this service carts or horses instead of men as at present, I beg to request Your Excellency the favour of informing me of the resolution to that effect in order that I

may issue the necessary orders to render the ferry boats in the same rivers suitable for the conveyance of carts and horses.

Accept Most Illustrious and Excellent Sir, the assurances of the highest consideration with which I have the honour to be,

Your Excellency's  
Most obedient servant,

(Signed) J. MACHADO,  
Governor General.

Page 29.

POLITICAL DEPARTMENT

No. 3680,

Dated 24th June, 1898.

To

H.E. Col. Joaquim José Machado,  
Governor General of Portuguese India.

Most Ill. and Exct. Sir,

I have the honour to acknowledge the receipt of Your Excellency's letter No. 41, dated the 12th ultimo, informing me of the completion of the repairs of the road from Margao to Karwar and of the establishment of ferry boats on the rivers Talpona and Galgibaga.

2. In reply I beg leave to express my thanks to Your Excellency for the prompt manner in which Your Excellency has acceded to the wishes of my Government in this matter.

Accept, &c.

*It'd*: xxxx 11/6.

*It'd*: xxxx 13/6.

*It'd*: xxxx 13/6.

For approval.

*It'd*: Illegible.

14/6.

## Annex F. No. 66

FILE NO. 574 OF 1916—BOMBAY POLITICAL DEPARTMENT

*Pages 9-II.*

Serial No.

Roads.

Proposals for the improvement and maintenance of the Margao-Majali road lying in Portuguese territory.

Dated the 26th July, 1915.

From

Ramakrishna Shankar Nagarkatti, a British subject of the Kanara District and Camp Clerk to the Conservator of Forests, Southern Circle, Belgaum;

To

His Britannic Majesty's Consul at Goa, Mormugao.

Most Respectfully Sheweth:—

That your humble memorialist is a constant traveller on duty by the Margao-Karwar road from Belgaum to Karwar and vice versa, and has found that the portion of this road in the Portuguese territory is gradually deteriorating and has recently become most dangerous for cart traffic either for want of necessary expenditure or for want of a suitable agency to attend to it. Of the whole stretch of 45 miles from Margao to Karwar 37 miles (up to the British Frontier Customs Station at Majali) run in Portuguese territory, and this portion cannot properly be identified for want of mile-stones. The portions between the villages named Kukkalli and Kankon—13 miles—and between Lolicum and Majali—about 6 miles—are the most dangerous. Here the memorialist met with a serious accident, in that the cart loaded with the office kit of the Conservator of Forests, S.C., which was moving along with the private cart of the memorialist, suddenly jerked over a protruding stone on the road and fell a depth of about 15 feet down the valley by the side of the road causing serious injuries to the cartman, a subject of the Portuguese territory, the bullocks also receiving certain injuries. With the help that arrived, the cart was brought up. Fortunately no life was lost, nor was any Government kit damaged. It is understood that such accidents are of frequent occurrence on these portions of the road.

Now that a regular Anglo-Portuguese Mail Tonga Service has been instituted on this road, it being the nearest road from Karwar, the capital of the Kanara District, to a Railway Station—Margao—and as such is growing in importance every day, the road ought to be made fit even for motor-car traffic, not to speak of bullock cart traffic; at present, however, it is hardly fit even for pedestrians in most places. Either the road has never been metalled or, if metalled at all at any

remote date, the metal has all been washed away by rain torrents collecting from the hills and cutting nalas across and down the road in all directions, leaving big stones protruding in some places and knee-deep mud in others. The result is that carts either upset over protruding stones, or sink into the mire and have to be helped out by being pushed. If roads are wanted at all, they ought to be well kept. The portion demanding immediate attention is the stretch of 19 miles described above, which mostly goes winding up and down along the edge of the ghats. The alignment of this ghat road is said to be excellent, it only wants—

- (a) Side gutters—deep;
- (b) Sound uniform metalling;
- (c) Catch-water and cross-water drains.

The Margao-Karwar road is equally important to residents of Goa and to the residents of the Kanara District, the stretch in the Portuguese territory being much longer than that in the Kanara District, the road is naturally mostly used by the former. If it is not yet possible for the Goa Authorities to attend to the road promptly, I pray, in the interests of the general public, that steps may kindly be taken to have the Portuguese portion of the road—37 miles—transferred to the Public Works Department of the Kanara District, the cost of construction and upkeep being met by annual contribution from the Government of Goa.

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Endorsement by T. R. D. Bell, Esq., Conservator of Forests, S.C.,  
No. D.-113, dated the 31st July, 1915.

Forwarded with compliments to the Collector of Kanara.

2. My clerk was put to much inconvenience coming through Goa because of this road. Similar inconvenience might any day be caused to His Majesty's Mails. Indeed it is a wonder something has not happened before this. Could nothing be done to make the road at least decently passable for traffic? It is the source of constant complaint by travellers of all sorts and classes though complaints by them are not made public officially or through the newspapers. It might possibly be feasible to come to some arrangement by which the two Governments should unite in some means to keep the road under repair seeing that it is the only practicable way out of Karwar during a long period of the year for ordinary people.

---

Endorsement by G. Monteath, Esq., Collector of Kanara,

No. 4546, dated 5th August, 1915.

Forwarded with compliments to the Commissioner, S.D., who is requested to move Government in the matter.

2. The only way of ensuring proper repair of the road would be for this Government to take it over, but undersigned doubts whether that will be found feasible.

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Endorsement by H. S. Lawrence, Esq., Acting Commissioner, S.D.,  
No. 3610, dated the 14th August, 1915.

Forwarded with compliments to the Superintending Engineer, S.D.,  
for favour of remarks.

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Endorsement by the Superintending Engineer, S.D.,  
No. 2618, dated the 25th August, 1915.

Returned with compliments.

2. The Superintending Engineer has no personal knowledge of the road, but unquestionably it is very desirable that it be maintained in good order. If the co-operation of the Portuguese Government is arranged for, the Executive Engineer, Kanara District, will be asked to inspect the road and submit proposals.

---

Endorsement by H. S. Lawrence, Esq., Acting Commissioner, S.D.,  
No. 4861, dated the 9th November, 1915.

Returned to the Collector of Kanara with compliments.

2. If the Collector desires that the Bombay Government should be moved to address the Government of Goa, a full report on the subject should be submitted. The attention of the Collector is invited to Government Resolution, Political Department, No. 7470 of 14th October, 1891, and Public Works Department, No. R—159 of 4th December, 1897. A review of the past history of the road and of its present condition would be of assistance to Government in the consideration of any practical proposals that may be possible.

---

Endorsement by G. Monteath, Esq., Collector of Kanara,  
No. 6892, dated the 3rd December, 1915.

Returned with compliments.

2. This is not the first time that complaints have had to be made about the wretched condition of the Margao-Majali road—a distance of 35 miles—in Goa territory, but all attempts made hitherto to obtain satisfactory results have failed in spite of promises from the Portuguese authorities. As remarked by the Conservator of Forests, S.C., above, this road is the only practicable way out of Karwar during a long period of the year and this fact and the importance of the road as a mail route to Karwar were recognised as far back as 1885, and after reference to the Goa Government the major portion of the road seems to have been constructed for the first time by 1891 and used as a postal route—vide Government Resolutions, Political Department, Nos. 5917, dated 31st July 1891, and 7470, dated 14th October, 1891.

3. Though constructed the road soon fell into disrepair, and a further attempt had to be made to induce the Goa Government to

have the road improved as it continued to be the postal route and some real improvement seems to have taken place in 1897-98, vide Government Resolution, Public Works Department, No. R-159 of 4th December 1897 and Government Resolution, Political Department, No. 3123 of 27th May, 1898 (copy of latter is attached for ready reference). No subsequent correspondence showing later attempts made by British authorities is forthcoming, but it is understood that the present mail contractor had been promised thorough improvement of the road by the Goa authorities five years ago when he took the contract. Accordingly there has since been a show of repairs to the road, which however never really improved except the first ten miles from Margao which pass through plain country. The latest condition of the road as reported by a postal official is given in paragraph 1 of Post Master General, Bombay's letter No. 8329 of 11th May 1914 to the address of the Post Master General, Goa, in the accompanying correspondence, which will make it clear that there is little hope that the road will ever improve unless the difficulty is solved by our arranging to take over the up-keep of the road from the Portuguese Government. It is, however, unlikely that that Government would ever accede to this arrangement—still more unlikely if this Government insisted on a subsidy larger than what the Portuguese Government budget for the road. It is of equal importance to Karwar as a mail route and as the only outlet during the rains as to Goa as a feeder road to the railway. A contribution from our funds to make up the deficit necessary to keep the road in reasonably good condition would not be out of place, if the Goa Government did accede to the above arrangement. There is now no hope that this district will be provided with a branch railway in the near future. What apparently happens at present when the Goa Government budget money for improvement of the road is that most of the money is not spent on such improvement.

4. When His Excellency the Governor visited Karwar the other day, the chief point urged by the Karwar Municipality in the address was the want of proper communications with the outer world, and His Excellency in his reply promised sympathetic consideration of this grievance. The taking over of the Margao-Majali road on whatever terms the Portuguese Government might consent to, even if this should entail expenditure from our funds, would be a solution of the difficulty; but the Collector thinks that this measure would be distasteful to the Goa Government, and doubts whether the Bombay Government would consider it advisable to urge it. The only other way is to insist on adequate provision for improvement on the part of the Goa Government and, still more important, adequate supervision. Failing satisfactory results, provincialisation of the road from Sadashivgad to Kadra and the establishment of regular passenger traffic between Karwar and Londa is indicated, but the distance is nearly double, and the expense would be very considerable.



Endorsement by H. S. Lawrence, Esq., Acting Commissioner, S.D.,  
No. 5624, dated the 23rd December 1915.

Submitted to Government.

2. Road communication between Karwar and the West of India Portuguese Railway at Margao is a matter of considerable importance to the British subjects in Karwar, but is of little importance to the Government of Goa. It is most improbable that the Government of Goa would hand over charge of the road to British officers; and it would not be desirable even to make the suggestion. It is possible, however, that that Government might consent to accept a subsidy for the maintenance of the road.

3. This suggestion does not appear to have been previously considered; and there is no estimate on record of the sum that would be required. It is respectfully submitted that when normal conditions of finance are restored, an offer of this character may be made to the Government of Goa.

4. Attention is invited to the reply of His Excellency the Governor to the address from the Municipal Corporation of Karwar on the 18th November last.

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P.D. Letter No. 1274, dated the 21st February 1916.

From

The Secretary to Government, Bombay,

To

The Commissioner, S.D.

With reference to your endorsement No. 5624, dated the 23rd December 1915, I am directed to state that owing to the financial stringency caused by the war Government are unable at present to consider the proposal for the improvement and maintenance of the Margao-Majali road lying in Portuguese territory. I am accordingly to request that you will resubmit the proposal on the conclusion of the war.

2. The file of papers received with your memorandum under reference is herewith returned.

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## Annex F. No. 67

POLITICAL & REFORMS DEPARTMENT FILE NO. 1453/34 OF 1936  
REGARDING CONSTRUCTION OF GORBARI-CANOEL KARDI ROAD

Page 3.

Translation.

SERVICE OF THE REPUBLIC.  
GOVERNMENT OF THE STATE OF INDIA.  
CABINET DEPARTMENT

No. 2/G

Issue No. 14.

Nova-Goa, the 2nd January 1936.

To

The Chief Secretary to the  
Government of the Bombay Presidency,  
Political & Reforms Department,  
Bombay.

Sir,

As the road *Gobari-Canoel Kerdi* in Nagar-Aveli belonging to the District of Damaun is under construction and as it is very desirable to connect the terminus of this road in Kerdi to the British road in the territory of Udva (Collectorate of Thana), I am directed by His Excellency the Governor General to invite the attention of the Government of Bombay Presidency to this matter, which will no doubt also interest very much the Government of that Presidency.

2. Reference to this matter is made in the letter No. 4822 of 1929-30 from H. W. Starte, Esquire, B.A., I.F.S., Conservator of Forests, Northern Circle.

For the Benefit of the Nation.

(Signed) Luis DE SOUSA E FARO,  
Chief of the Cabinet.

True translation

(Signed) Illegible,  
Portuguese Translator to  
Government.

Bombay Secretariat,  
15th January 1936.

Page 7.

No. 1453/34-A.

POLITICAL AND REFORMS DEPARTMENT

Bombay Castle, 18th January 1936.

From

C.W.A. Turner, Esquire, CSI., CIE.,  
Chief Secretary to the Government of Bombay,  
Political and Reforms Department,

To

The Chief of the Cabinet,  
Government of Portuguese India,  
Nova Goa.

Subject:—Construction of a road in District of Damaun.

Sir,

I am directed by the Governor in Council to acknowledge the receipt of your letter No. 2/G, dated the 2nd January 1936, regarding the construction of Gorbari-Canoel Kerdi road in Nagar-Aveli in the district of Damaun, and to state that it is receiving attention.

I have the honour to be,

Sir,

Your most obedient servant,

*(Signed)* Illegible.

For Chief Secretary to the Government  
of Bombay, Political & Reforms  
Department.

Page 23.

Below Unofficial Reference dated 9-3-1936 from Government in the Revenue Department forwarding Political and Reforms Department File No. 0/142-A.

Returned.

1. Undersigned consulted the Conservator of Forests, N.C. before replying as the "Ozhar-Udhwa" File in this office revealed the fact that the Portuguese authorities in their reply to the Conservator of Forests, N.C. (No. V.H. 502 dated 19th July 1930) refused to allow us to construct 1½ miles of road through Portuguese territory, which caused the scrapping of our original alignment and forced us to make the new alignment via Saiwan.

2. If the Portuguese Government is allowed to construct a link between their Gorbari-Canoel-Kerdi road and the Sanjan-Talasai Udhwa road in British territory—by building one mile of road in British territory, Daman State Timber will compete very seriously with timber from our forests, at Sanjan and Samta, thus, not only leading to heavier road repair expenses but also to a serious reduction in future in the

prices obtained for timber from Government forests. It must be remembered that our timber will have a longer lead than the timber from the Daman forests.

3. For the above reasons I am opposed to permission being granted to the Portuguese authorities to build their proposed one mile of road within British India territory until the whole situation has been carefully considered and suitable conditions imposed before such permission is granted.

(Signed) Illegible,  
Chief Conservator of  
Forests, B.P.

U.O.R. No. D/7.  
4th April 1936.

\_\_\_\_\_

No. 0/1453/34.

POLITICAL & REFORMS DEPARTMENT,  
BOMBAY CASTLE, 22ND OCTOBER 1936.

To

The Chief of the Cabinet,  
Government of Portuguese India, Nova Goa.

Sir,

With reference to your letter No. 2/G, dated 2nd January 1936, I am directed by the Governor in Council to state that the Government of Bombay do not consider that the connection of the Gorbari-Canoel Kerdi Road in Nagar-Aveli with the road in Udva in the Thana District—would be of any advantage to them.

I have, etc.,  
*Itd.* 19-10-36.

Chief Secretary to the Govt. of Bombay P. & R. Department.

Copies forwarded for information to:—

The Commissioner, N.D. (with reference . . . . .)  
The Collector of Thana -do-  
The Chief Conservator of Forests -do-

By order,

(Signed) Illegible.  
19-10-36.

Chief Secretary to the Government of Bombay.  
Political & Reforms Department.

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**Annex F. No. 68**

*Letter No. 26 dated the 30th September, 1944 from the Governor of Daman to the Collector of Customs and Salt Revenue Office, Bombay.*

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As the measures that have lately been adopted by His Majesty's Government in India have caused a terrible upheaval in the daily life of the population of the District of Damao of which I am the head, I have the honour to ask you to interest yourself, as usely you have been kindly doing before, in the solution of this difficult crisis, so that the hardships of the people of this District may be lessened according to the principles of justice and humanitarian justice that ought to obtain between neighbouring politico-social groups.

I have tried my best to avail myself as little as possible of the facilities and concessions that the Government of British India has granted for the provisionment of the Portuguese Colonies in India. Notwithstanding, I do recognize that our difficulties have been favourable solved by your Government, and for this, in my own name and in the name of the population I govern, I must tender sincere thanks. I now refer to the total prohibition of the import of any commodity from the neighbouring territory of Vapi into the territory of the District of Damao. I have reasons to believe that this difficulty has found a solution as far as imports in large quantities are concerned. However, large importations into Damao are rare, as Damao supplies itself chiefly from the neighbouring town of Vapi, in small quantities. There may be one or two merchants with sufficient capital to avail themselves of the permits granted for the importation of commodities on a large scale. But this will not solve the crisis, as it will represent a monopoly prejudicial to the poorer members of the population, as these big merchants always find a way to evade the restrictions imposed by the food controllers.

The situation of the common day-labourer and the poor passenger, who always obtained commodities from Vapi to supply their small needs, is indeed critical, as the export from Vapi of any commodity whatsoever is totally forbidden; this prohibition is so rigidly enforced by the frontier custom officers, that not even a fruit or the smallest quantity of any food stuff is allowed to pass the barrier. And the fact that at the present moment not even merchants are allowed to import any commodity from British India makes the situation very grave indeed.

Having full trust in the sense of justice and sound judgment with which the Government of India deals with any matter submitted to its decision and firmly believing you will rightly appreciate the difficulties herein presented, I beg you to exert your kind offices for their urgent solution, so that facilities may be accorded to foot passengers and others at the Frontier Customs for the import of any commodity for personal use.

With anticipated thanks for an early disposal, I have the honour to be.

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*Copy of Express letter No. BP 324 dated 15-1-45 from the Government of India, Department of Food.*

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*Subject:—Export of foodgrains from Nagar Aveli to Daman.*

Reference correspondence resting with this Department telegram No. P.A. 324 dated 20th November, 1944 on the above subject.

2. It was proposed to permit export of rice and other foodgrains from Nagar Aveli to Daman provided the consignments were covered by passes issued by the Administrator of Nagar Aveli certifying that they were local produce sent from Nagar Aveli to Daman. Before doing so, however, it was considered desirable to consult the Bombay Government. The Bombay Government have agreed to the above proposal subject to the following conditions: (a) That the consignments are covered by certificates issued by the Administrator of Nagar Aveli giving the name of the consignee, the name of the foodgrain, and the quantity. Advance copies (in English) of these certificates should be forwarded to the Manager, Custom House, Challa, the Excise Sub Inspector, Lavachha, (who will check these consignments) and the Collector of Surat. (b) That the above arrangement will come into force if the Portuguese Government agrees to allow consignments of foodgrains and other articles from the British villages of Pardi Mahal to pass through the intervening Portuguese territory when accompanied by a similar valid permit form the Mahalkari.

3. The case has been referred to the Portuguese authorities. The decision of the Government of India will be intimated to you as soon as the views of the Portuguese authorities are received.

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*Copy of letter No. BP 324 dated 16.3.45 from the Government of India, Department of Food, to the Export Trade Controller, Bombay.*

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*Subject:—Export of food grains from Nagar Aveli to Daman.*

Reference this Department Express letter No. BP. 324, dated the 15th January 1945 on the above subject. The Portuguese India Government have now intimated that they agree to the condition specified in para 2 of this Department letter referred to above, except that advance copies of original certificates cannot be forwarded in English, as the originals are made out in Portuguese. Certificate issued by the Administrator of Nagar Aveli giving the name of the consignee, name of the foodgrain, and the quantity will be accompanied by a translation in English. It is considered that this procedure would serve the purpose in view.

2. Exports from Nagar Aveli to Daman through the intervening territory in the Bombay Presidency may now be permitted subject to the two conditions specified in this Department Express letter referred to above as modified in paragraph 1 above. The Bombay Government is being informed separately.

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## Annex F. No. 69

No. 13-6.

British Vice Consulate,  
Mormugao, the 24th May, 1946.

From

H.B.M's Vice Consul in the  
Portuguese Possessions in India,

To

The Under Secretary to the  
Government of India in the  
External Affairs Department,  
New Delhi.Subject:—Supply of Commodities to the Nagar  
Aveli Pargana of the District of Daman.

Sir,

I have the honour to invite a reference to your letter No. D. 9245-FE/45 dated the 28th November, 1945. The Portuguese India Government state that they are of opinion that the same procedure as is applicable to Goa, Daman and Diu should be made to apply to the Nagar Aveli Pargana, and add that the British authorities should not allow goods to enter Nagar Aveli unless the importer produce a similar declaration as in force at Goa.

2. They add that the declaration would be counter-signed by the Civil Administrator of Nagar Aveli.

3. I would feel grateful if you would kindly let me know if this is acceptable to the Government of India, so as to enable me to inform the Portuguese India Government.

I have the honour to be,  
Sir,  
Your most obedient servant,  
(Signed) C. KYTE,  
H.B.M's Vice Consul.

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## Annex F. No. 70

FOREIGN DEPARTMENT OF GOVERNMENT OF INDIA—PROCEEDINGS,  
POLITICAL A, JANUARY 1880, NO. 476. LETTER NO. 2419-E.P. DATED  
15th SEPTEMBER 1879 (FROM FOREIGN DEPARTMENT TO BOMBAY  
GOVERNMENT)

No. 476.

No. 2419. E.P., Dated Simla, 15th September 1879.

From

Trevor Chichele Plowden, Esq., Under Secretary to the Government  
of India, Foreign Department,

To

Secretary to the Government of Bombay, Political Department.

In continuation of the correspondence ending with letter No. 2354-E.P., dated 5th September 1879, from this Department, I am directed to address you upon the subject of the latter part of Article XVIII of the Treaty lately concluded with the Portuguese Government.

2. Under the enactments of the two last paragraphs of that Article, it is necessary to draw up rules in communication with the Government of Portuguese India for regulating the exportation of arms, ammunition, and military stores from the Indian dominions of one of the High Contracting Parties into those of the other, and to furnish the Governor-General of Portuguese India with a list of the Native States to be placed in respect of these commodities upon the same footing as British India.

3. The points to be dealt with are the passage of arms &c. (1) from Portuguese territory into the districts of British India, and into Native and Foreign States, and (2) from British India into Portuguese territory.

4. As to Native and Foreign States, it is desirable that the Goa Government should agree to regard these States in the same light as they are regarded by the British Government, and to prohibit the exportation to them of arms, ammunition, or military stores, except under license from the Bombay Government, the fee for such license being paid to the Goa authorities. If the State for which the arms, &c., were destined, should be situate within the political jurisdiction of His Excellency the Governor of Bombay in Council, the decision of the Bombay Government as to the grant or refusal of a license would be final; in other cases the application for a license should be referred to the Government of India in the Foreign Department. As regards the districts of British India, a further communication will be addressed to you by the Home Department.

5. There remains the question of the supply of arms, &c., to Goa, and on this point I am to request that you will obtain and submit with the opinion of the Bombay Government the views of the Goa authorities. The Government of India are inclined to think that if the Goa authorities are willing to place the restrictions upon exports out of Portuguese territory described in paragraph 4 of this letter, there will be no necessity, so far as the British Govt. is concerned, to restrict the supply of arms, &c., to Goa. They desire, however, to be favoured with the opinion of the Government of Bombay on the whole question.



4484.

No. 4880 of 1879.

POLITICAL DEPARTMENT,  
Bombay Castle,

17th October, 1879.

To

The Secretary to the Government of India,  
Foreign Department.

Sir,

With reference to your letter No. 2419-E.P., dated the 15th ultimo, on the subject of the passage of arms &c. (1) from Portuguese territory into the districts of British India and into Native and Foreign States and (2) from British India into Portuguese territory, under the Treaty lately concluded with the Portuguese Government; I am directed to intimate, for the information of the Government of India, that in the opinion of this Government it is of the utmost importance to discourage by all possible means the importation of arms and ammunition from Portuguese territory into either British territory or any native State. At present a most thorough and salutary check upon the importation and distribution of arms has been effected by the operation of the new Arms Act and the Rules passed under it—One result of the new Act will probably be to kill entirely the import trade from Europe of cheap arms previously carried on by native dealers in Bombay. But if arms are allowed to be exported from Bombay to Goa and thence to filter through into British territory and native States much of the good effected by recent legislation and rules will be neutralized. Rules may of course be agreed upon to regulate the export of arms from Goanese territory into adjacent British or native foreign territory but Government can have no satisfactory guarantee that those rules will be strictly enforced by lowly paid Subordinate officials of another State. The trade in arms is profitable, or rather was so until the duty of Rs. 50/— per gun was lately imposed. H.E. the Governor in Council does not gather from the treaty that the duty on articles such as arms for instance imported direct from Europe into Portuguese territory shall be equal to the duty imposed on such articles when imported into British India. In the absence of any such provision a gun worth Rs. 20/— (including cost of freight &c) could be sold for that sum at Goa whereas it could not be sold in British territory if lawfully imported, for less than Rs. 70/—, being its value plus the amount of duty paid on it. This at once supplies an incentive for smuggling arms from Goanese into British India, and a basis for an illicit trade in arms so profitable that the dealers could well afford to resort to bribery to get their arms across the frontier.

2. For these reasons, I am to state that in the opinion of H. E. the Governor in Council, it is expedient that all importation of arms &c., into British India and native and foreign States from Portuguese India should be absolutely prohibited.

*(Itd.)* Illegible.*(Itd.)* Illegible.

11.10.79.

FOREIGN DEPARTMENT GOVERNMENT OF INDIA PROCEEDINGS POLITICAL  
'A', OCTOBER, 1880 Nos. 95/103

No. 96.

No. 57 P., dated Bombay Castle, 20th October 1879.

From:

J. Nugent, Esq., Acting Secretary to the Government of Bombay,

To:

A. C. Lyall, Esq., C. B., Secretary to the Government of India, Foreign  
Dept.

With reference to my letter No. 4880, dated the 17th instant, on the subject of the exportation of arms, ammunition, and military stores from Portuguese into British India, I am directed to state that the provision in the tariff annexed to the treaty relating to the duty to be levied on arms was accidentally overlooked. The result of the insertion of this provision is to render arms imported from Europe into Goa liable to the same duty as if they were imported into Bombay, and consequently there would appear to be less risk than was contemplated of any contraband trade in arms from Portuguese into British Indian territory springing up. At the same time, however, this Government, I am desired to add, adhere to the opinion already expressed, that it is on the whole desirable not to permit of the exportation of arms from Portuguese into British India.

No. 98.

No. 1728 I.P., dated Simla, 26th November 1879.

From

Lieut. T. Hope, Offg. Asstt. Secy. to the Govt. of India, Foreign Dept.,

To

Secretary to the Government of Bombay.

I am directed to acknowledge receipt of your letter, noted in the margin, No. 4880, dated 17th October, 1879. regarding the importation of arms, &c., from Portuguese No. 57 P., dated 20th October, 1879. India into British India, &c.

2. In reply, I am to say that the Government of India concur with His Excellency the Governor of Bombay in Council that it is expedient to permit no importation of arms, ammunition, and military stores from Portuguese India into British India or into Native Indian States. I am to request, therefore, that Mr. Crawford may be instructed to communicate with the Portuguese Government to this effect, and to arrange for the prohibition of all exportation from the Goa territories into British India. Furthermore, with regard to the clause of Article XVIII concerning "the list of Native States to be placed in respect of arms, ammunition, and military stores upon the same footing as British India", I am to say that the Government of India desire that all Native States alike should be placed on the same footing as British India; and I am to

request that the necessary communication may be made by Mr. Crawford to the Governor-General of Portuguese India.

3. In respect of the importation of arms, &c., into Native States having a sea-board generally (i.e. apart from the special arrangements possible under Treaty anent importation from Portuguese India), I am to say that strict measures should be adopted to prohibit any such importation unless covered by a license, except in the case of importation which are exempted from license under the second clause of Section 6 of the Indian Arms Act. The license, when granted, should always be signed by the responsible Political Officer. Upon this condition it will be for the Bombay Government to direct, if this appears expedient, that no arms should be imported by sea to any Native State except from Bombay.

4. It is considered very important that the introduction of arms into foreign parts on the Indian sea-board should be very closely supervised, not so much with reference to the armaments of the petty sea-board States as to the risk of contraband traffic into British India. As the rules under the Arms Act stand, the importation of arms by land into British India stands prohibited by Section 6 of the Act. But as above indicated, it is the illicit traffic that requires special watching, and the provisions of the Act and Rules should receive careful attention in the districts whose frontier marches with Native States.

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No. 1729 I.P.

Copy forwarded to the Home Department for information.

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No. 1730 I.P.

Copy of correspondence forwarded to the Madras Government for information.

No. 100.

No. Art. XVIII-I, dated Ribandar, 16th December 1879.

From

Arthur Crawford, Esq., British Delegate for the Portuguese Treaty,

To

His Excellency Senhor A. A. D'Aguiar, Portuguese Delegate.

With reference to His Excellency the Governor General's letter to the Governor of Bombay, No. 57, dated the 3rd November 1879, I am directed to communicate to you, for the information of His Excellency, that the Government of India assents to the proposal that the export of arms, ammunition, and military stores from Portuguese to British India or the Native States shall be wholly prohibited.

2. It follows that, so far as the British Indian Government are concerned, no rules have to be prescribed under paragraph 4 of Article XVIII of the Treaty.

3. With regard to paragraph 5 of that Article, I am directed to state that all Native States are placed on the same footing as British India.

4. With regard, however, to the rules which His Excellency the Governor-General of Portuguese India proposes with reference to the export of arms, & c., from British into Portuguese India, I am directed to enquire whether it is absolutely necessary, in the opinion of His Excellency the Governor-General, that they should be formally approved by His Most Faithful Majesty the King of Portugal and the Algarves.

An early reply is solicited on this point.

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No. 57.

To

The Most Illustrious and Excellent Sir,  
R. Temple, Bt. K.C.S.I.,  
Governor of the Presidency of Bombay.

Most Illustrious and Excellent Sir,

I have the honor to acknowledge the receipt of Your Excellency's Despatch No. 4745, Political Department, dated 9th October last, and with reference thereto, to state as follows:—

1.—That as the advantages to be derived by restricting, as much as possible, the introduction into Portuguese India of arms, ammunition and implements of war, are common to both countries and in harmony with the provisions of para. 4 of Article XVIII of the Treaty of Commerce lately concluded between His Most Faithful Majesty the King of Portugal and the Algarves and Her Imperial Majesty the Empress of India and Queen of Great Britain, I consider such restriction advisable, and your Excellency has my consent in prohibiting the exportation from British into Portuguese India of arms and war like stores and implements, excepting however when such articles are directly demanded by this Government for its exclusive use.

2.—That in all future regulations that may be issued in Portuguese India on this subject, there shall be included orders prohibiting the importation into this territory of revolvers, muskets and other firing arms, excepting when such are intended for the use of this Government, or when the exportation of such arms, ammunition &c. from British into Portuguese India has been permitted by a special license signed by the Chief Secretary to Government.

3.—That I duly note what is stated in your Excellency's despatch under acknowledgment, and consider that for the present it is advisable to prohibit altogether the exportation of arms, ammunition and warlike implements from Portuguese India into any District in British India.

4.—As to the manner of proceeding in this matter with native States, I beg to invite Your Excellency's attention to Article IV of the new

Treaty of Commerce, and to state that the provisions contained in the articles aforesaid will be faithfully observed by this Government and these States considered as British Districts on His Excellency the Governor General of British India stating which of them should be so regarded.

I have the honor to be,  
with the highest consideration,

Your Excellency's most obedient and humble servant,  
(Signed) Caetano Alex. D'ALMEIDA ALBUQUERQUE,  
Governor General.

New Goa,  
3rd November, 1879.

(True Translation.)

(Signed) Illegible,

Portuguese Translator to Government.

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## Annex F. No. 71

BOMBAY POLITICAL DEPARTMENT  
VOL. 24 OF 1894. COMP. NO. 821

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Page 346.

No. 2139-I.

Dated Simla, the 26th June, 1894.

From

A. Williams, Esq., Under Secretary to the Government of India,  
Foreign Department,

To

The Secretary to the Government of Bombay, Political Department.

I am directed to invite a reference to the correspondence ending with the letter cited in the margin regarding the grant of licenses to two Bombay firms for the import of dynamite and fuse from Goa into Bombay.

Foreign Department letter  
No. 1995-I, dated the  
13th June 1894.

2. I am now directed to address you regarding the retention of rule 7 (A) of the rules published under the Indian Arms Act, and to invite a reference to the correspondence ending with the endorsement from the Government of India in the Foreign Department, No. 404-I.P., dated the 23rd April, 1880, from which it will be seen that the rule in question was introduced at the suggestion of the Government of Bombay with a view to give effect to the arrangements made under clauses 4 and 5 of Article XVIII of the Goa Treaty of 1878. The Government of Bombay were then of opinion that it was desirable to prohibit the exportation of arms and ammunition from Portuguese India into British India or into Native States, and this view was concurred in by the Government of India.

3. The Goa Treaty is no longer in force, and, in view of the action taken in respect of the applications for licenses received from Messrs. Adam-ally Sultanally and Messrs. Essufally Muhammadally & Co., it would appear that, in the opinion of the Bombay Government, there is no longer any necessity for retaining clause (a) of rule 7 (A) of the Arms Act Rules; and I am to enquire whether, in the opinion of His Excellency the Governor, there is any objection to clauses (a) and (b) of that rule being cancelled.

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Telegram No. 2916-I, dated the 24th August, 1894.

From

Foreign Secretary, Simla,

To

Political Secretary, Bombay, Poona.

2916-I. Your telegram 320.P of 23rd. Period of validity of licenses may be extended to 30th October.

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No. 3853-I., dated Simla, the 29th October, 1894.

From

E. V. Levinge, Esq., Officiating Under Secretary to the Government of India, Foreign Department,

To

The Acting Secretary to the Government of Bombay, Political Department.

I am directed to acknowledge the receipt of Mr. Lee-Warner's letter No. 6121, dated the 29th September, 1894, stating that the Government of Bombay desire to retain clause (a) of rule 7 (A) of the rules framed under the Arms Act, but that they have no objection to clause (b) of that rule being cancelled.

2. In reply, I am to say that the opportunity will be taken to cancel clause (b) when the next amendments are made in the Arms Act Rules in January, 1895.

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No. 6121

POLITICAL DEPARTMENT

B.C. 29th September, 1894.

To

The Secretary to Government of India, Foreign Department.

Sir,

In replying to your letter No. 2139-I, dated June 26, 1894, inquiring whether clauses (a) and (b) of Rule 7-A of the Arms Act rules are any longer needed, in view of the termination of the Goa Treaty of 1878, I am directed to observe that the recent sanction to the importation of explosives from Marmagoa was exceptional. There are circumstances connected in the storage at Marmagoa of dynamite, which differ altogether from the conditions, which rule 7-A was meant to meet. Although the Goa Treaty is at an end, this Government, looking at the unprotective frontier of Goa, where it merges with the native states and with a forest tract of British India, would view with regret the removal of any obstruction to the export from Goa territory and consequent importation into British India of arms, ammunition or military stores. Dynamite is in one sense "military stores"; but it is rather a matter for the Explosives than for the Arms Acts and having assisted to reduce a large stock of dynamite accidentally retained at Marmagoa, it is probable that this Government will not again ask for further licence of import of this class of stores into British India from thence. With regard to the export of arms and ammunition from British India, the case is different. Such exports would not be asked for unless the Goa authorities were prepared to admit the import; and even if the rules allow the export and the port authorities admit the import, it would be open to the British Government to refuse a licence. It might happen, on the other hand that the trigonometrical party working in Goa territory might desire to obtain ammunition from Bombay or elsewhere. Under these circumstances, this Government whilst desiring to retain 7-A (a) has no objection to the cancellation of rule 7-A clause (b). I have, etc.

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**Annex F. No. 72**

SIMLA RECORDS I—1909—GOVERNMENT OF INDIA, HOME DEPARTMENT  
—PUBLIC-A,—PROCEEDINGS, AUGUST 1909, NOS. 291-303—REVISION  
OF THE RULES UNDER THE INDIAN ARMS ACT, 1878

*Pages 19-21 Notes.*

Office Memorandum from the Foreign Department, No. 1353-I.C.,  
Dated the 3rd April, 1908.

With reference to the unofficial memorandum from the Home  
Department, no. 44, dated the  
Pub. A., Mar. 1907, nos. 60-78. 1st March 1907, the undersigned  
is directed to say that, subject  
to the following remarks the Foreign Department accept generally  
the proposed amendments to the rules framed under the Indian Arms  
Act, XI of 1878.

2. As regards Rule 7 the Foreign Department see no reason why  
importation from Portuguese India should not be allowed under the  
signature of the Home Secretary. The undersigned is also to suggest  
that before the amendments, which have been made in parts A (19  
and 20) and C (7 to 10) of the First Schedule, are finally adopted,  
the approval of the Government of the Punjab might be obtained to  
the entries as they have now been drafted.

3. As soon as the revised rules have been published and come into  
force in British India the question of their application to areas  
administered by the Foreign Department, in which the existing rules  
are at present in force, will be taken into consideration.

4. A copy of the enclosures to Foreign Department endorsement  
no. 1957-I.C., dated the 16th May 1907, will be forwarded for record  
in the Home Department.

In rule 7 of the revised rules it is laid down that "a license shall  
not be granted for the import of any arms, ammunition or military  
stores from Portuguese India".

Pub. A., Dec. 1904, nos. 177-178.	} Please see paragraph 7 of Mr. Greeven's memorandum and the corresponding rule VI-7 A of the existing rules. The rule was
Pub. A., Nov. 1881, nos. 153-154.	
Pub. A., Mar. 1895, nos. 230-238.	

originally made in 1881, at the suggestion of the Foreign Department,  
in accordance with a provision of the Goa Treaty of 1878. In 1894  
it was proposed to abolish the rule altogether as the Goa Treaty was  
at an end. But the Government of Bombay who were consulted in the  
matter opposed it in the following terms:—"Although the Goa Treaty  
is at an end, this Government, looking at the unprotected frontier of  
Goa where it marches with the Native States and with a forest tract  
of British India, would view with regret the removal of any obstruction  
to the export from Goa territory, and consequent importation into  
British India, of arms, ammunition or military stores." The rule was  
therefore allowed to stand.



2. The Foreign Department now states that it sees no reason why importation from Portuguese India should not be allowed under the

Pub. A., Mar. 1907, nos. 60-78.

signature of the Home Department. The Secretary (Sir Herbert Risley) also expressed the opinion that the absolute prohibition seemed to go too far, and he therefore agreed to allow importation under the Home Secretary's signature. The proposal of the Foreign Department may therefore be accepted and draft rule 7 amended by the addition at the end of the words "save by special order certified under the signature of the Secretary

I think we ought to consult Bombay. They are very touchy on such questions and they opposed the abolition of this restriction before.

G. Fell, — 25-4-08.

to the Government of India in the Home Department", cf. rule 8 (1) (b). It is, however, for consideration whether "Foreign Department" should not be substituted for "Home Department" and whether the Government of Bombay should not be consulted before the amendment is finally made in the rule . . . . .

C. C. S.,—24-4-08.

Unless office see any objection we must consult the North-West Frontier Province also about the revised entries in schedule I, parts A and C. I think this had better be done officially in both cases. Please put up draft, explaining rather more fully the reasons for the changes.

2. Please put up a draft to Bombay about the import of arms from Portuguese India referring to previous correspondence.

3. After issue of these drafts I will deal with the other points mentioned in the office note. There will be no need to delay the further consideration of the case pending receipt of replies on these minor points.

G. FELL,—25-4-08.

Drafts to the Governments of Bombay and Punjab are put up. So far as the North-West Frontier Province is concerned this Department does not correspond with the Agent to the Governor-General and Chief Commissioner on the subject of the Indian Arms Act, 1878. An endorsement has therefore been added to the draft letter to the Government of the Punjab, forwarding a copy to the Foreign Department with the request that the opinion of the Agent to the Governor-General and Chief Commissioner may be obtained and furnished to this Department at an early date.

C. C. S.,—30-4-08.

I think it will save time if we prepare a draft to the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province, on the lines of that to the Punjab, and then ask Foreign Department to be so good as to issue it. We are more familiar with the case than the latter Department. Please draft.

G. FELL,—1-5-08.

Draft to the Agent to the Governor-General and Chief Commissioner, and North-West Frontier Province, is put up.

C. C. S.,—1-5-08.

Three drafts, which explain themselves, are submitted for approval. Pending receipt of the replies I will examine the remaining points for consideration in connection with the revision of the rules under the Arms Act. The case will then have to go to Legislative Department.

G. FELL,—2-5-08.

I would not propose the abolition of draft rule 7 prohibiting import from Goa. I heard as Director, Criminal Intelligence, that those notorious gun-runners Fracis, Times & Co., were running their steamers, the Baluchistan, Afghanistan, etc., to Goa and I would do nothing to facilitate the import of arms through Portuguese territory, or even to suggest such importation. Bombay objected in 1894 and the objections are slightly stronger now. The other drafts may issue.

H. A. STUART,—4.5.08.

H. A. (DAMSON),—5.5.08.

To the Government of the Punjab, No. 1082, dated the 6th May. 1908.

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## Annex F. No. 73

POLITICAL DEPARTMENT NO. 1894 VOLUME 24, COMP. NO. 821, PAGE 299.  
POLITICAL DEPARTMENT

No. 2995.

Dated 21st May/94.

To

The Secretary to the  
Government of India, Foreign Department.

Sir,

In transmitting herewith an application from Adamally Sooltanally of Bombay, dated the 25th April, 1894, for a license to import 2500 lbs of dynamite from Goa into Bombay (Hog Island) I am directed to explain that Dynamite falls both under the Arms Act, 1878, and the Explosives Act of 1884 under Rules 8, 10, 13, and 14 of the Rules for the importation of Explosives laid down in the Notification of the Government of India, Home Department, No. 1417 dated the 24th June, 1887 is within the competence of the Local Government to grant licences for the importation by sea into British India of dynamite subject to the conditions laid down in Rule 14—But Rule 7A of the rules under the Indians Arms Act lays down that nothing in rules 5, 6, 6 C or 7 of those rules shall be deemed to authorize the grant of licenses to import any arms, ammunition (which term includes dynamite) or Military Stores from Portuguese India. As the present application appears to be governed by the latter rule rather than by the rules under the Explosives Act and as Section 15 of the Explosives Act lays down that nothing in that Act shall affect the provisions of the Indian Arms Act 1878, I am to submit the application of Adamally Sooltanally for disposal by the Government of India.

I have, etc.,

- (Signed) Illegible.

No. 2996 of 21st May, 1894.

Copy to the Revenue Department.

(Signed) Illegible.

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BOMBAY POLITICAL DEPARTMENT, 1894, VOL. 24,  
COMP. NO. 821, PAGE 311

Telegram No. 130: P. Dated the 7th June, 1894.

To

Foreign: Simla.

No. 130 P. My letter 2995 dated May 21. Adamally Sulttanally now asks for license to cover 8000 lbs. Dynamite instead of 2500 lbs. Please grant license accordingly.

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BOMBAY POLITICAL DEPARTMENT, 1894,  
VOLUME NO. 24, COMP. NO. 821, PAGE 343

POLITICAL DEPARTMENT.

No. 3223.

Dated 31st May, 1894.

To

The Secretary to the Government of India,  
Foreign Department.

Sir,

Adverting to my letter No. 2995, dated the 21st May, 1894, I am directed to forward, for favour of disposal by the Government of India, an application dated the 9th April, 1894, from Essoofally Mahomedally & Co., for a license to import from Goa into Bombay 12,150 coils of Fuse.

I have, etc.

No. 3224, dated 31st May, 1894.

Copy to the Revenue Department with reference to the Memorandum from that Department No. 4493, dated the 21st May 1894 and the Memorandum from this Department No. 2996 of the same date.

BOMBAY, POLITICAL DEPARTMENT, 1894,  
VOLUME NO. 24, COMP. NO. 821, PAGE 345

No. 1995-I., dated Simla, the 13th June 1894.

From

A. Williams, Esq., Under-Secretary to the Government of India,  
Foreign Department,

To

The Secretary to the Government of Bombay, Political Department.

With reference to your communications noted in

Letter No. 2995, dated the 21st May 1894. } the margin,  
Letter No. 3223, dated the 31st May 1894. }  
Telegram No. 130-P., dt. the 7th June, 94. } I am directed

to forward, for delivery to (1) Adamally Sultanally and Essufally Muhammadally & Co., of Bombay, licenses for the import from Goa into Bombay of 8,000 lb. of dynamite and 12,150 coils of fuse respectively.

2. The fee leviable in respect of a license granted for the import of arms or ammunition into a British port is Rs. 10, and I am to request that that amount may be recovered from Adamally Sultanally before their license is delivered to them. The application from Essufally Muhammadally & Co., was written on stamped paper of the value of Rs. 5 only, and further sum of Rs. 5 should therefore also be recovered from that firm. I am further to request that column No. 2 in the license for Messrs. Adamally Sultanally may be filled in by the Bombay Government as the Government of India have not been favoured with the necessary information to enable them to do this.

## Annex F. No. 74

BOMBAY POLITICAL DEPARTMENT 1913  
VOLUME 38, COMPILATION NO. 1614

CONSULADO GERAL DE PORTUGAL  
NA INDIA BRITANICA.

Bombay, 11th August 1913.

The Secretary to Government,  
Political Department,  
Bombay.

Sir,

The Portuguese Government, in order to meet an urgent requisition of the Government Hospital at Diu, have sent 5 cases containing sulphur and other medicines to Diu via Bombay. It appears that according the regulations in force, a special licence passed by the Commissioner of Police is required in order to get the clearance of those cases; and the said medicines are required at Diu very urgently on account of plague, I should feel highly obliged to you if you kindly instruct the Commissioner of Police to grant that licence urgently.

I have the honour to be,  
Sir,

Your most obedient servant,

(Signed) Consul General for Portugal.

CONSULADO GERAL DE PORTUGAL  
NA INDIA BRITANICA.

Bombay, 19th August 1913.

The Secretary to Government,  
Political Department,  
Bombay.

Sir,

In addition to my last letter I have the honour to inform that the Police Commissioner advises me to get two licences one for import and the other for export of the five cases of sulphur weighing at present ten indian maunds and not Pounds as stated in my previous letter, sent by the Government of Goa in order to meet an urgent requisition of the Government Hospital at Diu, and as the licence passed for the export is by sea I herewith return<sup>1</sup> it to you and request to be kind enough to pass both the required licences for the said cases from Bombay to Viravol by rail and from there to Diu by road.

Thanking in anticipation.

I have the honour to be,  
Sir,

Your most obedient servant,

(Signed) Consul General.

<sup>1</sup> Destroyed.

*Submitted.*

The Consul was granted a license to send the consignment of sulphur to Diu by sea (vide precedent at p. 9 of Cn. 677/12). But he has subsequently ascertained that no steamers ply between Bombay and Diu in this season and has applied for a fresh license to send the consignment by land. If the consignment is allowed to be sent by land then 2 licenses will have to be granted viz one to import the consignment into Bombay and the other to export it out of Bombay. Attention is invited to Rule 7 of the Indian Arms Rules under which a license cannot be granted to import from Portuguese India any arms ammunition or military stores except explosives required for blasting purposes. Sulphur comes under the definition "military stores". In view of this rule it does not seem to be within the competency of this Govt. to grant the licenses required by the Consul. But as the sulphur is required for medicinal purposes perhaps the Consul's application may be forwarded for the order of the G. of I. and the Consul informed accordingly.

(Intd.)

20/8.

The license issued to the Consul General for the export of 6 maunds of sulphur by sea to Diu may be cancelled and the Commr. of Police, Bombay, and the A. G. Kathi, and Collr. of Customs, Bombay, informed.

A draft letter to the G. of I. with f.c. is put up. It may be issued from Poona to save time.

(Intd.)

20/8.

(Submitted thro' J.D.)

Seen in J.D.

(Intd.)

20/8 21/8/13.

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No. 128P.

POLITICAL DEPARTMENT.

B.C., 22nd August 1913.

To

The Secy to the G. of India  
Foreign Department.

Sir,

I am directed to inform you that the Govt. of Portuguese India have forwarded from Goa to Bombay *en route* to Diu 5 cases containing 10 maunds of Sulphur for urgent use in the Govt. hospital at Diu, and that Consul General for Portugal has requested that he may be granted the necessary licenses as early as possible authorising the importation of the sulphur into Bombay and its export by rail to Diu. The importation of the sulphur into British India from Portuguese territory is prohibited under Rule 7 of the Indian Arms Rules, 1909, as the quantity exceeds the limit prescribed by the Bo. Govt. in their Not. No. 4574 dt. the 20.6.12 J.D. But as in the present case the sulphur is required

solely for medicinal purposes owing to an outbreak of plague at Diu, I am to request that the G. of I. may be moved to accord very early sanction to the importation of the sulphur into British India.

I have, etc.

O.C. (*Signed*)  
Secretary to Government.

No. 1400.

From

C. W. E. Cotton, Esq.,  
Deputy Secretary to the Government of India,

To

The Secretary to the Government of Bombay,  
Political Department.

Home Department  
(Judicial).

Simla, the 4th September 1913.

Sir,

Addressed to the  
Foreign Depart-  
ment

In reply to your letter no. 128-P., dated the August 1913, I am directed to say that the Government of India sanction the importation by the Consul General for Portugal into British India from Portuguese India of 10 maunds of sulphur required for use in the Government Hospital at Diu.

I have the honour to be,

Sir,

Your most obedient servant.

(*Signed*) C. W. E. COTTON,  
Deputy Secretary to the Government of India.

## Annex F. No. 75

BOMBAY POLITICAL DEPARTMENT 1913 VOLUME 38. COMPILATION  
No. 1636

CONSULADO GERAL DE PORTUGAL  
NA INDIA INGLEZA.

*Duplicate.*

Bombay, 29th July 1913.

The Secretary to Government,  
Political Department,  
Bombay.

Sir,

I have the honour to bring to your notice that Mr. Goncalo Cabral, Captain of Engineers of Portuguese army has sent with Mr. Mahadeo Bobo and Caculo one double-barrel 12 bore breech loading hammerless gun, by A. Francotte, No. 36686, to Messrs. Hollis and Son for repairs. and to beg you to forward the necessary orders to the competent authorities so that the gun may be sent to Bombay to me.

The said gun was kept by the British Custom authorities at Castle Rock.

Thanking in anticipation,

I have the honour to be,

Sir,

Your most obedient servant,

*(Signed)*

Consul-General.

Submitted.

The present application involves the issue of an import license in favour of the Consul Genl. In this connection attention is invited to Rule 7 of the Arms Rules which prohibits the import of arms ammunition or military stores (with the <sup>1</sup> exception of explosives required for bona fide blasting purposes) from Port. India. Following, however, the precedent dealt with in P.D. letter No. 3348 dated 17/4/12 <sup>2</sup> the G. of I. may be asked to sanction the issue of a license in Form II. When sanction is received the Comr. of Police, Bombay, may be instructed to issue the necessary import license. In view of the delay caused by the previous letter of the Consul having been mislaid the sanction of the G. of I. may be obtained by wire.

*(Intd.)*

15/9. (Thro' J.D.)

Seen in J.D.

*(Intd.)*

15/9.

<sup>1</sup> P. 31 of Cn. 68/11.

<sup>2</sup> P. 305/12.



R.I. 8189

POLITICAL DEPARTMENT  
STATE TELEGRAM

No. 5467,

Dated 16th September 1913.

From

Bombay Political

From

Bombay

To

Foreign

To

Simla.

Consul Genl. for Portugal has applied for license to import into Bombay from Goa for repairs a double-barrel 12 bore hammerless gun, No. 36686, by A. Francotte, which has been detained by Customs at Castle Rock. Request, with reference to rule 7 of the Indian Arms Rules, sanction by wire to issue of license.

O.C. (*Signed*)

For Secretary to Govt.

POLITICAL DEPARTMENT  
STATE TELEGRAM

No. ,

Dated 19 Sepr. 1913.

From

Bombay Political

From

Poona

To

Bombay Political

To

Bombay.

Following telegram 1530 Judicial 18th instant received from Home, Simla. Begins:—Your telegram 5467 16th Sepr. addressed to Foreign Govt. of India. Sanction import by Consul Genl. Portugal of 12 bore double barrel hammerless gun from Goa into Bombay for repairs. Ends.

True copy.

(*Signed*)

Superintendent.

**Annex F. No. 76**MINISTRY OF EXTERNAL AFFAIRS.  
NEW DELHI.

The 23rd June, 1949.

## AIDE MEMOIRE

By an arrangement arrived at in 1944 the export of rice and other local produce from Nagar Aveli (an enclave of Portuguese territory in Surat District) to Daman is being allowed across Indian Union territory on the strength of permits issued by the Bombay Government. Permits are granted on the basis of certificates issued by the Administrator of Nagar Aveli Pargana stating that the items covered by them are the produce of Portuguese territories.

2. An examination of the permits issued by the Bombay Government during 1948 shows that large quantities of jowar were transported from Nagar Aveli Pargana to Daman during that year. As Nagar Aveli Pargana is a rice growing area and has probably little or no land under jowar cultivation, the jowar in question must have been obtained through illegal channels from adjacent areas of the Bombay Presidency. An examination of the samples of the jowar exported from Nagar Aveli to Daman confirms this view as the jowar in question appear to have been of the variety grown in the Sholapur or Khandesh districts of the Bombay Presidency. A similar suspicion has arisen about the pulses which also were allowed to be exported from Nagar Aveli Pargana to Daman across Indian Union territory. Investigations made by the Bombay police confirm the above suspicion.

3. As the arrangements arrived at in 1944 regarding export of food-grains from Nagar Aveli Pargana to Daman appear to have been mis-used, the Government of Bombay wish to terminate the agreement unless suitable action could immediately be taken by the local Portuguese authorities to prevent such illegal exports in future. The Government of India would be grateful for an early reply on the action taken in this matter.

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LEGATION OF PORTUGAL, NEW DELHI.

Proc. 6, 8.

25th July 1949.

No. 81.

[See Annex C No. 72, Vol. I, pp. 544-545.]

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LEGACAO DE PORTUGAL  
NOVA DELHI

## MEMORANDUM

The "Concelho" of Nagar-Aveli is also a producer, other than rice, of "jowar" and other cereals and vegetables, although in small quantities.

The consignments of such foodstuffs to Daman, when produced in Nagar-Aveli, are covered by the agreement of 1944, whose provisions the Portuguese authorities have always done their best to respect and fulfil.

During the year of 1948, a certain scarcity of rice was felt in Nagar-Aveli, on account of the illegal consignments of it made in large scale to the neighbouring territories, where the policy of decontrolling had just been applied with a consequent rise in prices. Owing to that scarcity, these other cereals and vegetables were in greater demand in Nagar-Aveli, and their prices rose above the normal, what might have induced foreign marketmen to bring them in small quantities for sale in the markets of Nagar-Aveli.

Considering that the "jowar" and other vegetables brought in under these conditions from the neighbouring territories were in fact identical to those produced in Nagar-Aveli, and that it was difficult to differentiate them, the Portuguese authorities might have easily been induced to believe that they were a produce of the territory.

However, as soon as the matter was clarified, instructions were given to the authorities concerned in order to avoid similar occurrences in the future. No such infractions were verified in the current year, and, with the measures taken, it is very improbable they might be repeated.

Delhi, July 25, 1949.

GOVERNMENT OF INDIA,  
MINISTRY OF EXTERNAL AFFAIRS

Dated the 13th August, 1949.

The Ministry of External Affairs present their compliments to the Legation of Portugal in India, and have the honour to acknowledge receipt their note dated July 25th, 1949, enclosing a Memorandum by the Governor of the Portuguese District of Daman regarding the export and import of foodgrains into Nagar Aveli Pargana.

The Government of India have taken note of the Memorandum of the Governor of the Portuguese District of Daman and are examining it in consultation with the Provincial authorities concerned.

With reference to the difficulties of supply encountered in Nagar Aveli, attention is drawn to the fact that the Government of India have, through their Consul General, already suggested to the Portuguese India Government that in order to obviate customs and similar difficulties in regard to the supply of controlled commodities from the Indian Union, the best procedure would be to fix separate quotas for Daman

proper and Nagar Aveli Pargana and to arrange for the quota for the latter to be sent direct to Silvassa via Daman railway station, so that they do not pass through Daman proper. No reply has so far been received from the Portuguese India Government. The Consul General for India in Goa is being requested to discuss the matter with the local authorities.

Ministry of E. A.

Legation of Portugal in India,  
New Delhi.

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GOVERNMENT OF INDIA,  
New Delhi.

November 16, 1949.

[See Annex 21 to Memorial, Vol. I, p. 54.]

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COPY OF LETTER NO. 354/II DATED 21ST/22ND MAY, 1953 FROM THE SECRETARY TO THE GOVT. OF BOMBAY, CIVIL SUPPLIES DEPT. BOMBAY, TO THE SECY TO THE GOVT. OF INDIA, MINISTRY OF FOOD, NEW DELHI

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Sub.:—Movement of Foodgrains from one Part of Portuguese territory to Another.

I am directed to invite a reference to this Department letter No. 354/744/II, dated 22nd February 1951, in which the Government of India had been informed that this Government had no objection to continue the practice of moving foodgrains from Selvassa Portuguese territory to the Daman side of that territory across the intervening strip of this State in accordance with the permits issued by the local Portuguese authorities. Before that view was communicated to the Government of India, enquiries had been made to find out whether the Portuguese authorities were on the whole honouring the agreement which existed between them and the Government of India to the effect that only the genuine produce of one side of the Portuguese territory would be allowed to be transported to the other under permits of the local officers. It had then been found that there was not large illegitimate movement between the two parts of Portuguese Daman, and this was probably due to the fact that there was rigid control on the internal movement of the main cereal grains within this State. The movement of even a small quantity of these grains from one village to another was required to be done under a permit of the Village or Taluka Officer of District Magistrate.

2. Since the introduction of decontrol of millets in December 1952, however, it has come to Government's notice that large quantities of jowar have again started moving from Selvassa side to Daman under the Portuguese authorities' Permits in the same way as happened during the

earlier period of decontrol in 1948. The enclosed statement shows at a glance how the exports of jowar in particular have mounted up since December 1952 and how steep the rise has been, compared to similar figures during the control years. Considering that no jowar is produced anywhere in Thana District, within which Selvasa area is a small island, it is doubtful whether any substantial quantities of jowar could in fact be produced in Selvasa area; in any event there is apparently no justification for the export of such large quantities of jowar as have moved recently from there to Daman under the local authorities' permits.

3. This spurt in movement would, it is felt, only indicate that the Portuguese authorities are no longer faithfully abiding by the terms of the agreement which requires them to allow transport only in respect of locally produced grains. It is considered that most of the jowar that has moved must have been the produce of areas other than Selvasa and must have come into Selvasa from the neighbouring parts of Bombay State. Similarly as regards paddy, it will be seen from the enclosed statement that large quantities are being exported across the Bombay State strip, and this has happened not only during the period of decontrol in 1948 but has been happening even in the subsequent years.

4. The quantities moved every year in the recent past are so large as to raise a reasonable doubt about their being the genuine surplus of the small Portuguese area in Selvasa. These movements would appear to constitute a violation of the term on which movement was allowed in this case in the past and it is, therefore, suggested that the Portuguese authorities may be put on their guard again against continuing such breaches, under pain of cancellation of the facility which they have been allowed to enjoy. Over and above whatever quantities are moved under Permits, unauthorized movements are also probably taking place with the result that this State is being drained of substantial food resources which ultimately find their way through Daman to Goa and elsewhere. No amount of vigilance that the Police or Customs staff are asked to exercise would eliminate this evil, unless the Portuguese authorities offer the fullest co-operation for ensuring that the spirit of the agreement is honoured in practice. This Government is issuing orders to the local officers to keep the situation under continuous surveillance and if the present drain is maintained, the Government of Bombay would be compelled to recommend termination of the agreement, but at this stage it is suggested that the Portuguese local authorities at Daman may be apprised of the situation referred to in this letter and requested to adopt such measures as they think fit.

Yours faithfully,

(G. V. BEDEKAR)

Secretary to the Government of Bombay,  
Civil Supplies Department,  
Bombay.

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## STATEMENT SHOWING THE INFORMATION REGARDING FOODGRAINS TRANSPORTED FROM PORTUGUESE TERRITORY TO DAMAN VIA CHHALA CUSTOMS CHOWKY

(Figures in tons)

MONTHS	JOWAR						RICE					
	1948	1949	1950	1951	1952	1953	1948	1949	1950	1951	1952	1953
January	1.7	6.5	5.5	0.7	6.2	31.7	43.9	14.6	19.3	22.3	40.3	157.2
February	1.2	0.9	0.7	0.1	3.8	35.8	12.9	68.5	9.3	78.8	92.1	212.6
March	4.7	4.7	1.5	0.6	5.4	—	183.5	370.0	287.2	216.5	130.4	—
April	3.9	0.1	1.8	0.8	2.6	—	134.1	189.7	349.6	193.1	54.5	—
May	5.8	0.3	0.2	1.1	0.2	—	111.1	221.4	227.3	158.2	49.2	—
June	44.4	1.9	1.8	12.9	0.2	—	82.6	166.6	114.7	98.4	22.0	—
July	4.7	—	1.7	9.8	10.6	—	13.6	538.9	14.0	2.1	14.1	—
August	7.8	0.6	0.1	—	1.1	—	9.4	22.8	31.3	6.7	6.0	—
September	11.7	0.3	1	—	0.1	—	37.2	12.6	18.7	5.8	6.1	—
October	14.0	0.1	—	—	0.3	—	7.2	9.4	22.0	0.2	30.6	—
November	19.2	0.1	0.1	6.0	4.1	—	18.1	5.4	40.1	36.7	12.2	—
December	8.1	1.6	0.8	8.2	18.4	—	—	19.3	19.6	28.6	96.0	—
Total:	127.2	17.1	15.2	40.2	53.0	67.5	653.6	1639.2	1153.1	847.4	543.5	369.8

No. D. 3278-Eur. 1/53.

Dated the 14 July, 1953.

The Ministry of External Affairs present their compliments to the Legation of Portugal in India and with reference to this Ministry's note No. D. 3122-Eur. 1/49, dated the 16th November, 1949, regarding the arrangements for the transit of goods between Nagar-Aveli and Daman, have the honour to state as follows:—

2. Since the introduction of the decontrol of millets in the Bombay State, in December, 1952, it has come to the notice of the Government of India that large quantities of jowar had started moving from Silvassa side to Daman under the Portuguese authorities' permits. Considering that no jowar is produced any-where in the Thana District, within which the Silvassa area is a small pocket, it is doubtful whether any substantial quantities of jowar could in fact be produced in Silvassa itself. The same is the case regarding paddy, large quantities of which are being exported across the Bombay State territory between Nagar-Aveli and Daman; and this has happened not only during the period of decontrol in 1948 but has been happening even in the subsequent years.

3. The quantities of food-grains moved every year in the recent past are so large as to raise a reasonable doubt about their being the genuine surplus of the small Portuguese area in Silvassa. It is abundantly clear that most of the jowar and rice that has moved to Daman, under permits issued by the Portuguese authorities, have been the produce of areas other than Silvassa and must have come into that territory from the neighbouring parts of Bombay State. This spurt in movement would, it is felt, only indicate that the Portuguese authorities are no longer abiding by the terms of the agreement which require them to allow transport only in respect of locally produced grains. This large movement of foodgrains would therefore constitute a violation of the terms on which movement of foodgrains was allowed in the past and the Government of

India are constrained to enter their strong protest and to state that, unless the issue of permits are restricted to the foodgrains actually produced in that Portuguese territory and in surplus of their requirements, the Government of India will be obliged to terminate the agreement and take such appropriate measures to put an end to this illegal trade in food-grains.

The Ministry of External Affairs take this opportunity to renew to the Portuguese Legation the assurances of their highest consideration.

The Legation of Portugal in India,  
New Delhi.

Annex F. No. 77

No. D. 3082-Eur-I/50.

Dated the 15th June, 1950.

*[See Annex 23 to Memorial, Vol. I, pp. 55-56.]*

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LEGATION OF PORTUGAL,  
NEW DELHI

Delhi, 22nd August, 1950.

No. 125.

Proc. 8,3.

*[See Annex 27 to Memorial, Vol. I, p. 59.]*

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LEGATION OF PORTUGAL,  
NEW DELHI

Delhi, 8th August, 1950.

No. 119.

Proc. 8,3.

*[See Annex 26 to Memorial, Vol. I, pp. 58-59.]*

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NO. F.5(15)—EUR.I/50.

GOVERNMENT OF INDIA,  
MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 28th August, 1950.

*[See Annex 28 to Memorial, Vol. I, p. 60.]*

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## Annex F. No. 78

LEGATION OF PORTUGAL,  
NEW DELHI

Proc. 6,3.

No. 76.

The Legation of Portugal present their compliments to the Ministry of External Affairs and has the honour to state that the Portuguese authorities at Damao are very anxious for the salt manufactured in that District to be exported to Indian Dominion territory and to the Portuguese territory of Nagar-Aveli, through the Challa Custom House at Vapi. Pending a decision on the exports to Indian territory, the Damao authorities would like to be able to export at least, in the near future, salt to Nagar-Aveli for the consumption of the Population of that Taluka.

Damao's salt could enter Indian territory many years ago, and the prohibition on its importation came after the imposition of a tax on the salt manufactured in India, tax that, it is understood, the Indian Government have now abolished.

It is to be pointed out that salt manufactured in Goa is, at present, allowed to enter the neighbouring Indian Dominion territories through Castle Rock.

As it appears from the correspondence exchanged between the Governor of Damao and the Deputy Salt Controller, at Bombay, of which copy is enclosed, the matter has been referred to and is now waiting the decision of the Salt Controller for India, New Delhi.

The Portuguese Legation venture to request the good offices of the Ministry on this matter, with the hope that a favourable consideration may be given to it by the Indian authorities concerned. For this the Legation wish to express their best thanks in anticipation.

Delhi, 15th July, 1949.

The Ministry of External Affairs,  
New Delhi.

—————  
(COPIES)

LEGATION OF PORTUGAL,  
NEW DELHI

*Letter No. 1.400/46, of 17.6.1949, from the Damao Government to the Deputy Salt Controller, Bombay.*

"I have the honour to give down the copies of the letters No. 1.147/33, dated the 17th May 1949 of this Government addressed to the Collector of Central Excise, Bombay, and No. V(b)-8(128)-Cus/49, dated the 4th June 1949 from the Collector of Central Excise, Bombay, addressed to this Government, and to request your good offices in the matter so that our salt may be exported to Nagar-Aveli (Portuguese territory) and to Indian Dominion:—

*Letter No. 1147/33, of 17.5.1949, from the Damao Government.*

"As presently there is no control on salt in Indian Dominion territories, and as Damao has possibilities to produce salt in large scale, sufficient for its own consumption and for export, I come to request your good offices so that to allow the salt produce in Damao to be exported to Indian Dominion territories and to the Portuguese territory of Nagar-Aveli, through the Challa Custom House at Vapi, as we were allowed to long years ago and as it is presently the case with Goa salt, which is allowed to be exported into the neighbouring Indian Dominion territories through Castle Rock.

"In the meanwhile, i.e., until the case of exportation of salt to Indian Dominion territories is decided, I am sure you will kindly take the necessary steps so that we may at least send our salt to the Portuguese territory of Nagar-Aveli, for the consumption of the population of that Taluka.

"Awaiting a favourable reply at your earliest convenience, I anticipate my sincere thanks and remain, ..."

*Letter No. V(b)-8(128)-Cus/49, of 4.6.1949, from the Collector of Central Excise, Bombay:*

"Please refer to your letter No. 1147/33, dated the 17th May 1949:

"2. Importation of Daman salt into India Dominion is prohibited by the Government of India. I am however taking up this matter with the Government of India, and will make a further communication to you as soon as necessary orders from the Government of India are received by me."

*Letter No. S/II-315/49, of 25.6.1949, from the Deputy Salt Controller:*

Ref: Your letter No. 1.400/46, dt. 17.6.1949:

"The question as to whether salt manufactured in Daman can be allowed to be imported into the Indian territory or to the Portuguese territory of Nagar-Aveli through the Challa Custom House at Vapi has been referred to the Salt Controller for India New Delhi, and his orders are awaited. I will make a further communication to you on receipt of his orders."

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NO. D.4024-EUR.I/49

GOVERNMENT OF INDIA,  
MINISTRY OF EXTERNAL AFFAIRS

Dated, New Delhi, the 1.12.1949.

The Ministry of External Affairs present their compliments to the Portuguese Legation in India and with reference to their note No. Proc. 6,3 No. 76, dated the 15th July 1949, have the honour to state that the Government of India have cancelled their notification No. 475-S.R., dated the 25th January 1895 prohibiting the import into British India by land of Daman salt vide their notification No. 54, dated the 29th October (copy enclosed).

Daman salt can therefore now be exported to India.

The Legation of Portugal in  
India, Maiden's Hotel, Delhi.

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## Annex F. No. 79

GENERAL GOVERNMENT  
CABINET DEPARTMENT

No. 14/6.  
Case No.  
Issue No. 82.

Nova Goa, 20th January 1941.

To

The Chief Secretary to the Government of Bombay,  
Political and Services Department, Bombay.

Most Excellent Sir,

His Excellency the Governor General directs me to request your good offices in the sense of what follows:—

1. The road which joins Damaun to Silvassa and which crosses the British territory of Dadra is impassable, at times, during the monsoon season, owing to the lack of aqueducts over passages in which water accumulates up to the navel in the region of Lawacha, 7 miles and 4.5 furlongs from Vapi, and over passages in which water accumulates up to the head in the same region, 7 miles and 6.5 furlongs from that same locality.

These are being considered construction works relatively simple, but of utmost importance to us in order that the communications between the seat of Government—Damaun—and Silvassa may be permanently secured. The Govt. of Portuguese India, owing to the interest which it has in them would desire to collaborate in their execution, also contributing towards the expenses which they might involve.

2. The road that emerges from "Damao Grande" and ends at Tanai-padi, Portuguese frontier, has no continuation in British territory, which may give it access to the Railway Station of Karambel and which by stretching as far as the frontier of Nagar Aveli may connect it with the road which goes by Noroli to Silvassa.

The Government of Bombay objected, some time past, when a request was made to it for the construction of this connection, that it would not have been useful as long as the Portuguese roads mentioned above were not in conditions of safe transit. These roads are to-day, owing to works of macadamisation and crossings over water passages executed over them passable in any season.

3. Another want keenly felt is that of the construction of a small length of road which may join the Portuguese road, that passes by Kerdi, in the territory of Nagar-Aveli, and touches the frontier, with the people of Udva on the road which goes from Bombay to Vapi, facilitating access to the Railway Station of Sanjan.

The Portuguese road is in conditions of permanent transit.

Although the connections about which I speak interest the Portuguese Government, they cannot help being of interest also to the Government of Bombay owing to the facility which they would create in the way of access to the Railway Stations mentioned and consequently to its traffic.

The Government of the State of Portuguese India renews the request for the construction of these lengths of roads which in the attached plan are indicated by a tracing marked green and expects your offices so that it may be complied with by the Government of Bombay.

Please accept the assurances of my regard.

(Signed) A. DELDUQUE DA COSTA,  
Major,  
Chief of the Cabinet.

No. 5153/36-C.

PUBLIC WORKS DEPARTMENT,  
Bombay Castle, 12th December 1941.

From

C. E. Aitken, Esquire, C.I.E., I.S.E.,  
Secretary to the Government of Bombay,  
Public Works Department,

To

The Secretary to the Government of India,  
External Affairs Department.

Subject: Daman Silvasa Road.

Sir,

I am directed to state that the Portuguese Government has requested this Government to construct or improve the following roads in British territory marked green in the plan in order that communications between the seat of the Portuguese Government—Daman and Silvasa—may be permanently secured. Owing to the interest which the Portuguese Government has in these communications that Government desires to collaborate in the execution of these works and also to contribute towards the expenses which they might involve. In this connection a copy of the Portuguese Government, Cabinet Department letter No. 14/6, dated the 20th January 1941, and the plan therein referred to are enclosed with a note that the plan may be returned with the reply.

2. *Vapi Lavacha Road.* The Portuguese Government desires that suitable cross drainage works over the two nallas in miles 7/5 and 7/7 estimated to cost Rs. 11,000 may be constructed. This Govt. considers that the Portuguese Government should pay Rs. 6,900 inclusive of all charges for the work in question.

*Daman Silvasa Road.* Out of the total length of this proposed road, a length of 7 miles is in British territory. It is suggested that this length should be constructed by this Government. The cost of constructing it including the cross drainage works and land compensation is approximately Rs. 2,22,200 inclusive of all charges. This length runs through unimportant British villages and this Government is not interested in its construction. The work will, however, be undertaken by this Government, provided the whole cost of its construction and maintenance is borne by the Portuguese Government.

*Road from Kerdi to Udhwas.* This link will be constructed by this

Government at an estimated cost of Rs. 13,000 out of its funds, provided the Portuguese Govt. guarantees to maintain the further road lying in its territory in a condition for safe transit.

I am further to state that the sovereignty, jurisdiction and control in respect of the works in British India will vest exclusively in the British Government.

3. In the circumstances I am to request that the matter may be placed before the Government of India and this Government informed whether the works should be undertaken on the conditions mentioned above. I am to add that the costs of the works mentioned above are extremely rough and may be exceeded substantially on account of war conditions.

I have the honour to be,

Sir,

Your most obedient servant.

(Signed)

Secretary to the Government of Bombay,  
Public Works Department.

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GOVERNMENT OF INDIA,  
MINISTRY OF EXTERNAL AFFAIRS

No. 6603-X/42.

Dated New Delhi the 5th August, 1942.

To

The Secretary to the Government of Bombay,  
Public Works Department.

Subject: Daman Silvasa Road.

Sir,

I am directed to refer to your letter No. 5153/36-C., dated the 12th December 1941, and to say that the Government of India have no objection to the Government of Bombay undertaking the following two projects on the conditions, the Provincial Government have specified:

- (i) the bridging of two streams on the Vapi-Silvasa Road;
- (ii) The construction of the 7 miles of road in British territory linking the Daman-Silvasa Road.

2. The proposed link road from Kerdi to Udhvas is still under consideration; a further communication will be addressed to you in this matter as soon as possible.

3. The plan forwarded with your letter under reply is returned herewith.

I have, etc.,

(Signed) L. A. C. FREP,  
Under Secretary.

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GOVERNMENT OF INDIA,  
MINISTRY OF EXTERNAL AFFAIRS

No. 5508-X/43.

New Delhi, the 17.6.1943.

To

The Secretary to the  
Government of Bombay,  
Public Works Department.

Subject: Construction of a road from Kerdi to Udhwa.

Sir,

I am directed to refer to your letter No. 5153/36-C., dated the 31st March 1943, and to say that in view of the present policy of Government to restrict execution of works to proposals of an inescapable nature, the Government of India consider that the construction of the road in question should be postponed for the duration of the war.

2. I am to add that construction of the other two projects agreed to in the letter from the Government of India in the E.A. Dept. No. 6603-X/42 dated the 5.8.1942, should also be postponed for the duration of war, if construction has not already commenced.

I have, etc.,  
(Signed) Illegible,  
Deputy Secretary. (II).

SERVICE OF THE REPUBLIC.  
GENERAL DEPARTMENT (CABINET DEPARTMENT)

No. 216/G.

Case No. 5/941/15.

Issue No. 787.

Nova-Goa, 27th May 1943.

To

The Chief Secretary to the Government of Bombay,  
Political and Services Department, Bombay.

Most Excellent Sir,

With reference to your letter No. 5154/36-C.P.W.D. of the 19th April 1943, His Excellency the Governor General directs me to inform you that he agrees that this Government should contribute a sum of Rs. 7,000/— (Seven thousand rupees) towards the construction of two aqueducts at points from miles 7/5 and 7/7 of the Vapi-Lavacha road, as also with the view point expressed in paragraph 3 of the same letter.

2. It is to be appreciated that (the question of) the construction of the road from Kerdi to Udva is to be considered.

Please accept the assurance of my highest regard.

(Signed) Fernando PAES,  
Captain,  
Chief of the Cabinet.

Copy of Government Letter, Political and Services Dept. No. 5153/36-C(P.W.D.), dated the 23rd July 1943, addressed to the Chief of the Cabinet, Government of Portuguese India, Nova Goa, regarding Daman Silvasa Road.

*[See Annex 102 to Reply, Vol. II, p. 728.]*

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EXTRACT FROM A LETTER NO. 3990/PP/22 DATED THE 5th SEPTEMBER, 1946, FROM HM'S CONSUL GENERAL IN THE FRENCH EST. IN INDIA

5. His Excellency (Captain Joao Feya Faque, Governor of Daman) requested me to move my Government in respect of the construction of a culvert at mile 7.7 on the road to Silvasa from Wapi (Daman Road Railway station). He pointed out that almost all the firewood from the forest went to British India, especially Bombay, and that the nullah in question frequently floods in the South West Monsoon to a depth of 10 feet or more and being a narrow gorge the floods did not run off quickly. Traffic was thus blocked and both Portuguese and Indian territories suffered. I inspected the site and what was said appeared obviously correct. I suggest therefore that if the External Affairs Department deems fit, the Government of Bombay might be addressed in suitable terms. The cost would be negligible in view of the traffic involved. Needless to say the site in question is in British India.

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No. DSR/48.

Consulate for India,  
Goa, 24th September, 1948.

*[See Annex 103 to Reply of Portugal, Vol. II, p. 729.]*

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COPY IN TRANSLATION OF THE LETTER NO. 478/G, OF 5th JULY 1950,  
FROM THE CHIEF OF CABINET, GOA

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With reference to the matter recently dealt with in your letter No. XIII/2-853, of 4th May, 1950, I have the honour to inform that this Government is agreeable to contributing the sum of Rs. 21,100/— (Rupees twenty one thousand and one hundred only) mentioned in your letter No. D.S.R./48, of 24th September 1948, for the construction of two aqueducts across the streams of Duty and Kesali, in the region of Lavacha, on the road which connects Daman and Silvasa, in accordance with its proposal as contained in its letter No. 14/G, of 20th January 1941, addressed to the Chief Secretary of the Government of Bombay (Political and Services Department).

Please accept, Sir, etc.

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No. XIII/2-794.

28th March 1952.

The Chief of Cabinet  
Goa.

Subject:—Road from Wapi to Silvassa (Daman Road  
Railway Station)—Constructing Culverts  
at miles No. 7/5 and 7/7.

Sir,

I have the honour to refer to your letter No. 478/G, dated the 5th July 1950 and to state that the amount of the share viz. Rs. 21,100/— of Portuguese-Indian Government, in the cost of the above work, as previously reported, was based on the estimates prepared in the year 1948, based on the then prevailing rates. These estimates have since been revised in the light of the current rates. The revised estimates are as under:—

- |   |              |
|---|--------------|
| 1) Constructing a culvert in mile No. 7/5 . . . . . | Rs. 25,941/— |
| 2) Constructing culverts in mile No. 7/7 . . . . .  | Rs. 24,509/— |

Due to this increase in the cost of the work, the share of the Portuguese India Government has risen to Rs. 28,553/— (Rs. 21,896/— representing half the cost of the work plus Rs. 6,657/— centage charges).

2. This Consulate General may kindly be informed whether the Portuguese-India Government is willing to contribute their share of the cost of the work.

Please accept, Sir, the assurances of my high consideration.

(Signed) Illegible,  
Consul General for India, Goa.

CONFIDENTIAL.

No. 190.

Proc. No. B-II.

Goa, 25th August, 1953.

Reference your letter No. XIII/2-5740 dt. 22nd June 1953.

Directed by H.E. the Governor General, I have the honour to inform you that this Government agrees in contributing with a sum of Rs. 28,553/— for the construction of the aqueduct on the road from Wapi to Silvassa, referred to in your letter No. XIII/2-794, dated the 28th March 1952. I am, therefore, writing to day to solicit from the Consul General of Portugal, Bombay, the payment of the above amount to the authorities appointed by the Government of India for the purpose.

I take this opportunity to renew, with my best compliments, the assurances of my highest consideration.

(Signed)  
The Chief of Cabinet,  
Goa.



Copy of translation of letter No. 8 dated 12.1.54 from the Chief of Cabinet, Goa, to the Consul-General of India, Goa.

In continuation of our confidential letter No. 190 of 25/8/53, I am directed by His Excellency to request that the person to whom the Consulate-General of Portugal in Bombay should hand over the Rs. 28,553/— for the Construction of the culvert Vapi-Silvassa, as mentioned in your letter No. XIII/2-5481 dt. 8/6/53.

Please accept, Sir, the assurances of his highest consideration.

No. XIII/2-4795.  
The Chief of Cabinet,  
Goa.

30th November 1954.

*[See Annex 119 to Reply of Portugal, Vol. II, p. 747.]*

Copy of letter No. Proc. 10-G/55, dated 3rd February 1955, from the Chancellor, In-Charge of the Consulate General for Portuguese, Bombay, to the Chief Secretary to the Government of Bombay, Political and Services Department, Bombay.

*[See Annex 120 to Reply of Portugal, Vol. II, p. 748.]*

## Annex F. No. 80

D. 624 Eur 1/52.

No. 24.

Proc. 15,6.

LEGACAO DE PORTUGAL  
NOVA DELHI

The Legation of Portugal present their compliments to the Ministry of External Affairs and have the honour to request the Ministry's good offices in the following matter.

The territory of Dadra, within the Nagar-Aveli area, Daman district, has not telephonic connections with Daman, which is really inconvenient to the authorities and particularly to the local people, many of whom are Indian citizens who live or work in Silvassa or Dadra.

Dadra is entirely surrounded by Indian Union territory and its distance from Daman is about 8 kilometres (approximately 6 miles). Therefore any telephone connection between Dadra and Daman must necessarily pass through Indian territory.

At present there are telegraphic connections between Silvassa (district of Nagar-Aveli) and Daman which also serve the Indian Union territory lying between *Valpi* and Silvassa. Its maintenance is shared by the relevant services of the Government of Bombay as well as by those of the Government of Portuguese India in their respective areas.

The telephone connection for Dadra might be made either by:—

- 1) using the telegraph poles, which already exist, for the carrying of a telephone wire connecting Dadra with Silvassa

OR

- 2) installing new poles and telephone wire somewhere near the existing poles.

The Government of Portuguese India are ready to supply the wires, the insulators, the telephones and the personnel necessary for the installation and also the poles should new ones be decided on.

In the circumstances the Legation of Portugal would be very grateful if authorization could kindly be obtained from the Indian authorities concerned either to use the existing poles or to instal new ones in the Indian area.

The Legation of Portugal avail themselves of this opportunity to renew the assurance of their highest consideration.

New Delhi, 6th February, 1952.

The Ministry of External Affairs,  
Government of India,  
New Delhi.

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*File No. EI/52/5321/801.*

E. A. MINISTRY

*D. No. 624—Eur. I/52.*

Ministry of Communications may kindly see and let us have material for a reply.

(Signed) Illegible.

Date. 12.2.52.

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POSTS AND TELEGRAPHS DIRECTORATE

*Reference External Affairs Ministry's note dated 12.2.52 at PI/N of their file*

The Portuguese Government wish to link Dadra and Daman telephonically by erecting a line of communication through Indian territory for a distance of about seven miles. It is not the policy of the Indian Government to permit foreign Governments to erect and maintain telecommunication lines in Indian territory. The External Affairs Ministry may kindly decide in the light of the political relations between the two Governments, whether assistance may be given to the Portuguese Government to establish direct telephonic communication between Dadra and Daman.

2. In case the External Affairs Ministry considers that facilities for establishing a telephone line between Dadra and Daman should be provided, the Portuguese Legation may be informed that the Government of India will construct and maintain the portion of the telephone line lying in Indian territory and link it to the lines of the Portuguese Government, provided that a rental of Rs. 200/—per mile per annum is paid to the Government of India by the Portuguese Government. The length of the line in Indian territory will be 7 miles and the rent payable will be approximately Rs. 1,400/— per annum. The Portuguese Government will be required to guarantee to pay the rent for a minimum period of five years so that the Indian P & T Department may not be put to loss in case of early surrender of that circuit.

(Signed)

(Uma SHANKAR)

Director of Telephones.

Tel. No. 42880.

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MINISTRY OF EXTERNAL AFFAIRS.

D.G. P & T u/o No. PHB. 163-I/52 dated the 22nd April 1952.

E. A. MINISTRY

It is for orders whether in view of 'A' in the D.G.P. and T's note above we may or may not accede to the request of the Portuguese Legation.

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## DEPARTMENT/OFFICE

File No.

Serial No.

Draft Letter.

SECRET.

No. D. 624—Eu. I/52. Dated 12.5.52.

To

The Consul-General for India,  
GOA.

Subject: Telephonic Link Between Daman and Dadra.

Sir,

I am directed to forward herewith a copy of a note, No. 24, Proc 15,6 dated the 6th February 1952, from the Portuguese Legation, New Delhi, and u.o. No. PHB-163-I/52, dt. 22.4.52, from the D.G.P. & T., with the request that the Government of India may kindly be favoured with your views regarding the desirability of acceding to the request made by the Portuguese Legation.

(Signed) (Eur).

SECRET

D. 2634 Eur I/52.

No. S-ICG/I40/I46.

CONSULATE GENERAL FOR INDIA,  
GOA.

24th May, 1952.

The Under Secretary to the  
Government of India,  
Ministry of External Affairs,  
New Delhi.

Sub: Telephonic link between Daman &amp; Dadra.

Sir,

I refer to your letter No. D. 624-Eur. I/52, dated the 12th May, 1952, and write to state that the proposal of the Portuguese India authorities to link Dadra and Daman by telephone would appear to be a part of their overall plan—to strengthen internal communications within their own territories primarily for defence purposes. There has been much recent development in telephone links between strategic places in Goa. A wireless transmission system operating within Goa has been installed within the past month. The pleas of the Portuguese India authorities that such a telephone link between Dadra and Daman would primarily assist Indian citizens living and working in Silvassa is not fully borne out by these developments. In this connection, it may be observed that while a radio link has also been established last month between Goa and Lisbon via Mozambique and Angola, the Portuguese India Government have

not so far given attention to the more urgent requirement of a telephone channel between Goa and Bombay, a factor which both Indian and Goan business interests demand.

In these circumstances, I could see no special reason to extend the facility requested. However, I am proposing to investigate the matter further during my next visit to Daman and should a change in this position be necessary, the Ministry will be addressed again. In the meanwhile, I would suggest that the Portuguese Legation may be informed in suitable terms of the negative response to their request.

Yours faithfully,  
(Consul General of India, Goa).

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DEPARTMENT/OFFICE

(4)

File No.  
Serial No.

Draft Memorandum.

No. D. 3140 Eur. I/52. Dated 5.7.52.

To  
The Portuguese Legation,  
New Delhi.

The Ministry of E.A. present their compliments to the Portuguese Legation in India and, with reference to their note No. 24, Proc. 15,6 dated the 6th February 1952, regarding the erection of telephonic link between Daman and Dadra have the honour to say that the question is under consideration.

2. The Ministry take an opportunity to renew the assurances of their highest consideration.

(Signed) Illegible.

Copy, with a copy of the note  
replied to, forwarded to:

- (a) C.G., Goa.
- (b) Legation of India, Lisbon.

(Not to offer  
on the 'O'.)

B.O. etc.

US (Eur).

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SECRET

D. 6048 Eur I/52.

CONSULATE GENERAL OF INDIA,  
GOA.

No. S-ICG/140/380

7th November 1952.

Subject: Telephonic link between Daman and Dadra.

My dear Gupta,

Please refer to the correspondence resting with my letter No. S-ICG/140/146, dated the 24th May, 1952.

While in Daman recently the question of the telephone link between Dadra and Daman was investigated by me. The intention of the local authorities there would appear to be to link Daman to Nagar-Aveli via Dadra and not merely to provide Dadra with any telephone facilities. In Dadra itself there is a small village community who are not likely to require any telephone facilities.

In the letter quoted above, I had reported that considerable emphasis was being placed by the Portuguese authorities on communications throughout their areas. I understood in Nagar Aveli that they have linked up to headquarters of Nagar Aveli (Silvassa) with all the taluka headquarters by a 10 line telephone system. Unfortunately, however, the intervening territory between Nagar Aveli and Daman has made it impossible for them to connect Silvassa with the headquarters of the Governor district, which is Daman. The intention behind the request is therefore obvious.

In the circumstances, there would appear to be no special reason to accede to the request of the Portuguese Legation.

Yours sincerely,  
(Signed) Illegible.

Dr. S. GUPTA, I.F.S.,  
Under Secretary,  
M.E.A., New Delhi.

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S. No. (4) Issue

D. 6048-Eur. I/52 - (5) FR.

In February 1952, the Portuguese Legation approached us with the request that facilities may be given for linking Dadra with Daman by a telephone line. In May last, our Consul General, in his letter at S. No. (3), stated that there was no special reason to accede to the request and promised to investigate and report further after his visit to Daman. Our Consul General, after his visit to Daman, has now reported confirming his earlier view.

As the Portuguese Legation have not raised the issue again, *themselves*, no reply to them appears necessary now, after the lapse of 10 months.

Ministry of Communications may also see.

(Signed) Illegible.  
Dt. 13.12.52.

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## Annex F. No. 81

S. R.

Bombay, 16th, April 1948.

CONSULADO GERAL DE PORTUGAL.  
BOMBAIM.

The Chief Secretary to the Government  
of Bombay, Political and Services  
Department, Bombay.

No. 407.

Proc. 13-D/a/48.

Sir,

At the instance of the Government of Damao I have the honour to request you to be so good as to issue your instructions to the competent authorities to allow free transit, whilst passing through Indian territory, to two armed soldiers who will be accompanying the Shroff of Revenue Office at Nagar-Avely who will be going to Damao with funds to transfer to the Revenue Department at Damao. In view of the urgency your prompt attention will be much appreciated.

Thanking you in anticipation,

Your obedient servant,  
(Signed) Consul for Portugal.  
P.T.O.

P &amp; S. D.

A.

Permission as asked for in the letter overleaf has been granted in the past. (Please see file 3994-II.)  
Draft replies attached may issue.

(Inld.)

23/4.

No. 2768/46/13302A

P &amp; S. D.

B.C. 26th April, 48.

To:

The Consul for Portugal at Bombay.

Sir,

I am directed to acknowledge the receipt of your letter No. 407 (p. 1 ante) Proc. 13-D/a/48 dt. 16/4/48 requesting permission for free transit to two armed soldiers who will be accompanying the Shroff of the Revenue Office at Nagar Avely, through the Indian territory, to Damao and to state that instructions have been issued to the officers concerned for the grant of necessary facilities.

Y.O.S.

O/c (Signed) 23/4/58.

For C.S. to the Govt. of B'bay.

P &amp; S. D.

No. 2768/48/13302A

P &amp; S. D.

B.C. 26th April, 48.

Copy with a copy of the letter under reply, f.w.e. for information and guidance to the undermentioned officers.

By order, etc.

*(Signed)* 23/4/48.

For C.S. etc.

To

The I.G. of Police, Province of Bombay./Poona.  
 The Dy I.G. of Police, C.I.D. Poona.  
 The Collector of Central Excise, B'bay.  
 The Collector of Customs, Bombay.  
 The D.M. Surat.  
 The D.M. Thana.  
 The D.S.P., Surat.  
 The D.S.P., Thana.  
 The Supdt. of Police, BB & CI Railway.

S. R.

Bombay, 23rd. July 1948.

CONSULADO GERAL DE PORTUGAL.  
 BOMBAIM.

The Chief Secretary to the  
 Government of Bombay,  
 Political & Services Deptt.,  
 B o m b a y.

No. 713.

Proc. 13-D/a/48.

Sir,

As desired by the Government of Damao, I have the honour to request you to be so good as to issue the necessary instructions to the competent authorities to allow free transit from Nagar-Avely to Bombay and vice-versa to two armed soldiers who will be escorting the Shroff of the Revenue Department of Nagar-Avely when the latter will be shortly coming to Bombay from Nagar-Avely to deposit funds with the Banco Nacional Ultramarino, Bombay.

I shall be obliged if you will kindly comply with my above request as urgent as possible.

Thanking you in anticipation,

Your most obedient servant,  
*(Signed)* Consul for Portugal.



No. 2768/46/28968-A.

POLITICAL AND SERVICES DEPARTMENT.  
BOMBAY CASTLE, 29TH JULY 1948.

From

M. D. Bhat Esquire., CIE., ICS.,  
Chief Secretary to the Government of Bombay,  
Political and Services Department,

To

The Consul for Portugal at Bombay,  
Bombay.

Sir,

I am directed to acknowledge the receipt of your letters Nos. 710 and 713 Proc. 13-D/a/48 dated the 22nd and 23rd July, 1948, requesting permission for the free transit of three and two armed soldiers who will accompany the Shroffs of the Revenue Departments of Damao and Nagar-Avely respectively, who are coming to Bombay with funds to be deposited with the Banco Nacional Ultramarino, at Bombay and to state that the necessary instructions have been issued to the officers concerned.

Yours faithfully,

(Signed) For Chief Secretary to the  
Government of Bombay,  
Political & Services Department.

*Very Urgent.*

No. 2768/46/28968-A.

POLITICAL AND SERVICES DEPARTMENT.  
BOMBAY CASTLE, 29TH JULY 1948.

Copy with copies of the letters under reply forwarded with compliments for information and guidance to the undermentioned officers in continuation of Government endorsement No. 2768/46/13271-A, dated the 28th April, 1948.

By order of the Governor of Bombay,

(Signed) For Chief Secretary to the  
Govt. of Bombay, Pol. & Services Deptt.

The Inspector General of Police, Province of Bombay, Poona.  
The Deputy Inspector General of Police, C.I.D., Poona.  
The Commissioner of Police, Bombay.  
The Collector of Central Excise, Bombay.  
The Collector of Customs, Bombay.  
The District Magistrate, Surat.  
The District Superintendent of Police, Surat.  
The Superintendent of Police, B.B. & C.I. Railway.

S. R.

CONSULADO GERAL DE PORTUGAL.  
BOMBAIM.

Bombay, 8th April 1949.

The Chief Secretary to the  
Government of Bombay,  
Political and Services Department,  
Bombay.

No. 379.

Proc. 13-D/a/49.

Sir,

As desired by the Government of Damao, I have the honour to request you to be so good as to issue the necessary instructions to competent authorities to allow free transit to two armed soldiers who will be escorting the Shroff of Revenue Department of Nagar Avely when he will be shortly taking funds from Nagar Avely to Damao crossing the Indian territory.

I shall feel obliged if you will kindly expedite the matter as early as possible.

Thanking you in anticipation.

Your obedient servant,  
(Signed) Consul for Portugal.

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No. 2768/46/17504-A.

P.S. & D.

B.C. 13 APRIL 1949.

To

The Consul for Portugal at Bombay.

Sir,

I am directed to acknowledge the receipt of your letter No. 379/Proc. 13-D/a/49, dt. the 8th April 1949, requesting permission for the free transit for two armed soldiers who will be accompanying the Shroff of Revenue Department of Nagar-Avely where he will be taking funds from Nagar-Avely to Damao crossing the Indian territory, and to state that the necessary instructions have been issued to the officers concerned.

Yours faithfully,  
(Signed) For C.S. etc.

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*Very Urgent.*

No. 2768/46/17504-A.

P. & S.D.

B.C. 13 APRIL 1949.

Copy with a copy of the letter replied to f.w.c. for information and guidance to the undermentioned officers in continuation of G.E. P & S.D. No. 2768/46-A, dated the 15th January 1949.

By order, etc.

*(Signed)* For C.S. etc.

To

The I.G.P. Province of Bombay, Poona, The Dy I.G.P., CID, Poona, The C. of P. Bombay, The Collector of Central Excise, Bombay, The Collector of Customs, Bombay, The D.M.? Surat, The D.S.P., Surat, The Supdt. of Police, B.B. & C.I. Rly.

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## Annex F. No. 82

D. O. LETTER No. C/77

GOVERNMENT OF INDIA

*(Salt Revenue, Sea Customs (Outports), Land Customs, Central Excises And Lighthouse Departments, Bombay.)*

OFFICE OF THE COLLECTOR OF SALT REVENUE, BOMBAY

Construction House,  
Wittet Road, Post Box No. 806,  
via Bombay, 1.  
Camp, Castle Rock, 13th June, 1941.

My dear Bremner,

On the afternoon of the 11th June, one of our officers at Castle Rock mentioned to me that a Portuguese Bank Manager had made a scene at the station after the 27 Up train had arrived. Apparently this gentleman had visited British India with a travel permit issued under the Foreigners Act, 1939. But his wife, who was returning from her stay at Bangalore, had no such permit. The Police Officer on duty at Castle Rock referred the matter to Belgaum by telegram. But the reply from Belgaum did not arrive until a few minutes after the 27 Up train had left.

2. On hearing this I decided to enquire into the matter myself and went to the station. I met the gentleman in question—Mr. De Costa, who is at present the Manager of the Banco Nazionale Ultramarino at Panjim, and who was previously in charge of the Bank's branch at Margao for a number of years. Mr. De Costa showed me all his papers and I expressed to him my regret that he should have been inconvenienced. Apparently the trouble was due to the fact that Mrs. De Costa was allowed to cross the frontier either at Anmode or at Castle Rock on the 27th April when travelling by herself. She strikes me as a good looking woman in the early 'thirties' and she seems to speak no English. She has dark hair and dark eyes and might easily pass for a Portuguese Indian subject. This is apparently what happened, as she has no special passport of her own and apparently gave no indication that she was a Portuguese European subject. Consequently her husband does not seem to have taken the trouble to obtain a travel permit under the Foreigners Act for her. But when she was travelling with her husband and the latter produced his Portuguese passport with his wife's photograph upon it, the Customs staff referred the matter to the Police Officer on duty. He quite correctly decided that she could not be allowed to proceed without a travel permit.

3. Mr. De Costa showed me his passport. This was issued in 1934, was valid for two years and had not been renewed. He explained this by the fact that he had had no occasion to leave India since 1934. The photograph of Mrs. De Costa was taken ten years ago and naturally is that of a woman who looks much younger than she does at present. Had I been dealing with the case with no local knowledge, I should certainly have not taken the responsibility of allowing Mrs. De Costa

to pass as being the person whose photograph appeared on her husband's passport.

4. There are one or two things which strike me as a result of this incident. The first is that of the desirability of impressing on all Portuguese European subjects—who have occasion to visit British India—that they must obtain travel permits for themselves, their wives and their children before entering British India. Another is that they should be advised to carry passports which are actually valid. It might also be suggested to them that in war time it is desirable for husbands and wives to carry separate passports. It also strikes me as desirable that our various frontier posts should maintain lists of officials of Portuguese European origin, as well as lists of Portuguese European officials of institutions like the Banco Nazionale Ultramarino. Would it be possible for your office to compile such lists and to inform us of any changes?

We certainly do not want to antagonise our Portuguese European friends by subjecting them to unnecessary inconvenience on the frontiers. But we cannot afford to take risks, particularly as there are a large number of Italian prisoners-of-war, as well as Italian internees of both sexes, who may be attempting to reach Portuguese India.

Yours sincerely,

(Signed)

Jun. 1 1941.

Encl. Nil.

Col. C.E.U. Bremner, M.C.,  
H.B.M.'s Consul,  
Nova Goa.

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**Annex F. No. 83**

From

His Britannic Majesty's Consul in the Portuguese Possessions in India,

To

The Chief of Cabinet,

*Nova Goa.*

Dated Nova Goa, the 28th June 1941.

Subject:—Identity papers on the Goan Frontier.

Sir,

I have the honour to state that during my interview with His Excellency the Governor General on the 21st instant, I invited His Excellency's attention to the inconvenience which was likely to be caused at Castle Rock and other frontier posts to European Portuguese subjects passing to and from Goa territory to British India without the requisite Travel Permits, ordinarily issuable by the British Police authorities.

2. It is appreciated alike by myself and the Police authorities that much inconvenience may be caused to intending passengers of this category, particularly if the object of the journey is of an urgent nature.

3. At the same time it will be appreciated that the exigencies of the War demand considerable precautions and a close scrutiny of the

travelling public, particularly on the frontiers of British India. It is these circumstances that have necessitated the introduction of Travel Permits for all non-British European subjects desiring to travel in British limits.

4. To obviate the inconvenience that is likely to be caused to European Portuguese subjects the Superintendent of Police has already addressed the Inspector General on the subject, suggesting that Travel Permits for individuals resident in Goa desiring to enter British India should be issued by me. Such a procedure would dispense with much inconvenience.

5. His Excellency fully appreciated the situation and was good enough to say that in so far as officials and their families were concerned he would circulate an order to all Departments to ensure that all crossing the Frontier should be in possession of "Guias", visaed by this Consulate. This then disposes of the question of all European Portuguese Officials and their families.

6. There however remain a number of non-officials of this category who may wish to travel to British India from Goa and I suggested that pending the final decision of the higher British Police authorities I should issue a permit to all such intending passengers which would serve as an authority to the Police at the British frontier to allow the holder to pass. His Excellency suggested that applicants for such permits should produce two copies of their photo for purposes of identification. This is obviously essential.

7. I now submit for His Excellency's approval a sample of the permit which I propose to issue pending the result of the reference by the Superintendent of Police, Belgaum to the Higher Authorities.

I should be grateful to know, at your earliest convenience, if His Excellency agrees with the form of the permit.

8. I omitted to mention to His Excellency a point which seems obviously essential, i.e. that all applicants for such a permit should produce a valid "Guia" from the local Portuguese Government to establish their identity. I trust His Excellency will agree with this point as without such "Guia" inconvenience in establishing his identity may be caused to the holder of a Travel Permit on reaching his destination.

With the expression of my highest regard,

I have the honour to be,

Sir,

Your most obedient Servant,

(Signed)

H.B.M.'s Consul.

ENCL.

I, Lieut-Col. C. E. U. Bremner, M.C., His Britannic Majesty's Consul for the Portuguese Possessions in India, residing at Nova Goa, hereby issue, after due identification, this Travel Permit No. . . . dated . . . . . to . . . . . holder of Guia (Passport) No. . . . dated . . . . . issued by the Government of Portuguese India for the purpose of crossing the British Indian frontier at . . . . . for a single journey to . . . . .

This Permit does not absolve the holder from reporting to the British Police Authorities at destination or from compliance with all regulations under the Foreigners Act for the time being in force in British India.

Given under my hand and seal this . . . . day of . (month) 194 .

H.B.M.'s Consul.

Annex F. No. 84

S. R.

EXM<sup>o</sup> SENHOR CONSUL DE SUA MAJESTADE  
BRITANICA NA INDIA PORTUGUESA  
NOVA-GOIA

GOVERNO GERAL.

No. 187/G.

Salda no 788.

Em referencia ao officio de V.Ex<sup>a</sup> No. WA/6/WF-331, de 1 do corrente, encarrenga-me Sua Excelencia o Governador Geral de comunicar que nao tem a propor alteracao alguma ao projecto de "passe" apresentado por V.Ex<sup>a</sup> com o qual concorda.

Quanto a guia, todos os funcionarios a terao e para os nao funcionarios a Direccao dos Servicos de Administracao Civil passara um documento que embora nao seja propriamente uma guia, servira para o portador provar a sua identidade.

Queira V. Ex<sup>a</sup> aceitar os protestos da minha consideracao.

Reparticao do Gabinete do Governo Geral em Nova Goa, 2 de Julho de 1941.

Pelo Chefe do Gabinete,  
Boaventura Pereira GONCALVES.  
1<sup>o</sup> Tenente

Translation.  
Chief of Cabinet's  
No. 187/G

Nova Goa 2-7-41.

With reference to your letter No. WA/6/WF-331 of the 1st instant, H.E. the Governor General directs me to inform you that he does not wish to make any alteration on the Scheme of 'Passe' shown by you, and with which he agrees.

Regarding the Guia, all the officials will be given one, and the non-officials will be given a document passed by the Office of the Civil Administration, which though not exactly a Guia, will all the same serve the bearer to prove his identity.

For Chief of Cabinet.  
B. P. GONCALVES.

**Annex F. No. 85**

(I)

No. 14-13.

From

Lt. Col. C. E. U. Bremner, M.C., I.A., His Britannic Majesty's Consul in the Portuguese Possessions in India,

To

The Under Secretary to the Government of India in the External Affairs Department, New Delhi.

Dates Nova Goa, the 27th March 1942.

Travel Permits for foreigners entering British India from the Portuguese Possessions in India.

Sir,

I have the honour to enclose for the information of the Government of India and such action as they may deem fit, the translation of a letter No. 102/G dated 16th March received from the local Portuguese Government, together with a translation to the enclosure to that letter.

The above quoted letter is the outcome of an interview accorded me by His Excellency the Governor General when he represented the matter to me verbally.

2. At this interview His Excellency stated that whilst the local arrangements made at the Goan Frontier were eminently satisfactory, there appeared to be no such arrangements at the Damao (including Nagar Aveli) Frontier or for Diu, the latter being however of lesser import. In fact the Portuguese authorities at Damao were unaware of the tenets of the restrictions governing the travel of foreigners in British India, nor did they know as to whom to apply for travel permits. His Excellency further pointed out that Portuguese officials and subjects from Damao had constantly to travel to Goa at short notice, and that having completed the journey as far as Castle Rock they were held up, and sometimes compelled to return to Belgaum, for a technical breach of some regulation of which they were completely unaware.

3. In the present instance the Governor General informed me that he had had a very full enquiry made into the case and had ascertained that Sgt. Ribeiro (an European) had come direct from Damao to Castle Rock, without halting in Bombay where he only had two hours to change from Bombay Central Station to Victoria Terminus. He was in uniform and his Guia (passport) and other papers were in order. Despite this, and that he had been officially summoned to Goa, Sgt. Ribeiro was compelled to return, at his own expense to Belgaum (and subsequently to Castle Rock), and was subjected to treatment by Indian officials which was unbecoming to an European. His Excellency also considered that the question put to Sgt. Ribeiro by the Police Inspector (?) at Belgaum, concerning his pay, the number of troops in Goa etc. were not of a proper nature and were wholly irrelevant to the case.

4. Before the receipt of the official representation of the case, opportunity occurred for unofficial discussion of it with Mr. Rodger, the



D.S.P. Belgaum, who confirmed the general outlines of the complaint and expressed his regret to me that it should have occurred, particularly in view of the fact that the Police Inspector at Castle Rock is empowered to exercise his discretion in such cases.

Mr. Rodger pointed out to me that he had already represented the question of the Damao Frontier a considerable time ago to his own higher authorities in order that appropriate arrangements might be made at Damao Road Rly. Station or elsewhere for the issue, in situ, of Travel Permits, but that apparently no action had been taken. As a consequence considerable inconvenience is caused to unsuspecting Portuguese officials, who arrive at the Goan Frontier without a travel permit.

5. The matter is one which obviously requires prompt action to obviate a repetition of the present regrettable incident for, petty as it may seem, it is such incidents that engender bad blood and touch the peculiarly susceptible "amour propre" of the Portuguese Authorities.

6. The system prevailing on the Goan frontiers has worked so efficiently that I record it here, since its application, in some modified form, should be possible on the Damao and Nagar Aveli frontiers. It was evolved by mutual agreement with the Police authorities in Belgaum, the local Portuguese Administration and myself. It works smoothly and efficiently and is as follows.

Any European Portuguese, male or female, official or non-official, wishing to travel to a destination in British India, on production of a guia, or an application from the local Portuguese Authorities and after due enquiry where necessary, is given a numbered travel permit as per enclosed specimen. Where the applicant is not in possession of a guia, he has to produce two signed photographs for appending, one to the pass issued, one to the office copy thereof. A register is maintained for the latter.

7. At the Damao and Nagar Aveli frontiers it should be possible for the Salt Revenue authorities to issue such passes by virtue of their knowledge of the small number of Europeans in each of those areas. Powers would of course have to be delegated to responsible Inspectors. The passes could then be exchanged for regular "Travel Permits" by the Railway Police at Damao Road (Wapi), Bhilad or Sangau<sup>1</sup>.

If this procedure were to be adopted not only would inconvenience to Portuguese officials be obviated, but a check on their movements would be facilitated. I therefore recommend the adoption of this system or some other on similar lines. The essential is that *prompt action should be initiated without further delay.*

8. Reverting to the incident under report, I have replied to letter from the Portuguese Administration and stated that the matter is being referred to the Government of India. I have also thought fit to express my *personal* regret for occurrence and to reimburse Sergeant Ribeiro Rs. 6½/-, being the amount he was called on to pay for his 2nd Class fare to Belgaum and back to Castle Rock.

I trust that the Government of India will endorse my action and, if I may be permitted to suggest it, I consider that an expression of regret

<sup>1</sup> Rarely if ever used by Portuguese officials.

for the incident from the Government of India would go far towards smoothing the feeling of somewhat ruffled indignation that is obviously felt by the Portuguese Authorities.

I have the honour to be,  
Sir,  
Your most obedient Servant,  
H. B. M's Consul.

Copy with copies of enclosures, forwarded to the Dist. Supdt. of Police, Belgaum, with reference to our recent conversation.

I, Lieut. Col. C. E. U. Bremner, M.C., His Britannic Majesty's Consul in the Portuguese Possessions in India, Nova Goa, hereby issue, after due identification, this travel permit. No. . . . . dated . . . . . 194 ,  
to . . . . . holding Guia (Passport) No. . . . . dated . . . . . 194 ,  
from the Portuguese Government at Goa for the purpose of crossing the British Indian Frontier at Castle-Rock or Anmode (or other exists) for a single journey to . . . . . in British India.

. . . . .  
's particulars for identification  
are as under:—

(Photo with signature of  
the holder)

Height . . . . .  
Colour of eyes . . . . .  
Colour of hair . . . . .  
Complexion . . . . .  
Shape of face . . . . .  
Age . . . . .  
Nationality . . . . .

This permit does not absolve the holder from reporting to the British Police authorities at/destination within twenty-four hours of arrival or from reporting to the Registration Officer of the first District in British India at which he breaks journey or from compliance with all the regulations under the Foreigners' Act for the time being in force in British India.

Given under my hand and seal, this . . . . . the  
day of . . . . . 194 .

H. B. M's Consul.

(2)

No. D. 4820 - X/42

From

The Under Secretary to the Govt. of India in the External Affairs  
Department,

To

His Britannic Majesty's Consul in the Portuguese Possessions in  
India, Nova Goa.

Dated New Delhi, the 5th June 1942.

Travel permits for foreigners entering British India from  
the Portuguese Possessions in India.

Sir,

With reference to your letter No. 14-13, dated the 27th March 1942,  
I am directed to say that the Government of Bombay have been addressed  
in the matter; a further communication will be made to you as soon as  
possible.

I have the honour to be,

Sir,

Your most obedient servant,

Under Secretary to the Government of India.

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**Annex F. No. 86**

No. 3—X/43

From

The Under Secretary to the Government of India in the External Affairs Department,

To

His Britannic Majesty's Consul in the Portuguese Possessions in India, Nova Goa.

Dated New Delhi, the 5th January 1943.

Travel permits for foreigners entering British India from the Portuguese Possessions in India.

Sir,

In continuation of letter from the Government of India in the External Affairs Department No. D. 4820-X/42 dated the 5th June 1942, I am directed to say that, since foreigners entering British India from Daman and Nagar Aveli taluka ordinarily do so at Vapi (Daman Road Station), it seems that any inconvenience they might be caused in obtaining permits for travel through British India would be largely removed if arrangements were made for the issue of such permits at Vapi. The Government of Bombay accordingly propose to authorise the Police Head Constable at Vapi to issue travel permits to foreigners about whom there is no suspicion, and have asked the Registration Officer concerned to take the necessary action. In these circumstances it is unnecessary for the Salt Revenue authorities to be authorised to issue passes which could be exchanged for travel permits at Vapi, as suggested in paragraph 7 of your letter No. 14-13 dated the 27th March 1942.

2. In order to facilitate the issue of travel permits and reduce inconvenience to European Portuguese officials travelling between Goa and Daman and Nagar Aveli taluka, I am to request that, if there is no objection, the Government of the Portuguese Possessions may be asked to inform such officials of the procedure mentioned in paragraph 1 and to advise them to have their passports or other papers of identity with them during the journey.

I have the honour to be,

Sir,

Your most obedient servant,

Under Secretary to the Govt. of India.

**Annex F. No. 87**

S. R.

EXM<sup>o</sup> SENHOR CONSUL DE SUA MAJESTADE  
BRITANICA NA INDIA PORTUGUESA,  
NOVA-GOIA

GOVERNO GERAL.

No.: 21/G.

Saida No. 49.

Tenho a honra de acusar a recepcao do officio No. 14-13/42 de 11 de

Janeiro de 1943 e agradecer a V. Ex<sup>a</sup> a forma como foi resolvido, pelo Governo da Índia Britânica, o problema de passagem de portugueses de Damão para Goa.

Quiera V. Ex<sup>a</sup> aceitar os protestos da minha consideração.

Repartição de Gabinete do Governo Geral em Nova-Goa, 12 de Janeiro de 1943.

O Chefe de Gabinete,  
FERNANDO PAES,  
Capitão.

Ta.

I have the honour to acknowledge receipt of your No.: 14-13/42 of 11.11.43, and to thank you for the manner in which the question re. the passage of the Portuguese from Damão to Goa was solved.

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**Annex F. No. 88**

No. 35-3

BRITISH CONSULATE,  
Nova Goa, the 17th February 1945.

From

Major M. O. A. Baig, M.B.E.,  
His Britannic Majesty's Consul in the  
Portuguese Possessions in India,

To

The Under Secretary to the  
Government of India in the  
External Affairs Department,  
New Delhi.

Sir,

I have the honour to refer to the correspondence resting with your letter No.: D. 654-FE/45 dated the 1st February 1945 and to say that the question has been raised by the Portuguese authorities over travel permits and not over registration. In Goa, I issue travel permits for British India, and the Daman and Nagar-Aveli permit arrangements are covered by your letter No. 3-X/43 dated the 5th January 1943. Nothing has been laid down as regards travellers from Diu, hence the question asked by the Government of Portuguese India. Without travel permits, European Portuguese subjects are not allowed to cross into British India at all, irrespective of any question of registration if the journey be broken.

As this case has been long pending, I should be grateful for an early reply for transmission to the Portuguese authorities.

I have the honour to be,

Sir,

Your most obedient servant,

H.B.M's Consul.

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## Annex F. No. 89

(1)

No.: D. 1565-F.E./45

From

The Under Secretary to the Government of India  
in the External Affairs Department,

To

His Britannic Majesty's Consul in the Portuguese  
Possessions in India, Nova Goa.

Dated New Delhi the 19th March 1945.

Sir,

I am directed to refer to your letter No.: 35-3 dated the 17th February 1945 and to say that at present there are no restrictions on the entry into British India from Diu of European Portuguese subjects domiciled in Portuguese India, nor do the Government of India propose to introduce any such restrictions. European Portuguese subjects not domiciled in Portuguese India are, however, required to take out a passport for entry into British India, under rule 5 of the Indian Passport Rules, 1921, unless they are specifically exempted under an order of the Government of India.

I have the honour to be,

Sir,

Your most obedient servant,

H. DAYAL.

(Seal.)

Under Secretary to the Government of India.

(2)

No.: 35-3

BRITISH CONSULATE,

Nova Goa, the 27th March, 1945.

From

Major M. O. A. Baig, B.M.E.,  
His Britannic Majesty's Consul in the  
Portuguese Possessions in India.

To

The Chief of Cabinet,  
Nova Goa.

Sir,

I am directed to refer to your letter No.: 485/G dated the 28th September, 1944, and to say that at present there are no restrictions on the entry into British India from Diu of European Portuguese subjects domiciled in Portuguese India, nor do the Government of India propose to introduce any such restrictions. European Portuguese subjects not domiciled in Portuguese India, are, however, required to take out a

passport for entry into British India, under rule 5 of the Indian Passport Rules, 1921, unless they are specifically exempted under an order of the Government of India.

With the assurance of my highest esteem,

I have the honour to be,  
Sir,  
Your most obedient servant,  
H.B.M's Consul

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**Annex F. No. 90**

S.R. Saidan. " 644.

GOVERNO GERAL.

Reparticao de  
Gabinete.

No. 178/G.

Proc. n.º ...

EXMº SENHOR CONSUL DE SUA MAJESTADE  
BRITANICA NA INDIA PORTUGUESA,  
NOVA—GOA

Com os meus agradecimentos, tenho a honra de acuar a recepcao do officio de V. Exª No. 35-3, de 27 de Marco de 1945.

Queira V. Exª aceitar os protestos da minha consideracao.

Reparticao de Gabinete do Governo Geral em Nova Goa, 29 de Marco de 1945.

(Seal.)

O Chefe de Gabinete, Intº,  
F. DE ORNELAS E VASCONCELOS.  
1º Tenente

Translation No. 178/6.

29/3/45.

With thanks, I have the honour to acknowledge receipt of your letter. No. 35-3 dated the 27th March, 1945.

E-S.

3/4/45.

## Annex F. No. 91

(1)

*By Air Mail Bag.*

GOVERNMENT OF INDIA  
 MINISTRY OF EXTERNAL AFFAIRS AND  
 COMMONWEALTH RELATIONS  
 EXPRESS LETTER

From

Foreign, New Delhi,

To

India, Goa.

No. D. 8930-PVI/48.

Dated the 12th March, 1949.

Subject:—Grant of travel facilities for India to Portuguese nationals.

Reference your express letter No. 8/48(2), dated the 24th December, 1948.

2. Persons who are domiciled in the Portuguese Possessions in India are already exempt from the requirements of passports and visas under the Indian Passport Rules, 1921. It is only Portuguese nationals (and other foreigners) who are *not* domiciled in the Portuguese Possessions in India who must hold a valid national passport and a visa for India. The same holds true of persons domiciled in the French Establishments in India. The instructions contained in our letter No. D. 4933-PVI/48, dated the 9th December, 1948 do not, therefore, introduce any new principle, and are only in accord with the existing law. All foreigners, whether Government servants or missionaries, who are *not* domiciled in the Portuguese Possessions in India *must* therefore hold valid national passports, with visas for India granted by you. Those who are domiciled in those Possessions may enter India even without passports or "GUIAS".

3. The question whether the "GUIAS" may be accepted as a valid travel document, in lieu of passports, is a separate issue and the Government of India will be glad to examine this question if a specimen of the "GUIA" is furnished to them, together with a statement as to the conditions and circumstances governing the issue of such documents in lieu of passports.

4. The expression: "free transit visas", in para 5 of your letter under reference is not quite clear. Entry as well as transit visas for India can be granted to foreign Government officials on their travel documents without prior reference to the Government of India. Further, no fee is charged for the grant of visas to foreign Government officials, *vide* this Ministry's Express Letter No. F. 17(1)-PVI/48, dated the 19th February, 1948. Visas to Missionaries have to be granted in accordance with the "General instructions relating to the grant of visa for India" read with this Ministry's Express Letter No. F. 4(38)-PVII/48 dated 26th August, 1948.

5. The position may kindly be made clear to the Portuguese Indian authorities, particularly the fact that there is no ground for believing



that any difficulties or new restrictions are being created in respect of Portuguese nationals travelling to or through India.

The issue of the above has been authorised.

<sup>1</sup> Under Secretary to the Government of India.

Copy, together with a copy of the letter under reference, forwarded to the Ministry of Home Affairs with reference to their u.o. No. 1680/49FI dated the 25th February, 1949.

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(2)

*[See Annex E No. 47, Vol. II, pp. 366-367.]*

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#### Annex F. No. 92

From

Governo Geral Servico Da Republica,

To

Exm Senhor Consul da India na India Portuguesa, em.

No. 356/G.

Saida no. 1363.

#### GOA

Em referencia ao officio de V. Ex<sup>a</sup> n<sup>o</sup> 8/48(2)-835, de 29 de Marco de 1949, encarrega-me Sua Ex<sup>a</sup> o Governador Geral de enviar, conforme V Ex<sup>a</sup> solicitou, um exemplar da guia de transito que a Direccao dos Servicos de Administracao Civil deste Estado, passa aos funcionarios publicos, a sua familia e aos missionarios, para transito no estrangeiro.

2. Devo informar a V. Ex<sup>a</sup> que todos os funcionarios publicos em servico neste Estado ou que para este Estado vem para o exercicio das funcoes publicas sao portugueses que necessariamente tem residencia legal na India Portuguesa.

3. As guias de transito que lhes soa passadas, conforme ja tive a honra de esclarecer a V. Ex<sup>a</sup> no n<sup>o</sup> 2 do meu officio n<sup>o</sup> 760/G, de 23 de Dezembro de 1948, oferecem precisamente as mesmas garantias dos passapottes, dado que os funcionarios publicos quando sao nomeados tem um processo donde constam todos os documentos que sao exigidos para a concessao de passaportes, o mesmo acontecendo com as respectivas familias que viajam por conta do Estado e com os missionarios.

4. Cumpre-me ainda esclarecer a V. Ex<sup>a</sup>, em referencia ao n<sup>o</sup> 3 do officio em referencia sob resposta, que os funcionarios publicos em servico neste Estado sao todos portugueses com domicilio legal na India Portuguesa, nao havendo quanto a nacionalidade, como V. Ex<sup>a</sup> bem sabe, qualquer distincao entre um natural deste Estado e um natural da Metropole, pois todos sao portugueses com iguais direitos.

5. Em virtude das facilidades que sempre foram dadas aos portugueses residentes neste Estado, metropolitanos ou daqui naturais, para transito na India vizinha, este Governo Geral vem concedendo igualmente, come e doconhecimento de V. Ex<sup>a</sup> facilidades para transito na India Portuguesa aos estrangeiros nacionais da Uniao Indiana, pois lhes da certas regalias e isencoes, ou seja um tratamento diferente do que e usado para os restantes estrangeiros.

6. Nestas condicoes espera este Governo Geral que o Governo da Uniao Indiana considerando tudo o exposto mantenha em vigencia o regime que ate agora se tem adoptado, porquanto e desejo deste Governor Geral tambem nao alterar o sistema em vigor para a entrada neste Estado dos nacionais da Uniao Indiana.

Queira V. Ex<sup>a</sup> aceitar os protestos da minha consideracao.

Reparticao do Gabinete do Governo Geral na cidade de Goa, aos 12 de Abril de 1949.

O Chefe do Gabinete,

FRANCISCO CASTELO-BRANCO GALVAO.

Copy of the translation of letter No. 356/G. dated the 12th April 1949 from the Chief of Cabinet, Goa.

[See Annex E No. 48, Vol. II, pp. 367-368.]

## Annex F. No. 93

(1)

By air mail bag.  
SECRET.GOVERNMENT OF INDIA  
MINISTRY OF EXTERNAL AFFAIRS*Express Letter.*From  
Foreign, New Delhi,  
To  
India, Goa.

No. D. 17187-PV(I)/49. Dated New Delhi 3, the 29th June, 1949.

Subject:—Grant of travel facilities for India to Portuguese nationals.

Reference your express letter No. 8/48(2)-1080, dated the 23rd April, 1949, and this Ministry's telegram No. 4343, dated the 7th May, 1949.

2. The Government of India are prepared to accept the "GUIA" issued by the Portuguese authorities as a valid travel document though they would prefer its use restricted to the cases of those persons who are not able to obtain their national passports easily in Goa. They would, however, like to be informed why the Portuguese authorities prefer to issue "GUIAS" rather than regular Portuguese passports to their nationals, and also whether "Guias" are used by Portuguese nationals for travel to destinations other than India. It should, be made clear that the possession of a "GUIA" will *not* exempt the holder from the necessity of obtaining a visa for India unless he is domiciled in Portuguese India, in which case he will not require any travel document at all.

3. We have no objection to the issue of "GUIAS" to missionaries, but we agree that they *cannot be treated as officials for the purpose of grant of visas*, and the prescribed visa requirements as applicable to missionaries must be fulfilled.

4. The Government of India cannot accept the argument of the Portuguese Indian authorities that all Portuguese officials, whether born in Portugal or elsewhere, acquire domicile in Portuguese India while they officially serve in that territory. The word "domicile" used in the Indian Passport Rules is to be interpreted according to laws in force in India. Under these laws, in order that a person may be treated as domiciled in a particular country, he must satisfy two conditions:—

- (1) that he is resident in that country, and
- (2) that he intends to make that country his permanent home.

A man is not to be deemed to have taken up his fixed habitation in a country merely by reason of his residing there in civil, military, naval or air force service or in the exercise of any profession or calling. This may be explained to the Portuguese Indian authorities, and they may be informed that under the provisions of the laws in force in India the persons in question must obtain visas for India on their Portuguese passports or "GUIAS".

The issue of the above has been authorised.

Under Secretary to the Government of India.

(2)

[See Annex E No. 49, Vol. II, pp. 368-369.]

**Annex F. No. 94**

(1)

Annex P. No. 23.

EXPRESS LETTER.

SECRET

No. VIII/19-1.

2nd January, 1951.

From

India, Goa,

To

The Passport Officer,  
Care 'Restis'  
Bombay.Subject: Mr. Augusto Rawl de Seabra.  
Portuguese official.

Mr. Augusto Rawl de Seabra (Portuguese European) Judge of the Salcete Judicial Division, Margao, went to Bombay via Anmode on the 23rd December, 1950 without obtaining a transit or entry visa on his passport No. 852 dated the 19th July 1947. He does not also hold a valid "Guia" duly vised by this Consulate General. Sub Inspector of Police, Anmode, must have allowed him to cross frontier by mistake. Reported for necessary action.

*(Signed)* Dip Chand VERMA,

For Consul General for India, Goa.

Copy to the Inspector of Police, Castlerock, with a request to indicate the circumstances under which Mr. Augusto Rawl de Seabra was allowed to enter Indian territory.

D. C. V.

For Consul General for India, Goa.

(2)

No. VIII/19-196.

18th January, 1951.

To

The Inspector of Police  
on Special Duty,  
Castlerock.**MEMORANDUM**

Please refer to this office endorsement No. VIII/19-1 dated the 2nd January, 1951 regarding Mr. Augusto Rawl de Seabra, Portuguese national, and let us know as early as possible the circumstances under which he was allowed to enter Indian territory. It is requested that references in such cases from this office should be complied with promptly.

D. C. V.

For Consul General for India, Goa.

(3)

No. VIII/19-240.

20th January, 1951.

To

The Passport Officer,  
 Care of the  
 Chief Secretary to the Government of Bombay,  
 Bombay.

Sir,

In continuation of our Express letter No. VIII/19-1 dated the 2nd January, 1951, I have the honour to inform you that the Inspector of Police, Castlerock, confirms that there was a mistake in allowing Mr. Augusto Raul de Seabra, a Portuguese national, to cross the frontier without a visa from this Consulate General. I shall be grateful to know what action has been taken in the matter. It is reported that he is staying in the Taj Mahal Hotel, Bombay, with his car No. G-3460.

Yours faithfully,

(D. C. V.)

For Consul General for India, Goa.

(4)

TRIBUNAL JUDICIAL DA COMARCA DE SALCETE  
 GUIA

Segue de Margao para Damo, o Juiz de Direito Augusto Raul de Seabra, devidamente autorizado.

Margao, 18 de Dezembro de 1950.

O Juiz de Direito,

*(Signed)*

(Augusto Raul DE SEABRA).

FORM OF APPLICATION TO BE FILLED IN BY ALIEN  
 DESIRING TO PROCEED TO INDIA.

(NOTE.—If any of the particulars furnished below are found to be incorrect or if any information is found to have been withheld, the visa is liable to be cancelled at any time.)

1. Name in full. (Surname in capitals):—  
 Augusto Raul de Seabra

2 Surname at birth, if different:—

Same

- 
3. Address:—
- |     |           |         |     |
|-----|-----------|---------|-----|
| (a) | Permanent | Margoa. | Goa |
| (b) | Present   | Same    |     |
- 
4. Date of Birth: 28th February, 1908.
- 
5. Place of Birth (Country and Town or District):—  
 Concelho de Anadia. Aveiro.  
 Portugal.
- 
6. Present Nationality:— Portuguese
- 
7. Nationality at Birth:— Same
- 
8. Nationality of Father at his Birth: Same.
- 
9. Whether holder of a Passport from his/her Government and if so number and date of passport, place of issue and date up to which is valid.  
 Yes official Passport No. 852'1/9 Lisbon, 19th July, 1947.
- 
10. Whether previously in India, and if so places of residence, with dates:—  
 Yes, Taj Mahal Hotel.
-

(5)

No. VIII/19-349.

30th January 1951.

To

The Chief of Cabinet,  
Goa.

Sir,

I have the honour to inform you that Mr. Augusto Rawl de Seabra, Judge of the Salcete Judicial Division at Margao, called at this Consulate General on the 14th December 1950 for obtaining a transit visa for India to go to Damam on a private visit. As there was no space in his passport for endorsing the visa, he was told to bring a new passport or "Guia". Mr. Seabra presented the supposed Guia (copy enclosed) and insisted that we should issue a visa on it. He was told that the Guia was not valid and that he should bring a passport or Guia issued by the competent local authorities. Mr. Seabra never came again to this Consulate General for a visa. Now it is reported by our authorities at Anmode that he went there on the 23rd December 1950 and was allowed to enter the Indian territory *bona fide* taking into consideration his position and the inconvenience that would cause to him in case of refusal. Mr. Seabra has deliberately violated the passport rules by crossing the frontier without obtaining the necessary visa from this Consulate General.

Please accept, Sir, the assurances of my high consideration.

For Consul General for India,  
(Signed) Dip Chand VERMA,  
Goa.

No. 350.

Copy to the Chief Secretary to the Government of Bombay, Bombay, for information. The Inspector of Police, Castlerock, reported on an inquiry that the mistake occurred in the absence of the Police Officer, Anmode, who had gone elsewhere on duty. It is requested that the Police Officer should be instructed to hand over this work to responsible persons whenever they leave the station.

(Signed) D.C.V.  
For Consul General for India,  
Goa.

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(6)

D. No. 2934-EUR.I/52.

SECRET.

No. S-ICG/123/169.

CONSULATE GENERAL FOR INDIA,  
GOA.

9th June 1952.

The Under Secretary to the  
Government of India,  
Ministry of External Affairs,  
New Delhi.

Subject:—Visit of the Governor General of Portuguese India to Nagar Aveli.

Sir,

With reference to your letter No. D. 1710-Eur. 1/52, dated the 26th May 1952, I write to state that a report published in the "Noticias do Estado da India" of the first fortnight of January 1952 gives a full description of the Governor General's visit on the 5th January 1952 to Dadra and other villages situated inside Nagar Aveli. The "Noticias do Estado da India" is an official news bulletin published fortnightly by the Portuguese India Government and copies thereof are being regularly sent to the Ministry. The bulletin in question was forwarded under our endorsement No. IX/8-375, dated the 13th February 1952. It does not seem necessary to pursue the question with the Government of Bombay; it being clear from the letter from the Chief Secretary that no advance intimation was received by them of the Governor General's visit.

2. A further similar contravention of normal courtesy occurred when the Governor General accompanied by the Portuguese Overseas Minister, Com. Saramento Rodrigues, again visited Nagar Aveli on the 29th April 1952. This visit is also borne out by local press reports, the authenticity of which is undoubted. It is also confirmed by other reliable reports received by us that during this visit the Overseas Minister visited Kunta village actually situated in Indian territory.

3. With reference to the statement in the letter from the Chief Secretary to the Government of Bombay that advance intimation was received from the Consul General of India, it may be stated that this intimation was based on unofficial intimation received by us and not an official communication from the Goa Government.

4. No reply was received to Mr. A. N. Metha's letter No. S-ICG/41/49-57, dated the 22nd July, 1949 referred to in para 2 of your endorsement. The letter was not even acknowledged.

Yours faithfully,

(Signed)

Consul General of India,  
Goa.



## Annex F. No. 95

(1)

Office of the D.I.G.P., C.I.D., B.S.  
Camadia House, Warden Road, Bombay No. 26.

14th May 1952.

No. 7/02/For/52.

Subject:—*Security Control over road leading from Daman to Nagar Aveli.*

Reference:—I.G.P.'s endorsements No. 5424-V dated 25-4-52 and 2-5-52.

Portuguese officials travelling from Daman to Nagar Aveli or vice versa have to pass through Indian territory. The visits between these two places by European Portuguese officials are reported to be generally few and limited to occasions when the Governor General of Portuguese India or any Portuguese Minister visit the places.

There is at present no security control on the road leading from Daman to Nagar Aveli so far as the Indian territory is concerned. *On the other hand, the Portuguese authorities have recently introduced a system by which Indian Nationals entering Daman territory are required to report their arrival and departure at the check post at Dabhel.* With a view to have a measure of control over the movements of Portuguese officials transiting Indian territory which is necessary from a security angle, I think it worth while that we should also introduce a system of security control. This may, as suggested by the Consul General for India in Goa, take the form of issuing visas and identity certificates for Portuguese European Officials and Portuguese Indian (Goan) Officials respectively.

There is a police out-post at Vapi which is a strategic point on the road from Daman to Nagar Aveli and it is manned by I.S.I., I.U.H.C. and 4 unarmed constables. The D.S.P. Surat reports that the present strength at the outpost is sufficient to work the security arrangements, if introduced at Vapi.

(Signed) B. D. BILLIMORIA  
D.I.G.P., C.I.D., B.S.

(2)

SECRET.

To

The Secretary to the Government of Bombay, Home Department.  
Poona, 19th May 1952.

No. 5424-V.

Subject:—*Security Control over the road leading from Daman to Nagar Aveli.*

Reference:—Government endorsements Home Department (Political)  
No. S.D./P. & S.D.P.-C (1165)/4025 dated 18.4.52 and No.  
S.D./P. & S.D. 535/52/4859 dated 22-4-52.

2. The Deputy Inspector General of Police, C.I.D., was consulted by me in this matter and a copy of his report No. 7/02/For/52 dated 14-5-52

is sent herewith. In the circumstances stated therein, I entirely agree with the Deputy Inspector-General and consider that from the security point of view it is essential to introduce a system of security control on the road leading from Daman to Nagar Aveli so far as the Indian territory is concerned.

(Signed)

Inspector General of Police.

(3)

No. 535/52-A.

Political and Services Department,  
Bombay Castle, 3rd June, 1952.

*Confidential.*

From

Shri M. D. Bhansali, I.C.S.,  
Chief Secretary to the Government of Bombay,  
Political and Services Department,

To

The Secretary to the Government of India,  
Ministry of External Affairs,  
New Delhi.

Subject:—Security control on the road between Daman and Nagar Aveli. Introduction of the system of ...

Sir,

With reference to your Ministry's Secret Letter, No. D. 1516-Eur. I/52 dated the 12th April, 1952, on the above subject, I am directed to enclose copies of an express letter from the Inspector-General of Police, Bombay State, No. 5424-V dated the 19th May, 1952, and its accompaniment for the information of the Government of India and to state that from the security point of view, this Government considers it essential to impose security control on the road between Daman and Nagar Aveli as proposed by the Consul General of India at Goa.

Yours faithfully,

(Signed)

For Chief Secretary to the Govt. of Bombay,  
Political and Services Department.

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**Annex F. No. 96****EXPRESS LETTER**

SECRET.  
IMMEDIATE.

To The District Magistrate, Surat.

No. 4967/46/C-8172-A.

Bombay Castle, 21st January 1954.

Subject:—Visa for European Portuguese Official of Daman and Nagar Aveli.

Copies of an endorsement No. D. 7220-Eur.-I/53, dated the 19th December 1953 from the Government of India, Ministry of External Affairs and its accompaniments are enclosed for your information.

2. Government is pleased to authorise you to issue, on application, transit and return transit visas, to European Portuguese officials permanently stationed in Daman/Nagar Aveli to enable them to transit through Indian territory on their way to Nagar Aveli/Daman and back. As these officials will actually transit Indian territory twice on a single return trip they will require two transit visas for their journey to and fro, in the enclosed visa forms A and B. They are therefore to be granted two visas each time, one in form A for their entry into India in transit and another in form B for transitting Indian territory on their way back. As it is not permissible to send passports outside Indian territory by post, the officials will send their passports to you by messengers. Applications for such visas from European Portuguese Military Officers other than those who have been stationed in those territories for some time should be forwarded with your report. They will be forwarded to the Government of India by this Department.

3. For each visa which you are now authorised to grant, you should recover a sum of Rs. 10/— from the person concerned. The amount of fees so recovered should be credited to the head "XLVI-Miscellaneous-Naturalization Passports and Copy-Right Fees-Central". A report showing the total fees collected during the year should be submitted to the Passport Officer to the Government of Bombay at the close of the financial year. A register should also be maintained in the form attached herewith showing the number and details of visas issued by you. You should also furnish to the Government of India in the Ministry of Home Affairs, every week, particulars of all visas granted by you under this authorisation and those issued by you under instructions of Government, in the accompanying form. Copies of these statements should be forwarded to the Government of India, Ministry of External Affairs and also to the Passport Officer to the Government of Bombay.

4. Holders of diplomatic and special passports should be granted gratis visas.

FOR M. D. BHANSALI,  
Chief Secretary to the Government of  
Bombay,  
Political and Services Department.

## Annex F. No. 97

SECRET.

## EXPRESS LETTER

From

Passport Officer, Bombay,

To

District Magistrate, Surat.

No. P.C. 2313/54

Bombay Castle, the 13th May 1954.

Subject:—Goan officials in Portuguese Establishments in India—Restriction on—

Reference your letters No. POL dated the 14th April, 23rd April and 24th April 1954, on the subject mentioned above. The points raised by you are clarified as follows ad seriatum:—

- 1) The Goan officials are to be granted permits for their stay in India also. The permit is not to be made valid merely to enable them to pass through India. The circumstances in which their desire to stay for the period requested by them should, however, be thoroughly examined, and permits for such period as is considered necessary should be issued.
- 2) The specific nature of the official duties should be mentioned in the permit.
- 3) Every application for permit should be disposed of on merits and a permit for such period as you deem fit should be issued. There is no reason however to be specially strict.
- 4) There is no objection to the members of the family of the officials being issued permits to enable them to accompany the latter for official or other purposes. Separate permits are to be issued if they hold separate travel documents.
- 5) There is no specific period as such but every case should be decided on merits at your discretion.
- 6) The permits are valid for single journey only. If the official desires to visit India again, he should be asked to apply *de novo*.
- 7) If a Goan official holds a passport, he may come to India on a visa for entry into India issued by the Consul General of India at Goa. In such cases, no permit is required. Portuguese Europeans are required to take visas only and permits are not to be issued to them.
- 8) Your presumption that Goans, other than officials, are not required to take out permits, is confirmed.

As regards your letter dated the 24th April, 1954, the following instructions are issued:—

- 1) The fee of Rs. 2/— is to be charged for each journey for purposes other than official. If the members of the family of the Goan official travel on the same travel document only Rs. 2 is to be charged. If however, they hold separate travel documents, a free of Rs. 2/— per permit should be charged.

- 2) Every member of the Goan official should be asked to make a separate application in triplicate, if each of them holds a separate travel document. The names may be included in one application if all the members of the family travel on the same travel document. In that case, separate applications need not be insisted upon.
- 3) Your presumption is confirmed.
- 4) The fees may be credited to the central head, "XLVI-Miscellaneous-Naturalization-Passports & copyright fees-Central".
- 5) Necessary instructions have been issued to you under Government endorsement No. even dated the 5th May 1954.

A/C 3/5.

Passport Officer to the Government of  
Bombay.

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**Annex F. No. 98**

SECRET.

EXPRESS LETTER.

To

The District Magistrate,  
Surat.

No. A(Z).

10th June 1954.

Subject:—Visas for permits to Portuguese  
Officials stationed in Daman and  
Nagar Aveli.

It has been represented to Government by the Governor of Daman that, as there is no competent authority to grant visas or permits to Portuguese or Goan officials stationed in Daman and Nagar Aveli, while the District Magistrate, Surat, is on tour or is otherwise absent from the headquarters on official duties, great inconvenience is being experienced by them. Government, therefore, hereby authorises the Additional District Magistrate, Surat, to exercise, during the District Magistrate's absence, the powers of the District Magistrate in the matter of issuing visas or permits to the said Portuguese or Goan officials.

M. D. BHANSALI,  
Chief Secretary to Govt.

Copy to:—

The Secretary or the Governor.  
The Secretary to the Chief Minister.  
The Home Department.  
The I.G.P., State of Bombay, Poona.  
The D.I.G. C.I.D. Bombay State, Bombay.  
The D.S.P. Surat.  
The Passport Officer to the Govt. of Bombay.  
The Secretary to the Govt. of India, Ministry of External Affairs,  
N. Delhi.  
The Secretary to the Govt. of India, Ministry of Home Affairs,  
N. Delhi.

In continuation of this Department's endorsement No. 4967/46/  
C/8172-A, dated 21.1.1954.

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## Annex F. No. 99

MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI

August 11, 1954.

The Ministry of External Affairs present their compliments to the Legation of Portugal in India and with reference to their Note No. 121 of the 10th August 1954, have the honour to state as follows:—

The Government of India have noted the tendency on the part of the Government of Portugal to issue exaggerated accounts of happenings in Dadra and Nagar Aveli with a view to confuse world opinion. The Government of India have had occasion to bring this fact to the notice of the Portuguese Government but they regret to note that they are continuing unabated in their propaganda drive which has no relation to the actual facts.

The latest note of the Portuguese Government referring to international agencies quoting press news that Mrs. Fidalgo, wife of the Portuguese Administrator in Nagar Aveli, was held as a hostage by armed bands etc., is another such example of this tendentious propaganda against India.

Mrs. Fidalgo entered Indian territory at Lavacha without a passport or a visa as required under the regulations. She was detained by the Indian police authorities at the border. On the instructions of the Bombay Government, however, she was permitted to proceed to Bombay where she is at present in good health and free to move about. She made a statement to the Sub-Divisional Magistrate of Bulsar that she wishes to proceed to Portuguese East Africa after getting herself treated for her ear trouble in Bombay.

The fact that the present Portuguese note was primarily meant for propaganda purposes is borne out by the fact that the note was presented to the Government of India on the 10th August and released the same day to the press in Lisbon despite the fact that Mrs. Fidalgo had reached Bombay on the night of the 8th August. It is surprising that Mrs. Fidalgo did not contact the Portuguese Consulate-General the next day and that the Portuguese Consulate-General did not inform the Legation of the safe arrival of Mrs. Fidalgo.

The Ministry take this opportunity to renew to the Legation of Portugal the assurances of their highest consideration.

Legation of Portugal,  
New Delhi.

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**Annex F. No. 100**

(I)

CERTIFICATE OF THE CHIEF OF THE ARMY STAFF, ARMY HEADQUARTERS,  
NEW DELHI-II

SECRET

Army Headquarters,  
General-Staff Branch  
GHQ PO. New Delhi-II.

3 Jan. 59.

It is hereby certified that:—

- (a) In July and August 1954 there was no military station less than 92 miles from Daman, Dadra and Nagar Haveli.
- (b) In July and August 1954 no troop movements took place either towards or in the region of Daman, Dadra and Nagar Haveli.
- (c) In July and August 1954 the Maratha battalions were nowhere near the areas mentioned above, the nearest Maratha battalion being at Pathankot which is about 950 miles away from these territories.
- (d) The above information has been derived from Order of Battle-Southern Command and Movement Reports for the year 1954 which are secret documents.

*(Signed)*

General

Chief of the Army Staff.

(II)

SECRET

## SUMMARY OF THE DISPOSITION OF MILITARY UNITS

## SUMMARY

1. The nearest military station to the Portuguese territories of Daman, Dadra and Nagar Haveli is Deolali which is about 92 miles away. The other military stations situated round about the area are Bombay and Suburbs.

2. The units other than store holding depots and training establishments located at the above stations during the period July and August 1954 were as under:—

## DEOLALI

One Locating Regiment (Artillery)  
Two Air Observation Posts Flights  
One Heavy Regiment (Territorial Army)  
Ancillary administrative units e.g. Medical, supply, Repair cover and so on.



## BOMBAY AND SUBURBS

Headquarters Bombay Area  
Headquarters Bombay Sub Area  
One Coast Battery  
One Infantry Battalion of the JAT Regiment  
One HQ Docks and Inland Water Transport Engineers and Sub units  
One company Southern Command Signal Regiment  
One Heavy Anti Aircraft Regiment (Territorial Army)  
Two Coast Batteries (Territorial Army)  
Ancillary administrative units e.g. Medical, Supply, Repair cover  
and so on.

3. A map of the Bombay Sub Area as it existed in 1954 showing military stations underlined in red pencil is attached.

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(III)

MAP

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**Annex F. No. 101**

LETTER NO. B/10, DATED THE 13TH MAY 1954, FROM THE DISTRICT SUPDT. OF POLICE, SURAT AND DANGS, ADDRESSED TO THE SECRETARY TO THE GOVERNMENT OF BOMBAY, HOME DEPARTMENT

Subject:—Strength at Vapi Police Station.

Reference your secret telegram No. 30, dated 12-5-54, on the subject noted above.

Vapi Police Station has been opened and started functioning with effect from 00.00 hours on 8-5-54.

The following is the disposition of Armed and Unarmed Police Officers and men in the border area.

	S. I.	Unarmed		Armed	
		H. Cs.	P. Cs.	H. Cs.	P. Cs.
1. Vapi Police Station . . . . .	1	7	15	1	3
Addl. Prohibition Staff. . . . .	1	5	13	-	-
2. Fatehpur Out-Post. . . . .	-	1	2	-	-
Grand-Total:—	2	13	30	1	3

*Prohibition Staff*

	S. I.	Unarmed	
		H. Cs.	P. Cs.
Vapi P. Stn. . . . .	1	1	3
Damanganga Check Post. . . . .	-	1	2
Challa Check Post. . . . .	-	1	2
Dungra Check Post. . . . .	-	-	2
Chhibad Kachha Check Post. . . . .	-	1	2
	1	4	11

12 S.R.C. men also are posted at Vapi with one Government Vehicle at their disposal for patrolling purposes.

**Annex F. No. 102**

(1)

No. D. 228-EUR I/53.

MINISTRY OF EXTERNAL AFFAIRS,  
NEW DELHI

January 21, 1953.

The Ministry of External Affairs present their compliments to the Legation of Portugal and have the honour to bring to their urgent notice two incidents which took place on the 1st January 1953, in both of which the Commissioner of Police of Goa, Captain F. R. Romba, was alleged to have been involved.

2. The first incident, as reported to the Indian Consul-General at Goa, took place at Hotel Mandovi in the afternoon when a station-wagon carrying the Commissioner of Police struck against car No. BMZ-9936 belonging to Shri B.S. Sood, an official of the Bombay Port Trust and driven by his chauffeur, Shri Bhagwant Singh. Shri Sood was spoken to harshly by the Commissioner of Police and subsequently after some discussion both. Shri Sood and the Chauffeur, were removed to the Police Station. While the Chauffeur was detained at the Police Station in a cell, Shri Sood was allowed to return to the Hotel. No reason for such action was communicated either to the Chauffeur or to the owner of the car. Shri Sood has reported to the Consul-General that the Commissioner of Police used force against him by roughly clutching at his clothes in the reception hall of Hotel Mandovi. On the release of Shri Bhagwant Singh from the Police Station at 10 o'clock at night, after the Consul-General had sought the personal intervention of His Excellency the Governor General of Goa, it was reported to the Consul-General that the chauffeur had bruises over his body and blood stains on the clothes indicating that he was beaten roughly by the police. On enquiry the chauffeur stated that he was beaten personally by the Commissioner of Police. In support he has produced his blood stained clothes to the Consul-General.

3. The second incident took place at about 5-30 the same evening at Dona Paula when Shri S. K. S. Bhatnagar, the Registrar of the Indian Consulate General, was returning from Dona Paula in the car of the Consul-General. While reversing on the narrow road connecting with the quay of Dona Paula, the Commissioner of Police is stated to have shouted at the chauffeur and asked him to stop. When the car was stopped and the Registrar and the chauffeur got out of it, the Commissioner of Police started shouting at both of them in Portuguese. The Registrar explained to him politely that he did not know Portuguese but that did not prevent the Commissioner of Police from continuing his tirade. The Commissioner of Police is alleged to have also used insulting language about the Indian Consul-General. He is alleged to have banged the door of the car about four times with force and the Registrar just managed to escape injury. The car was detained for 15 minutes after which it was allowed to go.

4. The Consul-General of India has already made a representation in this regard to His Excellency the Governor General.

5. The Government of India are very much concerned over this incidents and this Ministry would be grateful if the Legation would

enquire into them and take necessary action to ensure that such incidents do not recur.

6. The Ministry take this opportunity to renew the assurances of their highest consideration.

The Legation of Portugal in India,  
New Delhi.

(Seal & Date.)

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(II)

No. D. 4754-Eur. 1/53,

MINISTRY OF EXTERNAL AFFAIRS,  
NEW DELHI

October, 1953.

The Ministry of External Affairs present their compliments to the Legation of Portugal in India and with reference to the Legation's note No. III (Proc. 7,7) dated the 19th August 1953, have the honour to state that the Government of India regret that they are unable to accept the position as stated in the Legation's note in regard to the Government of India's protests on the incidents of the 1st January 1953, involving Captain Farnando Da Costa Raves Romba Chief of Police in Goa.

2. For some time past, the Government of India have been watching with concern the activities, involving insult, harassment and assault of innocent Indian nationals visiting Goa, of Captain Romba. The most glaring examples of this form of activity were the incidents relating to the assault of Mr. B. S. Sood and his chauffeur Bhagwant Singh, and the treatment meted out to the Registrar of the Consulate-General of India in Goa by Captain Romba. These incidents were specifically brought to the notice of the Legation in the Government of India's protests referred to above and it was hoped that the Portuguese Government would be able to restrain the anti-Indian zeal of this officer. The expectations of the Government of India have, however, not been fulfilled.

3. Recently the Government of India have come to learn from reliable sources that Captain Romba while transitting Indian territory from Goa to Daman indulged in the most reprehensible form of political activity in Bombay, thereby showing a complete disregard of the normal and elementary courtesies expected of a foreign visitor in India.

4. In view of the above, the Government of India have decided not to grant in future any entry or transit visa for India to Captain Romba.

The Ministry take the opportunity to renew to the Legation of Portugal the assurances of their highest consideration.

The Legation of Portugal  
in India, New Delhi.

Seal and date.

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**Annex F. No. 103**

(I)

LETTER FROM THE JOINT SECRETARY TO THE GOVERNMENT OF INDIA,  
MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI, TO THE DIRECTOR-GENE-  
RAL, ALL INDIA RADIO, 16 WELLESLEY ROAD, NEW DELHI

SECRET-IMMEDIATE,

No. 6664-JS(W)/58.

Dear Mathur,

In connection with the case with Portugal in the International Court of Justice an allegation has been made that about the 30th July, 1954,

All India Radio announced that the Indian army was marching into Nagar Aveli. It is essential that we find out as quickly as possible if any broadcast was made between the 21st July and 15th August, 1954 in a news bulletin or otherwise, from New Delhi, Bombay or any other station of All India Radio saying that the Indian army was marching into Nagar Aveli. I should be grateful if you would kindly obtain and send us all the relevant scripts for our examination. The Prime Minister has directed that our draft statement on the entire case should be ready by 30-9-58 and, therefore, the material from A.I.R., should be in our hands not later than 26-9-58. Scripts of certain news bulletins were sent to us by your office in September 1957 and again in August 1958, but we cannot be sure that the alleged statement was not broadcast otherwise than in a news bulletin or from some station other than Delhi. We wish to be absolutely sure of the position before we make any statement to the International Court. I am sorry for this rush, but there seems to be no alternative. If the scripts of all the outlying stations are not available with you, perhaps you would be kind enough to telegraph them to send them immediately to us.

All good wishes,

Yours sincerely,

(Signed)

(S. SEN).

19/9.

Shri J. C. Mathur, ICS,  
Director-General, All India Radio,  
16 Wellesley Road,  
New Delhi.

(II)

LETTER FROM THE DIRECTOR-GENERAL, ALL INDIA RADIO, NEW DELHI,  
TO THE JOINT SECRETARY TO THE GOVERNMENT OF INDIA, MINISTRY OF  
EXTERNAL AFFAIRS, NEW DELHI

J. C. Mathur, I.C.S.,  
Director General.

SECRET.

MOST IMMEDIATE.

AKASHVANI (A.I.R.) HEADQUARTERS.

Akashvani Bhavan,  
Parliament Street,  
New Delhi.

D.O. No. P(6) F. 36/58.  
September 27, 1958.

My dear Sen,

Kindly refer to your D.O. letter No. 6664-JS(W)/58, dated 19th September, 1958.

2. We have made necessary enquiries at New Delhi and Bombay and checked up carefully our broadcasts in the News Services and from the Bombay Station for the period 21st July to 15th August, 1954.

3. I enclose scripts of certain commentaries on Current Affairs broadcast from our External Services in English on 6-8-1954 and on 13-8-1958. Both these had been approved by the XP Division before broadcast. There is no indication of the Indian army marching on Nagar Haveli.

4. A further check-up has been done at Bombay and it has been confirmed that there was no broadcast of this kind from there.

5. Bombay station broadcasts also regional news bulletins in Gujarati and Marathi. The scripts of the regional bulletins were not being preserv-

ed at the time and copies of those scripts are, therefore, not available. But the impression is that the item could not have been included in the Regional bulletins which are usually concerned with local matters. The item could only have been broadcast in the Konkani & Portuguese Service and the scripts thereof have no such item.

Yours sincerely,

(Signed)

J. C. MATHUR.

Shri S. Sen,  
Joint Secretary to the Govt. of India,  
Ministry of External Affairs,  
New Delhi.  
Encl: As above.

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**Annex F. No. 104**

LEGATION OF PORTUGAL, NEW DELHI

No. 123.

Proc. 7.7.

The Legation of Portugal present their compliments to the Ministry of External Affairs, and, further to their Note No. 104, of the 28th July, 1954, have the honour to state the following:

The Legation have been informed by the Portuguese Consulate General at Bombay that the policemen and rural guards who were taken to Indian territory after the assault at Dadra, are now in that city. They were in Vapi for a time, under arrest, and later they had to answer to charges, at Court in Surat, the nature of which this Legation is unaware. They were acquitted by the Court, which however refused their request to go to Daman, the administrative District to which they belong. Instead, they were compelled to go to Bombay, with orders to report daily to the Police.

It was also reported to the Legation that these people are being subjected to every kind of indoctrination and coercion by elements of political groups which invaded Dadra, to force them to join the "satyagraha" which, it has been announced, will try to march into Daman on the 15th August.

The Portuguese Legation wish to renew their strong protest against the treatment meted out to these Portuguese officials by the Indian authorities. Not only were they arrested, taken to Court and denied their request to return to Daman, but they are, it seems, being detained in Bombay, under police supervision, for well known political purposes.

The attitude of the Indian authorities in this case is hardly in keeping with their claim that they were and are a disinterested party in the events which took place at Dadra. In fact, the principles and practice of international law, in cases of this nature, are certainly being violated. The only course to follow, dictated by such principles and practice, is to release these persons immediately, and to assist them to return to Daman as soon as possible, as they requested. On this the Legation again insists, in the most formal and pressing manner.

The Legation avail themselves of the opportunity to renew to the Ministry the assurances of their highest consideration.

Ministry of External Affairs,  
Government of India,  
New Delhi.

New Delhi, 12th August, 1954.  
(Seal.)

## Annex F. No. 105

STATEMENTS REPORTED IN NEWSPAPERS BY CAPT. FIDALGO THE FORMER  
ADMINISTRATOR OF DADRA AND NAGAR AVELI

*The Times of India, August 12, 1954.*

SELVASA OFFICERS SURRENDER  
ASYLUM SOUGHT IN INDIA

“The Times of India”—News Service.

VAPI, August 11: The three Portuguese officers who had fled Selvassa on August 1 with 100 policemen entered Indian territory at Udwa, 20 miles from here, this evening and sought asylum.

The officers are 64-year-old Capt. Virgilio Fernandez Fidalgo, former Chief Administrator of Nagar Haveli enclave; Lieut. Jose Manuel Falcao (28), Magistrate; and Capt. Manuel Pegado, Chief of Police.

Captain Fidalgo and Lieut.—Falcao were the first to reach Vapi. They arrived at 6-45 p.m. and were followed three hours later by Capt. Pegado and the entire contingent of the fugitive Portuguese Police. They were all comfortably lodged in a spacious bungalow by the Indian police.

The officers were all praise for the Bombay State police for their “hospitality and noble-mindedness”.

INFORMATION SOUGHT

Greeted by reporters at 11 p.m., a few minutes before the officers sat down to dinner, Capt. Fidalgo said that they decided to enter Indian territory as they heard that negotiations had begun between the Governments of India and Portugal. They wanted to know how far the negotiations had progressed.

Capt. Fidalgo said that he had talked to his wife in Bombay over the telephone only a few minutes before he came down for dinner.

He narrated to the reporters the circumstances in which he left Selvassa with two officers and about 100 policemen. Capt. Fidalgo had as interpreter Mr. Appa Karmarkar, a leader of the Azad Goa Dal, which is now in full control of Nagar Haveli enclave.

Capt. Fidalgo said: “We decided to leave Selvassa at 8 p.m. on August 1 when we were informed that armed volunteers were marching on Selvassa. It was our intention to avoid a clash with them.”

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*The 'Hindu', August 13, 1954.*

PORTUGUESE OFFICERS CROSS OVER

Vapi, August 11.—Three Portuguese officers who fled Selvassa, Administrative capital of Nagar Haveli, which was recently liberated by the nationalist volunteers, crossed over to the Indian territory at Udwa, 30 miles from Vapi, at 7 p.m. today for asylum and protection.

The Portuguese officers were accompanied by over 100 Portuguese Indian policemen who also came over with their arms.

The Portuguese officers were: Capt. Virgilio Fernandez Fidalgo, Chief Administrator of Nagar Haveli, Capt. Manuel Bagado, Chief Police Officer, and Sub-Lieut. Dalcao.

Capt. Fidalgo, as soon as he reached Vapi, spoke by trunk-telephone to his wife who is in Bombay and enquired about her welfare. He said he was grateful to the Indian police for their "very nice, gentlemanly treatment and noble-heartedness" shown to them.

Capt. Fidalgo, who hails from Beira Alca in North Portugal has spent about 20 years in India. He was at different Portuguese Indian colonies and has been Administrator of Nagar Haveli for the last 5 years.

Sixty-four years old Capt. Fidalgo told the PTI that he and his men left Selvassa at 8 p.m. on August 1st, under instructions from the Government of Daman.

He said that he had reports that the Portuguese Government were negotiating with the Indian Government and he crossed over to Indian territory to find out the exact nature of these negotiations.

The Indian police who took him into protective custody told them that they were free citizens and would be allowed to proceed to Bombay where they could decide their future plan.

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#### Annex F. No. 106

#### LEGACAO DE PORTUGAL, NOVA DELHI

No. 126.

Proc. 7.7.

The Legation of Portugal present their compliments to the Ministry of External Affairs, and, further to the Legation's Note No. 122 of the 12th August, have the honour to inform that Captain Fidalgo, Lieut. Falcao, assistant Police Chief Pegado and about 50 Portuguese policemen are now in Bombay.

Captain Fidalgo has informed the Legation that they have been well treated by the Indian authorities but that so far they have not been allowed to proceed to Daman, as they had requested.

The Legation write to remind the Ministry that Captain Fidalgo and the other personnel are Portuguese officials of the administration of Nagar-Aveli who saw their functions usurped by the bands of assailants who invaded the territory. They were obliged, on that account, to come to Indian territory and wish, as is natural, to be allowed to proceed to Daman, Headquarters of the administration of the District to which the territory of Nagar-Aveli belongs.

While appreciating the good treatment extended by the Indian authorities to these Portuguese officials, the Legation of Portugal are at a loss to understand the reason why their request to proceed to Daman has not been promptly granted. They trust, therefore, that the Ministry will cause immediate instructions to be given in this direction to the appropriate authorities.



The Legation avail themselves of the opportunity to renew to the Ministry the assurances of their highest consideration.

New Delhi, 14th August, 1954.  
(Seal.)

Ministry of External Affairs,  
Government of India,  
New Delhi.

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**Annex F. No. 107**

LEGACAO DE PORTUGAL,  
NOVA DELHI

No. 115.

Proc. 7,73.

The Legation of Portugal present their compliments to the Ministry of External Affairs and with reference to the Ministry's note No. D.18-19/55-GP, of the 3rd March, 1955, regarding expenses incurred over Portuguese Police officers and personnel by the Bombay Government, have the honour to forward herewith a cheque No. 183.060, of the 26th May, 1955, over the Banco Nacional Ultramarino, for the amount of Rps. 1,237.16 (Rupees One Thousand two hundred and thirty seven 1/6) in payment, as requested.

The Legation would appreciate if the Ministry kindly acknowledge receipt of the referred to cheque.

The Legation avail themselves of this opportunity to renew to the Ministry the assurances of their highest consideration.

New Delhi, 28th June, 1955.

(Sealed.)  
Legacao de Portugal,  
New Delhi.

Ministry of External Affairs,  
Government of India,  
New Delhi.

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## Annex F. No. 108

(1)

SECRET.

Special Branch (I),  
C.I.D., Bombay,  
7th August, 1954.

No. 6923/H.

To:—The Deputy Inspector General of Police,  
C.I.D., Bombay State, Bombay-26.Subject:—Disposal of persons arriving from Dadra and other  
villages—Portuguese Government servants.

On the morning of the 2nd August 1954, nine persons arrived at the Bombay Central Railway Station from Wapi. They stated that they were in the Police, Customs and Forest Department of the Portuguese Government at Dadra and as they did not wish to go to Daman or any other Portuguese Territory, they came down to Bombay. They are staying in Bombay either with their relatives or friends at the addresses mentioned in the attached list.

On the morning of the 4th instant, a similar batch of twenty-three persons arrived at the same Railway Station from Wapi. Out of these, fifteen persons stated that they were working in village: Dadra prior to its occupation by the Liberation Forces. The remaining eight persons stated that they were working in Naroli and other neighbouring villages and after the liberation of these villages, they left the villages and came down to Bombay with a view to stay here. All these persons were in the employ of the Portuguese Government.

Similarly, two more persons working in Police Department at Dadra arrived here on the 5th instant and are staying with their relatives in Bombay.

All these persons appear to have sought asylum in Greater Bombay and Thana District.

Details of these persons are enclosed herewith for your information.

(Signed) Illegible.

For Dy. Commissioner of Police,  
Bombay.

Copy with compliments to the Chief Secretary to the Government of Bombay, Political and Services Department, Bombay, for information.

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(2)

SECRET.  
No. 7098/H.

Special Branch (I) C.I.D.,  
Bombay, 13th August, 1954.

To

The Chief Secretary to the Government of Bombay,  
Political and Services Department, Bombay.

Subject:—Disposal of persons arriving from Silvasa—  
Portuguese Government Servants.

Reference this office Secret endorsement No. 6923/H dated the 7th August 1954.

On the morning of 11th August 1954, forty persons arrived at Bombay Central Railway Station from Wapi. It has been ascertained that thirty eight of them were in the Police Department one in the Forest Department of the Portuguese Government at Silvasa and one a private cook and as they did not wish to go to Silvasa they came down to Bombay. They are staying in Bombay either with their relatives or friends at the address mentioned in the attached list.

All these persons appear to have sought asylum in Greater Bombay.

(Signed) Illegible.

For Dy. Commissioner of Police,  
Bombay.

Copy with compliments to the Deputy Inspector General of Police, C.I.D., Bombay State, Bombay, with reference to this office secret letter No. 6923/H dated the 7th August 1954, for information.

(3)

SECRET.

D.O. No. 7239/H.

Office of the

Dy. Commissioner of Police,  
Special Branch, C.I.D.,  
Bombay, August 1954.

Dear Shri Dias,

Please refer to this office Secret D.O. letter No. 7082/H, dated the 13th August 1954.

I forward herewith for your information a statement showing the details of all the Portuguese Government servants who were working in Dadra and Selvasa prior to their liberation and who have made Greater Bombay as their place of asylum, from the 2nd August 1954, till the evening of the 17th instant, together with a summary showing the departments in which they were working.

Yours sincerely,

(Signed)

(S. G. PRADHAN).

Shri A. L. Dias, I.C.S.,  
Secretary to the Govt. of Bombay,  
Education Department,  
Bombay.

(4)

NAMES AND ADDRESSES OF THE PERSONS COMING FROM NAGAR AVELI AND DADRA AND RESIDING  
IN GREATER BOMBAY

	<i>Names</i>	<i>Address</i>	<i>Date of arrival</i>	<i>Police Station</i>
1.	Shri Francis X'avier Stein De Lira Ch, 35 years; Police Patel, Dadra.	C/o Smt. Mary Joseph Lira, Mohammedali Bldg., 3rd floor, R. No. 17, Clare Road, Byculla.	2-8-54	Nagpada.
2.	Shri Shambhoo Manco Degekar, H, 27 years; Custom Sepoy, Dadra.	C/o Shri Sadashiv Pandoo Shetwe, Chotani Chawl, R. No. 54, Sunmill Lane, Lower Parel, Bombay.	-do-	Delisle Road.
3.	Shri Balkrishna Venkatesh Kamat, H, 34 years, Police Constable, Dadra.	C/o Shri A. V. Mohe, Shivara Bld., 1st floor, Tribhuvan Road, off Lamington Road, Bombay.	-do-	Lamington Road.
4.	Shri Narayan Vithu Gauns, H. 30 years; Police recruit, Dadra.	C/o -do-	-do-	-do-
5.	Shri Bartolomeu Salvador Fernandez, Ch. 30 years, Police Constable, Dadra.	C/o Salvador Fernandes (father), Mackahi Wadi Fish Market, opp: Free Mahananda School, Kurla.	-do-	Kurla Plice
6.	Shri Domnick Lawrence Dias, Ch. 34 years; Police Constable, Dadra.	C/o -do-	-do-	-do-
7.	Shri Jose Augusto Andrade, Ch. 29 years; Police Constable, Dadra.	C/o A. J. Fernandez, Rokeriya Chamber, House No. 9, 1st floor, Room No. 3, Dady Santook Lane, New Sonapyr, Dhobi Talao, Bombay.	-do-	Princess Street
8.	Shri John George Caitan Carvalho, Ch. 33 years; Custom Guard, Dadra.	C/o Club of Phondacares, Jer Mahal, 2nd Floor, Kalbadevi Road, Dhobi Talao, Bombay.	-do-	-do-
9.	Shri Edward Pascu Paul Remos Colaco, Ch. 36 years; Police Constable, Dadra.	C/o L. A. Colaco, Kapoorwalla Building, 1st floor, Room No. 12, Gokhale Road South, near Dadar P.S.	-do-	Dadar Police Stn.
10.	Shri Shelu Rodriques Pereira, Ch. 32 years; Portuguese volunteer, Dadra.	C/o Rajin W/o Lawrence (sister's daughter), Hill Road, Bandra.	4-8-54	Bandra Police Stn.
11.	Shri Domingo Augusto Almeida, Ch. 33 years; Forest Jamadar, Dadra.	C/o Smt. Albetita D'Silva, Hill Road, Bandra.	4-8-54	Bandra Police Stn.
12.	Shri Francis E' Jesus, Ch. 25 years; Forest Jamadar, Dadra.	-do-	-do-	-do-
13.	Shri Jermin Joackim Pereira, Ch. 22 years; Forest Guard, Dadra.	C/o Shri Rasin Remandio, Hill Road, Bandra.	-do-	-do-

ANNEXES TO REJOINDER (F NO. 108)

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	<i>Names</i>	<i>Address</i>	<i>Date of arrival</i>	<i>Police Station</i>
14.	Shri Antonio Jose Neto, Ch. 33 years; Forest Guard, Dadra.	C/o Shri Gregorio Neto (Brother), Bandra.	-do-	-do-
15.	Shri Vergerio Marcelino Noronha, Ch. 42 years; Forest Jamadar, Silvassa.	C/o Cousin Shri Luis De'Silva, Bandra.	4-8-54	Bandra.
16.	Shri Raul Jerone Fonseka, Ch. 34 years; Police recruit, Dadra.	C/o Andrade Lopes, House No. 574, Bazar Road, Bandra.	-do-	-do-
17.	Shri Emiano Nadar Menezes, Ch. 28 years; Police Constable, Dadra.	C/o Brother-in-law- Shri Joaquim Rosario 131, Azad Road, East Ville Parle.	-do-	Santa Cruz.
18.	Shri Carlos Joaquim Machado, Ch. 22 years; Fores Jamadar, Dadra.	C/o His uncle Joaquim Rosario as No. 17.	-do-	-do-
19.	Shri Diwal Malji Ghorpade, H. 30 years; Forest Jamadar, Naroli.	C/o His friend Shri Mudra at Sanata Cruz.	-do-	-do-
20.	Shri Gonsalvo Teodorino Rosario, Ch. 41 years; Police Constable No. 205, Silvassa.	C/o His sister Smt. Laurie Rosario, 131 Azad Road, East Ville Parle.	-do-	-do-
21.	Shri Pedro Machado, Ch. 22 years; Custom Guard, Dadra.	C/o His uncle Antonio De'Souza at Andheri.	-do-	Andhari.
22.	Shri Travaso Marculin Cramade, Ch. 24 years; Forest Guard, Dadra.	C/o His brother-in-law Shri Santoo Vaz, Versova, Andheri.	-do-	-do-
23.	Shri Bernard Jose Costa Miranda, Ch. 40 years; Police Constable No. 202, Naroli.	C/o His brother-in-law Shri Joaquim Fernandes near Portuguese Church, Dadar.	-do-	Dadar.
24.	Shri Francisco Xavier Andrade Mendonca, Ch. 21 years; Forest Jamadar, Naroli.	C/o His cousin Shri Gonsalves Rosario, Bhiku Building near Portuguese Church, Dadar.	-do-	-do-
25.	Shri Germano Nicazo Braganza Fernandes, Ch. 39 years; Custom Sepoy, Naroli.	C/o with his friend Augustino George, Prop: St. Maria Hotel, Grant Road.	-do-	Lemington Road.
26.	Shri Francisco Izak Menezes, Ch. 34 years; Police recruit, Dadra.	C/o with his brother-in-law Seferian at Bori Bunder.	-do-	Palton Road.
27.	Shri Francisco Xavier Machado, Ch. 59 years; Police Patel, Naroli.	C/o with his friend Shri Luis Fernandes, Clerk in Royal Insurance Co; Bombay, and stays near Church, Orley Road, Malad.	-do-	Malad.

	<i>Names</i>	<i>Address</i>	<i>Date of arrival</i>	<i>Police Station</i>
28.	Shri Ivo Remil Fernandes, Ch. 20 years; Forest Jamadar, Silvassa.	C/o His uncle Shri Domnic Pereira at Borivli.	-do-	Borivli.
29.	Shri Antonio Egidio Rebello, Ch. 38 years; Portuguese volunteer, Dadra.	C/o His friend Shri Joe Machado at Malad.	-do-	Malad.
30.	Shri Costao Daniel Remedios, Ch. 23 years; Forest Guard, Dadra.	He stays with Ivo Fernandes mentioned in serial No. 28.	-do-	-do-
31.	Shri Antonio Alpetto de Gracias, Ch. 42 years; Police recruit, Dadra.	He stays with his friend at Bandra.	-do-	-do-
32.	Shri John Caitan Remedios, Ch. 40 years; Forest Guard, Dadra.	He stays with his friend Shri John D'Silva, 31 Varoda Road, Bandra.	-do-	Bandra.
33.	Shri John Ramao Mendonca, Ch. 35 years; Police Constable, Dadra.	He stays with his brother Thomas Mendonca, Candy House, Servants' Quarters, Colaba.	5-8-54	Colab .
34.	Shri Clemente Augustino Pereira, Ch. 32 years; Police Constable No. 272, Dadra.	He stays with his relative Shri Euric D'Souza, House No. 574, Bazar Road, Bandra.	-do-	Bandra.
35.	Shri Cirico Menezes, Ch. 26 years; Police Constable, Silvassa.	He stays with his uncle Shri Francis Manjra Menezes, Bazar Road, Bandra.	11-8-54	-do-
36.	Shri Benedicto do Rosario, Ch. 18 years; Police recruit, Silvassa.	He stays with his friend Gregorio Neto at Bazar Road, Bandra.	-do-	-do-
37.	Shri Antonio Armanzil Duarte, Ch. 37, Police Constable No. 471, Silvassa.	He stays with his friend Jose Lopes, opp: St. Andrews Church, Bandra.	-do-	-do-
38.	Shri Gonsalves Jose Neto, Ch. 35 years; Police Constable No. 404, Silvassa.	He stays with his brother Gregorio Neto, Bazar Road, Bandra.	-do-	-do-
39.	Shri Bonifeco Cirico Rebello, Ch. 18, Police Constable, Silvassa.	He stays with his friend Andrew Lopes, Bazar Road, Bandra.	-do-	-do-
40.	Shri Januario Francisco Remedios, Ch. 23 years; Police recruit, Silvassa.	He stays with his niece Smt. Regina Remedios Bandra.	-do-	-do-
41.	Shri Luis Francis Cirin Rosario, Ch. 23 years; Police recruit, Silvassa.	He stays with his friend Jose Lopes, St. Andrews Church Bandra.	11-8-54	Bandra.
42.	Shri Antonio Paul Francis Fernandes, Ch. 23 years; Police recruit, Silvassa	He stays with his cousin Antonio Pereira, Palli Hill Road, Bandra.	-do-	-do-

Names	Address	Date of arrival	Police Station
43. Shri Luis Remedio do Rosario, Ch. 45 years; Police Jamadar, Silvassa.	He stays with his friend Jose Lopes, St. Andrews Church, Bandra.	-do-	-do-
44. Shri John Caitan Rosario, Ch. 18 years; Police Constable, Silvassa.	He stays with his friend Shri Cote, Bhiku Bldg; Dadar.	-do-	Dadar.
45. Shri Sahadeo Gopal Parab, H. 27 years; Police Constable, Silvassa.	He stays with his friend Baburao Parab Painter, Prabhadevi, Cadell Road, Dadar.	-do-	-do-
46. Shri Raglo Saje Parab, H. 28 years; Police Constable, Silvassa.	He stays with his uncle Laxmanrao Parab, Prabhadevi Cadell Road, Dadar.	-do-	-do-
47. Shri Narayan Rama Gauns, H. 24 years; Police Constable, Silvassa.	He stays with his cousin Arjun Gauns, Prabhadevi Cadell Road, Dadar.	-do-	-do-
48. Shri Ganesh Babli Naik, H. 20 years; Police Constable, Silvassa.	He stays with his friend Gangu Atma Naik,—Prabhadevi, Cadell Road, Dadar.	-do-	-do-
49. Shri Francisco Xavier Gonsalves, Ch. 20 years; Police recruit, Silvassa.	He stays with aunt Smt. Theresina John Machado, Prabhadevi, Cadell Road, Dadar.	-do-	-do-
50. Shri Laxman Bhikaji Naik, H. 23 years; Police Constable, Silvassa.	He stays with his brother-in-law Ankush Rama Parsekar, Lower Parel, De'Lisle Road.	-do-	De'Lisle Road.
51. Shri Gopal Khima Sawant, H. 20 years; Police Constable, Silvassa.	He stays with Laxman Bhikaji Naik, mentioned in serial No. 50.	-do-	-do-
52. Shri Laxman Nilu Sawant, H. 22 years; Police Constable, Silvassa.	He stays with his friend L. B. Naik mentioned in serial No. 50.	-do-	-do-
53. Shri Keshav Wasudeo Naik, H. 24 years; Police Constable, Silvassa.	He stays with his cousin, Ganesh Atma Naik, B. D. D. Chawl No. 113, Room No. 11, Worli.	-do-	-do-
54. Shri Chiman Soma, H. 30 years; cook at Silvassa.	He stays with his brother Bhagwan Soma, Akbar House, Nawroji Furdonji Road, Colaba.	11-8-54	Colaba.
55. Shri Chotu Daya Dhondiya, H. 25 years; Police Constable, Silvassa.	He stays with his friend Chiman Soma mentioned in serial No. 54.	-do-	-do-
56. Shri Prema Bapudia Dhodiya, H. 30 years; Police Constable, Silvassa.	-do-	-do-	-do-
57. Shri Sebastiao Antonio Dias, Ch. 20 years; Police Constable, Silvassa.	He stays C/o Silvesta Paes, cook—Northcote Police Hospital, Nagpada.	-do-	Nagpada.

	<i>Names</i>	<i>Address</i>	<i>Date of arrival</i>	<i>Police Station</i>
58.	Shri Usman Khan Ismail Khan, M. 19 years; Police Constable, Silvassa.	He stays with his uncle Shri Abdul Latif, Morarji Gokuldas Cloth Market, Bombay—2. Res. Hira-Cot Garage, Lady Jamshedji Road near City Light Cinema, Mahim.	-do-	Princess Street Mahim
59.	Shri Bernardo Francisco Baretto, Ch. 21 years; Police Constable, Silvassa.	He stays in the Club of Canacona, Kalbadevi Road, Dhobi Talao, Bombay—2.	-do-	Princess Street.
60.	Shri Umersha Usmansha, M. 19 years; Police Constable, Silvassa.	He stays with his friend Shri Aziz at Bellasis Road, Nagpada.	-do-	Nagpada.
61.	Shri Sk. Satar Sk. Chand, M. 19 years; Police Constable, Silvassa.	He stays with Smt. Khairunisa, Cement Chawl, New Nagpada Road, Nagpada.	-do-	-do-
62.	Shri Syed Yusuf Syed Karim, M. 22 years; Police Constable, Silvassa.	He stays with his sister Smt. Kharun-nisa, at Cement chawl, New Nagpada Road.	-do-	-do-
63.	Shri Gaphoorkhan Yusuf Khan, M. 20 years; Police constable, Silvassa.	He stays with his friend Ismail Khan mentioned at serial No. 64 below.	-do-	Dongri.
64.	Shri Ismail Khan Abdulla Khan, M. 21 years; Police Constable, Silvassa.	He stays with his cousin Shri Kassamsha opp: J. J. Hospital, Dongri.	-do-	-do-
65.	Shri Kassimsha Usmansha, M. 19 years; Police Constable, Silvassa.	He stays with his friend Karimsha, a motor driver resides near Bombay Central.	-do-	Agripada.
66.	Shri Ahmed Khan Ismail Khan, M. 20 years; Police Constable, Silvassa.	He stays with his friend Shri Kassimsha mentioned at serial No. 65.	11-8-54	Agripada.
67.	Shri Sk. Abdul Sk. Dawood, M. 19 years; Police Constable, Silvassa.	He stays with his cousin Shri Sk. Hamza Ibrahim Police Constable at Chembur Outpost, Chembur.	-do-	Kurla.
68.	Shri Rama Suriya Naik, H. 22 years; Police Constable, Silvassa.	He stays with his cousin Shri Rajaram Shankar Shirodker, stays at Girgaum.	-do-	Mehabouri.
69.	Shri Abdul Kader Hussein Aga, M. 27 years; Police recruit, Silvassa.	He stays with his relative Shri Rehman Khan, a motor driver to Shri Ibrahim Seth, res: Ibrahim Lodge, Dadar Main Road, Bombay.	-do-	Kingsway.
70.	Shri Atmaram Tima Gauns, H. 35 years; Police Constable, Silvassa.	He stays with his friend in the jurisdiction of Dadar Police Station.	-do-	Dadar.



	<i>Names</i>	<i>Address</i>	<i>Date of arrival</i>	<i>Police Station</i>
71.	Shri Minguel Castelino Pereira, Ch. 29 years; Forest Guard, Silvassa.	He stays with his friend in the jurisdiction of Nagpada Police Station.	-do-	Nagpada.
72.	Shri Augustino Martin Rebello, Ch. 19 years; Police Constable, Silvassa.	-do-	-do-	-do-
73.	Shri Silvestre Caitan Remedios, Ch. 42 years; Police Constable, Silvassa.	-do-	-do-	-do-
74.	Shri Romao Francisco Caitan dos Remedios, Ch. 30 years; Police Constable, Silvassa.	-do-		-do- -do-
75.	Shri Claudino Augustino Pereira, Ch. 24 years; Police Constable, Silvassa.	He stays with his friend Shri Anthon Colaco No. 40, Prabadevi, Cadell Road, Dadar.	13-8-54	Dadar.
76.	Shri Francis Mochado, Ch. 27 years; Occ:— Forest Guard, Silvassa.	He stays with Luis D'Silva, Bandra.	-do-	Bandra.
77.	Shri Joaquim Noronha, Ch. 30 years; Police Constable No. 590, Silvassa.	He stays with his cousin Shri Adriano Remedios, Bazar Road, Bandra.	-do-	-do-
78.	Shri Olivio D'Souza., Ch. 21 years; Forest Guard, Silvassa.	He stays with his friend near St. Andrew's Church, Bandra.	13-8-54	Bandra.
79.	Shri Shiekh Kasim Shiekh Usman, Md. 25 years; Police Recruit, Silvassa.	He stays with his friend with Shri Sk. Ibrahim Sk. Abdulla, near Mosque Delisle Road.	-do-	Agripada.
80.	Shri Juje Augustin Remedios, Ch. 20 years; Police Recruit, Silvassa.	He stays with his friend at Bandra.	-do-	Bandra.
81.	Shri Sk. Ibrahim Sk. Ahmed, Md., 35 years; Police Constable, Silvassa.	He stays with his uncle Shri Hussein Aga Chandu Aga, Opp. Musjid, Koliwada, Gorapdeo, Byculla.	-do-	Byculla.
82.	Shri Auriel Miranda, Ch. 35 years; Police Constable, Silvassa. No. 487.	He stays with his friend, Shri Francis Remedios, Bazar Road, Bandra.	-do-	Bandra.
83.	Shri Abdul Gani Aga, Md. 22 years; Police Recruit Silvassa.	He stays with his friend Sk. Ibrahim near Musjid at Delisle Road.	-do-	Agripada.
84.	Shri Graciano Tito Mochado, Ch. 25 years, Police Constable No. 281, Silvassa.	He stays with his friend at Bandra.	-do-	Bandra.
85.	Shri Domingo Cansido Machado, Ch. 34 years; Police Constable 253, Silvassa.	He stays with his friend Shri Luis D'Silva, Bandra.	-do-	-do-

	<i>Names</i>	<i>Address</i>	<i>Date of arrival</i>	<i>Police Station</i>
86.	Shri Arnaldo Reneto Francisco Machado, Ch. 22 years; Forest Guard, Silvassa.	He stays with his friend at Bandra.	-do-	-do-
87.	Shri Ventura de Rodario, Ch. 21 years; Forest Guard, Silvassa.	He stays with his friend, at Bandra.	-do-	-do-
88.	Shri Narayan Gopi Sankolker, Hindu, 27 years; Police Recruit, Silvassa.	He stays with his brother, Shri Vishnu Gopi Sankalker, Sadanand Vithoba Mahtrewadi Room No. 3, New Prabadevi Road, Dadar.	-do-	Dadar.
89.	Shri Jose Noronha, Ch. 34 years; Police Constable No. 345, Silvassa.	He stays with his friend at Bandra.	-do-	Bandra.
90.	Shri Valerino Nunes, Ch. 40 years; Forest Guard, Silvassa.	He stays with Joseph Lopes, House No. 574, St. Peters High School, Bandra.	13-8-54	Bandra.
91.	Shri Antonio Francisco de Rocha, Ch. 22 years; Police Constable 285, Silvassa.	He stays with his friend at Bandra as stated in serial No. 90.	-do-	-do-
92.	Shri Joao Francisco de Rocha, Ch. 35 years; Forest Jemadar, Silvassa.	He stays with Shri Jose Seixas at Palli Hill Road; Bandra.	-do-	-do-
93.	Shri Sayed Yunus Sd. Usman, M. 21 years; Police recruit, Silvassa.	He stays with his brother Sayed Abdulla, Frere Road Fire Brigade Station.	-do-	Palton Road.
94.	Shri Mohomed Aga Alli Aga, M. 24 years; Police recruit, Silvassa.	-do-	-do-	-do-
95.	Shri Viriato Firin Remedios, Ch. 22 years; Police Constable No. 1601, Silvassa.	He stays with his friend Shri Santan Domnic Mascarenhas, Halimai Bldg; L. J. Road, Mahim.	-do-	Mahim.
96.	Shri Jervasso Francisco Pereira, Ch. 29 years; Police Constable No. 302, Silvassa.	He stays with his friend Shri John Rosario, 559 Bazar Road, Bandra.	-do-	Bandra.
97.	Shri Ermano Noronha, Ch. 34 years; Forest Guard, Silvassa.	He stays with his relative Shri Gustao Rosario at Jogeshwari.	-do-	Andheri.
98.	Shri Vasco de Noronha, Ch. 23 years; Forest Jamadar, Silvassa.	-do-	-do-	-do-
99.	Shri Anant Arjun Mulgaonker, H. 21 years; Police recruit, Silvassa.	He stays with his relative Shri Kashinath Mahadeo Khotachi Wadi, Girgaum.	-do-	Maharbouri.

	<i>Names</i>	<i>Address</i>	<i>Date of arrival</i>	<i>Police Station</i>
100.	Shri John Plasio Fernandes, Ch. 29 years; Forest Guard, Silvassa.	He stays with his relative John Libiano opp: Bendra Railway Station.	-do-	Bandra.
101.	Shri Antonio Colimao, Ch. 40 years, Police Constable, Silvassa.	He stays with his friend Shri John Rosario at 559, Bazar Road, Bandra.	-do-	-do-
102.	Shri Francisco Casmiro Dias, Ch. 23 years; Forest Guard, Silvassa.	He stays with his friend Shri Luis De'Souza at Bandra, House No. 574, Bazar Road.	13-8-54	Bandra.
103.	Shri Alvaro John Francisco Fernandes, Ch. 20 years, Forest Guard, Silvassa.	He stays with his friend at Lady Jamsheedji Road, Mahim, C/o Shri Santan Domnic Mascarenhas, Halimai Building.	-do-	Mahim.
104.	Shri Carlos de Jesus, Ch. 22 years; Forest Guard, Silvassa.	He stays with his friend Shri John Rosario, 559, Bazar Road, Bandra.	-do-	Bandra.
105.	Shri Jose Julio Laureno Pereira Ch. 43 years; Police Constable No. 438, Silvassa.	He stays with Shri John Rosario H. No. 559, Bazar Road, Bandra.	-do-	-do-
106.	Shri Rodriques Francisco Menezes Ch. 19 years; Police Recruit Silvasa.	He stays with his brother Shri Armando Fernandes at Gloria Church, Byculla.	-do-	Byculla.
107.	Shri Anceto Francisco Rosario, Ch. 25 years; Police Constable, Silvasa.	He stays with Shri John Rosario, 559, Bazar Road, Bandra.	-do-	Bandra.
108.	Shri Justino Britto Ch. 20 years; Forest Guard at Silvasa.	He is staying with his friend at Bandra.	-do-	-do-
109.	Shri Jose Rebello Ch. 28 years; Police Recruit, at Silvassa.	He stays with Mrs. Margaretta Remedios H. No. 574, Bazar Road, Bandra.	-do-	-do-
110.	Shri Antonio Colaco, Ch. 37 years; Forest Guard, at Silvassa	He stays with his friend at Prabhadevi Cadell Road, Dadar	-do-	Dadar.
111.	Shri Orlando Nunes, Ch. 19 years; Police Recruit, at Silvassa.	He stays with Shri Santan Domnic Mascarenhas, Halimabai Building, R. No. 7, L. J. Road, Mahim.	-do-	Mahim.
112.	Shri Adriano Izidoro de Rocha, Ch. 26 years; Police Constable at Silvassa.	He is staying with his friend at Bandra.	-do-	Bandra.
113.	Shri Antonio Rebello, Ch. 33 years; Police Constable No. 65, at Silvassa.	He stays with Shri Peter Rebello, Masina Hospital, Servants Quarters R. No. 3, Byculla.	-do-	Byculla.

	<i>Names</i>	<i>Address</i>	<i>Date of arrival</i>	<i>Police Station</i>
114.	Shri Mohemedkhan Usman Khan M. 24 years; Customs Sepoy, at Silvassa.	He stays with Shri Francis Fernandes, Mania Nagar, Lomds Block, R. No. 16, M. M. C. Rd. Mahim.	-do-	Mahim.
115.	Shri Alexio Benedicto Fernandes Ch. 39 years; Customs Guard, Silvassa.	He stays with Shri Francis Fernandes, Mania Nagar, Lomds Block, R. No. 16, M. M. C. Rd. Mahim.	-do-	Mahim.
116.	Shri Kashinath Mahadeo Gauns, H. 23 years; Forest Guard at Silvassa.	He stays with his friend Shri Madhu Vithoba Kale, at Khotachi Wadi, Girgaun.	-do-	Maharbauri.
117.	Shri Damazio Jose Pereira, Ch. 29 years; Police Constable at Silvassa.	He stays with his friend at Dadar, Prabhadevi, Dadar.	-do-	Dadar.
118.	Shri Apolino Fernandes, Ch. 33 years; Police Recruit at Silvassa.	He stays with his relative at Dadar Near Portuguese Church, Dadar.	-do-	-do-
119.	Shri Francisco Lopes, Ch. 20 years; Forest Guard, Silvassa.	He stays with his relative at 559, Bazar Road, Bandra.	-do-	Bandra.
120.	Shri Francisco Rosario, Ch. 41 years; Forest Guard at Silvassa.	He stays with his brother Shri Joseph Rosario at Prabhadevi, Cadell Road, Dadar.	-do-	Dadar.
121.	Shri Arthur Fernandes, Ch. 26 years; Police Recruit at Silvassa.	He stays with his relative Shri Cyril Rodrigues 2nd Cross Lane, Sankli Street.	-do-	Agripada.
122.	Shri Jose Vaz de Silva, Ch. 20 years; Forest Guard at Silvassa.	He stays with his uncle Shri Joseph Rosario at Prabhadevi, Cadell Road, Dadar.	-do-	Dadar.
123.	Shri Damaciano Vincente Nunes, Ch. 34 years; Police Constable No. 62 at Silvassa.	He stays with his brother Shri Alex Nunes at Air Lines Hotel, Santa Cruz.	-do-	Santa-Cruz.
124.	Shri Francisco Providencia, Ch. 35 years; Police Constable at Silvassa.	He stays with his relative Smt. Virudiana Bostao at Juhu, Santa-Cruz.	-do-	-do-
125.	Shri Antonio John Machado, Ch. 33 years; Forest Guard at Silvassa.	He stays with his father Shri John Vincent Machado, Tereza Villa, Orlem, Malad.	-do-	Malad.
126.	Shri Tiago Miranda, Ch. 24 years; Police Constable No. 329, Silvassa.	He stays with his uncle Shri Francisco Remedios at 574, Bazar Road, Bandra.	13-8-54	Bandra.
127.	Shri Blazio Pedru do Rosario, Ch. 26 years; Police Constable at Silvassa.	He stays with his brother-in-law Shri Antonio Colaco at House No. 40, Prabhadevi, Cadel Road.	-do-	Dadar.
128.	Shri Ezikel Frederic Noronha, Ch. 25 years; Police Constable No. 390.	He stays with Capt. Falcao C/o Shri Burjorji C. Contractor at Hardinge House, Gowalia Tank.	-do-	Gamdevi.

	<i>Names</i>	<i>Address</i>	<i>Date of arrival</i>	<i>Police Station</i>
129.	Shri Virjilio Fernandes Fidalgo, Port: 64 years; Chief Administrator of Nagar Aveli.	He stays with his friend Shri Burjorji C. Contractor at Hardinge House, Gowalia Tank.	-do-	-do-
130.	Shri Jose Manuel Oliveira Marino Falcao, Port: 28 years; Chief of Police of Nagar Aveli.	-do-	-do-	-do-
131.	Shri Manuel Arriago De Oliveira Pegado, Port: (Mistis), 36 years; Sub-Chief of Police of Silvassa.	He stays with his father-in-law Shri A. G. Campos at 65 Villa Catherina, Chappel Road, Bandra.	-do-	Bandra.
132.	Shri Babal Vishnu Sawant, H. 24 years; Police Recruit at Silvassa.	He stays in a Goan Club at Kazi Building, 2nd Marine Street, Dhobi Talao, Bombay.	14-8-54	Esplanade.
133.	Shri Francisco Victor Fernandes, Ch. 22 years; Police Recruit at Silvassa.	-do-	-do-	-do-
134.	Shri Abelio Florontino Rocha, Ch. 23 years; Forest Guard at Silvassa.	He stays with his brother Shri John Francisco Rocha, 159, Gordon Villa, Bandra.	-do-	Bandra.
135.	Shri Rosario Mario Baretto, Ch. 22 years; Police Recruit at Silvassa.	He stays in a Goan Club at Kazi Building 2nd Marine Street, Dhobi Talao.	-do-	Esplanade.
136.	Shri Jeronimo Mariano Baretto, Ch. 27 years; Police Recruit at Silvassa.	-do-	-do-	-do-
137.	Shri Philip Sebastian Baretto, Ch. 22 years; Police Recruit at Silvassa.	He stays with his friend at Adamkhan Bldg; 5th floor, Mazagaon.	-do-	Byculla.
138.	Shri Feliciano Luis Pereira, Ch. 22 years; Police Recruit at Silvassa.	He stays with his sister Smt. Margarita Fernandes, House No. 15, Top floor, 3rd Marine Street, Dhobi Talao, Bombay.	14-8-54	Esplanade.
139.	Shri Gregorio Domingo Rebello, Ch. 20 years; Police Recruit at Silvassa.	He stays in a Goan Club at Kazi Building, 2nd Marine St. Dhobi Talao. (Canaconacares Club).	-do-	-do-
140.	Shri Salvador Jose Francisco Cutinho, Ch. 19 years, Police Recruit at Silvassa.	He stays in Canaconacares Club as stated above.	-do-	-do-
141.	Shri Francisco Joaquim Fernandes, Ch. 22 years; Police Constable No. 591, at Silvassa.	He stays with his friend Shri Jose Lopes near St. Andrews Church, Bandra.	-do-	Bandra.
142.	Shri Tome Jose Fernandes, Ch. 20 years; Police Recruit at Silvassa.	He stays with his uncle Shri Xavier at New Nagpada Road.	-do-	Nagpada.

	<i>Names</i>	<i>Address</i>	<i>Date of arrival</i>	<i>Police Station</i>
143.	Shri Graciano Jeronimo Lopes, Ch. 31 years; Police Constable No. 157, at Silvassa.	He stays with his brother Shri Castilo Lopes at IVth Road, Khar.	-do-	Bandra.
144.	Shri Joaquim Benedicto D'Souza, Ch. 23 years; Police Recruit at Silvassa.	He stays with his friend Shri Xavier at New Nagpada Road.	-do-	Nagpada.
145.	Shri Jose Luis Fernandes, Ch. 41 years; Police Constable, No. 567, at Silvassa.	He stays with his brother Shri Armando Ferandes at Gloria Church, Byculla.	13-8-54	Byculla.
146.	Shri Crisostomo Rebelo, Carpenter.	Not known.	—	—
147.	Shri Craveiro das Remedios, Forest Guard.	„		
148.	Shri Antonio Miranda, Police.	„		
149.	Shri Francis Pais, Police.	„		
150.	Shri Ludoico Nicolau Menezes.	„		
151.	Shri Gilherm Fonseca, Police.	„		

(5)

STATEMENT SHOWING THE CLASSIFICATION OF EX-PORUGUESE  
GOVERNMENT SERVANTS WHO ARRIVED IN BOMBAY  
FROM DADRA AND NAGAR HAVELI

Date of arrival	Department.	No. of persons.	Place from where arrived.
2-8-1954	Police	7.	Dadra.
	Custom	2.	-do-
	Forest	Nil.	-do-
4-8-1954	Police	8. (one Police patel)	(Including Dadra and Naroli).
	Custom	2.	
	Portuguese Volunteers	2.	
	Forest	11.	
5-8-1954	Police	2.	Dadra.
	Custom	Nil.	-do-
	Forest	Nil.	-do-
11-8-1954	Police	38.	Selvasa.
	Custom	Nil.	-do-
	Forest	1.	-do-
	Private	1.	-do-
13-8-1954	Police	36. (including two Police officers)	Selvasa.
	Forest	19.	-do-
	Custom	2.	-do-
	Chief Administrator	1.	-do-
14-8-1954	Police	12.	Selvasa.
	Forest	1.	-do-

SUMMARY

Police . . . . .	103.
Custom . . . . .	6.
Forest . . . . .	32.
Portuguese Volunteers . . . . .	2.
Private . . . . .	1.
Administrator . . . . .	1.
Total . . . . .	<u>145.</u>

**Annex F. No. 109**

No. D. 6825 Eur. II/54.

MINISTRY OF EXTERNAL AFFAIRS,  
NEW DELHI.

Dated, the 11th August, 1954.

Dear Mr. Dias,

In continuation of our telephonic conversation on the 8th August, I write to say that Mrs. Fidalgo may, as a special case, be permitted to stay in Bombay for a month after which period she will have to leave India for East Africa.

Yours sincerely,  
(Signed) A. N. MEHTA.

A. L. Dias, Esq.,  
Secretary to Govt. of Bombay,  
Department of Education,  
Bombay.

**Annex F. No. 110**

(1)

No. A(Z)/555.

P &amp; S.D.,

B.C., 27th August 1954.

From

Shri M. D. Bhansali, ICS.,  
C.S. to the Government of Bombay,  
P & S.D.,

To

The Chancellor in Charge of the Portuguese Consulate General,  
Bombay.

Sir,

I am directed to acknowledge your letter No. 613, dated 23.8.1954., in regard to certain Portuguese military officers and policemen and to state that the entry of the officers and men into Indian territory without proper passport or permits though in contravention of the existing regulations was permitted under special circumstances. Nevertheless, in order to regularise the position in accordance with these Regulations, all Portuguese European officers and the members of their families should present their passports or equivalent travel documents with visa application forms properly completed to the Passport Officer requesting permission to stay in Bombay and to proceed from Bombay to Daman or Goa.

So far as Portuguese Indian Police Officers and men are concerned, in accordance with the existing Regulations they are required to be in possession of permits granted by the Indian authorities. As, however,



they have already entered Indian territory without obtaining these permits, I am directed to request that their entry is now to be regularised in a manner similar to that of the Portuguese European officers. They will accordingly present passports or equivalent travel documents with visa application forms duly filled in requesting permission to reside in Bombay and to proceed therefrom to the specified Portuguese territory.

All applicants will present themselves individually to the Passport Officer to the Government of Bombay.

Yours faithfully,  
For C.S. to Government.

(2)

CONSULATE GENERAL OF PORTUGAL,  
BOMBAY.

Bombay, 28th August, 1954.

No. 619.

Proc. 13-D/b/54.

*Very Urgent.*

The Chief Secretary to the Government of Bombay, Political and Services Department, Bombay.

Sir,

I have the honour to acknowledge receipt of your letter No. A(Z) 555, dated the 27th. August 1954, and to record the following facts feeling certain that you will be pleased to treat the subject in question with the fairness and equity as the case deserves.

1. On the 18th. instant, I was informed by you on the phone to send a joint list of all Portuguese European Officers and their men to serve as travel document to enable them to leave Bombay for their desired destination, Damaun.

2. This condition was duly complied with and the list as required was submitted to you under cover of my letter No. 613 dated 23rd. August 1954.

3. In this connection it must be observed further that during the course of conversation on the phone referred to above no question of passports arose nor a hint about same given.

4. Now I feel sorry to point out that your letter referred to above puts a different complexion on the whole question involving a departure from the original arrangement in conformity with your instructions.

5. I need scarcely emphasise the extent of serious inconvenience and hardships to which the Portuguese Officers and their men are being subjected, and holding due regard to this unfortunate situation which is being rendered more difficult I approach you with the request you will be pleased to forego the obligation of the new conditions as set out in your last letter being carried out, and to allow the joint list to hold good, as originally agreed to, for all interests and purposes of repatriation of the men concerned with the least possible delay.

6. In order to save time and spare the men the hardships I propose to issue to them the necessary passports individually with the request you will be pleased to accept their joint application for the purpose of granting the required visas for their stay in India and departure to their destination Damaun.

I shall highly appreciate the courtesy of treating this subject with great urgency.

Yours faithfully,

*(Signed)*

Chancellor, In-Charge of the Consulate  
General.

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(3)

No. A(Z)/580.

P. & S.D.,

B.C., 31st August 1954.

To

The Chancellor in Charge of the  
Portuguese Consulate, Bombay.

Sir,

I am directed to refer to your letter No. 169, dated 28.8.1954, and to state as follows:—

(1) When you discussed this question with me on 18-8-1954 it was clearly indicated that the Portuguese Officers and men who had entered Indian territory in contravention of Indian Passport Regulations should present individual applications and not a joint one. This was not, however, complied by you and instead a joint list was prepared and forwarded with your letter No. 613, dated 23.8.1954. It was clear that the individual applications to be preferred by the officers and men related to their entry into India and their request, thereafter, to be permitted to proceed from Bombay, where they are in temporary residence, to Daman or Goa as the case may be.

(2) It was not necessary to refer to the question of passports or equivalent travel documents, as you are well aware that all Portuguese Europeans and other officials of the Government of the Portuguese territories in India must under our normal Regulation be in possession of such documents.

(3) In any case as the particulars to be furnished on the visa application forms vary from person to person a joint application would only lead to unnecessary confusion.

In the circumstances, I am directed to state that the Government of Bombay regret their inability to relax any of the existing Regulations,

and that it would be necessary for the officers and men to act in accordance with Government letter No. A(z)/555, dated 27.8.1954.

Yours faithfully,

(Signed)

For C.S. to Government.

(P & S Dept-No. 81/54).

(4)

*Enclosure No. 7.*

D.O. No. 481-FS/54.

MINISTRY OF EXTERNAL AFFAIRS,  
NEW DELHI

10th September 1954.

My dear Minister,

I have received your letter of the 7th September 1954.

2. As we have already informed you, the Portuguese officials who came to India from Dadra and Nagar Aveli without necessary permits are free to go to Goa or Daman or anywhere else they like. The Bombay Government are fully aware of this decision and acting in accordance with it.

3. The Government of India, however, do not consider that there is any reason for waiving any of the formalities regarding passports and visas, in connection with the entry into India (already effected) of certain Portuguese officials and their future transit through Indian territory for proceeding to Goa or Daman. The formalities have to be completed by the Portuguese Consul-General in Bombay.

4. We understand that there has been some delay in this. The latest position is that up to the 31st August, 51 applications for passports or emergency certificates had been made. 72 further applications were received on the 3rd September and 10 on the 6th September, thus making a total up to the latter date of 133 applications. 35 of these have on scrutiny revealed that particulars furnished were incomplete or contradictory. The discrepancies have to be made good in these applications. In the case of the rest, we understand, that visas have been granted.

5. Your Legation has in a number of notes on this subject, the language and spirit of which, I regret to say, is deplorable, alleged deliberate delays and harassment of the Portuguese officials. I cannot accept the validity of these accusations. On the 23rd August 1954, the Portuguese Consul-General in Bombay sent an application by the Portuguese officials-described by him as "Portuguese military officers and men". In his letter of the 27th August 1954, the Chief Secretary to the Bombay Government replied saying that to regularize the position created by the illegal entry

of Portuguese European officers, they should present to the Passport Officer their passports or equivalent travel documents with visa application forms properly completed, requesting permission for entry in Bombay State and to proceed from Bombay to Daman or Goa. On the 28th August 1954, the Portuguese Consul-General urged that the submission of a consolidated list of persons who wished to go to Daman was in accordance with the previous suggestion of the Chief Secretary himself. In his letter of the 31st August 1954, the Chief Secretary contradicted the latter's assertion and insisted that individual applications and not joint ones should be submitted. This is apparently being done now. There seems to have been no avoidable delay, nor any harassment, in this matter, as the men have had full freedom to move about and live in Bombay and have not been subjected to any sort of constraint.

Yours sincerely,  
(Signed) (R. K. NEHRU),  
Foreign Secretary.

His Excellency  
Dr. Vasco Vieira Garin,  
Minister for Portugal,  
New Delhi.

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**Annex F. No. III**

[See Annex 5 to Observations, Vol. I, pp. 656-658.]

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**Annex F. No. III2**

[See Annex 10 to Observations, Vol. I, pp. 670-671.]

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**Annex F. No. III3**

[See Annex 11 to Observations, Vol. I, pp. 672-674.]

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**Annex F. No. III4**

[See Annex 12 to Observations, Vol. I, pp. 675-676.]

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**Annex F. No. 115****OBSERVATIONS AND TESTIMONIES IN ANSWER TO ANNEX 1 TO THE PORTUGUESE OBSERVATIONS OF AUGUST 1957 AND ANNEX 195 TO THE PORTUGUESE REPLY**

In an Annex to its Observations on the Preliminary Objection the Portuguese Government set out several statements of a general nature in justification of the continuation of Portuguese rule in India. It also appended thereto extracts from newspapers and books. At Annex 195 to the Reply the Portuguese Government has now appended a booklet entitled, "Portugal Overseas and the Question of Goa—Statements and Testimonies". This booklet is published by the "Agencia-Geral Do Ultramar, Lisboa", a Portuguese Government organisation, and it consists of selected extracts from certain books published between 1946 and 1957. Some of these books, particularly those written in 1957 appear to have been sponsored by the Portuguese Government<sup>1</sup>.

2. In the view of the Government, these "statements and testimonies" contain nothing but irrelevance, fantasy and a distortion of the truth. The following examples will make this point absolutely clear:

1. "The third phase in the evolution of humanity is characterized by the markings of a sense of mission. Those who had accepted the moral renovation of Christianity felt impelled to deliver the message they had received, to the rest of the world. During the expansionist and for some time after the Neolithic phases of man's growth, there had appeared to be an unconscious process of evolution, but now, a movement motivated by religious doctrine sought to unite the whole of humanity under a common symbol of justice, peace and love.

The tremendous burden of carrying out the most important part of the mission referred to above, fell upon us and we had to go out along the sea routes to find and contact the most diverse peoples of the earth.

I believe that there are two aspects of Portuguese Expansionism which are worth examining." (Page 15.)

2. "But Portugal has its own strong reasons for defending the ownership and possession of the State of Portuguese India. In order to do this she should and must base her claim on irrefutable historical foundations, on the fundamental principles of Public International Law, on her own Internal Public Law, on international moral law, on the United Nations Organization, and on her own duties to the peoples of Goa." (Page 35.)

3. "... while travelling in Goa, more than once my impression is that I am completely in Indianoid Brazil and among Indianoid Brazilians: in Pará, for instance. I was not only impressed by the

<sup>1</sup> In this connection it may be mentioned that the Portuguese Government has mentioned a book by Marini, "Goa as I have seen it". (See the Portuguese Reply, paragraph 276 footnote 1). That book has recently been published in several languages and it appears quite clearly that it was sponsored by the Portuguese Government. In fact, the Government of India received an offer from Marini himself to write a similar book, about India.

same forms and colours of people. The same smiles. The same way of looking and of walking, of the people." (Page 63.)

4. "Four hundred and fifty years afterwards, the Portuguese enclaves in India still have a Portuguese look and a Portuguese mentality: the Eurasian inhabitants genuinely feel themselves to be Portuguese. They have had, for some centuries of their history, a type of rule and culture which has given them an affection for the European side of their ancestry; they think like Portuguese, though they speak to one another in an Indo-European language of their own: Konkani. The Goanese are not a creation of the new Indian Union; they are the creation of Albuquerque; indeed the difference in mentality from any of the inhabitants of the India of Dr. Nehru is always becoming greater, for the national characteristics of the Goanese—whether they live in Goa or Bombay—are very different from those of the Union. They have no caste-system, and their religion (which is mainly Roman Catholic, though some are Hindoos or Moslems) renders them incapable of understanding a new religiosity of peace and non-violence which yet can be used as a means of aggressive imperialism. A parallel with what was once British India should not be drawn; the Hindoos never considered themselves to be British. The Goanese on the contrary wish to be, and in any justice should be, Portuguese. Albuquerque is the peer of the great British Viceroys; but the system by which the British ruled, and the India they served, were different, and Albuquerque's has lasted longer. Professor Boxer once remarked that the Portuguese, who were the first Europeans in Asia, were likely also to be the last." (Page 70.)

5. "If unity among nations is so sacred a thing that everything else must be sacrificed to it, then just how does India find it possible to accept a divided Korea and a divided Vietnam, both of which came about with considerable Indian approval?" (Page 102.)

3. It would be very easy for the Government of India to show that the "statements and testimonies" produced by the Portuguese Government are not only misleading and libellous but are written by persons who are totally misinformed about the facts. For example, the author of the extract given above from page 70 presumably does not know that even according to Portuguese official statistics there are no more than 374 persons of mixed blood in the whole of the Portuguese possessions in India. Nor does he realise that Konkani, the language of the Goans, is a Sanskrit language. Nor does he appear to know that the people of Daman and Diu and Dadra and Nagar Aveli speak Gujerati, and Marathi. His statement that Goans have no caste-system and that their religion "is mainly Roman Catholic, though some are Hindoos or Moslems", exposes his ignorance of the simplest and most well-known facts, namely, that the Hindus in the Portuguese possessions form 61% of the population and that the Christians of Goa are well-known for having kept their Hindu customs and manners and till this day prefer to describe themselves as Brahmins, Chardos, etc.

4. However, the Government of India will not enter into a debate with the distinguished gentlemen cited by the Portuguese Government. It would, however, like to let the facts speak for themselves. Accordingly,

it will briefly re-state its points and refer to appendices in illustration of these points:

1. The violent nature of Portuguese incursion into India is well-known to historians and is testified to by the Portuguese conquerors themselves (see Appendix 1 and 11).

2. Portuguese rule never found acceptance in India and the nature of Portuguese repression gave rise to innumerable revolts and rebellions (see Appendix 2).

3. The people of the Portuguese possessions in India have been separated from the rest of India by reason only of the fact that they were subjected to the rule of different colonial masters. Otherwise, they are indistinguishable from and form part of the family that is India (see Appendix 3).

4. The modern movement of Goans for freedom from colonial rule dates from about 1926-1928 and was inspired by a distinguished Goan called Dr. Tristao Braganza Cunha. The existence of this movement which gathered force particularly after the enactment of the Colonial Act of 1930 has been recognised by the Prime Minister of Portugal himself (see Rejoinder, paragraph 490, footnote 1 and Appendix 4).

5. Political life in the Portuguese possessions is characterised by a complete absence of fundamental freedoms and civil liberties, with the result that open political activity or expression of opinion is inhibited and rendered impossible on pain of imprisonment and victimisation (see Appendix 5).

6. In spite of these limitations, there took place in the Portuguese possessions in 1946 a great movement for liberty. This movement was an echo of the upsurge in India and the recognition on the part of the British Government of the aspirations of the Indian people. This fact has been recognised by the Prime Minister of Portugal (see Rejoinder paragraph 490 footnote 1 and Appendix 6).

7. This movement of Goans was met with cruel and severe repression by the Portuguese Government. On the eve of Indian independence and thereafter the Portuguese Government augmented its armed forces and introduced a large number of European and Negro military and used its armed forces for the suppression of the Goan Movement (see Appendix 7).

8. In spite of such repression the people of the Portuguese possessions continued to voice their cry for liberty and their movement for freedom continued both in Goa and in Bombay where large numbers of Goan nationalists took refuge from Portuguese persecution (see Appendix 7).

9. The arrest and deportation of Dr. Gaitonde, an eminent surgeon of Goa for uttering the words, "I protest" in response to a statement made by a speaker at a private dinner party that, "Goa is Portugal" saw the culmination of the agitation of Goans and lead to the insurrection in Dadra and Nagar Aveli (see Appendix 8).

10. The movement for freedom from Portuguese rule had continued till this day and the Goans have yet to realise their aspirations (see Appendix 9).

The facts of the Goan Freedom Movement are to be found not in writings sponsored in 1957 by the Portuguese "Agencia-Geral Do Ultramar, Lisboa". These facts are to be found in the police laws and regulations in Goa, the number of persons arrested, beaten or killed, and in the comment of the Goans themselves. It is the outcry and agitation of Goans which constitutes evidence of their aspirations and a condemnation of Portuguese rule. The Government of India can do no better than cite the opinion of Goans which is to be found in innumerable tracts, leaflets and pamphlets issued by the Goans from 1926 up to date. However, the Government of India has no desire to add these publications to the file. It will therefore only append a list of the publications that have come to its notice which may be referred to in the original at the appropriate stage (see Appendix 10).

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## Appendix I

## EXTRACTS FROM PORTUGUESE HISTORICAL DOCUMENTS, AND BOOKS OF PORTUGUESE AND OTHER HISTORIANS AND WRITERS

(1). Extracts from Albuquerque's letter, dated 22nd December, 1510, given in "The Portuguese in India" by F. C. Danvers, London, 1894, Vol. I p. 211:

"In giving an account of this important enterprise to King Dom Manoel, Albuquerque wrote as follows, under date, Goa, 22nd December, 1510;

"In the capture of Goa the Turks lost over 300 men, and the road between Banastery and Gondaly was covered with the bodies of those who were wounded and died in their attempt to escape. Many were also drowned whilst crossing the river. I afterwards burnt the city, in which for four days the carnage was fearful as no quarter was given to anyone. The agricultural labourers and the Brahmins were spared, but of the Moors killed the number was at least 6,000. It was indeed a great deed, and well carried out." "

(2). "Extracts from the Commentaries of the Great Afonso D'Albuquerque"<sup>1</sup> translated from the Portuguese Edition of 1774, by Walter de Gray Birch, F.R.S.L., London, 1875: Vol. II, Chapter 32, page 157 and Vol. III, p. 15:

"And the Moors, like men who now had become thoroughly roused, no sooner caught sight of Afonso D'Albuquerque, then they went up to attack him. And he, in order to more thoroughly prevail against them that were no longer awed by his presence, ordered fire to be set to the city in four places; and then, leading the people he had with him he fell upon the enemy, and put to sword every one of them that he found in the streets, without giving quarter to any one..."

After having commanded the captains to take up their positions and guard the fortress, Afonso D'Albuquerque gave permission to the soldiers to sack the city, and free right to keep everything they took... And after the city had been pillaged, Afonso D'Albuquerque told the captains to reconnoitre the whole of the island and put to the sword all the Moors, men, women, and children, that should be found and to give no quarter to any one of them; for his determination was to leave no seed of this race throughout the whole of the island. And for four days continuously they poured out the blood of the Moors, who were found therein; and it was ascertained that of men, women and children, the number exceeded six thousand."

(3). Extracts from a letter dated 8th March, 1546, from King John IV of Portugal to John de Castro, Viceroy of India, given in "Decay of Portuguese Power in India", by Rev. H. Heras, S.J., M.A., Bombay, 1928, page 16, on the authority of Baldaus, 'Description of the East India Coasts' (1672), pp. 646-7:

<sup>1</sup> The Commentaries were written by Braz de Albuquerque, son of Afonso de Albuquerque, who on the death of his father assumed the name of Afonso de Albuquerque.

"To John de Castrok, Viceroy of India, all Happiness: "You knowing what an abominable thing Idolatry is in our Eyes, the same shall for the future not be tolerated in my Dominions. Being informed that in the country about Goa the Pagan Temples are suffered and frequented both in public and in private, as well as diverse sorts of Pagan Diversions, we command you once and for all to have the same demolished, burnt and rooted out; and that all imaginable care be taken to prevent the importation of idols, either of wood, metal, earth or any other matter... The Heathenish Sports shall be abolished and the Brahmins not in the least encouraged, and such as contravene this our Mandate shall be severely punished <sup>1</sup>."

(4). Extracts from letters of St. Francis Xavier, dated March 24th, 1544, and January 22nd, 1545, given in "The Rise of Portuguese Power in India 1498-1550", by R. S. Whiteway, 1899, p. 21, quoting "Life of St. Francis Xavier" by Father H. J. Coleridge, 1890, Vol. I, p. 193-227:

"In a private letter of March 24th, 1544, he (St. Francis Xavier) wrote: "They (the Portuguese) seem to think it an insult and an injury to them if anyone dares to open his mouth while they are trampling on rights of all kinds..." And again, writing to a brother Jesuit in Europe, on January 22nd, 1545, "Do not allow any of your friends to be sent to India with charge of looking after the finances and affairs of the King. To such persons we may most truly apply that which is written. 'Let them be blotted out of the book of the living, and let their name be not written among the just'. However great may be your confidence in one you know and love, trust my experience and oppose him on this point, and fight to the last to prevent him from being exposed to the greatest of dangers... There is here a power which I may call irresistible; to thrust men headlong into the abyss, where besides the seductions of gain, and the easy opportunities of plunder, their appetites for greed will be sharpened by having tasted it, and there will be a whole torrent of low examples and evil customs to overwhelm them and sweep them away. Robbery is so public and common that it hurts no one's character and is hardly counted a fault; people scarcely hesitate to think that what is done with impunity, it cannot be bad to do. Everywhere and at all times, it is rapine, hoarding and robbery. No one thinks of making restitution of what he has once taken. The devices by which men steal, the various pretexts under which it is done, who can count? I never cease wondering at the number of new inflections, which, in addition to all the usual forms, have been added in this new lingo of avarice to the conjugation of that ill-omened verb 'to rob'..."

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<sup>1</sup> "Whereupon", writes Rev. Alex D'Orsey in his book, "Portuguese Discoveries, Dependencies and Missions in Asia and Africa", p. 114, "the Viceroy, by landing a body of troops and destroying all the temples, proved to the natives that such interference with the propagation of Christianity would be severely chastised." As a direct consequence of this there were Goan revolts.

(5). Extracts from "Decadas" by Barros and Couto<sup>1</sup> given in "The Rise of Portuguese Power in India 1497—1550", by R. S. Whiteway, Chapter 2:

"The interpretation of this bull (the papal bull which divided three-fourths of the globe between the Spaniards and the Portuguese) as accepted by the Portuguese is to be found in the pages of the official historian (Barros l. 6.1). According to him, the Pope is empowered to distribute to the faithful all lands in the possession of the followers of alien laws. 'It is true', he says, 'there does exist a common right to all to navigate the seas, and in Europe we acknowledge the rights which others hold against us, but this right does not extend beyond Europe, and therefore the Portuguese as Lords of the sea by the strength of their fleets are justified in compelling all Moors and Gentiles to take out safeconducts under pain of confiscation and death. The Moors and Gentiles are outside the law of Jesus Christ, which is the true law that everyone has to keep under pain of damnation to eternal fire. If then the soul be so condemned, what right has the body to the privileges of our Laws?' 'It is true', he adds with a charitable candour, 'they are reasoning beings, and might if they lived be converted to the true faith, but inasmuch as they have not shown any desire as yet to accept this, we Christians have no duties towards them.'

Had these been merely the opinions of a studious pedant they would have deserved no attention, but if they were not actually put forward by the Head of the Christian Church, they afford an interpretation of its orders that was never repudiated and which, indeed, logically follows from its works. These doctrines, which have destroyed whole tribes and nations and have affected the lives and happiness of millions, have been used to justify the most insatiable cupidity and the most atrocious barbarities. A few instances may explain the effect on the Portuguese mind of these theories."

(6). Extracts from the "Decadas" by Barros and Couto given in "Portuguese Discoveries, Dependencies and Missions in Asia and Africa", by Rev. Alex. J. D. D'Orsey, B.D. (Cambridge), Knight Commander of the Portuguese Order of Christ, Professor in King's College, London: London, 1893, Chapter 3, page 29:

"King Manoel, however, was inflexible. Animated by political ambition and religious zeal, he relied on the Papal grant, which had placed all the Eastern nations beneath his sceptre; and he believed it both his right and his duty to follow up the conquests which his admirals had begun...

Independently of other motive, to which we have already referred, da Gama appears to have been prompted by a desire to punish the

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<sup>1</sup> Joao de Barros and Diogo de Couto were two official historians to the King of Portugal. They published "Decadas", which are divided into Books and Chapters. The references in the extracts are to Decadas, Books and Chapters. The first three Decadas, ending with the death of Henrique Menezes, were published between 1552 and 1563, during the lifetime of Barros. A fourth Decada was published in 1615. Couto, who spent almost all his life after 1556 in India, continued the work of Barros.

Moslems for the death of his friend Correa, as well as for the insults offered to religion. Chance soon furnished him with an opportunity of gratifying his revenge; and this instance (unfortunately but a specimen of many such) serves to account for much of the hatred which Portuguese cruelty excited in the East, so that we may, for a moment, digress, to give an outline of the details. Da Gama encountered, on 3rd December, a large vessel belonging to the Sultan of Egypt, and crowded with pilgrims returning from Mecca. The Arabs, seeing resistance hopeless, offered an enormous ransom, which the admiral accepted, and yet ordered the vessel to be fired. The poor wretches succeeded in extinguishing the flames, but merciless da Gama ordered his men to rekindle them. An eyewitness (*Navegacao as Indias Orientaes*, by Thome Lopes, Chapter 18) relates that women held up their children towards da Gama and that in this scene of horror "l'intérieur du bâtiment offrait une représentation visible de l'enfer", and that "ce cruel souvenir lui était resté toute sa vie". This terrible episode in the second voyage of Vasco da Gama shows the spirit with which he was animated in his voyage to Malabar... Da Gama then steered for India and touched at Cannalore, where he had an interview with the old Rajah, marked on both sides by great magnificence.

As he sailed towards the hostile Calicut, he met a galley conveying noble men from the Zamorin, as messengers of peace. They pleaded that his vengeance on the unfortunate ship ought to be accepted as full atonement of the murder of Correa. Gama haughtily replied that he would only treat with them on condition of the complete expulsion of the Moors. On anchoring before Calicut, the admiral received the Rajah's ultimatum, that, while he would give every advantage to the Christians, he positively refused to banish the Moorish residents. This answer was considered a declaration of war, and the Portuguese commander prepared to bombard the ill-fated city. Before making the attack, he wrote to the Zamorin by one of his prisoners, declaring that if he did not receive by mid-day a satisfactory response, he would burn the city. The time being past, he ordered all his captains to hang their Moorish prisoners at the yardarm; and then commenced a bombardment which lasted all day. Towards the evening he sent the heads, feet and hands of the thirty-two victims on shore, with a letter declaring that though these men were not the murderers of Correa, they were sufficiently related to justify the reprisal. He next threw the mutilated bodies into the sea, that they might float ashore, and strike terror into the people. For two days more he continued to cannonade the town, and then sailed for Cochin, which he reached on the 7th November, (this narrative is condensed from the *History of Joao de Barros*, Decada 1, B VI, p. 130). It is unnecessary to multiply these frightful recitals, but it was requisite to give some idea of the arrogance and cruelty of the Portuguese conquerors."

(7). Extracts from the "*Historia do Descobrimento e Conquista da India*", by Fernao Lopes de Castanheda <sup>1</sup>, Book VI, Chapter 48, given

<sup>1</sup> Castanheda went to India in 1528 and stayed there about ten years. His work is so reliable that two of his books were destroyed by the order of the king on the complaint that the truth was told too plainly, as Couto says in Decada IV, Book 5, Chapter 1.

in "The Rise of Portuguese Power in India, 1497-1550", by R. S. White-way, *op. cit.*, Chapter 2:

"In 1524 by killing off their outlying parties, it was a surprise to them that Mohommedans should take revenge, for "up to now the Portuguese have considered that the Moors should abide by a peace, and that they need not"...

Cruelties were not confined to the baser sort, but were deliberately adopted as a line of terrorizing policy by Vasco da Gama, Almeida and Albuquerque, to take no mean examples. Da Gama tortured helpless fishermen: Almeida tore out the eyes of a Nair who had come in with a promise of his life, because he suspected a design on his own life. (Castenheda, *Historia do Descobrimto e Conquista da India*, Book II Chapter 28). Albuquerque cut off the noses of the women and the hands of the men who fell into his power on the Arabian coast. To follow the example of Almeida and sail into an Indian harbour with the corpses of unfortunates, often not fighting men, dangling from the yards, was to proclaim yourself a determined fellow."

(8). Extracts from the "Memorias" of the High Court Judges Magalhaes (at pp. 8 and 9, Nova-Goa 1859) and Lousada (Vol. II of *Anaes Maritimes e Coloniais*, p. 59), given in the "Narracao da Inquisicao de Goa", by Dellon, pp. 11 *et seq.* (translation):

"About the Inquisition we may read the "Memorias" of High Court Judges Magalhaes and Lousada, both of whom write almost in the same words: "Finally, the Inquisition—the tribunal of fire thrust upon the world, a scourge of mankind, an horrible institution which will bring shame to its authors—came to make its brutal settlement in the fertile plains of Hindustan. At the mere sight of the monster, everyone fled and disappeared—Mongols, Arabs, Persians, Armenians and Jews. The Indians, who are so tolerant and peaceful, shocked to see the God of Christians more cruel than that of the Mohammedans, deserted Portuguese territories and went to the territories of the Mohammedans, with whom they had by now come to an accommodation, despite the fact of having suffered in their hands innumerable and incalculable evils. In these circumstances towns and villages became deserts."

(9). Extract from "Oriental Memoirs", by Forbes, London, 1834, Vol. I, pp. 190-191, given in "The Decay of the Portuguese Empire in India", by Rev. H. Heras, Bombay, 1928, p. 16:

"Many countries in the vicinity of Goa have at different times been almost depopulated by the mistaken policy, bigotry and oppression of the Portuguese Government."

(10). Extract from "Historia Das Relacoes Diplomaticas de Portugal No Oriente", by Constancio Roque Da Costa, Consul General and Goan Deputy to the Cortes, in "Boletim da Sociedade de Geographia de Lisboa" 13 a Serie—No. 12: Lisboa 1894 (translation):

"The cruelties which were committed, the blood which was shed, the acts of piracy which from the beginning marked the relations between Portugal and the East irritated in such a way the people,

sowing hatred of, and suspicion against, everything that was Portuguese, that it became impossible to have peaceful and amicable trade relations. From this moment it was necessary to have a foothold on the (Indian) Continent to protect overseas trade. The factories could not be protected without fortresses. The policy of conquest began to be implemented. It was not possible to have trade without subjugation."

(11). Extracts from "Os Indus de Goa e A Republica Portuguesa", by A. de Noronha, Goan Judge of the High Court, Nova-Goa: written at the invitation of the Governor General of Goa: Nova-Goa, 1922, pages 20 *et seq.* (translation):

"In fact, the immediate and tangible consequence of what has been succinctly narrated was the depopulation of villages, the shortage of labourers, the abandonment of land, the disappearance of craftsmen and the loss of natural wealth—in short, an economic crisis. Ruins could be seen everywhere. Sadness, desolation and misery prevailed in the land...

From what has been said, based on documents, one thing emerges: the spirit which prevailed in these lands from the beginning of the conquest, was its rigid secretarian spirit, a most exalted fanaticism, a most ferocious intolerance and unbridled ambition. Though sometimes a few personalities of wider vision attempted to moderate this spirit and stop the cupidity and luxurious living, they achieved nothing. Their intentions were very often distorted, their actions were almost always subjected to overwhelming pressure by the clergy and their reputations never failed to be under malicious and imaginative intrigues and suspicious... On the basis of documentary evidence, we have seen that the 17th Century was a time of uncontrolled power and licentiousness, of cupidity and disorderly clergy. It is worthwhile noting that we do not say that licentiousness, cupidity and disorderliness existed only amongst the clergy, all the other higher classes lived the same vicious life, including the judiciary, among whom there was sometimes gross corruption... In the middle of this state of affairs the Hindus were not forgotten. Some legislative measures were published regarding them: sometimes attenuating the previous rigorous measures against them, at other times increasing the oppression, but never failing to bring further revenue...

With ever-increasing restrictions, vexations and deprivations of their rights, we arrive at the 18th century, in which the frame-work of restrictions is so tightened that we reach a point of not knowing what activity to restrict. Hence, the infidels were deprived of means of transport... But what did it matter? The essential thing was to hunt the 'wicked sect'...

The "General commotion", to use the term of the Time, caused by the exodus was so great that the Senado Da Camara made representations about the ruin which the exodus brought to the loss of rents to the state and universal damages.

A delirious persecution extended until the end of the 18th century, though sometimes, as we have seen, there were short intervals dictated rather by the needs of the moment than by the adoption of the policy of tolerance. The constant lessons of experience were

ignored. The afflictions or "general commotions" created by the emigration of Hindus in 1715 had no consequence. The exhortations of Father Manuel de Sa, Patriarch of Ethiopia, were of no use, neither was the example offered by the neighbouring city of Bombay, where the rich Hindus, Armenians, Parsees, Mohammadans and Jews—all prosperous merchants—had fled in the fear of vexations and terrorised by the Inquisition. They brought such a great prosperity to Bombay that, when the Portuguese Government wanted to take it back by purchase, the Viceroy gave the following information in his letter of the 18th January 1827: "The islands of Bombay may bring to the (East India) Company a rent of about 160,000 Xerafins. Its exact value can be negotiated according to the usual procedure of 10%. However, it must be noted that a large part of that rent depends on the trade and commerce which exist in the Island at the present moment, together with religious freedom which prevails there."

Opinions of other Goan historians and writers may be seen at p.

(12). Extracts from "The Portuguese in India", by F. C. Danvers, London, 1894: Vol. 1, page XXVII:

"It is not necessary to enlarge further on the principal topic of the work of this introduction, beyond stating that it aspires to be nothing more than a compilation from various Portuguese and Spanish publications, amplified from published and some unpublished records of the Portuguese Government relating to India; from English publications and records of the East India Company; and in a few instances from Dutch publications and records..."

"The hostility of the Arabs and natives of India to the Portuguese pretensions in the East, which was caused primarily by a desire to retain the control of that trade which had for several centuries so enriched all who had a share in it, was also greatly increased by the inhuman barbarities too often resorted to by the Portuguese in order to crush their opponents and to drive them from the Indian seas. The destruction of defenceless towns, the indiscriminate murder of their opponents, and the wholesale privacy openly practised on the high seas in the name of a civilized nation, naturally enough raised a spirit of opposition and retaliation on the part of those whose interests and lives were so seriously menaced... Unfortunately, at an early date violent measures were adopted, with the view of forcing the people to embrace the Catholic faith, Their pagods were destroyed, and an attempt appears almost to have been made to carry out their propagandism by fire and sword, in imitation of the manner in which Muhammadanism had been previously introduced into India".

(13). Extract from "A forgotten empire (Vijayanagar), A contribution to the History of India", by Robert Sewell, London 1900: page X):

"I trust that my remarks regarding the causes of the downfall of Portuguese trade in the sixteenth century will not be misunderstood. It is not in any spirit of criticism or comparison that I have written these passages. History, however, is history: and it is a fact that while the main causes of the small success which attended the efforts of the Portuguese to establish a great and lasting commerce

with India was no doubt the loss of trade after the destruction of Vijayanagar, there must be added to this by the impartial recorder the dislike of the inhabitants to the violence and despotisms of the Viceroy and to the uncomprising intolerance of the Jesuit Fathers, as well as the horror engendered in their minds by the severities of the terrible Inquisition at Goa."

(14). Extract from "A History of the Maharattas", by J. Grant Duff, Vol. I, p. 254:

"The Portuguese in their warfare... did not only carry fire and sword into the defenceless villages, but destroyed the temples, and attempted to convert their prisoners by force".

(15). Extract from the Preface by Miguel Vicente D'Abreu, to The "Narracao de Inquisicao de Goa" by Dellon, Nova-Goa, 1866, p. 11, (translation):

"In general the Inquisition was a scourge of mankind—ferocious and bloody tribunal, a recourse open to an enemy of a person who by virtue of his intelligence, wealth or other reason had achieved a better social position than his neighbour-enemy. It was a constant source of evil. And its worst consequences were felt in Goa, a place so much ridden by the differences of castes, colours, sects, and intrigues".

(16). Extracts from "Narracao da Inquisicao de Goa" by Dellon<sup>1</sup>, Nova-Goa, 1866, p. 128 (Translation):

"I confess that my last unsuccessful audience (at the Inquisition Tribunal), where I expected to have some good fortune, was for me a shock beyond my suffering capacity. Thinking of freedom that I could not possibly enjoy, I was so absorbed in sadness and desperation that I almost became mad, I had not forgotten that suicide was forbidden, neither did I wish to be eternally damned, but I did not wish to live any longer. My most vehement desire was to die. My mind was so perturbed that I thought to have chosen a middle course between a suicide and a natural death by seeking death at the hands of someone, and hoped that God would forgive me".

(17). The Portuguese Government states in its Observations, Annex 1 paragraph 3:

"Portugal adopted in India, as everywhere else, a policy of tolerance."

The previous pages have revealed the intolerant attitude adopted by Portugal in India. 'Everywhere else' in the world her methods have been similar. On this point the Government of India desires only to refer to the following publications:—

Report of Ad hoc Committee, United Nations, on Forced Labour (1953).

"The African Awakening" (1956), by Basil Davidson.

"Forced Labour in Angola—Portuguese trial of Liberal Writer"—by the Legal Correspondent of the Manchester Guardian, 27th February, 1958 and 19th March 1958.

<sup>1</sup> Dellon was a French Catholic doctor, who lived in Goa at the time of the Inquisition, and narrated in his book his own experience at the hands of the Inquisitors.



"Portuguese Contract Labour", by the Right Hon. The Earl of Cromer, London 1915.

"Portuguese Slavery", Debate in the House of Lords, July 23, 1913.

"Portuguese Slavery", by John H. Harris, London.

"Portuguese Slavery", by Travers Buxton and John H. Harris, London, 1913.

"Slavery in West Africa—Portuguese Revelations", by Senhor Jeronimo Paiva de Carvalho, London.

"Memorandum on Portuguese Slavery" addressed to the Right Hon. Sir Edward Grey by the Committee of the Anti-Slavery and Aborigines Protection Society, London, 1913.

"Report on the Conditions of Coloured Labour on the Cocoa Plantations of C. Thome and Principe and the Methods of Procuring it in Angola", by Joseph Burt and W. Claude Horton, Boston, 1907.

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## Appendix 2

### RESISTANCE TO PORTUGUESE RULE

(1). In paragraph 7 of the Preliminary Objection, the Government of India stated that "Portugal's hold on its possessions in India was always opposed by the people". In the same paragraph, some of the numerous revolts against the Portuguese Government were mentioned. The Government of Portugal tried to answer this in paragraph 4 of Annex 1 to their Observations, alleging that "it is not accurate to say that the presence of Portugal in her Indian territories has encountered the opposition of the people". It is necessary to point out that this statement and other statements contained in the same paragraph are seriously inaccurate.

The Portuguese Government refer to "thes so-called revolt of 1654", and describe it as "nothing but a manoeuvre of the Abbé Mateus de Castro". Castro in fact ruled Goa for nearly two years.

"Don Bras de Castro was proclaimed Governor on the 2nd January, 1654... and his government lasted for almost two years."

(Saldanha, "Historia de Goa", Nova Goa, 1925, p. 161.)

(2). The Portuguese Government refer also to "the so-called 'conspiracy of the Pintos'—a somewhat obscure incident, even the existence of which has been doubted". Saldanha, however, gives a very different account of these events of 1787 (*op. cit.*, pp. 255 ff.):

"The aim of the conspirators, according to the sentence later passed on them, was to form a new republic, in which the inhabitants of Goa would govern themselves through a Council or "Camara Geral", thereby being sovereign... The case was brought to trial on the 9th December, 1788, and of the accused 15 were sentenced to the maximum penalty, 5 to exile and 5 to public flogging."

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3. In paragraph 4 of Annex 1 to the Observations, the Portuguese Government also remark:

“As for the other events mentioned in paragraph 7 [of the Preliminary Objection], including the alleged ‘Custoba Revolt’, they represent only local troubles provoked by a small racial group—the ranes of Satari, of warlike character—and generally due to questions of taxation.”

With this may be compared the following account given in the official ‘*Anuario da India Portuguesa*’ for 1953:—

“... up to 1822, there were 14 revolts in spite of constant oaths of loyalty which were used merely to obtain pardon from the Governors. The 1823 rising was severely put down by the Viceroy D. Manuel da Camara, but soon after, in 1824, there was a fresh uprising in reprisal.

In 1852 occurred a new revolt led by Dipagi Ranes, who, establishing himself in the captured fort of Nanuz, was leading his bands of followers in all directions, and drove as far as Combarjua, having taken Sanguem and Quepem.

It was necessary to organise an all-State expeditionary force. This force was commanded by the Viscount of Ourem, who led his forces through the whole of Satari and reached Caranzol, without finding the enemy.

On the 2nd June 1855 the treaty of surrender was signed.

In 1869 there was a sudden new revolt, led by Custoba, the fearless outlaw of Satari. But this revolt may have been due to the feeling that injustice was done when condemning two Ranes, who in their turn had treacherously killed a ‘boto’ (a Hindu priest). The revolt lasted until 1871, and ended in the death of Custoba and another leader of his group called Calé Xaba.

The revolt of 1895 was led by Dada Ranes. To counter this revolt a special expedition was sent from Portugal commanded by the Crown Prince D. Afonso, brother of the King of Portugal, who later became Viceroy.

In 1912, due to certain unjust decisions about cultivable land, there was another revolt by the Ranes. This was immediately suppressed and the leaders were arrested. These were then deported to S. Tome e Principe.”

4. Throughout the 19th century, the Goan movement for autonomy and a liberal constitution was going on. Its first leader, Peres da Silva, took part in the revolt of 1882. He was actually appointed Prefect (Governor) of Goa in 1835, but after only a fortnight was deposed by a *coup d'état* of the European garrison. He subsequently reached Daman, and for some time maintained his authority over Daman and Diu (cf. Saldanha, *op. cit.*, pp. 253-259). Da Silva's most prominent successors in the Goan movement were Francisco Luis Gomes, Wolfgango d'Silva and Menezes Braganza. A measure of autonomy was granted to Goa in July, 1917. This was cancelled during the authoritarian rule of Sidonio Pais, in 1918, and Menezes Braganza took a leading part in the consequent upheaval.

## Appendix 3

## (Part I)

## GOA IN THE EARLY INDIAN HISTORY

## (1)

“The territory of Goa is situated in Konkan... Its Indian name is *Govem* or *Gova*, derived from the Sanskrit word *Gova-Puri*, i.e., pastoral village—a name which in olden times was given to the whole island of Tissuari and, especially, to its old town, today *Goa Velha*. Later the name *Govem* or *Goem* covered the whole territory that is Goa today. In Indian literature, Goa, is also known as *Gomanta* or *Gomantaka*, and sometimes as *Gova-rastra* or *Gopa-rastra*, name of one of the seven old divisions of Konkan-*Saptakoukana*...

According to a local tradition, narrated by the poet Sahyadri-khanda in his *Skanda-Purana*, the inhabitants of the brahmin caste came in ancient times from the margins of the river *Sarasvati* (Punjab), and from the city of *Trihotra*, today *Tirkut*, in *Gauda* (Bengal). Hence the designation of *Gauda-Sarasvatas* of these Brahmins. According to this legend they were of Aryan Origin... Goa had a considerable degree of Aryan civilization (in the Vedic period) as testified by the *Puranas* [i.n. *Puranas* are ancient (Probably over 2000 B.C.) sacred scriptures of India where the highest aspirations of philosophic thought are expressed]:

“At the north of *Gokarna* there is a *Kxetra*, holy place, which has seven *vojanas* of the circumference and in which *Gova-Puri* is situated. *Gova-puri* redeems all sins. At the mere sight of *Gova-puri* any sin committed in the previous existence is redeemed, like the darkness which disappears at the sunrise. Even a pledge to bathe in *Gova-puri* is sufficient to acquire a higher standing in the next life. *Certainly there is no other Kxetra which can be compared to Gova-puri where there are many Brahmins with profound knowledge of Vedas and Vedangas*, and where all the Brahmins dedicate themselves to the *six karmas* and bring their passions subjugated by means of *mantras*, *herbs*, penance and *yoga*.” (*Suta Sahita*, Chapter 16.)

... Goa was under the rule of *Kadambas* of *Banavasi*, who ruled *Kanara* and *Southern Konkan* and a large part of the *Deccan*. *A branch of these Kadambas came later to settle in Goa, founding there the kingdom of KADAMBAS OF GOA*. The first prince of *Kadambas* of *Goa*, whose name has recently been discovered, was *Guhalla-deva*. It seemed that he reigned during the last years of the 10th Century or at the beginning of the 11th Century A.D. He was surnamed *Vagmari* because he was a famous hunter of tigers. His son and successor was *Xasta-deva* who reigned about the year 1007 (*Barnett, Antiquities of India*, page 75). It is said that he conquered *Ceylon*, imprisoning its princes, besides some neighbouring kingdoms. *Jayalkexi the Ist, who succeeded his father Sashta-deva raised the city of Goa to the capital of his empire and reigned there upto 1052. He conquered Alupas, Cholas and other peoples*. In April 1054 he founded in *Goa* a charitable hospice, “*Casa Misericordiosa*” and a tax was levied on the fortunes of people who died without inheritors, to provide the “*Casa*” with funds. *At that time Goa became a populous and important region for its various sources of progress*. Its capital was situated at the southern end of the island, on the right bank of the river *Zuari* which according to a *Kanarese* inscription was called *Gove*, but in *Sanskrit*

it was known under the names of *Gopaka-puri*, *Gopaka-pattana*, and *Gova-puri*. Amongst the Greeks, Goa was known as *Nelkinda*, according to some historians, and as *Tyndis* or *Iricadiba Insula*, according to the others. The Arabs and the Persians named it *Kwae* and *Sindabur*...

*Once raised to the capital city of the Kadambas Empire, Goa was notable for its opulence and trade in which oriental people were engaged. It was also famous for its Magnificent buildings, colleges and other establishments of education and for houses of charity. An inscription of this time can be seen in Goa, where it mentioned that numerous intellectuals, the Panditas, could be seen in Goa travelling in their palanquins and exhibiting valuable gifts received from the king. Other inscriptions compare the exquisite charms of the city with the "PARADISE OF INDRA". Some of the magnificent buildings could be seen when the Portuguese arrived in Goa, but none today. The place is now known among the Goans by the name of Vhoddlem-Goem, and among the Portuguese as Goa-Velha, and is now reduced to a modest village. Jayakexi was succeeded by his son Vijyaditya I, who was a highly educated and widely travelled prince. His successor, Jayakexi II ruled over Konkan, Kavaduipa, Haive and Palasige and married to the daughter of the Emperor Chalukya..."*

(Translation of an extract from the "Historia de Goa", by Father M. J. Gabriel Saldanha, Professor of Liceu Central de Nova-Goa (Portuguese Central High School of Goa). Member of the Institute of Coimbra, Member of the "Comissao Permanente de Arqueologia da India Portuguesa" (Permanent Commission of Archeology of Portuguese India). 2nd Edition (Nova-Goa, 1925), Vol. I. pages 1 to 15.)

(2)

"The King of Bijapur was enchanted with the city of Goa, and estimating the strategic value of its port, resided there frequently and hoped to establish some time the headquarters of his government. Goa had really attained the highest degree of moral and material prosperity. It was one of the main emporiums of the East and frequented by people of various races and creeds from different parts of Asia. Ships sailing to Mecca, Aden, Ormuz, Cambaia and Malabar touched Goa. Pilgrims to Mecca also embarked at Goa. Its opulence and flourishing trade obliged many oriental princes and kings to seek friendship with the rulers of Goa. The city was well built and fortified and has symeterical buidings separated by straight streets and excellent squares with gardens.

Its size was about three-quarters by one quarter of a mile in area... The main buildings were the central Mosque and the majestic palace of Sabaio (Adil Shah) which had great halls—splendid porches with columns and a garden full of aromatic plants. In front of the palace there was a large square, known at the time of the Portuguese as *Terreiro do Sabaio* and a great pool with engraved stones... Private buildings, mostly of one floor, had spacious and comfortable rooms. Goa had also many entertainment houses and workshops. *Its jewellery was famous all over India."*

(Translation of an extract from the "Historia de Goa", by Father Gabriel Saldanha, *op. cit.*, pp. 22 to 24.)

## (Part 2)

## THE PEOPLE OF GOA

## (1)

"Thus, confining ourselves to the territory of Goa, the *Jatis-Dessasta, Chitpavan, Carade* and *Scenevi*—are considered Brahmins, the Marathas call themselves *Cxatrias*, and the *Bandaris* (tappers of Palm Trees) and *Karvis* (Fishermen) etc. are *Sudhras*...

In consequence of general baptisms and of conversions *en masse*, the *Hindu Castes* were made *Christian* which even today continue to exist amongst the *Christians* of Goa there are: *Brahmins, Chardos* and other *Jatis* of *Varna Sudhra*: *Rendeiros* (Tappers of Palm Trees) *Carvis* (Fishermen) etc. Whatever may be the etymology of the words "*Chardos*" and *Rendeiros*", with which only the *Christians* are designated, it is certain that the *Rendeiros* correspond to *Bandaris* and *Chardos* to *Marathas* and *Vanis* amongst the *Hindus*. It is for this reason that amongst the *Hindus* we do not find *Chardos* or *Rendeiros* but *Marathas* *Quetris* (military men), *Vanis* (Businessmen) and *Bandaris* (Tappers of Palm Trees).

It is therefore no wonder that there are (catholic) religious confraternities exclusive to *Brahmins Chardos* and *Sudhras* in the same way as there are *Mazanias* (*Hindu religious confraternities*) exclusive to a certain caste or castes. There are *Mazanias* constituted of only *Dessai* (Donators) *Marathas* and of *Brahmin Scenevis* or *Grand-Sarasvads*, as at the temple of *Xri Sateri, Paroda*. The members of this *Mazania* are *Dessai Marathas* of *Paroda* of the first six *Vangores* (sections of village communities), *Dessai Marathas* of *Xeldem* and other places of the seventh *Vangor* and *Brahmin Grand-Sarasvads* or *Scenevis*—*Narconius* (descendants of record-keepers of municipal or village councils) see "*Compromisso*" published in *Boletim Oficial* No. 32, 20th April 1915...

There were also religious orders exclusive to *Brahmins* or to *Chardos*, such as the *Congregation of St. Filipe Neri* and the *Order of St. Caetano* which had only *Brahmins*. The *Carmelitas Descalcos* of *Chimbel* were *Chardos* (*A historical Sketch of Goa* by *Father Gottineau de Klogen*, page 128). By virtue of *Royal Charter* of the 10th January 1704, *military companies* were organised by castes and under the *Royal Alvara* of 21st July 1733, two thirds of auxiliaries were set up in each district, by castes."

(Translation of an extract from the *Sistema das Castas*, by *Braganca Pereira*, Judge of the High Court, *Nova Goa*. 1920, pp. 33 and 40 *et seq.*)

## (2)

"The temples in *Ilhas* were destroyed in 1540 and their lands confiscated for the use of the Church. In 1559 came a decree forbidding the *Hindus* from holding any public office, but the really effective decree was that of December 4, 1567 which forbade marriages, cremation, investiture according to *Hindu* rites. The effect actually was through the tenure of land to which succession was henceforth impossible unless legitimacy was proved, which meant that the marriage had to be solemnized in the church according to *Christian* rites. This meant general emigration of high caste *Hindus*, and the tradition is that one brother of an extensive joint family would stay behind to be converted with his wife and children for the sake of the land, while the rest fled. This led to the break

up of what would have been the finest type of patriarchial family. But a subsidiary effect was curious, in that henceforth Goa had "*Brahmin Christians*" and *Christians of lower castes, the caste mechanism having been transferred in its essence to a casteless religion because of the transfer of classes, with essentiality the same productive relations.*"

("The Village Community in the 'Old Conquests' of Goa", by D. D. Kosambi, in the Journal of the University of Bombay, Vol., XV., Part 4, January 1947 p. 69.)

## (3)

"This rather uneven exposition finishes most of what we know about the communities of the Old Conquests. Founded as they seem to be immigrant Brahmins somewhere between the 4th and the 12th Centuries of the present era, the locality still bares traces, besides the *Camara Geral* of each *concelho*, of a larger organization than the single community. Tisuary, comprising most of Ilhas, means "the thirty settlements", which still exist. *Salsete* is the Portuguese corruption of *Sasasti*; the sixty-six settlements which can also be traced in modern times. Of these, it is known that the communities about Margao had a central administration called the Ten, based upon ten major communities who sent representatives that settled matters of general interest. The organization was entirely Brahminical. The most fertile and populous communities, those on the estuaries, were in the hands of the Brahmin *gancares*, and possessed fields that gave thirty fold or more while the relatively poor sea-side communities were settled by a lower caste, the *Chardos*, who were converted without exception to Christianity and of whom the precise caste origin in Hinduism is unknown. They seem to have had no voice directly in the Ten and had to be content with their sandy soil that yielded as little as sixfold. This interesting caste division of the localities might be interpreted as further evidence of an invitation to northern Brahmins by some ancient king, and the opening up of a new reign in a new form. The co-operative idea did spread, for the *casanas* are generally taken up by workers on the same profit-sharing basis and we know of now extinct industrial associations that took the same form, in particular of fishermen.

The tradition is that justice was locally administered by the *gancares*, which was made easier by the *patria potestas* of Hindu law and division in *vangor* groups. Capital punishment seems to have been inflicted when necessary by the larger organisations which later developed into the *Camera Geral* of each district, but there are no known records. What was not accomplished by direct violence of the offended party would mean exile of the offender; as long as he did not live in the system of communities, it did not matter whether he lived or not.

The great weakness of the communities was their small total extent and the complete lack of any military organisation for defence. This is an inherent defect of any region dominated by the Brahmins of the old type. Its results are to be seen in successive conquests. *But in this, as in many details of the economic drain, Goa does not differ from other peripheral rustic localities in India.* The principal difference is in the long-preserved ancient type of land ownership in common and inalienable form, with the existence of a certain amount of recorded data from the sixteenth century onwards".

("The Village Community in the 'Old Conquests' of Goa", by D. D. Kosambi, in the Journal of the University of Bombay, Vol. XV, Part 4, January 1947, page 76.)

## (Part 3)

## LANGUAGE AND EDUCATION

According to the 1940 census there were 43,933 inhabitants out of the total population of 624,177 who could read and write Portuguese. That is, *only about 7% of Goans have any knowledge of Portuguese.* The 1950 census does not give these figures. But the "Anuario da India Portuguesa" 1953, a yearly book published by the Portuguese Government of Goa, says at page 77:

*(Translation)*

"The educated classes of Goa, especially the Catholic families speak and write Portuguese. There are many official and private schools in Goa. *But the people speak Konkani. Hindus learn Marathi which they use in their private and commercial correspondence, and they have also books and newspapers in Marathi...* The Brahmins, Chitpavans, Carades, Quirvonts and Pades of the New Conquests, who work on the land or are priests, *speak to each other in a dialect of Marathi which is closer to Konkani...* In Daman and Diu Catholic families speak Portuguese [f.n. in Daman there are only 2, 644 Catholics out of the total population of 69, 005 and in Diu 393, out of a total of 21,138] ... *but the people speak Gujerati. The tribes of the Pragana of Nagar Aveli speak Marathi. The Mohommedans of Goa speak Konkani or Hindustani and of Daman and Diu, Gujerati and Hindustani and they write in Persian characters...*

"There are also in Goa, mainly in Bardez, *many families of Catholic emigrants who speak English. There being many colleges and schools of English.*"

<i>Portuguese Schools and Education</i>	<i>Non-Portuguese Schools and Education</i>
<i>Government High Schools</i>	<i>Private English High Schools</i>
1 School	67 schools
27 teachers	508 teachers
519 students	11,494 students
<i>Private Schools</i> (Primary and High)	<i>Private Marathi Schools</i>
3 schools	88 schools
12 teachers	153 teachers
376 students	7,569 students
<i>Government Primary Schools</i>	<i>Private Gujerati Schools</i>
128 schools	9 schools
221 teachers	27 teachers
1 students	1,282 students

*Schools of Mixed Education*

Portuguese	Marathi
4	schools
4	teachers
1	students
Portuguese	Urdu
9	schools
9	teachers
1	students
Portuguese	Gujerati
11	schools
12	teachers
1	students

Besides these schools there are one Portuguese and three Urdu schools run by private charitable institutions and subsidised by the Government.

(Translation of Data collected from the Portuguese Official Publications: "Anuario da India Portuguesa", 1953, pp. 143 and 144.)

A number of Goans attend primary schools in India. Of all Goans who proceed to high schools, by far the greater part attend either English high schools in Goa or high Schools in India. The above figures show that only 895 students attend Portuguese High Schools. Even some of these students later join the University of Bombay and other Universities in India. Exact figures are not available, but it is estimated that for every one student in Portuguese high schools there are at least 15 students in English or Indian schools.



## (Part 4)

## ECONOMIC AND SOCIAL INTEGRATION WITH INDIA

Professor Avertano Correia Fernandes made an interesting study of this subject and wrote a series of articles in the "Boletim Sociedade de Geografia de Lisboa", numbers 7 and 8, series 56a, July and August, 1938, pages 278 *et seq.*, extracts of which have been translated and reproduced below:

"... In the Seventh Provincial Congress there prevailed the idea that an emigrant is one who leaves his country in order to earn his livelihood in another country, no matter whether this country belongs or not to the same economic and political unit. *Such a definition of emigration cannot be accepted by an economist as it confuses the internal migration with emigration. I think, therefore, that the shifting (deslocacao) of a part of the Goan population to Bombay is not emigration, in the economic sense of this word, but in its political sense, since Goa is part of the same economic unit of which Bombay is the heart. Daman and Diu, for instance, have very little emigration in its true sense, despite the fact that a large part of the people of these districts go to work outside their boundaries. Almost the whole of the population of Bombay is constituted by people coming from different parts of India, like that of Panjim and Mapuca (two towns of Goa), though in the case of Mapuca the people come from the neighbouring districts.*

... The emigration from Goa began about a hundred years ago. At the beginning it was very limited, but gradually it expanded to such an extent that now all classes of people emigrate. The history of emigration of the last hundred years can be divided into four periods—from 1835 to 1875, from 1875 to 1900, from 1900 to 1914, and from 1914 up to now. *With the opening of the Marmagoa-Bombay railway and the boat service between Goa and Bombay, there was an exodus of Goan population by land and sea.* The wealth of the country was not sufficient to live in a modern way of life. The limited rents of lands could not satisfy the increasing needs—the salaries were extremely low and not every labourer was paid in money. The emigration was a way of breaking the chains of social domination, an easy way of knowing new worlds and making fortunes, and raising one's material and social status. The migratory current dragged with it both the *bactar* (the landlord) and the *mundacar* (tenant-servant), both the literate and the illiterate.

The other factor which influenced the emigration from Bardez (Goa) was the opening of British schools, first in Siolem and afterwards in Arpora (both in Goa) by the late Father Lyons. This initiative of Father Lyons occupies a place of honour in the history of prosperity of "Portuguese India", which brought economic and social revolution to Bardez by opening new horizons to the intelligence and enterprise of Goans. He was a foreign benefactor who rightly deserves a status. The college of Father Lyons became the nursery of many other English schools that have sprung up (everywhere in Goa). All of them have greatly stimulated the emigration. The Government of General Machado, who with his clear vision helped the expansion of English schools, also encouraged the emigration. If similar policies had been pursued by other governors (of Goa) at the beginning of this century, a greater prosperity would have been reaped by "Portuguese India" of such a sound educational policy

The 1914-18 war was another factor which greatly contributed to the swelling of the emigratory current. The war created a great demand for the people, both literate and illiterate. The number of Goan seamen in Bombay increased from 7,500 before the war to over 12,000 after the War. During this time Goans emigrated also to the Persian Gulf, British Africa and even to America. Unfortunately no statistics are available. But we should not exaggerate if we said that the emigration increased from 30 to 50 % between 1915 and 1935.

Goan emigration has become both a natural and pathological phenomenon. The "new horizons" opened by the war have transformed a great part of our emigration into a social phenomenon rather than a demographic or economic. A new social pattern began to dominate the idea of emigration—there was emigration not only of people who should have emigrated but even of those who ought not to have left the country. The social situation became unbalanced. The emigration drew further emigration. The causes became the effects, and the effects the causes. It was a vicious circle. There was also an increase of female emigration, but this is up to now limited to maids, nurses and other women for domestic services... *Goans are found everywhere in India including far distant Kashmir. There are about 45,000 in Bombay, 2,500 in Poona, 1,200 in Calcutta, 500 in Nagpur and 4,500 in Karachi. 800 in Rangoon and further small groups in Belgao, Hubli, Bushawal, Dohad, Cochin, Bangalore, Secunderabad and many other places of India.* [F.n. Today the total number of Goans in India is about 150,000—in Bombay alone, there are about 80,000 Goans.] With the exception of 8,000 Hindus and Moslems, all are catholics. *Our emigration is not only natural, inevitable, and necessary, but also highly beneficial to Goa—it is the source of our well-being and a talisman of our prosperity...* The explanation of this phenomenon lies in the fact that Goa is lacking in social, agricultural and industrial wealth.

The consequences of emigration can be felt in every sphere of Goan life. The motion approved by the Seventh Provincial Congress said that the emigration "*powerfully contributed to secure wealth, vitality and economic development of the country*" (Goa). The most obvious effects can be seen in the economic field. The increase in the value of the land in the New Conquests in the last fifty years is largely due to the money remitted by the emigrants. It is not an easy task to estimate the exact percentage of this increase, but an approximate estimate made by me in my village of Assagao has shown that since 1850 land worth over seven and a half lakhs of rupees was purchased with money remitted by emigrants, not including money from emigrants that has been spent in building houses and in purchasing land leased in perpetuity—which should amount to over two and a half lakhs of rupees. Land in Bardez has been subdivided in small plots and its value enhanced. Internal and external trade has arisen, bringing greater revenue to the Portuguese Exchequer. The synchronization of emigration with imports is significant. The entry of (Indian) currency on a large scale creates a demand for various goods imported from foreign countries . . . It also increases the internal trade, raises the prices of home-produced goods, stimulates small local industries, brings a higher amount of fees to professional people, creates a greater demand for labourers and, in sum, it injects vitality to every economic activity, bringing prosperity to every class. This flood of foreign currency not only covers the enormous trade gap (over 125 lakhs of

rupees) but brings a handsome surplus in the balance of payments (of Goa). *Had it not been for this flood of foreign currency, Goa would have been bankrupt a long time ago.* The visible trade deficit alone of the last ten years, which amounts to about 132 million rupees, would be sufficient to drain the last grain of gold and silver from "Portuguese India". The total amount of fiduciary circulation of the Banco Nacional Ultramarino is below the total value of imports of a year, but approximately equal to the trade gap. It is this constant flood of money remitted by our emigrants that explains the settlement of trade gaps without any difficulties, the rising value of the land... the soundness of the "Portuguese Indian Rupee", the considerable amount of capital that is always available in Goa, and the high standard of living of the people in general... The "Portuguese Indian Rupee" would be worthless had there not been this continuous surplus in the balance of payments. The intrinsic value of the rupee is 185 grains of silver, which is sold on the London market at 20d. per ounce. Thus, a rupee would be worth 6 annas and 6 pies, and a rupee note would be worth even less. Fortunately, the (Portuguese) official circles do know the reasons for the soundness of our rupee and of our entire economy. The report that introduces the annual budget does refer to the emigration, as the cause of the prosperity of the State, and above all of a sound rupee. I do not dare say where the "Portuguese Indian Rupee" would be, if it was not for the emigration. I can only recall the monetary system of Germany, Austria, and Russia during and after the 1914-18 War.

... In the first place, customs duties on imported goods bring a yearly revenue of about 23 lakhs of rupees. As I have explained, goods are imported to meet the demands created by the remittances sent by the emigrants. Other revenues, such as stamp duty, liquor tax, income of Port Authority, and Post Office Revenue, are collected by the State, largely from the money remitted by the emigrants. The revenue of municipal authorities, such as licensing fees of bars, butchers and other commercial houses, is no less benefited by the remittances of the emigrants. *The prosperous finances of the State, and the high salaries paid to the civil servants, are a result of the sweat and sacrifice of the emigrants.*

The social effects of the emigration are no less important. *An excursion through our villages, namely of Bardez and Ilhas, would reveal the sources of so many buildings, of the rapid increase of our needs, of the relative complexity of our life even in the most remote and poor villages.* The many pompous feasts at home, the grandiose religious festivities, and our ostentatious way of dressing, show nothing else but a paradox of our life ... and its pathological manifestations (a poor country, but with a prosperous appearance).

... I should like to mention some of the Goans who occupied a prominent social position in India and who are no longer living. Dr. Acacio Viegas was the first and only Goan to be Mayor of Bombay [i.e. this was written in 1938, after that date other Goans have become Mayors of Bombay, such as Ubaldo Mascarenhas], after having occupied other high positions in India, such as Dean of the Faculty of Medicine of the Bombay University. The city of Bombay, without discrimination of rare, colour, or creed, has erected a statue of Dr. Viegas, thus acknowledging the distinguished services rendered by him to the city. In the civil service there are many eminent Goans: Dr. Raymond was a High Court Judge in Karachi, Dr. Acacio da Gama, Jr. was Director of Health

Services of the Bombay Presidency, Jose Vaz was Collector, Dr. Pinto do Rosario was Director of the Institute of Vaccination of Belgaum, Luiz de Sa and Filipe de Quadros were judges, Freddie Ribeiro was Assistant Director of the General Post Office of the Bombay Presidency. Amongst the professions there are Dr. Joao Camilo Lisboa, a distinguished botanist, Dr. Gerson da Cunha, well-known orientalist and eminent archaeologist and numismatist, Dr. Acacio da Gama, the ophthalmologist, Dr. L. J. Pinto, Dr. Carvalho, Dr. Francisco da Costa (first Indian to be admitted a Fellow of the Royal College of Surgeons of London), Dr. Augusto de Souza, who represented British India in so many international congresses of Hygiene and Health, and Luiz de Souza, a famous barrister. In politics and journalism there are also distinguished Goan names: Leandro Mascarenhas, Jose da Silva, Lourenco Roque Faria, Antonio de Souza, Salvador Patricio and Apolinario de Souza. Goan writers include Dr. J. N. da Fonseca who wrote History of Goa, Julio Ribeiro, who won many honours in the Bombay University, A. X. Soares, who was professor at the Baroda University. Amongst the living Goans in Bombay there are many who occupy high positions in politics, bureaucracy, professional life, in Universities etc...."

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## Appendix 4

(EXTRACT FROM THE "ANGLO-LUSITANO", BOMBAY, 27 MAY, 1933)

The heading of Article in Portuguese is: "O Protesto Impoe-se, Avante, Geracao Nova" ( A protest is necessary. Come Forward, the New Generation).

"The Period we are passing is grave. The hour has struck when we should echo the cry of war against the evil which humiliates and precipitates our dear Country. Our rich cradle has been converted into the straw-bed of a slave. Liberty of thought has been suppressed. The rights of the citizen have been despotically snatched away. Our civic dignity has been stabbed with the coldness of ice. Decrees have come which are marks of abasement placed on the foreheads of a people, cultured and civilised. Then came the *Acto Colonial* to tell us that the son of our country is still raw for the cosial emancipation. The Government of the Dictatorship persists in attacking our civic rights throwing us into a vexations situation. And there is no voice of protest there in Goa because the right of public assembly has been torpedoed, because the right of expressing ones thought is censored. In this high time of civilisation our mentality cannot admit the use of carbine for the vindication of our rights. We have to defeat the enemy with our pride, with the external manifestation of our wounded dignity. The resounding voice of protest is therefore our arm of defence. Is the cry of revolution choked within the vaults of our house? Here is the vast India (British India) our sister, where in spite of all the imperialism, there is respect for the liberty of manifesting the sentiments of the communities. The Goan Union has resolved to promote a meeting in this City to protest against the civic attacks made by laws which are being decreed for us. There particularly the voice of the elders will manifest the feelings of the unjustly humiliated people. But in addition to this it is necessary that the new generation, the vigorous sap of India, should also in its turn raise its voice of indignation in a resounding protest full of spirit and courage. There should be no illusion at the moment which is passing. The country is fed up with promises and sweet words. Oh new spirit, the protest will go to some pigeon-hole of the Secretariats, but the gesture will remain, which will dignify the country of our birth. One who insisently dis-respects the rights of India will not want to destroy what he has constructed. Let us not live in illusions. In the farce enacted in the Military Service Regulations there is an edifying example: Is the voice of protest dispised by an irritating irony? Don't mind it, because we should not help the Government of the Dictatorship to remain in the *passive* possession of our rights.

Youth: The greatest insults have been hurled in the matter of our civic rights. In the matter of finances the tax payer has been annihilated. The autonomy is only to save appearances. The Government does what it thinks best. The law is an abnormal regime, the will of the Dictatorship: This is the state of affairs to day and it will be so tomorrow if our country remains submissive in the face of the humiliations to which we are subjected constantly. The new generation has therefore the inevitable obligation of studying the

humiliating and vexatious situation in which life is led in the country of our birth and to begin the reaction by expressing its protests as many times as is necessary, because what we have done up to now in the face of insults is to live the life of vermins. One who does not struggle dies. One who does not protest shrinks

In the Goan Community of the vast City of Bombay there are many youths. It is our wish therefore that these should also unite in a union of thought—in this hour in which our India (Portuguese India) is made a country of slaves the back of a donkey—to record, as we have said before, a resounding protest full of dignity which may loudly proclaim to the Government of the Metropolis (Portugal) that Our Country is not a country of savages.”

(2)

EXTRACT FROM A LEAFLET "GOAN FREEDOM FIGHTERS APPEAL"  
TO ALL GOANS TO OBSERVE 10TH OF JULY BY HONOURING  
THE MEMORY OF MENEZES BRAGANZA

A born leader, Menezes Braganza dedicated his entire life and all he had to the service of his Country and of his people. During his long and brilliant journalistic career and as a political leader, many were the battles he fought for the rights of the Goan People against the colonial propretence of our foreign rulers. More than once he reminded them in the most unequivocal terms that Goans had not resigned to remain eternally conquered people:

"... In the juridical conception of our times he told them to claim that a conquest has the value of a right is as ridiculous as that "plenitude of apostolic power" with which Pope Alexander VI, confirming the bull of his predecessors divided the world between Portugal and Spain...

"...Why does Portugal not also revindicate slave traffic as an inherent right of the "historical function of possessing and colonizing overseas domains? ...It (slavery) was as well established a fact as conquest. If there can be peoples who are slaves we should not find it strange that there can be individuals who are slaves."

(Annotations on a Letter, 1933.)

Always remaining independent of the people in power he launched persistent attacks against the inapt and corrupt Portuguese administration. Equipped with a thorough knowledge of Administrative affairs none was better placed to watch over the interests of our People. With his magnificent culture and unequalled and brilliant pen he dedicated the greater part of his energy to denouncing all the reactionary forces at the service of the ante-diluvian Portuguese imperialism. Nevertheless, his was not a petty or merely emotional nationalism. Linked as it was with his wide culture, it inevitably lead into the deeper channels of the international progressive currents.

"...In order to love our own motherland said Menezes Braganza we have not to hate those of others. Nationalism does not necessarily involve the hatred or contempt of foreign people. For desiring our own families we do not abominate the families of others.

"There is, it is true, the nationalism of imperialist nations. It is oppressive, retrograde, selfish, exclusivist. It lives by exhaling war, and is the foe of the emancipation of the peoples. It serves as a *leit motiv* to dictators who use it to hypnotize the masses with dangerous dreams of expansion, and to halt the impetus of revolt against their freedom-oppressing rule. It feeds on the vanity of dead laurels, when it sees that there is no place for conquest. It is anti-internationalist.

"But there is the nationalism of the people who think themselves with right to a free life and fight to have it. They do not hate other people for being free. They merely revindicate an equal right. Their nationalism is, so to say, the starting point of internationalism."

(The Wrong Perspective-Pracasha, 31st Oct. 1928.)

Though he spared neither the Portuguese Monarchy or the Republican regime when the rights of the Goan people came into question, his greatest

fight against the foreign exploiters and enslavers of our country came under the present Salazarist regime. His dauntless stand for Freedom and Progress made Menezes Braganza the most feared enemy of the present Portuguese Fascist rulers of Goa. His was the motion which in the name of the Goan representatives repelled in the Government council Salazar's monstrous piece of legislation, the *Colonial Act*. In that motion Menezes Braganza told Salazar:

*"Portuguese India does not renounce the right that all peoples have of attaining the fullness of their individuality to the point of constituting units capable of guiding their own destinies, this being the birthright of their organic essence."*  
(4th July, 1930.)

And explaining the motion to the Goan People he wrote in the *Pracasha*:  
"...It was the affirmation of the right to self-determination, which is the corner-stone of the Declaration of the Peoples' Rights, which is being moulded in History's melting-pot, a declaration as human as the Declaration of the Rights of Man, which the tyrants and Dictators are incapable of extinguishing from conscience, though they might trample upon it in written texts.

*"...It (the Colonial Act) is the aggravated expression of a petty nationalism... The discrimination is today a judicial fact, constitutional, estatutable. The application will come with opportunity. Let nobody be illusioned. It is the Colonial Act that has to be defeated, without mercy. It must be the central point of our protests. It is not enough to repel its manifestations... Let the Principles from which they derive be our target.*

"...I tell you more, with the certainty of one affirming an established maxim: our protests will fall like voices in the desert. The inmates of the *Terreiro de Paço* may, perhaps, even laugh at our ingenuity.

"The value of protests lies in themselves, in the truth they hold, in the justice they proclaim. The shame lies not in being enslaved. To stretch out one's neck to the hangman's nose is animality. Not to react against the affront that we at every step are being made to feel, is ignoble. It is abject."  
(*For Our Rights*, 21st June, 1933.)

Right from the inception of Salazar's dictatorship in Portugal and the imposition of the Dictator's fascist policies in the Portuguese colonies Menezes Braganza carried on a relentless fight against the oppressive regime. In 1928 in an article in the *Pracasha* entitled, "*The Duty of the Moment*" dated 14th November, Menezes Braganza made a fervent appeal to the Goan people to react against the Salazarist affronts to their rights.

"...Portuguese India must speak up. Silence would be cowardice. Inertness would mean the abdication of collective dignity. Apathy is abjection for it is the characteristic of slaves.

"We cannot continue in this civic anaesthesia, without taking on ourselves the responsibility of assent in this slow process of suppression of the rudimentary rights of citizenship. We must prove that we feel. Or else we cannot pretend to live even the life of plants. Even plants feel.

"Resignation might produce saints. But peoples who resign are a shame to the human species. For they represent the highest degree of collective degradation."



"Portuguese India's duty is to tell the rulers that it will not assent, through silence..."

"This is the duty of the hour that passes. A duty which belongs chiefly to all representatives bodies of the country like the Municipalities, the elected part of the Government Council and the Provincial Congress of Portuguese India.

"... If we are men we must act as men. If we desire the condition of worms, let us go on creeping. But we should blame nobody when we are crushed."

But Menezes Braganza never lost hopes of a coming redemption. He warned the Portuguese tyrants:

"...The Declaration of the Rights of Man taught us that men are free and that they are born with equal rights, that there are no masters and slaves, conquerors and conquered, and that resistance to oppression is a right. When the head of Luis XVI rolled from the scaffold, that was in itself a lesson. It indicated the futility of the efforts of the reactionary classes to hinder the wave of popular revindications."

Finding no way of subjugating Menezes Braganza the tyrannical Salazarist rulers put an end to their fearless opponent by depriving him of his means of expression: They banned the publication of the *Pracasha*. Unable to live gagged and without freedom, unable to watch in silence the oppression of his people, Menezes Braganza did not long survive the murder of the *Pracasha*. On 10th July, 1938, with a sudden stroke passed away the *Greatest Goan* of his generation, a victim of the Salazarist tyranny.

Menezes Braganza remained the idol of the Goan people. His funeral 17 years ago was a mighty apotheosis of the love and reverence the Goan people had for their great departed leader. For years after his death, people came from all over to visit his grave on his death anniversary. But the fascist rulers feared him in death and in 1946, the year when the present struggle for freedom was launched in the form of a Demand for Civil Liberties, the nationalists who had come to pay their homage were met with armed force, beatings and arrests in front of the cemetery.

But the memory of our beloved departed leader must not be forgotten. Now is the time when we can repay the debt we owe to our immortal leader, whose very tomb seems to instill fear into our enemies.

*Goans Youth!* let his heroic and noble life serve as an incentive to us in this most crucial moment of our national life. Let the great lesson of Patriotism, Courage, Dignity and Righteousness that he has left us inspire and guide us in our struggle for Freedom. Let us fearlessly follow the noble example he has left us as our proud heritage and march to Victory!

LONG LIVE MENEZES BRAGANZA!

LONG LIVE FREEDOM!

LONG LIVE A FREE GOA IN A FREE INDIA!

## Appendix 5

EXTRACTS FROM THE BULLETIN OF THE INTERNATIONAL  
COMMISSION OF JURISTS, OCTOBER, 1957, pp. 36 TO 44

*Freedom of the Press*

The Constitution appears to guarantee freedom of expression of opinion, but under Article 2 of Decree-Law No. 26,589 no publication, whether periodical or not, may be established without the approval of the Government. Article 5 provides that:—

“The Division of Censorship Service can oppose the use of any denomination of journal, bulletin, review or other publication which might induce the public to error concerning the social doctrines or policies there customarily defended.”

Under Article 7:—

“The entry into Portugal, distribution and sale is prohibited of journals, reviews and other foreign publications containing matter the disclosure of which would not be permitted in Portuguese publications.”

In practice every newspaper and publication is subject to rigid censorship which excludes practically all criticism of the Government. The newspapers all bear the imprint “Passed by the Censorship Committee”.

The Constitution appears to guarantee freedom of association, but in practice no society, association or organisation is permitted to exist unless it is one of which the Government approves.

All political parties, except Dr. Salazar's party, were dissolved in 1926 and liberty to associate is not in fact usually permitted except to religious organisations and to a monarchist society which supports the Government.

University associations of students used to be permitted. Under the recent Decree-Law No. 40,900 University students may now only associate in a society which is limited to those in the faculty in which they are studying, and the teachers of the faculty must also be members. Nor may students have contact, without Government permission, with any student organisation of any other country.

In a country where there is so much unemployment industrial organisation is of obvious importance. Under the Portuguese Constitution all industrial workers must be members of their appropriate industrial syndicate. All strikes and lock-outs are illegal. The punishment for any worker who strikes is from two to eight years imprisonment. The formation of any Trade Union, apart from the official syndicates, is a criminal offence.

The security laws are numerous and far-reaching. Decree-Law No. 37,447 sets up a Council of Public Security consisting of the Commander-in-Chief of the National Republican Guard, the Commander-in-Chief of the Public Security Police and the Head of the International and State Defence Police. The Decree-Law creates various classes of people who are to be subject to police “supervision”. The political police are given wide powers to ban meetings and gatherings, to close public performan-

ces and "to search the residences of the individuals supervised". Employers who engage men in districts away from their homes must report their engagement to the Police. Article 23 gives the Political Police power to close "places which serve as headquarters or may be used by their owners to facilitate subversive activities", and Article 24 provides imprisonment for those "who print publications, manifestos, pamphlets or other literature of a subversive nature."

Special Courts for the trial of political cases, with special judges, have been set up in Lisbon and Oporto and they sit continuously.

Article 21 of Decree-Law No. 37,447 empowers such Courts to apply to those convicted of crimes against the security of the State "the security measure". The "security measure" is that provided by Article 20, namely "internment as a measure of security for one to three years in a suitable establishment". Article 22 provides that it is the duty of the Political Police "to apply or extend the security measure" and adds that they "may apply the security measure temporarily". These powers of the Political Police are being extended and now enable them to keep men and women in prison indefinitely after conviction. Decree-Law No. 40,550 of March 12, 1956, provides that:—

"Article 7. The following will be subject to internment as a measure of security in a suitable establishment for an indeterminate period, from six months to three years, *which may be extended by successive periods of three years as long as they continue to show themselves dangerous*" (our italics).

. . . . .

Many Western countries have wide and, indeed, necessary powers to deal with subversion. What matters from the point of view of the Rule of Laws is whether such powers are exercised by the Courts or by the Police, and whether they are in practice used to suppress legitimate political opposition to the party in power. Whereas, before the Government of Dr. Salazar, the Police could not arrest and detain anyone in prison for more than 48 hours without bringing them before a Court on some charge, under Decree-Law No. 35,042 the Political Police can now arrest and imprison without charge for three months (which, by two subsequent periods of 45 days each, can now be extended to six months with the permission of the Ministry); and this power to arrest, imprison and release is in common use. . . . .

On June 13, 1957, Professor Ruy Luis Gomes and four others were brought to trial before the Political Court of Oporto. They were prosecuted because they had sent an article to the newspapers (which, owing to the Censorship, had not published it) in which they appealed for the restoration of free elections, the restoration of the right of free speech and of the right to form political parties, the revocation of the powers of the Political Police to keep men and women in indefinite imprisonment, and for negotiation with the Government of India over the difficulties which had arisen in connection with the Portuguese colony of Goa. They had been arrested in August 1954 and kept in prison until the first trial in April 1955 when they were convicted. They appealed and their conviction was set aside and a new trial ordered on August 1, 1956, when they were at once rearrested and kept in prison again until their second trial in June 1957.

The trial opened by the defence lawyers asking for an adjournment because they had not been able to converse with their clients for nearly a year. The Court allowed them one hour. When the trial reopened it began by the woman accused being cross-examined by the presiding of the three judges. The prosecuting advocate sat on the Bench next to the judges. No shorthand note or other record of the evidence was taken. The defence lawyers were not even allowed to take shorthand notes themselves. It was thus not possible to say on what evidence the accused were convicted or acquitted. On July 30, 1957 all the accused were again convicted. Four of them were sentenced to two years imprisonment and the fifth to ten months. Notice of appeal had been given.

The care which needs to be exercised by Advocates appearing for the Defence before the Political Courts is illustrated by the fate of Dr. Manuel Joao da Palma Carlos who, on July 23, 1957, was defending in a political trial before the Political Court in Lisbon. At a point in the trial when the Court intimated that they did not wish to hear Dr. Carlos any further, he was unwise enough to say "Your Excellenciês judge as you feel like, with or without proof". On the same day he was charged, and in a trial lasting from midnight to 4 a.m. of the following day, convicted and sentenced for this remark to seven months imprisonment. A meeting of the Bars of Lisbon, Oporto and Coimbra, called by the President of the Order of Advocates took place on July 31, in order to protest against the sentence on Dr. Carlos, but the censorship forbade publication of the communiqué of the Order. An appeal by Dr. Carlos is pending.

## Appendix 6

(I)

The following list of prominent Goan leaders, who were arrested between 18th June, 1946 and August 1947, has been compiled on the basis of reports published in Goan and other newspapers. The list is not complete:

Date of Arrest	Name:	Alleged reason for arrest. Action taken.	
18th June 1946 at Margao	Dr. Juliao Menezes	Dr. Menezes taken to Aguada Fort.	
	Shri Trivikram Vaidya	Mr. Vaidya was arrested for making a subversive speech.	
	Miss Vatsala Kirtani	Miss Kirtani was arrested and set free on the same day when a group of 60 ladies marched to the police station and demanded her release.	
30th June 1946 at Margao	Miss Berta Menezes	Miss Menezes was arrested on her way to address a public meeting.	
10th July 1946 at Chandor	Shri Jochim Dias	Mr. Dias was arrested while addressing a meeting. He was brought to Margao.	
12th July 1946	Shri T. B. Cunha	Mr. Cunha was arrested and sent to Aguada Fort for his public speech at Margao on 20th June 1946. He was tried by the Military court at Panjim on 24th July and sentenced to 8 years of deportation. He was deported to Portugal on 2nd August 1946.	
13th July 1946 at Panjim	Shri Bhaskar Bhandare	Mr. Bhandare was arrested for organising procession on 19th June 1946, in Panjim. He was sent to Aguada Fort and tried on 7th August by Military Court. Was sentenced to six months imprisonment and 900 Rs. fine.	
18th July 1946 at Matgao	Miss Lalita Kantik	Arrested for organising processions and meetings.	
	Mr. Prabhakar Amonkar		
Mr. Manic Mhapsekar			
Mr. Narayan K. Nayak			
Mr. Shantananda Tilve			
Mr. Bala Kakodkar			
Mr. Krishna Lotlikar			
At Mapuca	Shri Shantaram Dhond		All were arrested for organising meetings and were jailed in the Panjim police post.
	Shri Manohar Savkar		
	Shri Prabhakar Dalal		
	Shri Mukunda Dhakankar		
18th July 1946 at Mardol	Shri Upendra Talavlikar	Mr. Talavlikar was arrested for making a public speech and Mr. Kelekar and Velingkar for organising a meeting. They	
Shri Devendra Kelekar			
Shri Tatyia Velingkar			

Date of Arrest	Name:	Alleged reason for arrest. Action taken.
		were jailed to Panjim police post. Mr. Talavlikar was tried on 8th August by Military court and sentenced to 3 years imprisonment and sent to Aguada Fort.
9th August 1946 at Kudchodem	Shri Dula Shri Taty Shri Bala Kakodkar Shri Raghuvir Kakodkar	} Were arrested for organising meeting.
At Margao	Shri Purushottam Karodkar	Was arrested at Margao and sent to Aguada Fort for organising the movement. Was tried on 27th September and sentenced to 9 years deportation. He was deported to Portugal on 14th December 1946.
18th September 1946 at Margao	Shri Laxmikant Bhembre	Was arrested while offering Satyagraha. Sent to Aguada Fort. Was tried by Military Court at Panjim on 24th October 1946 and sentenced to 4 years deportation. Deported to Portugal on 14th December 1946.
21st September 1946 at Margao	Shri Narayan K. Nayak	Was arrested for shouting slogans during the satyagraha of 18th September 1946 at Margao. Sent to Panjim and then to Aguada Fort. Was set free after 5 weeks imprisonment.
25th September 1946 at Margao	Shri P. P. Shirodkar	Was arrested for giving the news of the satyagraha to Bombay newspapers. Tried on 5th November and sentenced to 4 months imprisonment.
<i>2nd October 1946</i>		
At Quepem	Shri Venkatesh Vaidya	Arrested for having offered satyagraha.
At Ponda	Shri Bau Halanker	Arrested for having offered satyagraha.
At Bicholim	Shri Janardan Bhende	Arrested for having offered satyagraha.
At Mapuca	Shri Manohar Kunkalienkar	Arrested for having offered satyagraha.
At Kanakona	Shri Shete Shri Govind Padyar Shri Gopinath Keni Shri Janardan Shiruaikar	} Arrested for having offered satyagraha.
<i>10th October 1946</i>		
	Dr. J. J. de Loyola	Arrested for giving an interview to Free Press Journal of Bombay.

Date of Arrest	Name:	Alleged reason for arrest. Action taken.
10th Oct. 1946 at Panjim	Shri Manu Dhond Shri Babla Shingbal Shri Maganlal Pravalo	Was tried on 11th November by Military Court and sentenced to 4 years of deportation. Deported to Portugal on 14th December.
18 Oct. 1946	Dr. Ram Hegde	Arrested in Panjim for distributing leaflets and party posters.  For offering satyagraha. Jailed in the Aguada Fort. Tried by Military Court on 4th December and sentenced to 8 years deportation. Deported to Portugal on 14th December 1946.
At Panjim	Shri Laxman Sar Desai	For offering satyagraha.
At Mapuca	Shri Madhukar Mordekar	For offering satyagraha.
At Bicholim	Dr. Vinayak Mayenkar	For offering satyagraha.
At Ponda	Shri Venkatesh Verenker	For offering satyagraha.
At Quepem	Dr. Narayan Bhembre	For offering satyagraha.
18 Oct. 1958 at Margao	Miss Jivan Karapurkar Miss Ratan N. Desai Miss Indira Bhise Shri Nilkant Karapurkar Shri Gopal Naik Shri Vasanta Maliye	All were arrested as organisers of satyagraha.
25th Oct. 1946 at Quepem	Shri Kant Desai Shri Gopal Virginkar Shri Shivaji Kakodker	For offering satyagraha.
28th & 29th Oct. 1946 at Mapuca	Shri Narsinha Divker Shri Keshav Kaneker Shri Radhakrishna Amonker	All were arrested while leading a procession.
	Shri Franek Andrade	For making a subversive speech.
29th Oct. 1946 at Panjim	Shri Narayan Shete	For offering satyagraha.
At Ponda	Shri Vasanta Kare Shri Ananta Tari	For offering satyagraha.
At Old Goa	Shri Vishvanath Lavande	For offering satyagraha.
At Agacaim	Shri Gajanan Pai	For offering satyagraha.
At Margao	Laximan Fondekar	For offering satyagraha.
30th Oct. 1946	Shri Vithal Varie	For shouting slogans.
7th Nov. 1946 at Quepem	Shri Evagrio George	For organising procession.
18th Nov. 1946 at Balli	Shri Dattatraya V. Vaidya	For offering satyagraha.

Date of Arrest	Name:	Alleged reason for arrest. Action taken.
28th Nov. 1946 at Mapuca and Aldona.	Shri Vasanta Desai Shri Chandrakant Thali Shri Digamber Pugiri Shri R. P. Shete Shri Shambhu Korgankar Shri Ramkrishna Karpe	For offering satyagraha.
8th Dec. 1946 at Ponda	Shri Ananda Naik Shri Laximidas Borker	For offering satyagraha.
15th Dec. 1946	Shri George Vaz	Was arrested for entering into Goa, with subversive intentions.
18th Dec. 1946 at Canacona	Shri Manohar Desai Shri Yeshwant Nagde	For offering satyagraha.
28th Dec. 1946 at Pangim	Shri Shantaram Pauskar	For offering satyagraha.
At Quepem	Shri Janardan Shirvaikar	For offering satyagraha.
At Bicholim	Shri Narayan Kerker Shri Krishna Naik Shri Rajaram Hede	For offering satyagraha.
At Ponda	Shri Chandrakant Prabhu Shri Rohidas Tari	For offering satyagraha.
At Margao	Shri Nakul Prabhu	For offering satyagraha.
8th Jan. 1947 at Margao	Shri Chanlekant Vernekar	For offering satyagraha.
26th Jan. 1947 at Shivolim	Shri Aanata Thali Miss Carolina	Were arrested for distributing leaflets.
3rd June 1947 at Mardol	Shri Pandurang S. Kamat Shri Vasant Velingker Shri Shirdhar Khanwte Shri Shekh Abdulla	Were arrested in connection with the satyagraha of 18th June 1947.
6th June 1947	Mrs. Pramita Jambavlikar	For organising procession in Mar- gao.
15th August 1947 at Ponda	Shri Evagrio George Shri Rajaram Priolker Shri Gopinath Lolliker	Were arrested so that they should not organise any demonstration on this day.
August 1947	Dr. Vinayak Mayenkar Dr. Pandurang Shiroadkar Dr. Gilerme Ticlo Dr. Wicklanta Karapurkar	Were arrested as the organisers of National Congress (Goa). Sent to Aguada Fort. Tried by Military Court and sentenced to 15 years deportation to Africa.



(2)

## NATIONAL CONGRESS (GOA) BOMBAY BRANCH

*Jt. Hon. Hon. Secretaries:* Sjt. Vasant P. Borkar; Sjt. Vaikunth V. Nevrekar.

*President:* Sjt. S. B. D'Silva, M.A.L.L.B.

*Jt. Hon. Treasurers:* Sjt. Kashinath S. Lad; Sjt. R. C. Desouza.

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Date

## QUARTERLY REPORT

*(From 15th November 1946 to 15th February 1947)*

The civil liberties movement launched in Goa on 18th June 1946, has re-leased revitalising energies and has inspired the suffering masses of this tiny land of glorious past to fight tyranny of Fascist Regime and to brave the onslaughts of the worst kind of barbaric rule. Up till now nearly six hundred arrests have taken place and inspite of the worst treatment and punishments given to Satyagrahis both inside the prison and outside, the Satyagraha is going on. The message of the struggle has reached all castes and creeds. A wave of a new and resurgent life has sprung up and spread throughout Goa awakening its people to take its rightful place in a free and united India. Many young Satyagrahis have left their schools and colleges and a good many others have given up their jobs and occupations. Hundreds have undergone short-term imprisonments with every kind of insulting and inhuman treatment involved, and six local leaders are condemned to long-terms of eight and nine years imprisonment, five of whom Sjt. Cunha, Kakodkar, Bhembre, Hegde and Loyola, are deported to a distant and unknown island called Peniche near Portugal. The most creditable feature of this movement is that we have been able to carry it on non-violent lines inspite of gravest provocation on the part of Portuguese Government and Goa's political tradition of armed peasant revolts.

The movement has now entered its second phase and mass satyagraha is taking the place of individual one. Peasant morchas and mass-demonstrations have taken place in some villages and in order to widen and strengthen this activity trained Goan workers are sent to different villages. Our National Congress opened recently two training camps of workers at border places viz: Satards and Khanapur which were graced by the presence of eminent leaders like Dr. Lohia, Nana Patil, Kamaladevi, and Dhal Gore. More than one hundred workers received training under the guidance of these leaders and they are silently doing work of organising the villagers in the areas allotted to them. More such camps are in view and are expected to be opened in the near future.

As the movement went on gaining strength and momentum it was found essential to acquaint Goans outside Goa and the rest of our Indian brotheran with the actual state of affairs in Goa and the conduct and

progress of the struggle, to enlist their sympathy and support for the movement and particularly to counteract all false and malicious propaganda carried on by the Portuguese Government and their agents in the midst of our countrymen here. The National Congress (Goa), therefore, felt the necessity of opening its branch in Bombay for the above purpose. Accordingly the Bombay Branch of the National Congress (Goa) came into existence on 15th Nov. 1946 and has been working in Bombay since then. The management of this Branch is vested in an influential and representative committee of thirty-members. Special sub-committees have been set up by the Executive Committee of the Branch to carry on different activities of this Branch such as propaganda, finance, constitution-framing, volunteercorps and the like. During the last three months our press and propaganda Committee have given widest publicity to all news relating to the present struggle in Goa in spite of the Portuguese Government's vigilant care to suppress it.

We organized two big public meetings one with the opening of the new year and the other on the independence day. They were addressed by Dr. Lohia and Shree Lalji Pendse respectively, and were largely attended by Goans of both the communities. The committee now proposes to arrange meetings of this kind in different Goan localities in the city as well as in the suburbs at short intervals as normal conditions have now been restored in the city. Not only did we carry the message of the struggle through the press and platform but also propagated it through cartoons, poems, articles, bulletins, posters and booklets. These were much appreciated by Goans; encouraged with this good response the Committee has now decided to start a news-paper of its own in English, Konkani and Marathi.

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## Appendix 7

## AUGMENTATION OF PORTUGUESE ARMED FORCES FROM 1946 ONWARDS

(i)

The development of the nationalist movement in Goa saw a steady and rapid increase in the total strength of armed forces in the Portuguese Possessions in India, and proclamation of virtual martial law:

Under Decree No. 29686, dated 14th June, 1939, the regular forces in the Portuguese Possessions were:

- 2 Companies of light infantry
- 1 Company of heavy infantry
- 1 artillery unit

The Budget for the year 1947 indicated the details of these forces as follows:

27 officers (Portuguese European)
80 N.C.Os                   "                   "
334 Soldiers (local)
420 Soldiers (African)

Total: 861

But after the Goan Satyagraha of June, 1946, a virtual martial law was proclaimed and the armed forces were steadily increased.

Indeed, according to the new official regulations published in the "Boletim Oficial" of the Portuguese Government in India, dated 28th August 1948, special powers were given to the Infantry Commander-Carlos Alberto Garcia Alves Rocardas. In case of any necessity the Military Commander was given direct powers to superintend the Police and Customs Personnel of Portuguese India. Whilst the Military Chief was given special powers over the Police, the latter had been given special powers to control the life and liberty of the citizens. The Police could interfere at their own discretion in asking for explanations or in framing judicial processes. The proceedings of the Police were "to be considered as valid and trustworthy" by the courts. The files pertaining to Police investigations done at the discretion of the Police were to be considered as of "a secret nature". While the proceedings of Police were in course the assistance of advocates of the accused or of those making a complaint was not allowed. The Police were to be considered as "Judicial Authorities" and could order imprisonment without framing charges in accordance with the Penal Code.

Portuguese India fast became a Police State of unparalleled despotism where the Army could control the Police and the Police could control the judiciary.

Then came the Decree No. 37542 of 1949 which gave the overall command of the forces, both regular and expeditionary, to the War Minister in Lisbon who exercised his powers through a Military Commander stationed in Goa, and not through the Governor-General.

On the 3rd April 1953 a new Law (No. 2060) was passed, re-organising the armed forces. Under this Law the regular forces were substantially increased and covered:

- 1 Military Command
- 1 Infantry Battalion
- 2 Artillery Units
- 1 Motorised cavalry squadron
- 1 Company of Engineers
- 1 Military Nursing Ward
- 1 Ordnance Depot.

This was approximately a four-fold increase. In addition to these forces, as previously, units of the expeditionary forces continued to be stationed in the Possessions.

On the 24th December 1953, another Law provided for the requisitioning, under certain circumstances, of industrial establishments, sea and river crafts, lodgings, transport, service doctors, technical men, etc.

As a result, the armed forces were increased as follows, according to reliable information received by the Government of India:

Year	Total Strength
1947	861
1948 (February)	1325
1949 (January)	1922
1949 (May)	3443
1951 (May)	4200
1954 (March)	4320
1954 (September)	7062

S.S. "Quanza" arrived in Mormugao (Goa) on the 22nd October 1953 and the following troops were reported to have disembarked: European 110, Negro 1100. In addition 450 tons package was also landed. This was done since a contingent had already been transferred to Daman by "Bartholomeu Dias" on the 16th October 1953.

Certain light naval units were also stationed in the Portuguese waters and utilised for the movement of troops, ammunition etc., between the three possessions of Goa, Daman and Diu. Among the Naval ships known to be operating in the Portuguese waters are:

- Bartolomeu Dias
- Pedro Nunes
- Faial
- Goncalves Zarco
- Goncalo Velho
- Alfonso Albuquerque

The Police Command, comprising of the Police Commissioner and his deputies and assistants was almost exclusively European drawn from the officers of the Armed Forces. The police, intended to maintain law and order, were in fact used to suppress political movement supported by the army which was brought into "action" and posted at politically "strategic" points. The police were equipped with revolvers, rifles and sten guns. The overall police strength was also increased from time to time.

(2)

LETTER FROM THE PRESIDENT OF THE NATIONAL CONGRESS (GOA) TO UNITED NATIONS, DATED 5TH OCTOBER, 1949, WITH ITS TWO ENCLOSURES:

- (1) Letter from the President of the National Congress (Goa) to the Prime Minister of Portugal.
- (2) Message and Appeal from Dr. Telo Mascarenhas to the Prime Minister of Portugal.

THE NATIONAL CONGRESS, (GOA).

J. K. Bldg. No. 4-20,  
Gamdevi, Bombay 7.  
5th October, 1949.

Ret. No. 17/150,

The Member-Nations of the General Assembly  
United Nations Organisation,  
Lake Success, U.S.A.

Friends,

I am submitting this statement to you for your information in as much as Portugal is an aspirant to the membership of your Organisation.

Goa, Damun and Diu are the only Portuguese possessions in India, and Goa constitutes the largest of these with a population estimated at over 600,000. The people are Indian.

Portugal has ruled over Goa for 439 years. During this long period of dominion Goa which was from the 4th Century A.D. onwards famous for wealth commerce and industry as the "Most important place in Asia", has been reduced to economic desolation. Our towns are in ruins, our harbour one of the finest natural deep-sea harbours in the world is empty of shipping, our fields lie fallow and our people have been forced to migrate abroad in search of a livelihood they cannot find at home.

Since the end of World War II and particularly since the advent of Independence in India, the people of Goa have been demanding that they should be emancipated from the dominion of Portugal so that they may be free to rebuild their shattered economy and regain their self-respect. They have expressed the desire to join the Indian Union with which they are closely connected by history, race, culture and geography.

The aspiration of the people is being repressed by the Portuguese authorities with ferocity. Goan nationalists such as Mr. Tristao Braganca Cunha, Mr. Kakodkar, Mr. Bhembre, Dr. Hegde, and Dr. Loyola are languishing in exile at the fortress of Peniche (Portugal) sent there by a Court Martial sentence although Martial Law was never proclaimed. Dr. Mayenkar, M/s. Shirodkar, E. George and Karapukar are incarcerated in the Fortress of Aguanda (in Goa) in solitary confinement for 15 years for the offence of being office-bearers of the National Congress (Goa).

The system of Government is wholly Fascist. The so-called Legislative Council and the Municipalities are packed with the nominees of the Government and even the Governor-General is an agent of the Colonial

Minister in Lisbon. The administration is iron-clad and impervious to even the mildest representation of the public. The law forbids association, meeting or free speech and the press is so completely gagged that even the name of Mrs. Vijayalaxmi Pandit, India's Ambassador to the U.S.A., is not allowed to be mentioned in any news item. To say "Jai-Hind" is a criminal offence.

The National Congress (Goa) of which I have the honour to be the President is an organization of the people of Goa. It is functioning in Goa itself labouring to organize the people by means entirely peaceful and free from any violence, to voice effectively the aspirations of the People for emancipation. On account of the repressive policy of the authorities it has to function in secret and its President and part of its Working Committee have to act from outside the frontiers of Goa. Our aim is that Portugal should withdraw from our country, and that people, of Goa decide the future status of Goa within the frame-work of the Indian Union.

Pursuant to these ideals on the 15th of August 1949, I addressed a letter to the President of Portugal and to Premier Salazar containing a formal demand on behalf of the people of Goa that Portugal do withdraw from our country and leave us free to shape our own destiny. A copy of it is annexed (page 3-appendix I).

Following upon my letter Dr. Telo Mascarenhas, the Hon. Treasurer of the Congress, who was formerly a pupil of Premier Salazar at the University of Coimbra and knows him personally also addressed a wholly respectful personal letter to him supporting the views expressed in my letter. A copy is annexed (page 4-appendix II).

The reaction of Portugal has been extraordinary. On the 11th of September 1949, on orders from Lisbon, the Administrator of Civil Affairs in Goa summoned the Regedors (Village Officers) of Goa in the following terms:—

Presence of Regedors required in the office of Administration-  
12 o' clock Monday, the 12th September.

Ad. CONCELHO DE GOA.

Those who attended were shut into a room and presented with two blank sheets of paper and one stamped paper on which the following statement was written out:—

Your Excellency,

We the undersigned understand that an individual who lately visited Goa, misusing the good name of Goans sent a message to the President of Portuguese Republic and the President of the Portuguese Cabinet alleging that he was doing this as a representative of Goans and on their behalf. We, indignant with this act of his impudent and dishonest affirmations.

The Goans never bestowed upon any adventurer, their representation, for they have amongst them decent people with good character and culture to perform this role.

He is none but an adventurer, who thrived from Metropolis, during a flying visit across Goa, to step from door to door to snatch from the generous and uncautioned people, to whom he promised the legal aid in their appeals in Portugal. And thereafter

pocketing this and other money, thoroughly bankrupt, ran away to Bombay to serve those who afford to pay him. Those who were interested paid him to speak on behalf of Goans. But Goans keep themselves far away from the slur casted by the pretended representative like Telo who is sending the messages which are uncalled for.

With the object of repelling this affront to Goans we the undersigned respectfully beg of you to allow us to meet at a public meeting to reply him duly and express what we think and feel in this matter.

The invitees were ordered to sign the above paper as well as two sheets of blank papers under pain of imprisonment.

The meeting referred to in the above was called for the 22nd September 1949 but it was a *complete failure* as the people refused to co-operate.

The meeting had been called expressly to attack the person and reputation of Dr. Telo Mascarenhas, the Honorary Treasurer of the National Congress (Goa). Needless to say that the allegations are as false as they are malicious. Never has an individual been personally attacked by a sovereign nation.

I place these facts before you so that you may judge how much reliance may be placed upon the claim which Portugal is sure to base upon the proceedings of such a meeting. The originals of the documents quoted above are in our possession. The nations of the world may note from these the fascist tactics employed by Portugal to prejudice world opinion and to repress the just aspirations of the People of Goa.

Yours fraternally,  
S. B. D'SILVA,  
President,  
National Congress (Goa).

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(Enclosure 1)

(Appendix 1)

Letter addressed to: Dr. Antonio de Oliveira Salazar, President of the Council of Ministers of the Portuguese Government, Lisbon (Portugal)-By Mr. S. B. D'Silva, M.A., L.L.B., President, of the National Congress (Goa).

Excellency,

On behalf of the people of Goa we demand that you do withdraw from our land.

Your nation has ruled over us for four hundred and thirty-eight years. Your nation came into our country to liberate us from the power of another invader. You have remained as a conquerer. It is a truism to-day to say that no nation can justly exercise dominion over the people of another. We wish to be delivered from your power as you delivered us from that of another. You cannot remain against our wishes.

It is an axiom of political science that the only justification of any Government is the consent of the governed. Your administration in Goa is without the consent of the people; for, your councils, your municipal

bodies, your so-called legislature do not represent the people in as much as they are not fully elective. Not only that, but it is unresponsive to the opinion of the public because your law has blocked the channels of expression by the rigorous censorship of the Press and by the total denial of Civil liberties, as these are understood in all civilized lands.

In vain you tell us that your nation has brought us civilization and Christianity. Goa was civilized, prosperous and famous as a centre of the commerce and trade of the East long before your country was even a name in the pages of history. Christianity would have come to us even if you had not come, as it came to other parts of India without your help; indeed the fact that it is associated in the mind of the people of this country with a foreign culture and political power such as yours, is to-day the greatest obstacle to its continued existence not to say progress. In any event the conferment of benefits howsoever great is no justification of the continuance of alien rule when the consent of the governed is withdrawn, much less when such consent was never given.

Today there is no possibility of such consent being conceded to your Government even it at any time you had it. You have alienated our people. Our leaders, Tristao Braganca Cunha, Purshotam Kakodkar, Dr. Ram Hugde, Laxmikant Bembre, Jose Inacio Loyola, are without the justification of a fair trial, imprisoned in your Fortress at Peniche and in exile from their homeland for claiming the elementary right to civil liberty. Dr. Mayenkar, P. Shirodkar, N. Karapukar, G. Ticklo and E. George, are undergoing the savage sentence of 15 years imprisonment at Aguade Fortress for the offence of being office-bearers of the National Congress. In common with all the subject nations of Asia, in common with our own fellow countrymen in India we claim that freedom and democracy is our birthright and we realise that your people and your Government are incapable of even the conception of democracy when you suppress so savagely even non-violent agitation for elementary democratic rights.

If your Government is impervious to the realities of the times, you at least are reputed to be a clear-sighted statesman. You surely recognize the trend of events in India to-day and cannot fail to realise that the continued occupation of a portion of Indian territory by your nation is an anomaly in the context of the sovereign independence of the Indian people. Inevitably the Government, of the Indian Union will, in their own interests, desire you to withdraw from the soil of Inda. What will your answer be? Will you subscribe to the boast of your Colonial Minister that "Rivers of blood shall flow" before you are made to go? Or do you hope successfully to appeal to the United Nations Organization (of which your nation is not even a member) or to the signatories of the Atlantic Pact to help your nation to perpetuate your unjust dominion over Goa without and against the consent of its people? For, the Goan people are Indians, first, last and all the time; and will echo the demand of the Government of the Indian people that you should quit the sacred soil of our common Motherland.

Whether or not the Government of the Indian Union parallel our demand the Goan People do not want you. During four centuries of your occupation of our homeland your dominion over us has blighted our manhood and, by suppressing freedom of thought, association and expression, reduced us to moral and spiritual bankruptcy. Your neglect of the natural resources of our country and the general inaptitude of our



administration has sapped the vitals of our economic life and allowed our ancient prosperity to dwindle and decay until our towns are in ruins, our villages are deserted, our fields lie fallow and thousands of our people have been constrained to emigrate to other lands in search of a livelihood they cannot find at home. We want to be free now, to rebuild our shattered economy, to regain our self-respect, to reshape the destiny of our homeland nearer to our own hearts' desire.

Let there be no mistake. The National Congress (Goa) is an organization of the people by the people for the people of Goa, functioning within Goa itself: we have branches outside so that the voice of the people which is silenced by your repression in Goa may nevertheless be heard. The office-bearers of the Organization are your nationals, constitutionally and politically though unwillingly. We in the name of the Goan People solemnly demand that Portugal do forthwith quit Goa, and we assure you that we shall never rest until we liberate our homeland from foreign domination.

Yours faithfully,

S. B. DESILVA,

President,

National Congress (Goa).

15th Aug. 1949.

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*Enclosure 2*

*(Appendix II)*

Dr. Telo de Mascarenhas, Hon. Treasurer of the National Congress (Goa), has sent to the Prime Minister of the Portuguese Government the following Message and Appeal.

Excellency:

Knowing Your Excellency (by virtue of having been your pupil at the University of Coimbra and having lived in Portugal during the past 25 years) to be a man of great gifts of character and intelligence who has studied the most abstruse social and political problems, with practical good sense and broad vision, I wish to convey to your Excellency this Message and Appeal in the name of the People of Goa, confident that I express their thought with accuracy and fidelity.

Goa is a part of India which has been administered by Portugal for about four hundred years. But Excellency, this right to dominate, like all rights over a foreign people with distinct culture, customs and traditions and over a Country separated from the central power by thousands miles, is precarious. The Portuguese dominion in India is not without precedent. Several centuries before the Portuguese landed in India, foreign peoples invaded our Country, dominated it and passed away to their destined end; but India has survived maintaining unsullied her ancient institutions, her traditions, her beliefs and her ethnic fundamentals as if she had passed through a bad dream. In like manner the Portuguese dominion in India will pass away because there is no human force capable of arresting or thwarting the supreme designs of Destiny. Your Excellency, who are profoundly religious, must have felt in depths of your conscience that to dominate a people against their will is to offend

the fundamental principle of human dignity which is a reflection of God. And there are no reasons, historical or political, which can justify such a crime. The silence of the people of Goa does not mean acquiescence to the Portuguese rule but results from the actions of the Portuguese authorities in stifling the most elementary civil rights such as the freedom of thought, association and assembly. A mere "Jai Hind" constitutes a grave crime punishable with imprisonment. Civil liberties have been completely abolished in Goa thereby compelling many of her sons to live in exile, like the undersigned. But Goan nationalism is a smouldering fire which will break out one day with all its fury from beneath the ashes that conceal it and give it the appearance of a quiet disquiet and resignation, if it continues to be smothered by such inhuman methods.

*The existence of the expeditionary forces in Goa, with all their war-like paraphernalia not only perturbs the spirit of the people, through the atmosphere of intimidation and terror, but also aggravates the economic situation of the country, besides giving rise to inevitable and pernicious consequences of a Moral and social nature, which should be repugnant to your Catholic conscience.*

India together with the entire East is emancipating itself from foreign domination, of the dying colonial systems, because she has regained the consciousness of her mission in the World in the service of Humanity. One of our greatest intellectuals, Rabindranath Tagore, wanted India to be free to fulfil the role which is hers in the History of Humanity. Also Goa, like the rest of India, wants to serve Humanity not excluding Portugal, but as an equal to equal, as a brother to brother.

With the withdrawal of the Portuguese from Goa our culture, our beliefs, and our moral and spiritual heritage will not be in danger, one might suppose and as certain malevolent people have wanted to insinuate. And in this context the Government of India as well as the Indian National Congress have fully reassured us, the latter in their Jaipur session of December last. Independent Goa will enjoy complete autonomy in the bosom of Greater India, Free and United, and shall consider Portugal as an elder brother who has his home far away, overseas, and is remembered with tenderness and affection. We prefer therefore that the Portuguese leave us as good friends leaving in us sweet remembrances rather than as enemies waiting to defend an outrage and iniquity which they suppose to be their right and which will end up by dividing Home and hearts.

This is Your Excellency, in short the Message and Appeal which the people of Goa transmit to You, a Message and Appeal which should be clear to the great and enlightened mind of Your Excellency, and I feel assured of a favourable solution of this vital problem of the painful situation of the people of Goa who want to be free by having our political prisoners set free; by having expeditionary forces withdrawn; civil liberties restored and finally by attaining full INDEPENDENCE.

This Message and Appeal is placed in the hands of  
Your Excellency, very respectfully, by:

TELO DE MASCARENHAS,  
Of the Working Committee of the National  
Congress (Goa).

25th August, 1949.

(3)

EXTRACT FROM THE NEWSPAPER HINDUSTAN TIMES, NEW DELHI, 24-10-48  
*"15 Years Jail for Goa Congress Leaders"*

Bombay. October 23.—The Military Court at Panjim (Goa) on Wednesday sentenced the President, Secretary and Treasurer of the National Congress of Goa to 15 years' imprisonment each, according to information available here today.

Dr. Vinayak Mayekar, President and Messrs. T. P. Shivarkar and C. Ticlo. Secretary and Treasurer respectively together with two others were arrested two years ago and detained as under-trial prisoners.

In addition, Mr. Karapugkar, a member of the Congress was also sentenced to 15 years' imprisonment while Mr. Ramkrishna Sarjant, the owner of a printing press in Goa, has been interned for 18 months. Mr. Sarjant was alleged to have printed the manifesto of the Goa National Congress last year.—A.P.I.

EXTRACT FROM THE NEWSPAPER "AMRITA BAZAR PATRIKA", 7-7-51  
 (Calcutta)

*Goa School Teacher Deported To  
 "Devils Island"*

Bombay July 5. Mr. Divakar Balkrishna Kadodkar, a school teacher of Goa, deported by the Portuguese authorities in India in April this year, has now been sent by the Lisbon Government to the "Devils Island" of Cape Verde. Mr. Kadodkar was arrested by the Goan authorities in September, 1949, in connection with agitation for merger of Goa with India.

In a petition to the Minister of Colonies at Lisbon, Mr. Kadodkar requested that he be detained at Lisbon and given facilities for defence. The petition said Mr. Kadodkar was imprisoned without any framed charge for about one year and eight months in solitary confinement.—(P.T.I.)

EXTRACT FROM THE NEWSPAPER "BOMBAY CHRONICLE", BOMBAY,  
 22-11-51

*Arrests in Goa*

Bombay, Wednesday. Dr. Clementino Jorge and Dr. Victor Luis of Carmona, a village in Goa, were arrested by the Goa Government on a charge of reading an anti-Salazarist newspaper published in Bombay, according to reports reaching here from Goa.

Dr. Jorge, it is reported, has been imprisoned in the Aguada Fort, while Dr. Luis has been released on parole for health reasons.

Earlier, Dr. Carvalho of Cuncolim was arrested and detained on the same charge.

(4)

## GOANS ARRESTED BETWEEN 1949 AND 1953

*Names of some Goans arrested between 1949 and 1953 compiled from newspapers reports*

Mr. Evagrio George  
Shri Devu Conzavi  
Shri Raghubir Kamat  
Shri Narayan Hari Naik  
Shri Mukand Dhakarkar  
Shri Dattatrya Deshpande  
Shri Vasant Kunche  
Shri Waman Desai  
Shri Pandurang Shrirodkar, along with a few other Congress workers  
Dr. Jose Maria Furtado, President National Congress  
Shri Wishwanath Lavande  
Shri Atma Dhaklu Meyekar  
Shri Raja Bhikro Naik  
Shri Jose Rodrigues Mendes  
Shri Pandurang Sitaras Kavalkar  
Shri Krishna Vishnu Hoble  
Shri Navlo Shanker Ras Naik  
Shri Yeshwant Waman Naik  
Shri Kashinath Padurang Kavabkar  
Shri Vinayak Schidnar Pandit  
Shri Vishwanath Laxmanrao Desai  
Shri Ramkrishna Parjand  
Mr. J. B. Kamat  
Mr. G. K. Kurado  
Shri Nilkant Kamat

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## Appendix 8

(Part I)

(I)

LETTER FROM PORTUGUESE EMBASSY IN LONDON TO THE EDITOR OF  
THE ECONOMIST, DATED 8 MAY, 1954

*"India and the Foreign Settlements"*

Sir—Among the many controversial statements contained in the article which appeared in *The Economist* of May 1st from your Bombay correspondent, there is one which perhaps more than any other calls for comment since it lends itself to misinterpretation. I refer to the passage at the end where, in support of the allegation that "the only place where Indians actually live under a police state is Goa", it is stated that "a Goan surgeon was deported to Lisbon for a nationalist remark made at a private tea party".

The true position is that the person in question is a Portuguese citizen born in Goa and a graduate of the Faculty of Medicine of Lisbon University, who, at a gathering of numerous people which included judges and other authorities, publicly protested at the statement that Goa is Portuguese territory. He was held to have infringed the provisions of paragraph 1 of Article 171 of the Penal Code which lays down penalties for crimes against the external security of the State and was, in strict accordance with the law, arrested and conveyed to Lisbon where his case is undergoing due legal process and where he is to be tried before the competent ordinary Court.

Thus the case in question simply concerns the criminal responsibility of a Portuguese citizen in respect of an indictment for an act committed in Portuguese territory.—Yours faithfully,

(ALBANO NOGUEIRA.)

(2)

ARRESTS IN JUNE 1954<sup>1</sup>

June 19, 1954. Nanda Gaitonde arrested at Canacona. Nothing incriminating found with him. He is brother of Doctor Gaitonde... Over 15 persons in several parts of Goa were arrested in connection with hoisting of Indian flags and posting posters on 18th June, Eighth Anniversary of Freedom Struggle. Several others also arrested and released after interrogation. House searches reported by Mapuca Police.

June 23, 1954. Many houses were searched and further arrests were reported, namely:—

Bhandari of Mapuca  
Verlekar of Mapuca  
Ramakant Camotim  
Shamrao Maikakar  
Viegas of Margao  
Jorge Cardoso Margao

<sup>1</sup> Compiled from various newspaper reports and letters received from relatives of the detenus.

Telaular of Colem  
 Gunurath Kalekar  
 Karmali of Sanumodem  
 Rui Saldanha of Cassauaes  
 Hegde Desai of Quepem  
 Gomes of Majorda.

June 27, 1954. Doctor J. F. Martin, Medical Practitioner of Bardez arrested. House of Doctor Martin was searched. June 29, 1954. Over 6 persons were taken into custody from Bardez between 28th and 29th June. Among latest persons arrested were:

Gajanan Bhartu and Purshottam Kavelekar, both merchants of Mapuca.

June 30, 1954. Gopal Gamotin, prominent advocate of Goa was arrested in early hours of June 30th. He was leading member of local action committee. With his arrest practically all leading members of local action committee and important workers were detailed.

Over 35 persons were arrested since police fury was let loose on 18th June, 1954.

30th June and 1st July, 1954.

Pandurang Mulgaonnaidu, prominent advocate of Mapuca was arrested. His house was searched but nothing incriminating was found.

Ganoba Dubhashi Mapuca, medical practitioner, and Shantaram Dhond from Salvador Do Mundo were arrested. House searched before arrests but nothing incriminating found.

Shankar Desai Government School teacher was arrested on 29th June at Sanguem.

July 5th, 1954. Goan Police forcibly broke open Nanda Sirsat's shop at Parra 2nd July. Unable to trace Nanda, police took his brother Shrin Sirsat into custody who was tortured for eliciting information as to Nanda's whereabouts.

July 9th, 1954. Reign of terror instituted since 18th June continued unabated. Raids on houses were being reported from parts of Goa. Landlords, businessmen, students, priests suspected of least sympathy with freedom movement were being subjected to every form of police inquisition. In addition to over 40 arrests which had taken place, dozens of persons were called for interrogation by police authorities.

Strong feelings were aroused by this situation among Goans of all classes and they felt that time had come to act en masse against Portuguese domination, against savagery of Portuguese law.

July 16, 1954. Four more prominent Goans were arrested.

Dr. Jose Furtado, brother of Dr. Antonio Furtado, an exile in India.  
 Advocate Balsio Dsouza.

Dr. Menio Fernandez, dentist.

Mahadev Poltye, private teacher from Panjim.

Advocate A. R. Rodrigues of Carmona was called by police and let off after warning.

July 21, 1954. Father A. Pinto, Vicar of Navelim, was arrested by Police. Widespread arrests and mass detentions were reported.

July 22, 1954. Further arrests:

Rameshi Hadarkar, Goan from Poona.

Jeremias Carvalho, Advocate of Margao.

C. D. Costa, businessman of Margao.

(3)

EXTRACT FROM THE NEWSPAPER "HINDU", JULY 8, 1954

DR. GAITONDE—*Trial opens in Lisbon*

Lisbon, July 6.

Dr. Pundalik Gaitonde refused to participate in his own defence to-day when he appeared in court charged with crimes against Portugal's external security.

Dr. Gaitonde, a 40-year-old surgeon, was deported from Goa last February. An exchange of notes between Portugal and India followed in which India's "strong protest" against his expulsion was rejected.

The Public Prosecutor demanded that Dr. Gaitonde should receive six months' imprisonment.

The charge against the doctor alleges that at a banquet in honour of a Judge in Goa on February 14, 1954, he shouted, "I protest," when a speaker asserted, "Goa is also Portugal". He was deported two days later.

Dr. Gaitonde told the three judges of the Lisbon plenary court that he had dispensed with witnesses for the defence and had decided to follow Mahatma Gandhi's doctrine of refusing to participate in his own defence.

But he vested his defence in his lawyer, Dr. Manuel Palma Carlos, who entered a plea of not guilty.

Two members of the Portuguese international police who gave evidence stating that Dr. Gaitonde had confessed to the facts of which he is accused. Statements made by several guests at the banquet were read in court.

It was stated in court that the trial was being held in Lisbon to avoid the environment of excitement which would exist had it been held in Goa.

The Public Prosecutor said the alleged protest at the banquet was "a mixture of treason and low dignity as it came from a Portuguese citizen." He demanded six months' imprisonment for Dr. Gaitonde followed by a period of parole as a security measure.

The defence said, Dr. Gaitonde did not admit in his statements to the police that he was against Portugal's sovereignty in Goa but was against Portuguese domination in Goa, under the constitution he had the free right to express an opinion at the banquet.

The trial was adjourned until Thursday.

—Reuter.

(4)

EXTRACT FROM THE NEWSPAPER "THE HINDUSTAN TIMES", 1ST JULY 1954

*Repression in Goa*

... There has been reinforcement of armed forces in Goa and Diu and repression on a wider scale has been unleashed on the population. Arrests are being made on mere suspicion and the arrested men are sent to jail without the pretence of trial. All those suspected of sympathizing with the move for merger of the settlement with India have become marked men, the victims of the authorities ire. It is amazing that the French and Portuguese absolutely heedless of the events taking place all around them, are clinging to these few settlements for all they are worth. They have for them nothing beyond a prestige value and it is this prestige business which causes resentment among the local population who want to be as free as their country men in the rest of India. Beyond the facts of geography, India needs no further justification for the demand for the liberation of these territories. Since there is so much talk about consulting the wishes of the people, let the French and Portuguese transfer all power to the hands of the people of these settlements and then leave them free to decide their own fate. India will be quite content with such a solution. What she cannot tolerate is that Metropolitan countries thousands of miles away should seek to impose their will on the population and indulge in all sorts of repression. Settlement by peaceful by bilateral negotiation is one way of solving this problem and India stands for this. If this is not accepted, the problem will sooner or later solve itself of its own accord.

*Arrests continue in Goa.* Wide spread house searches and arrests of Goan nationalists continue in many parts of Goa, according to a message received by the Goan National Congress in Bombay today.

The Message said that among the latest arrests were those of two prominent merchants of Mapuca. None of the persons arrested since June 18,—anniversary of the Goan Independence Movement—had been released until today, the message added. P.T.I.

(5)

EXTRACT FROM THE NEWSPAPER "THE STATESMAN", 1ST JULY, 1954

*More arrests in Goa*

Bombay, June 30. Widespread house searches and arrests of Goan nationalists continue in many parts of Goa according to a message received by the Goan National Congress in Bombay today.

The message said among the latest arrests were those of two prominent merchants of Mapuca. None of the persons arrested since June 18—anniversary of Goan independence movement—had been released. P.T.I.



(6)

EXTRACTS FROM THE NEWSPAPER "THE TIMES OF INDIA"—9th JULY—  
1954

*Goan Political Prisoners*

Harsh Treatment in jail.

The Goan nationalists arrested recently by the Portuguese authorities are being treated harshly in jail, according to a report received in Bombay on Thursday.

The prisoners are said to have been compelled to sleep on bare cement floors which is most unhealthy in the prevailing wet weather. Eleven of them have been locked up in one room, while the others are confined in small cells.

The report says that a number of prisoners were beaten by the police in order to extort "confessions" and no medical facilities have been provided in spite of the repeated requests by the prisoners. The food supplied to them is stated to be almost inedible.

The Diu-Liberation Committee in a statement expressing its concern at the repressive measures of the Portuguese Government in Goa said: "We strongly protest against this repression and condemn the inhuman attitude of Portugal towards the people of Goa and other Portuguese possessions who claim their right to be free from foreign rule and merge with Bharat."

Expressing its full support to the proposed satyagraha by the Goan nationalists in Bombay on August 15, the statement appealed to the people of Diu and Damaun to raise their voice against Portugal's repression in Goa and start the freedom movement in their land.

(7)

EXTRACT FROM THE NEWSPAPER "BOMBAY CHRONICLE"

DATED 9th JULY, 1954

*Goa will Send Prisoners to Angola*

Bombay, Thursday, People in Goa are being put behind bars on the slightest suspicion.

Third degree methods are being used to extract information from prisoners.

This information is contained in a statement issued by Mr. Mario Rodrigues, Goan under-ground leader and a member of the Central Committee of the Goan People's Party who is now in Bombay for important consultations.

He states Felix Cardoso who was beaten in prison is in a precarious condition.

The authorities have refused to remove him to hospital.

Three Indians, Shivaji Sawant, Mahadev Chavan and Bal Vilagarkar, who are now prisoners of the Portuguese Government have been subjected to physical torture.

The Portuguese authorities propose to send some of the prisoners to Angola in Africa.

Mr. Rodrigues states that military training for every adult between the ages of 18 and 30 is proposed to be given in Goa.

U.P.I.

(8)

EXTRACT FROM THE NEWSPAPER "THE STATESMAN", JULY 10, 1954

*Ill-Treatment of Prisoners in Goa Alleged*

Bombay, July 9.—The Portuguese authorities in Goa are re-equipping the Central Jail in Aguada Fort to accommodate 400 prisoners, according to news received here yesterday by the Goan Nationalist circles.

Mr. Mario Rodrigues, a Goan underground leader, who is now in Bombay, said almost every day arrests of pro-merger Goans were taking place and the Portuguese police were raiding and searching houses of those known to be supporting the merger movement.

He said prisoners were being made to sleep on bare cement floors and locked up in small cells. Several prisoners had been beaten up. The food given to prisoners, he said, was almost inedible.

News received here by the Goa National Congress also spoke of a secret meeting held by the Governor-General of Goa last week with military and police officials which decided to take "stronger measures" against the merger movement and to prevent the entry of volunteers from Indian territory.—P.T.I.

(9)

EXTRACT FROM THE NEWSPAPER "THE STATESMAN",  
THE 12TH JULY 1954*Intimidation of Goans reported*

Police employing new methods.

Bombay, July 11. A new method employed by the Portuguese police to intimidate the Goan nationalists is the recruitment of unemployed persons and paid informants, whose duty include strolling in streets day and night, entering cafés, travelling in buses, posing as sympathiser of the freedom movement according to reports received in Bombay.

It is reported that any conversation about the movement heard in buses is promptly communicated by these informants to the police who then called on the person concerned for interrogation. The Portuguese are attempting even to hire students for the purpose. Groups of such persons employed by the police are constantly seen in streets of Panjim, hurling insult at people known to be sympathiser of the movement.

Over 40 Goan nationalists have been arrested since June 18.

The Portuguese authorities are subjecting a large number of Goans, including landlords, businessmen and students who are suspected of having the least sympathy with the freedom movement to every form of police inquisition.

Nearly 100 persons are reported to have been called for interrogation by the Police authorities. Many of these arrested persons have been severely beaten by the police in jails to extort confessions. In many cases, the period of detention has exceeded 15 days.—the period

permitted by law—but still no arrested person has yet been produced before the judicial authorities.

It is stated to be the intention of the Portuguese authorities to try the arrested persons under Sections of the Penal Code relating to organized rebellion against the established authority. U.P.I.

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(10)

EXTRACT FROM THE NEWSPAPER "THE TIMES OF INDIA",  
18TH JULY 1954

*Eight Goan leaders to be deported*

Marmagao, July 17: Eight leaders of the Goa liberation movement who are under detention, will be deported from Goa to Timor, a Portuguese colony in the East, it is understood.

A police officer attached to the Margao Police Station, where most of the political prisoners are detained, has stated that the leaders behind the movement will be taken to Timor by the end of July.

A conference of the Governor-General the police chief and the Director of Administrative Services was held recently to discuss the deportation of these leaders, it is understood.

*Likely Deportees*

It is learnt that the following persons are among the prospective deportees: Mr. Mulgaokar, advocate, Mr. Kamat, advocate, Mr. Dhond, Dr. J. Martin and Dr. Dubhashi.

The total number of persons under arrest at present in connection with the movement is understood to be 190.

They are not likely to be tried before a court of law before August 15, as the authorities expect 500 satyagrahis from India to enter Goa on that date.

Political prisoners, it is further understood, have been asked by the jail authorities to make arrangements for food from their homes or from outside sources. Till now the Goa Government was supplying them with food.

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(11)

EXTRACT FROM THE NEWSPAPER "BOMBAY CHRONICLE", 23rd JULY, 1954

*Vicar arrested in Goa*

Bombay, Thursday. Reports of repression continue to come in from Goa. The other day Father A. Pinto Vicar of Navelim, was arrested by the Police. He was later released on the intervention of the Patriarch.

Last week the Village Patel of Salvador Do Mundo, Mr. Datta Narain Chatin, was dismissed from service for alleged neglect of duty.

The dismissal followed the failure of the Village Patel to report meetings held by certain Nationalists, who are now under arrest.

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(Part 2)

(1)

EXTRACT FROM THE NEWSPAPER "THE TIMES OF INDIA" (NEW DELHI),  
JULY 24, 1954

*Volunteers take Dadra Police by Surprise  
It was Lathi Against Gun*

Dadra, July 23—The Dramatic story of the liberation of Dadra by the volunteers of the United Front of Goans, who surprised the Portuguese Chief of Police just as he was making a midnight appeal to 150 villagers to guard the frontiers against "foreign intruders", was given to "P.T.I." today by volunteers who took part in the operation.

An abortive attempt on Tuesday night to cross into the village had alerted the Portuguese Police and the party of about 50 volunteers assembled with the utmost secrecy under a Banyan tree near the Portuguese frontier.

Indian armed police patrolling the frontier had no instructions to interfere with the movement of persons between the Portuguese enclave and Indian territory. But Indian Officials subjected the volunteers to a thorough search to ensure that none of them carried weapons other than lathis.

*Midnight "Crawl"*

After a short briefing by the President of the Front Mr. Francis Mascarenhas, the volunteers marched across the frontier.

As they approached Dadra, they could see signs of activity even though it was midnight, and the volunteers literally crawled over the last 200 yards.

When they neared the police station an armoury, they saw the Portuguese Chief of police, A. P. Razario, exhorting a gathering of about 150 villagers to be vigilant and guard themselves against an attack from "foreigners across the frontier". He also referred to an attempt having been made the previous night which the police had foiled.

The 50 volunteers quietly surrounded the police party and, suddenly closing in on them, called on the Chief of Police to surrender.

Mr. Rozario pretended to agree, but he suddenly dived into the station room and came out with a stengun. The people fled as he started firing indiscriminately.

*Death of a Police Man*

The volunteers, who had been swept away with the panic stricken villagers, soon regrouped behind a Mound of earth, and began to close in cautiously on the Police Station. By this time two or three other Policemen had armed themselves with rifles.

One volunteer, who had managed to creep quite close to Mr. Rozario without being observed, suddenly sprang on him and hit him with his lathi. Rozario lost his balance, dropped his stengun and fell heavily.

The crowd, seeing him fall, rushed on him in fury and, before the volunteers could prevent it, one of the enraged villagers whipped out a knife and stabbed the Chief of Police. Rozario died on the spot.

The Deputy Chief of Police then opened fire on the crowd with a rifle. A United Front volunteer was hit on the right hand but he grappled with the police official. Before the Officer could fire again, his rifle was snatched away and he was overpowered.

There were a few more skirmishes with some of the Policemen, but finding the villagers helping the volunteers, the policemen surrendered.

The volunteers then went in and took possession of the armoury. The police patil, Francis Deleira, fled to the neighbouring village, but later in the morning he returned and surrendered himself.

An all night search was made by the volunteers in the village and all the policemen, numbering twenty nine, were rounded up. 7 civilians were also rounded up by the volunteers, but they were released after interrogation.

*Patriotic Priest*

The volunteers then proceeded to the Dadra Monastery. The Reverend Br. George welcomed the volunteers. The priest said that because he was found to be friendly with many Indians and Goans across the frontier, he had come under the suspicion of the Portuguese authorities. In fact, the previous day he had been served with a notice to prepare for detention.

As dawn was breaking, the whole village of about 500 villagers rallied to the support of the liberation force and gathered near the police station.

One of the Portuguese Police Officers who was seriously injured last night has been handed over to the Indian authorities for proper medical attention. The Indian authorities agreed to accept the charge on humanitarian ground, but refused to take any responsibility in the matter. P.T.I.

(2)

EXTRACT FROM THE NEWSPAPER "HINDU", JULY 30, 1954

*Freedom Movement in Portuguese Pockets  
More Villages Liberated*

Vapi, July 29.—The village of Naroli, inside the Portuguese enclave of Nagar-Aveli, was occupied this morning by volunteers of Azad Goa Movement.

The volunteers marched into the village of 2,000 inhabitants at 2 A.M. and soon many of the villagers rallied round the volunteers.

The twelve Portuguese policemen stationed in the village put up some resistance, but after a small tussle, seeing the crowd of local inhabitants rallying to the support of volunteers, surrendered to the volunteers force with their weapons.

Naroli is 8 miles south east of Vapi, in the enclave of Nagar Aveli, which is bounded by the Thana and Surat Districts of Bombay State.

When the 50 volunteers approached the village, the Portuguese policemen fired two rounds at them.

The volunteers appealed to the policemen to surrender peacefully and avoid bloodshed as any violence on their side might provoke the local inhabitants to retaliatory action.

By mid-day, today, the Azad Goa Volunteers had set up a village Panchayat to administer the village and were preparing to march to Selvassa.

The second chunk of Portuguese territory in India was liberated when six more villages were freed from the Portuguese by the local people (says a UPI report). The liberated villages are Naroli, Dapaca, Kanari, Atal, Cararpara and Lunia. Twelve men who offered resistance have been taken into custody by the liberation forces.

(3)

EXTRACT FROM "FREE DADRA & NAGAR HAVELI CELEBRATE LIBERATION", PUBLISHED BY THE NEW ADMINISTRATION OF DADRA & NAGAR AVELI, 1957, p. 4

The 3rd anniversary of the Liberation of Dadra from Portuguese colonialism was celebrated at Dadra with tremendous enthusiasm.

Shri C. Cruz read the following speech: <sup>1</sup>

"At 5 a.m. on July 22, 1954, an Adivassi came to my house in Silvassa with a note sent by a friend who was closely watching the Dadra liberation movement. The note contained few words but said much: "Aniceto is dead, Dadra has fallen." Who was this Aniceto? He was the Police Agent of the Portuguese with secret instructions to stealthily train recruits, who entered Dadra in disguise to suppress the will of the people. The people of Dadra in close alliance with Goan elements were preparing for their liberation. Portugal reinforced Dadra with new contingents and machine-guns.

"Late at night the Police Post opened fire, which, however, did not take long to cease; and early in the morning of July 22 the People of Dadra hoisted the Indian Tricolour and pledged loyalty to the Indian Nation incidentally on the same date on which 169 years before, when the Maratha in decline of power was forced to hand over to the Portuguese the revenue of the villages of Dadra, Tigra, Morcol, Sili, Amli, Saili and Randa to make up the sum of Rs. 12,000 to pay which the revenue of the other villaged was not enough. And now, Dadra, fell with the full knowledge of the Portuguese. It was no surprise attack or ambush. For, the Service Information Bulletins of the Goa Police of May 17 and 31 and June 28 of 1954 kept the Police alert about the liberation movement of Dadra.

"Dadra has been liberated! Goa, Daman and Diu still remain to be liberated. And as though in order to muffle the cry of freedom Salazar's band-master's baton echoes through the four winds that the people of Goa are integrated in the heart of Portugal and that Portuguese sovereignty is unshakable. And for greater show forces innocent tiny tots to cry along the roads of Goa the slogan "Here it is Portugal".

<sup>1</sup> "The Administrator, the Sarpanch of the Varsitha Panchayat of Nagar Haveli, Shri Choubal, the Sarpanch of Dadra Shri Jayant Desai, the Public Prosecutor Shri C. Cruz, the Education Sub-Inspector Shri Dhansing, the Dadra school head-master Shri Ishwarlal Desai Smt. Himavatibai Nateker and Shri C. Furtado addressed the gathering."

"This "here it is Portugal" is the most repugnant lie. Here it has never been Portugal. History tells us so.

"Let us see. In February 1510 Portugal took that part of Goa which was under Adil Khan of the Kingdom of Bijapur. In August of the same year Adil Khan repulsed the Portuguese. On 25th November another fierce battle. In 1511 Adhil Khan besieged Goa and in continuous battles the Portuguese first lost and then won back Salcete and Bardez. In 1516 Adil Shah attacks Goa and in 1520 Adil Khan threatens again. In 1534 the Portuguese lose several places. New battles in 1543 and 1545. Bardez and Salcete are attacked in 1557. In 1570 Goa was besieged for ten months by Hidal Khan and the Nizam. In 1610 the Dutch with the support of the Mohamedans blockaded Goa. In 1643 Marmagoa is bombarded. In 1683 Sambaji invaded Bardez and attacked Rachol. From 1706 for years there were attacks by Bonsle. In 1739 Venctesh Rau attacked Salcete and Bardez. In 1742 new conflicts arise. Further battles in 1746. In 1755 Satari rises in revolt which is re-conquered by the Portuguese in 1782, but up to 1822 Satari revolts 14 times. A new uprising in 1823. In 1852 Dipaji Rane razes Sanguem and Quepem to the ground. The revolt of Custoba lasts from 1869 to 1871. Dada Rane revolts in 1895. Another revolt of the Ranes in our own days in 1912. And from 1912 to the present date, how many forms of manifestation against the Portuguese domination!

"And finally, we see at present the sacrifice on the sacred altar of our Motherland! Compare it with the sacrifices made for the liberation of India from the British. Confront the number of martyrs in proportion to the millions of India and the bare total of 650,000 individuals subjugated by the Portuguese. Very edifying is the confrontation! Very edifying for the world to see the titanic and heroic effort of a tiny population trying to free itself from foreign yoke. And over this Salazar the band master cries: "Here it is Portugal"! History tells us that from 1570 to the present date we have been trying to repulse the Portuguese yoke. And this our struggle will not cease till we are masters in our own house.

Glory to those who fought to liberate Dadra!

Glory to those who shed their blood to liberate Goa, Daman and Diu!

Glory to the nationalists who are keeping up the struggle of Liberation!"

(Free Dadra & Nagar Haveli Celebrate Liberation.)

August 10, 1957.

Page 4.

(4)

## KRANTI (Revolution)

*(Translation from Portuguese)*

No. 17

COMRADES OF THE EXPEDITIONARY AND POLICE FORCES SAVE US FROM  
THE WHITE PEOPLE'S TREACHERY

They want to be safe at the cost of our sacrifice.

Dear Comrades,

Just throw a glance on our names and ranks and you will be convinced at the authenticity and seriousness of our friendly advice. What we saw and experienced in Selvasa and Khanvel opened our eyes to the reality, i.e. the European officers are traitors and cowards. Although they talk much and show much enthusiasm they will not defend a just case and save their lives at our cost. We are going to give proof of this.

When the volunteers of the Azad Gomantak Dal were near the Police Quarters at Selvasa, the three white chiefs Captain Fidaldo, Lt. Falcao and Sub Chief Pegado told us that they themselves with the help of 130 soldiers were going to attack the enemy from the rear and we were to attack them from the front and defend the Police Quarters. But we were much astonished when we came to know that these three "heroes" responded to the appeal of the Azad Gomantak Dal volunteers, and got in a safe area, leaving us alone. Only, then, we surrendered our arms as we were ashamed of the ignominious act of the white chiefs.

Latter on, we came to know that they had run away in the direction of Khanvel.

In Khanvel itself, the same story was repeated and the hunger and sufferings to which these officers are not accustomed compelled them to decide to surrender secretly to the Indian Police, with 55 soldiers and leaving behind 49 soldiers who are signatories of this document. They told us that they were taking important decisions in order to reconquer Nagar Aveli and that we must not abandon our position to the enemy. Believing their words we opened fire on the Dal Volunteers in Khanvel. But Mr. P. Sinari who was leading the volunteers convinced us that the white Chiefs had betrayed us once again and had surrendered to the Indian Police. Then we surrendered our arms.

What was the fate of other 55 soldiers who had gone to Khanvel? They were also abandoned to their fate and had to surrender to the Indian Police.

In spite of our opening fire on the Dal volunteers, we were treated by them in an exemplary manner, which we did not expect from them.

All the prisoners were released on August, 15, many were taken in the Police force. None of us was ill-treated although they had reason to do so. We are grateful to the Azad Gomantak Dal and we repent for having served a major part of our life to a foreign country, a Fascist command and cowardly Chiefs. The Goan papers do not cease to praise these cowards.

African comrades in arms, in India, we only perform our duty by giving fraternal advice. Let our bitter experience and disappointment and our present opportunity of serving our real country serve you as an example.



In Khanvel, we had nothing to eat for many days, because we were faithful to our duty but we were rewarded by treachery.

You should also like us, abandon the defence of just cause and cease to serve cowardly and treacherous commanders who will betray you at the last moment.

Even if your commanders are different from those of Nagar Haveli, your duty as Goans and Africans is to realise that the hour of freedom and redemption has come near.

Nagar Aveli, September 1954.

Yours comrades in Arms.

(Signed) by 49 persons.

1. Manuel Pereira—Sub-Chefe.
2. Tiago G. R. Pereira—Cabo de Policia.
3. Jose J. O. de Melo—Guarda.
4. Ludovico F. De Noronha—Sipai.
5. Juliao Julio F. da Silva.
6. Gustavo B. M. Fernandes—Guarda de Policia.
7. Alvaro F. Fernandes—Guarda de Policia.
8. Aleixo F. De Noronha—Sipai.
9. Victor das Dores Lopes—Guarda Florestal.
10. Francisco C. V. Fernandes—Sipai.
11. Anacleto F. A. Pereira—Guarda.
12. Jose F. V. de Souza—Guarda.
13. Benjamin M. B. Noruega—Cabo de Policia.
14. Loyola F. X. C. de Noronha—Guarda.
15. Francisco X. de R. Guedes—Guarda.
16. Apolinario C. de Souza—Sipai.
17. Francisco X. S. de Noronha—Sipai.
18. Manuel J. de Rosario—Sipai.
19. Xec Mahmud—Recruta.
20. Francisco X. T. Fernandes—Cabo de Policia.
21. Tiburcio A. da Piedade Machado—Guarda.
22. Antonio F. Santana Pereira—Recruta.
23. Pedro O. F. de Souza—Recruta.
24. Salvo J. da C. Guedes—Guarda.
25. Aquino V. de Souza—Guarda.
26. Timoteo B. do Rosario—Guarda.
27. Henrique J. de O Colimao—Guarda.
28. Bertoso F. Dias—Sipai.
29. Teodosio H. F. de Mendonca—Guarda.
30. Antonio T. Pereira—Guarda.
31. Jaime F. Jesus—Recruta.
32. Prema Sucar—Sipai.
33. Caetano F. Xavier—Recruta.
34. Tertuliano J. dos Remedios—Guarda.
35. Jose R. C. Braganca—Guarda.
36. Remigio J. F. Fernandes—Guarda.
37. Mario Nunes—Encarregado do Deposito.
38. Jose H. B. Lobato de Faria—Patel da G.R.

39. Jose L. A. Joao—Sipai.
  40. Antonio J. P. C. do Rosario—Soldado.
  41. Guiomario E. Nunes—Guarda.
  42. Jose F. de Souza.
  43. Jesus N. P. Pereira—Soldado.
  44. Luis N. Damasceno—Guarda.
  45. Jose Maria J. Dos Rosario—Chauffeur do Jeep.
  46. Francisco X. de Menezes—Patel de Canoel.
  47. Mario T. B. Rosario—Guarda.
  48. Candido J. P. do Rosario—Guarda.
  49. Joao F. V. de Souza—Patel de Silvassa.
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(Part 3)

(1)

EXTRACTS FROM THE NEWSPAPER "AMRITA BAZAR PATRIKA, JULY 27, 1954

*War-like Preparations in Daman by Portuguese Govt.*

4 Sloops Arrive, Machine-Gun Posts Set Up: Exodus From Town

Dadra, July 26.

Reports of war-like preparations in Daman on apprehension of the march of liberation forces into the territory continue to be received here. Trenches are being dug by the Portuguese and Negro troops all along the 5-mile road from the first Portuguese check-point on the border upto Daman port.

Powerful searchlights have also been installed along the Daman waterfront. Troops armed with machine-guns have been stationed at the outposts, it is stated.

Four sloops, 2 from Macao and 2 from Goa, have reached Daman port, according to the Daman police.

A Portuguese police officer told 2 Bombay correspondents at Daman yesterday they were strong enough to face any attack against Portuguese settlements in India.

The Portuguese official was interrogating the 2 correspondents who had managed to enter Daman.

*Machine-gun posts set up*

The correspondents said they saw 3 machine-gun posts set up in paddy fields manned by Negro and White soldiers. A number of fox holes had been constructed and camouflaged. Three powerful searchlights had been installed along Daman border.

According to these correspondents a great deal of "panic" was evident in Daman town. Many of the shops remained closed their owners having fled to Indian Union.

They said the only bus in Daman and a solitary taxi had been taken over by the Portuguese authorities.

Except for foodgrains which were available in Daman prices of all other consumer goods had skyrocketed. A pound of tea was being sold at between Rs. 8 and 10, a pound of potato at Rs. 2 and 1 pound of oil at Rs. 3. Even vegetables had become dear the correspondents said.

*Allegiance to India*

Dadra, which was liberated from the Portuguese rule on July 23, has declared its allegiance to the Government of India.

The new elected Gram Panchayat of the village yesterday requested the Prime Minister of India, Mr. Nehru, to effect the immediate merger of the village in Indian Union.

The declaration signed by all members of the Panchayat also pledged its support "to the sacred struggle for emancipation of our homeland."

The Panchayat declaration was handed over to Mr. Francis Mascarenhas, President of the United Front of Goans, who was present at the

meeting. The Panchayat also thanked him for liberating the village and extended co-operation of the local population in the struggle.

The Panchayat had decided to concentrate on the immediate problem facing the village namely the food shortage.

The declaration was followed by a religious ceremony in the Bhavani temple in the heart of the village where villagers offered worship amidst shouts of "Azad Dadra Government Zindabad" and "Bharat Mata Zindabad".

*Exodus from Daman*

Meanwhile there has been an exodus from Daman into the Indian Union territory. During the last three days about 850 people including a large number of women and children have crossed over to the Indian territory with such of their belongings as they could take with them. According to these people, there was panic inside Daman.

The rush of people crossing over to the Indian territory yesterday was so heavy that the authorities decided to close the border at 5 in the evening. Nearly 450 people had already crossed the border by then.

Portuguese authorities, it was learnt, had ordered that no Christian should be allowed to get out of the enclave.

Two relief centres have been opened—one at Vapi and another at Dunga, 5 miles from Vapi—by social workers of Vapi to help those who cross over to the Indian territory.

Four Bombay correspondents who managed to enter Daman in the guise of businessmen yesterday were subjected to severe interrogation by the police authorities. Two of them were taken in a police van last night and let off at the border. The two others were put under armed guard in their hotel and were interrogated by police officials when they were asked to leave the settlement. While they were on their way to the border they were stopped and taken back to the Police Commissioner's office and detained. At 5-30 in the evening they were taken in a military van and abandoned at the border which had by then closed. The correspondents, however, managed to cross over to the Indian Union territory by 8 in the night.—(PTI & UPI.)

(2)

EXTRACTS FROM THE NEWSPAPER "THE TIMES OF INDIA", AUGUST 5, 1954

*Suppression of all Liberties in Goa*

*War Hysteria whipped up, "Martial Law" imposed*

"The Times of India" News Service

New Delhi, August 4.

Mr. Vincent H. Coelho, Indian Consul-General at Goa, today charged the Portuguese administration with whipping up "war hysteria" in the colony.

He told a press conference that virtual martial law had clamped down on seven towns in the Portuguese settlement.

Portuguese troops had been massed and trenches dug along the border. Armoured cars and jeeps were patrolling along the pocket.

The general situation, Mr. Coelho said, was "extremely tense" and the people were "terribly worried and uncertain of their future".

Nevertheless, he said, undeterred by ruthless suppression, 99 per cent. of the population unflinchingly supported the freedom movement.

Mr. Coelho, whose recall was demanded by Portugal last week, was giving a brief survey of the present situation in Goa.

Repressive measures, which started with the arrest and deportation of Dr. Gaitonde, he added, had been progressively intensified. There was no freedom of expression in Goa. Practically every Indian newspaper, barring "The Times of India" had been banned.

He remarked that Government measures had become so stringent that the local press could not dare to criticise even the lack of a drainage system in Panjim.

He said that all public or private meetings had been banned. In fact, 14 of the 70 persons arrested so far in connection with the freedom struggle, had been taken into custody for having held a "private meeting".

Both the armed forces and the police in Goa had been considerably strengthened. As against an armed force of 1,500 in 1947, the strength today was about 5,000. The police force had some 450 in 1947 and today the number was well over 1,000.

According to Mr. Coelho, most of the extra police had been deputed to espionage work. The men travelled through Goa picking up nationalists.

#### *Heavy Exodus*

Exodus of many rich Indians and the local population had already begun. About 1,500 of Daman's population of 6,000 were believed to have fled to India. Hundreds had fled to India from Goa and the exodus was continuing.

There had also been a flight of Indian capital from Goa. Heavy withdrawals from the two Portuguese banks in Goa were believed to have been made and the money was presumably sent to India.

Mr. Coelho said that the celebration by nationalists this year of the launching of the freedom movement was "silent, but strong". About 70 tricolours flew over Portuguese territory on June 18. An Indian national flag fluttered over the Secretariat buildings in Panjim.

"Quit Goa" posters were plastered in practically every town and village in the colony.

"The significance of the number of flags and the posters", he said, "can be best appreciated if the ruthless police measures that have been let loose in the State are kept in view."

Mr. Coelho emphasised that both the Hindus and the Catholics, comprising about 53 and 45 per cent., of the population were participating in the liberation struggle.

Portugal had, time and again, claimed its right to rule Goa and the two other territories on "moral and religious" grounds. "But the fact that even Catholic priests had joined the freedom movement in the colony destroyed Portugal's claim in Goa on either moral or religious grounds", said Mr. Coelho.

Mr. Coelho agreed that the Catholic church played an important part in the lives of the people of the Portuguese colony in India. There were three seminaries in the colony.

Asked if the church dabbled in politics, the Consul-General replied:

"It is difficult to say that the Catholic church does not participate in politics, for the last Patriarch made some statement to the effect that Goa should remain a part of Portugal."

*Economic Link*

Mr. Coelho said that on the economic plane, Goa was principally linked with India. About 150,000 Goans were serving in India. Besides, Goa was dependent on India for its basic requirements of food and clothing. About one-third of Goa's economy depended upon the contraband traffic, between India and Goa. For instance, in 1952, Goa's imports were valued at Rs. 9 crores, of which Rs. 3 crores would have been sufficient for Goa. Thus, goods worth Rs. 6 crores had found their way into India.

The problem of contraband traffic had become acute during the past few years. Gold was one of the principal items on the smugglers' list. The value of gold imports into Goa exceeded Rs. 5 crores.

(3)

EXTRACTS FROM THE NEWSPAPER "AMRITA BAZAR PATRIKA", AUGUST 7, 1954

*Feverish military activity by Portuguese in Daman*

Panicky Villagers Fleeing To Indian Territory For Safety

Vapi, Aug. 6.

Feverish military activity in the Portuguese enclave of Daman has now led to large-scale migration, and terror-stricken people are leaving their homeland for places of safety in the Indian territory.

According to a reliable report received here today, about 80 per cent of the population of Dabel, a Portuguese village two miles from Vapi have migrated to Indian territory.

According to the refugees, Negro troops which have been stationed in the village of Dabel, which has now been turned into a Portuguese military base, have let loose their nefarious activities. This has caused great panic among the villagers who are now fleeing in their hundreds. The refugees related how they escaping police vigilance at night, walked about ten miles across the flooded field and paddy land before reaching the Indian territory.

*Situation in Goa*

About 20 Negro soldiers from Phonda military headquarters in Goa, who are said to have expressed their unwillingness to shoot Goans should occasion arise, are reported to have been arrested according to people reaching Karwar from Goa, states message from Karwar.

About 200 persons mainly women and children have crossed Goa's border into Karwar in the last two days it was learnt.

National Congress circles said even Goa Government officials have started sending their families to India.

Mr. S. B. Kulkarni, Collector of Karwar, and the District Superintendent of Police Mr. N. S. Nimbalkar visited the Karwar border to contact

local leaders and contradict panic rumours against India circulated, it is learnt, by spies of the Portuguese Government in Goa.

One such rumour was that the Collector had ordered the public to be prepared for evacuation from Indian borders within twelve hours.—  
(P.T.T. & U.P.I.)

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(4)

EXTRACTS FROM THE NEWSPAPER "AMRITA BAZAR PATRIKA", AUGUST 8,  
1954

*State of Siege declared in Goa*

Belgaum, Aug. 7.

A "state of siege" has been declared in Goa and all measures designed to place Goa on "war footing" are being taken to face "the threat of satyagraha" from across the Indian border on August 15.

According to a Press communique issued by the Portuguese Government the entry of all Indian and foreign newspapers and periodicals would be banned immediately. All post offices throughout Goa have already been instructed to confiscate all incoming Indian and foreign newspapers.

The Portuguese authorities have decided to suspend rail traffic and seal off the Karwar-Goa border from August 10 to prevent entry of people from Indian side into Portuguese territory.

The traffic in the interior of Goa is already banned at night thus clamping down virtual curfew.

*Conscription Move*

It is also strongly rumoured here that Portuguese authorities will introduce conscription in a few days' time making it compulsory of every home in Goa to contribute a male member for service either in the military or in the police forces.

A second line of defence, mostly of school boys, is being formed and all educational institutions in Goa are being closed down from August 10.

According to reports reaching here the general economic situation in Goa is worsening day by day and the prices of foodgrains are soaring high.

*Order on shops*

All shops, tea stalls and other institutions in Goa have been ordered to be closed at seven in the evening by the Goa Government from Thursday according to people coming out of Goa.

About 150 Goans crossed into India in buses and taxis on Friday. The tempo of exodus had risen following India Government's announcement to impose entry permits shortly.

For four days from August 14 all bus services linking Goa and India including buses carrying mails have been ordered to be suspended according to officials of bus services between Karwar and Panjim.

Military pickets on the Karwar-Goa frontier equipped with powerful wireless receivers and transmitters were being reinforced according to these officials.

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(5)

EXTRACT FROM THE NEWSPAPER "BOMBAY CHRONICLE", 10TH AUGUST  
1954

*10,000 Troops are standing by*

Bombay, Monday. The 10,000 troops, including 2,000 whites are concentrated in Goa today. Two thousand five hundred more, mostly Negroes are on their way to Goa and are expected to arrive next Friday.

This information was available with the Goa National Congress today.

The Portuguese have also 12 fighter planes and a non-military aircraft. Work on an aerodrome near Panjim is going on night and day in spite of heavy rains.

The authorities are perturbed at the active participation of Goan Catholic priests in the people's liberation movement.

The recent arrest of Father Alvare Pinto, Vicar of Navelim, was the last straw on the camel's back. He was later released to avoid a 'scandal'.

The Police Commissioner of Portuguese India, Captain F. R. Romba, told the Patriarch that the Governor General earnestly desired that the Prelate took a serious view of the anti-Portuguese activities of the priesthood.

(6)

EXTRACT FROM THE NEWSPAPER "AMRITA BAZAR PATRIKA", AUGUST 11,  
1954

*10,000 Troops massed in Goa*

*2,500 More Negroes Expected By Aug. 13*

Bombay, Aug. 9.

The Portuguese authorities in Goa have concentrated there 10,000 troops including 2,000 Whites according to latest report reaching Goa National Congress circles here today.

The report said 2,500 more troops composed mostly of Negroes, were on their way to Goa and were expected to reach there by August 13.

Portuguese are also understood to be having 12 fighter planes and one civilian type aircraft. Work on an aerodrome near Panjim was going on day and night in spite of the incessant rains, the report stated.

Goan authorities are also stated to be perturbed at the active participation of Catholic priests in the people's liberation movement. The authorities have, however, released Father Alvaro Pinto, Vicar of Navelim who was arrested recently to avoid "scandal".

The Police Chief Captain F. R. Romba is understood to have conveyed to the Patriarch of Goa the "earnest desire" of the Governor-General that the Prelate took a serious view of the entire anti-Portuguese activities of the priesthood. The Patriarch was asked to send a 'secret circular' instructing the priests not only to stop showing any sympathy with the nationalist movement but also to preach pro-Portuguese sentiments in the churches.



Meanwhile, reports reaching Vapi from refugees coming from Damaun, talked of last-minute efforts by the Portuguese authorities to use the local population for defence purposes. The refugees said, "fantastic" offers of money and lands were being made for those supplying able-bodied men. Advance money had been paid to some Warlis to guard the frontier in case of any "attack" by liberation volunteers.

(Part. 4)

(1)

EMIGRATION OF THE INHABITANTS OF THE PORTUGUESE  
POSSESSIONS IN INDIA TO INDIA IN 1954  
EXTRACTS FROM FOREIGN AFFAIRS RECORD

VOL. I, No. 9 OF SEPTEMBER 1955

I

"The number of persons who migrated from Portuguese possession in India during 1954 is given below:—

Goa	18,116
Daman	1,500
Diu	4,000

Migration both of Indians and Goans generally took place in the months of July, August and September 1954. Of the 18,116 persons who during 1954, had migrated to India from Goa, 6,862 were stated to be Indians. The majority of them belonged to the labour categories who were expelled by the Portuguese authorities on flimsy grounds."

II

EXTRACT FROM THE NEWSPAPER "BOMBAY CHRONICLE",  
9TH AUGUST 1954

*Give urgent aid to refugees from Goa*

Poona, August 8. An appeal to the Central Government to devise a scheme for giving aid to the people coming from Goa for safety and shelter has been made by the All party Goa Liberation Movement Assistance Committee of Poona.

The Committee in a resolution said with the Goa liberation movement gathering momentum. The Portuguese Government had resorted to heavy repressive measures against the people there.

As a result the people in Goa had become panicky and were coming to India for shelter.

The number of such people was increasing every day and it had, therefore, become necessary to give them shelter in India.

In another resolution the Committee urged the Union Government to immediately take over the administration of Dadra and Nagar Haveli taluka, recently liberated by the people there from Portuguese domination.

The resolution said that in the interests of the people liberated, and for law and order the administration of these areas should not be allowed for long to remain in the hands of the liberation squads. U.P.I.

(3)

EXTRACT FROM THE NEWSPAPER "THE TIMES OF INDIA"—  
26TH JULY 1954*Daman People in panic*

Conscription Order Leads to Exodus.

Vapi, July 25. More than 400 men, women and children reached here to day from Daman in the *exodus* which started after the Governor of the second biggest Portuguese possession in India had issued a conscription order.

About 250 persons arrived here yesterday from Daman, *where curfew is in force* from 9 p.m. till dawn.

Social service organisations in Vapi have opened a *relief centre* to provide help to the people leaving Daman till they find rail or road transport facilities to reach their destination.

The Governor's *conscription order* came as "a bolt from the blue", said one of the fleeing men.

The panic created by the order had made about 25 per cent, of the 20,000 population leave the town, he said.

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## Appendix 9

(1)

EXTRACT FROM THE NEWSPAPER "PEACE NEWS", LONDON, JULY 6, 1956

*New repression in Goa*

"An unprecedented wave of repression by the Portuguese Government is taking place in Goa. Nearly 3,000 persons are reported to have been arrested since 1954. Over eighty prominent citizens have been arrested recently.

Following ten years of reliance on the methods of satyagraha in the Goans' struggle against Portuguese rule, in the face of the most severe repression a series of incidents of personal and underground violence has broken out by opponents of the regime.

Six prominent Indians and Goans have cabled Indian Prime Minister Jawaharlal Nehru, now in London for the Commonwealth Prime Ministers' Conference, urging him to "exert influence with free nations and Commonwealth to halt this inhuman repression".

"Goans in Bombay and Goa", they write are "greatly disturbed and agitated."

The cable is signed by Cunha Braganza, Chairman of the Goa Action Committee; Lawande, President, Azad Gomantak Dal; Sukthankar, for the National Congress of Goa; Soarres, President, Goa Liberation Council and University Professor; Mascarenhas, ex-Mayor of Bombay and Rama Hegde, who with Cunha Braganza spent ten years in a Portuguese prison for participating in the first Goa satyagraha in 1946.

The Portuguese repression is "driving Goans to desperation resulting in acts of violence and sabotage", they said. There have been attacks on police posts, a ferry steamer, and mines. The Portuguese blame Indians for the incidents, but nearly all of them took place in the heart of Goa and are "obviously the work of desperate Goans" says the plea to Nehru.

The Portuguese continue to deny that there is any nationalist movement inside Goa, but the prisons are full.

Among those arrested recently are Shambu Kirtano, a leading merchant; Virginkar, businessman from Margao; Aristo Tavar Dias, prominent lawyer of Saisette; Alvaro Furtado, ex-president Saisette municipality; Dr. Frank Sequeira, prominent merchant and landlord; Ilidio D'Costa, wealthy businessman and landowner; Ernest Coste Farias, son of retired government employee; Dr. Alvaro Costa, editor of the Portuguese language daily, Diaro de Goa, ex-mayor of Saisette, and physician in Margao Hospital; Vasant Naik, merchant; Colaco, leading medical practitioner and brother of Bishop Colaco.

Most of these persons are said to have been tortured to extract information about the nationalist movement. Most of these are men not known to have had contact with any anti-Government movement.

The cable called the murder of Krishna Porob, a merchant who died as a result of torture "reminiscent of Fascist methods of exterminating opponents".

The round-up of these men has taken place on the mere suspicion that they knew something about the underground movement or are indirectly aiding it."

("PEACE NEWS"—July 6, 1956. No. 1,045.)

(2)

EXTRACT FROM THE NEWSPAPER "PEACE NEWS", LONDON, JUNE 7, 1957

*The prisoners of Goa*

By Taya Zinkin

*Correspondent of the Manchester Guardian and the London Economist*

In "Peace News", June 7, 1957.

I asked the warden if the prisoners are allowed to swim. He looked at me with amazement and stated that prisoners are not allowed out of their cells except for 30 minutes a day, five days a week. The rest of the time they are locked up. They are not allowed to work or play games except chess, or listen to the radio or perform religious services, they can read, write and draw, they cannot even spin if they are Gandhian converts. Conditions in the lockup were terrible.

The first cell I saw (and here I confine myself to describe the condition in which the Goans had to live since the Indians have since then been released) would have been ample for 20 inmates, crammed with 30, it in fact housed 68 people. "How do you sit?" I asked and they explained that they do not sit, or stand, but remain lying on their bunks.

Double decker bunks, side by side, wide enough for one man to lie on, faced each other with a narrow gangway in the middle. The heads of the bunks touched the walls on either side of the elongated cell, and the second row was too near the bottom row or the ceiling for a man to sit on his bunk without crouching a bit. So it was simpler to lie down.

The cell had one lavatory—a hole in the ground—so that prisoners need not go out. The lavatory which is also the bathroom with its overhead bucket for water, faces the kitchen where food is cooked and doled out. The prisoners in turn cook their food which they have to pay for out of their meagre daily allowance—two shillings—which covers food, fuel, laundry, soap, cigarettes.

I asked the Commandant of the jail why he did not allow the prisoners out into the yard for exercise since the cell was so congested. He answered serenely that his prisoners are treated exactly like the Portuguese in Goa, or in Portugal, for that matter. No wonder there are Portuguese soldiers who desert to India rather than serve their term for petty offences.

*Shot himself*

Portuguese and Goans alike are terrified of jail. Corporal punishment is practised by the jail authorities. The Indian prisoners who had complained to the Egyptian diplomat about jail conditions last year were severely beaten after he left, and while I was in Goa, one Hindu administrator of a Religious Trust died of beating while he was kept for cross-examination by the military authorities.

One leading businessman who had complained because a soldier had been bothering one of his maids was formally invited to witness the flogging. African soldiers are publicly flogged for the slightest offence and there are many stories of Goans taken to Africa during the night, without trial. Some families it is said have been waiting for 25 years without news of their exiles.

It is whispered in Goa that people who get arrested are tortured to death. Shortly before my visit one leading Goan businessman who was so trusted by the Portuguese authorities that he was the sole stockist of explosives (because of mining, there is a very profitable import of explosives) shot himself when he was called to police headquarters.

He was wanted merely to identify a thief but the Commandant of the Police, a personal friend of his, had not thought it necessary to say why he was wanted. The businessman who had heard many a police story from his friend told his wife that he could not face a cross-examination, yet he was not only innocent, but actually pro-Portuguese.

(3)

NAMES OF SOME GOAN POLITICAL PRISONERS, EITHER SENTENCED OR AWAITING TRIAL

Serial No.	Name	Native Place	Profession	Term of imprisonment and date of arrest	Age
1	2	3	4	5	6
1.	Abhyankar Anant	Ambede, Sattari	Farmer	10 years, 26.1.55	22
2.	Abhiskahi Anant Sakharam	Savoi, Ponda	Businessman	Under trial	22
3.	Bhave Govind	Dhave, Sattari	Agriculturist	11 years, 26.1.55	60
4.	Bugade Dattaram Ragobha	Parse, Pedne	Wireman	6 years, 15.8.55	26
5.	Barve Pandurang Kavle	Ponda	Hotel-keeper	Under trial	50
6.	Botkar Hari Pandurang	Dhavle, Ponda	Priest	-do-	35
7.	Chafadkar Dasu Ganpat	Savoi, Ponda	Temple servant	-do-	24
8.	Chafadkar Laxmikant Ganpat	-do-	Agriculturist	-do-	31
9.	Chafadkar Ganpat	-do-	-do-	-do-	50
10.	Dhakato Gunko	Savaoiverem, Ponda	-do-	-do-	27
11.	Antonio Jose de Souza	Thivim, Bardez	Bank Clerk	28 years, 15.8.54	30
12.	Xemcara Desai	Panjim, Goa	Primary Teacher	10 years, 22.6.54	36
13.	Gadekar Sadanaod	Mapuca, Bardez	Tailor	4 years, 15.8.54	17
14.	Govekar Laxman	Mapuca, Bardez.	Manager of Bakery	4 years, 25.11.54	18
15.	Govekar Ramnath	-do-	-do-	8 years, 26.1.55	25
16.	Gulelikar Harishchand	Dharkhan, Sattari	Agriculturist	5 years, 26.1.55	18
17.	Ghodge Ramkrishna	Korgaon, Pedne	-do-	Under trial, 15.8.55	40
18.	Ghavde Vasu Bhiva.	Perxem, Pernem	Temple Servant.	6 years 15.8.55	21
19.	Harmalkar Namdev	Tivim, Pedne	Mechanic	18 years, 10.11.54	26
20.	Zoshi Laxman Ganesh	Hedode, Sattari	Agriculturist	10 years, 26.1.55	30
21.	Zoshi Anant	Hedode, Sattari	-do-	5 years, 26.1.55	25
22.	Jambulkar Atma Topayo	Betki Ponda	Farm hand	5 years	35
23.	Zoshi Gajanan	Hadode, Sattari	Agriculturist	5 years, 26.1.55	25
24.	Zoshi Laxman Damodar	Dhave, Sattari	-do-	5 years, 26.1.55	35
25.	Zoixi Pandurang	Dhave, Sattari	-do-	10 years, 26.1.55	30

Serial No. 1	Name 2	Native Place 3	Profession 4	Term of imprisonment and date of arrest 5	Age 6
26.	Kopkar Pandurang	Karmali, Sattari	-do-	Under trial, 29.10.55	25
27.	Kopkar Vidyadhar	Dhave, Sattari	-do-	5 years, 29.10.55	18
28.	Camotim Gopal Anant	Panjim Goa	Lawyer	10 years, 21.6.54	40
29.	Curdicar Dipaji	Dongri, Ilhas	Agriculturist	5 years, 29.10.55	22
30.	Carmoli Nagesh	Quepem, Distt. Quepem	Businessman	10 years, 25.6.54	22
31.	Corde Shivram	Prial, Ponda	Agriculturist	Under trial	50
32.	Cavelkar Anand Mahadeo	Kavle, Ponda	Priest	6 years	24
33.	Kerkar Chandrakant Vijay	Keri, Ponda	Tailor	6 years	25
34.	Lanjekar Rameshwar	Mapuca, Bardez	Coppersmith	8 years, 26.1.55	20
35.	Dr. F. Martin	Porvorim, Bardez	Medical Practitioner	10 years, 22.2.54	30
36.	Mulgaonkar Pandurang	Mapuca	Lawyer	10 years, 22.2.54	42
37.	Madkaikar Shamrao	Margaon	Social worker	24.6.54	40
38.	Mhatarbhog Sachit Ganesh	Savoi, Ponda	Temple Servant	Under trial	28
39.	Mhatarbhog Vidyadhar Ganesh	-do-	Agriculturist	-do-	22
40.	Mhatarbhog Vishnu Ganesh	Savoi, Ponda	Weaver	-do-	35
41.	Marathe Mahadev	Ambede, Sattari	Agriculturist	5 years, 26.1.55	30
42.	Manjrekar Devgo	Dhave, Sattari	-do-	5 years, 26.1.55	40
43.	Master Pandurang	Palvim Pedne	Teacher	Under trial 23.8.55	35
44.	Nevrekar Prabhakar	Mapuca, Bardez	Coppersmith	8 years 6.4.55	22
45.	Naik Dattaram Yesu	Nevre, Ilhas	Agriculturist	8 years, 20.4.55	30
46.	Naik Xambu Sonu	Savoi, Ponda	-do-	Under trial	23
47.	Naik Chandru Vishnu	Mopa	-do-		30
48.	Naik Babal Bhima	Vagurme, Ponda	-do-	Under trial	36
49.	Naik Deo Abole	Savorden, Ponda	Shop-servant	Under trial	28
50.	Naik Prabhakar Laksheme	Savorden, Ponda	Merchant	Died in prison	26
51.	Navi Vinayak Atmaram	Valvoi, Ponda	Owner of a Saloon	Under trial	40
52.	Fadco Bhau Dattaram	Prial, Ponda	Agriculturist	-do-	40
53.	Pingulkar Guni	Karmali, Sattari	-do-	Under trial 29.10.55	35
54.	Parsekar Vasudeo	Parse, Pedne	Tailor	7 years, 15.8.54	22
55.	Parsekar Kishore	-do-	-do-	-do-	22
56.	Pednekar Tanaji	Aroba, Pedne	Clerk	10 years, 15.8.54	25
57.	Pednekar Tanu	Bardez	Clerk	4 years	25

Serial No. 1	Name 2	Native Place 3	Profession 4	Term of imprisonment and date of arrest 5	Age 6
58.	Palankikar Anant	Bardez	Carpenter	4 years	25
59.	Raikar Namdeo V.				
60.	Savant Ramkrishna Dharma	Mapuca, Bardez	Coppersmith	Under trial 6.4.55	20
61.	Sapate Naryan	Mapuca, Bardez	-do-	Under trial 6.4.55	21
62.	Sapte Shripad	Parvorim, Bardez	-do-	10 years -do-	24
63.	Shirodkar Rama	Bardez	-do-	4 years	22
64.	Savaikar Atmaram Anant	Khandole, Ponda	Agriculturist	Under trial	50
65.	Shilkar Sonu	Savoi, Ponda	-do-	Under trial	50
66.	Savaikar Padmakar Ramkrishna	-do-	-do-	-do-	52
67.	Savaikar Ganpat Padmakar	Savoi, Ponda	Factory Worker	Under trial	30
68.	Thari Namdev	Calval, Pedne	Fisherman	Under trial 15.8.54	25
69.	Volingkar Narasinha	Savordem, Pond	Painter	-do-	30
70.	Endo Narsinha S.	Mapuca, Bardez	Coppersmith	8 years, 6.4.55	20
71.	Endo Dinanath	-do-	-do-	10 years 6.4.55	25
72.	Fabian De Costa		Landlord	15 years, 22.4.55	26
73.	Teurencar Prabhakar				
74.	Kelkar Panduranga Ananta				
75.	Dubaxi Ganoba		Medical Practitioner.	*	
76.	Prabhu Kanohar	†			
77.	Miss Painginkar Laxmi				
78.	Miss Prabhu Vilasini				
79.	Miss Mitra Kakodkar		Teacher	12 years, 1956	
80.	Shrimati Salista Aurejo			12 years, 1956	
81.	Dessai Subhash Vishnu	Pilerna, Bardez	Landlord		
82.	Dessai Esvonta	-do-	-do-		
83.	Dessai Vassanta	Mapuca	-do-		
84.	Dabholcar Namdev	Anjuna, Bardez			
85.	Ghadi Pundalica	Quepem			
86.	Naguencar Jaivanta Vitola	Margao		*	
87.	Pagui Visnum Ghatu	Maxem, Canacona	*		
88.	Loliencar Zoivonta	-do-			
89.	Poiguincar Naguxa	Poiguinim, Canacona			



Serial No. 1	Name 2	Native Place 3	Profession 4	Term of imprisonment and date of arrest 5	Age 6
90.	Surlicar Dharma Custa	Siroda, Penda			
91.	Bhisso Roguvira Dottu	Chinchinim, Salcete			
92.	Sirodcar Caxinata	Margao			
93.	Endo Sricanata Ganesh	Sanquelim			
94.	Punalcar Ganopota Govinda	Britona, Bardez			
95.	Gaunco Rajarama Fotu	Doromarogo, Sanquelim			
96.	Medcoicar Cuxali	Ilhas, Goa			
97.	Cambli Manohar	Panjim, Goa	*		
98.	Khan Rahim Umar	Valpoi, Stari (Stari)			
99.	Fotto Rama	Oxel, Bardez			
100.	Alornencar Gajanan	Gudiem, Siolim, Bardez			
101.	Cundo Venctexa	Velim, Salcete			
102.	Bando Xencora	Partagale, Cancona		*	*
103.	Bando Ragoba	-do-			
104.	Sirsat Sridora	Parra, Bardez			
105.	Devji Ranchod	Magarwadda, Damao Grand			
106.	Govan Givan	Patlara, Damao			
107.	Gauncar Sadananda	Nagorcem, Canacona			
108.	Rodca Mohan	Bhandarwadda, Damao Pequeno			
109.	Ratanji Naraine	Varcumda, -do-			
110.	Lala Khandu	Ringonawadda -do-			
110a.	Ramca Chibu	Bhandarwada -do-			
111.	Mangal Babu	Varcumda, -do-			
112.	Afonso Alfred	Galjibaga, Canacona			
113.	Viegas Antonio	Aldona Bardez			
114.	Pinto P. J.	Aldona, Bardez	Teacher	11 years, May 1955	40
115.	Fernandes Menino	Colva, Salcete	Labourer	2 years	18
116.	Pinto Jeremias	Aldona Bardez	Student	4 years, 27.4.55	19
117.	Rocha Pasccal	-do-	Student	-do-	19
118.	Souza Inacinho	Aldona, Bardez	Student	4 years, 23.5.55	19
119.	Joshi Vishnu Panduronga	Dhavem, Valpoi			
120.	Xete Siuram, Gones	Panjim			

Serial No. 1	Name 2	Native Plac 3	Profession 4	Term of imprisonment and date of arrest 5	Age 6
121.	Parcencar Srirama Xantaram	Parcem, Pernem			
122.	Surlicar Ananda Sadasiva	Panjim			
123.	Sanvordencar Esvonta Utoma	Sanvordem			
124.	Soares Joao M.	Palmar Grande, Teleigao, Ilha			
125.	Lanjecar Cripavonta	Corlim, Mapuca			
126.	Parcencar Vassu	Percem, Pernem			
127.	Pereira J. J.	Aldona, Goa	Teacher		
128.	Fernandes Anthony	Cuncolim, Salcete			
129.	Fernandes Alberto	-do-			
130.	Moaraes Franklin	-do-			
131.	Dessai Purso Saba	Canconca			
132.	Dessai Rogunata Naraina	Canconca			
133.	Adconcar Loximona	Santa Cruz, Ilhas			
134.	Kirtani Shambu	Margao			
135.	Godke Prabhakar	-do-			
136.	Anthony J. D'Souza			28 years	
137.	Uttam V. Khandeparkar			7 years	
138.	Prafulla Priolkar			7 years	
139.	Ramkrishna Mandrekar			7 years, 1955	
140.	Madusudan G. Guntak			7 years, 1955	
141.	Shamsundar A. Prabhu			6 years, June 1955	
142.	John Manuel Soares			6 years, -do-	
143.	Chandrakant B. Kerkar			6 years, -do-	
144.	Balduino Arnaldo Fernandes			5 years, -do-	
145.	Gopal Ramchandra Naik			6 years, -do-	
146.	Menino Pereira			5 years, -do-	
147.	Rohidas Eknath Naik			4 years, -do-	
148.	Tulsidas Surya Moroikar			4 years, -do-	
149.	Vasant D. Naik			4 years, -do-	
150.	Vithal Surya Surlikar			4 years, -do-	
151.	Vasu Shiva Parsenkar			4 years, -do-	
152.	Dinkar Govind Thali			4 years, -do-	

Serial No. 1	Name 2	Native Place 3	Profession 4	Term of imprisonment and date of arrest 5	Age 6
153.	Govind Keshav Mapsenkar			4 years, -do-	
154.	Max Fernandes			8 years, -do-	
155.	Anastasio De Almeida			10 years, -do-	
156.	Alfred Alphonso			8 years, -do-	
157.	Alvinho Belarmino Coelho			8 years, June 1955	
158.	Murlidhar V. Rane			8 years, -do-	
159.	Kripavant Shambu Lanjekar			8 years, -do-	
160.	Ragobha V. Kudnekar			6 years, -do-	
161.	Kumudohandra V. Desai			5 years, -do-	
162.	Vishwas T. Desai			5 years, -do-	
163.	Madhav W. Pandit			3 years, -do-	
164.	Prisonio Tavares			43 years, -do-	
165.	Josico Belarmino Fernandes	*	*	1 year, -do-	
166.	Bal Kakodkar			9 years, -do-	
167.	Suryakant Thali			8 years, -do-	
168.	Naguesh Karmali			8 years, -do-	
169.	Damodar Prabhu Desai			4 years, -do-	
170.	Uttam Sanvardenkar			4 years, -do-	
171.	Prabhakar Bhembre			5 years, -do-	
172.	Felix V. Rodriques			3 years, -do-	
173.	Ramakant Kudchadakar			7 years, -do-	
174.	Parshenkar			7 years, -do-	
175.	Parshenkar			7 years, -do-	
176.	Ramakant Parshenkar			7 years, June 1955	
177.	Phaterpenkar			3 years, June 1955	
178.	Ghadge			4 years, June 1955	
179.	Guntak			6 years, -do-	
180.	Manjrekar			7 years, -do-	
181.	Bkihu Deu			1 year, -do-	
182.	Suman Zambanlikar			4 years, -do-	
183.	Narsinv Hegde			4 years, -do-	
190.	Srikant Fol Desai			4 years, -do-	

Serial No. 1	Name 2	Native Place 3	Profession 4	Term of imprisonment and date of arrest 5	Age 6
191.	Nana Corgaonkar			4 years, -do-	
192.	Babai Inde		*	4 years, -do-	
193.	Francisco Braganza	Majorda		1956 April	
194.	Shambhu Kirtani	Margao		-do-	
195.	Virginkar	-do-	Businessman	-do-	
196.	Ariosto Tovar Dias	Chinchinim		-do-	
197.	Alvaro Pinto Furtado	-do-		-do-	
198.	Dr. Antonio Colaco	Margao		-do-	
199.	Pandurang Kavlekar	Mapuca		-do-	
200.	Vasant Pednekar	-do-		-do-	
201.	Vaman Pednekar	Mapuca		April 1956	
202.	Shrikant Naik			-do-	
203.	Moga Naik	"		-do-	
204.	Mahableshtar Diukar	"		-do-	
205.	Dinkar Sinari	Ribendar		-do-	
206.	Shama Binari	"		-do-	
207.	Dr. Frank Sequeira	Panjim		-do-	
208.	Surya Rumadkar	Usgaon		-do-	
209.	Krishna Porobo	Volvoi		-do-	
210.	Dayananda Babdodda	Panjim		-do-	
211.	Ilidio D'Costa	"		-do-	
212.	Sassu Wadkar	Valpoi		-do-	
213.	Jairam Sirsat	Mapuca		do-	
214.	Fatti Thanu Palkar	Pale		do-	
215.	Saklo Zipro Gaonkar	"		do-	
216.	Sopri Yeshwat Ainkar	"		-do-	
217.	Yeswant Sopri Ainkar	"		-do-	
218.	Ramnath Yeswant Ainkar	"		-do-	
219.	Ganesh Yeshwant Ainkar	"		-do-	
220.	Dattaram Tolivo Fauzdar	Pale "		April 1956	
221.	Zilo Sawant	Pariyem		-do-	
222.	Kashinath R. Chopdenkar	Siolim		-do-	

Serial No. 1	Name 2	Native Place 3	Profession 4	Term of imprisonment and date of arrest 5	Age 6
223.	Yeshwant B. Mandrenkar	Siolim		-do-	
224.	Poko P. Vernenkar	"		-do-	
225.	Gajenan R. Bansulikar	"		-do-	
226.	Ram Bhiku Vernenkar	"		-do-	
227.	Raghuvir B. Harmalkar	"		-do-	
228.	Dattaram B. Harmalkar	"		-do-	
229.	Narayan Gopal Parsenkar	"		-do-	
230.	Vasudev S. Agarwalkar	"		-do-	
231.	Mahadeo G. Parsenkar	"		-do-	
232.	Yeshwant L. Dhargalkar	"		-do-	
233.	Soma Fondu Vernekar	"		-do-	
234.	Hari Nani SImpurushkar	"		-do-	
235.	Visvanath J. Simapurushkar	"		-do-	
236.	Ernesto Costa Frias	Parra		-do-	
237.	Balaji Lawande	Valpoi		-do-	
238.	Dr. Alvaro Costa	Cansaulim		April 1956	
239.	Vinayak Naik	Margao		-do-	
240.	Vasant Naik	"		-do-	
241.	Narayan Srinivas Kamat	Valpoi		-do-	
242.	Ramadkar (Surya's Son)	Usgaon		-do-	
243.	Ramadkar (Surya's Brother)	"		-do-	
244.	G. Braganza	Vasco da Gam:		April 1956	
245.	Sripad Tamba	Panjim		-do-	
246.	Maliye	Margao		-do-	
247.	Antonio Francisco Viegas	Cuncolim		-do-	
248.	Madhukar Alvi	Bicholim		-do-	
249.	Mitra Kakodkar			March 1955	
250.	Salista Araujo			March 1955	

251. SHRI ILIDIO DA COSTA was arrested on the 1st June, 1956 and was subjected to untold torture. His arrest lead to the intensive searches of several prominent families.
252. SHRI POLICARPO DA SILVA, 28 years, was also arrested on the 1st June, 1956 along with a hundred more Goan nationalists and he is reported to have been also tortured.
253. SHRI MOHAN RANADE, 26 years, from Savoi-Verem, was wounded by Sten gun bullets in October, 1955. Since 1946 he had been organising underground nationalist movement. He was tortured by the Portuguese police (P.I.D.E.), to force out confession which they hope might lead to the elimination of underground activities.
254. SHRI ROQUE SANTANA FERNANDES, 28 years, was arrested along with SHRI PRABHAKAR MATHA, after being seriously wounded with four bullets. To the unbearable police torture he retorted: "You can destroy my body that is mortal but never my soul that is immortal." He says he would never hesitate to do any-thing to obey his superiors even at the sake of his life. He had been arrested in 1952, but was released in July 1954.

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\* Information not available.

(4)

NAMES OF SOME GOAN NATIONALISTS KILLED OR INJURED AS A  
RESULT OF SHOOTING BY THE PORTUGUESE POLICE IN 1955 TO 1957

Serial No.	Name	Injured/killed
1.	Roque Santana Fernandes.	Injured on July 2nd, 1955. Sentenced for 12 years.
2.	Prabhakar Matha.	Injured, tortured and released after trial.
3.	Sakharam Yeshwant Shirodkar.	Shot dead in the Police lock-up on 14th August, 1955.
4.	Krishna Shamba Shett.	Shot dead on Aug. 14th, 1955 for refusing to give information. He was tied to a tree and shot at a clear range, with three shots, one on the forehead and two on the chest.
5.	Prabhakar Varnekar.	Died in jail. He was shot at and mortally wounded on Nov. 1955.
6.	Bapu Vishnu Gawas. }	Were shot dead on Feb. 5, 1956 near Netarda. Both were arrested and released previously.
7.	Bala Gopal Desai. }	
8.	Babla Dhondo Parab.	Shot dead at Moma in August, 1956.
9.	Balkrishna Bhonsle.	Killed in Dec. 5, 1956 at Pombapha.
10.	Camilo Pereira. }	Shot dead on Feb. 17, 1957 at Curti Ponda.
11.	Suresh Kerkar }	
12.	Vithal Vinayak. Vishnu Corlim.	Shot dead on Feb. 19, at Sirigao.
13.	Ramchandra Hari Nevgi.	Shot dead at Assonora on March 10, 1957
14.	Sakharam Mulik	Killed in November 1955.
15.	Laman Velincar.	Killed on 20.10.1956.
16.	Bapu Ramkrishna Boto.	Killed on 23.5.1957.
17.	Pandurang Raja Sakharam Kekre.	Killed on 23.5.1957.
18.	Kamlacant Shirodkar.	Killed on 23.5.1957.
19.	Rajanikant Vaikunt Kenkre.	Killed on 4.6.1956.
20.	Ladu Naique.	Killed on 4.6.1957.
21.	Dulo Mar.	Killed on 4.6.1957.
22.	Sagun Mapari.	Tortured to death on Feb. 12, 1955 at Bicholim.
23.	Bala Raya Mapari.	Tortured to death April 1955 et Assonora.
24.	Krishna Parab.	Tortured to death June 12, 1956.
25.	Parashurama Acharya.	Tortured to death at Margao on Sept. 20, 1956.
26.	Keshav Sadashiv Bhatt.	Tortured to death on Sept. 1956.
27.	Kedar Vinayak Anvekar.	Died from explosion of a bomb in July 5, 1955 at Meras.
28.	Arjun Decma Pernekar.	Died in the explosion of a bomb in Maem-Bicholim road on 20.2.57.
29.	Savgi Dattu Naique.	—do—
30.	Naik Prabakar Lasheme.	Tortured to death.

## Appendix 10

## SOME GOAN PUBLICATIONS

- "Letter to the Governor General of Portuguese India", Dr. Laura D'Souza.
- "Freedom for Goa" — Prof. Lucio Rodrigues.
- "Presidential Address" — Prof. Lucio Rodrigues.
- "Presidential Address" — Shri V. N. Lawande.
- "Welcome Address" — Shri H. M. Priolkar.
- "Indieche Pantapradhan Bhet Ditat Goenkarant poilea pautti" — Dr. R. Hegde.
- "India Replies to Salazar" (National Congress Goa).
- "The Goa Satyagraha Story" — Goa Liberation Council.
- "A Burla do Estatuto Politico".
- "Um encontro com o Sr. Dr. Neiva-Consul Portuguese em Nairobi".
- "The imperialist catholicism of the patriarch of Goa".
- "Menezes Braganca e a luta contra ditaduras coloniais".
- "Goan Priests' Revolution against the Portuguese Regime" — Azad Gomantak Dal.
- "An open letter to Members & workers" (National Congress Goa).
- "Goa Liberation Council — Goa Budget under Fire".
- "National Congress Goa — 7th Session — Presidential Address".
- "Goa Liberation Council — Spotlight on Goa".
- "Resposta a Salazar".
- "East Africa Goan National Association — Memorandum to the President of Portugal".
- "Manifesto of Goa Action Committee" — published by T. B. Cunha.
- Facts about Goa, issued by the Goa League, London.
- Nationalism and the Elementary Rights<sup>1</sup> 1929.
- Camouflaged Slavery<sup>1</sup> — 1929.
- The Basic Problem<sup>1</sup> — 1936.
- Portuguese India<sup>1</sup> — 1939.
- The Rice Problem<sup>1</sup> — 1940.
- Relief Campaign<sup>1</sup> — 1942.
- An Attack on the Indian Rupee<sup>1</sup> — 1944.
- Denationalization of Goans<sup>1</sup> — 1944.
- Civil Liberties in Goa<sup>1</sup> — 1946.
- Portuguese India Today — November 1950.
- The Goan Political Conference — January 1950.
- Policy Statement — National Congress Goa — May 1951.
- Goan Convention — Resolutions — June 1956.
- "Goeses Lutai Pela Vossa Liberdade, A burla do Estatuto Politico" — 1953.
- "Petas Patrioticas da Sociedade de Geografia de Lisboa" — 22.7.1954.
- What can there be of Portuguese in "Portuguese India"? — October 1954.

<sup>1</sup> These are publications of Goa Congress Committee, constituted in 1928 by T. B. Cunha, L. José de Souza and others.



- Goan Affairs (National Congress, Goa) — June 1954.  
 Janata — August 1955.  
 Presidential Speech, National Congress, Goa, April 1955.  
 Francisco Luis Gomes — 1955.  
 The National Congress (Goa) — January 1955.  
 National Congress (Goa) 7th Session — March 1955.  
 Goan Priests' Revolution — August 1955.  
 Goan Convention — June 1956.  
 "Indieche Pant Pradhan beth ditat Goenkaranc poileach fautt" —  
 May 1956.  
 Letter to the Governor-General of Portuguese India, December 1956.  
 Salazar's Bluff Called — 1956.  
 Goa — Interview radio — Delhi, February 1956.  
 Reminiscences of Goa, 1956.  
 Annual Session National Congress (Goa) — 1957.  
 National Congress (Goa) 11th Annual Conference 1958.  
 Goa, Goan Point of View, by The Goa League, London.  
 A "Mao Estendida" de Portugal.  
 Goa Peoples' Party's Programme.  
 The Voice of Young Goa, by Goan Students' Association, Bombay.  
 Address at Second Annual Session of Azad Gomantak Dal.  
 Resposta a Salazar.  
 Goan Liberation Council, Pamphlet No. 2.  
 Freedom for Goa — Prof. Lucio Rodrigues.  
 Goan Liberation Council — Spotlight on Goa.  
 "Situacao Factual das Possesoes Estrangeiras na India".  
 Goenchea Padrinchem Bondd — S. G. Lad.  
 Amchem Goem Amcam Zai.  
 The Imperialist Catholicism of the Patriarch of Goa.  
 "Ravji Rano" by Azad Gomantak Dal.  
 The Goa Satyagraha Story.  
 "A India Portuguesa", Congresso Nacional de Goa.  
 The Goa Problem, by Druston Rodrigues.  
 18th May! Death Knell of Portuguese Colonialism!  
 This Year of Freedom — by National Congress (Goa).

GOAN NATIONALIST PAPERS, THEIR EDITORS  
 AND PLACES OF PUBLICATION

Name of Paper	Editor	Place of Publication
Prakash	Venkatesh Sardessai	Pangim
Voz da India	Antonio Siqueira	Margao
O Bharat	N. Hegde Dessai	Quepem
O Regional	Pulqueria Furtado	Chinchinim
Resurge Goa	Telo de Mascarenhas	Bombaim
Free Goa	Berta M. Braganca	"
Goan Tribune	Luiz J. D'Souza	"
Dudh Sagar	J. V. Kamat	"
Dipagraha	Sincro	"
Sandalcalo	Carlos D'Cruz.	Sivassa
Pradipa	Menezes Braganza	Chinchinim

Projecho Avaz	B. B. Borkar	Poona
Saad		Bombay
Azad Goem	T. B. Cunha	"
Amcha Ladha	Azad Gomantak Dal	Belgaum
Kranti	Azad Gomantak Dal	"
Goan Age	Gerald Pereira	Bombay
Goan Tribune	Alosyius Soares	"
Free Goan	Dr. Antonio Furtado	Belgaum
Dudhsagar	B. D. Satoskar	Bombay
Deepagraph	Janardhan Shinkre	"
Anglo-Lusitano		"
Tide-Review		"
Kessri		"
Loka-manya		"
Rashtra-mat		"
Loka-satt		"
Laka-Shakta		"
Lakashahi		"
The Daily Dnyanprakash		"
Prabhat		"
Navabharat		"
Porjecho Ulas		"
Rivivar Sakal		"
Vikas		"

### Appendix II

In Annex I to the Observations, par. 3, the Portuguese Government seeks to belittle the value of certain quotations, from the works of the famous Portuguese writers Oliveira Martins, Antero do Quental and Eça de Queiroz set out in Indian Annex A. No. I. These quotations contain severe comments upon the behaviour of the Portuguese in India. In order to establish the standing of the authors, it is necessary only to recall the following descriptions of them given in the Encyclopaedia Britannica (11th ed.):

#### *Oliveira Martins:*

"Gifted psychologist, a profound sociologist, a stern moralist, an ardent patriot, Oliveira Martins deserved his European Tradition. . . The chief characteristics of the man—psychological imagination combined with realism and gentle irony—make his strength as a historian and his charm as a writer."

#### *Antero de Quental:*

"Antero stands at the head of modern Portuguese poetry after Joao de Deus."

#### *Eça De Queiroz:*

"Queiroz displayed a spontaneity, power and artistic finish unequalled in the literature of his country since the death of Garrett. Many of his pages descriptive of natural scenery have taken rank

as classic examples of Portuguese prose. Most of his books have gone through many editions and they are even more appreciated in the Brazils than in Portugal."

There is no doubt that writers such as Martins, Quental and Queiroz do not enjoy the favour of the present Portuguese Government. Their treatment is described thus by Ferreira Castro, the greatest contemporary Portuguese writer:

"Eça de Queiroz, pride of Portuguese literature, would not be able to write in our days. Sensibly, his books were not apprehended, because that would cause a great uproar, but books "whiter" (i.e. less harmful) than Eça's were refused publication or apprehended. The first—or one of the first—circulars from the Censor, sent to the newspapers in 1926, and which I read, forbade amongst other things the transcription of some pages from the works of Alexandre Herculano, Ramalho Ortigao, Eça de Queiroz, and, if I remember, Oliveira Martins. Herculano lies in the National Pantheon, and if the bodies of these other writers are not there it is not because they do not deserve to be there too. Up to 1935, although now and then interfering with literature, the Censor used moderation. From then on, however, to write a novel in Portugal became a kind of self-torture, provided one did not have the same frame of mind as the ruling class. And the truth is that the great majority of the Portuguese writers did not have, and do not have, such a frame of mind."

The quotation is from "Teses do Congresso Republicano de Aveiro", (pp. 5-6), printed privately in 1957 and now unobtainable in Portugal. Castro discussed this matter again in an interview published in the newspaper "Republica" on the 16th May, 1958 (at that time the censorship had been temporarily relaxed in view of the approaching presidential election). He said:

"All kinds of limitations have been inflicted on national intelligence: censorship, seizure of books, dismissal of professors of the calibre of a Pulido Valente, a Fernando da Fonseca, a Rodrigues Lapa. An oppressive atmosphere has been created where no one knows what consequences may overtake him because of his writings. Antonio Sergio was prevented from continuing his "History of Portugal". Aquilino Ribeiro had one of his books banned for ten years, and later, for another book of his, was insulted in the so-called National Assembly simply because he did not praise some princes who lived centuries ago. The hatred for the intellectuals reached even the Catholics. Thus, the great poet, Jose Regio saw the seizing of one of his most beautiful books. I have only referred to three names—three glorious names of Portuguese intelligentsia—which also belong to the number of those who will survive all vicissitudes. I have only quoted three, but could quote scores and scores of them."

## Annex F. No. 116

Telephone } 44223  
 ) 44224  
 Telegrams: NASCI

THE NATIONAL SPORTS CLUB OF INDIA,  
 MUTTRA ROAD NEW DELHI. I

17th August, 1953.

Shri K. V. Padmanabhan,  
 Deputy Secretary  
 Ministry of External Affairs,  
 Government of India,  
 New Delhi.

Dear Mr. Padmanabhan,

Re: The arrest of F. Mascarenhas, President of the United Front of Goans and party by the Portuguese Government at Damao.

I thank you for the interview you so kindly granted me at your office this morning in the above connection.

As desired by you I would like to briefly state the facts of the case leading to the arrest of my brother, Shree F. Mascarenhas, which to the best of my knowledge is exactly as related to me by an eye witness, Mr. S. Ferdinands, a photographer from the 'Indian Express' Bombay, who accompanied my brother on the recent mission to Vapi.

At the invitation of Capitao, Gav. Revez. Romba, Commandante D'Policia Do Estado Da India, Damao contained in his letter of the 7th inst, written in Portuguese, the original of which together with the English translation and other papers relating to the invitation were handed over by me yesterday to Shree B. N. Kaul, P.P. S. for necessary inspection by the Prime Minister Shri F. Mascarenhas accompanied by:—

Shree Waman Desai—Secretary U.F.G.  
 „ Mudras—Member U.F.G.  
 „ M. Pereira—Stenographer  
 „ S. Ferdinands—Photographer  
 „ Barreto

and M. Monteiro, messenger from Commandante Romba, who had personally handed over the letter of invitation to my brother left Bombay at 8 A.M. on Tuesday the 11th August, 1953 for Vapi, by the Saurashtra Express. Incidentally Vapi is situated in the Indian territory.

On arrival at Vapi my brother and party were received by the Governor of Damao. Several photographs were taken by Ferdinands of the reception at Vapi. Immediately there-after the party were driven by car across the border to Damao. They were not stopped at the Indian Customs barrier at Silvasa for checking.

At Damao the members of the party were introduced to Commandante Romba and other high officials. With the exception of my brother who was housed at the Governor's Palace, boarding and lodging arrangements were made for the other members of the party at a Hotel in Damao. From the day of their arrival in Damao and for the following two days

the party used to meet Commandante Romba regularly every morning and evening at the Governor's Palace for discussions in the matter. The meeting which was convened on the 13th evening went on till the early hours of the 14th with the result that even the lighting restrictions had to be relaxed. At this meeting which concluded at about 3 A.M. on the 14th they were supposed to have arrived at a final arrangement. The agreement was accordingly typed out and signed by Commandante Romba and Shree F. Mascarenhas respectively after being thoroughly scrutinized by the Legal Adviser of the Portuguese Government who was also present on that occasion. The meeting then terminated and as the members of F. Mascarenhas party were leaving for their hotel at about 4 A.M. a Police party surrounded the place and put them all under arrest. The signed document and other papers were then taken possession of. With the exception of Pereira and Ferdinands the other members viz Waman Desai, Mudras and Barreto were hand-cuffed. The arrested persons were then brought back to the palace and made to sit in a large hall which was completely dark. Their personal effects were then taken charge of and they were interrogated by turn. It was while they were at the palace that Ferdinands noticed Shree F. Mascarenhas, being taken away. His personal belongings which were detained in the palace were inspected in the presence of the rest of the party. Commandante Romba it appears offered to pay Ferdinands for the services, rendered by him as a Photographer, from Shree F. Mascarenhas purse which he declined to accept.

He however accepted about Rs. 63/- from Romba towards the cost of the film rolls and bulbs which he had to surrender to the Portuguese for which he issued a receipt. Since Ferdinands and Pereira convinced Romba that they were not members of the Political party which F. Mascarenhas represented they were told that they would not be detained, but allowed to leave but only as and when they received necessary instructions. In the first instance they were told that they could leave for Bombay on the 14th morning, subsequently this was altered to the 14th evening till finally they were permitted to leave on the 15th morning. Before their departure Ferdinands was given a severe warning being a Pressman. He was told that should any reports appear in the press that did not seem proper to them he should watch out since they have their secret agents moving about in Bombay.

The facts as recorded above were also related personally by S. Ferdinands to Shree B. N. Kaul P.P.S. when he accompanied the undersigned to the secretariat yesterday. Unfortunately Ferdinands has meanwhile left for Bombay or else he could have as well given you more details in person.

I trust however that the above facts will assist you in carrying out the necessary investigations.

I thank you for your assurance that immediate steps will be taken and every thing possible done by our Government through Diplomatic Channels to get Shree F. Mascarenhas released by the Portuguese Government and returned to India.

In the meanwhile I remain,

Yours sincerely,  
(Signed) G. MASCARENHAS.

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**Annex F. No. 117****REPORT OF THE ADMINISTRATION OF DADRA AND NAGAR-AVELI AND  
RESOLUTIONS OF THE PEOPLE OF DADRA AND NAGAR-AVELI**

*Letter from the Administrator of Dadra and Nagar-Aveli to the Prime Minister of India, dated the 8th December, 1958, with its two enclosures:*

- 1) Report of the Administration of Dadra and Nagar-Aveli, dated November, 1958
- 2) Copies of the resolutions adopted by the people of the enclaves and their National Assembly.

Liberated territories of  
Dadra and Nagar Aveli.

8th December 1958.

Shri Jawaharlal Nehru,  
Prime Minister,  
Government of India,  
New Delhi.

Dear Sir,

We have the honour of enclosing a copy of the report of the Administration together with the copies of the resolutions which the people of Dadra and Nagar Aveli have passed from time to time. Once again we request the Government of India to consider the incorporation of our liberated territory into our Motherland so that our people may share the common heritage of economic and material prosperity.

The people of Dadra and Nagar Aveli cannot understand why the Government of India does not respond to our requests made on so many occasions. We have put an end to Portuguese colonialism and have set an example of self-help on a grand scale as you can see from our report. We have the right to demand integration with our mother country. We demand, Sir, that this precious right be not denied to us. We express therefore the hope that soon your Government will decide to listen to our requests and thus end our anguish.

Long live India.

The Administrator,  
(Signed) A. FURTADO.

(Seal.)

(Enclosure No. 1)

## BEFORE AND AFTER THE LIBERATION

FREE DADRA  
AND NAGAR-AVELI.

NOVEMBER, 1958.

On the fourth anniversary of the inauguration of the Gram Panchayat, the Administration feels that it should present to the Varishtha Panchayat and to the people a report on the progress achieved during the four years of the new Administration. Furthermore, Goans and inhabitants of Daman and Diu who are still languishing under the Portuguese rule, have in their minds questions that one often hears<sup>1</sup>: "In what manner has new Administration contributed towards the welfare of the land and its people? What is the advantage gained by the present administration in relation to the Portuguese administration?" To answer these questions is the first objective of this report.

The other objective is to present the plans for the future. The administration believes that the people are aware of the great difficulties which face the administration. The Portuguese have exploited the land and left it undeveloped. To come out from this state and to give the people a decent economic and cultural standard is a task which cannot be achieved without help from Mother India. Therefore, the satisfaction of economic ambitions of the people like the realisation of their political aspirations are dependent upon the decision of the Government of India to accept the incorporation which the entire population of these enclaves have unanimously demanded in almost every public meeting. The Government of India has ignored these demands and created to the people unnecessary hardship and frustrations. The Administration is, therefore, reluctantly compelled to call for further sacrifices and for patience and hopes that the people will willingly make these sacrifices in the cause of the total liquidation of Portuguese colonialism, thinking that a large part of their brethren are still rotting under the Portuguese subjugation in most humiliating conditions.

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<sup>1</sup> See Appendix I.

The third objective of this report is to answer some questions which have crept up in the minds of some people as a result of a fascist campaign by our former imperial rulers against the people and the new Administration of these enclaves. It is hoped that a factual account of the struggle and of the efforts made to achieve a steady progress in this devastated land will show how utterly ridiculous are the lies which are being constantly spread by the fascist Dictator. In this connection the people of Dadra and Nagar Aveli are deeply indebted to their brethren in London for having published the "Report of the New Administration of Nagar Aveli and Dadra before and after the liberation from Portuguese colonialism". So they are to Mr. Anthony Wedgewood Benn, Member of British Parliament, and to his colleagues for having taken a keen and sympathetic interest in the affairs of Portuguese colonies in India and to all those who from far away lands have been giving constant encouragement, see Appendix II.

This must be the smallest state in the world where the people, unhindered by an oppressive bureaucratic control, can participate in the running of the Administration, as no-where else. The Administration thanks the cooperation and understanding shown by the people in the difficult task of achieving a social and economic justice in this land, where only exploitation and corruption prevailed, and in the name of Freedom, for which the people have made so many sacrifices, hopefully asks for increased cooperation so that in a shortest possible time a progressive economic and social system, which is the basis of the political freedom, may be established.

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## INTRODUCTION

Dadra and Nagar Aveli were liberated from the Portuguese yoke on 21st July and 2nd August 1954 respectively. It may be easy to achieve freedom; but to win a victory in the economic sphere is difficult. The road to economic recovery and social regeneration is full of obstacles.

Three years are but a short space of time to mark the progress in a territory where there was none. Meanwhile, various improvements can attest the fact that freedom from the Portuguese domination has been fruitful. If we compare what has been done at the time of the Portuguese with what has been achieved later—even assuming that the new Administration has not achieved anything new—the fact that it has contributed towards the creation of an atmosphere of human dignity, which was not known here. This would be an achievement by itself.

The two territories of Nagar Aveli and Dadra, enclaved in the districts of Thana and Surat, in the Indian Union, have a combined area totalling 489.58 Km. According to the demographic census of 1950 the total population is 41,523, spread over 72 villages with ten administrative units under Patel-Thalatis. These units are: Amboli, Canoel, Carchonde, Dadra, Dapara, Naroli, Quelaunim, Randha, Silvassa and Sindonim.

The Census of 1950 gives the following religious groups: Hindus 40,492; Christians 861; Muslims, 159 and Parsis, 11 (at present 25). The inhabitants of Nagar Aveli are divided into the following castes: Dubla, Chimpas, Capri, Ders, Batelas, Chamars, Bhandaris, Rajputs, Dhodias, Varlis, Konkans and Macranis.

The two enclaves present a fascinating and diverse demographic pattern, displaying different hues. The various castes are at different stages of economic and social development. For example the Varlis are very backward economically. They have been cruelly exploited in the past and they have the fright of the whip and the police while the Konkans are progressive people and socially quite advanced. Dheres and Chamars who occupy a lower rung in the social order are very industrious and energetic. They have more intimate contact with Bombay where most of them find work. They are imbued with a desire to raise their standard of living. As remarkable example of their spirit of self-help, Ders handed over Rs. 700/— to the Administration for instituting a prize to be awarded to the best student belonging to their caste. The economic, social and cultural contacts of the inhabitants of the enclaves have always been with the inhabitants of the adjacent and contiguous Indian territory. Both racially and economically they are in no way different from their brethren of Indian districts. The majority of these inhabitants belong to the scheduled tribes of Varlis, Kolis or Adivasis.

Throughout the colonial era the Adivasis and other backward tribes were ruthlessly exploited by the Portuguese officials and Saucars who were in alliance with the colonial rulers. Like the birds of prey they were sucking the blood of innocent and down-trodden people. To this must be added the rulers' alliance with the Saucars who, in the opinion of a Portuguese Governor-General of Goa, "exploit them (the adivasis) by lending them seed, foodstuffs and money to pay the rent and at the time of the harvest when settling accounts go off with the lion's share". The handful of saucars have taken possession of two thirds of the lands in Nagar Haveli by means of illegal deeds drawn up without any fear of or

check from the authorities. The old Administration permitted the merchants and Saucars the use of two different measures, a small one to give and a bigger one to receive grain etc—and nobody seemed to see anything strange in this incredible exploitation of the adivasi. State and Municipal lands were given on long leases to the saucars who sub-rented them to the cultivators.

## CHAPTER I

ECONOMIC AND SOCIAL CONDITIONS UNDER  
THE PORTUGUESE

In 1886 the Portuguese Agronomist Lopes Mendes published a book 'Portuguese India', in which he recorded his impressions of Nagar Aveli and Dadra: "Since 1783 to 1785, during which period this region was taken over, right up to 1865, when we visited it, nothing was done there, which might show evidence of Portuguese rule, except the building of houses for the military commandant of the Province."

Mr. Mendes writes: "The territory not only lacks the first elements for moral advancement, but it also hardly feels the beneficial action of the constituted authority. Nevertheless the revenue books show that more than two-thirds of the state revenues in Daman constitute the proceeds of the revenue of Nagar Aveli, and that the major portion of the daily commodities consumed in Daman (by Portuguese Officials in the town) comes from that region. The entire supply of rice, goats, oil, poultry, eggs, butter, timber, firewood and other essential commodities to Daman is brought from this territory."

After liberation a few Portuguese secret reports came into the hands of the New Administration—some of them written by Portuguese Administrators who were not quite happy with the state of affairs in Nagar Aveli, and yet powerless in face of the will of the Central Government to do anything about the system of exploitation that was gradually being evolved there. Mr. Antonio Anibal Passos, Portuguese Forest Engineer in charge of the forests of Nagar Aveli, described the existing system in his report of 1951<sup>1</sup>: "The Patels or rather the agents of the Administration are spread throughout the territory and work amidst a primitive people. No wonder that before long they became small feudal barons. But besides the Patels there are also other notables—the Saukar. In Nagar Aveli the Saukar or village banker is an important concessionaire who has not sprung up from among the Varlis but has come from outside, enjoying a different status of civilization and commanding everything with his capital. The Saukar is a very important personage for the Varli; he provides him work, lends him money, seeds, etc., and, as in all other backward areas, he is a farmer and also a businessman. In his shop the Varli may obtain everything that he needs, and on credit. Of course, the interest is high as usual. One may perfectly apply to the case the saying of Eucildes da Cunha about purchase on credit in the master's shop in Amazonia (Brazil): 'Here, paradoxically the man works in order to be enslaved'. The Saukar has a very humble aim—to possess all that belongs to the Varli. He will take Varli's land, cattle, carts, turban, shirt and loin-cloth, and still we should not think that the Saukar is inhuman, for he can also demand his skin."

"This has been the state of affairs in Nagar Aveli for many decades: on one side, the Patel, representing the supreme master, the State; and on the other, the Saukar, representing Capital, the motive force of all activities. The Saukars and the Patels did not fight each other as two

<sup>1</sup> Relatório do Serviço do Fomento do Concelho de Nagar Aveli, 1951.

bantam roosters; both had their own spheres of influence, and they understood each other well."

Poultry and goats were forcibly taken away from the peasants, not only for the personal consumption of the authorities and their friends, but also for sale in the town. On the rare occasions when they were paid for, the price was only half that prevailing in the market. The Report of Secret Enquiry held in 1953<sup>1</sup> reveals instances of spoliation of the peasants by the Patels and mentions the Order of the Administrator forbidding the inhabitants of Canoel to sell their poultry to anyone except to the authorities.

A kind of forced labour prevailed in Nagar Aveli. The Varlis and other poor inhabitants were compelled to work "for the interests of the State" which meant, for instance, working on the lands or in the houses of the Patels. Since the house of an officer was usually in the enclave of Daman, the Varli recruited for forced labour was very often separated from his family in Nagar Aveli. Many cases of 'Vete' are described in the Report of the Patel Lira who constantly received orders from the Administrator of the Taluka to send labourers: "In June, 1953, he received an order to send to one Ibrahim Cuntli fifty labourers with their ploughs and oxen who were each paid at As. -/8/- per day" (about half of the normal pay.)

"In the meantime," as someone said: "God did not forget His unfortunate Varlis. He sent Goan Missionaries of Pilar (Goa) since the Christianity of the Portuguese Missionaries was as rapacious as that of the Saukars." They took a courageous stand and in their newspaper "Vauradiancho Ixit" (friend of the workers) described the appalling conditions of the Varlis, who, for want of bread, fed themselves on roots, while the rice which they produced flooded the markets in Bombay and Daman at high prices.

Mr. Passos, reporting in 1951 about their activities, writes: "As soon as they arrived in Nagar Aveli the Pilar Missionaries were in open conflict with the Patels and the Saukars. The fact was that those naive people (Varlis) thought that Christ still lived in this world. The Missionaries protested against the 'vete', the immoral and illegal obligation to work at ridiculous wages; against the so-called purchase of eggs, poultry and goats belonging to the Varlis at prices fixed in an overbearing manner by the grand Moghul, the Patel. "They worked" against a background of eggs, poultry and slave work."

Right up to the climax of the Goan Nationalist struggle the Portuguese persisted in their most reactionary colonial policy. The Police Commissioner, Mr. Romba, not having enough policemen to check the rising tide of nationalism, was compelled to recruit local inhabitants. He was fully aware, as can be seen from the instructions he issued, of the social repercussions of this measure. He knew that it might improve the social status of the Varli and, by the same token, affect the power of the Saukar over the Varli. For these reasons he recommended that "these matters should be conducted with the greatest care and tact".

Reviewing the matter of revenues of the Nagar Aveli forests, he stressed: "Since 1783 to 1785, in which this Province was taken over, right up to 1865, when we visited it, *nothing was done there, which might show evidence of Portuguese rule, except the building of the houses*

<sup>1</sup> Inquerito, 1953.

for the military commandant of the Province and for the administration of forests (in Dadra), despite our having received even so, only by way of land revenues, the huge sum of more than 3 million 'Xerafins'."

Here we have the art of cheating the partner. The villages which should have yielded Rs. 12,000/- per year, contributed more than a million rupees in two years, without the Portuguese having returned the amount exceeding Rs. 24,000/-.

How did the Portuguese Government look after the forest during the first century of their exploration?

"Subjected from the very beginning to the worst kind of cultivation system", writes L. Mendes—"the lumbering work having been carried out without keeping in reserve, as dictated by circumstances, a sufficient number of trees to ensure a good natural regeneration, the Nagar Aveli forests do not reveal the necessary growth. However, the growth of teakwood trees is so regular and normal that it offers a type of comparative uniformity."

"... By a mere observation on the spot supported by estimates and data furnished by the competent department, we found that the number of trees existing in 1865 rose approximately to 4 million, which according to the current prices represented a capital of 8 million 'chirino' rupees, that is, 3,200,000/00 'Reis Fortes'."

The Portuguese were therefore, in accordance with the letter of the Treaty, obliged to return to the Indian Sarkar, the income exceeding Rs. 12,000/- per year, for the self same reason that the Portuguese demanded in 1785, the assignment of Dadra and other villages, because the previous number of villages was not sufficient to cover the payment of the amount agreed upon by the Treaty.

Mr. Lopes Mendes goes on to say: "This intrinsic value of the forest should necessarily increase in future, because as the Railway of Gujrat is due to pass in the vicinity of the forests, this means of communication offers all the conditions required to ensure an easy and profitable lumbering and transport of the forest produce, just as the industrial concerns in Bombay ensure a permanent market" (Portuguese India, Vol. II, pages 251 and others).

In short, the Portuguese prospered in Nagar Aveli at the cost of the forest and of the markets in the industrial centres of India, without the beneficiaries having ever made an effort to improve the land and to raise the living standard of the people.

"The products that can be explored are many and varied—L. Mendes continues—and considerable profits might certainly have been derived from them if the forest departments had studied this matter, above all, in the surrounding areas which could provide them data for such an important purpose as the British for instance, who have given greater and more serious attention to the forest industry."

The Royal Commissioner, Neves Ferreira, who promulgated the Provincial Decree No. 21-A, dated the 8.1.1894, stressed in his report: "The present system of land development in the Pragana Nagar-Aveli is very far from meeting the requirements of the public exchequer; of the most rudimentary principle of rural economy, and of the most legitimate interests and rights of the settlers. On the other hand, the forests in that area, as well as all the other forests in this State, belonging to the public exchequer, are in turn, affected by a very serious evil which must be corrected and modified, lest we should lose entirely a source of

revenue which, duly protected, can in the near future provide powerful and fruitful assistance to the public expenditures, which are increasing and becoming more pressing day by day. It is, therefore, essential to lay the foundations of a new system for the exploration of the same lands and also to initiate the forest exploration, its conservation, and development, in a more practical and positive manner."

If the management of forests was bad, the land holding system was worse. Referring to it Horta e Costa, the Governor of Nagar Aveli in 1908 wrote as follows: "Besides other disadvantages to Nagar Aveli, where the settlers and generally all the remaining inhabitants do not possess anything worth mentioning other than their ability to work and the gift for agricultural tasks, their bullocks and their imperfect agricultural implements, this system results in their only cultivating the land by the simplest and the most elementary methods, which do not bring any profit either to them or to their master, who is the State, and they do this with the least responsibility and under a degrading subjection to the Saukar, who exploits them by loaning to them the seeds and the commodities for their sustenance, as well as the money for paying the rental, and who at the end of the harvesting time, and while settling accounts, gets from them the lion's share:

"Being eternally a debtor of the Saukar, once he is depended and always will depend on the latter, the settler is unable to settle himself, and does not learn new things; he has no attachment to the land which he has reclaimed and tilled, because it does not belong to him, and where he does not even enjoy any right of a permanent nature."

Such crocodile tears have been shed in abundance from the earliest times up to the time of the last Portuguese administrator. Going through the secret documents, one finds in a note addressed by the Police Commissioner, Mr. Romba, the following advice concerning the recruitment of the Varlis in the police department:

"One should have enthusiasm, patience, prudence and tenacity so that this attempt—the only one which, in the opinion of this Commissariat and under the present circumstances, may remedy to a certain extent the shortage of personnel—may not fail, inasmuch as it will have social repercussions not only amongst the despised varli caste, which may receive a stimulus for improving its social level, but also in the ranks of those who have been exploiting it throughout their lives.

This will, to a certain extent, help towards the liberation of certain Varlis from the tentacles of the Saukars.

Consequently, these matters should be conducted with the greatest care and tact."

This is the hidden resolve of the colonialists: to employ deceitful means to maintain the indigenous population under subjection, and in particular, to do away with everything that may contribute to their emancipation.

In 1951, almost a century and half later, the Forest engineer Antonio de Anibal Passos, was specially appointed Administrator of the Nagar Aveli Forests. Being a gifted writer and possessing, to some extent, intellectual honesty, as the local population would put it, Mr. Passos reviewed the work of the administration. In his official reports to the Goa Government, he made a study of the past of Nagar Aveli and paid tribute to the best Portuguese administrator, who worked there—Lindorfo Pinto Barbosa.

It is worthwhile reading some passages from one of his reports, "The Nagar Aveli territory was handed over to us by the Maratha on the 22nd July, 1785... More than a century had to elapse before the task of a regular exploration of those woods could be taken up in hand. In 1894, the Pragana was visited by the Governor-General of India, Counsellor, Rafael de Andrade accompanied by the Director of Public Works, the Crown and Revenue Attorney, the Forest Engineer, Mascarenhas Galvao, and others. This visit resulted in the appointment of the Administrator of Pragana, of his Secretary in the Damán Government, Lieut. Lindorfo Pinto Barbosa, who was the brother-in-law of the Director of the Revenue Department, which fact facilitated his bureaucratic work. His choice meant the fulfilment of the motto 'The Right Man in the Right Place...'"

"In 1894, the Regulation for the exploration of the forests was promulgated, and though reshaped and improved it remained the same as the Provincial Decree 21-A, dated the 1st February 1897, which was still in force, in theory. By virtue of this enactment which was considered a perfect one at that time, Lindorfo was at the same time Forest Administrator, Civil Administrator, and Military Commandant. In the first-named capacity, he was directly under the Governor-General and the Revenue Department, and in the last two capacities, he was dependent on the Government of Damán..."

"Lindorfo worked very hard and in 1897, i.e., a few months after the promulgation of the Decree 21-A, he prepared his model report. In 1899, probably because he might have had some friction with the District Government, or probably for some other reason, he succeeded in getting a new act published, which placed him, under every aspect, directly under Goa. And if he was an efficient official to whom Nagar Aveli is entirely indebted, it is likewise true that he was an absolute ruler, who administered with an iron hand. Those wishing to study the requirements of Nagar Aveli, will find, in his work, valuable data for reference. Exploration of the forest, introduction of agricultural services, worthy of the name, industrialization, agricultural credit, etc., ... He dealt with everything. The installation of a large-scale State owned Saw-mill at Dapara, which at that time cost the fabulous sum of 80 thousand Rupees, is due to him. He is also accused of trying to smash a "Mori", uncle of the deceased Pratamsing, of the Valugao forest."

"By one of the Orders-in-Council, issued by the Governor Horta e Costa, the various services were concentrated under the Military Command of Prágana, which further consolidated the powers held by Lindorfo, see Appendix III. And these powers were very great indeed... In the Official Gazettes of that time, which carried a news section, one can find a sample of the prestige which he enjoyed, by reading items describing his returns from Goa or the arrival of some Governor-General. The Raja of Dharampur used to send his elephants to Vapi to receive his illustrious guest, or colleague—the European Raja of Nagar Aveli. In 1910, the Republic was proclaimed, and the judge, Dr. Couceiro da Costa, was appointed Governor-General, and he immediately dismissed Lindorfo, whose post was, by law, held by a person trusted by the Governor." The administration of Nagar Aveli was in doldrums. Indeed, immediately after the adoption of Republican form of Government in Portugal, the Governor and the privileged people of Damán started clamouring for the return of their "pasture" to them but the position was not changed

till 1920, when the designation of "Military Commandant" of the Administrator of the Pargana Nagar-Aveli was cancelled (a sign of the end of Monarchy) and he was made a subordinate to the Governor of Daman. Naturally the Pargana was again treated as a taluka of the District of Daman and was run under the advice of the Governor. This retrograde step led again to the exploitation of the local produce and population. The Nagar-Aveli produce of rice and timber found its way out to Daman and other territories. The Warlis came back under the thumb of money-lenders. They found no outlet from this oppression. However they struggled and sought help from the Warlis of neighbouring Indian districts. The rich were getting richer and the condition of the masses remained miserable.

The reports show how the old order or disorder prevailed in Nagar Aveli, where the trees were sold by auction when it was not even ascertained whether they existed or not. And the tradition was maintained. Trees robbed; administrators against whom inquiries were conducted; fantastic auction-sales, and the population plundered. In those days life in Nagar Aveli was so easy that a Secretary of the Revenue Office, by name of Ascanio Mascarenhas said in his report to the District-Government: "... I am of the view that this Taluka is a *gold-mine* or a land which can yield a great deal to the State. I am greatly astonished that paddy and vegetables are produced without manure or fertilizers. Here, everything constitutes revenue for the State—timber, firewood, bamboos, branches, and even leaves, flowers, barks, roots, charcoal, ashes, paddy-straw, 'Carvi', 'Cutor', 'Cachar' etc. I am not aware that leaves, ashes etc. can be sold in Goa." All this brought profits to the State which enjoyed that wealth leaving the population more miserable, and poorer.

We have already seen how the State machinery functioned. Side by side with the State in Nagar Aveli, the sub-Estate of the Patel and Saukars flourished. Indeed, the main agents of the administration—the Patels and Saukars—were the greatest exploiters.

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## CHAPTER II

HISTORY OF THE PORTUGUESE  
OCCUPATION

The Portuguese claim that the possession of the territories of the so-called Portuguese India is based on "pure legal sources". In his Memoir on the history of Daman Mr. Antonio Francisco Moniz describes the so-called "cession" of Daman in the following words:

"Tristão da Cunha was able to obtain from the Government of Cambay the *cession* of Daman and its fortress, in exchange for half the revenues of the Diu customs."

The Portuguese obtained also, not satisfied with the "cession"—if it was really a *cession*—the *grant* of the same Daman, because Mr. Moniz states: "The Portuguese succeeded finally in inducing the Indian King to *grant* Daman to the Crown of Portugal, on condition that the latter should expel... the valiant Abyssinian, Sidi Bofeta, who with 6,000 soldiers defended the city against the entire might of Cambay. Despite this offer, Barreto (Antonio Moniz) did not attempt the conquest of Daman as he did not possess sufficient forces for the undertaking."

The "cession" of Daman was not, therefore, as the Portuguese claim, either voluntary or real, because the donor did not release his hold on the land. Likewise, his grant imposed on the beneficiary the condition of expelling the Abyssinian warrior. In other words, it involved the grant of a land which was not in the possession of the donor! It is easy therefore to understand that such grants and cessions were nothing, but plain artifices since they constituted acts of violence or of piracy, which can never find justification in the light of Christian ethics or of the Right of the Peoples. That the cession or grant was a fiction, is amply proved by the statement made by Mr. Moniz himself: "In 1559 the Viceroy, Dom Constantino de Braganca having assumed the supreme command of Portuguese India, and being aware of the grant of Daman, endeavoured immediately to get back this city by force of arms." And Daman was conquered.

The matter involved therefore a barbarious method of extortions, terror and death, which the Portuguese employed for committing all kinds of excesses. For instance, with the cession of Daman the Portuguese had to surrender half the revenues of the Diu customs. All know who collected those revenues, and all are in the dark as to whom the half of the revenue might have been given. This is called "pure legal sources"... according to the Portuguese political law. Even though Pacts and Treaties are to be respected we take the liberty to ask: "Can it be that Portugal is not bound to observe her Pacts? History records that Portugal made the Pact of Succession with Spain by virtue of which, Phillips of Spain ruled over Portugal. But Portugal abrogated that Pact by expelling Phillips from Portugal and put an end to the "captivity" of 60 years. If this is so, why does Dr. Salazar adopt the double standard?

The Portuguese occupied Nagar Haveli on June 10, 1783, and Dadra on July 22, 1785, alleging that a Treaty had been concluded between Portugal and the Maratha Government on December 17, 1779. Strong

historical doubts exist to-day about this Treaty. There are at least 4 drafts and it appears that none was finally concluded. In any case it is very curious that even in its Portuguese version the Treaty does not transfer sovereignty over these enclaves from the Marathas to the Portuguese Government. The Treaty has 18 Articles, all dealing with mutual friendship and reciprocal assistance.

Article 17 reads:—

“As the Portuguese have acted with the greatest friendship towards the Sarkar, as proved by Naraen Vital Dumo, and friendship shall be maintained henceforth, from the current year, he (Sarkar) shall give namely the Daman villages of 12,000 rupees without having any other dominion, nor any other hatred on the part of the Sarkar and in which Portuguese shall not erect buildings in accordance with the arrangement made and the villages shall be specifically mentioned.”

That Portuguese were not allowed to “erect buildings”, that is, fortification and that the Maratha Jagirdar collected taxes in the enclaves are clear indications that the Maratha Government did not part with their sovereignty over these enclaves. The purpose of the Treaty was to assign a few villages to the Portuguese as payment of Rs. 12,000 and in return for their continued friendship. Even according to the Portuguese Civil Code (Article 1644) this form of deed would be termed “assignable annuity or rental” and would not transfer the ownership of the land.

In 1923 Mr. Moniz published a book entitled “Noticias e Documentos para a Historia da Damao Antiga Provincia de Norte”, in which he reproduced on page 221 a translation of the Treaty, in the manner in which it was then concluded at Punem. According to the Portuguese version, the Portuguese plunderers demanded from the king of Punem, for preserving that friendship the sum of Rs. 12,000/—, which was given to them in the form of an assignment of 66 villages in Nagar Aveli on 10th June, 1783. Not contented with this demand, and profiting by the declining power of the king of Punem, they demanded an additional number of villages, under the pretext that the income of the villages mentioned before was below Rs. 12,000/—. Consequently, they were handed over the income of another 7 villages on 22nd July, 1785. In this group Dadra was the most important village.

Furthermore, nothing could prevent the breaking of friendship by violating the terms of the Treaty. Such a contingency was even provided under clause 10 which says: “In case of non-observance of this agreement of friendship the Governors concerned and the Marathas shall settle the matter by their orders”, in other words each of them was free to take whatever measure he thought fit. It is obvious that such an arrangement can never imply transfer of sovereignty.

The entire history of the Portuguese domination is full of revolts suppressed, rebellions crushed, patriots massacred and legitimate aspirations of people stifled. In pages bristling with truth, the Portuguese historian Oliveira Martins described the inhumane barbarity with which the Portuguese behaved in India. The philosopher and poet Antero de Quental, in his famous essay, “Decadence of Peninsular People” condemned the entire policy of religious fanaticism which culminated in the backwardness of Portugal and the wretched condition to which they reduced

the people brought under their domination. In contrast, the enlightened colonising power, like Great Britain, always contributed to the economic development of inhabitants<sup>1</sup>.

Rodrigo Jose da Lima Felner in the "Noticia Preliminar of the Lendas da India" gives a very graphic account of Portuguese imperialism:

"We shall confess, obeying the inner voice of the conscience that the conquest of India feels us with repugnance and horror because of the injustice and the barbarity of the conquerors, the frauds, the extortions, and sanguinary hatreds. Perfidy presiding at almost all Pacts and negotiations, the entire cities destroyed and delivered to flames, in the light of the fire and, dreadful dazzle of the artillery, the soldier transformed into a heartless executioner after the victory, hacking all men into pieces, murdered women, breaking the bones of children in their mothers arms, and the conversions to Christianity serving as a transparent veil for greed: These are the dreadful pictures from which we should like to turn away our eyes."<sup>2</sup>

The Portuguese historian Oliveira Martins records his opinion of the first Portuguese Viceroy of India thus:—

"D Francisco de Almeida went up the coast of India, leaving behind him a trace of ashes and blood which evrywhere announced the passage of the Potuguese."<sup>3</sup>

The same historian describes the life in Goa as follows:—

"In Goa, the capital, the life is a combat. There are battles on the roads, and unburied corpses. Even insides the churches shots are heard, men are seen falling victims at the assasin hands. Savage anarchy prevails and surely the natives lamented their evil fate which condemned them to suffer to so many cruelties<sup>4</sup>. This is the real record of the Portuguese in India. The world has only to read Portuguese authentic history to disabuse their minds.

The Portuguese not only inflicted physical cruelties and mental torture on their subjects but they initiated a ruthless campaign for the supression of the indigenous language. In 1749, the Archbishop Frei Lourenco de Santa Maria took upon himself the task of destroying the Konkani language by issuing a proclamation to the effect that "in the island of Goa, Bardez, and Salcet those who do not know the Portuguese language would be forbidden to get married". A distinguished Portuguese, Cunha Rivara wrote the following words in his historical essay of the Konkani language:

"The first hit of the conquest, Hindu temples were raised to the ground; all the symbols of cult were completely destroyed and all the books written in vernacular were burnt on charge and suspicion of containing precepts of Paganism. It was proposed likewise to destroy every section of the population. They did not accept Christianity immediately, such a desire prevailed not only at a particular time because even after a lapse of two centuries. Somebody advised majestically, that the Government should take steps in that direction. The fury to destroy the Konkani language went so far as to impose "the science and the use of Portuguese language" not only on the very people who desired to receive

<sup>1</sup> Proses by Antero de Quental.

<sup>2</sup> Quoted by Sardar Panikkar, Malabar and Portuguese, pp. XV-XVI.

<sup>3</sup> Oliveir Martin, Historia de Portugal, vol. 3, page 292.

<sup>4</sup> Ibid., page 324.

sacrament, but also all their closed relatives, both men and women duly established by means of strict examination and careful attention on the part of the very reverend Parish Vicars."

The Goan National Movement which climaxed in the liberation of Dadra and Nagar Aveli was an indigenous movement with its own momentum and background. Its principal object is the expulsion of the foreign regime which had imposed the most ruthless exploitation on the Goan people. The Goan resistance to the Portuguese imperialism goes back to 1654 when a Roman Catholic priest, Castro raised the standard of rebellion. The more concerted and bigger challenge to Portuguese domination came in 1787. This rising is known as "Pinto's rebellion". There was an conspiracy by some priests in Goa to overthrow the Portuguese Government. The attempt proved abortive and the ring-leaders were arrested. Despite these failures the Goan patriots remained undaunted and did not submit to will of the conqueror. In 1835, a Goan, Bernardo Peres da Silva was appointed Prefect by the King of Portugal. The European elements resented this more and he was made to relinquish his post and seek refuge in British India. Bernardo Peres da Silva prepared an expedition to assert his power in Goa. In this he was helped by the British authorities who, even provided him with naval and military officers. The ill fated expedition however, came to an inglorious end. The significant fact remains that the British gave assistance and encouragement to the Goan patriot who in their eyes was a lawful authority, against the European authorities in Goa and permitted nationalist propaganda in the press and allowed men to be recruited for the expedition.

The Ranes of Satari have been the most formidable opponents of Portuguese rule in Goa and they made fourteen attempts to drive the hated foreigner. The most serious attempt was made in 1852. This uprising led by Dipaji has left a deep impress on the history of Goan Freedom Movement. Dipaji Rane's first success was the seizure of the Fort of Nanus in Sakari district which was stocked with fire-arms and ammunition. With Nanus, as his headquarter, Dipaji made sorties in Quepem, Canacona and Hembarbasem. Impressed with such initial successes the people rallied round him and the revolt assumed formidable proportions. Dipaji's rebellion lasted for three and a half years and eventually the Portuguese authorities were compelled to make peace with the rebel. The Portuguese agreed to extend protection to village institutions, abandoned repressive religious measures and granted amnesty to all rebels. Dipaji Rane was awarded a sword of honour and the honorary title of Captain.

These palliative measures produced a temporary lull and the people's thirst for freedom could not be quenched. Dada Rane's revolt in 1895 and the revolt of 1912 testified to the determination of the Goans not to rest content till their land was free. During 17th, 18th, 19th and early part of the 20th century the freedom movement assumed violent forms. The pattern of the nationalist resistance underwent a radical change with the emergence of Mahatma Gandhi on the Indian scene. The Goan resistance assumed a non-violent character in 1928 when the Goan National Congress was founded by Dr. Tristao Bragana Cunha. The Goan newspapers Pradipa and Prakash began to arouse the people. From 1928 to 1946 the nationalists were working underground. In 1946 the movement came out in the open and campaign began for

the establishment of civil liberties in Goa. Goans of all communities defied the law by peacefully holding meetings, taking out processions and offering Satyagraha. The intensity of a non-violent struggle to secure the elementary civic rights was matched by the violence and ruthlessness of the authorities. The leaders of the movement were tried by military tribunals, given savage sentences and imprisoned in the island fortress of Peniche in Portugal. Dr. R. M. Lohia and Dr. Julio Menezes were arrested on 18th June, 46. As a protest against these arrests a spontaneous hartal was observed throughout Goa. A meeting called on 20th June was forcibly broken up and over a thousand people were dispersed. During the months of June-November, 1946, about 1500 Goans were arrested, held in police detention for varying terms, beaten or otherwise subjected to the police terror.

In March 1950, Divakar Kakodhkar, a school teacher was deported on the orders of the Minister for Colonies, to Cape Verde Islands for holding views contrary to the security of the State. In April, 1950, Dr. Antonio Furtado, the Administrator of the Village Communities in Goa sought asylum in Belgaum, following his refusal to sign a declaration denouncing Mr. Nehru's statement in Parliament. The movement received a fresh impetus in 1953 when the Goans realized that the promises of the Portuguese Government for a New Statute and Autonomy held no future for them. They were only designed to lull them into inaction. The battle for emancipation was renewed with greater vigour. In February 1954, Dr. P. Gaitonde, a prominent surgeon of Mapuca was suddenly arrested despite the absence of any provocation on his part. The charge against him was that at a dinner party he protested (using the words "I protest") to a statement by one of the speakers that Goa was a part of Portugal. Dr. Gaitonde and his wife were deported to Portugal within five days of his arrest and without any trial. He was to stand trial later before a Military tribunal in Lisbon under charge of subversion of the Portuguese regime in Goa.

The arrest and deportation of Dr. Gaitonde engendered strong criticism against the Portuguese from every quarter in Goa and from the Goan community in India who voiced their denunciation of the Portuguese at mass meetings and demonstrations. A hundred prominent Goans in Bombay led by Prof. Soares, Prof. Correia Afonso and others issued a Manifesto condemning Portuguese rule and calling on the Goans to "free themselves and unite with India". The renewed phase of the movement was no longer for civil liberties but one of open denunciation of an autocratic and out-dated colonial regime. The symbolic forms of the movement now were:

- (a) the hoisting of Indian flags throughout Goa as an indication of the desire of the inhabitants for freedom and merger with India, and
- (b) the wide distribution of "Quit Goa" posters and hand-bills throughout the country.

From the month of February, 1954, onwards numerous instances of such activities were reported throughout Goa.

On the 18th June, 1954, over forty arrests were reported including those of Advocate Gopal Kamat, Advocate Padurang Mulgaokar, Dr. J. F. Martins, Nanda Gaitonde, a brother of Dr. P. Gaitonde, and Shankar Dessai, a school teacher. The arrests were accompanied by

house searches and interrogation of numerous persons throughout Goa. Many Goans fearing arrest by the Portuguese sought asylum in India, including Dr. Nachinolkar, Armando Pereira, Prabhakar Dalal, Evagrio George etc. For further account of Goan Nationalist Movement, see Appendix IV. In the police archives of Silvassa some confidential circulars from the Police Central Command at Goa to various police posts have been traced. From the detailed instructions given to the police and the number of lists of suspected Goans one can imagine the magnitude of the nationalist movement that followed the 1946 uprising. The Police and civil authorities were constantly reminded of the need for their "intimate co-operation" for compilation of full lists of nationalists. The circular no. 31/33, December 23, 1948, instructed the authorities to "expedite the compilation of lists "and to carry out this task the police was again, on July, 1949, instructed not to hesitate "to search, detain etc." any individual whom they suspected, see Appendix V.

The circulars also reveal the tremendous impact made by the independence of India on Goan movement. To curb the people's enthusiasm created by this historical event police were authorised "to act with firmness—even with violence—at the slightest sign of an attempt at disobedience of the Laws", see Appendix VI.

Between the 25th August 1947, and 20th August 1957, over 200 "despachos" (ordinances) were published in the "Boletim Oficial", banning the circulation on entry of Goan newspapers and publications. Besides, there were various confidential circulars, such as no. FC-682/TE/24, dated 4th November 1949, by which newspapers agents were personally and individually notified by the police that they should not handle any foreign publications which spread "false and tendentious news about Goa and Portugal". If they did, they would be arrested, summarily tried and sentenced, under article 22 of Decree no. 27.495 of 27th January 1937, to years of imprisonment.

However, "propagation of subversive ideas" was done "through medium of theatre, specially by those that make a tour of the country", as the circular of 11th February 1947, states. Under this circular the police was ordered to stop any performance which was found to be "of a vexatious nature to the Portuguese Sovereignty", see Appendix VII. But the circular of 1st September 1950, acknowledges that "intense propaganda is being continuously carried out" and concludes: "This Command desires that at the slightest attempt at disobedience of the laws the Police should act with firmness or even violence, there should be no hesitation in making use of arms", see Appendix VIII. Similar instructions had already been issued on the 17th June 1950, and at other times.

To cope with this situation the police was constantly put on the alert and their leaves cancelled as can be seen by circulars which were issued to the police from 1946 onwards. See Appendix IX.

#### NATIONALIST MOVEMENT IN DADRA AND NAGAR AVELI

Lopes Mendes says in his book, "A India Portuguesa" (Chapter X) that after the Portuguese had taken over Dadra and Nagar Aveli in 1780's, there were for many years "constant and violent disputes with Raja of Dharampur" who was the King and leader of the people of these enclaves and surrounding regions. But the modern anti-colonialist struggle began with arrival of Carlos da Cruz, a Goan, who was appointed teacher

in the Portuguese School of Silvassa in September 1930. After assuming his functions of teacher, he immediately started the publication of a nationalist newspaper, *Sandalcalo*. As a consequence of his nationalist activities he was soon dismissed from his post, September 29th, 1932, but D'Cruz continued his activities supported by Goan Nationalist Movement. He had, indeed, intimate connections with the Goan Nationalist leader, T. B. Cunha.

After the liberation many documents have been traced in the Police post of Silvassa, which reveal the fact that his activities were closely watched by the Police. An almost complete file of his nationalist activities is available from the 3rd, January 1953, when the police threatened him "to take care of himself" and his activities began to be closely watched by the police, see Appendix X. His keen interest for the depressed classes of Varlis, who were being exploited by the Portuguese Civil Servants and Police, won him a great sympathy of the people of Nagar Aveli. His constant exposure of the corruption that prevailed in Nagar Aveli compelled the Portuguese Government to institute formal enquiries into the conduct of various Civil servants. He became "the famous nationalist lawyer" after the enquiry of January, 1954.

Later Shri N. G. Choubal, the present Sar Panch of the Varistha Panchayat, joined da Cruz and his activities were also being closely watched by the police. There are several notes in the police archives of Silvassa specially of June 1954, which give an idea of the efforts made by the police to trace the connections of Choubal and other associates of da Cruz, see Appendix XI.

The 1946 Goan Satyagraha had its repercussions in Dadra and Nagar Aveli. Indeed, in a special confidential note, no. 69 dated the 12th December, 1947, the District Commissioner of Nagar Aveli warned the Chief of Police of Silvassa of a political meeting that would take place at the residence of Vanma Liguella, and instructed him "take the necessary steps to enter by surprise in the meeting and to seize all the papers and documents and also to arrest, both the outside and the local elements present, and to detain them until all the necessary information has been elicited from them", see Appendix XII. The District Commissioner in his note no. 75, of the 15th December 1947, gave a similar warning regarding another meeting at the residence of Narana Gapatrau, see Appendix XIII. The police was instructed to disregard the ordinary procedure of criminal law and carry out surprise searches of houses of the suspected people, see Appendix XIV. The police was constantly put on the alert, as can be seen in various letters from the Commissioner of Damao to the Chief of Police of Silvassa, namely, letter no. 10/TE, dated 25th January 1952.

As early as June 1953 the police was keeping a close watch on Goans entering Nagar Aveli, as can be seen from so many confidential circulars sent by the Commissioner of Damao to all Chiefs of police posts of the enclaves. A confidential circular of 15 June 1953, begins: "It is evident that it is the intention of the enemies of the Portuguese Sovereignty to infiltrate their elements into the territory of Nagar Aveli with the aim of disquietening the rural population, by suggesting to them ideas that are contrary to the order and obedience to the Portuguese Government." And it concludes: "Action should be prompt and fast making use of arms, if necessary" (to arrest these individuals), see Appendix XV.

At the beginning of 1954 intensive nationalist campaign began in

Nagar Aveli. Goan Nationalist leaders, such as T.B. Cunha and Peter Alvares, arranged public meetings at Vapi which were attended by people of Dadra and Nagar Aveli, see Appendix XVI. The police began to carry out a diligent spying service near the frontier and large amounts were spent by Police to obtain secret political information as revealed in the expenditure notes of April and May, 1954, namely, one dated 15 May, 1954. Indeed in the police records of Silvassa there are many letters reporting various public meetings held near the borders of Nagar Aveli, such as one dated 17th May 1954, in which the police reports that a public meeting attended by over 2,000 people was addressed by Jai Prakash Narain, the Indian Socialist Leader, but the letter adds that in that meeting "nothing which may be the concern to Portuguese Government was discussed". There are also various reports about the Indian police activities near the border, such as telegram no. 221/2, dated the 13th March, 1954, and a letter dated 1st June, 1954, see Appendix XVII.

The police in Nagar Aveli began to take precautions and recruitment of additional police force began early 1954, see Appendix XVIII. But to avoid any panic amongst the people of Nagar Aveli, the recruitment was done secretly. The trained recruits were formally dismissed and sent as civilians to Dadra, as can be seen from a letter dated the 17th April 1954, and the new recruits were trained secretly inside the police post of Silvassa, see Appendix XIX. There are several letters from 11th June 1954 to 9th June 1954 about this peculiar way of recruitment. However, in a letter of 11th June 1954, the Chief of the Police of Silvassa wrote that it was impossible to recruit 250 men, as planned. Consequently an intensive secret recruitment began in Goa, from where the recruits were sent to Silvassa. Many lists of such recruits are available in the archives of Silvassa—one dated 26th June 1954, has 517 people, other dated 28th June 1954, has about 80 people and another dated 5th July 1954, has 65 people, besides many others with small numbers of recruits. A secret re-organisation of the police was undertaken where it was suggested that total police force of Nagar Aveli of 339 should be further strengthened to make 620 men, see Appendix XX.

Arms and ammunitions were also increased and their more efficient distribution was ordered by the Chief Commissioner of Damao to the Chief of the Police of Silvassa, in his letter of May 1954, and in his despatch No. 8, presumably, dated 16th July, 1954 (the document is very badly damaged).

#### THE FALL OF DADRA

For some time Goan nationalists were planning the liberation of Dadra. Some wanted to do this peacefully by bribing the small Portuguese police force; others wanted to resort to a direct action. The means of bribing would of course take a long time, though it was said that the chief of the Chowki had agreed to leave Dadra.

It will be recalled that Francis Mascaranhas, Waman Desai and others of the United Front of Goans had been invited to Daman ostensibly for negotiations, but on their arrival there they were threatened, jailed and finally released. In July 1954, this same group with the aid of other Goans sought the liberation of the enclave of Dadra. They entered Dadra on the night of the 21st July and after a short and con-



fusing conflict between the Portuguese Police and the rebels, the chief of the Dadra Police Chowki died, while he was trying to shoot the revolutionaries with his machine-gun, which had injured one of the rebels on his arm. The machine gun which was not properly handled got jammed. The nationalists availing themselves a break in the firing entered in the Police Chowki at 2 A.M. on the 22nd July 1954 under the leadership of Francis Mascarenhas and took over the administration of Dadra. Officers of other villages surrendered during the day of the 22nd July 1954. A detailed description was given by Mr. Jayant Dessai, member of the Varistha Panchayat, see Appendix XXI. As soon as the people realised that the Portuguese domination had been wiped out, they rushed to the streets and cheered the liberators, to the cries of 'Jai Hind' and 'Azad Dadra—Zindabad'.

#### THE FALL OF NAGAR AVELI

The news of the fall of Dadra created panic among the police of Nagar Haveli. Had at that very moment the nationalists marched into Nagar Aveli, its administration would have surrendered. The confusion that was reigning there at that time may be seen in the official correspondence—public service was paralysed and the authorities were in fearful panic. But the delay gave the Portuguese authorities enough time to prepare their resistance, training police brought from Goa in disguise. On the other side, arms and ammunitions were more efficiently distributed.

On 29th July 1954, when it was little expected, Naroli was freed by its inhabitants. The Portuguese prepared their defence in the Police Headquarters. The Portuguese were in such a panic-stricken condition that they had no clear idea of the situation. Meanwhile the bonfires (the so-called atom-bombs) were being constantly fired. The Portuguese sent their spies to see the situation. Most of them were Varlis (adivassis) and though they helped the Portuguese Administration, they hated it and informed the Portuguese police that the group of nationalists was followed by thousands of local varli people.

The Portuguese decided to run away via Khanwell but were held up due to the swelling of the river Daman Ganga. When the waters had subsided, the Portuguese crossed the river Daman Ganga near Racoli and reached Khanwell, where they remained for three desperate days.

Some days after when the Portuguese were desperate and confused and having lost every hope, they decided to run away<sup>1</sup>. Silvassa was freed on 2nd August 1954. Nagar Aveli was liberated.

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<sup>1</sup> There might have been some private reasons for, at least, some policemen to get away from this hopeless and confused situation. Indeed, the sub-chefe Pegado had been pestering Indian Consul in Goa to give a permit to his wife to go to Bombay for treatment, according to the telegram from Silvassa No. SI-502/T/21 of 28th June, 1954.

In the liberation of Dadra and Nagar Aveli, a large quantity of arms and ammunitions were captured, see Appendix XXII, which have now been distributed to the new police force. Soon after the liberation Mr. Lawande invited civil servants and the public in general to meet him at the Police Post of Silvassa on the 2nd August 1954. At the meeting Mr. Lawande requested the civil servants to continue in their posts. The offices re-opened on the 5th August 1954 and Mr. Lawande as a Military Commander took over the civil administration of the enclaves. However, on the 15th August 1954 a public ceremony was held to commemorate the date of independence of India. At that ceremony Mr. Lawande announced the abolition of the system of *vete*, forced labour, and declared that all debts of adivassis to the Saukars were null and void, that the minimum wage of a labourer would be Rs. 1/- a day. He also stated that he would leave the enclaves in order that he may continue the work of liberation of the remaining Portuguese enclaves in India. On the same day, the 15th August 1954, a large crowd of over 1000 people with their drums, tarpas, symbols etc. marched in procession and the oldest man Nagar-Aveli, Senhor Gama, read the proclamation, see Appendix XXIII. On the 16th August 1954, he informed to all the civil servants and people that Apa Karmalkar would be the future Administrator of Dadra and Nagar Aveli, being thereby full and final authority of the Government of Dadra and Nagar-Aveli.

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## CHAPTER III

## THE STRUCTURE OF THE NEW ADMINISTRATION

The Portuguese Administration did not allow the inhabitants of Nagar Aveli to take part in their local administration. The executive power was entirely concentrated in the hands of the Administrator of Nagar Aveli, under the control of the Governor of Daman, who had to account to the Governor of Goa, who in turn answered to the Portuguese Minister of Colonies in Lisbon. The judicial functions were likewise concentrated, in regard to petty offences liable to a sentence of six months' imprisonment, into hands of the same Administrator.

The New Administration has separated the three functions. The legislative function is exercised by the Varishtha Panchayat, the judicial by the Courts of Law, and the executive by the Administrative Council consisting of Administrator and the Heads of the eight departments. The Administration has set up various committees to carry out its work, and they meet regularly, see Appendix XXIV. For the purpose of the Local Administration, Dadra and Nagar Aveli have been divided in ten "Patelados" and these are constituted by a certain number of villages, see Appendix XXV. The various departments of the Administration are set out in Appendix XXVI. Unlike the Portuguese Administration, nearly the whole staff is now recruited from among the people of Dadra and Nagar Aveli. Thus the patels, forest-guards, sipais and other minor personnel from the departments are people of these enclaves. A few higher posts are occupied by Goans. Staff rules are given in Appendix XXVII. Some notifications, circulars and notices issued by the administration are attached as Appendix XXVIII, to give some idea of the work which has been carried out.

The administration has yet been unable to purchase a printing press for the publication of its own official gazette. But its notifications, notices and circulars are publicised by affixing them in the usual public places and distributing them to various departments, and local organizations.

## VARISHTHA PANCHAYAT AND VILLAGE PANCHAYATS

Soon after the liberation a provisional administration was set up, and three months after, on the 25th November 1954, a Constituent Assembly of twenty-five members, the Gram Panchayat of Dadra and Nagar Aveli, was convened. In 1956 with the creation of local councils, village Panchayats, it was possible to dissolve the Gram Panchayat and organise the Varishtha Panchayat, with thirty-six members, whose names are given in Appendix XXIX. The constitution of village panchayats and of the Varishtha Panchayats is given in Appendix XXX.

Since this is the first time that people of these enclaves have taken part in the running of their own affairs and because of the exceptionally backward conditions in which the Portuguese maintained them, it has been impossible to have an elected body. But the thirty-six members have been selected from different classes, religions, linguistic groups and areas, though the present representations cannot be considered

proportional to the number of people of each class or as being fairly distributed over the whole enclaves.

Though the Varishtha Panchayat has only advisory powers, the budget is always submitted for its comments, and notifications, notices and circulars have been issued with its approval. Its members can ask questions on current affairs of the Administration and pass resolutions which are implemented by the Administration. A report on the activities of the Panchayat may be seen at Appendix XXXI, and a summary of all the resolutions passed by it since its constitution are given at Appendix XXXII. Portuguese laws still continue in force, but some of them have been modified to suit the new conditions, such as those relating to the Abkari, costs of law-suits, fines, and rents and leases. The Varishtha Panchayat has, under No. 12 of its constitution, some judicial functions which are enumerated at Appendix XXXIII.

With the increasing pace of progress in education and with improvement in the economic and social conditions of the people, it will not be too long before the Varishtha Panchayat becomes a body of elected members and its resolutions acquire executive force.

#### MUNICIPAL COUNCIL

Under the Portuguese Dictatorship (Decree of May 22, 1945, and Decree-Law No. 35:229, of December 22, 1945) the President of the Municipal Council was appointed and paid by the Government. Usually this post was held by the Administrator. The members of the Council were selected by the Government from among the civil servants. Today the five members of the Council are in no way connected with the administration, and the Presidentship is temporarily held by the Administrator in an honorary capacity.

During the Portuguese rule the Municipal Council met on very rare occasions, mostly to cover up some irregularities of the Colonial Administration. It was a body existing in law, rather than in actual fact. Even within the short period of four years and with very limited resources the new Municipal Council has to its credit some achievements. It has purchased an agricultural implement fitted with three ploughs and worked by a tractor. This is loaned to private farmers. It provides free medicines to patients whose monthly income is less than Rs. 100/—. It has also distributed free seeds and flower-plants to the poor and to the schools. The reading room of the Municipal Library is no longer a dingy room with hardly any space to keep books. The Library now occupies a spacious hall, which has cost Rs. 15,000, and is well lit. The Library has now been provided with books of national and international literature, journals and art magazines in Marathi, Gujarati and English, dealing with science and literature. A small Museum, with Indian paintings and plastic arts, is attached to the Library.

A new garden has been laid out in which a bronze bust of Mahatma Gandhi has been erected, and a wild park, which at the time of the Portuguese was known as a "garden", has been transformed into a real garden. The Municipal Council has increased the number of lights, both kerosene and mantle, for public lighting in Silvassa and Dadra, and introduced kerosene lamps in Naroli and Canoel, where previously no public lighting existed.

The Municipal Council has powers to pass local regulations on a wide variety of local activities. But the main sphere of these regulations centres around weights and measures. The "Standardisation of Weights and Measures Regulation" of 26th December 1956, is given in Appendix XXXIV, and the Circular Notice about "Ceira", dated 9 December 1957, is given in Appendix XXXV.

The Board of Municipality consists of the Administrator who functions as President and the six non-official members. For the convenience of public, the Board has vested some of its powers on the President and meets on every alternate Wednesday instead of every week.

### JUDICIARY

In Nagar Aveli the so-called Examining Magistrate, an office concurrently held by the Administrator, could try Civil, Commercial and Criminal cases up to Rs. 300/— after they had been dealt with by the Police Department. The Magistrate combined in himself the functions of Public Prosecutor and Judge, despite protests made in the Council of Goa Government. For cases over Rs. 300/— people had to go to the court in Daman. Any Appeals could only be filed in the Court of Appeal in Goa, and from there to the Supreme Court in Lisbon. Petty offences were judged by the Military Commander. In this connection Mr. Passos reports "that the Governor, General de Costa, abolished the Municipal Court and delivered this sacred thing called justice into the hands of the local Military Commander, well-known for his inefficiency and drunkenness".

This state of affairs is now over. After the liberation the new Administration in Silvassa established a Court with powers of a District Court in both Civil and Criminal matters. By Order of the 18th November 1954, the Judicial services were entrusted to Dr. Antonio Furtado, see Appendix XXXVI.

By Office Order No. 1 of the 14th December 1954, the Collective Tribunal was initiated, see Appendix XXXVII. On 6th December 1955, the rules for the functioning of the Collective Tribunal were altered, see Appendix XXXVIII. On 30th June 1956, the Collective Tribunal was substituted by the Judicial Section of the Advisory Council, which is the supreme judicial body of Nagar Aveli, dealing with both civil and criminal appeals and with cases arising out of the decisions of the Administration, see Appendix XXXIX.

Some of the decisions of the Judicial section of the Advisory Council are well-known to the public. The case of Rajput Dalpat Bana, accused of burglary and assault is given in Appendix XL. The usury case of Claudio Pais *v.* Gopgi Dangi is given in Appendix XLI.

The Notary Public's office, which formerly functioned only at Daman, was started in Silvassa and its emoluments were greatly reduced. There is also a Public Prosecutor to deal with criminal cases. People are allowed to be represented in the Court by lawyers, even from India, and to use local languages, Portuguese or English. The independence of the judiciary is fully guaranteed. Crimes punishable with more than two years imprisonment are tried by the jury.

Patel-Thalatis are given powers to decide petty claims of the Adivassis who are thereby spared the long and tiresome journey to Silvassa

which they formerly had to undertake because the Portuguese Law was not framed to satisfy the needs of poor people. In the Portuguese Courts, Adivassis were treated like savages; there was not the slightest regard for them as human beings. Today they come forward before the courts, realising that their rights are not at the mercy of any Patel and that their demands will be attended to. The New Administration has taken active measures to prevent anyone from taking undue advantage of their poverty and illiteracy or ill-treating them.

*Judicial Costs Reduced.*

Though the law in force is Portuguese, yet its observance has been simplified; the expenses have been reduced to a minimum, see Appendix XLII. In brief, justice has become accessible to everyone. An instance, related by the former Administrator, Captain Virgilio Fidalgo, will enable us to appreciate the difference between what was done previously and what is being done now.

"A Varli, or for that matter anyone belonging to any other caste with the same intellectual capacity, goes into a Government forest and cuts out a piece of teakwood or some other tree to make a plough or some other agricultural implement. The Forest Department may declare that the damage amounts to one rupee, yet the act is considered a crime and the Varli is sentenced to four days' imprisonment and to four days' fine, at Rs. 4/— a day, and is required to pay Rs. 4/— to two experts, Rs. 5/— to the 'Official Defender' (who may not say a word as defence counsel) and to minimum judicial costs of Rs. 40/—. The poor fellow has to pay more than eighty rupees to compensate one rupee's worth of damage. If he does not pay, the bullock-cart and the bullocks that he may possess will be held as a guarantee for the payment of the legal tax and fine, and may be sold, or he will undergo thirty days' imprisonment, the minimum punishment prescribed for anyone who is unable to pay the tax and the fine." (Report submitted by the Administrator of the "Concelho" to the Commandant of Police of Portuguese in India—July 14, 1953.)

At present the penalty imposed on the Varli seldom exceeds As. 4/—, per day of imprisonment, and five to ten rupees as judicial costs, And if he is not in a position to pay, he is allowed to work on the farm of the Administration and redeem both his imprisonment and fine, while remaining practically in freedom.

#### EXCISE DEPARTMENT

During the old Portuguese regime the main sources of revenue were Forest, Land and Abkari Revenues. But there was no policy laid down for the improvement of the standard of living of Adivassis, and other wretchedly poor people of Nagar-Aveli. As regards liquor distillation, Abkari, there was only one monopolist licensee, who was paying an annual rent to the Government of Rs. 25,000/—, and making a net profit of Rs. 1,00,000/—, thus exploiting both the people and the Government. The people who were kept utterly ignorant and illiterate, had no voice in the Administration. Licences for opening toddy-shops were given to almost any person who wanted it without any discrimination and there was no control. Despite a heavy consumption and a large smuggling of liquor the Abkari revenue was very small.

After liberation, a complete transformation has taken place within a very limited period of 4 years. With regard to liquor, a definite and enlightened policy of "MAXIMUM OF REVENUE WITH MINIMUM OF CONSUMPTION", has been laid down and consistently implemented. Consumption of weaker liquor of 42 U: P has decreased by over 33 per cent in relation to the sales of 1955, and even greater percentage in relation to the consumption during the Portuguese regime—exact figures cannot be estimated since the Monopolist licensee of the Portuguese did not have regular accounts. The Courts strictly supervise the business of Abkari which is now carefully regulated by law. The Abkari Law has been amended by the Varistha Panchayat for three times in order to fill the loopholes, see Appendix XLIII. Thus the business of both liquor and toddy is now strictly controlled in the best interests of the people of Dadra and Nagar-Aveli. A progressive policy of temperance and of educating public opinion in this direction by showing regularly films on prohibition to the Adivassis is actively pursued by the Administration. Several schools of primary education have also been set up and beneficent results are obvious in every day life of the Adivassis. This progressive Excise Policy has been laid down with the consent of the people who enthusiastically co-operate in its implementation.

The Excise offences are now investigated by a regular cadre of excise inspectors and the fines are imposed by the courts. While granting licenses for the sale of country liquor and toddy shops conditions safeguarding the interests of the minors of the ignorant people, of the general public, are inserted in their licenses. The whole system is working very satisfactorily.

The collection of taxes has been simplified to meet the needs of the people: stamp duty, stamp paper, civil registration emoluments and other complicated taxes have been abolished, and the Patel-Thalatis have been asked to collect certain taxes to save the people the trouble of unnecessary journeys to the town. The Administration has been granting loans in commodities and in cash by means of 'Tagavi', 'Khauti', and the Adivassis' Fund, and has abolished various taxes, for the benefit of the Adivassi population, like the payment of stamps and stamp paper and civil registration charges. It has also done away with the difficulties experienced in carrying articles or merchandise from one Patel jurisdiction to another. While drastic measures have been taken against excesses and social evils, a spirit of tolerance has also been shown. It is true that a small tax has been imposed on the export of bales of grass, but on the other hand the revision of the rentals or quit-rents on concession lands—which had to be revised every thirty years—has been kept in abeyance, which in fact constitutes a considerable benefit for the concessionnaires who are today paying rentals fixed thirty years ago. The quit-rents, which the concessionnaires of the State or Administration lands pay, amount to Rs. 93,877. The concession lands cannot be attached and are inalienable, and can only be reverted to the Administration in case of non-payment of the quit-rent.

The services of Revenue & Accounts have been reorganised by rendering them simpler and more practical. The total income amounts to about 10 lacks of rupees, and the expenditure is kept within this limit. Money allocated to some economic projects has not yet been spent, awaiting the engagement of suitable technicians. There is no bank in Nagar-Aveli, but the "Reparticao da Fazenda" functions as such.

Certain revenues are now collected by the Patel-Thalatis, in order to obviate the necessity of the people undertaking long and costly journeys to Silvassa, as imposed on them by the former Administration. Today the local population are fully convinced that the public moneys are entirely used for their benefit and that the old practice of embezzling or squandering them in needless schemes is no more.

#### POLICE

The main function of the Police Command, as it was called during the Portuguese Administration, was, it seems, to keep a close and constant vigilance on the nationalist movement and to spy on the Indian borders, as can be seen from the tremendous amount of correspondence in the archives of the Police Post of Silvassa.

Soon after the liberation of Nagar Aveli various allegations were made by the hired press and Radio of Goa. At the time an opportunity was sought for asking Vicar General, Fr. Albuquerque, as to how the rebels had conducted themselves in the maintenance of public order. His written reply, given in Appendix XLIV, exposes the false Portuguese propaganda, that Goan volunteers had deserted the Catholic faith and that everything was in utter disorder in Silvassa.

The Police force has now been re-organised. Its efficiency is amply proved by the fact that complete peace and tranquility have been prevailing in Nagar Aveli and Dadra since their liberation.

The police department put their shoulders to the wheel during the Cholera epidemic when it was feared that it might sweep the entire area. In recognition of the meritorious services rendered by some policemen during the epidemic, they were duly rewarded by the Administration. Besides, some personnel of the police department were rewarded for their meritorious work in arresting the notorious dacoits as well as for special service.

#### POSTAL SERVICES

Another advantage introduced by the Governor Horta e Costa was that of postal distribution inside the villages. But during the Portuguese Administration, Silvassa and Naroli alone were favoured. In this connection Mr. Passos wrote in his report:

"With regard to the postal department one has to say, to put the question within limits, that these pompous postal services undertaken by the rural guards, were confined to the transport of mail from Silvassa to the nearest population of Naroli, where a supplementary post was set up specially to the benefit of Mori family" ... "Without going into the merits of the case in those times, I must say that this service today has no justification; there is today regular daily service of motor cars, from Silvassa to Naroli. There is no need to impose this burden on a sepoy—he comes in the morning and goes back at night—in this insignificant service, when the mail can, very well, and should be carried by motor conveyance, as done all over the world."

Since liberation, the postal distribution is done daily at Silvassa, Naroli, Canoel, and Dadra, and Dapara, and in the villages, on alternate days. Today there are also facilities for sending postal cheques, registered letters, with direct communication between Silvassa and Vapi. In emergency cases the public can use the telephone. As far as patients, poor



people and urgent cases are concerned, the means of conveyance both of the Administration and of the missionaries of Pilar are made available to the public.

A report by the Post-Master of Silvassa on money orders handled, sale of stamps and other activities of the Postal Department is attached as Appendix XLV.

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## CHAPTER IV SOCIAL SERVICES

The New Administration has felt unable to lay down a definite plan of economic and social development in view of the unsettled constitutional position of the enclaves—the integration is now dependent upon the Government of India. It has, however, taken practical steps to raise the economic and social conditions of the Varlis and of other poorer classes. Minimum wages have been fixed for labourers: the daily wage is one rupee for a man, fourteen annas for a woman and ten annas for a boy (previously these wages ranged between six to eight annas). Small plots of land have also been granted to them.

One of the first steps taken by the New Administration was to proclaim that drastic measures would be taken against any official who might abuse his powers: if an employee of the Administration takes away by force eggs, poultry or goats from the Varlis, or forces them to work free, he is immediately dismissed. Stern measures have also been adopted against private individuals (such as Saukar) who abuse their influence, for instance, the Saukar cannot cancel any lease without good reason.

### HEALTH SERVICES

In 1908 Governor Horta e Costa desired to set up free clinics but the scheme did not go beyond a pious intention. However, during the Portuguese Administration there were three dispensaries in which free treatment was given to poor patients on production of certificates from Patels. The following table gives the position of Public Health Services before and after liberation:

Year	Number of People Treated		Health Services	
	Paid	Free	Income Rs.	Expenditure Rs.
Before liberation				
1953 . . . . .	3,458	115	4,100	4,995
After liberation				
1954 . . . . .	2,704	317	5,077	5,215
1955 . . . . .	1,230	2,109	1,729	8,734
1956 . . . . .	2,396	13,404	1,168	5,713

These figures show that the Portuguese Administration spent little on the majority of the poor population. Indeed, the dispensaries were meant for treating the government servants and for looking after public health: a few doctors who practised in the enclaves were paid by the Portuguese Administration to look after public health in general and to prevent and take measures against endemic diseases; hardly to provide medical treatment to the majority of the population which was poor. The doctors may have attended for one hour in the morning a few patients who brought the Patel's certificates of indigence, but their main concern was to make money out of the poverty of the people—they devoted their time to private practice, with fees freely fixed by them. Visits to patients had to be paid for.

Under the New Administration doctors are available at the dispensaries during the day for free examination and treatment of all patients. Fees for outside visits are controlled by the Administration and the poor people are exempted from payment.

In urgent cases of illness patients are entitled to make free use of the transport of the Administration as well as of the Goan Missionaries with whom a special understanding has been reached.

During the Portuguese Administration all medicines were paid for by patients. But now, the essential medicines are free, except to people with a monthly income of over Rs. 100/—, who pay the actual cost. Medicines are regularly sent to the Patels and Teachers of Primary Schools in the villages to meet the urgent needs of the peasants and they are administered according to detailed instructions of the Health Department. Non-essential medicines worth about Rs. 2,000/— have also been purchased by the New Administration and sold at cost price. New Hospitals and Training of Nurses.

Formerly, there was no maternity hospital. One has now been built at the cost of Rs. 11,000/—. It has eight beds and a room designed for the treatment of expectant mothers, under the direction of a lady doctor and a midwife. Four more hospitals are under construction at Quel-aunim, Dudni and Sindonim and one maternity home at Naroli. At present there are five doctors and provision has been made for another. Small Health Centres have been established in Naroli, Canoel and Quel-aunim, with an ambulance attached to each of them. In Silvassa, a course for nurses and chemists has commenced. Students have to do practical work and are entitled to a subsidy of Rs. 30/— per month.

A campaign against malaria has been organised with greater vigour, although by 1956 it had not been producing satisfactory results in view of the fact that most of the personnel was new to the job. A D.D.T. squad covered the whole territory in 1955, 1956 and 1957. Furthermore, tablets of quinine, paludrine and cinchona were freely distributed among the population through doctors, patels, primary teachers and policemen.

Public Health Services, including sanitation, are in charge of the Public Health Department. A Sanitary Inspector has been appointed, whose duties are confined to visiting the villages, disinfecting the wells, carrying out smallpox vaccination, training the Patels in vaccination and similar work. In 1955 the total number of people vaccinated was 23,234 out of whom 2,119 showed positive results and 20,015 were re-vaccinated. In 1956, 12,259 people were re-vaccinated, out of whom 1,362 had positive results. In the last two years, due to the precautions taken, especially the use of D.D.T., endemic diseases in the villages have come to an end. A detailed report of the Chief Medical Office is given in Appendix XLVI.

## SCHOOLS AND EDUCATION

### *Before Liberation*

During the Portuguese rule, the two enclaves with a total population of 42,000, had between them one Portuguese school at Silvassa and four Portuguese-cum-Gujarati schools at Silvassa, Naroli, Dadra and Vagh-chhipa. These were all one-teacher-schools and the total number of pupils in these five schools was only 294. The total sum spent by the

Portuguese with the education was only Rs. 7,400. One fails to understand how the administration, which got large profits out of the sale of the forest produce, could maintain the entire population of 42,000 in a state of complete illiteracy, and that, without improving their material and moral condition. The standard of education in Gujarati schools was not high, as the Portuguese Inspectors did not pay much importance to Gujarati education. The Education of the Adivassis, who form the bulk of the population, was thus totally neglected.

#### *After Liberation*

The first efforts of the new administration have been to abolish illiteracy among the Adivassi masses and the situation has now completely changed due to the strenuous efforts made by the Administration during the last four years to develop every aspect of education in this area. There are now 34 Primary Schools run by the Administration and 12 private schools run by the local Catholic Mission; these latter are recognised and aided by the Administration. Thus, in all, 46 schools are now catering to the educational needs of 72 villages. The medium of instruction is Gujarati in 25 schools and Marathi in 19 Southern schools, this being based on our acceptance of the Principle that the mother-tongue of the child should be the medium of instruction in all schools. It should be noted that the small Portuguese speaking population at Silvassa are also catered for and classes in Portuguese are run for them. The total number of children going to school is 3067 of which 619 are girls. Beside primary schools, Montessori classes are run for the little ones at Silvassa and Naroli. Literacy classes for adults are working at 19 places with 246 adult pupils.

The attendance of Adivassi children in the interior schools is rather a problem specially during the monsoon season when communications are cut off due to flooded rivers and rivulets. Moreover, the Adivassis want their children to help them in their agricultural work, grass cutting etc.; furthermore the general indifference of the Adivassis to education has also to be taken into consideration in this respect but this indifference is expected to diminish with propaganda and as soon as the benefits of education are seen by the elders.

#### *Staff and equipment*

All schools are adequately staffed with qualified teachers. The total number of teachers employed by the Administration is 67. Special training has been given to the teachers during the last two Diwali vacations and this year too. The scheme is being implemented; there is however need for a few trained teachers (i.e. P.T.C.).

All schools, Montessori and literacy classes have been fully equipped with furniture and teaching aids. As the literacy classes are run during the night time, lanterns and kerosene are supplied by the Administration.

#### *School Curriculum*

The curriculum of studies is based on the Primary School system of Bombay state. The teaching of English is compulsory in these schools

from Vth Standard onwards. The VIIIth Standard is conducted at Silvassa and Naroli. Excursions of school children to places of interest have been arranged, so as to broaden their outlook. School children are trained to take keen interest in extra-curricular activities like dramatics, entertainment programmes, debates, writing magazines etc. On suitable occasions some schools arrange competitions at Rongoli, in handicrafts, essay writing, elocution etc., and prizes are awarded to winners. Every year the bigger schools celebrate "Parents Day" when school children, their parents and teachers meet and discuss their problems. The medium of instruction is Maharati or Gujarati. Hindi is taught in schools of Silvassa, Dadra and Naroli—Silvassa is the recognised centre for Hindi examinations held by the Institute "Gujarat Vidyapith". Portuguese is also taught in one Portuguese school, but the people show no interest in it; they want an English school because the knowledge of English is much more useful to them. Complete religious freedom has been introduced and in the official schools no religious doctrine is taught. People may use Gujarati, Maharati, English or Portuguese in their official transactions.

Hindi classes are conducted by school teachers to coach school children and adults for Hindi examinations of the "Gujarat Vidyapith". The Vidyapith has recognised Silvassa as a centre for these examinations. So far 255 persons have appeared for various examinations and 142 have passed.

Coaching classes for higher Gujarathi examination held by the Baroda Central Library are being conducted in the school at Silvassa since 1957. Nine persons appeared for the examination and eight passed. The result of the 1958 examination, for which fifteen persons appeared, is awaited.

The basic craft is compulsory, and is fully developed in the three upper Primary Schools at Silvassa, Naroli and Dadra. Spinning and weaving is the main craft in these schools but tailoring and needle craft is taught to all girls from the lowest standards; carpentry is taught to selected pupils in the school at Silvassa. All the craft teachers are qualified and trained ones.

All these years great emphasis has been laid on spinning; *all children* from II<sup>nd</sup> Standard upwards being trained to spin on taklis or charkhas. This year 114 children took part on the spinning competition held by the Bombay Gram Udyoga Mandal and 16 pupils received prizes.

As a side activity, the Education Department trains the prisoners in the Silvassa Jail in spinning. The yarn spun by them is really of a high quality. In return for their labour they are given clothes and/or cloth purchased from the money realised by selling the yarn spun by them.

#### *Public Examination (P.S.C.)*

For the first time in the history of Nagar Aveli eight pupils from Silvassa school appeared for the P.S.C. examination in 1955 at the Bordi centre and five passed. From that year onwards pupils of the two big schools of Silvassa and Naroli have been appearing in increasing numbers for P.S.S. examination and in 1959 the school of Dadra will be sending its first pupils for the same examination. It is gratifying to note that at this years' examination a pupil from Naroli school stood first in the Bordi Centre.

*School Buildings*

The five schools at Dadra, Silvassa, Naroli, Dapada and Khanvel are spacious buildings built by the new Administration; fifteen others are semi pacca buildings. The Administration has now drawn up a three year plan to construct semi-pacca buildings at the remaining places and thus complete the school building programme by the end of 1961. So far over two lacs have been spent on buildings for schools.

*Assistance to Pupils*

Education is absolutely free in this area. Besides this, books, slates, notebooks, and colour and compass boxes are given to Adivassi and other poor children by the Administration. Clothes have also been given to children. Medical examination of all school children has been undertaken and quinine and paludrine tablets, Vitamin A & D tablets and milk powder has been distributed. Arrangements have already been made to give Vitamin A & D tablets and milk powder to all children throughout the year. School libraries have been developed in the three upper primary schools at Silvassa, Dadra and Naroli. Adequate additions are made to these libraries every year.

Despite the facilities made available by the new Administration, people in the interior of the villages are not keen on education, because they are reluctant to permit their children to give up their normal occupations, like the grazing of cattle and agricultural works. The Administration has therefore decided to impart practical education and to improve small local industries which may bring them immediate income, and at the same time teach them to read, write and calculate. However, the satisfaction of the parents in seeing their children acting on the stage or otherwise distinguishing themselves is manifest.

Finally it may be mentioned that the expenditure on education, from 1956 onwards has been around Rupees Ninety thousand per year, whereas the Portuguese used to spend less than a tenth of this amount, a mere Rs. 7400/-. A detailed report of the Education Officer, with its eleven documents, is given in Appendix XLVII.

*Physical Training*

Physical culture, acting, singing and dancing have not been neglected, and the children indulge in them in public on days of national festivals and school celebrations. Advanced schools have their association of Scouts "Seva Dal".

Most of the schools are supplied with dumbbells, lezims, skipping rope, rings etc and some big schools are given volley balls and band equipment. Inter-school tournaments are held annually in games and sports and special trophies are awarded. The Assistant Deputy Inspector from Thana District, who visited the schools at Silvassa and Naroli in connection with the practical examinations in community living and Basic Craft, showed much satisfaction at the immense progress made by the schools in such a short time. He was particularly impressed with the progress of the upper primary schools in physical education, such a rate of progress he had not noticed anywhere in his district.

The people of Nagar Aveli have now been able to re-establish the "Centro Regional" of Chinchinum (Goa). This independent centre and

its Journal "Regional" were proscribed in Goa and its President arrested by the Portuguese Government because he would not toe the line of policy dictated by the "Uniao Nacional", the Goan branch of Dr. Salazar's Party. The centre was supported by people from every walk of life, from the Chief Justice of the High Court to the Chairman of Cultural Institute of Vasco da Gama, and even by the Municipal Corporation of Salsete. The Municipal Council had praised the "Centro Regional" in the following resolution: "The Municipality has decided unanimously to record a vote of highest praise, as well as to help the "Centro Regional" whenever it takes initiative tending to promote and encourage spiritual, artistic, or other material interests of the community. It has also decided that a copy of these proceedings may be sent to the Management of the 'Centro Regional', Chinchinum, in order to convey to it our general feeling of lively enthusiasm and greatest pleasure."

The revival of this Centre in Nagar Aveli meets long-standing aspirations of Goans for a cultural centre of their own. Its Statutes are given in Appendix XLVIII. The foundations of the Association of Adivassis is a significant event in the life of Adivassis. The spirit that prevails to-day amongst them was revealed by Rupsing Passari, an Adivassi student in the school of Silvassa, when he spoke at the inauguration of a new school at Silvassa:

"In spite of the new spirit prevailing in public affairs, I still hear the members of the privileged class call us animals, beasts, thieves and lazy men who shall never become human beings. If that is so, we can only say that this is the wish of the Zamindars themselves to let us remain in slavery in order to be used by them as slaves and be more profitable for them. But what they say is not true. This year, the sons of Adivassis after having made their studies in the New Official schools (in Silvassa and in the Indian Union) are now able to work and are employed in the Forest services and in the public Administration. That proves that Adivassis can make progress." (FREE GOA, 25-8-1958.)

The correspondent of Manchester Guardian, who visited Dadra and Nagar-Aveli, wrote:

"When I asked Sunday, the Varli elder of Dapara, whether he wanted the Portuguese back he shook his turban with determination. "No" he said, "What's gone is gone. Good riddance. No more forced labour and carrying heavy headloads for the administration free, no more paying to get married." Under the Portuguese all marriages had to be registered, and it cost 18s to do so. "Only death was free", grinned Sunday, when I asked if there were other registrations." (*Manchester Guardian*—7-10-1957.)

#### PUBLIC WORKS

Though the Portuguese Administration had set up a Public Works Office in Nagar Aveli, there was none in fact. At the time of liberation there was only one overseer and a team of six labourers. The public works in Nagar Aveli used to be directed from Daman. It must be stressed that the various roads in the vicinity of the forests, and some houses of habitation were built by the forest contractors. It must likewise be recognised that most of the existing works were executed by the Administrator, Lindorfo Barbosa.

The new Administration has undertaken a large scale building works, starting with the extension of the road network and the building of

bridges and model houses for the Adivasis. Transit facilities are also being provided during monsoons.

At present, trams of the transport services of the Indian State ply five times a day, between Vapi and Silvassa, twice a day between Silvassa and Naroli, and once a day between Silvassa and Canoel, at reasonable fares, which facility the people did not enjoy formerly, in view of the fact that the private enterprises actually exploited the public. An entire plan of new achievements is awaiting better opportunity of implementation.

The M.T. Section has put into operation many projects chiefly of roads. The old water tanker could not meet the heavy demands at the site of the work and also due to wear and tear, it was found that the water tank was expensive. Therefore, a new Studebaker water tanker has been purchased by the section. As maintenance charges of the Jeep and other vehicles were high, they were disposed off by public auction and two new Jeep (Estate car and Jeep) were purchased by the section. Whenever it is necessary M.T. Section loans its driver to the P.W. Department for its work. Tractor is used to pull the three ton roller to press the bedding of kacha murrum layer on the roads. The present work of the Administration makes it necessary to have one more vehicle and it has been recommended that one more vehicle should be acquired as early as possible by the section.

The importance of the communication to the interior cannot be underrated. Bearing this in mind, it has been decided to extend the telephone lines and installation of telephone lines at Kherdi and Morkhal is already going on because they are just touching the Bharat territory and there are no means of communication to reach those places immediately.

The exact mileage of roads built or repaired, the number of public buildings erected or repaired and the amount spent with them is given in the report of the Public Works Department, See Appendix XLIX.

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## CHAPTER V AGRICULTURAL REFORMS

During the Portuguese Administration land belonging to the peasant had gradually passed into the hands of the Saukars. Here is a description of the 1940's by the Portuguese Administrator, Captain Costa Cabral, in his note to the Governor of Daman: "Almost all complaints concerning the lands made in this Council relate to the public deeds of leases for 99 years. In most cases those deeds are actual usurpations made by the Saukars from the owners of the lands, by acquiring from them 99 years' lease at a price of about one year's yield. This Administration can do nothing in the face of such a deed. Such deeds and private entries come to the knowledge of the Administration only when there are complaints and when hardly anything can be done for the Varli, who seems to have parted with his concession for a small amount of money, which he is said to have received at the time of signing the contract. But later it is observed that the Varli had received only a part thereof, and also that he does not recollect well what he had signed."

Mr. Anibal Passos, who took a keen interest in land reform, wrote in 1951: "With the passing of years the condition of the Varli deteriorated day by day while that of the Saukar improved correspondingly through various travesties. There are some intriguing situations. For instance, a Varli had some land on concession, yet he tills it as a lease-holder of the Saukar who has obtained it from the same Varli on a 99 years' lease, for some rupees that he had lent him some time back. The Varli cannot understand these thing, called sub-lettings, and is surprised to find out that he is not allowed to sell his land which he was given on concession. This is a sample of the fiction in Nagar Aveli."

Portuguese Administration seemed unable to take any measure against these exploitations despite a law of 1920, which stated that all public deeds or private entries of leases of lands in Nagar Aveli made by illiterate persons should be null and void, unless the deeds were effected with previous authority of the Administrator. It was found in 1954, that a majority of the leases of Varlis and Con-Conas were in the hands of the Saukars who held nearly 80 per cent. of lands, and that the Varlis' lands were obtained as leases for 99 years for an insignificant price. The Portuguese Administration did not revoke these leases which were openly fraudulent and illegal. The New Administration, following a due process of law on the basis of the law of 1920, cancelled many of these leases. Furthermore, it has set up a team of two members of Varishtha Panchayat and two independent persons, empowered to investigate any lease or deed which may be suspected of some illegality.

The most decisive step now taken by the New Administration is in favour of the very poor. They have been given lands in the glades and in the clear spaces of the forests, lands that have reverted to the State after the expiration of the original leases and a new Rent Act has been passed, see Appendix L.

In 1894 Mr. Lindorfo Pinto Barbosa was appointed Administrator of Nagar Aveli. Soon after, in his report of 1897, he brought to the notice of the Government the miserable conditions of the peasants there and

took keen interest in instituting agricultural credit. The Governor-General of Goa, Mr. Horta e Costa, described those conditions in his report of 1908 to the Government in Lisbon: "The inhabitants of Nagar Aveli do not possess anything worth mentioning other than their ability to work and the gift for agricultural tasks, their bullocks and their imperfect agricultural implements. The rural system permits them to cultivate the land only by the simplest and most primitive methods, which do not bring any profit either to them or to their master, who is the State. They are under a degrading subjection to the Saukar, who exploits them by loaning to them seeds and commodities for their sustenance, as well as money for paying rental, and who at the end of harvesting time, and while settling accounts, gets from them the lion's share. Once a Varli becomes dependent on the Saukar he will continue to depend on him and be his eternal debtor."

It seems, however, that nothing was done, for in 1951 Passos reported that Mr. Barbosa's initiative died with him and said: "As the tenants have nothing, the landlord lends seeds and foodstuffs, but the tenant has to pay back after the harvest at the rate of one-and-a-half or two times. That is why the landlords in this area are known as Saukars, which means bankers or money-lenders. It seems that this rate of interest of over 500 per cent. was considered low by the poor Saukar, and he devised a double measure: The small one to give, the bigger one to receive."

In order to remedy this situation the New Administration organised the system of "Khauti", that is, credit in commodities for sowing and food—the present value of the transactions under "Khauti" amounts to over Rs. 20,000—and the "Tagavi" or general agricultural credit. Besides, an Adivassis' Fund has been set up specially for the purpose of implementing the plan of a model village, see Appendix LI. This has been welcomed by the Adivassis with demands that no Saukar should come and settle close to them. The New Administration has abolished various taxes that the poor peasants paid under Portuguese Administration. Rentals or quit-rents on concession lands should have been revised every thirty years, according to the terms of the concession. But since the liberation the revision has been kept in abeyance and this represents a considerable benefit to the peasants who are now paying rents fixed over thirty years ago.

To protect the poor peasants who were ruthlessly exploited by shop-keepers agents who bought their eggs and poultry at ridiculously low prices, the Administration has passed a Regulation which fixes minimum prices, see Appendix LII. To prevent hardships to people without a plot of land from where they can gather a minimum subsistence level, Food Grain Ordinances have been passed, see Appendix LIII. A project for the formation of Agricultural Community for the Adivassis and other depressed classes is being discussed. It will provide economic and social assistance on a cooperative basis, see Appendix LIV.

Agrarian Reforms protecting the Rural population were established in favour of the varlis, important prophylactic measures were taken in Sanitary services, and free medical treatment was given to all the people whose monthly income does not exceed Rs. 100/0.

The Portuguese Administration had what they called an "Agricultural Station" in Nagar Aveli, but its financial position having been very precarious it did not do any research, nor did it have any equipment for

the purpose. The Agricultural Engineer in charge of the Station was, however, fully occupied with his other duties, such as the inspection of the forests and the running a farm that was attached to the Agricultural Station. In the course of the last two years the Station has acquired modern equipment: a tractor, a plough with five blades, and other agricultural implements. The Japanese method of rice cultivation has been introduced, and a practical demonstration of the method was conducted for the benefit of students in the advanced classes of the Silvassa School. Thousands of trees have been planted in the farm of the Agricultural Station, Vanamahotsava, and fruit plants and seeds worth Rs. 1,000 have been distributed free amongst the agricultural population and larger quantities are to be distributed in the future. The Agricultural Station has also purchased fertilizers worth Rs. 1,900 and distributed them to the farmers.

The Head of the Agricultural Department, who is in charge of the Station, is now completely free to remodel and develop the Station by making it financially sound. The Administration has prepared a project for the setting up of a practical school of agriculture in the Station itself.

A new Veterinary Hospital has been built at a cost of Rs. 9,000. Six stud bulls and two cows of "Dang" breed have been purchased and distributed among the villages. "Gamaxane" has been sprayed to prevent poultry sickness, and various inoculations and injections have been given against epidemics, such as "Rinderpest" (7,500 injections), "Blackquarters" (515 injections), and "Ranikhet" (500 injections on fowls). Four hundred eggs and chicks of good breed (Australops, Rhode Island Reds and White Leghorns) were sold to the public at nominal prices. In 1956 the Administration spent in free treatment of animals a sum of Rs. 2,500, and in the current year a provision of Rs. 3,000 in the budget has been made.

In order to encourage good breeding of cattle, the Administration is making great efforts to convince the farmers to adopt a certain feeding standard, see Appendix LV. It is also organizing a Register of cattle so that it may be able to co-operate efficiently with the farmers by giving them advice and assistance, see Appendix LVI. A detailed report by the Agricultural and Veterinary Officer contrasting the Portuguese Administration with the progress achieved during the new Administration is given in Appendix LVII.

#### *Forest Administration*

The forests cover an area of 62,627 acres, over half the total area of the enclaves, and consists of teak, sadra, kher, kati, kakam, etc. They constitute the main wealth of Nagar Aveli, and, it may even be said, that they are the only wealth in a natural state in the whole of "Portuguese India" that the Portuguese could exploit without much investment. Their proper exploitation would not only have improved the economic and social life of the Varlis, but provided the Portuguese Exchequer with a considerable income. But the way they have been exploited is a typical example of Portuguese Colonial Administration.

In the 1780's, soon after the occupation of Nagar Aveli, the timber of the forests was a valuable material for ship-building in Daman and for export. The size of the forests and the variety of the trees was such that the Portuguese immediately realised its value and set up a Forestry Office in Nagar Aveli. But in 1951 Mr. Passos wrote: "When the history

of that office is written, it will be seen that it has not been at all efficient, save on paper. None of that indispensable data, such as a general description of the forests in their geographical and botanical aspects exists." The Forestry Office did not even have a general inventory.

"From the beginning", Mr. Mendes wrote in his book "Portuguese India", "the forest was subjected to the worst kind of cultivation system; the lumbering work was carried out without keeping in reserve a sufficient number of trees to ensure a good natural regeneration. The forests of Nagar Aveli do not show the necessary growth, though the teakwood trees grow there naturally." In 1951 Mr. Passos also reported: "The Nagar Aveli forests are generally in a deplorable state. The neglect has caused remarkable destruction there. But there are some forests, like the one at Morcol, in which the thieves have destroyed the major portion of the forest reserve. Some of the thieves are invisible, but there are others of greater stature who with their power and their money have turned the heads of Governor-Generals of Portuguese India." Mr. Passos quotes various cases of corruption. One concerning an Indian Catechu merchant, Mr. Shantilal, who, finding it difficult in India to purchase cheaply kher trees for manufacturing catechu, went to Goa. "Mr. Shantilal succeeded in obtaining 20,000 kher trees, in Nagar Aveli at Rs. 2/— each, one-tenth of their value, and without the legal procedure of a public auction. He tried to secure more trees. A public auction was then announced for the sale of 15,000 trees, the basis of bidding being Rs. 10/— per tree, and Mr. Shantilal obtained them at Rs. 97,000, that is to say Rs. 6/— approximately for each tree. Eight days after the auction, however, one Mr. Nariman offered Rs. 105,000, stating that the opening of the sealed tenders had been a swindle. I arrived in the meantime in Nagar Aveli, and at a new auction the trees were sold at 162,500 rupees, about Rs. 12/— for each." Another instance quoted by Mr. Passos: "In the middle of October, 1949, the 'Lakshmi Engineering Works' of Bombay made an application to His Excellency, the Governor-General, for 3,000 kher trees from the Saili forest at Rs. 7/—. I opposed the request and the application was rejected. But somehow it seems that the applicant did not give it up and on the 25th January, 1950, I received with the greatest surprise, the note No. 183/D/1, informing me that His Excellency the Governor-General had ordered the concession of 3,000 kher trees in the Saili forest to the 'Lakshmi Engineering Works'."

"The axe", Lieut.-Col. Pimenta wrote in 1887, "hungry for trees, has exercised without truce a devastating effect on them. The system to which they continue to be subjected is deplorable, not to say vandalic." And Mr. Lindorfo Barbosa reported in 1899: "Trees have been cut in such a way as to appear rather as acts committed by savages than by civilised people." Re-forestation was completely neglected by the Portuguese Administration which "did not possess," wrote Mr. Vieira Branco in 1915, "a pruning-book, a hand-knife, an axe, a metric tape for measuring the timber, or a plough for preparing beds, and the signatory does not believe that anybody, whose head is in its place, can try to replant about 250 square kms. of almost mythological forests with saplings grown on hills".

However, the post of Forest Administrator was eagerly sought. "The Land Surveyor, Soares da Veiga," writes Mr. Passos, "was offered the post of Taluka Administrator which he refused, explaining that he would accept it only on condition that he became jointly Forest Administrator.

He had reasons for it, for only the Forest Administrator could separate the forest lands from the agricultural lands and make clearances to enclose the lands that could be ceded. Everything shows that life at that time in Nagar Aveli attained the peak of splendour. The peacock and champagne were everyday affairs. If any senior officer of the Bombay Government found it difficult to choose a place to spend the weekend he would get into his Packard or Rolls-Royce and head straight for a "Tamahsa" in Nagar Aveli."

Today the forests are under the Forest Department, an independent public corporation. The forest organisation as it exists in the surrounding regions of India has been adopted in Nagar Aveli. An inventory of the entire forest wealth has been prepared, by numbering the trees of teak, blackwood, tenasse and others. Trees of the economical kind, such as Savar and Kher, and oilseeds, such as Mahura and Karanjia, have been planted. The work of forest re-generation is also going on by the planting of teak-wood and other trees. A forest statistic has been prepared and personnel with scientific knowledge, training and experience has been recruited. Precautions have been taken against fire. Sapling beds have been laid down within the forest area itself. Bamboos which were in a sad state have been given adequate protection.

All this has been accomplished by a series of Regulations and on the initiative of Forest Department, see Appendix LVIII. A detailed report on the activities of the Forest Department was given by the Forest Officer and is attached as Appendix LIX.

Under the Portuguese Administration the concessionaires or lessees of State lands were entitled to obtain timber free of charge for the building of houses, stables, etc., but the poor Varli had to purchase bamboos to build a humble hut for himself. Today, every Varli is entitled to obtain free of charge a limited number of bamboos for the purpose of building his hut and carrying away fallen timber, which he may transport by any means other than mechanical, see Appendix LX.

Three auction sales were announced by the New Administration. There were thirteen bidders in the first one, fourteen in the second and thirty-two in the third.

Jai Hind.

The Administrator,  
(Signed) A. FURTADO.

Silvassa,  
25th November, 1958

Seal.

## APPENDIX I

Dr. Braganca Pereira, one of the most enlightened judges of the Goa High Court, on learning from the "Free Goa", the great progress made by liberators in Nagar Aveli wrote as follows:

"I congratulate you on the measures taken. In order that Nehru may be acquainted with the matter it would be advisable to publish the English version of the report which in Portuguese would be useful to Salazar to rectify—as he promised—the misleading information which he received from Goa. The Pragana of Nagar Aveli has everything necessary for an agrarian socialism, because the land is owned by the State." And at another stage:"

*"The Pragana is today a small state in transition. The Government is provisional...* In order that the administration may not be a routine one, but rather a model of the future nationalist Government, you should request the Government of Bombay to provide technical staff such as a silviculturist, an agricultural engineer, a zoo-technician, a municipal technical engineer etc." And still further: "It is necessary to show in practice that the 'goanthis'<sup>1</sup> can rule themselves. The administration in the neighbouring country can be taken as a model. As there is no stringent control from the centre, the initiative can be wide and free."

Having almost repented, in the declining years of his life, of having been a tool of the Portuguese propaganda, Dr. Braganca Pereira left behind the following political testament:

"You are fully aware that my sympathies are for Portugal; but I do not mistake a personal future for the future of the Community of Goa." (Free Goa, dated the 10.5.1955.)

## APPENDIX II

I

From: Anthony Wedgwood Benn, M.P.  
23rd January, 1958.

*Seal of the House of Commons*

Dear Mr. Choubal,

I have received through the Goa League in London the text of the resolution adopted by the Panchayat in Silvassa on November 25th. In this resolution you most kindly made reference to me and the part that I have played in working for Goan liberation.

I write therefore to thank you most sincerely for your wishes and to congratulate you on your wonderful achievements since unconquerable and that once free from oppression, men can achieve great things for the common good.

The cause of Goan liberation is well understood in Britain. It has often been referred to in public by the leaders of the movement here.

<sup>1</sup> Local Argot for 'Natives'.

I wish I could convey to you adequately the strength of anti-colonial feeling in Britain. We have our own history of fighting for freedom in Britain and we want to see that right extended to all peoples. With this in mind a number of us have co-operated to present a Human Rights Bill in the British Parliament. We believe that the best way of achieving the realisation of these rights is to encourage a knowledge of them among all peoples. This will be a useful stepping stone to the rapid transformation of these *outdated relationships*.

Therefore, we send sincere good wishes for the completion of your freedom and our solidarity with your cause. May I add my good wishes to you personally for your courtesy in writing?

Yours sincerely,

(Signed) Anthony WEDGWOOD BENN.

N. G. Choubal, Esq.,  
The Sar Panch,  
Varishta Panchayat,  
Silvassa,  
Nagar-Aveli  
(VAPI P. O.),  
India.

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THE GOA LEAGUE

374 Gray's Inn Road,  
London, W. C. I.  
Tel TER 1078.  
29th January 1958.

Dear Sir,

Thank you for your letter of the 13th December. It was extremely kind of members of *Varishta Panchayat* to have passed a resolution appreciating the work done by the Goa League.

We wish every success to the New Administration in its efforts to establish a democratic form of Government. We hope your freedom will hasten the liberation of Goa.

Yours faithfully,  
(Signed) H. C. DENIS.  
Chairman,  
The Goa League.

N. G. Choubal, Esq.,  
The Sar Panch,  
Silvassa,  
Nagar-Aveli  
(VAPI P. O.),  
India.

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## APPENDIX III

"BOLETIM OFICIAL" OF THE PORTUGUESE INDIA, NO. 48,

DATED 23 JUNE, 1908

GOVERNO GERAL

*(Translation from Portuguese)*

. . . . Also the areas earmarked for agricultural purposes in Nagar Aveli occupy an approximate area of 24,000 "hectares", already divided into plots demarcated, measured, and geometrically mapped.

Out of these 24,000 "hectares", only 14,000 have been leased on yearly basis, and the remaining 10,000 lie completely uncultivated and fallow.

Out of the above mentioned 14,000 "hectares" which yield an average yearly income of over 56,000 rupees to the State, a fourth of it, approximately, lies uncultivated, and another fourth or more is cultivated only once a year, with alternate periods of non-cultivation; and only the remaining area always allow the growing of one or two crops.

It must be noted that this happens in an administrative division where, according to the last census, there is a population of more than 24,000, or a percentage of one inhabitant for every "hectare" of land suitable for cultivation. And this is due to the lease system . . . .

Besides other disadvantages resulting from this system in Nagar Aveli, the lessees and the remaining inhabitants generally, not possessing any other thing besides the power to work and the inclination for agricultural labour, with their bullocks and their imperfect agricultural implements, they only cultivate the land, resorting to the simplest and most elementary methods, and do not succeed in carrying out in them any improvement to their own profit or to that of the State, and they do so with the least responsibility, and under a degrading subjection to the "Saukar" who exploits them by lending seeds and foodstuffs as well as the money for the payment of the rentals and who, after the harvest, on settling the accounts, obtains from them the lion's share;

Being always indebted to the Saukar since he depended once; and always depends on the latter, the lessee cannot settle down; cannot be civilized, and cannot have any attachment to the land which he has reclaimed and cultivated, because the land is not his, nor has he any ownership of a permanent character in them.

If, during one year, he cultivates any lands in a village, due to some trifling reason or difficulty he cultivates lands in another village during the next year, if he does not choose to migrate to the neighbouring territory.

The present system is governed by regulation, dated the 8th February 1894, despite the proviso of the Royal Commissioner's Act No. 21-A, dated the 1st February 1897, which proposed to set up another system similar to the one which has been in force for over a century now, and which yielded good results in the British territories adjoining Nagar Aveli. The above mentioned Royal Commissioner's Act did not, however, come into force yet, as it is dependent on indispensable regulation, and on the completion of the topographical and cadastral division of land, which work is being carried only now. . . . .



*Ordinance No. 226*

I deem it convenient, after consulting the Government Council, which has considered the matter as urgent, and in the use of the powers conferred on me by the proviso of para 2, of Art. 15, of the first additional Act to the Constitutional Charter of the Monarchy, to direct as follows:

1—*The Military Command and Civil Administration in Nagar Aveli* is set up with temporary headquarters at Silvassa, until the completion of the indispensable installations ensure the headquarters being permanently set up at Naroli. However, the territories of the Pragana of the same name shall continue to constitute a military and civil division of this State, independent and distinct from the Daman district, by virtue of what has been laid down by the provincial enactment No. 468, dated the 20th December 1899.

Para 1—For the purpose of their local administration, the said territories shall be divided in *three divisions and twenty-one administrative blocks under "patels"*.

Para 2—The divisions, according to their relative situation, shall be known as follows: *The Northern, Central and the Southern Divisions* with headquarters at the villages of *Silvassa, Dapara, and Carchonde*, respectively.

Para 3—The blocks under patels shall be made up of two or more villages, in the manner indicated hereinafter, and the first eight shall comprise the Northern Division, the six immediately following the Central one, and the remaining, seven, the Southern one, namely;

1) The following comprise the Northern Division:

- a) The Patel block of Dadra, made up of the Dadra, Demny and Tigra group of villages;
- b) The Naroly one, made up to the villages of Atal, Canary, Carapara, Dapeca and Naroli;
- c) The one of Amely, made up of the villages of Amely, Atola, and Vagechimpa;
- d) The one of Massate made up of the villages of Massate, Silvassa and Samarvany;
- e) The one of Saily, made of the villages of Carar, Cundacha, Racoly, and Saily;
- f) The one of Galonda made up of the villages of Falendy, Galonda and Umbarcui;
- g) The one of Sily, made up of the villages of Morcol, Quelauny, and Sily.
- h) The one of Bonta made up of the villages of Bonta, Randa-Mota and Randa-nana;

2) The following comprise the Central Division:

- a) The Patel Block of Dapara, made up of the Chicly, Chinspara, Dapara and Vassona group of villages;
- b) The one of Apty made up of the villages of Apty, Luary, Suranghi and Velugam;
- c) The one of Cadoly made up of the villages of Ambly, Bidrabane, Cadoly, Paty and Tinora;

- d) The one of Calu made up of the villages of Calu, Chaura, and Caranjegam;
- e) The one of Parjæ made up of the villages of Datora, Kerdy and Parjæ;
- f) The one of Canoel made up of the villages of Canoel, Cuntely, Talauly and Umbarvany;

3. The following comprise the Southern Division:

- a) The Patel Block of Chinceda, made up of the Chinceda, Mandony and Rudana group of villages;
- b) The one of Selty made up of the villages of Cararbarry, Goratepara and Selty;
- c) The one of Merum made up of the villages of Ambabary, Cotor, Merum and Vegchaurum;
- d) The one of Sindonim made up of the villages of Berpum and Sindonim;
- e) The one of Bensedum made up of the villages of Bensedum, Berpum and Vanseda;
- f) The one of Carchonde made up of the villages of Carchonde, Dudeney and Gorbary;
- g) The one of Caunchum, made up of the villages of Beldary, Caunchum Guneca and Jamalpara.

Para 4—The headquarters of each Patel block shall be the village which gives it its name.

2. The real administration of the said territories shall be entrusted to a magistrate, directly under the Governor-General, and with the designation of the *Military Commandant and Civil Administrator of Nagar Aveli*. The said Magistrate shall be the local authority in Nagar Aveli, both military and administrative.

3. The Military Commandant and Civil Administrator of Nagar Aveli, shall also be in the territories under his jurisdiction, the representative of the Governor General, and shall enjoy the honours, privileges and powers as senior officer commanding.

4. An Assistant Secretary shall act as the Deputy to the Military Commandant and Civil Administrator, being the latter's legal and immediate subordinate.

5. A Secretariat shall be set up, attached to the Military Commandant and Civil Administrator, functioning under direct orders of that authority, and dealing with all matters of a military, administrative, and fiscal nature in the territories concerned.

Only Para—The said Secretariat shall comprise:

1) An Administrative Section carrying out with the help of a clerk, and interpreter-cum-archivist and an amanuensis the entire office work of the military command; general and municipal administration; general statistics and archives; deed of oaths; stamp keeping and applications; despatch and receipt of official telegrams, and finally the general receipt and despatch of official correspondence;

2) The Fiscal Section, under the Assistant Secretary with two clerks

dealing with the entire work concerning territorial cadastral registration, land surveying, and administration of the rural ownership of the State.

9. *b)* Para one—In villages comprising Patel blocks there shall be one or more 'catiahs', according to the circumstances, to help the Patels concerned in the discharge of their duties.

Para two—Each "patel regidor" may appoint a permanent substitute of his choice and exclusive responsibility, to help and substitute him in his absence. The substitute Patel shall not however discharge his duties without a letter of appointment issued by the local authority.

11. The various posts in the Military Command and Civil Administration, according as to whether they carry remuneration or not, shall be filled by the Governor General or by the authority of the territories.

Para one—The following posts shall be filled by the Governor General:

*a)* The post of the Military Commandant and Civil Administrator, by appointing a first line military officer, not below the rank of Captain.

*b)* Of the Assistant Secretary by appointing a first line subaltern military officer.

*f)* The posts of "Patel-regedor":

Under proposal of the local authority, shall be filled by appointment of individuals who, besides the indispensable condition of moral and physical fitness possess land surveying diploma, under the terms of the laws and regulations in force in this State, or alternatively have three years practice in land surveying work and know, in any case, to speak, read, and write fluently, either guzerati or marathi.

12. Besides other powers and functions provided by law, in Nagar Aveli,

*a)* The Military Commandant and Civil Administrator shall enjoy the powers, wherever applicable, as provided under Art. 80, of the regulation of the general administration of the public Exchequer, in the Overseas Provinces, approved by Decree, dated the 30th October 1901, and these which, under the provincial act No. 669, dated the 30th October 1897, are provided for the Military Commandant of Satari, except for the proviso contained in the regulations dealt with by the No. 23.

Residence of the Governorate General, at Nova Goa, 22nd June 1908.

The Governor General,  
(Signed) Jose M. DE S. HORTA E COSTA.

*Ordinance No. 227*

After consulting the government Council which considered the matter urgent, and in the use of the powers conferred on me by the

proviso of para 2, of Art. 15, of the first additional Act to the constitutional charter of the Monarchy, I deem it convenient to direct as follows:

1. In substitution of the present 2nd line Police Force in Pragana Nagar Aveli, set up by Provincial Ordinance No. 114, dated the 26th February 1898, and of the 2nd line police corps in the Pragana, set up by Royal Decree, dated the 31st August 1903, a special corps of Police and of 2nd line troops shall be set up in Nagar Aveli, attached to the Military Command and Civil Administration of Nagar Aveli.

*Para 1.*

A special police corps, armed and trained militarily, shall normally comprise the following:

- 1 commandant, who shall be the officer, military commandant and civil administrator of Nagar Aveli;
- 1 deputy, who shall be the Assistant Secretary to the former on matters relating to the command and administration;
- 2 Chief Fauzdars;
- 4 Fauzdars;
- 6 Jamadars;
- 6 Naiks;
- 40 Havaldars;
- 20 Sepoys;
- 1 Corporal Buglar;
- 2 Buglars;

*Para 2.*

The Constitution of the second line troops corps, the commandant and deputy of which shall be the same as those of the special police corps, shall be in due course fixed under special enactment. The said corps is for the purpose of performing duties exclusively in Nagar Aveli, under extraordinary circumstances referred to in article 19, of the provisions, approved by decree, with the force of law, dated the 19th July 1894, and referred to in article 170 of the Overseas Military Organisation in force.

2. Special police corps of Nagar Aveli, under instructions from their respective commandant shall be incharge in the territories concerned;

- a) Of the military service of the garrison and of the service of vigilance for the maintenance of order and public security;
- b) Of the guard and security service in respect of prisoners and public safes;
- c) Of the garrison and service in the police stations;
- d) Of the execution of the postal and telegraphic services;
- e) Of the assistance to the sanitation and Abkari Services, as well as assistance to the police and to the conservation of roads;
- f) Of the service relating to military honours to be shown to whosoever enjoys them, and in case permitted by law;
- g) Of the military training to second line troops;
- h) Of rendering armed assistance to those carrying out public duties, in case such assistance is demanded through legal channels;

i) Of capturing delinquents and detaining persons who must be detained;

j) Of the general and special police work.

3. The chief fauzdar who is responsible for the internal service of especial police corps, shall be incharge of the duties, as head of the post office, in the headquarters of the military command and civil administration of Nagar Aveli, in accordance with the laws and regulations of the postal services in force.

4. For the purpose of appointment of any employee in the special police corps of Nagar Aveli an essential condition shall be that the candidate has the physical fitness and other necessary conditions of health to discharge actively the duties assigned to the post, which fact shall be ascertained by medical examination.

Only para. As a rule, the appointments for posts in the special police corps shall be governed by principles laid down in the provisions of the regulations referred to under number 15.

5. The appointments for the posts of Chief Fauzdar, Fauzdar, Jamadar, and Naik are in the exclusive competence of the Governor General, by an ordinance.

6. The appointments of Havaldars, sepoy, corporal buglars, and buglars shall be made by a letter of appointment issued by the military and civil authority of Nagar Aveli, subject to confirmation by the Governor General. These appointments, after confirmation, shall be published in the official Gazette of the Province, by the General Secretariat of the Government.

7. In the initial appointment, however, the said posts shall, be conferred on:

a) In respect of the Chief Fauzdar, under the proposal of the local authority or bonafide individuals, of civilian status, who besides knowing to speak and write correctly the Portuguese language, also know to speak the Gujarati or Marathi languages, preference being given to those who, besides these, know also the English language;

b) In respect of the Fauzdar, on the Fauzdar of the present second line police force of Nagar Aveli; on Sergeants or first corporal of the fiscal guard, possessing good military conduct, who might apply for the same, and in the absence of these, on bonafide civilians or on retired military personnel, possessing good moral and civil conduct, who might also apply for the same and have the necessary qualifications, at least, possessing the certificate of primary complimentary education examination, in which case the applications concerned shall be submitted for consideration to the Governor General with prior remarks from the Nagar Aveli authorities;

c) In respect of the Jamadars and Naiks—on the individuals presently holding those posts in the second line police force in the Pragana Nagar Aveli, and on the Corporals of the fiscal guard possessing good military conduct, who might apply for the same; in the absence of these, on civilians who might also apply and possess qualifications with certificate of good moral and civil conduct, and who hold at least the certificate of having passed the primary elementary education examination;

d) In respect of the Havaldars, sepoy, corporal buglars and buglars—on the present sepoy of the police force, referred to under preceding



## APPENDIX IV

## GOAN MARCH TO FREEDOM

In 1913, during the celebrations of the Medical College in Goa, a brilliant student, Dr. João Barreto, said in his speech: "I salute my motherland, our Goa, integrated in the great Indian nation to which it once belonged, conquering the conventional barriers of the Ghats and establishing the necessary diffusion of principles and interests with our Alma Mater to which we are bound by ties of race, civilisation and blood. Because, being an Indian, I need not hide the fact that my utmost patriotic aspiration is to see the great Hindusthan "free itself from foreign domination". Menezes Braganca applauded the fiery student in his paper "Debate", and commented that the student had "expressed the far—off aspiration of an intelligent Indian"—("Debate" 1913). In 1918, Menezes Braganca protested against some measures imposed during the dictatorship of Sidonio Pais.

Dr. Salazar destroyed the promises of the Democratic Government by introducing the Colonial Act, and established hateful distinctions among the Goans themselves, by labelling them as "the assimilated ones" and the "natives". He went even further: he attributed to Portugal (or to himself) the organic function of possessing and civilising the Overseas Territories. The stigma of colonialism was accentuated in the Decree No. 29,244 of the 8th Dec. 1938, which determined that the advantages conceded by Article 24 of the Decree 22,209 of the 27th Aug. 1936 to children of Portuguese-European parents, though born in the colonies, are applicable to all their descendants, either direct or by legitimate affiliation, and that the civil servants in these conditions will have a right to all the salaries and subsidies that the law concedes to the nationals of Portugal; and that the civil servants from the colonies who do not descend from the Europeans in the terms mentioned in this Decree "are not entitled to all their colonial subsidies, whichever the colony in which they work". How can the Portuguese Government, in the face of this evidence, deny that it has a colonial policy which definitely establishes differences of colour and status between Portugal and its colonies? The elected members of the Government Council protested against this Colonial Act, and repudiated it, asserting that it was of the organic essence of Nations to assert their right to self-determination.

Gilberto Freire also lamented that the Goans should be denied even an administrative and political autonomy: "I believe the time has come when Portuguese India should become less colonial and more autonomous, more Indian and even more National, in its Government. It is necessary that Portugal should not commit again in India the mistake which it committed in Brazil" ("*Aventura e Rotina*", Rio de Janeiro, 1954, p. 268).

All this repressive policy, on the one hand, and the advancement of the peoples of Asia and Africa, especially of Independent India, on the other, prepared the nationalist feelings of the Goans for the struggle for freedom, many of them having already bequeathed their very lives.

This led to 1946 Goan Satyagraha and its repercussions in the entire "Portuguese India", as described in the text. But the events which

led to the liberation of the enclaves and the subsequent landmarks of the Goan struggle for freedom can be traced to the election of Peter Alvares as the President of National Congress (Goa).

Soon after accepting the Presidentship of National Congress (Goa) in 1953 Shri Peter Alvares based his line of work upon the motto, "work inside Goa". Accordingly he went twice inside Goa incognito and contacted prominent persons like Dr. Gaitonde, Advocate Apa Kamat, Advocate Mulgaokar, Shri Shankar Desai and Dr. Martins. He formed working Committee consisting mainly of above named influential and nationalist persons who stayed inside Goa and slowly and steadily started building up cells for the purpose of the movement. Unfortunately Dr. Gaitonde's bold attitude in defying Portuguese sovereignty put him behind the bars to be deported within 24 hours to Portugal. Consequently other prominent leaders like Shankar, Kamat, Mulgaokar and Martins were also arrested. As all the members of Working Committee who were in Goa were put into the prison, there was no alternative but to launch the Satyagraha Movement, in accordance with the decision of the Working Committee.

Accordingly National Congress (Goa) decided to stage non-violent struggle inside Goa. Workers of National Congress (Goa) started to distribute nationalist literature and they observed 18th June, 1954, as Goan Revolution Day, by posting posters, painting walls and streets and hoisting Indian National Flag at most conspicuous places. Many arrests took place and most of the workers were detained indefinitely. The Congress then decided to observe 15th August, 1954, by sending satyagraha batches from various places and three batches headed by Tony D'Souza, Shri Alphonso and Mark Fernandes crossed the border peacefully via Karwar, Terakhol and Banda respectively. All the satyagrahis were arrested and beaten up mercilessly. The batch which entered Terakhol Fort was dealt with more severely as it had occupied the Fort overnight by overpowering peacefully the personnel in charge of the Fort. To commemorate the valiant deed of the batch, the Congress decided to send fresh batch to Terakhol exactly one month after, on 16th September of the same year. Eleven satyagrahis led by Shri Coelho marched on that day and courted arrest bravely. Thereafter the Congress kept sending small batches on all important days of national significance, like 2nd October, Gandhi Jayanti; 25th November, Reconquest of Goa as Black Day to the Goans, 26th January, Republic Day.

The Congress was well aware of its limited resources and therefore it constantly appealed the Indian people to join the struggle. The appeal was not unheard, as was seen later on 15th August, 1955.

Meantime Sudhatai Joshi was elected President of the Congress and she read her address at Mapuça on 6th April, 1955. On the same day some delegates offered satyagraha at Margao, Goa. As was expected, in addition to the President and other satyagrahis many more were arrested for political activities.

Sudhatai's arrest and constant appeal of the Congress roused the Indian public opinion and prominent leaders like Nana Saheb Gore, Senapati Bapat marched inside Goa on 18th May, 1955. They were arrested, beaten up and externed with exception of few, Nana Saheb Gore being one of them.



The example of Nana Saheb Gore was followed by many other Indians who led the batches on 18th June, 1955. By now the enthusiasm was so high that many 'Goa Vimochan Samitis' were formed all over the Indian Nation. They started enrolling volunteers and collecting funds to help the movement especially satyagraha on 15th August, 1955.

But this Satyagraha met with unprecedented violence on the part of the Portuguese Government and many met a martyr's fate. Still people were undaunted and a batch of 500 volunteers walked down from Belgaum to Banda and offered Satyagraha on 19th August led by Shri Madhu Dandawate.

The brutal and unprecedented firing resorted to by the Portuguese compelled the Indian Government to put a ban on the entry of the Indian volunteers and the enthusiasm of the people cowed down following this ban.

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#### APPENDIX V

A CONFIDENTIAL CIRCULAR FROM THE GOA POLICE COMMAND TO ALL THE  
DISTRICT COMMISSIONERS AND DISTRICT POLICE DEPARTMENTS,  
DATED THE 1ST JULY, 1949

*(Translation from Portuguese)*

Service of the Republic—  
Circular No. FC 271/TE/9.

To

*All the District Commissioners and District Police Departments.*

Having realised the great advantage in closer collaboration between the police and the civil authorities in each district, so far as information of a social or political character is concerned, it is hereby notified that in future, and according to the agreement arrived at between the Director of the Civil Administration and this Command, with the approval of His Excellency, the Governor General, the following procedure should be adopted:

1. The district civil authorities will *furnish any relevant information that may be of interest about individuals that are suspect, either politically or socially, to the local Police, either through direct contact or personally—expediting the matter as far as possible. The Police acting on this information, shall take immediate steps, either to a search, detention, etc. or to increase its watch over the individuals in question, as the case may be.*

2. Similarly, and under the same circumstances the police will furnish the Civil authorities with any information that it may have,

and which might interest them in cases under consideration. *In this manner the suspicions that they may have already entertained independently, will be confirmed and the necessary steps taken in the matter.*

3. The information should be about.

Suspected elements, Goans or otherwise, that have come from the Indian Union and who normally reside there.

*Suspected elements residing in this State.*

4. *In order to facilitate the capture in Goa, of all the individuals sought by the Police, who are accused of committing crimes against the security of the State, the Police authorities should make available to the Civil authorities the necessary details of the individuals in question, with extracts from the general monthly list prepared by this command, reference to which is made in the circular 31-33 of 23.12.48.*

Your attention is drawn to the importance of the subject matter of this circular which is intended to consolidate the close collaboration that should be already existing between the Police and the civil authorities.

All that may refer to its being put into practice and the manner in which it is being carried out, should be made a *part of the confidential weekly report as dealt with in the circular FC-141/TE of 23.3.1948.*

(The Police Command of Goa, 1st July, 1949—  
Commandant, Jose Manuel NOBRE DE CARVALHO).

#### APPENDIX VI

(1)

A CIRCULAR FROM THE POLICE COMMAND OF GOA TO ALL THE COMMISSARIATS AND POLICE DEPARTMENTS OF THE DISTRICTS OF GOA—TO THE FRONTIER POSTS OF MORMUGAO, COLEM AND DOROMAROGO.  
DATED 22 FEBRUARY, 1950.

*(Translation from Portuguese)*

Service of the Republic—Police Command of  
the State of India.

To

*All the Commissariats and Police Departments of the Districts of Goa.  
To the Frontier Posts of Mormugao, Colem and Doromarogo.*

No. FC-183/TE/21

According to the information received, from various sources, at this Command about the political meeting of Goans that took place in Bombay on the 7th and 8th of last January, it can be concluded that:

Certain Goans from that city, in collusion with others resident here, are thinking of reactivating their activities—disturbing the order—in order to manage to integrate Goa in the Indian Union, or at least to draw the attention of the Government of India. This procedure which could be independent of help—of any form—that may come from the above mentioned Government and of the Congress Party.

To this effect, it is intended to send to Goa, shortly, certain individuals

—chosen from amongst those not known to the Portuguese authorities—in order to defy the laws in many places, by organising assemblies, meetings and processions of a subversive nature.

*On the other hand, the press, of neighbouring India, published recently certain statements of Prime Minister Nehru, made in Parliament, and which added to the fact that the neighbouring country is now a sovereign and independent Republic, has given great encouragement, for certain, to the enemies of the Portuguese Sovereignty in this State—those residing here and abroad.*

In all, it is therefore to be expected that the subversive activities will intensify, it being admitted that the disgruntled elements will at least proceed according to the information received at this Command, already mentioned.

It is therefore necessary for the Police to be always on the alert and vigilant, giving, more than ever before, the greatest attention to the politico-social implications.

All the instructions already given on this matter and others which are relevant, should be strictly followed, which is obvious, but special attention of all sub-commands, including the frontier posts, is drawn to the following:—

(1) To intensify the watch over the suspect elements, and specially on the foreign Indians, that have entered from the Indian Union through any part of our frontier, carrying out fully the instructions laid out in the Confidential Note No. FC/1145/TE/12 of 10.8.1945. The number of subversive journals, whose circulation in Goa was prohibited, has increased and so it is necessary that on the frontier posts and with the co-operation of the customs personnel, to carry out a careful examination of the baggage, giving special attention to the bundles, volumes etc. which might contain printed matter. All the Police must by now be aware that the recent newspaper of Telo de Mascarenhas, entitled "Ressurge Goa", was banned from circulation in this State. It is suspected that it continues to be smuggled in packets—it being distributed here—which should at all costs be prevented. In case any of the copies of this journal, or any other, even manifestos, are apprehended inside Goa, it is always necessary to find out its source, in order to be able to apprehend the individuals in charge of the distribution, taking all the necessary measures for this purpose.

(2) To intensify the collection of information coming from the frontier regions, or even from inside this State. These, besides allowing this Command to report to those above, would enable us to surprise any subversive activities—secret or otherwise—in the very act of being committed. And would also enable us to obtain enough elements on which a future police action on a more firm and secure ground could be carried out.

*It is necessary to abandon completely a complacent attitude of hoping that the information will reach us. The information has to be ferretted out and even provoked.*

Generally, this Command has found that rarely do the weekly confidential reports contain any information of value, when, however, from the politico-social point of view, there would definitely be something concrete to inform, if there were proper inquiries.

Of special importance, with relation to Nos. 1 and 2 of this circular, we can consider the collaboration that must exist between the district police authorities and the civil authorities of the district (see confidential circular No. FC.271/TE/9 of 1.6.1949).

(3) The personnel responsible for patrol duty are advised to carry out these important duties with great care and vigilance, specially at nights.

(4) To intensify the patrol grounds, specially at nights. On the part of the police commissioners and police commandants—wherever there are police forces, including police posts and the frontier posts—the decisions of this Command on security should be strictly followed. (Article 10 of O.S. 121 of 10.9.1949.)

(5) Starting from the accepted fact that the Consulate General of the Indian Union, constitutes at present, an important centre of anti-Portuguese propaganda, special attention should be paid to the Consul General's movements and the persons who accompany him on his trips, to any localities, carrying out completely what has already been decided about this matter.

(6) Immediate action should be taken on, if it has not been already done, where it applies to the No. 13 of Article 45 of the General Regulations of P.E.I. so that all the sub-commands will be able to accommodate rapidly and at any hour the maximum strength disposable.

(7) All the expenses incurred for special transport needed for prompt action of the police in case of disturbances or in any other urgent case in matters of a politico-social nature, will be sanctioned. This Command has already had occasions to inform you accordingly.

*Finally, and according to established precedents, this Command wishes that at the slightest sign of an attempt at disobedience of the laws, the Police should act with firmness—even with violence, if necessary. Carrying out, without delay the necessary arrests to bring about a prompt and secure restraint.*

*This Command also wishes that all the incidents of a political nature should be gone into at its source, that is, taking all the necessary measures to find out those responsible, even though the indications may show that they are not very important.*

Police Command of Goa, 22 Feb., 1950.

The Commandant,

Jose Manuel NOBRE DE CARVALHO (Capt.).

(2)

A POLITICO-SOCIAL LIST  
INSTRUCTIONS FOR ITS ORGANISATION

*Confidential.*

This Command has found that at times, the information of a politico-social nature which is supplied by the same sub-command about the same individual—on different dates—is completely contradictory.

On the other hand, it is necessary—as has already been advised by this command—to pay the greatest attention to the politico-social aspect in the police references. And besides this, it is necessary to organise a filing system with individual files, of a politico-social nature, about all those individuals who are suspected of entertaining nationalist Indian ideas or others of a subversive nature, who reside in the area of each sub-command. These should be done independent of whether individual proceedings will be taken when justified.

Under these conditions, it has been decided that:

1. All the sub-commands (Commissariat centres and Police Departments) will maintain a filing system with individual files of a special type, to be called at present "A Politico-Social File".

2. Every Goan individual resident in the area, or even resident in another area, who has interests there and who is suspected of entertaining nationalist Indian ideas or other ideas of a subversive nature, will have a file.

3. For the important ones, that is, for those individuals about whose subversive activities there is no doubt, and also for those about whom the command has been already positively informed—for any end—special proceedings will be taken, the serial number of which will be included in the respective file for an easy reference.

4. In filing, the files will be arranged in an alphabetical order relative to the surname.

5. On the 2nd line of the file, the designation of the sub-command that is interested in the case, and the number of the proceedings against the individual, if taken, should be entered.

The space for "Activities developed", should be filled with any interesting details—specially if there have been no proceedings taken, why it has not been justifiable to take the proceedings.

The space for "Proceedings-Crimes organised and their end" should be only filled with:—

the No. of the proceedings, dates, etc.

when, in fact, proceedings—crime were organised.

But in this case, there should also be an individual file of type IC/12, as already decided.

The space for "Information given by the Police", should be filled with the numbers and dates of the notes, which gave positive or doubtful information to the command, so that they can be immediately referred to and whose duplicates should be filed into the individual proceedings where it has been justifiable to do so.

6. For the individual proceedings, when taken, should be attached not only the duplicates of the notes received or sent relating to this individual, but also cuttings from the newspapers, where there are articles about them, notes about their particular activities, the manner in which they were obtained, any relevant data which can be looked up in the files of other individuals and which has a link with this particular individual's file; any photographs, etc., etc.

There should be a serial number given to all the individual proceedings as they are organised.

7. This Politico-Social file has, obviously, to be completely independent of the Police file referring to the wanted criminals and of the file IC/12, there being cases when the same individual may have two or three different types of files.

In the meanwhile, your attention is drawn to the fact that the politico-social file and the file IC/12 should restrict themselves only to the particular area of the sub-command, whereas the police file of wanted criminals is of a general nature.

8. The aliens—indians or non-indians—who normally reside in the area of the sub-command, and who are suspected of entertaining subversive ideas or who try to interfere in the internal politics of this State, should also be entered into the files, by filling the respective individual file and where it is justified to take individual proceedings.

9. No Politico-Social filing-system will be maintained at the headquarters of the Security Division or at the Police Identification Department.

10. The Central Police Command will maintain a general Politico-Social filing system relating to the whole of the State of India; taking the necessary action when needed. This does not mean that constant inquiries should not be made of the sub-command for information, whether to help in taking the action or to confirm the information already received, as also when certain data about a particular individual is needed. This data which might be in the private files of the sub-command and is not already included in the general file.

11. Whenever there are inquiries for information of a politico Social nature, the sub-commands should not rest content with only giving the information asked for on the basis of what is contained in the file, or the individual proceedings. In the majority of the cases it will be necessary to make a discreet investigation with respect to the matter under consideration in order to be able to convey the maximum of up-to-date information with the greatest security.

12. In the files at the headquarters of the Police Command, there should in addition be, under conditions mentioned above, individual files and individual proceedings when they are justified, about the following:—

Portuguese-Indians resident normally abroad, or who have taken refuge abroad.

Those individuals of the neighbouring countries who are well known as the enemies of Portuguese Sovereignty and who do not reside in this State. Foreigners—specially Indians—resident in Goa, Damao and Diu.

13. The Frontier Posts will be supplied by the Central Police Command with the necessary details about individuals who are under great suspicion, whether residing in Goa or not, so as to ensure that their passage to and fro at the Frontier is specially watched.

Also, the Police Command should furnish them with the individual files when necessary.

14. The individual files to be filled and to which these instructions refer will be shortly distributed to all the sub-commands. The files should be filled by hand with a legible hand-writing.

The politico-social filing system should be ready by the 31st of this month.

Police Command of Goa, 7th Aug., 1950.

The Commandant,

(Signed) Jose Manuel NOBRE DE CARVALHO.

A list (in a tattered state) of about 2000 Goans, organised under this circular is also in possession of the New Administration.

## APPENDIX VII

A CONFIDENTIAL CIRCULAR FROM THE POLICE COMMAND OF NOVA GOA  
TO THE POLICE DEPARTMENT OF SILVASSA*(Translation from Portuguese)*

SEAL.

(Policia do Estado  
da India-Comando.)

Service of the Republic.

Police Command of Nova-Goa, 11th Feb. 1947.

To:

*The Police Department of Silvassa.**Confidential Circular: to all the Commissioners and frontier police posts.**It has become evident that the propagation of subversive ideas is now done through the medium of the theatre, specially by those who tour the country, enacting plays whose scripts are full of ideas that are revolutionary and of a vexatious nature to the Portuguese Sovereignty.**This Department, under Section 5 of Article 17 of the Regulations of the former C.P.F.I., will impose a censorship of the scripts before the plays can be performed, stopping the performance of those whose scripts are of such a nature.**It is also necessary, so as to enforce Section 2 of Article 110 of the same Regulations to always send, even though there may not be a request on the part of the organisers, enough number of personnel to be able to check on the performance and maintain order.**This personnel should immediately stop the performance, if there is an alteration in the programme or if during the course of any songs or speeches and other parts of the performance, it is found that these are of a vexatious nature to the Portuguese Sovereignty.*

The Commandant—(Mario SILVA, Capt.).

## APPENDIX VIII

A CONFIDENTIAL CIRCULAR FROM THE 1ST COMMANDANT TO ALL THE  
COMMISSARIATS, POLICE DEPARTMENTS AND FRONTIER POSTS*(Translation from Portuguese)*Service of the Republic,  
Police Command of the State of India,  
Goa, 1st September, 1950.  
No. FC-701/TE/24.To: *All the Commissariats, Police Departments and Frontier Posts—  
To be carried out.*

## CONFIDENTIAL CIRCULAR

*Intense propaganda is being continuously carried out openly beyond the frontiers, by the enemies of the Portuguese Sovereignty in this State.*



And, also, they have already made public their intention to pay volunteers to enter our territory in defiance of law, disturbing the order and peace that we have maintained.

It is possible then, that shortly some elements might so venture, which necessitates that the Police have to continue to be vigilant at the Commissariat Centres, Police Departments, Police Posts and Frontier Posts, paying attention to the confidential circular No. FC-516/TE/24, of 17th June, of this year.

And according to what has been said from time to time, and keeping with the precedents set up, *this Command desires that at the slightest attempt at disobedience of the laws the Police should act, with firmness or even violence, there should be no hesitation in making use of arms, if necessary.* Specially if the adverse elements are found to be armed—and making the imprisonments and detentions which might be felt necessary to bring about a prompt and secure restraint.

1st Commandant,  
(Signed) Jose Manuel NOBRE DE CARVALHO, Capt.

#### APPENDIX IX

##### (I)

#### A CONFIDENTIAL CIRCULAR FROM THE POLICE COMMANDANT TO ALL THE COMMISSIONERS, SECTIONS AND FRONTIER POSTS AND THE SECURITY DIVISION

(Translation from Portuguese)

Service of the Republic—Goa Command.  
11th August, 1949.  
FC-457/TE/24.

To

*All the Commissioners, Sections and Frontier Posts and the Security Division—To be carried out.*

#### CONFIDENTIAL CIRCULAR

The 15th of this month being the 2nd Anniversary of Independence of the Indian Union, it is required to observe closely the following:—

(a) During 14th and 15th all the personal leave of the employees of the Police Force is suspended.

(b) In all the sub-Commands, during the night of the 14/15th and the whole day on the 15th, a constant patrol of all the public places will be maintained, specially in the cities of Margao, Mapuça and Goa, and Ponda, and *special measures will have to be taken in order to surprise any political meetings in the open, and the distribution of subversive pamphlets or sticking of posters.*

(c) In all the sub-Commands it is necessary to ensure that there should be at the post a sizable police force, which can be easily transported by an auto-carriage.

(d) Articles 11 and 12 of the Confidential Circular No. 135/TE of 13.8.1947 should be closely followed.

(e) Processions or meetings, and even the display of flags of the Indian Union on the roads, are banned.

(f) In all the Frontier Posts, extreme vigilance shall be maintained, specially during the 48 hours preceding the above mentioned date. *This has in view, specially the prevention of entry to elements recognised as political agitators. The orders of the Decree No. 4632 shall be strictly enforced as also the regulations and other decisions of the Command on the subject, including those referring to the entry of any subversive publications.*

(g) In all the sub-commands, in case order cannot be restored by the Police, which is quite improbable, help from the nearest military force should be immediately requested.

(h) Independent of any immediate communication to the Command, a short report should be sent by the 16th as regards the measures taken and the manner in which the 14th and 15th passed.

(Signed) The Commandant—

Jose Manuel NOBRE DE CARVALHO (Capt.).

(2)

A CONFIDENTIAL CIRCULAR FROM THE GOA POLICE COMMAND TO ALL  
THE COMMISSARIATS, POLICE DEPARTMENTS  
AND FRONTIER POSTS

Service of the Republic.

Goa Command, 11th July, 1952.

To

*All the Commissariats, Police Departments and Frontier Posts—To be carried out.*

No. FC-532/TE/24

CONFIDENTIAL CIRCULAR

From the information received by this Command, it is evident that members of the "UNITED FRONT OF GOANS" are making arrangements to shortly offer "SATYAGRAHA" in the State of India (Goa) against the Portuguese Sovereignty.

All the Sub-Commands are advised to be vigilant, carrying out instructions that have already been given on this matter.

.....

The 1st Commandant,

(Signed) Fernando DA CAMARA LOMELINO,  
Cap. Inf.

## APPENDIX X

CONFIDENTIAL NOTE FROM THE ASSISTANT COMMISSIONER TO SAY THAT  
THE LAWYER CARLOS DA CRUZ HAD LEFT FOR GOA*(Translation from Portuguese)*

Silvassa, 31st July, 1953.  
The District Commissioner's  
Office, Damao.  
11/TE.

## CONFIDENTIAL

For the necessary action to be taken, this Commissariat informs that the lawyer Carlos da Cruz, left today by the 6.30 a.m. train for the city of Goa.

*(Signed)* Jose Manuel DE OLIVEIRA MARINHO FALCAO,  
*ten. de cav.*

The Assistant Commissioner.

(There are many letters of this kind in archives of the Police post of Silvassa).

## APPENDIX XI

## GROUP OF CARLOS DA CRUZ

*Biographical notes of Carlos da Cruz and his associates.*

Senhor Carlos Luiz Martinho Nazario da Cruz was appointed teacher of the school of Silvassa by order dated the 2nd September 1930, published in Boletim Oficial No. 71 of the 5th September, 1930. He assumed his functions on 12th September, 1930.

On the 29th August, 1932, he had to hand over his post to Dr. Rama Krishna Probo Loundo under the telegraphic instructions from the Reparticao de Instrucao Primaria dated the 27th August, 1932. As soon as he arrived in Silvassa he began a publication of nationalist paper named "Sandalcalo". In one of its numbers he wrote as follows: "For the freedom of people great activity is taking place. The entire world goes through a momentous crisis of the emancipation of people. There is a struggle for the rights of the suppressed people. The people, suffocated by the bloody paws, are dying and their bodies are rotting. They are tired of suffering and are breaking the chains of bondage and advance steadily. The hymn of freedom strike on the ears of masses. Only the people of Nagar Aveli have not yet given the sign of this great movement because it is dominated by the scourge of Saukars. Nagar Aveli does not and cannot advance until the Government checks the position of the Saukars. But the Government is rather helping them to maintain their position by handing over the rural powers of administration into their hands. The Saukars after they have exploited the poor varlis take out abroad the money."

Carlos da Cruz was considered by the local authorities and by the Police as a nationalist agent. He had in his house the photographs of

Gandhi, Motilal and Jawaharlal and he had political connections with T. B. Cunha. In the newspaper, Anglo-Lusitano of Bombay, he carried out his nationalist campaign and encouraged nationalist activities in Goa by receiving correspondence from his friends there and sending nationalist literature to them. For this reason, Anglo-Lusitano was banned in Goa and Portuguese colonies. In his own newspaper, Carlos da Cruz made strong criticism of the Portuguese administration.

In the confidential notes of the Chief of Police, Falcao, it is written:

"Carlos da Cruz has a file. Obs.: former teacher, dismissed for subversive activities and ideas contrary to the Portuguese sovereignty. He maintains connections with political enemies of our country. He has a brother who works in Bombay. On the 23rd July 1946, there was a meeting at his house and it is presumed that political matters were discussed there, especially those which had taken place at that time in Goa. It is presumed also they discussed distribution of subversive leaflets. However, when he was arrested there was not enough evidence—see my note No. 62/M of 15.10.46. This meeting was to take place in the house of Vanmali Guela. But since it was not authorised there it took place in the house of Carlos da Cruz. His brother's name is Antonio da Cruz and works at Bombay Port Trust—see my confidential note No. 44/Z of 4.1.54 and No. 17/Z of 4.2.54. He requests, the people who go to police station and to the administration, to go to his house and question them."

The names of peoples who go to his house are given as follows:

Carlos Cruz, Jeronimo Faleiro, Jose Braganca, Vanmali Guela, Professor Naru, Bramane Barbe, Godavari Parulekar, Correia, (owner of Bar 'Metro'), Placido do Rosario (Damao), Dana Nagar, Rodolfo Lino de Oliveira Colimao (businessman and land owner, former Patel, dismissed, considered right hand of Carlos da Cruz), Bocar Goja,<sup>1</sup> Ruggi Cheito (he comes to the house of Carlos da Cruz every day); Kantilal Norotomo (he has two brothers in Damao and close friends of both the Notarany Washington Fernandes and Carlos da Cruz); Omiparsi, landowner from Vapi (he is brother of Ceria, owner of the bar, and constantly comes to Silvassa to meet Carlos da Cruz); Augusto Rodrigues (he is a porter in the administration and therefore reliable informer of Carlos da Cruz of all that is going in the administration); Patel Lobaroma de Faria (he is a Patel of Rural, great friend and informer of Carlos da Cruz); Alberto Mendonca (driver of ambulance and agent and informer of Carlos da Cruz); Angelo Machado (assistant driver of the ambulance and agent of Carlos da Cruz).

<sup>1</sup> He goes constantly to the house of Carlos da Cruz. On the 13th November 1946, when he came out from the house of Carlos da Cruz he addressed to three Warlis and said to them: "soon we will have our Swaraj too, then the Tolia (Portuguese stooges) will have to run away". These words were heard by Babu Punia from Silvassa, Jagan Revio and Diala Ravio (Kathias of the villages of Patalado of Silvassa).

## APPENDIX XII

A CONFIDENTIAL NOTE FROM THE DISTRICT COMMISSIONER OF NAGAR  
AVELI TO THE POLICE DEPARTMENT OF NAGAR AVELI

*(Translation from Portuguese)*

Service of the Republic-District  
Commissioner's office.

Nagar Aveli-Silvassa, 12th Dec. 1947.

Note No. 69.

To

*The Police Department of Silvassa, Nagar Aveli.*

## CONFIDENTIAL

Having come to know that in the course of the next few days, there will arrive two persons from outside to attend a meeting of a political nature at the residence of Vanmali Guela, of Silvassa, which will no doubt be also attended by local elements, I am informing you accordingly so that *you may be able to take the necessary steps to enter by surprise in the meeting and to seize all the papers and documents, and also to arrest, both the outside and the local elements present, and detain them until all the necessary information has been elicited from them.*

I request you to take the necessary precautions. I shall put at your disposal all the personnel that you may need from the Rural Guard. But these, however, should only be used at the eleventh hour, so as to avoid the risk of being recognised. For else, all the precautions taken will have come to nothing.

The District Commissioner—  
Manuel DA COSTA CABRAL, Capt.

## APPENDIX XIII

A CONFIDENTIAL NOTE FROM THE DISTRICT COMMISSIONER OF NAGAR  
AVELI TO THE CHIEF OF POLICE OF NAGAR AVELI

*(Translation from the Portuguese)*

Service of the Republic-District  
Commissioner's Office.

Nagar Aveli, Silvassá 15th Dec. 1947.

Note No. 75.

To:

*The Chief of the Police Department of Silvassá, Nagar Aveli.*

## CONFIDENTIAL

Having come to know that, in the course of the next few days, there will arrive certain elements from outside to attend a meeting of a political nature at the residence of Narana Gapatrau, of Ameli in this district, I am informing you accordingly so that *you may be able to take the*

*necessary steps to surprise the meeting and seize papers and documents and also to detain both the outside and the local elements present, until all the necessary information has been elicited from them.*

I request you to take the necessary precautions. I shall put at your disposal all the personnel that you may need from the Rural Guard. But these, however, should only be used at the eleventh hour, so as to avoid the risk of being recognised. For else, all the arrangements made and the precautions taken will have come to nothing.

The present matter is quite independent of that referred to in Note No. 69 of the 12th.

The District Commissioner,  
Manuel DA COSTA CABRAL, Capt.

#### APPENDIX XIV

A CONFIDENTIAL NOTE FROM THE COMMISSIONER OF THE DAMAUN DISTRICT TO THE COMMANDANT OF POLICE, SILVASSA, CLARIFYING AND JUSTIFYING FROM THE REGULATIONS, THE RIGHT OF THE POLICE TO SEARCH PRIVATE RESIDENCES

*(Translation from Portuguese)*

Service of the Republic,  
Commissioner's Office,  
Daman, 20th Jan. 1949.

No. 6/TE/2.

To

*The Commandant of Police—Silvassa.*

*Ref.: to note No. 1/TE-1 of today.*

#### CONFIDENTIAL.

According to the regulations in § 2 of article 11 of the General Reg. of P.E.I. in force, *the Police Department can carry out any searches that it might consider necessary to find out any elements which might give a basis for proceedings.*

On the other hand, and according to regulation in § 2 of article 16 of the same Regulations the entry into private residences should only take place according to the formality of the Law, which in this case, amongst others, has to observe the provision of Article 203 of the Penal Process Code, which specifies that the reasons for suspicion should be stated.

Now, in the note under reference, it is said that the Police Department does not have any elements of justification for such an attitude, and it being so, as this Commissariat is in the same conditions, that is, without any knowledge of elements to justify the endeavours referred to, it seems to me *that the Police Department, when making use of the facilities given in § 2 of Article 11 of the above-mentioned Regulation, should do so, being conscious of its mission and by the very justified reasons of suspicion, whether of criminal or political nature.*

*(Signed)* The Commissioner.  
(Signature illegible.)

## APPENDIX XV

CONFIDENTIAL CIRCULAR FROM THE COMMISSIONER OF DAMAO TO VARIOUS  
POLICE POSTS, DATED THE 15TH JUNE 1953

POLICIA DO ESTADO DA INDIA  
COMISSARIADO DISTRITAL DE DAMAO

*(Translation from Portuguese)*

It is evident that it is the intention of the enemies of the Portuguese Sovereignty to infiltrate their elements into the territory of Nagar-Aveli with the aim of disquietening the rural population by suggesting to them ideas that are contrary to the order and obedience to the Portuguese Government.

Under these conditions, the individuals who are mentioned below will have to question discreetly the people of the zones that are allotted to them, in order to find out information on the following points, acting in the manner indicated:—

- (1) If there are foreign individuals who have come into these zones with the aim of making subversive propaganda.
- (2) In case of an affirmative to the above (1), to find out who these individuals are and their whereabouts.
- (3) Having found out these individuals, to capture them and transport them to the nearest post or to the Rural Guard, so that they can later be taken to Headquarters of the Police Department of Nagar Aveli.

*The action should be prompt and fast, making use of arms, if necessary.*

The personnel appointed and the zones allotted to them are:

POLICE SARGEANT, GILBERTO MACHADO:	MOROLI-LUARI
GUARD, GRACIANO LOPES:	LUARI-VELUGKO
GUARD, GERVASIO PEREIRA:	VELUGKO-QUERDI
GUARD, JOSE DO ROSARIO:	SINDONIM-QUERPUM-KERPUM.
GUARD, ANTONIO FERNANDES:	CARCHONDE-BILDARI-GUNECA.
POLICE SARGENTA, BENJAMIN NORUEGA:	MORCOL-RANDA-BONTA.

Damao, 15 June, 1953.

*(Signed)* The Commissioner—(signature illegible).

## APPENDIX XVI

A NOTE FROM THE COMMISSIONER OF DAMAO TO THE COMMANDANT OF  
P.E.I.*(Translation of Portuguese)*District Commissioner's Office,  
Damao, 28th May, 1954.The Commandant of P.E.I.—Goa—Addition to the Note  
No. 137/TE of today.

I have the honour to inform Your Excellency the following:—

That during the course of this week there will come to Vapi, Mr. Tristao da Brangança e Cunha, Peter Alvares and the Editor of the journal "JAI BHARAT", in order to make (2 words are torn) subversive propaganda.

*(Signed)* Jorge DE MELO GOMES (Ten. Mil. Cav).  
The Commissioner.

A copy to the Sub-Commissioner of Nagar-Aveli.

## APPENDIX XVII

A CONFIDENTIAL LETTER OF THE CHIEF OF POLICE OF SILVASSA, NAGAR  
AVELI, TO THE POLICE COMMAND OF GOA*(Translation from Portuguese)*

Silvassa, 1st June 1954.

To

*The Police Command of the State of India, Goa.*

## CONFIDENTIAL

We inform to your Command that, according to the information received, further 22 policemen of the Indian Union were placed at the post of Lavacha. Thus, that locality has a total of 35 men. These men are armed with rifles and have ammunition *and have orders not to make use at all of these arms.*

During the conversation we had, they said that as they did not have orders to fire, if there was any incident they could do no other thing than give in. They did not explain to what they were referring to. The 22 men that came to reinforce Lavacha, did not pass through Dadra, as they came through Tambari.

On the 27th of last month, at 6.30 p.m., the D.S.P., Mr. Guklé, accompanied by Inspector Jala and a 'fosdar' with the name Dessai, were in Lavacha, having passed through Dadra and come up to Pimpolia, not having entered our territory. It is known that these three individuals came to find out if there was really a group with the intentions of offering 'Satyagraha' in Dadra. But they returned to Vapi at 7.30 p. m.

On the 28th of last month, in the morning, 20 men, armed with rifles



belonging to the post of Phonda, came to Lavacha on the orders of the D.S.P. Mr. Gokle. These did not pass through Dadra as they came through Tambari. At about 12 noon of the same day, the D.S.P. Mr. Gokle went to Lavacha passing through Tambari, and gave orders for the same 20 men to return back to their former position, at the post of Phonda.

In the locality of Dungra there are at present 8 policemen of the Indian Union armed with rifles. On the 31st of last month, there were in the course of the morning in that locality (Dungra) about 50 policemen who left in a short time; destination unknown. But they probably went to Vapi.

In the Phonda locality there are at present 34 policemen of the Indian Union.

It is known that the authorities of the Indian Union are making arrangements for a post at Tampori. It is not known whether this point will be only a police post, customs post or a combined one.

According to information, not yet confirmed, the authorities of the Indian Union make a great deal of personnel movement, in order to give the impression that the posts are manned by a large personnel, when the truth is that the personnel is always the same. They are today at one post, tomorrow at another and thus in succession. This personnel is all stationed at Vapi and is transported in the morning, first to one place, then to another, and at night they return to Vapi. Sometimes, they remain for more than a day at the same place.

(Note: The remaining seven lines of this document are half torn, and therefore unintelligible.)

The letter is from the Daman District Commissioner's Office: It is signed by the Commissioner... (JOSE MANUEL . . .)

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#### APPENDIX XVIII

A CONFIDENTIAL NOTE TO THE SUB-COMMISSARIAT OF THE NAGAR AVELI DISTRICT FROM THE ADMINISTRATOR OF THE DISTRICT

(Translation from Portuguese)

To

The Sub-Commissariat of the Nagar Aveli District.

Silvassa, 17th April, 1954.

(24) No. 130/E/9/52.

CONFIDENTIAL

For the necessary action to be taken, you are hereby informed that by the order of His Excellency, the District Governor, the Police post of *Quelaunim* was strengthened with two additional members of the Rural Guard, whose names are given below:

Guard Francisco Xavier André da Conceição Mendonça,  
and the sepoy;

Manuel Joao do Rosario.

The Administrator of the District,  
(Signed) (Virgilio F. Fidalgo—Cap. ref.)

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## APPENDIX XIX

INSTRUCTIONS ABOUT THE TRAINING OF NEW RECRUITS—AUXILIARY GUARDS, AS LAID DOWN BY THE SUB-COMMISSARIAT OF NAGAR AVELI

TO THE INSTRUCTOR.—‘SUB-CHEFE’ ANICETO

Dated the 9th July, 1954.

(*Translation from Portuguese*)

Order No. I

*Instructions*

Until orders to the contrary, the auxiliary guards will not be engaged actively.

The ‘sub-chefe’ Aniceto will be the instructor of these guards, and will choose from amongst the police personnel at his disposal those he needs to help, informing his superiors who they are.

Shortly, you will receive a detailed programme to be followed, but till then, you will continue to give instructions within the plan sent.

Any requirements or doubts that the ‘sub-chefe’ Aniceto might have to conveniently carry out these orders should be put forward to the superiors. This sub-commissariat will try and solve all the needs and doubts.

In case of need of certain elements in order to impart the instruction, a request should be made to the superiors asking for the elements necessary, for, taking into account the isolated nature of this post, it is natural not to be able to have certain elements absolutely necessary for a proper fulfilment of the mission entrusted to you as instructor of the new recruits.

*All the instruction should be given in the interior of the post, and as discreetly as possible, in order to avoid that both the people of Dadra and the Indian authorities on the border have no knowledge of the functioning of a school for new recruits.*

It will be convenient to give constant reminders, both to the new recruits, and also to those who are attached to the post, to observe the greatest secrecy about the increase of the personnel and the instruction that is being given.

The ‘sub-chefe’ Aniceto will see to it that the new recruits maintain excellent relations with the local population, without creating any distressing scenes,—showing them the manner of correct behaviour as Police guards, and reminding them constantly of the reasons for their being exonerated from service and the great advantages that they have, in behaving properly, without besmirching in any form the community to which they belong.

The ‘sub-chefe’ Aniceto, will inform immediately about any fault he notes amongst these he is instructing, whether of a professional, civil or moral nature, never forgetting that to cover up one fault however not serious it might be, that it might in the future harm him who committed the fault as also those who allowed such a fault to be forgiven. Thereby, giving him a false idea of discipline and the carrying out of his duties.

## II. PLAN OF INSTRUCTION:

I. Military instruction—short revision and refreshing of the know-

ledge acquired during the military service, which might be of interest when carrying out the duties of the auxiliary guards of the P.E.I.

2. Professional instruction—short revision and refreshing of the knowledge acquired in the former Police Corps and the P.E.I.

Silvassa, 9th July, 1954.

Comissario Adjunto,

(Signed) (Jose Manuel DE OLIVEIRA MARINHO FALCAO, ten. de Cava.)

APPENDIX XX

POLICIA DO ESTADO DA INDIA  
POLICE IN THE DISTRICT OF NAGAR-AVELI  
PROPOSAL OF RE-ORGANISATION  
OF THE POLICE

(Translation from Portuguese)

Designation	Officers	Judges	Office Staff.	Chief of brigade	Agents	Chiefs.	Sub-Chiefs.	Sergeants	Guards	Total	Increase Suggested
Sede do Comissariado . . .	1	—	—	—	1	1	3	3	57	66	55
Posto de Cararpara . . .	—	—	—	—	—	—	—	1	5	6	3
Posto de Cadoli . . . . .	—	—	—	—	—	—	—	1	5	6	4
Posto de Dadra . . . . .	—	—	—	—	—	—	1	2	29	32	29
Posto de Noroli . . . . .	—	—	—	—	—	—	1	1	9	21	13
Posto de Canoel . . . . .	—	—	—	—	—	—	1	2	38	41	38
Posto de Pimpolia . . . . .	—	—	—	—	—	—	—	1	5	6	3
Posto de Luari . . . . .	—	—	—	—	—	—	—	1	10	11	8
Posto de Queridi . . . . .	—	—	—	—	—	—	1	1	19	21	19
Posto de Quelaunim . . . . .	—	—	—	—	—	—	1	1	19	21	20
Posto de Mandonim . . . . .	—	—	—	—	—	—	1	1	19	21	16
Posto de Randa Grande . . . . .	—	—	—	—	—	—	—	1	10	11	10
Posto de Morcol . . . . .	—	—	—	—	—	—	—	1	10	11	9
Posto de Velugao . . . . .	—	—	—	—	—	—	—	1	10	11	9
Posto de Dudonim . . . . .	—	—	—	—	—	—	1	1	19	21	17
Posto de Sili . . . . .	—	—	—	—	—	—	—	1	10	11	9
Posto de Umborcoi . . . . .	—	—	—	—	—	—	—	1	10	11	10
Posto de Amboli . . . . .	—	—	—	—	—	—	—	1	10	11	9
<i>Total</i> . . . . .	1	—	—	—	1	1	10	22	304	339	281

Comando da Policia em Goa,

12 June, 1954.

The Commandant,

(Signed) Fernando DA COSTA REVEZ ROMBA,

Cap. de vac.

## APPENDIX XXI

## INDEPENDENT DADRA

(Translated from Guzerathi)

'OM'

Honourable Administrator,

I give the following statement as per my personal talk to you that I would give a short statement of what-ever I know about the Independence movement of Nagar Haveli. I don't mind if you keep as much as you deem reasonable. Further I request that learned like you will correct my mistakes and will guide me. When all the intelligent nations of the world were forming the opinion that any individual, party, group or nation cannot thrust its authority over other without other's permission regarding belief, Government or authority and nobody should consider any body, as its colony without the wish of the people, but should hand over the administration, and when in India wise Britons left their authority and accepted the principle that Indians have their own right to make their country well administered and prosperous. Since then I had already got the inspiration that I have duty towards the village and the district in which I reside. I am not circumscribed only by my selfish interests, but I should do something for my district. But I did not find anybody from my district to feed my inspiration. But from June 18th 1954, I got the person who makes himself known as Shri Karmalkar. And after having myself well acquainted with him, with humbleness I requested him that if somebody properly guide me then I also can be of some value. After starting the correspondence regarding that, by grace of the God I got some introductions. With a view to call some good and great personalities of Nagar Haveli; and to relate them my this wish with a view to put into practice, my that friend suggested to arrange a musical programme at my business address and I liked that proposal. And the night of 26th June 1954 was decided to have the programme of music at Lavasha Ashram. And invitations were sent from Nagar Haveli to some in whom I had faith and my relations. In that two or three people came from Silvassa, many came from Dadra. And on that night this idea was put before some of them. Some of them have remained with us upto the end. Some of them have helped us from outside as much as they can. While some of them showed me the danger, while some talked of demanding the right from Portuguese Authority, but as I did not like it I arranged my plan with my friend in my own way through correspondence and I met my friend Karmalkar at Vapi at the residence of Bhikhubhai Pandya on 2nd of July and at that time I saw a new person, who ultimately turned out to be our friend. On that day it was decided that one bold and a man who knows the situation was to come to my residence at Dadra in a disguise as Bhaiya (watchman) to look after grass land. And it was that person who came to me on 13th July and whom I introduced as my Bhaiya and assured the Portuguese Officer about that. We were pondering over the matter that how and in which way to fulfil our plans. And informed about it to the people on United front of Goans who were trying the same thing: that Jayantibhai and Karmalkar from Lavachha Ashram are

very well progressing. Therefore those people from that party asked for our help. People from that party joined us and came to Dadra late at night on 21st. Though there was time, circumstances were not propitious, herefore that night we returned. On the night of 22nd we achieved the independence of Dadra by firing and thereby causing fear in Portuguese police. While in that action in Junta the Portuguese Officer tried in fatal way to answer us but luckily due to the help of my friend that officer was injured and afterwards he died. Dadra became independent. And secretly I started work as Sarpanch (an elderman). On 26th of the same month the Panchayat (village assembly) to administer Dadra was announced. Through which a branch of Dadra fair price shop was opened with a view to give facilities to the people of Dadra and to supply them necessary food articles. In that I was greatly helped mainly by Shri Brother George, Shah Ratan Chand Naval Malji, Desai Nathubhai Bhulabhai and Bhikhubhai Naranji, from Dadra. Entire population at Dadra was jubilant because of emancipation from slavery and therefore we got their co-operation. During that time I had with me Nanprasad Maher who came to my place as Bhaiyaji: but I cannot publicly participate in execution of my duties. Because if my name appears in paper and if that story goes into the side by Silvassá of Nagar Haveli: then my two brothers with families might be imprisoned. Due to that fear I had to do all in the name of other. After all being helpless I sent 'Nanprasad' Maher there as I realised that there is no meaning to my work if we do not free Nagar Haveli; and I called my friend Karmalkar. On 28th Shri Karmalkar, Shree Lavanda, Shree Lad, Shree Bhatt and some others whose name I don't know, in all fifteen and with Mr. Nanprasad Maher, we seventeen, met. We called secretly my two friends from Naroli village who had promised to help us, and under their guidance we freed Naroli on the night of 29th. From that we got few good weapons and we became more enthusiastic and zealous. Therefore on 1st and 2nd we freed the Racoli part of Nagar Haveli. We received good assistance from Shri Gumansingh of Naroli, Bhikhabhai; and one other whose name I don't know. With the help of Shree Vanmali Das Ghelabhai of Silvassa, my brothers and other friends and others we freed Selvassa. In that Shree Prabhakar Senai, Prabhakar Vaidya, Shree Kanoba etc. many other people played a great and courageous role. On 3rd July when the water of the river receded, we reached up to Khanvel and arrested the remaining officer of Portuguese. And brought Nagar Haveli under the tricolour flag on 15th August. Freedom givers of Dadra, freedom givers of Selvassa who were not in any party and who were bound by their promises decided to go back to their original places. And as in Silvassa, the capital of Nagar Haveli, there was Chief Government Office, Mr. Karmalkar assumed the responsibility as administrator and the friend who came as 'Nanprasad Mahesh' assumed the responsibility as the Head of Police and began to rule and protect Nagar Haveli. And the preparations were under-going to form Village Assembly there. And then the village Assembly of Dadra handed over the free Dadra to the authority at Nagar Haveli by formal ceremony. And then merging the separate freedom movement of Dadra and Nagar Haveli in one, the whole administration of Nagar Haveli began as before. People co-operated fully. Afterwards we created a Government machinery with the help of well versed, learned and

experienced people; and we two friends tried to concentrate our attention towards Daman. As hopes were sprouting from that Shri Karmalkar went away to do whatever he could for Goa. And with a view to serve, I discharged my duties as member of the whole Nagar Haveli Assembly, President of judicial tribunal, member of municipality, head of the Group Assembly of Dadra etc. Due to the brotherhood that has arisen between me and my citizens up to today, we live with peace and self-respect under the administration of Shri Furtado Saheb. I am not aware of any causes of anything to have taken place except this.

JAYANT DESAI.

APPENDIX XXII

LIST OF CAPTURED WEAPONS

*Naroli*

.303 rifles . . . . .	- 4	.410 rifles . . . . .	- 2
Pistols: Star . . . . .	- 3	Savage . . . . .	- 1
		Bayonets . . . . .	- 4

*Piparia*

.410 rifles . . . . .	- 2	Pistols: Star . . . . .	2
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*Silvassa*

.303 rifles . . . . .	- 7	.410 rifles . . . . .	- 26
Pistols: Star . . . . .	- 4	Grenades HE 36 . . . . .	- 7
Savage. . . . .	- 5	Bayonets . . . . .	- 112

*Khandwel*

.303 rifles . . . . .	- 21	Sten — . . . . .	- 1
Pistols: Star . . . . .	- 4	Grenades HE 36 . . . . .	- 3

*Dadra*

.303 rifles . . . . .	- 3	.410 rifles . . . . .	- 3
Revolver .38 . . . . .	- 1	Sten — . . . . .	- 1
		Bayonets . . . . .	- 4

*Udhava*

.303 rifles . . . . .	- 10	Sten — . . . . .	- 1
Pistols: Star . . . . .	2		

*Other places and Sources*

.303 rifles . . . . .	- 1	12 bore guns . . . . .	- 3
Pistols: Lama . . . . .	- 2	Revolver .38 . . . . .	- 1
Revolver Private 45 . . . . .	- 1	Revolver Private .38 . . . . .	- 1
American Rifles . . . . .	- 2	Revolver Private .22 . . . . .	- 1
Japanese Grenade . . . . .	- 1		

<i>Total Arms captured</i>		<i>Stock Shortage</i>
.303 Rifles . . . . .	36	1
.410 Rifles . . . . .	33	Nil
Pistols: Star . . . . .	15	9
Savage . . . . .	6	Nil
Lama. . . . .	1	Nil
Bayonets for .303 . . . . .	59	Japanese Grenade . . . . . - 1
-do- ,, .410 . . . . .	61	
American Rifles . . . . .	2	

## STATE OF WEAPONS

	<i>Working Order</i>	<i>Out of Order</i>
.303 rifles . . . . .	31	5
.410 ,, . . . . .	32	1
Pistols: Star . . . . .	5	1
Savage . . . . .	6	
American Rifles . . . . .	2	

*Other Weapons and Ammunition (Captured at Different places)*

Jambia: Semi-broken . . . . .	1	Knife . . . . .	1
Rubber Batons (4 broken)	10		
.410 Rounds . . . . .	7,536	.303 Rounds . . . . .	8,000
Gun Powder boxes (11 Lb.)	2		
.765 mm Rounds . . . . .	200	.38 Rounds . . . . .	25
.45 Rounds . . . . .	20		
Sten Gun Rounds . . . . .	100		

## APPENDIX XXIII

## PROCLAMATION READ BY SENHOR GAMA

15th August 1954.

*Summary*

By the present Proclamation, the Territories of Dadra and Nagar Haveli are declared to be liberated from the Portuguese Colonial Rule and established Democracy of the People. It is appealed to the People to serve towards these Territories and its New Administration with loyalty, since Liberty is the greatest gift of the Almighty to the Universal Humanity. Every inhabitant will have equal shares and rights.

The old Servants of the Ex Portuguese Govt. already shaken off will have to take their holy oaths of allegiance underneath the Tricolor Flag hoisted on their Mast and give support to the New Regime and serve with loyalty and enthusiasm and their rights and promotions are safeguarded.

Finally to express to the Govt. of Indian Union the patriotic will and fervent desire to integrate these Liberated Territories to the realisation and solidification of its inalienable and imprescriptible territorial and political Unity.

Read by Shri Luis A. Gama of Silvassa on a "munch" under the hoisted Tricolor Flag at the request of Shri Lavande, the Chief Leader of the "Azad Gomantak Dal".

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#### APPENDIX XXIV

##### WORKING OF THE ADMINISTRATION

At present the following meetings are held to watch the progress of work and issue instructions to the subordinates:—

(1) Patel Talatis Meeting	Every month, on the 1st.
(2) Teachers' Meeting	-do-
(3) Agrl. Committee	Every fortnight
(4) Building Committee	-do-

In addition, a Municipal meeting is held every fortnight and the Varishta Panchayat's meeting on the fifth of every month. Besides, there are also extraordinary meetings of Varishta Panchayat convened by the Administration.

The Officers meeting is held every fortnight on Saturday and important decisions and discussions take place in consultation with them.

All appointments and dismissals are made by a committee consisting of the Administrator, Adviser and the Head of Department concerned.

Central Registers for Births, Deaths and Marriages are now maintained at Silvassa Headquarters.

Residents of Nagar Haveli are now exempted from Stamp tax of annas twelve for exporting six faras of paddy for personal consumption on a certificate from the Patel Talati and on payment of two annas tax.

Silvassa,

8.11.58.

(Signed) (RAJARAM S. BOUNSULO),  
Secretary.

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#### APPENDIX XXV

##### LIBERATED AREAS OF DADRA E NAGAR AVELI

The total area is divided in ten "Patelados" and each Patelado has a number of villages as follows:—

##### Patelado of Silvassa Villages

1. Silvassa	6. Sambarvarni
2. Ameli	7. Massat
3. Atola	8. Karad
4. Rakholi	9. Saili
5. Cundacha	10. Vagchipa



## Patelado of Naroli Villages

1. Cararpara
2. Luari
3. Athal
4. Canari
5. Dapca
6. Naroli

## Patelado of Canoel Villages

1. Canoel
2. Cuntli
3. Chauda
4. Goratpara
5. Rudana
6. Selti
7. Talauli
8. Umarvarni

## Patelado of Dudnim Villages

1. Ambabari
2. Bilderi
3. Gaunchu (Gunsa)
4. Carchum (Karchon)
5. Gothal (Kothar)
6. Dudnim
7. Gordbari
8. Gunca (Kancha)
9. Jamalpara
10. Meru (Mendha)
11. Querarbari
12. Vagchoura

## Patelado of Mandonim Villages

1. Berpum
2. Bensdum
3. Chisda
4. Mandonim
5. Querpum
6. Sindonim
7. Vansda

## Patelado of Dadra Villages

1. Dadra
2. Demni
3. Tigra

## Patelado of Kilauni Villages

1. Flandi
2. Golonda
3. Kilauni
4. Sili
5. Umborcui

## Patelado of Dapara Villages

1. Apti
2. Chinspada
3. Chilki
4. Dapara
5. Surangui
6. Vasna
7. Pati

## Patelado of Randa Villages

1. Bonta
2. Morcol
3. Randa Grande
4. Randa Pequeno

## Patelado of Amboli Villages

1. Amboli
2. Bidrabin
3. Cadoli
4. Calu
5. Carachgao
6. Dolora
7. Querdi
8. Parzai
9. Tinora
10. Velugao

## Area

Dadra 3 sq. miles  
Nagar Haveli 112 sq. miles

## APPENDIX XXVI

(I)

## LIST OF THE VARIOUS DEPARTMENTS IN THE ADMINISTRATION AND THE SANCTIONED STAFF THEREIN

1. <i>Administrative</i>	— Secretary	Rajaram S. Bhonsale	
Total — 11.		Clerks	3
		Others including	
		Orderlies & Peons	7
2. <i>Agricultural &amp; Veterinary</i>	— Officer	Laurence S. da'Costa	
Total — 5.		Clerk	1
+ 8 daily paid workers.		Stockman/Compounder	1
		Others	2
		(+ daily paid 8 workers)	
3. <i>Education Department</i>	— Officer	V. S. Khalap	
Total — 93.		Supervisor/Inspector &	
		H.Ms.	4
		Craft Teachers	3
		Clerks	2
		Teachers	76
		Peons & Orderlies	7
4. <i>Excise (including Distillery establishment)</i>	— Officer	M. G. Desai	
Total — 20.		Head clerk, clerk &	
		distiller	4
		Excise preventitive staff	
		(constables)	9
		Others — Hamals etc.	6
5. <i>Forest</i>	— Officer	Roy P. K.	
Total — 49.		Superior Staff	5
		Preventitive staff	
		— Guareds	40
		Orderlies & Peons	2
6. <i>Medical &amp; Public Health</i>	— C.M.O.	J. M. Furtado	
Total — 12		Doctors	3
+ 13 (under Municipality)		Compounders	2
		Nurses	3
		Others	3
	Paid by	Municipality	
		Sanitary Inspector	1
		Compounders	3
		Midwife & Nurse	2
		Lower Category staff	7
7. <i>Judicial</i>	— Officer	The Judge (at present the	
Total — 7.		Administrator)	
		Public Prosecutor	1
		Superior staff	3
		Lower Category staff	2

8. <i>Police</i> (including M.T. & Telephone)	— Officer		
Total — 59.		Law instructor	1
+ 20 temporarily sanctioned upto 31 Dec. '59.		Office staff	4
		Constabulary	41
		Lower category staff + 20 temporarily sanctioned.	4
	<i>M.T. Section</i>		
		Drivers	4
		Cleaners	2
	<i>Tel. Section</i>		
		Linesmen	2
9. <i>Postal</i>	— Postmaster	V. G. Prabhu	
Total — 17.		Postmen & runners	16
10. <i>Public Works Department.</i>	— Officer	No Engineer — (at present Dept. managed by The Advisor)	
Total — 9.		Overseer	1
+ 15 daily paid coolies.		Superior staff	5
		Lower category staff (+ 15 road coolies)	2
11. <i>Revenue Department</i>			
a) <i>Treasury Section.</i>	Secretary	L. A. Carapurcar	
Total — 5.		Superior staff	3
		Peon	1
b) <i>Rural Section</i>		Clerks	2
Total — 13.		Patel-Talatis	10
		Orderly/Peon	1
<i>Municipality.</i>	Technical Officer	Caesar de Sa	
		Superior staff	2
		Lower category staff	7

(2)

## BIOGRAPHICAL NOTES OF CIVIL SERVANTS AND THEIR DUTIES

1. *Administration*: the Secretary of Administration is the old Portuguese civil servant who continues to occupy the same post. It is his duty to organise the work of the secretariat and put before the Administrator all the petitions and get his sanction whenever necessary.

2. *Agriculture*: the head of this section is the old Portuguese civil servant who was under the Director of Agriculture in Goa. Today he is the head of this Department and also veterinary surgeon. His functions are:—

to see to the cultivation of agricultural Granges; buy fruit trees and distribute them among the cultivators, getting in return a third of their price; to sell the chemical fertilizers; make molasses, and give his opinion in agricultural matters; and look after the preservation of cattle, poultry and other animals.

3. *Forestry*: A retired forest officer of the Indian Union is the head of this department. He regulates forestry affairs, indicating those trees which are to be sold in public auction and performing other functions connected with his work.

4. *Health*: He was a private doctor in Goa. He left Goa for political reasons, after having been arrested twice. He arrived in Nagar Aveli at the time when two old Portuguese doctors returned to Goa; he was provisionally appointed doctor in Canoel and later on he was appointed C.M.O. on the advice of the other two doctors.

5. *Judicial*: In the absence of a Judge, the Administrator performs his duties, being a Graduate from the "Faculty of Law" in Lisbon, and having performed the functions of judge in Goa.

6. *Education*: the Education Officer is a retired inspector from the Indian Union. He directs and supervises the department of education.

7. *Post Office*: the head of this department—Post Master—is a political refugee who worked before in the agricultural community and in the Post Office. His function is to receive the post which comes from Vapi and to distribute it among various post offices of Nagar Aveli, to send money orders, registered letters and telegrams to the Vapi Post Office.

8. *Treasury*: the present head of this department is a Portuguese civil servant who previously worked as collecting officer of the Treasury and continued to work after the liberation. Later he was appointed head or secretary of the Treasury. His duties are to inspect the accounts and the carrying out of the budget of all the departments, and to take note of all the material belonging to the state.

9. *Public Works (P.W.D.)*: Initially it was the Forest Officer who held this post: at present this post is held by the Adviser, but it is the Administrator who signs all the papers.

10. *Excise*: the present head of this department is a retired inspector from the Indian Union, in the Akbari section. His functions are to look after all matter referring to the distilling of local liquor; to issue licenses to the taverns; and to number the trees which are to be used in the collection of the liquor.

*Names of the Employees:*

1. Lourenco Estevam D'Costa, Agricultural & Veterinary Officer.
2. Rajaram Sinai Bhonsale, Secretary of the Administration.
3. Lovu Anant Karapurkar, Secretaury of the Treasury.
4. Francisco De D. P. Figuieredo, Officer of the Central Administrative Office.
5. Dhansing Gulabsing Thakore, Sub-Inspector of Education.
6. Guirdhar Laigi, Head Master of Noroli.
7. Ratna Raniam, teacher of Gujerati-Portuguese School and also an employee of the Municipality.
8. Narhari G. S. Saielkar, Officer in the Treasury.
9. Augusto Rodrigues, Porter of the Administration.
10. Jose R. C. Braganca, Forest Officer.
11. Jose M. Pereira, Patel of Mandonim.
12. Xantaram Sina Ramani, Patel of Dadra.
13. Sonia Dival, Patel of Randha.
14. Manuel Barbosa, Guard.
15. Ludovice Noronha, Forest guard.
16. Soma Jania, Guard.
17. Jetia Dival, Guard.
18. Maria Rosaria Cardoso, Nurse at the hospital of Silvassa.

19. Sukar Chibha, Assistant at the Ambulance of Silvassa.
20. Bikia Dival, Assistant at Ambulance of Naroli.
21. Dr. Jose Paulo Gomez, Doctor at Noroli.
22. Jinabhai Jaishankar Upadhia, Postman.
23. Vesta Jina, Postman.
24. Shankar Himmatsing, Postman.
25. Cesar de Sa, Technician.

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## APPENDIX XXVII

### APPROVED IN THE OFFICERS' MEETING

#### *Draft Rules*

I (a) *Casual Leave*:— All Govtt. servants are entitled to 15 days Casual Leave in a calendar year.

(b) The Heads of Branches may grant this leave on written requests from those Government servants working under them. Accounts of leave taken by each Govtt. servant should be maintained. The Heads of Offices and Administrator may get their leave sanctioned by the Adviser.

(c) As a rule C. L. should not be granted for more than 7 days at a time. C. L. can, however, be prefixed or suffixed to Sundays or holidays. In exceptional cases, C. L. may be extended to 3 days more.

II (a) *Earned Leave*:— (Leave with full pay) is admissible as follows:—

(a) *Permanent Govtt. Servants*:— One eleventh of the period spent on duty.

(b) *Tempy. Govtt. Servants*:— One twenty-second of the period spent on duty during the first year of service, and one eleventh of the period spent on duty after first year of service.

For the purpose of this rule Govtt. servants of the old regime who continue to serve under the new administration are permanent Govtt. Servants.

Earned Leave can be accumulated up to 60 days.

Earned Leave accounts of all Govtt. servants will be maintained in the Administration Department and all applications for earned leave should be sent to that Branch for certifying the eligibility of leave. The Head of the Deptt. should then forward the applications with his remarks to the Administrator for sanctioning the leave. In case of Heads of Offices including Doctors and Administrator, the applications should be submitted to the Adviser for sanction.

*Leave on private affairs or medical grounds*:— (Half Pay Leave) For every completed year of service a Govtt. servant is entitled to 20 days half pay leave which can be accumulated up to 3 months.

Half pay leave can be commuted to full earned leave on production of medical certificate to half amount of leave.

Leave without pay to a period not exceeding 90 days at a time can be granted to temporary Govtt. servants who are not entitled to any other kind of leave at the discretion of the Administrator.

Leave cannot be claimed as a matter of right. The Administrator will

grant leave according to the exigencies of service. However, as a matter of policy, leave will not be refused when it can be granted without inconvenience being caused.

Application for Advance Leave shall be considered by the Tribunal consisting of the Adviser, the Administrator and the Head of the Office.

(Signed) Antonio FURTADO.  
Administrator,  
Nagar-Haveli, Silvassa.

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APPENDIX XXVIII

ADMINISTRATION OF DADRA AND NAGAR HAVELI SILVASSA

(English translation of the notification in Gujarati.)

NOTIFICATION NO. 1

Complaints have been received from several tenants that they have been evicted by the landlords from the lands leased to them. It has, therefore, been found necessary to pay special attention to this. It is a fact that the tenants should have lands to cultivate for their maintenance. It is a question of life and death for the tenants, to take away lands from them. The Administration, therefore promulgates this ordinance that no landlord can take the possession of lands leased to the tenants without the previous permission of the Administration. In case the landlord desires to take the possession of the leased land for his personal cultivation, he should apply to the Administration accordingly which (Administration) will decide on merits. Till decision is arrived, no tenants can be evicted from the leased lands.

(Signed) A. FURTADO.  
Administrator,  
Nagar-Haveli, Silvassa.

Silvassa:—11-3-55.

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LIBERATED TERRITORY OF NAGAR-HAVELI  
(English version of the Notification in Gujarati)

NOTIFICATION NO. 2

With a view to improve the economic and social conditions of tenants, to ensure the full and efficient use of land for agriculture, to keep up good relations between the landlords and tenants and to avoid disputes between them, it has been decided that the landlords should take only one fourth of the crop as rent (Crop Share) of the crop grown by him.

If crop share in lump (Khand) is agreed between them, it should not exceed one fourth of the crop raised.

For breach of the provisions of this Notification the landlords will, if proved, be fined to the extent of R. 1,000/—, (Rupees One Thousand).

(Signed) RAJARAM S. BHONSALE.

For Administrator,  
Nagar-Haveli, Silvassa.

Silvassa, 26-12-55.

No. A. D. M. Silvassa:— 23-12-55.

## GOVERNMENT CIRCULAR

The Rule in Portuguese regime about the registration of death was that it had to be registered in the Patelat with the Doctor's certificats as to the cause of death. This used to cause great hardships to the people especially in the area where Doctors are not easily made available to get the certificates. With a view to give relief in this respect it was decided to stop the practice of producing Doctor's certificate in case of natural death. In cases of accidental or suspicious death the usual procedure should be adapted. This facility does not absolve them from registration of deaths with the Patels.

Silvassa:— 23-12-55.

(Signed) R. S. BHONSALE.

For the Administrator,  
Nagar-Haveli, Silvassa.LIBERATED TERRITORY OF NAGAR-HAVELI  
(English version of the Notification in Gujarati)

## NOTIFICATION NO. 3

*Stamp Duty*

With a view to give relief and facility to the poor Adivasi people and Harijans of this area, it is ordered that these people are exempted from affixing stamp duty of annas twelve on the applications addressed to the Administrator. Such people can apply without affixing stamps or can apply orally.

The following castes are treated as Adivasi.

Ehil, Chodhra, Dhanka, Dhodia, Dubla, Gamit, Kathodi, Kokna, Varli, Nayka, Chamar, Dhed, Khalpa & Bhangi.

(Signed) Antonio FURTADO.

Administrator,  
Nagar-Haveli, Silvassa.

Silvassa, 26-12-55.

LIBERATED TERRITORY OF NAGAR-HAVELI  
(English version of Notification in Gujarati)

## NOTIFICATION NO. 6

*Labour rates for grass cutting*

It has come to the notice of the Administration that the rates of wages for Agricultural and Non-Agricultural works are paid without due consideration, which are found less in comparison with the rates prevailing in the neighbouring area. For this reason, labourers go out of this area for work in the neighbouring territory.

With a view to improve this, it is hereby ordered that a male worker shall be paid at a rate of Re. 1/— (rupee one), per day and a female at a

rate of fourteen annas per day and children between ages of ten and fourteen at the rate of ten annas per day for the work of cutting grass. These are for the work of eight hours per day.

If any person is found paying less than the rate fixed, he shall be liable to pay, if proved, due compensation and also he shall have to pay loss sustained by the labourer.

(Signed) RAJARAM S. BHONSALE.

For Administrator,  
Nagar-Haveli, Silvassa.

Silvassa, 26-12-1955.

LIBERATED TERRITORY OF NAGAR-HAVELI  
(English version of the Notification in Gujarati)

*Tenancy Right*

NOTIFICATION NO. 5

Under Notification No. 1, of 11-3-55, it has been ordered that no tenant can be evicted by the landlord from the land leased to him without the permission of the Administration. To have possession of the leased land he shall have to apply to the Administration.

In spite of this notification being in force, if any landlord taken possession of the leased land from the tenant without the permission of the Administration, he shall be liable, if proved, to a fine to the extent of Rs. 1,000/—, (Rupees One Thousand).

2. If the landlord wants the possession of the leased land for personal cultivation, he can apply on the following grounds.

(a) The tenant has failed to pay in any year within fifteen days of the last instalment of the land revenue, the rent of such land for that period, or

(b) Has done any act which is destructive or permanently injurious to the land.

(c) Has sub-divided the land, or

(d) Has sub-let the land or failed to cultivate it properly or

(e) Has used such land for purpose other than the agriculture. Provided that the tenancy of any land held by a tenant who is minor or is subject to a physical or mental disability shall not be liable to be terminated under the said subsection only on the grounds that such land has been sub-let on behalf of the said tenant.

But in case of section 2 (a), if the tenant agrees to pay the rent within 15 days and pays it, the tenancy shall not be terminated.

If, on account of the fault of the landlord or tenant, the land is kept fallow for two consecutive years, such land will be taken under the management of the Administration.

(Signed) Antonio FURTADO.

Administrator,  
Nagar-Haveli, Silvassa.

Silvassa, 26-12-55.



LIBERATED TERRITORY OF NAGAR-HAVELI  
(English version of the Notification in Gujarati)

## NOTIFICATION No. 8

It has come to the knowledge of the Administration that some quacks practising witch-craft mislead the illiterate Adivassi people by administering unknown herbal medicines and practise jugglery, which has resulted in unusual incidents, in several cases. Such quacks insist illiterate Adivassi people to take advantage of their witch-craft and herbal medicines, instead of taking regular medicines. On account of such undesirable propaganda the Adivassi people do not make use of medicines and cases prove fatal.

All practitioners in witch-craft are hereby warned that they should also give advice to take medicines from dispensary over and above their external treatment. If any quack is found disobeying this order by giving harmful herbal medicine, he shall be liable to a fine to the extent of Rs. 100/—, (Rupees one Hundred).

(Signed) Dr. A. FURTADO.

Administrator,  
Nagar-Haveli, Silvassa.

Silvassa, 1-5-1956.

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NOTICE

1. With immediate effect the Export of all food-grains to any place outside Nagar-Haveli is forbidden. This is a temporary measure and is being taken to prevent a shortage of foodgrains occurring, according to the law in force.

2. All land holders and grain merchants will notify their stock holding within 7 days of publication of this notice; the information should be sent to the Administration with a copy to the local patelad. A register will be maintained showing the day to day holdings, sales and receipts.

3. All landholders, who had executed an agreement with the Administration in December, 1956, for the supply of III grade paddy, are requested to complete this transaction by 15th October, 1957. Those landholders who had only handed in part of the agreed stock should bring in the balance of the quota now.

4. In order to build up a stock, the patelads have been authorised by the administration to buy paddy from those tillers willing to sell at Rupee one per tokri.

5. When the grain position in Nagar-Haveli improves and when adequate stock is built up, the Administration will review the position regarding reopening Export.

6. The cooperation of all specially the landholders and merchants is sought in order to facilitate the collection of the above mentioned data and rice stock.

The Administrator,

(Signed) A. FURTADO.

Silvassa, 24-9-1957.

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## APPENDIX XXIX

## LIST OF MEMBERS OF VARISHTHA PANCHAYAT

Narain G. Chowbal	Mohanlal J. Pathak
Vanmalidas Ghelabhai	Ramsing M. Parmar
Gregorio Coutinho	Claudio Nunes
Madhu Dhavalia	Surajben T. Patel
Bhoelia Lackma Dhodia	Gopgi Deuji Pardhi
Ramji Shravan Choudri	Suleman M. Pradhan
Vithalbhaj K. Panchal	Kakad Jivan Kharpadia
Deuji Pnagia Gorat	Manji Dhakal Jutia
Aracksa Kavasji	Gulabsingh C. Parmar
Abheising P. Parmar	Mangal Khalap Margue
Bhau Abaji Vaid	Chitusing Jeising Chouhan
Umedsing Mohansingh Parmar	Sheckmahamad Dinmahamad
Dhavdu Laxman	Kalu Bhichu Thorat
Dharma Nania Mahalakari	Kakadia Deuji Tokaria
Amrutlal Lallubhai Patel	Dabia Soma Gavit
Dhhiabhai Goanbhai	Jayantbhai N. Dessai
Ratanchand N. Shah	Dharma Kursan Kharpadia
Dhanji Dharma Bhurkud	Father Rocque Fernandes.

## APPENDIX XXX

NAGAR HAVELI L. A. ADMINISTRATION  
SILVASSA*Village Panchayat Notification No. 7*

1. With a view to fostering the growth of village panchayats and of increasing their utility in further development of local administration in Rural Area and in the Administration of Civil and Criminal Justice, it is expedient to establish them in the Liberated Area.

2. In order to achieve this object, this Administration has decided to establish group village panchayats as shown below.

- |             |             |
|-------------|-------------|
| 1. Silvassa | 6. Mandoni  |
| 2. Naroli   | 7. Amboli   |
| 3. Dadra    | 8. Dudhani  |
| 4. Dapara   | 9. Randha   |
| 5. Khanvel  | 10. Kilavni |

The major population of this territory being illiterate Adivasis are not accustomed to the election procedure nor conversant with the working of the panchayats, they cannot be expected to elect proper person of their own to run the Panchayat and to carefully look after their interests. The Administration therefore considers that it would be advisable, as a preliminary measure, to establish panchayats by nomination of fit persons instead of holding elections. It is therefore ordered that the group panchayats should be established by nomination instead of holding elections so that such nominated members can protect the interests of that area. The period of such panchayat will be for one year from its establishment. Thereafter if necessity arises, members will be elected.

3. The working of these panchayats will be generally according to the principles of the Panchayats Rules and Regulations of the neighbouring territory.

4. The Group Panchayats will be as per Appendix 'A' attached herewith.

#### *Funds Of The Panchayats*

5. There shall be in each village Panchayat a fund, which shall be called the village fund.

The following shall form part of, or be paid into, the village fund, namely:—

(a) The amount which may be allotted to the village panchayat fund by the Administration.

(b) The proceeds of any tax or fee imposed.

(c) The income or proceeds of any property vesting in the Panchayat

(d) Any other source of revenue allotted by the Administration.

#### *Administrative Powers And Duties*

6. It shall be the duty of the Panchayat, so far as the village funds at its disposal will allow subject to the general control of the Administration, to make reasonable provision with the village in regard to the following matters.

1. Supply of water for domestic use.
2. The cleaning of the public roads, streets and wells.
3. The construction, maintenance and repair of public roads, drains, bunds and bridges.
4. Preservation and improvement of the public health.
5. Lighting of the village.
6. Control of fairs and bazars.
7. Provision of maintenance and regulation of burning and burial grounds.
8. Relief of the destitute and the sick.
9. Improvement of the cattle and their breeding.
10. Promotion, improvement and encouragement of cottage industries.
11. Assistance to the residents when any natural calamity occurs.
12. Disposal of unclaimed corpses and carcasses and unclaimed cattle.
13. Any other duties that may be entrusted by the Administration like supervision of schools etc.,

7. It is within the power a panchayat to levy any of the following taxes or fees, at such rate and in such manner as may be prescribed by the Administration.

1. Pilgrim Tax, 2. Tax on Fairs, Festivals & entertainments,
3. Tax on marriage, adoption and feasts, 4. Tax on shops and hotels, 5. Fee on markets and weekly bazars.

8. Any member of a panchayat who, during his term of office is absent without leave of the Panchayat for four consecutive months from the meeting shall cease to be member and his office shall be vacant.

9. As far as possible the Panchayats would be self-supporting.

10. As the Panchayats being in preliminary stages of functioning it has been decided not to invest the Panchayat members with civil or criminal powers except the Varishta Panchayat.

11. The Administration has also formed Varishta Panchayat which would be the representative body consisting of 30 members elected by the Panchayats according to their size and importance. The Varishta Panchayat would serve as an Advisory body and would discuss and decide important matters of policy.

12. The Varishta Panchayat is also empowered to conduct and decide suits.

(1) For money due on contract, not affecting any interests in immoveable property,

(2) For the recovery of moveable property or for the value of such property,

(3) For compensation for wrongfully taking and injuring moveable property;

Where the amount or value of the claim does not exceed twenty-five Rupees.

It can also conduct and decide minor criminal cases like assault, abuse, nuisance etc.,

(Signed) (A. FURTADO).

Administrator,

Nagar-Haveli, *Silvassa*.

*Silvassa*,  
23-2-56.

#### Appendix

S. No.	Name of Group Panchayat	Area Comprising The Panchayat
1.	Silvassa	1. Silvassa, 2. Anli, 3. Rakholi, 4. Masat, 5. Kundacha, 6. Karad, 7. Athola, 8. Samarvani, 9. Sailli, 10. Vagchhipa.
2.	Naroli	1. Naroli, 2. Kharadpada, 3. Luhari, 4. Athal, 5. Kanadi, 6. Dapsa.
3.	Dapada	1. Dapada, 2. Surangi, 3. Vasona, 4. Chinchpada, 5. Chikhali, 6. Apti, 7. Pati.
4.	Dadra	1. Dadra, 2. Tighara, 3. Demani.
5.	Khanvel	1. Khanvel, 2. Chouda, 3. Khuntli, 4. Selti, 5. Umarvarni, 6. Goratpada, 7. Rudana, 8. Talavli.
6.	Mandoni	1. Mandoni, 2. Sindoni, 3. Vansda, 4. Kherpa, 5. Berpa, 6. Besdha, 7. Chinsdha.
7.	Amboli	1. Amboli, 2. Khadoli, 3. Tinoda, 4. Brindaban, 5. Velugaum, 6. Karajgam, 7. Dolara, 8. Parjai, 9. Kherdi, 10. Kalu.
8.	Dudhani	1. Dudhani, 2. Karchond, 3. Ghodbari, 4. BILDARI, 5. Gunsa, 6. Kauncha, 7. Jamalpada, 8. Ambabari, 9. Mendhu, 10. Vaghchauda, 11. Kothar, 12. Khararbari.
9.	Mota Randha	1. Mota Randha, 2. Nana Randha, 3. Morkhol, 4. Bonta.
10.	Kilavni	1. Kilavni, 2. Ghalonda, 3. Silli, 4. Umarkoi, 5. Falandi.

## APPENDIX XXXI

## LIBERATED AREAS OF DADRA AND NAGAR-HAVELI

## REPORT OF PANCHAYAT

*Meaning of Panchayat*

In 1832, Sir Charles Metcalf described the Village Panchayats of our country in the report of the Select Committee of the British Parliament as under:—

“Village Panchayats are small republics. They are self-sufficient in respect of all articles required for them and they are mostly independent from outside controls”. Where else other things could not exist, Panchayats appear to be in existence. Many dynasties have been established, ruled and were overthrown. The country passed through many revolutions. Hindus, Pathans, Mogals, Maharatas and Sikhs all have ruled India and the British also came and went but the village panchayats have remained unchanged. But due to passage of time, the drum of destruction of this institution started with the establishment of the British Rule. In the beginning of the British Rule, the erstwhile Government highly praised this institution because it was necessary at that time and so accepted its importance but as soon as their purpose was served they destroyed the panchayats. After achieving Independence village panchayats were revived. Village panchayat is a means of infusing new spirit in the village life by intelligent social workers.

Just as the Collectors constitute Panchayats by either nomination or holding election of members of Panchayats in Bharat; similarly village Panchayats for the Liberated Territories of Dadra & Nagar-Haveli were formed by the Administration on the 25th November, 1954 and members for the same were also chosen by the Administration.

All the nominated members of the newly established Panchayat attended the meeting held on 25th November, 1954, expressing their joy and giving compliments for achievement of the cherished desire in obtaining Independence and passed the following Resolution in the same meeting. (Resolution No. 21 dtd. 5-11-1954.)

“This Panchayat declares on solemn oath to remain loyal to the new Administration in place of the Portuguese Regime and lend its full support. Independence is a basic gift to mankind as humanity is and so the Panchayat requests members and other public servants to be loyal to the new Administration and discharge their functions with Zeal.”

When the above resolution was passed in the Panchayat Meeting, Doctor Furtado was present in the meeting and he agreed with it; and thereafter he demanded by the 29th November, 1954 loyalty from the servants of the Administration by a written “Avizo” (Declaration or Loyalty Bonds), as per resolution of the Panchayat.

A third meeting of the said Panchayat was held on 8-1-1955 and a Nayaya Panchayat of 5 members was elected according to section of Chapter VI of the Village Panchayat Act. Thereafter 100 cases were received either from the Court or from the Administration direct till date; 59 cases have been disposed off and 41 are still pending and under consideration.

In this respect it is important to note that not a single person out of these 59 cases disposed off, has gone in for an appeal so far.

In the resolution No. 5 of 7-6-1955, it was decided by the Panchayat of this area to hold monthly meetings. On 1st of July 1955, it was decided to levy fees on suits or complaints received. On 1-8-1955, a Committee of 3 members was formed for the Schools of the Liberated Territories of Dadra & Nagar-Haveli as per Panchayat Rules.

In the meeting of the Tax Committee elected by the said Panchayat, held on 5-12-1955 it was resolved that the export tax fixed by the Municipality should be reduced by 50% and the Committee elected by the Panchayat for considering the question of trees made suggestions regarding value of trees etc., in the same meeting. In respect of the Tax, the Panchayats had unanimously requested to put the below-mentioned resolution into force and the Municipality carried out the suggestion of the Panchayat.

Thereafter it was noted in the meeting of the Panchayat held on 25-1-1955 that the União Goa Nacional (i.e. Rashtra Sangh), of Goa had delivered one petition signed by 31,400 persons to the Governor General of Portuguese India. In that they expressed their desire to remain loyal to Portugal and appealed to the Portuguese Govtt. to reconquer the territory of Dadra & Nagar-Haveli; but the Editor of a Catholic Daily newspaper of Margao had published that force was used on Goans for signing the protest paper against Bharat and bonds were taken for remaining loyal to Portuguese Govtt. In fact, signatures of students, Government and Municipal servants and members of the União Nacional were taken. But when the time for liberation of the people is approaching near, it is to be seen whether one could believe that the people themselves and others would demand for fettering them in the shackles of slavery? Never so; but presuming the fact is true, it is important to note that only 31,400 persons signed the petition out of the population of five lacs or more. After considering this, it only remains to be considered whether the people who are fettered and depressed can have the right to interfere in the unity of the Administration of the Liberated Territories of Dadra & Nagar-Haveli? It cannot be so; because according to the Charter of the U.N. all persons should have the human rights bestowed upon by the Almighty and accordingly the subjects of the dominions mainly, when they are fit enough are allowed to shape their destinies and those of their lands just like independent nations. At the time when the opposition party of autocratic regime of Portugal recommends to that Government to negotiate peacefully with the Government of the Indian Dominion with a view to safeguard the right of Independence of Portuguese Indian subjects, at that very time the Panchayat expressed its resentment at the União Nacional for its attitude of hatred for keeping the Goan People in bondage.

In the meeting mentioned above the Panchayat decided to fix one fourth and one sixth crop share to be given by tenants to landlords and managed for exemption from payment of cost for making entries of births, deaths and marriages for which the Adivasis had to pay during Portuguese regime.

In the meeting of March, 1955 the Panchayat negotiated successfully the free import of all essential commodities from Bharat which were not allowed before. Gur which was totally banned was also allowed to be imported in Nagar-Haveli.

In the Panchayat meeting of June, 1955 it wished all success to the non-violent struggle after sympathetically watching the Goa Liberation Movement carried on by satyagrahies. It also decided unanimously to establish Congress for the Liberated Territories of Dadra & Nagar-Haveli. Accordingly the Congress was established on 18th of June which marked the beginning of the Goa Liberation Movement; and in the same meeting it was decided that no work should be extracted from labourers and tillers without paying them reasonable return or wages.

The meeting of July, 1955 introduced the Home Guard System to avert the fear of thefts and scuffle and if required it was decided to give katcha arms licence. Accordingly some Adivasis have already received licences. In the same meeting arrangement was made to give seed and khavti to poor khatedars and tenants.

In malki reverted lands, Govtt. leases the same for a period of one year or three years. Under Portuguese law if any one applied for getting back the malki of that land, it was given by auction of the assessment of the land and it was given to a person who offered the highest bid in the sale which was treated as annual assessment. In its meeting of August 1955, the Panchayat set aside this procedure. Instead, it was decided to register all entries of the rights of lands such as mutation of lands, hireships etc., in the mutation Register after recording the statements of the parties concerned in the Administration Office and if they were not disputed. If a person who receives a summons from the Nayaya Panchayat does not remain present, he is given one more chance if he is an Adivasi. In case of persons other than Adivasis, it was decided to give a written warning in the summons that, if they did not appear, suits would be decided ex-parte and they would be bound to accept the decision.

The dictatorial administration of Salazar has published one administration law for the Indian Empire; in the first article of which it has been stated that:—

“As the Indian Empire has been merged with the Political Unit of Portuguese people, the territories of Anjedive Isles on the Malabar Coast, Goa, St. George and Morsegos, the territories of Daman including Dadra & Nagar-Haveli situated on the coast of Cambay Bay are included therein etc., etc.”

The said article lays great stress on the belief that Dadra & Nagar-Haveli areas have not been liberated from the yoke of the overseas regime. But Dadra & Nagar-Haveli has been liberated by the people from the Portuguese regime which can be considered liberated from point of geography and even from point of the life of the people of that area. So in its meeting of September, 1955 the Panchayat in repugnance to the above article declared that this territory holds a strong desire to merge with the sovereign state of Bharat. The Panchayat sent one copy of this resolution to the President of Cabinet Ministry of Lisbon, one copy to the Governor-General of Goa and one copy each to the Bombay Government and Central Government. During this time, the period of levy of Industrial Tax in Nagar-Haveli was expiring in September which was extended till October at the request of the Adivasis.

In November, 1955 the Panchayat fixed the wages of labourers in Nagar-Haveli according to which the male labourer was to be given Re. 1/- and the female Annas 14/- per day and in 1957-58 as the wages in the adjoining territories of Nagar-Haveli were increased the Panchayat

taking note of the fact fixed the wages at Rs. 1-4-0 & Re. 1/- and notified the rates to the patelads for putting them in force. It was decided that the rent which should be received by the landlord and paid by the tenant should be fixed at  $\frac{1}{4}$  share instead of one fourth and one-sixth crop share of rent.

In the meeting of December, 1955, the people of Nagar-Haveli were permitted to export 70% of new paddy and the whole stock of old paddy and nagli and after one month they were given permission to export further 5% of new paddy.

In March, 1956 10 Group Panchayats were established by the Administration in 10 Patelads of Nagar-Haveli in which the names of members were proposed by the Patels and the local people jointly. After selecting the members and sarpanches of Group Panchayats, Varishta Panchayats was established in April, 1956 in the Place of the old Panchas for the whole of Nagar-Haveli.

In May, 1956, the Varishta Panchayat gave its assent unanimously to the Excise Laws after studying the same for one month and by making necessary omissions and additions therein.

In August, 1956, it was decided that the village which does best safai work should be given a prize and a resolution was passed requesting the Administration to appoint trained teachers in Dadra, Naroli and Silvassa Schools.

In October, 1956 a question arose whether the labourers of Nagar-Haveli should be allowed to go out of Nagar-Haveli for grass cutting. After considering the question it was decided that the labourers might be allowed to go out otherwise hindering them would mean restrictions upon their individual liberty. Besides the labourers who get wages from outside can purchase clothes, grains and other primary essential commodities. The merchants of Nagar-Haveli were buying foodgrains from the Adivasis in the weekly bazars at arbitrary prices i.e. at cheap rates; so the Panchayat established a "Price Control Committee" in which 6 members were appointed after election and the prices communicated to all Patelads, Secretary of Group Panchayats and the Police Department and so the purchases and sales were done in the markets as per prices fixed by the Committee.

In the meeting of November, 1956 it was unanimously decided that the monthly meeting of the Varishta Panchayat is held, any person of the Liberated Territory may be allowed to sit in the meeting, so that he can have an idea of the working of the Panchayat. However a non-member who comes to the meeting cannot put any proposals; if he wants to do so he should send it in writing eight days before the date of the meeting to the Sarpanch of the Panchayat who will put it before the meeting. A non-member cannot ask questions when the business of the meeting is going on.

As for the rights of the Panchayat some questions were put to the Administrator by the Sarpanch and members to which he replied as under in the meeting held on 8th August, 1957:—

"To appreciate the footing of the Panchayat, it is necessary to see the circumstances of this area before and after Liberation.

In Goa the "União Nacional" (Political Organisation of the State), elects members of the Legislative Council without any opposition therein; so the elected members represent the voice of their Government.

The members of the Varishta Panchayat in this area are persons



selected by the members of the Group Panchayat and they are independent and give their free opinion. This right of free opinion has never been obstructed. The position of the members of the Legislative Council in Goa is of 'subordination' and without any value for though they are doctors, lawyers, priests, High Court judges etc., their opinions are only consultative as their resolutions are dependent on the approval of the Governor and the Colonial Minister."

In the same way the Administrator was put a question about the voting in Nagar-Haveli. In reply to that he said, "in Nagar-Haveli, the voting is advisable as it is; the Administration appreciates the resolutions passed and accepts them in the interest of the general public. As for some other questions asked he said he would reply them after referring some important Acts. Regarding the representation of the Panchayat, he also said that 95% of the population of this area consists of Adivasis and for that reason we have still to wait for development of the education in order to have free election in proportion to the representation of the population etc."

The Panchayat had formed a Committee consisting of Shri Khalap, Education Officer, Shri Chaubal, Sarpanch and Shri Umedsingh Parmar, Sarpanch of the Group Panchayats regarding trained teachers and opening of an Ashram School. The Committee had submitted its report to the Administration. Thereafter wide publicity was given in newspapers twice inviting applications from trained teachers. Applications were received from a few candidates, and the still few who appeared for an interview were not found fit. As for the Ashram School, the estimate for building and utensils comes to Rs. 9,700/0. The construction of foundation would approximately cost about Rs. 6,000/0; so it was decided to take up this matter on hand at the appropriate time.

25th November is the day of the establishment of the Panchayat and on 25-11-57 it had entered the 4th year; so the Sarpanch offered congratulations to the people of Dadra & Nagar-Haveli and 3 Resolutions were passed in that meeting.

"(1) This day i.e. 25th November, 1957 is a glorious day for Dadra & Nagar-Haveli, liberated from colonial domination; it marks the establishment of a new democratic administration with the institution of the Panchayat; nevertheless it is a day of mourning for Goa which must endure the tyranny of the foreign oppressor and glorify the pirate Afonso da Albuquerque.

"(2) The Panchayat avails of this opportunity to express its appreciation of the British Labour Party, who contrary to the Conservative Party in power, has denounced the anti-democratic and terroristic regime of the Portuguese Dictatorship and in particular of the President of The Goa League, Mr. Wedgwood Benn who has courageously referred in London to the cause of Goan Liberation.

"(3) Regarding the case at the Hague Court, the Varishta Panchayat expresses its firm decision not to recognise any decision that might object to or agree against the re-conquered Liberation of the people of Nagar-Haveli and Dadra. And though it might recognise the competence of the Hague Court to deal with International Treaties and Contracts, no treaty or contract can be considered, if the circumstances which came to modify it in such a manner as to allow no conditions for its existence. Further, it is a matter of political question since a foreign political

regime ceased to exist as a result, just as, in a similar manner by a popular revolt the rule of the Spanish kings ended in Portugal.

In the meeting held on 28th March, 1958 the Panchayat unanimously elected new members of the Municipality in place of the old ones. In that meeting, it was also decided that if there was no quorum, the meeting should be postponed for 30 minutes and thereafter the working of the meeting should be commenced as that of the adjourned session on that day irrespective of quorum. This was done with a view that the labours of the members coming from distant villages may not be wasted and the Panchayat work may not be delayed.

In June, 1958 the Panchayat appointed a Committee of 7 members to study the non-agricultural aspect of malki land trees and the Committee submitted its report in August, 1958 after lengthy discussion and obtaining clarifications on different aspects. The Panchayat enacted a law in such a way as not to inconvenience the landlord from point of view of Govtt. and the people.

In June, 1958 a Committee consisting of 6 members was formed to consider the question of tax on date trees. The excise law was first passed in May, 1958 and thereafter the Committee of 6 members made additions and modifications in 1958 and the Panchayat approved them. In the same meeting the Panchayat requested the Administration for supplying with food the Adivasi members who came from distant places and could not go back home on the same day and necessary arrangements were made.

The Panchayat received information that the cloth merchants were charging higher prices for cloth sold to the Adivasis in some of the weekly bazars of Nagar-Haveli; the Panchayat made inquiry into the matter and learnt that the Adivasis were greatly deceived. So Shri V.G. Bhavsar one of the members of the Varishta Panchayat and Sarpanch of Silvassa Group Panchayat drew a loan of Rs. 3,000/0 from the Administration and purchased ready-made clothes which were sold through the Patelads at cost price with the result that the traders reduced their prices and the cloth was sold in the markets at reasonable price. In this way the Panchayat sold clothes valued at Rs. 2,538/0 to Adivasis and there is still a balance stock of clothes worth Rs. 462/0 for sale which is kept in the Panchayat Office, Silvassa.

In June, 1955 the Panchayat made a suggestion that a Congress should be established for the Liberated Territories of Dadra and Nagar-Haveli and accordingly a Congress was established on 18th June, 1955 and its name was kept as, "Gangatana Samiti" and Shri Lallubhai Vajubhai Patel was elected as its Chairman.

In the meeting of 5th September, 1958 the Panchayat formed a Committee for suggesting changes in the Cattle Pound Act, after studying the laws prevailing in the adjoining areas. The Committee is at present studying the laws and will submit its report by the end of October which will be put up for discussion in the meeting of the Panchayat to be held on Wednesday the 5th November, 1958. After making necessary changes in the Act, the Panchayat expects that the amended Act, will be brought into operation from January, 1959.

Besides this, in the same meeting the Panchayat unanimously passed the following resolution:

"With regard to the complaint lodged in the Hague Court by the Portuguese asking for the right of passage to Dadra and Nagar-Haveli

through Bharat Territory, the Government of India has to give a written reply on 25th of this month (i.e. September); the Government of India is free to answer as it chooses but so far as the Varishta Panchayat of Nagar-Haveli is concerned, it unanimously passes the following resolution in to-day's meeting.

"The people of Nagar-Haveli resolve that they will never recognize the Portuguese authority as they have once become free from their clutches .

This meeting earnestly requests the Government of India that, as geographically, ethnically and culturally Nagar-Haveli is a part and parcel of Bharat, the Government of India should take immediate steps to merge the Liberated Territories in Bharat.

This meeting requests the Sarpanch to send a copy of this resolution to the Prime-Minister of Government of India, Shri Jawaharlal Nehru."

Accordingly, it has been sent to him on the 11th September 1958, and a copy thereof has also been sent by the Sarpanch to Shri Yeshwantrao Chavan, the Chief Minister of Bombay State, for information.

Silvassa,  
5. 11. 58.

The Sar Panch  
Varishta Panchayat,  
(Signed) N. G. CHOUBAL.

#### APPENDIX XXXII

##### SUMMARY OF THE RESOLUTIONS PASSED BY THE VARISHTA PANCHAYAT OF THE LIBERATED AREAS OF NAGAR-HAVELI

The Panchayat was established on 25th Nov. 1954 at Silvassa in which 25 members were chosen by the Administration, amongst the various classes and communities of Dadha and Nagar Haveli.

##### *Resolutions*

1. 25-11-54:—Oath of Loyalty towards the Administration was taken.

Resolution No. 1. 8-1-55:—Nyay Panchayat was established.

2. Resolution No. 5. 22-1-55:—The landlords paying assessment up to Rs. 150/— should take 1/4 the of the crops and those paying assessment above Rs. 150/— should take 1/6 th of the crops from their tenants.

3. Resolution No. 6. 22-1-55:—The Adivasis may be exempted from payment of fees for the registration of Birth, Death and Marriages.

4. Resolution No. 3. 8-3-55:—Restrictions imposed on the import of Gul and other essential articles into Nagar Haveli area for which permission was necessary, may be removed.

5. Resolution No. 4. 7-6-55:—The committee of the Congress of the people was established and Shri Lallubhai Vajubhai Patel was elected as its Chairman.

6. Resolution No. 7. 7-6-55:—No labour should be exacted from the labourers on tenants without payment of proper wages.

7. Resolution No. 5. 1-7-55:—To meet the dangers of petty thefts and quarrels in the villages, the Village Rakshak Dal (Home Guards) should be appointed and if need be, temporary gun licenses should be granted.

8. Resolution No. 9. 1-7-55:—The arrangement should be made to give Seeds and Khavti to poor agriculturists and tenants.

9. Resolution No. 6. 1-8-55:—The procedure of putting the land on auction when applied for on "Aforements" should be abandoned and the "Aforaments" may be given on the payment of the original assessment.

10. Resolution No. 2. 1-8-55:—The acquisition of rights in connection with sale of land, inheritance, long lease etc. may be registered in the Registration after recording the statements of the parties concerned in undisputed cases.

11. Resolution No. 3. 1-8-55:—The school committee consisting of Shri M. N. Mobile, Shri U. M. Parmar and Shri C. R. Shah was appointed for visiting the schools.

12. Resolution No. 5. 1-8-55:—As regards the service of first summons from the Nyaya Panchayat, if the witness remains absent, in case of Adivasi, one more opportunity should be given, whereas in case of others written instruction in the second summons may be given to the effect that if he does not attend the Court, a decision will be given in his absence which will be binding on him.

13. Resolution No. 1. 1-9-55:—The Dictator Dr. Salazar has published one Royal Ordinance that the Portugal's possessions in India including Dadra and Nagar Haveli are the parts of Portugal's territories. The Panchayat strongly protests against this declaration and expresses its desire to merge with Bharat territory. Copies of the above resolution were sent to the President of Lisbon Ministry, Governor General of Goa, and also to Bombay Govtt. and Central Government at Delhi.

14. Resolution No. 1. 1-10-55:—The time limit for the payment of the Industrial Tax which is fixed at the end of September 1955 may be extended to the end of October 1955.

15. Resolution No. 4. 2-11-55:—Wages of labour were fixed as under for Male 1-0-0 per day

„ female 0-14-0 „ „

(This was revised to Rs. 1-4-0 and Rs. 1-0-0 respectively on 5-10-57.)

16. Resolution. 5-12-55:—The proposals for payment of fees for cutting of certain kinds of trees were received under No. 112 of 30-9-55 from the forest Deptt. and they were considered by the Panchayat and resolved fees as under:

Sag tree (Teak)	1-8-0 per tree.
Tanas	1-0-0 „ „
Sisam	1-0-0 „ „
Sadade	1-0-0 „ „
Offshoots of Sadada	Free
Mahura	1-0-0 „ „

As regards, Mango, Amli and Mahuratrees, they should be allowed to cut only if they are unfruitful or obstructive to agriculture. The land owners of Nagar Haveli should be allowed, free of charges, the

cutting of their trees for the purpose of house building, repairs, sheds, depot or compounds. But none should be allowed to sell or otherwise dispose of it.

Applications for cutting of trees may be exempted from the payment of stamp duty.

It was resolved to reduce the Municipal export taxes by 50%.

17. Resolution No. 1. 5-3-56:—The draft of the Evacuee Property Act presented by the Administration was approved with the following two modifications.

1. The person who remained in Daman at the time of liberation and who had given authority to a person in Nagar Haveli for the management of his property, may be allowed to manage it and the manager should keep accounts for the property and show the Evacuee or the Administration when demanded.

2. The heirs of the Evacuee who are managing the land as heir or by a power of Attorney may be allowed to do so to the extent of power mentioned.

The manager of the Evacuee property may be asked to make a declaration to the Administration for safeguarding the interest of the Evacuee.

The draft of the Excise Act was approved.

18. Resolution No. 3. 5-3-56:—Decision was taken to establish 10 Group Panchayats.

19. Varishta Panchayat was established by the Administration on 19-4-56.

20. 24-8-56:—Prize may be given to the village which has done the best Safai work.

21. 24-8-56:—Trained teachers may be appointed in the Primary Schools of Silvassa, Dadra, and Naroli.

22. Resolution No. 1. 5-10-56:—Approval for export of labourers to the adjoining territory was given on the grounds that they get additional income for the purchase of clothes and other essential articles of consumption.

23. Resolution No. 2. 5-10-56:—The price committee of 7 members was appointed to fix the price of food-grains every week for the guidance of Adivasi people who sell their grains in the weekly bazars. The prices fixed by the committee may be made known to all people through the Patel-Talathi.

24. Resolution No. 1. 5-11-56:—A person other than the members of the Panchayat was allowed to attend the Panchayat meeting but he cannot put any proposal if he desires to say any thing, he should forward his say to the Sarpanch 8 days in advance.

25. 15-8-57:—A committee consisting of the Education Officer, Shri N. G. Choubal and Shri U. M. Parmar was appointed for the purpose of making arrangement for the trained teachers and the Ashram School. The committee should submit report to the Administration.

26. Resolution No. 1. 27-9-57:—A committee consisting of the Agriculture Officer, Shri Jayant Desai, Shri Gulabsinh C. Parmar, Shri Madhubhai Dhavalia Adivassi and Shri Mangalbhai Khalap Marge

(Harijan) was appointed for the consideration of Rules of leasing lands drafted by the Administration.

27. 5-10-57:—Report of the sub-committee appointed as per resolution of 27-9-57 was approved.

28. 25-11-57:—The resolution of the Panchayat on the third Anniversary of its formation (Copy attached)\*. The other activities of the Panchayat.

29. (1) With a view that the Adivasi people may not be cheated in respect of purchases of clothes, one of the Panchayat members Shree V. G. Bhavsar having taken loan of Rs. 3000/— from the Administration purchased clothes and sold through the Patel-Talathis at cost price. (The loan to the extent of Rs. 2317/— has been repaid. Clothes of value of Rs. 683/— is still in stock.)

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\* COPY OF A RESOLUTION ADOPTED BY THE PANCHAYAT ON THE  
THIRD ANNIVERSARY OF ITS FORMATION

1) This date is a glorious one for Dadra and Nagar Haveli Liberated from Colonial domination, because it marks the establishment of a new democratic administration with the institution of the Panchayat; it is a date of mourning for Goa who must endure the tyranny of the foreign oppressor and glorify the pirate, Afonso de Albuquerque.

2) The Panchayat avails of this opportunity to express its appreciation of the British Labour Party, who contrary to the conservative Party, in power, has denounced the anti-democratic and terroristic regime of the Portuguese Dictatorship, and in particular of the President of the Goa League, Mr. Wedgwood Benn who has courageously referred to the cause of Goa's Liberation.

3) Regarding the case at the Hague Court the Varishta Panchayat expresses its firm decision not to recognize any decision that might object to or argue against the reconquered Liberation of the People of Nagar Haveli and Dadra. And though it might recognize the competence of the Hague Court to deal with international treaties and contracts, no treaty or contract can be considered, if the circumstances which came to modify it in such a manner as to allow no conditions for its existence. Further, it is a matter of political question since a foreign political regime has ceased to exist as a result, just as, in a similar manner, by a popular revolt the rule of the Spanish Kings ended in Portugal.

Silvassa,  
25-11-1957.

## APPENDIX XXXIII

## JUDICIAL POWERS OF THE VARISHTA PANCHAYAT

*Civil Suits*

1. To try suits for money due on contracts, not affecting any interest in immovable property;

2. To try suits for the recovery of movable property or for the value of such property;

3. To try suits for compensation for wrongfully taking and injuring movable property;

Where the amount or value of the claim does not exceed twenty-five Rupees.

*Criminal Cases*

1. Voluntarily causing hurt.

2. Assault or use of criminal force otherwise than on grave and sudden provocation.

3. Assault or use of criminal force on grave and sudden provocation.

4. Theft, where the value of the property stolen does not exceed Rs. 20/—.

5. Mischief when the loss or damage caused does not exceed Rs. 20/— in value.

6. Criminal trespass.

7. House trespass.

8. Intentional insult, with intent to provoke a breach of the peace.

*Revenue Cases*

1. To try rent suits to the extent of Rs. 100/—.

2. To determine reasonable rent of land.

3. To try cases of obstruction to the customary ways and roads.

Appeals against the decisions of the Varishta Panchayat shall be made to the Council.

## APPENDIX XXXIV

## ADMINISTRATION OF THE LIBERATED TERRITORIES OF DADRA AND NAGAR-AVELI MUNICIPAL COUNCIL

*Minutes of the Proceedings*

Ordinary meeting held on 26th Dec. 1956.

*Standardisation of Weights & Measures*

From a proposal put forward by the President of the Administrative Council, the following was unanimously decided:

In order to counteract the fraud that is going on in the use of sub-standard measures which have not been approved by the Municipality, these substandard measures are being used to exploit the poor population of these Liberated Territories, the Municipal Committee decides that:

1. All those who have in their shops or premises, measures not marked by the Municipal Commission should bring them to the Secretariat of this Municipality within 15 days in order that they can be checked and marked from the date of this being issued.

2. After 15 days have elapsed, those agents with authority, like the patels and the police, should carry out a search of the shops and premises and apprehend those measures not officially marked, between sunrise and sunset, in the presence of 2 members of the local Panchayat or two identical witnesses.

3. Those that are apprehended shall be referred to the Courts, and dealt with by the letter of the law.

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APPENDIX XXXV

ADMINISTRATION OF THE LIBERATED TERRITORIES OF DADRA  
AND NAGAR-AVELI MUNICIPAL COUNCIL

*Circular Notice*

1. The public are hereby informed that from the 1st Jan. 1958 the measure of a 'ceira' or pound in use in this Territory shall be of 40 tollas.

2. The shopkeepers should prepare beforehand for the change in the measure by having the required measures and their corresponding fractions ready for their being officially marked.

Silvassa, 9th Dec. 1957.  
The President,

(Signed) A. FURTADO.

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APPENDIX XXXVI

ADMINISTRATION OF THE LIBERATED TERRITORIES  
ADMINISTRATIVE SECTION

To: All the Public Departments  
of these Territories.

Silvassa, 18th Nov., '54.

CIRCULAR ORDER NO. 4

For the necessary action to be taken, you are informed that:

1. The Administration of the Liberated Territories of Dadra and Nagar-Aveli has been invested on the undersigned and in Dr. Antonio Furtado with equal status and authority, it being up to them to resolve all administrative matters which are their joint responsibility.

2. However, for a proper functioning of the daily routine of the Administration, each of them is responsible for the following:

(a) The undersigned will look after Police, Finance, Forestry, Agriculture and Education.

(b) Dr. Furtado:—Judiciary, Health and Hygiene, Public Works, Posts and Telegraphs and the Rural Department.

JAI HIND.

The Administrator,  
(Signed) A. KARMALKAR.



## APPENDIX XXXVII

ADMINISTRATION OF THE LIBERATED AREAS OF DADRA AND  
NAGAR-HAVELI

## JUDICIAL DEPARTMENT

*Office Order No. 1**(Translation from Portuguese)*

The Judicial Services, however modest they may be, demand judicial probity, honesty in procedure and confidence of the public. Hence arises the necessity of the Civil, Criminal and Administrative Tribunal, established in these Territories, maintaining itself strictly within the norms of such conduct.

In order to attain this object, the Judicial Department of this Administration determines that

1) Against all decisions of a civil, criminal and administrative character an appeal may be lodged in the Collective Tribunal, composed of a judge, who proffers the sentence, and two capable members, who, appreciating the facts, the law and the proofs presented by the parties, shall resolve the cases with equity and justice.

2) The cost of preparation of each appeal shall be Rupees fifty which shall be distributed in the following manner: members, three rupees to the court clerk and the rest to the treasury of the Tribunal.

3) Each of the members of the Tribunal shall be given a week to study the case after which the decision may be given by unanimity or by majority, the dissenting member being allowed to substantiate his stand.

4) Before commencing the session, each of the members shall declare that his opinion has not been biassed by extraneous influences or favouritism.

5) In criminal cases which merit condemnations to more than six months, the Tribunal shall be assisted by a jury of four who shall judge the question of fact. Each of the jurymen shall declare that he shall not be influenced by any extraneous influence whatsoever.

Judicial Department of the Liberated Areas, in Silvassa, 14th December, 1954.

The Judge,

*(Signed)* Antonio FURTADO.

## APPENDIX XXXVIII

ADMINISTRATION OF THE LIBERATED AREAS OF DADRA  
AND NAGAR-HAVELI

## JUDICIAL DEPARTMENT

*(Translation from Portuguese)*

The Judicial services, however modest they may be, demand judicial probity, honesty in procedure and confidence of the public. Hence arises the necessity of the Civil, Criminal and Administrative Tribunal

established in these Territories maintaining itself strictly within the norms of such conduct.

In order to attain this object, the Judicial Department of this Administration determines that:

Against decisions of a civil, criminal and administrative character an appeal may be lodged in the Collective Tribunal composed of three capable members, which at present are Shri C. M. Barot, the Adviser, Shri Cesar de Sa, the Municipal Engineer and Dr. D'Costa, the Agricultural Officer, who, appreciating the facts, the law and the proofs presented by the parties, shall resolve the cases with equity and justice.

Each of the members of the Tribunal shall be given a week to study the case after which the decision may be given by unanimity or by majority, the dissenting member being allowed to substantiate his stand.

Before commencing the session, each of the members shall declare that his opinion has not been biased by extraneous influences or favouritism.

In criminal cases which merit condemnation to more than six months, the Tribunal shall be assisted by a jury of four who shall judge the question of fact. Each of the jurymen shall declare that he shall not be influenced by any extraneous influence whatsoever.

The cost of the preparation of each appeal shall be Rupees fifty and shall be distributed in the following manner:—Rupees thirteen to each of the three members, Rupees three to the clerk registering the decision and other clerical work and the remaining to the Government treasury.

This preparation or Court fees are payable only when the parties want to appeal to the Collective Tribunal, that is to say, when the Public Prosecutor wants to appeal there is no Court fee and so the appeal runs free of charge.

There are two pleaders and besides these, licenses have been given to the Portuguese-Gujerati knowing persons to write to the Court the petitions, complaints, grievances, etc. in the name of the petitioners, or parties concerned.

The Court has a Gujerati-Portuguese knowing interpreter and all original Portuguese orders, notices, etc. from the Court are sent to the party concerned, accompanied with Guzerati translation.

Judicial Department of the Liberated Areas of Dadra and Nagar-Haveli, in Silvassa, 6th December, 1955.

The Judge,  
(Signed) A. FURTADO.

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#### APPENDIX XXXIX

#### NOTIFICATION

No. A.D.M.

The Council has been constituted in this area for taking final decisions in respect of Administrative functions.

The appeals against the decisions of the Civil and Criminal courts including the Nyaya Panchayat shall be heard and decided by the Council.

The Council shall also hear appeals against the orders passed by the Administrator or any of the Head of the Deptt.

The orders passed by the Council are final.

Silvassa, 30th June, 1956.

(Signed) A. FURTADO.

Administrator,  
Nagar-Haveli, Silvassa.

Copy forwarded W/Cs to all Heads of Deptt. for information and guidance.

#### APPENDIX XL

#### JUDICIAL DEPARTMENT

#### *Sentence*

(Translation from Portuguese)

The Public Prosecutor accuses Dalpat Bana, rajput, of Naroli, identified in the documents, of having entered the residence of Bava Muria, also identified in the documents, and of having offended him voluntarily and physically assaulting him on the 6th November last year at 11 o'clock, with blows, and hitting him with the umbrella, with the result that he was unable to work for two days, and was ill for four days, which is punishable under Sect. 1 of Art. 360 of the Penal Code.

In the course of the hearing 4 witnesses, near relations of the plaintiff, were heard, the Public Prosecutor not having called one of his witnesses, and the defence lawyer having dispensed with all of his witnesses. On page 41 the accused contested, saying that he did not enter into the house of the plaintiff and did not assault him; but admits that he went to ask him the reason for his absence from service after having already received money and things in advance, and that on this occasion he had started to boast and had given the impression of wanting to assault him, whereupon he had given him a push in order to avoid a fight. He declares that he gave the plaintiff 460 rupees on the occasion of the wedding and 30 rupees and 4 paras of rice, on condition that in return he would serve in the estate of the accused, and that the aim of this accusation made by the members of the plaintiff's household or family was to cheat him, refusing to give his services.

In the course of the hearing the same accused argued that from the evidence it was clear that there was no case to be answered, and that the police witnesses had given false statements. Having heard, and carefully considered, we find the plaintiff and the accused are legitimate parties.

The grounds of nullity invoked by the accused are not acceptable, so long as the evidence was investigated by the Police, as is generally done in all criminal cases which the Police investigate, and of which the court is informed. The court, where necessary, directs that certain enquiries should be made to complete the investigation.

The Court is aware that to start the enquiries all over again would be unfair to the witnesses who have to travel over great distances, thereby losing a day or two of work, which results in creating an

aversion for judicial enquiries, thus prejudicing the investigation of crimes.

Now the fact is that the accused, if there was no case to be answered, would have so indicated at the start of the proceedings, for this should have arisen from the evidence submitted by the Police and not from the final stage of the proceedings. Besides, Art. 173 of the Penal Code lays down that the evidence submitted can be about any act committed and which has been accepted, and which purpose the documents serve, and have been referred to in Art. 169 of the same Code.

The proof by statement is a very slight proof, but together with the other elements can be used either to convict or to quash the conviction. If this were not the case, all the crimes committed inside the family or in places not frequented by the public would go unpunished, because of lack of proof.

According to what has been said, we do not proceed with the allegation that there is no case to be answered.

To appreciate the arguments for the culpability of the accused:—

In his statements on page 42v, the accused admits that he caught hold of the plaintiff by hand and told him to go to work. He also confesses that on the occasion referred to he was armed with an umbrella, and that he demanded that the work should be done, having already advanced a certain sum to this end.

That the plaintiff was assaulted is shown by the statement made by the ambulance worker on p. 32, and the medical certificate on p. 30.

Reconstructing the evidence obtained by the policemen Ghadgue and Karakbelekar, the latter in the presence of a member of the Central Panchayat, it can be concluded that, in fact, the accused had entered the plaintiff's house and had assaulted him.

The accused boasts that he had given money to the plaintiff which he would repay in form of work. This is another manner of perpetuating the slavery of work. Already, before the Portuguese King's Commissary, Neves Ferreira, in his report on the Reform of the Services in Nagar Aveli in 1897, was deploring this situation of serfdom that the "Saucars" (merchants) were creating towards the poor population. It is for this reason that the plaintiff and his wife have been performing manual labour for the accused in return for the advance received. From that also arises the oppressive situation of the very wife of the plaintiff and other relations living under the same roof having refused to relate what happened inside the house, from the fear of the might of the accused "Saucar" (merchant).

On the other hand, the Police evidence, though not completely faultless, shows that the facts therein referred to correspond to the truth, for these Policemen have relations of friendship or enmity with neither the plaintiff nor the accused; besides, the very plaintiff and his family lodged a complaint against the accused at the Police Post of Naroli. The policeman, Karambelekar, who went through the evidence taken by the policeman Ghadgue declares his conviction that the incriminating facts are correct.

The proof in the Penal rights is more of a moral nature and its value depends on the impression, great or small, that it can produce on the judge.

It can be concluded from the evidence that the accused, abusing his position of "Saucar" entered the plaintiff's house, and

assaulted him with the umbrella, thereby wounding him, as if the money that he had given had conferred on him the abusive right to enter the house of the accused and to inflict physical violence on the person to whom he had lent money in return for work which, besides being a return to feudalism, is also an attempt against human dignity, which is not admissible.

The case is therefore proved, and the accused Dalpat Bana is condemned to two month's prison, or, alternatively, to the payment of 2 rupees per day for the two months' imprisonment, and a fine of a month, which is equivalent to 2 rupees per day; the 30 rupees are awarded to the accused and 30 rupees costs.

The criminal report to be forwarded.

Silvassa, 2nd Feb. 1957.  
(Signed) ANTONIO FURTADO.

## APPENDIX XLI

### JUDICIAL DEPARTMENT

#### *Sentence*

(Translation from Portuguese)

Shri Claudio Pais lent Rs. 150/— to one Gopgi Danji, as per mutual written agreement, to be repaid within a period of 5 years.

As security to the loan mentioned above Gopgi put Shri Pais in possession of 20 gunthas of land which produced  $1\frac{1}{4}$  aras of paddy; the cultivating expenses of said land being Rs. 40/— as the Patel informs.

Shri Pais is cultivating to his own advantage said land for the last 10 years.

Last year (1957-1958) 11 gunthas of the land were cultivated by Gopgi and 9 gunthas by Pais. The produce of 9 gunthas is 20 paras of paddy.

This year, Shri Pais cultivated 3 gunthas and Gopgi 4 gunthas, not being able to cultivate the remaining part for being the same flooded and wishing to cultivate it later.

According to the panchas' opinion, the annual production must be of Rs. 128/— or 1 ara of paddy. After deducting the cultivation expenses of Rs. 40/— the amount in favour of Shri Pais is Rs. 88/—.

Shri Pais, in his statement at p. 3 promised to forward the private document of the debt. As he failed to do so he was summoned to forward the same—which he did not do, too.

According to "Dip. Legislativo" n° 1.063 of 17-8-1939, the interest of lent capital cannot exceed 6% or 8%.

The main clauses are:—

"Taking into consideration that the interests charged against private loans in this Territory percentages which surpass, in many ways, the limits of just retribution of the principal lent.

*Art. 2:* Where the amount of loan is lent against real guarantee the interest will not exceed 6% in other cases it should not exceed 8%.

*Art. 3:* There shall be no penal clause in a contract of loan which shall impose an obligation on the part of the debtor of paying the penalty and any other fines to be paid by the debtor which would exceed 3% over the debt and the period during which the interest is not paid shall not be taken into account whilst calculating the amount of the interest.

*Art. 4:* Whenever in any of the above mentioned kinds of the interest exceeds the amount indicated in the aforesaid provisions, the amount of the interest will be reduced, and the creditor will have to pay the debtor whatever paid in excess by the debtor.

*Art. 5:* In contracts in which there is any kind of simulation of value, either in the interest or in the capital, with the intention of hiding the stipulated taxes, such simulation will be null and void, and the creditor will lose whatever he lent, in favour of the welfare societies of the area where the suit decided and to whom the debtor should give the due interest, calculated as per provisions herein provided.

*Art. 6:* The party that violates the rules of previous sections will be punished to an imprisonment which may extend up to one year and fine to 3 months.

§ 1. The attempt of this crime will be punishable.

§ 2. Those who serve as intermediaries in realisation of the facts punishable under this section and its sub-sections shall in all cases be considered as authors of the crime.

§ 3. The punishment prescribed in § 2 of the Art. 6 shall be enhanced in the cases where the circumstances of such cases are aggravated; where the money is lent taking advantage of the ignorance or immaturity or mental weakness even though not excepted in any provision of law; or if a creditor taking advantage of his fiduciary position lends the money to the person to whom he stands in fiduciary capacity; or where attempt is evident in any contract to conceal the real interest charged by simulation; the punishment shall run to 2 years of imprisonment and a fine of 6 months.

§ 4. In case of repetition of the same crime, imprisonment may enhance up to 3 years and fine of one year.

*Art. 7:* These provisions shall be applicable to all kinds of concessions or money transactions in Portuguese India.

§ unico: In Nagar Aveli any kind of concession of money transaction will be valid only when it is executed in the presence of the District Administrator."

It is 10 years since Shri Pais is utilizing Gopgi's land—the annual income being of Rs. 88/—, without taking into consideration  $\frac{1}{4}$  ara—which amounts in total to Rs. 880/— (for 10 years) as the panchas indicate.

If we admit that a small part of the referred to land was cultivated in the last 2 years by Gopgi Rs. 100/— can be deducted from Rs. 880/—, remaining thus Rs. 780/—. If 6% of interest is still deducted—i.e. Rs. 90/— from 780, Rs. 690/— remain in favour of Gopgi.

1) Thus Shri Claudio Pais has to return Rs. 540/—(i.e. deducting 150 from 690) which should go to the Adivassi Welfare Fund for having received more.

2) The amount of Rs. 150/— lent to Gopgi, should be considered as totally paid.

3) If the alleged contract has not been executed in the presence of the Administrator it should be considered as null and void.

## APPENDIX XLII

### RULES FOR THE APPEAL TO THE JUDICIAL COUNCIL

1. An application seeking permission to appeal shall be made to the authority who has given the decision, within 15 days from the date of decision notified to him.

2. If the application is admitted, the applicant should be informed accordingly within 48 hours who will be required to deposit Rs. 50/— in Civil Court appeals and Rs. 20/— in Criminal and other administrative cases within 5 days along with the cost of case already conducted and in default of this deposit the appeal will be considered as withdrawn.

3. Within 10 days of the deposit a draft appeal should be submitted in duplicate. The duplicate copy of the appeal will be sent to the pleader of the respondent who should send his replies to the appeal points in writing within 10 days of the receipt of the copy of the draft appeal.

4. On receipt of the reply from the respondent the whole case will be sent to the Judge or to the Authority concerned for justification within 5 days from the receipt and in cases of Criminal and Administrative matters to the Public Prosecutor for his opinion within 5 days.

5. The whole case then will be sent to each of the members of the Council in rotation who can keep it for 5 days each for study. If the case requires more time for study the time limit will be extended for 3 days more.

6. The secretary of the suit will be alternately the Council members Shri de Costa and Shri Cesar de Sa, who will submit the case of the Council within 8 days with the summary of the case for being circulated to the other members for their study.

7. When the case is thus circulated among all the members the Secretary should fix, within 2 days, the next date of the hearing of the appeal.

8. On day of hearing the Secretary will start the discussion and when the case is fully discussed the resolution will be passed which will be written in the remembrance Book and will be declared. Thereafter within 2 days the Secretary will write out the decisions with reasoning in details in respect of resolution passed and take the signatures of the Councilors in next meeting.

9. If the appellant is poor and is unable to pay the deposit money, he should apply, accordingly at the time of seeking permission to appeal. The Judge after making inquiry is satisfied that he is poor, the appeal will be admitted without taking deposit and if it is found otherwise the appellant will have to pay the Court tax of Rs. 20/— more.

10. If the appellant fails in the suit, the deposit is forfeited to the Government.

11. The appeal will not be admitted by Council unless it is submitted through proper channel. In case the application seeking permission to appeal is rejected by the Authority concerned then in that case the appellant will apply to the Council.

12. The Public Prosecutor will assist the Council whenever he will be required to do so according to the Law.

13. After the decision of the Council, the papers of the appeal will be sent to the Authority against whose decisions the appeal was made.

14. The cases of commission or cases not mentioned in this regulation will be regulated according the Portuguese Code.

Silvassa, 31st October, 1957.

The Administrator,

(Signed) A. FURTADO.

(2)

*The 2nd rule for appeals in the Supreme Court*

If the Application is admitted or not, the appellant should be informed accordingly within 48 hours, who, in case of admission, will have to deposit Rs. 50/- in Civil cases, and Rs. 20/- in criminal and other cases, within 5 days along with the cost of the case already conducted. In default of this payment, the appeal will not be taken into consideration.

Silvassa, 8th January 1957.

The Administrator,

(Signed) A. FURTADO.

APPENDIX XLIII

PROPOSALS ON THE WORKING OF THE EXCISE ARRANGEMENTS, IN THE NAGAR-HAVELI LIB. AREA DURING THE YEAR 1956 (I.E. 1-1-1956 TO 31-12-1956)

*Policy*:—"Maximum Revenue, with minimum of consumption", has been adopted as the policy from 1-1-1956 and it will continue working till we find some other source of stable Revenue to replace the present Excise Revenue, accruing to the State from the legitimate consumption of liquor and toddy in this area. The Administration has taken up full responsibility for this policy, and so ousted out the middleman contractor who was benefiting at the cost of the people and the State. So the only Distillery at Ameli, is now run by the Administration, from 1-1-1956.

To consolidate the Excise Revenue and the old law on the subject, and to bring it in line with the law prevailing in some parts of Bharat, it has been enacted as follows:

I. PRELIMINARY

Short Title

This Act may be cited as the *Abkhari Act of 1956* of the N.H. Liberated Area.

It extends to the whole of the Liberated Areas of *Nagar Haveli & Dadra* and comes into force from 5-5-1956.



*Definitions*

2. In this Act, unless there is something repugnant or indecent in the subject or context:

“Abkari Revenue” means revenue derived from any duty, fee, tax, fines, confiscation ordered or imposed under this or any other act pertaining to Abkari Revenue.

“Abkari Officer” appointed by the Administrator of this area and invested with the powers assigned by him in carrying out the provisions of this Act.

“Manufacture” means and includes every process whether natural or artificial, by which any excisable article is prepared such as liquor or toddy.

“Toddy” means juice drawn from a cocoanut, brab or date or any other kind of palm tree, whether in its fermented or unfermented state. “Liquor” includes spirits of wine, spirits, toddy, beer and all liquors consisting of or containing alcohol and obtained by distillation.

“Foreign Liquors” means all liquors imported into this area, by land, sea or air from foreign countries.

“To Tap” means to prepare any part of a tree, so as to cause juice to exude from it.

“Committee” means any of the committees appointed by the Administrator.

“Country Liquor” means and includes all liquors, produced and manufactured in this area.

“Permit” means a Permit granted under this Act to possess liquor, toddy or Mahura flowers more than the prescribed quantity, by rules framed under this Act, from time to time.

“Mahura Flower” does not include the berry or seed of the Mahura tree.

“Abkari Officer” includes any Revenue Officer above the grade of a clerk, any forest officer of the grade of R.F.O. and any head constable in charge of the police station outpost.

“To Transport” means to move from one place to another in this area.

“Magistrate” means one appointed to try Abkari Cases.

“To Export” means to take out of Nagar-Haveli Liberated Area.

*Establishment & Control*

3. Excise Officer is charged with carrying out the provisions of this Act.

He shall be helped by the Forest, Revenue and Police Officers in the field of detection of Excise crimes, with the view of safeguarding the legitimate revenue from this source.

*Manufacture of Liquor*

4. Licence required for the manufacture of liquor save as hereinafter otherwise provided.

(i) No one shall manufacture any excisable article

(ii) No one shall tap any toddy producing tree

(iii) No one shall keep or have in his possession any materials, still, utensils or implements for the purpose of manufacturing any excisable article other than toddy

Except under the authority and subject to the conditions of a licence, granted by the Administrator in his behalf.

4. *A Possession of Illicit Liquor*

No person without lawful authority shall have in his possession any quantity of liquor knowing the same to have been unlawfully imported, exported or that the prescribed duty has not been paid thereon.

5. No excisable article or liquor shall be removed from the Distillery or any other place of storage established by the Administration, unless the duty if any, imposed thereon has been paid or a bond has been executed for the payment thereof.

6. No one shall sell liquor, without a licence granted by the Administrator.

7. *Possession Of Liquor*: The Administrator shall fix the limit of sale and possession generally and for special occasions.

8. *Prohibition of sale of liquors to children*: Liquor shall not be sold to persons below the apparent age of 21 years.

9. *Mahura Flowers*: No one shall possess Mahura Flowers more than 5 Bengal Seers, after the vacation period, from 15th February to 15th May of each year: During this period, all or any people may collect and sell Mahura flowers—the produce of the year from their trees.

10. *Duty*: Duty on liquor shall be imposed at reasonable rates by the Administrator, looking to the places and conditions of the people of this area and also the materials used in distillation, and the degree of attenuation of the wash and wort, as the case may be.

11. Duty on toddy trees shall be fixed by the Administrator at such rates deemed reasonable looking to the condition of trees and soil on which they are grown and the economic condition of the people.

12. Duty on toddy trees shall be paid by the licensee who taps them. When trees are not licensed the owner of the tree shall pay duty.

13. *Licences For Sale*: All licenses for the sale of liquors and toddy shall be granted by the Administrator, subject to such conditions as deemed fit in the interests of the people and State Revenue.

14. The Administrator shall have power to frame rules to regulate the trade in liquor and toddy.

15. The Abkari Officer, the Police Officer, the Revenue Officer and the Forest Officer empowered in this behalf may:

(a) enter and inspect, at any time by day or night, any land on which any toddy producing trees are growing, whether such trees are licensed or not, and any place of manufacture and sale of liquor shops.

(b) enter and search, any place by day or night, where he has reason to believe, that liquor is manufactured without a licence, or toddy is drawn without a licence, or that any materials and implements are kept concealed for manufacturing liquor.

(c) In case of resistance to break open the door and remove any other obstacles to his entry.

(d) And seize any other excisable articles and materials and utensils of manufacturing liquors.

(e) Detain and search and if he deems proper arrest such person whom he has reason to believe to be guilty of such offences against the Excise Revenue.

All searches shall be made according to Cr. P. C. The Officer making the search shall call upon two or more respectable inhabitants of the locality (called panchas) to attend and witness the search (failure so to attend is an offence under Sect. 187 of the I.P.C.)

- (ii) Make the search in their presence
- (iii) Make a list of all things seized and of all places in which they were found (list is called the Panchnama)
- (iv) Get the list signed by the witnesses (called Panch)
- (v) The occupant of the place of search shall be permitted to attend the search and copy of the list delivered to him at his request.
- (vi) The search of a woman shall be made with strict regard to decency and, if possible, by a woman (Sect. 103 Cr. P. C.).

16. *Officers Bound To Assist:* All village servants and officers useful to Govt. and all officers of the Department of Police, Forest and Revenue shall be bound:

- (a) To give immediate information to an Abkari Officer of commission of any offence which may have come to their knowledge
- (b) To assist any Abkari Officer in carrying out the provisions of this Act. He shall exercise the power in the course of investigation of police station officer, according to Cr. P.C.

17. Every Abkari Officer shall within the area have power to investigate all Abkari offences mentioned above. The Abkari offences shall be cognizable to the Police, Forest and Revenue Officers above the rank of constables and clerks.

18. All Excise offences shall be bailable.

19. The Administrator shall have powers to close shops in case of riots or, any fixed days.

20. *Penalties:* Whoever in contravention of this Act or any rule or order made under this Act or of any licence, permit or pass, granted under this Act:

- (a) Manufactures liquor or any excisable articles or
- (b) Taps any toddy producing tree, or
- (c) Draws any toddy from any tree, or
- (d) Uses, keeps or has in his possession, any material, still or utensil, implements or apparatus for the purpose of manufacturing any excisable article other than toddy, or
- (e) Sells liquor or toddy without a licence, or imports, exports, transports or possesses liquor—Shall be punished on conviction, for each such offence, with imprisonment for a term which may extend to six months or a fine of Rs. 500/—, or both.

The punishment of imprisonment shall be awarded on second and more convictions, the previous convictions shall be proved by the prosecution.

21. Whoever maliciously gives false information, with intent that any person or place be searched, to the annoyance of any shall be punished with imprisonment which may extend to six months or with fine which may extend to Rs. 500/— or with both.

22. The Administrator shall have powers to frame rules—

(a) For the working of the distillery, and the warehousing of liquor.

(b) For the grant of various kinds of licences, passes and permits.

(c) Regulating the grant of rewards to informers and expenses in cases and disposals of Muddamal etc.

(d) Framing rules for the marking and numbering of toddy trees and tapping of toddy producing trees.

(e) Providing for the consulting of public opinion for the grant of licences of vend of liquor and toddy shops.

The power to frame rules shall be subject to previous publications.

Provided that such rules may be made without previous publication, if the Administrator deems fit that they should be brought into force at once.

23. The Administrator shall have powers to compound all or any of the offences mentioned above and shall impose fine which may extend up to Rs. 200/— in lieu of prosecution.

24. *Bar Of Action*: No public servant shall be proceeded against in a court of law, for any action done in the discharge of his duties in carrying out the provisions of this Act.

25. All appeals against the orders passed under the Act by the Excise Officers, shall be appealable to the Administrator and any orders passed by the Administration shall be appealable to the Council.

No appeal shall lie against orders passed on appeal.

(Signed) Antonio FURTADO.

Administrator,  
Nagar-Haveli, Silvassa.

Silvassa,  
23-2-1956.

Passed into law on 5-5-1956 and approved by the VARISHTA PANCHAYAT members, unanimously.

The Sar Panch  
Varishta Panchayat,  
(Signed) N. G. CHOUBAL,  
Nagar-Haveli, Silvassa.

#### APPENDIX XLIV

LETTER FROM FATHER JOSEPH ALBUQUERQUE, VICAR FORANE OF CANOEL

Dear Sir,

As you are asking me whether the following allegations are true, I am making the observations given below in reference to each of them:

(1) The allegation that "In Dapara an image of Our Lady of Fatima was removed from the chapel and thrown out on the road".

After asking all the priests I have verified that no statue or image was removed from the chapel of Dapara or of any other place. The

crowd collected by the People's Party testified to the justice and the charitable spirit of the priests. Besides, most of the People's Party men were Christians and treated the priests kindly.

(2) The allegation that "At a feast at Silvassa, people were forced to turn their backs to the exposed Blessed Sacrament to let their picture be taken".

I questioned the Vicar of Silvassa and some Christians about this. None of them is aware of such an incident.

You are further asking me to say whether soon after the assault at Nagar-Aveli public order was soon normal.

I was in Goa during the attacks on Nagar-Aveli, which took place around the 1st of August. I entered Nagar-Aveli, only on the 14th of August. I heard that assaults and looting, inspired by communists, took place in some parts of Nagar-Aveli, specially south of river Damanganga. I went to speak to the authorities to request them to take measures for the safety of the people and our priests and brothers, who were all at their posts. They assured me that they were doing that. They did stop all disorder. Many freebooters and drunken rowdies were rounded up. Within a week after my arrival I was escorted at my request, as there was no other means of transport then, to Dapara and then to Canoel. The influence of the police activity was felt everywhere and by the end of August people went about their work undisturbed.

Yours Faithfully,  
(Signed) Joseph ALBUQUERQUE,  
Vicar Forane, Canoel.

#### APPENDIC XLV

#### REPORT OF POSTAL DEPTT FOR THE YEAR— OCTOBER 1957 OCTOBER 1958

	RS.	N.P
Money Order . . . . .	23701	53
Sale of Revenue Stamps and Permit Forms . . . . .	3797	06
Bharat Postal Stamps and Postcards, and envelopes etc. . . . .	3250	00
Staff expenditure, approximately . . . . .	6000	00
<i>Income</i>		
M. O. Commission . . . . .	28	54
Old. Postal Stamps, P. cards, etc. . . . .	88	24
„ „ used as Revenue stamps . . . . .	560	25
	677	03

(Signed) V. G. PRAHBU,  
Post Master,  
L. A. Dadra and N. Haveli,  
Silvassa.

Silvassa,  
8.11.58.

## APPENDIX XLVI

## POST-LIBERATION HEALTH MEASURES

1. *Free Treatment*

Free treatment to the Poor and Government servants, earning less than Rs. 100/0 a month, was given at all dispensaries.

Maximum fees have been fixed in Private Practice: for home visits, Rs. 2/0; for conducting labour cases, Rs. 5/0 (circular No. M.E.D. dated 15th September 1955), see Doc. No. 1. Maternity and child welfare and school health programme was introduced under direct control of the lady doctor, see Doc. No. 2.

2. *Malaria control*

Due to the faulty execution and other difficulties, therapy campaign launched in 1956 for the wide-spread distribution of Quinine and paludrine tablets was stopped. Instead D.D.T. insecticidal spray has been undertaken on a large scale. Since 1957 whole of Liberated Area was divided into three zones for this purpose:

i) *Hypere endemic zone*: Villages where the splenic Index was 50% and above. These areas are sprayed thrice a year with D.D.T. or Gammexane.

ii) *Meso endemic zone*: Villages where the splenic Index was 10—49%. These were sprayed twice a year.

iii) *Hypo endemic zone*: Villages where the splenic Index below 10% were sprayed only once a year.

This programme is to continue for 4 years, see Doc. No. 2.

As a result of this intensive spraying the incidence of malaria from August to November, period of maximum prevalence of Malaria in this region, has been much reduced, as seen from records of the three Government Dispensaries.

Malaria cases January to December 1957 = 857

                  "                  "                  "                  "                  October 1958 = 357

Paludrine to School Children under direct supervision of the Teachers is distributed once a week (0.3 gm).

3. *Vaccination and Sanitation*

In this Scheme for improvement of sanitation, stress was laid on mass education by organising popular lectures illustrated by lantern slides and films, pointing out the dangers of insanitary habits. Health and Sanitary Inspector-cum-Vaccinator have been appointed, see Doc. No. 3.

4. *Training of Nurses and Compounders*

This scheme envisages the improvement of rural health service by training selected boys and girls from rural areas in Medical Aid. They are taught to dispense ordinary mixtures and to dress the wounds, and also to treat Malaria, skin disease and snakebite. They are also trained to take pulse, respiration, temperature and to give injections and to general nursing. Two students, one boy and a girl, are undergoing

this training. The girl has picked up the work quite well and will be posted in-charge of Infirmary at Silvassa from 1958. The boy is just initiating and will take about 2 years to be trained, he will be posted in the interior of the villages to give Medical Aid and injection in snakebite etc. This form of service by local people is expected to be efficient and more economical in the long run. It has its drawbacks, but it is better to have some aid given to these backward people than no aid at all.

Practical nursing and dressing courses started from December 1956 for boys and girls from Nagar-Haveli Area, where a small salary of Rs. 30/0 a month is paid to the students, see Doc. No. 4.

#### 5. *Medical Inspection of School Children*

Since 1957 all school children are examined once a year. The report for the year of 1957 showed that most children suffered from malnutrition, caries of teeth, skin disease as ring worm and scabies, headlice and night blindness. In the kilavani and Randha Areas considerable number was found with spleen enlarged

Since 1958, all school children are given Vit. A & D tablets daily, ointment for skin disease is supplied. For enlarged spleen Quinine and paludrine tablets are given. In one school milk powder is distributed. Tablets and ointment are administered by teacher who sees that they are taken and applied under the direct supervision. The 6 monthly weight record of students showed on an average are increase of 4 lbs.

#### 6. *Infirmary--at Khandvel, Silvassa and Naroli*

Infirmary of Khandvel was opened in 1956 and of Silvassa in 1957. The number of Patients admitted were:

	1956	1957	(up to Oct. 1958)
Khandvel . . . . .	Nil	18	75
Silvassa . . . . .	Nil	159	177

There are male and female wards at Silvassa, (with 8 beds), at Naroli (4 beds) and Khanwell (6 beds), see Doc. No. 5.

#### 7. *New Dispensaries*

Two new dispensaries are to be opened at Dudhani and Mandoni with trained Compounders in charge under the Medical Officer of Khandwell, see Doc. No. 6.

We have not followed discipline or Hospital Rules with the patients, we have very often accommodated his whole family. In fact these wards are known as Family wards. We accepted them willingly so as to make the people hospital minded. I think we have succeeded creating this consciousness. Patients sometimes come and occupy the beds without even registering their names as if it was their own house.

(Signed) J. M. FURTADO,  
Chief Medical Officer.

Silvassa, 5th January, 1958.

*Doc. 1*

No. M.E.D.  
Circular.

Silvassa, 15th September, 1955.

In modification of this Office Circular dated 8-8-1955, the following fresh circular is issued as some clarifications were found necessary. The Circular dated 8-8-1955 should be treated as cancelled.

The following instructions are issued for the efficient running and for making the Dispensaries most serviceable to the people of the Liberated Areas.

1. The Dispensaries should remain open between the hours of 9 a.m. to 1 p.m. and 4 p.m. to 6 p.m. and doctors are requested to be in the Dispensaries at the appointed time. In case of any emergency, there is no objection to go on visit.

2. The under-mentioned categories of persons should be treated free at the Government dispensaries:—

- a) Government servants (including members of their families) whose monthly income is Rs. 100/- or below and also members of public having similar income.
- b) Persons detained under magisterial orders.
- c) Undertrial prisoners or convicts.
- d) Patients who have been certified as poor by competent authorities or Patel-Talaties or considered as poor by the Doctor concerned.

3. As far as possible patients should go to the Dispensary but in serious cases where patients are physically unable to go the Dispensary-Doctor may be called to their residences. In the case of the above categories of patients referred to in para (2), the Doctor should not charge any fee for visits to their residences.

4. All patients including persons mentioned in para 2 (a) and (b) will have to pay the cost of costly medicines and injections. No injection fees will be charged in the Dispensaries and therefore if the patients bring injection ampoules to the Dispensary, injection will be given free. In case of para 2, (b) and (c) Government will bear the cost.

5. *Visits*:—The maximum fee for a visit to a patient's residence is Re 1/- by day and Rs. 2/- by night.

For maternity case the maximum fee is Rs. 2 and half by day and Rs. 5/- by night. No visiting fee should be charged in the case of people having income of Rs. 100/- or less. The Doctors are strictly prohibited from receiving fee for consultation at the Dispensary from any patient.

6. As guardians of the health of the people under their respective jurisdiction, the Doctors should not remain contented with only prescribing medicines for the complaint of the moment, they should explain to the people how to prevent sicknesses common to this area and general principles of hygiene. They should attend to the case with as little delay as possible and their behaviour with the people should be very courteous and try to create such atmosphere that very soon even these backward class people who at present have no such faith in modern medicines and do not take advantages of the dispensaries should be convinced of the benefits of getting themselves treated at the Dispensaries.



7. The Doctors should visit the schools under their respective jurisdiction at least once in a year and examine the students and give necessary instructions regarding prevention of diseases and general principles of hygiene. After visiting the schools, Doctors should submit a report to the Administrator regarding the general health of the student population.

8. The facility of a free visit in case of category of patients mentioned in para 2 is in extreme cases when patients cannot walk to the Dispensary.

9. Doctors are requested to call by turns the local Dais in their jurisdiction and give them lessons on observation of cleanliness and proper hygiene necessary for healthy and natural delivery cases.

10. Competent authorities means persons competent to give certificate for free treatment. They are gazetted officers of the Administration, the Sarpanch of the Nagar-Haveli Panchayat, Vice President and members of the Municipalities and the Patel-Talaties and the Medical Officer concerned.

11. A list of Government servants drawing a salary of Rs. 100/- or less is supplied to every Dispensary.

12. A list of schools as they are will be supplied to the Dispensaries shortly.

13. The doctors will be allowed to use Government vehicles for visiting schools.

(Signed) A. FURTADO,  
Administrator.  
Nagar-Haveli, Silvassa.

Silvassa,  
15-9-1955.

*Doc. 2*

To

The Administrator of Liberated Territories of Dadra and Nagar-Haveli.

Subject: Malaria Control, Maternity and Child Welfare, and School population.

Sir,

It is no exaggeration to say that malaria is the greatest single destroyer and ill health producer of the population of Nagar-Haveli. I may be allowed to suggest that D.D.T. spraying may be done 3 times a year in Hyperendemic area (i.e. 50% or more of Sp. Index); twice a year in Mesoendemic area (i.e. 10 to 49% Sp. index) and once a year in Hypoendemic area. Paludrine Tablets 0.3 gm may be given to all School Children under direct supervision of teachers once a week.

I would suggest also that the lady-doctor may be put in charge of the Maternity and Child welfare, so essential for this neglected area. She should also train Local Dais in cleanliness and asepsis.

The Administration could avail of the building adjacent to the Dispensary for Hospital and Maternity temporarily. The lady-doctor should also be in charge of the school children population for health protection,

health promotion and health supervision. Six-month inspections of School Children in Winter and in Summer should be compulsory.

Sanctioned on 5th Nov. 1956.

(Signed) J. M. FURTADO,  
C.M.O. Silvassa.

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*Doc. 3*

To

The Administrator of Liberated Territories of Dadra and Nagar-Haveli.

Subject: Health and Sanitary Inspector.

Sir,

As the insanitary condition of Villages is responsible for most deaths from preventive diseases, I suggest that the present vaccinator be also appointed as a Health and Sanitary Inspector with the additional duties of disinfections of wells teaching the villagers the elementary principles of Hygiene and good Sanitary habits with the aid of health films and Magic lantern slides.

Sanctioned on 4th February, 1957.

(Signed) J. M. FURTADO,  
C.M.O. Nagar-Haveli,  
Silvassa.

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*Doc. 4*

To

The Administrator, Liberated Areas of Dadra and Nagar-Haveli,

From

The C.M.O. Silvassa.

Subject: Training Course for nurses, compounders and midwives.

Sir,

I have the honour to request that a practical Course for training nurses, midwives and compounders for this area may be instituted on the following conditions:—

1.—Any adult (17 years or more) knowing to read, write and understand Portuguese, English, Gujrati or Marathi is eligible for the post. Preference should be given to N. Haveli residents and naturals.

2.—They will have to work as assistant compounders in the dispensary allotted and will be paid Rs. 35/- during the coaching period of 1 year. 2 tutitions a week will be given by the chief of dispensary. At the end of 12 months a written oral and Practical examination will be held.

3.—The Administration will appoint the successful candidate as it thinks fit as compounders, nurses or midwives on monthly salary of Rs. 70/- with annual increment of Rs. 10/- a month going up to Rs. 100/-.

4.—The candidate will have to pass a written declaration that he or she will serve the Administration for a period of 5 years.

5.—The vacancies are:

- 3 compounders for 3 existing dispensaries.
- 2 nurses for Silvassa dispensary.
- 1 midwife to work under the present midwife.

*Jai Hind*

(Signed) J. M. FURTADO,  
C.M.O. Silvassa.

Silvassa,  
12-11-1956

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*Doc. 5*

To

The Administrator of the Liberated Territories of Dadra and Nagar-Haveli.

Subject: Male and female Wards at Silvassa, Naroli and Khandwel.

Sir,

It is impossible to treat cases of cerebral malaria, pneumonia accidents, etc. so very common in this area at the patients' houses. The backwardness of this population demands that an infirmary of at least 8 beds at Silvassa be installed urgently, so that the poor may get adequate treatment.

An infirmary is also needed at Khandwel. The missionaries have a small infirmary and are willing to accept Government patients. Arrangements should be made with them urgently to keep our patients there.

Silvassa, 1-2-1956.

(Signed) J. M. FURTADO,  
C.M.O.  
Nagar-Haveli, Silvassa.

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*Doc. 6*

To

The Administrator of Liberated Territories of Dadra and Nagar-Haveli.

Subject: Dudhni and Mandoni Dispensaries.

Sir,

As this area have no roads and people from interior are cut off from Khandwell dispensary in Rainy Season, I suggest that 2 Dispensaries, one at Dudhni and 2nd at Mandoni be opened. 2 male nurses may be put in charge of these 2 dispensaries. They will treat fever cases, give anti-venim injections and other first aid help under direct control of the Medical Officer of Khandwell. For the present the residential Quarters for these Male Nurses may be resp. Patelad of Dudhni and Mandoni.

Silvassa, 9-4-1956.

(Signed) J. M. FURTADO,  
C.M.O.  
N. Haveli, Silvassa.

Sanctioned on 16-4-56.

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## APPENDIX XLVII

## SCHEME OF PRIMARY EDUCATION BEFORE AND AFTER LIBERATION

At the time of liberation the educational system of the former Portuguese Government had stopped working. This Education system was being controlled from the Goa Office. However the existing four Primary Gujarati Schools and newly opened other schools were working directly under the control of the Administration. Shri Dhansing G. Thakore, Head Master, Silvassa Primary Gujarati School, was temporarily asked to supervise the working of all schools in addition to his own duties.

On 20th July, 1955, with the appointment of the Education Officer (Office Order of 20-7-55, Doc. No. 1) a separate Department for education was opened by the Administration. The Education Department is under the direct control of the Administration who lays down the policy for the development of education in Nagar-Haveli and issues orders to the Department accordingly.

With the permission of the Administration the following activities are being carried on by the Education Department.

(a) *Bal Mandirs*

Bal Mandirs are run at Silvassa & Naroli with sufficient equipment (Office Order of 21-6-56, Doc. No. 2).

(b) *Crafts*

(a) Spinning was introduced in all schools. Consolidation of this craft is being done in five big schools. The yarn produced by children is used to prepare khadi. (Office Note No. 12 of 7-1-56 Doc. No. 3.)

(b) Tailoring is introduced in Silvassa School. All girls are given training in this craft. (E/D. (E.S.T.) No. 205 of 18-2-57, Doc. No. 4.)

(c) Carpentry is taught in Silvassa School to grown-up boys. (Order of 4-12-56, Doc. No. 5.)

(c) *Social Education* :—

This is a compulsory activity in all schools. (Circular No. 10 of 18-1-56.) About 700 adults are being made literate. So far 40 adults have passed the first test.

(d) *Social Service* :—

All teachers are doing social service as per instructions given to them. (Circular No. 7 of 8-11-55, Doc. No. 6.)

(e) *Mahila Mandals* :—

The Education Department looks after three Mahila Mandals started for the benefit of backward women. They are supplied with sewing machines, radio, indoor games etc. (E/D Order No. 172 of 28.2.56, Doc. No. 7.)

(f) *Municipal Library* :—

The Municipal Library and the reading Room are being looked after by the Education Department. Many additions have been made to both the Sections. (Sanction on Office Note of 26-9-56, Doc. No. 8.)

(g) *Publicity Work* :—

This work is done by the Department with the help of documentary and other films shown with the help of a 16 mm. Projector. (Officers' Meeting of 30.8.56, Doc. No. 9.) Paper publicity is done by the Assistant Educational Inspector. (Order of 6.5.55, Doc. No. 10.)

(h) *Training Course For Teachers* :—

As per Administrator's Order, a training course was conducted by the Department. 68 Primary Teachers in Nagar-Haveli took advantage of this course. (A.D.M.-61 of 27-9-57, Doc. No. 11.)

(Signed) D. G. MADEORE,  
For Education Officer, Nagar-Haveli.  
Liberated Area, Silvassa.

Silvassa,  
January 4, 1958.

Silvassa, 20-7-55.

Doc. No. 1

## OFFICE ORDER

Consequent upon the creation of the post of the Educational Officer and the grant of long leave to Dr. Jose Gomes, Medical Officer, Naroli, the following postings are made.

(1) Shri V. S. Khalap is appointed as Educational Officer, Silvassa on the total emolument of Rs. 150/- p.m. He joined duty on 20-7-1955 afternoon.

(Signed) Antonio FURTADO,  
Administrator,  
Nagar-Haveli, Silvassa.

Doc. No. 2

## EDUCATION DEPARTMENT NAGAR-HAVELI

Silvassa, 21-6-56.

## OFFICE ORDER

Kumari Nandangauri Shukla, Asstt. Teacher, Silvassa Primary School is transferred as Asstt. Teacher, Bal Mandir, Silvassa School, but will continue as a part-time teacher in the Silvassa Primary School.

(Signed) V. S. KHALAP,  
Education Officer,  
Nagar-Haveli Liberated Areas.

Doc. No. 3

OFFICE NOTE PUT UP TO ADVISER FOR APPROVAL

Sub:—*Craft Organization*

E/D. No. 12

It is now necessary to organize the Craft Education on systematic lines. The following Craft Teachers may be designated as Craft Organizers and areas of Nagar-Haveli may be allotted to them as shown below:—

## 1. Shri S. PATIL:—

- |             |             |
|-------------|-------------|
| 1. Mandhoni | 6. Amboli   |
| 2. Dudhani  | 7. Velugam  |
| 3. Khanvel  | 8. Dapada   |
| 4. Kherdi   | 9. Surangi  |
| 5. Parzai   | 10. Vassona |

## 2. Shri B. K. VAGHELA:—

- |                   |                |
|-------------------|----------------|
| 1. Dadra          | 7. Rakholi     |
| 2. Vaghchhipa     | 8. Massat      |
| 3. Silvassa       | 9. Samarvarni  |
| 4. Naroli-Koliwad | 10. Naroli     |
| 5. Saili          | 11. Kharadpada |
| 6. Karad          | 12. Luhari     |

The detailed instructions in the matter are as given below:—

(a) You will move from School to School and supervise craft education and give necessary instructions in the matter.

(b) You will see that in each school 4 to 8 periods are allotted to this subject.

(c) You will see that pupils acquire skill and speed in the craft.

(d) You will make efforts to increase the craft production.

(e) You will submit monthly reports on your work and the craft production in each school.

(f) You will visit the schools under your control as often as possible.

(g) The possibility of introducing weaving may be explored at a later stage.

Silvassa, 7-1-1956.

(Signed) V. S. KHALAP.  
Education Officer,  
Nagar Haveli Lib. Areas.

*Doc. No. 4.*E/D (E.S.T.) No. 205.  
Silvassa, 18-2-57.

## OFFICE ORDER

Kumari Filomena L. da'Cruz is transferred to Gujarati & Marathi sides of Silvassa Primary School as a knitting and embroidery Teacher on her present pay of Rs. 70/- p.m. and for a period of 3 (three) hours per day. She is expected to give tuition at Dadra and Naroli for some periods per week.

She should join her new duty as soon as she is relieved by Shri Chandrakant J. Upadhya, Record Clerk, Rural Section, Nagar-Haveli Administration.

(Signed) V. S. KHALAP.  
Education Officer,  
Nagar-Haveli, Silvassa.

*Doc. No. 5*Silvassa,  
4th December, 1956.

## ORDER

The opening ceremony of the *Carpentry* Class at Silvassa will be held on 5th December, 1956 at 5.00 p.m. in the Bal Mandir Building in Ameli.

The opening ceremony will be performed by Shri N. G. Choubal, Sarpanch of the Varishta Panchayat, Nagar-Haveli.

The members of the Public and the Heads of the Departments are requested to attend the said function.

(Signed) Antonio FURTADO.  
Administrator,  
Nagar-Haveli, Silvassa.

*Doc. No. 6*

## CIRCULAR NO. 7

S/D Silvassa,  
8-11-56.Sub:—*Plan Of Social Work To Be done By Teachers*

It has been decided that all teachers in N. H. should do social work during their spare time particularly on Sundays and other holidays, to the extent of 3 hours per day.

They are therefore requested to follow the instructions given below and plan out their work accordingly.

They should carefully note down the work done by them and submit their reports to this office at the end of every fortnight. The Inspecting Officers will keep a watch on the work done, and give guidance very necessary.

*Plan of Social Work:—*

1) To visit parents' houses and acquaint them with the progress of their wards

2) To persuade parents of the children not going to School to send them to school by convincing them about the importance of training at school

3) To mix freely with the people and acquire their love and confidence

4) To show the villagers better ways of dressing and living

5) To teach villagers good manners and importance of clean language

6) To teach villagers, how to greet visitors in a proper way

7) To arrange sports and games for villagers

8) To arrange villagers gatherings for Bhajans, Talks or Entertainment Programmes

9) To arrange talks on the following:—

(a) Personal health and cleanliness

(b) Health of the village

(c) Balanced Diet or Food in general

(d) Local Administration

(e) World Affairs (pertaining to India)

10) To arrange the village safai work once in a week

11) To arrange religious festivals in which all villagers should participate with a cordial spirit

12) To help illiterate villagers in writing their letters or official applications

13) To avoid quarrels and settle disputes in an amicable way

14) To plan out Shramdan for better village roads or for village drainage system

15) To help villagers in case of minor diseases

16) To conduct a Social Education Class

17) To take the villagers into confidence and to get to know their difficulties private or otherwise and try to solve them

18) The village school to be cultural centre

19) To make himself useful to the villagers in every possible way and try to gain their love and confidence

20) To try to dig a well in a village, where there is none by Shramdan and stress the importance of clean and pure water for good health

21) To persuade the villagers to abstain from taking intoxicating drinks, by impressing on them *in a tactful way*, the evil effects of the same, including the loss of money, health, prestige and peace at home and society.

It is suggested that the Administration may ask the Nagar-Haveli Panchayat, the Police, the Patel Talati and the Public in general to co-operate with the teachers in their social work.

(Signed) D. G. THAKORE.

Education Officer,

Nagar-Haveli Liberated Areas.



*Doc. No. 7*

E/D No. 172,  
Silvassa, 28-2-56.

The Administration hereby authorises the purchase of 3 Singer Sewing Machines for the development of the Mahila Mandals started at Silvassa, Naroli and Dadra.

(Signed) A. FURTADO,  
Administrator,  
Lib. Areas of Dadra & N. H.

*Doc. No. 8*

SANCTION ON OFFICE NOTE OF 26-9-56 ON THE SUBJECT:  
BOOKS FOR MUNICIPAL LIBRARY

The Administration agrees with the suggestions put up by the Education Department for the re-organisation of the Municipal Public Library.

(Signed) C. M. BAROT,  
Adviser.

*Doc. No. 9*

PROCEEDINGS OF THE OFFICERS' MEETING HELD ON  
30th AUGUST, 1956

No. :—A.D.M.

The following decisions were taken:—

1. The Generator and Talkie apparatus and other things maintained for the Visual Education Scheme must be kept in charge of the Education Department and should be accounted for. Bills of expenses in this connection may be prepared by the Department.

(Signed) C. M. BAROT,  
Adviser, Nagar-Haveli.

Copy F.W.C. To The Education Officer,

For Information and guidance.

B.O.  
A. B. PRADHAN,  
Aval Karkun,  
21-9-56.

*Doc. No. 10*

## ORDER

Shri Dhansing G. Thakore, Teacher, Silvassa who is entrusted with propaganda and publicity work in addition to his normal work, will receive an honorarium of Rs. 50/- p.m. with effect from 1-4-55,

(Signed) Antonio FURTADO.  
Administrator,  
Nagar-Haveli, Silvassa.

Silvassa,  
6-5-1955.

*Doc. No. 11*

Silvassa, 27-9-57.

No. A.D.M.--61.  
U.P.

Sub:—*Trained Teachers**Memo:—*

The Education Officer, Nagar-Haveli is informed that it has been decided in the meeting of the Varishta Panchayat held on 8-8-57 and 15-8-57 that a Committee of three members viz. Shri V. S. Khalap, Shri N. G. Choubal and Shri U. M. Parmar should be informed to report about trained teachers and opening of an Ashram School. It was also decided that advertisement for trained teachers should be published in "Pratap" paper. He is therefore requested to call a meeting of the Committee members and put up concrete proposals before the Administration.

2. He is requested that he should hold a Training Class of Primary Teachers for about 15 days in the Divali Vacation so that they can be trained in the art of Teaching.

(Signed) Antonio FURTADO.  
Administrator,  
Nagar-Haveli, Silvassa.

To

The Education Officer,  
Nagar-Haveli, for information and necessary action.

## APPENDIX XLVIII

## STATUTES OF "THE CENTRO REGIONAL"

*(Translation from Portuguese)*

*Art. 1.* On the principles of the Regional Centre of Goa, this association is founded, with its centre at Silvassa, and will be called the Regional Centre of Dadra and Nagar Aveli, having as its aim:—

Cultural and Recreational Sessions, Conferences, Sports, a Reading

Room & Library, and otherwise to contribute towards the good of the Liberated Territories.

*Art. 2.* The membership of the Centre will be of four kinds:—ordinary members, with a membership fee of 1 rupee and a monthly subscription of 1 rupee; “extra-ordinary” members with a membership fee of 25 rupees and a monthly subscription of one rupee; patrons with a contribution of 250 rupees and honorary members. The latter shall be those the General Assembly choose, taking into account the relevant services rendered to the Centre or to the Liberated Territories or because of great merit.

1.—The first three classes of membership will be open to those who are resident in these Territories for more than 3 months. The honorary members can be from outside these Territories.

2.—Only those members who are already enrolled for 3 months or more and whose contributions and fees are paid will be eligible to vote.

3.—The Executive of the Centre will consist of the President, a Treasurer, two members and a Secretary, with the respective assistants, all elected by the General Assembly for a term of one year beginning on 1st January. The Executive shall ordinarily meet every month.

*Art. 4.* The Executive shall:—

- (a) represent the centre or delegate the duties to the President.
- (b) call a General Assembly through the President.
- (c) Administer the funds of the Centre.
- (d) Present at the beginning of every month a Statement of the Receipts and Expenses of the previous month for the examination of the members, and at the end of the year present the General Assembly with a complete account of the year’s Receipts and Expenses.
- (e) Accept members of the first three classes. The conditions governing the admission is that the member is not under 18 years of age, has a good moral and civil character and a certain social standing. The application for membership has to be seconded by two members. In case of rejection of membership, the members who seconded the application can, within 15 days, appeal to the General Assembly.
- (f) Suspend the membership of those who have not paid the respective fees for more than 4 months, or those who, by their conduct, are not worthy of being a part of the centre. Those suspended can, within 15 days, appeal to the General Assembly.
- (g) Promote and safeguard the aims of the Centre.

*Art. 5.* The General Assembly will meet annually in the second half of December, when the executive will be elected.

*Art. 6.* The subscription shall be paid by the 10th of the following month, and the membership fee contributed when admitted.

*Art. 7.* The income of the Centre will be derived from the subscriptions, membership fees, donations, profits from any socials, etc., and also from the municipal subsidy that may be given. This subsidy will be used to buy furniture and “objets d’art” which will become the property of the Municipality in case the centre is closed.

*Art. 8.* In case the centre is dissolved, the assets of the Centre will revert to the "adivassi" fund started by the Administration.

*Art. 9.* The elections to the various committees shall take place as soon as there are 100 members enrolled.

*Transient Note:*—So long as the elections cannot be held, a Provisional Executive is authorised to spend at least 50% of the dues collected.

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## APPENDIX XLIX

## PUBLIC WORKS DEPARTMENT

## BEFORE LIBERATION.

During the Portuguese regime, there was no Public Works Department in this Territory. The P.W.D. works were supervised by the Engineer from Daman and there were only One Mustering Clerk and Six Road Coolies to look after the maintenance of petty repairs. The Engineer from Daman used to inspect the roads and instruct the personnel to carry out the necessary works. Major works were given on contracts. The only equipments of P.W.D. are an old Steam Roller and a Watering Lorry both equally dilapidated and a couple of rollers.

The Municipal roads were looked after by the Municipality of Nagar-Haveli.

The following were the metalled roads in this area.

1. Silvassa to Dadra . . . . .	3	Miles
2. Silvassa to Naroli . . . . .	5	"
3. Silvassa to Khanvel . . . . .	16	"
4. Khanvel to Kherdi . . . . .	4-4	"
5. Khanvel to Waghchauda . . . . .	5-1	"
6. Silvassa to Amlī . . . . .	1	Mile
7. Naroli Bhilad Road . . . . .	1	Mile 6 Furlongs.

Nothing was done to the roads except that patch repairs was done here and there with the result that the metal originally put on the road has been crushed exhaustively so much so that only soleing of boulders was left out where it was put, and soleing also was damaged. Gutters by the side of the roads had never been cleaned and were all choked up with mud so that they had left little or no trace of their existence.

## AFTER LIBERATION

*Organisation:—*

After liberation a separate Department was opened by the Administration to organize, supervise and construct the works of public utility. A building Committee consisting of 4 officials and the Sarpach of the Panchayat has been set up to advise for planning and approving the new works. The Committee meeting is held twice in a month.

It will be seen from the below mentioned works undertaken, what measures this Administration has taken for the uplift of this Area, within a short period of 4 years, with its limited sources of income.

## THE WORKS UNDERTAKEN AND COMPLETED IN 1956

*Buildings*

1	School Building at Dapada . . . . .	20,400-00
2	-do- Khanvel . . . . .	20,400-00
3	Public Library at Silvassa . . . . .	13,500-00
4	12 Semi-pacca School buildings at an average cost of Rs. 2100/- each . . . . .	25,200-00

5	Part of Dudhani Dispensary Construction . . . . .	4,470-00
6	Remodelling of Cattle and Poultry Shed . . . . .	1,590-00
7	Special repairs to Kherdi and Morkhol Police Chowkies . . . . .	1,930-00
8	Repairs to Govt. Buildings . . . . .	3,000-00

## ROADS—CULVERTS AND WELLS

*Roads:—*

1	Dadra-Silvassa Road (Remetalling) 3 Miles . . . . .	11,805-00
2	Special repairs to Selti-Waghchauda Rd. . . . .	3,186-00
3	Special repairs to Rakholi Causeway . . . . .	10,284-00
4	Repairs to 5 Culverts . . . . .	1,962-00
5	Construction of 13 New Wells . . . . .	11,933-00
6	Current repairs to Roads . . . . .	5,200-00

## WORKS COMPLETED IN 1957

*Buildings:—*

1	Maternity Home at Noroli . . . . .	11,000-00
2	School building at Silvassa . . . . .	56,300-00
3	-do- Naroli . . . . .	56,000-00
4	-do- Dadra . . . . .	23,000-00
5	Garage to the Guest House . . . . .	3,000-00
6	Veterinary Dispensary in the Agri. Farm at Silvassa . . . . .	9,000-00
7	Special repairs to Govtt. Buildings . . . . .	3,594-00
8	Current repairs to Building . . . . .	3,350-00

## ROADS—CULVERTS AND WELLS ETC.

*Roads:—*

1	Remetalling of Dapada-Vasona Road 3 Miles . . . . .	13,000-00
2	Soling of Noroli-Koliwada Road . . . . .	4,342-00
3	Current repairs to Roads . . . . .	6,037-00

*Wells:—*

1	8 Wells (New Wells) . . . . .	8,348-00
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*Culverts:—*

1	One new Culvert at Noroli . . . . .	484-00
2	Repairs to Culverts . . . . .	535-00
3	Repairs to Rakholi Causeway . . . . .	1,229-00

## PARK

1	Mahatma Gandhi Park with statue . . . . .	4,500-00
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## WORKS DONE IN 1958

*Buildings:—*

1	Grain Godown at Silvassa . . . . .	19,354-00
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2	-do- Khanvel . . . . .	20,722-00
3	Staff quarters at Silvassa (Municipal) . . . . .	15,639-00
4	Remodelling Agri. Shed in the Farm . . . . .	3,000-00
5	Conversion of garage into Godown at Silvassa . . . . .	517-00
6	Conversion of one Police Division room into Lockup . . . . .	400-00
7	Addition and alteration to Maternity Home at Noroli . . . . .	3,000-00
8	Forest quarters at Velugam. . . . .	7,191-00
9	Semi-pacca School Building at Masat . . . . .	2,200-00
10	"    "    Waghchauda . . . . .	2,100-00
11	"    "    Surangi (by donation) . . . . .	
12	Re-roofing of Sister's Quarters at Khanvel . . . . .	1,400-00
13	Repairs to Buildings . . . . .	10,000-00
14	Remodelling of the Silvassa Hospital . . . . .	
<i>Roads :—</i>		
1	Re-metalling of Noroli-Bhilad Road 1—6½ . . . . .	12,500-00
2	Re-metalling of Khanvel-Kerdi Road 2—0 . . . . .	13,000-00
3	Re-metalling of Dapada-Khanvel Road 3—0 . . . . .	19,000-00
4	Re-metalling of Agri. Farm Road . . . . .	2,829-00
5	Soling of Khanvel-Mandoni Road 4½ Miles . . . . .	
6	Soling of Amlı-Distillery Road 0—4 Flg . . . . .	1,500-00
7	"    "    Noroli-Koliwada Road . . . . .	1,621-00
8	Re-metalling of Division-Library road, 750 ft. . . . .	810-00
9	Asphalting part of road opposite Silvassa Library . . . . .	1,750-00
10	Asphalting Amlı-Silvassa Road . . . . .	11,000-00
11	Re-metalling Silvassa-Noroli Road 4 M—540 Rft. . . . .	21,620-00
12	Re-metalling Silvassa-Rakholi Road 4—1 . . . . .	21,141-00
13	Collection of Metal for Khanvel-Kherdi Road . . . . .	5,827-00
14	Prepared Mile and Furlong Stones . . . . .	1,515-00
15	Minor repairs to Roads . . . . .	5,000-00
<i>New Wells :—</i>		
	Construction of 12 New Wells . . . . .	10,412-00
	Repairs to 25 Wells . . . . .	3,036-00
<i>Culverts and causeways :—</i>		
1	3 Culverts on Noroli-Koliwada Road . . . . .	1,850-00
2	5 Humepipe culverts on Noroli-Bhitad Roads . . . . .	
3	1 Culvert at Dadra . . . . .	1,000-00
4	Repairs to Culverts . . . . .	979-00
5	Repairs to Rakholi Causeway . . . . .	6,073-00

## APPENDIX I.

## THE LIBERATED TERRITORIES OF DADRA AND NAGAR AVELI

*Rent Act*

The cultivators are complaining against the landlords from whom they rent the land, because they who have been cultivating the land for generations are now forced by the landlords to give up the land, either by the landlords themselves sowing the seed or proposing or forcing the exchange of these lands for others, which is an economic loss to the cultivator, or even by other means forcing them to leave the lands.

The landlords state that they wish to cultivate directly their own lands, transforming them into orchards and for other cultivation. This procedure of taking away the land at the time of cultivation, when they could have and should have done so earlier is contrary to the orders of this Administration, published in Gujerati on 11.3.1955 and explained and enlarged on 26.12.1955. It was stated there—no cultivator who has rented the land can be asked to hand back the land without a decision from the Administration and that the following basis should be used when rescinding the land lease:—the failure to pay the annual rent, damage to property, its sub-division, and its sub-leave and the use of land for a purpose other than of agriculture.

It is therefore clear that when this is not the case, the Administration cannot permit the dismissal of the lease holder; and with all the more reason the landlord cannot be allowed to constitute himself to be the judge of his own case.

Thus, for lack of a legal reason, the lease holders cannot be dismissed by the landlords, who have large tracts of land which are still left uncultivated and where they could engage their activities. This does not apply to the exchange or the giving up of the lease of land, when there is no disagreement between the parties and if the Administration has no objection—the latter, when considering the case of an illiterate lease holder.

In case the landlord refuses to receive the rents they can be deposited with the Administration; where the landlord can collect them before they are entered into the Treasury books. If the rents are paid in kind, the lease holder will consider himself responsible as the depository, until an order to the contrary.

\* \* \*

As this deals with the subject of rents which interests the majority of the poor population of these Territories, it is necessary to forward immediately copies of this act to all the village authorities (Patelados) in order that they can be made known locally and explained directly to the cultivators.

Silvassa, 15th July, 1957.

The Administrator,  
A. FURTADO.



## APPENDIX LI

REPORT OF THE RURAL SECTION  
up to the end of October 1958*Position after liberation*

Seed khauti tagavi loans have been granted to the needy small land-holders and tenants of this area as shown below:—

Year	Number of persons granted the loans	Quantity of distributed paddy			Seed khauti Nagli				grain Jowari				
		Haras	Farsa	Toc.	Seers	Har.	Far.	Toc.	S.	H.	F.	T.	S.
1956-57	1969	117	23	1	3	31	15	2	6	3	9	3	0
1957-58	2383	128	20	3	5	35	5	2	7 $\frac{1}{4}$	2	31	0	0

The Administration fixed the wages of labourers for grass cutting at Rs. 1-04-00, for male and Rs. 1/-, for female as recommended by the Varishta Panchayat.

*Measures for General Welfare:*

The Agriculturists have been granted tagavi loans for agricultural improvements as shown below:—

Year	No. of agrlsts. granted loans	Amount of tagavi loans granted
1956	5	Rs. 540-00-00
1957	7	„ 720-00-00
1958	31	„ 5,055-00-00
<i>Total</i>	43	Rs. 6,315-00-00

Besides, the Advasis, Harijans and Chamars are given loans from Adivasi Welfare Fund for construction of new houses in addition to free grant of

Year	No. of adivasis granted loans	Amount of loans granted
1956	2	Rs. 150-00-00
1957	7	„ 675-00-00
1958	17	„ 3,045-00-00
<i>Total</i>	26	Rs. 3,870-00-00

The Administration has constructed new wells for drinking purposes after liberation during the last three years in addition to repairs to 25 wells.

Year	Number of New Wells constructed	Expenditure incurred for Wells
1956	13	Rs. 11,933-00-00
1957	8	„ 8,348-00-00
1958	12	„ 10,412-00-00

The number of Kathias has been increased from 53 to 54.

(Signed) L. A. CARAPURCAR,  
Secretary—Fazenda.

Silvassa,  
7-11-58.

#### APPENDIX LII

##### REGULATION OF TRAFFIC IN EGGS AND POULTRY IN NAGAR-HAVELI

1) Licences for carrying on the business to be granted only to residents of Nagar-Haveli.

2) All other unlicensed dealers to be prohibited from carrying on business in these areas under pain of confiscation of their produce. Co-operation of police and talatis is sought in this respect.

3) Licencees are permitted to have collecting agents authorised by the competent authority.

4) The price of procurement of eggs are fixed as follows:

January to June . . . . .	1 anna each
July to September . . . . .	1½ „ „
October to November 15 . . . . .	1 „ „
November 16 to end of December . . . . .	1½ „ „

Commission to be allowed for licencee for local sales at annas two per dozen eggs.

5) All petitions for export to be directed to the authority concerned for levy of tax.

6) As regards fowls, it is not practicable to fix prices, they vary with the size and condition of the bird and may be fixed between Re. 0-8-0 to Rs. 3-0-0 per bird. Intending purchasers should give at least a week's advance notice of their requirements.

7) The licencees should maintain a register showing his local sales and another for his exports for statistical purposes.

8) Licencees infringing any of the rules prescribed will be liable to fine and/or revokement of licence at the discretion of competent authority.

## APPENDIX LIII

## I

## FOOD GRAINS ORDINANCE OF 1957 IN FORCE THROUGHOUT THE TERRITORIES OF THE LIBERATED AREAS OF DADRA &amp; NAGAR-HAVELI

*(Published in English and Gujarati)*

WHEREAS it has been deemed expedient to regulate traffic in Food Grains due to the partial failure of the monsoons,

WHEREAS it is necessary to fix the prices of food grains to prevent hardships to the lower income groups, taking into consideration the interests of producers, consumers and the merchant community alike,

AND all representative public opinion having been consulted, the Administration of these Liberated Territories of Dadra & Nagar-Haveli does hereby promulgate the rules for regulating traffic and procurement of Good Grains as under:

*Art. 1* In order to built up stocks all producers shall be subject to levy of food grains, save those small holders paying an assessment below Rs. 50/- per annum.

*Art. 2* Those paying from Rs. 50/- to Rs. 99/- per annum shall be subject to a levy at the fixed rate of an amount of paddy equal in Tokris to the number of Rupees of assessment.

*Art. 3.* Those paying Rs. 100/- and above shall be subject to a levy at the fixed rate of one Hara per Rs. 100/- of assessment proportionately.

*Art. 4.* All exports of food grains shall be subject to a levy of 5% at the fixed rate and this shall be supplied to the appointed agent or agents of the Administration.

*Art. 5.* The prices fixed for procurement after due consideration are as follows:

<i>Paddy</i>	<i>1st Class</i>	<i>2nd Class</i>	<i>3rd Class</i>
<i>Per Hara</i>	Rs. 160/-	Rs. 135/-	Rs. 124/-
<i>Nagle per Bag of 6 Faras</i>	Rs. 30/-		

*Art. 6.* All paddy procured to be given in 3rd Class.

*Art. 7.* All infringements against any of the articles aforementioned shall be sternly dealt with in accordance with the law in force against profiteering and blackmarketing, which entails, inter alia, attachment and imprisonment, being considered criminal breach of trust.

Given this 18th Day of November, 1957 at Silvassa.

*(Signed)* Antonio FURTADO,  
Administrator,

Liberated Areas of Dadra & Nagar-Haveli.

## II

## REGULATION OF EXPORT ORDINANCE FOR FOOD GRAINS THROUGHOUT THE TERRITORIES OF THE LIBERATED AREAS OF DADRA &amp; NAGAR-HAVELI

(Published in English and Gujarati)

Pursuant to the Food Grains Ordinance of the 18th Day of November, 1957 the Administration of these Liberated Areas of Dadra & Nagar-Haveli, is pleased to proclaim the following, for the regulation of exports of Food Grains:

*Art. 1.* Exports of only 1st Class Paddy for the present are allowed on the condition that the exporter furnishes a written guarantee in the petition for export, to supply the 5% quota in 3rd Class Paddy on demand by the Administration to the nearest Fair Price Shopkeeper. This demand shall be made by the 31st of March, 1958, at the latest, subject to prices as per Food Grains Ordinance referred to in the preamble.

*Art. 2.* All previous export permits are cancelled and taxes paid previously, for export not yet realised, will be adjusted towards the new permit.

*Art. 3.* Petitions for export shall be conceded to a maximum of 500 Bags of 6 Faras each, in case of trucks and 50 Bags in case of carts, at each time. These petitions shall be directed to the Food Grains Committee.

*Art. 4.* Each permit shall constitute a complete transaction valid for one trip only and the permit shall be handed over at the Frontier Post.

*Art. 5.* All infringements against any of the Articles afore mentioned shall be sternly dealt with in accordance with the law in force against profiteering and blackmarketing, which entails, inter alia, attachment and imprisonment, being considered criminal breach of trust.

Given this 19th Day of November, 1957 at Silvassa.

(Signed) Antonio FURTADO,  
Administrator,

Liberated Areas of Dadra & Nagar-Haveli.

## APPENDIX LIV

## PROJECT FOR AGRICULTURAL COMMUNITIES

## SECTION I

An Agricultural Association or Community is formed of direct cultivators with the aim of organizing agricultural activities among the adivassi associates; provide their necessities of food and housing and to organize their economical and social life on co-operative basis.

## SECTION II

Each Community shall be established as soon as there is land available which is contiguous and has sufficient economic advantage for the employment of the activity of not less than 25 families.

*Clause 1*

The number of the components shall be fixed subject to the extension of the land i.e. 2 hectares per family.

*Clause 2*

Once the number of components is fixed the residents of the locality who are not concessionaries will have preference (save if they bring their concession into the community subject to a previous agreement) and who have no lands; the Community having the right to bring in others without causing disadvantage to the Association and to the exploring of the lands.

## SECTION III

The components of the Community are bound to cultivate the land directly, and have no right to sub-rent them to others on the title of partnership, labour or any other reason.

*Clause 1*

The non-observance of this rule will determine the expulsion of the members and condemnation to a fine of Rs. 30/0 to Rs. 100/0 and redeemable imprisonment of not less than 2 months and not exceeding 6.

## SECTION IV

The component's family, so long as they do cultivation work on the land of the Community will enjoy the same rights as the component on his death. In the case of the component's incapacity to work, the Community will establish a grant in his favour, should his family not be in a condition to support him.

## SECTION V

The land may be cultivated collectively or individually. In the former case in absence of agreement the product shall be equally divided among the members.

*Clause 1*

The rent of the land shall previously be fixed according to the production.

## SECTION VI

The following constitute the nominal property of the Community:—

1. — All State and Municipal lands which are not given on concession or on lease.
2. — The leased lands, at the close of the lease period or rather, when the interested party agrees to it.
3. — The concession lands which have reverted to the State. Uncultivated lands and those which are expropriated or exchanged.

*Clause 1*

The concessionaries and owners of expropriated or exchanged lands who have no other lands shall have preference in becoming components of the Community.

*Clause 2*

The Community will safeguard the normal revenue of the Administration and Municipal lands.

## SECTION VII

Community lands may be expropriated for:—

- Construction of State or Municipal public buildings.
- Communications.
- Construction of cemeteries, markets, wells, etc.
- Forest or Agricultural nurseries, farms, etc.

## SECTION VIII

The leases, made by the Administration and the Municipality, shall in default of any other determination, be renewable after a period of 15 to 30 years.

## SECTION IX

The lease conditions shall stipulate the season and the methods of cultivation; the kind of sowing, plantation of fruit-trees and the time of paying the rent.

## SECTION X

Every year an Agent of the Administration shall inspect the cultivations carried out and shall indicate the necessary changes in his Inspection Report.

## THE ADMINISTRATION

## SECTION XI

The Headquarters of the Community Administration shall be in Silvassa and its function shall be carried out through the Rural Department. All decisions shall be taken by a Communities' Council composed of the Administrator, the Forest Officer, the Agricultural Officer, the C.M.O. and a representative of the communities.

## SECTION XII

Each Community shall have a Body of 3 members who shall decide matters of its interest. The decisions shall be submitted for the approval of the Council.

## SECTION XIII

35% of the net income of the Community constitutes the revenue of the Administration.

## SECTION XIV

With the Administration fund shall be carried out improvements such as building of tanks, dams, grants for construction of houses for the components, the purchase of articles of clothing and others which constitute a direct interest of the cultivators.

## SECTION XV

The rents may be payable in money and in kind, or according to what may be stipulated by the respective Community Body.

## SECTION XVI

After deducting the expences from 35%, 15% of the income to be distributed among the components shall constitute capitalisation fund of each Community and shall be spent with the previous sanction of the Council, in benefit of the Community and its members. The remainder shall be distributed according to Art. 14.

## RECORDS

Each Community shall have: a book of components with correct description and inscription; a book of payment of rents and other additions; a book of the Council resolutions.

## TRANSITORY

- Rents shall be  $\frac{1}{4}$  of the production.
- Each Community will pay a land-tax.
- An Administration staff-member shall be chosen, should the need arise, to take full charge of the work concerning the Community.

## APPENDIX LV

## RECOMMENDED FEEDING STANDARD FOR BREEDING BULLS

Fodder is fed at the rate of 20 lbs of dry matter per 1,000 lbs of live weight.

This can be given in the form of 70 lbs green fodder when available or mixed proportionately.

Concentrates are fed at the rate of 4 lbs wheat bran, 2 lbs ground-nut cake, 2 lbs cotton-seed and 2 lbs of gram per 1,000 lbs live weight.

The weight of bulls may be found sufficiently accurately by measurement by the formula

$$\frac{G \times L}{300} =$$

Weight in pounds where G = Girth behind the elbow in inches and length from the point of the shoulder to the point of the buttock, in inches = L.

If all the concentrates be not available, they may be substituted by other equivalent concentrates which will be indicated by the Agricultural Officer.

APPENDIX LVI

FORM OF PREMIUM BULLS SERVICE REGISTER

Name of Patelad:—  
 Name of Bull:—  
 Person To Whom Given:—  
 Date:—  
 Description:—

Name of Cow served & the Name of the Cow's Owner	Date on which Service Was Given	Date of Birth of Calf	Sex	Remarks (Quality of Calf, Disposal Price realised etc.).

This form is to be submitted to the Agricultural and Veterinary Officer of the Liberated Areas of Dadra & Nagar-Haveli on or about the 5th of every month.

I the undersigned by Caste . . . . . resident of . . . . .  
 Patelado of . . . . . do hereby bind myself to the Administrator of the Liberated Areas of *Dadra & Nagar-Haveli* to maintain in good breeding condition, the bull of the marginally noted description, and to give free service of the said bull, within the reasonable limits of its capacity, to the cows of the prescribed zone and to conform to the conditions typed above, failing which the cost of the bull be recoverable from me.

Description of the Bull:—  
 Present Age:—  
 Price Rs:—  
 Date of Supply of Bull:—  
 Prescribed zone for services of the Bull:—

Signed this . . . . . Day of . . . . ., 195 .  
 before the Agricultural & Veterinary Officer of the Liberated Areas of Dadra & Nagar-Haveli.

*Agricultural & Veterinary Officer,*  
 Liberated Areas of Dadra & Nagar-Haveli.

Signature of  
 Agent.

Witnesses: (1) . . . . .  
 (2) . . . . .



## APPENDIX LVII

Free Dadra and  
Nagar-Aveli.  
Silvassa,  
November 6, 1958.

The Administrator,  
Free Dadra and Nagar-Aveli,  
Silvassa.

Ref: No. 452/Agri/Vet/S.O/OF/59.

## AGRICULTURAL AND VETERINARY SECTION

Sub: *Progress Report*

Since the publication of the last report, all the various activities mentioned have been intensified. Tree planting has been increasing annually, having reached the figure of 1,184 grafts at a cost of Rs. 2,384.75 N.P. this year. The figures for Fertilizer distributed is Rs. 2,766-1-9. Improved varieties of paddy and val worth Rs. 170-5-0 has also been purchased and is being multiplied for distribution and partly has been distributed. Measures have been adopted for combating plant pests and four dusters and a sprayer, insecticides and fungicides have been purchased and are loaned to persons in need gratis, during outbreaks of plant diseases.

An agricultural Committee has also been formed to deal with Land Reforms and Development and the possibilities for small scale irrigation, drainage by Hume Pipes, poultry Development and levelling of land are under way.

A Stockman has been employed. Attendance at the Veterinary Animal Husbandry is increasing and the Stud Bulls purchased have been distributed to the Patelados of Silvassa, Naroli, Kilavni, Randha, Cadoli and Dudhni. Freeze Dried Rinderpest Vaccine is being used for the first time in the areas and work has already commenced at Mandonim and Khanvel Patelados. Besides this Ranikhet Disease and Fowl Pox vaccinations are being carried out in Poultry. The following are the figures for inoculations in cattle.

Black Quarter	44	Head of cattle.
H.S.	898	„
Rinderpest	3,164	„
<i>Total heads inoculated</i>	<u>4,106</u>	

To combat periodical near famine conditions two grain godowns are being constructed and paddy and ragi worth over Rs. 13,000 has been purchased for distribution as Khavti, (Taccavi for Grain) and further procurements are being made.

The majority of the population engaged in Agriculture are the Adivasis. Due to the combination of poverty, and ignorance and concentration of land in the hands of a few proprietors it has been difficult to maintain economic stability. It had therefore not been feasible to make legislation regarding Agricultural and Veterinary Science, but

efforts are being directed towards the other two factors of production i.e. land and capital to labour.

No legislation therefore can be effective unless the majority can be affected by this legislation and steps towards better bringing about this has been taken by the Administration in introducing land reforms and regulating share of payment of produce by tenants to landlords.

Meanwhile the Agricultural Demonstration Farm has been functioning as a demonstrative centre.

Since Liberation the Japanese method has been introduced and fertilizers are made available to agriculturists.

Various grafts and seedlings too have been sold at concession rates.

Improved varieties of cane and seeds have been distributed.

Technical assistance has been given to all who have sought it. Improved implements and pumping sets have been lent at nominal rental.

Attempts have been made at the regulation of traffic in Food Grains and Eggs and the copies of the Acts are appended.

Under the Veterinary and Live Stock Section, a new dispensary has been opened and prophylactic inoculation against Rinderpest has been carried on, on a large scale. A stockman has been recruited lately.

Ranikhet preventive inoculation in fowls has also been carried out. Arrangements are under way, for obtaining Rinderpest Freeze Dried Vaccine for facilitating inoculation during the fair season.

Grading up of the local cattle has been taken in hand and 6 Dangi bulls have been purchased and distributed to various centres.

Last year's Budget Figures under Agriculture and Veterinary and Live stock heads, together with income are as under:—

Agriculture Income:— Rs. 6,172-7-6.

Expenditure as follows:

*Agriculture Expenditure*

Overseer & Farm Labour . . . . .	Rs.	4,276-11-0
Manure . . . . .	„	992-11-0
Combustibles for Engine & Tractor . . . . .	„	1,482-10-6
Seeds & Plants . . . . .	„	163- 7-3
Dead Stock . . . . .	„	924- 3-0
Misc. (Contingency) . . . . .	Rs.	219- 0-9

*Tech. Assistance to Public*

Manure . . . . .	Rs.	2,148-13-0
Crop Protection . . . . .	„	331- 0-0
T.A. Honararia Etc. . . . .	„	99- 0-0

*Veterinary Expenditure*

Wages of stable hands . . . . .	Rs.	710- 7-0
T.A. Hon. Etc. . . . .	„	218- 6-0
Purchase of Live Stock . . . . .	„	3,746- 9-9
Poultry . . . . .	„	193- 3-0

Fodder And Concentrates . . . . .	„	730-13-0
Drugs, vaccines, epmts. etc. . . . .	„	2,023- 1-0
Contingencies, Ropes, nails, brushes . . . . .	„	64-13-9
Disinfectants in Outbreaks . . . . .	„	383-13-0

Jai Hind.

(Signed) L. S. DA' COSTA,  
Agricultural & Veterinary Officer,  
Silvassa.

## APPENDIX LVIII

### I

#### NOTE ON THE RIGHT AND DISPOSAL OF TREES IN MALKI AREAS OF NAGAR HAVELI

No. 112 of 30-9-1955.

According to the Portuguese Land Rules Code, Article 23, all Teak, Khair, Tananase, Shishun, Sandal-wood and Mowhra trees belong exclusively to Govt. Sadra trees can be given to Malki owners on payment of As.-/3/- per tree in Northern and Central Zones and As.-/2/- in the Southern Zone. Coppice growth of Sadra and Sadra trees planted by the Malki owners will be their property.

All other growth other than the above will be conceded to the Malki owners subject to the condition that their exploitation will be on proper Forest lines. Trees of Mowhra and Umbra can be cut only after as authorisation is obtained.

Under Article 24, the Malki owners can cut all the trees standing in the area with proper License, if the area is required for cultivation.

The trees cut to clear the land for cultivation could be given to the owners at a rate fixed by Govt. This rate was fixed as follows in 1948.

- a) for Sadra, Mowhra & Sandal-wood Re. 1/- per tree.
- b) „, Khair, Teak, Tananas & Shishun Re. 1/8/- per tree.

In the year 1950, the then Forest Officer did not agree to the cutting of Reserved Species in Malki areas since he found that a good deal of illicit trade was carried on and that the fees charged by Govt. were far too low. He however agreed to give trees on Royalty for Bona-Fide house-building purposes. His proposal was under correspondence till 1954 and nothing has been done so far and consequently all exploitation in Malki area is stopped.

Since it is desirable to exploit trees in Malki areas in order to remove the mature growth and to encourage good coppice, the following regulations are proposed.

1. All tree-growth in Malki areas with the exception of Teak, Khair, Mowhra, Shishum, Sandal-wood and original growth of Sadra will be conceded to the Malki owners free of charge.

2. Under no circumstances the exploitation of Khair and Mowhra will be permitted. However over mature Mowhra trees will be allowed to be felled after due inquiry and necessary report from the Range Forest Officer.

3. The trees mentioned under Rule (1) with the exception of Khair, Mowhra and Sandal-wood will be given free to the owners for the repair of their houses or to build a new one. The quantity required in each case will be inquired into and reported by the Range Forest Officer. On no account can timber given for this purpose be utilised for any other purpose. The misuse of this timber will be dealt with according to law.

4. The reserved trees in Malki areas except Khair and fruit bearing Mowhra and Sandal-wood will be given to the Malki owners if they are prepared to purchase the same on half the market rates on site. This valuation will be made by the Range Forest Officer. For this purpose the applicant should apply to the R.F.O. and should arrange to take him to the area by bearing his transport expenses.

5. The removal of Teak leaves from Malki areas will be permitted at the rate of 5000 leaves per applicant for 4 months on a permit rate of As.-/2/- . These leaves will be given for Bona-Fide domestic and agricultural use only.

6. All applications duly signed should come with ownership documents and in case of heirs the necessary legitimate succession papers would be produced therewith.

7. The necessary transit passes will be issued to the owners of Malkis on payment of the usual fees which will be earmarked for Adivasi Welfare Funds as per Rules.

8. As already published all applications in the Forest Office are free from Stamp Duty.

9. These rules may kindly be placed before the Panchayat at their next meeting for their consideration and approval. This office may kindly be informed early about the decision taken so as to communicate the same to all subordinates and concerned parties.

(Signed) B. F. BRITO.

Forest Officer,

Nagar Haveli Liberated Areas Silvassa.

Silvassa.  
30-9-1955.

## II

SILVASSA:—6-3-1957.

Subject:—Govtt. trees in Malki Lands. No. CNL/FOR/28 of 1957.

Penalty and removal fee for cutting—

*Read:*—Proposals of the Forest Officer N. H. and instructions received on them in respect of Govtt. trees in the Malki lands and soliciting orders on the following points.

(1) To levy penalty of Rs. 3/- for coppice growth and Rs. 20/- for original growth in respect of Govtt. trees cut in excess of the number noted in the licence.

(2) To charge fee on the following basis where the trees for which licence were issued but which have not been cut.

(i) Rs. 2/- for coppice growth.

(ii) Rs. 10/- for original growth.

(3) To cancel all free grant licences and issue a notice to the effect that trees covered by last year's licence but not felled should not be felled penalty for breach should be charged at Rs. 3/- for coppice growth and Rs. 20/- for Original growth.

#### ORDER

In the Circumstances reported by the Forest Officer, N.H. the council is pleased to issue the following orders.

2. The proposals made by the Forest Officer N.H. and instructions received on them are approved.

3. He is requested to intimate the persons concerned in writing by issuing a notice.

4. He should levy the renewal fee and penalty as proposed by him and recover the same from the persons concerned and credit it in the treasury.

5. In cases referred to at para 1 of his proposal, the penalty should be recovered from the merchant who has bought and felled the trees; and where recovery is not possible each case should be submitted for orders. In cases where Adivasi occupiers have themselves cut trees, leniency should be shown to them.

6. For para 2 of his proposal regarding renewal fee, the amount already paid for the previous unutilized licence should be adjusted.

7. Statement showing the progress of recovery of renewal fee and penalty levied and recovered by him should be submitted monthly to the Administration for information on 5th of the next month.

(Signed) A. FURTADO.  
Administrator.

(Signed) C. M. BAROT.  
Advisor,

Nagar Haveli Administration Silvassa.

The Forest Officer N.H. W/Cs. for information, guidance and compliance.

Copy to the Treasury Section, for information.

„ „ „ Secretary, Administrative Section for information.

#### III

No. FOR/41.

SILVASSA:—9-4-1957.

Subject:—Reserved Trees in Malki lands, penalties and fees for removal of excess number of trees found after recounting of them.

Read:—Memorial dated 20-2-57 and 30-3-57 from the association of Forest contractors on valuation of excess number of trees found after recounting made as per orders issued under Administration order No. CNL/FOR/28 dated 6-3-1957.

(1) Discussion made with the timber contractors assembled on 14-3-1957.

(2) Discussion made with the representatives of the contractors on 2nd April 1957.

## ORDER

In consideration of grievances represented by the Association of the Forest contractors that the rates ordered for levy of penalties and fees for excess No. of trees are high and not compatible with the prices received in the market for the malki trees in the area and as a result of discussion made with the members of the Forest contractor's Association the orders issued under Administration order No. nil, dated 19-11-1956, and order No. CNL/FOR/28 dated 6-3-57 are hereby revised and the following order is now issued in modification of the above orders.

(I) In cases where licenses were issued but which have been cut fully and only licenses are to be renewed for renewal.

A penalty of Rs. 8/- should be levied in respect of trees cut in excess of the number noted in the license found after recounting.

(II) In cases where licenses were issued but number of trees are found in excess after recounting but where the number of trees are not fully cut.

Recover Rs. 2/- for each tree whether cut or standing for all trees found after recounting irrespective of coppice or original growth but the amount already paid for the cut trees should be adjusted.

(III) In cases where licenses were already issued but the number of trees noted in the license are found correct after recounting but where trees are not fully cut.

Recover Rs. 2/- for each standing tree but the amount already paid for the standing trees should be adjusted.

(IV) In cases where licenses were issued but trees are not cut at all.

Recover Rs. 2/- for each tree found after recounting i.e. all trees found after recounting are to be charged at Rs. 2/- each but amount already paid should be adjusted.

For renewed of licenses.

Recover extension fee at 12½% of the amount paid originally for trees noted in the license.

These orders will have no retrospective effect and the amounts already paid for value, penalty or extension fees will not be revised or any difference refunded.

(Signed) A. FURTADO.

Administrator,  
Nagar Haveli Liberated Areas,  
Silvassa.

(Signed) G. R. KELKAR.

Forest Officer,  
Nagar Haveli Liberated Areas.

## APPENDIX LIX

FREE AREAS OF DADRA & NAGAR-HAVELI; SILVASSA

"Forest Department"

"STAFF"

At the beginning of the year the charge of the Forest Officer was held by Shree G. R. Kelkar, Retired Technical Assistant Working Plans,

Bombay State upto 3rd April, 1958. There after the charge was with Shri L. S. D'Costa, Agricultural Officer, Nagar-Haveli upto 24th June 1958. Shri P. K. Roy, Retired Deputy Conservator of Forests, Bombay State took over the charge of the Forest Officer on 25th June, 1958.

The Forest Officer is assisted by one Range Forest Officer, three Round Foresters, 5 Round guards and 27 forest beat guards, 1 Surveyor, four clerks (One Head clerk, One Accountant & two Junior clerks) and two peons. In addition to this there are five temporary eight monthly Depot Officers.

#### "FOREST"

Forest management is made separate since 1955. A Preliminary working plan is made and the forest is divided into 11 Felling Series. Clear cutting in 8 Felling Series are prescribed with reservation of sufficient tree growth on steep slopes where only markarable species of above 30" in girth are marked for felling, besides Khair and fruit trees such as Moha, Hirda, Koshim, Timru, Mangoes, Chinch Tad etc. are reserved.

The Forest worked in the past being irregular and not according to Silvicultural principle, ten years programme is laid down for carrying on thinning very early and accordingly in all rounds extensive thinning is being carried out to remove congestion and to give sufficient room for the superior species to develop freely.

Bamboo Working Plan is prepared on three years rotation and bamboos are sold to local people and for trade at a fixed rate on permits.

#### "EXPLOITATION"

During the year under report 8 current clear cutting coupes and 3 arear clear cutting coupes were put up for sale. One 'C' class forest i.e. Kundwa was marked under improvement felling also was put up for sale; besides sixteen thinning coupes were marked and put up for sale. Out of which 8 clear cutting coupes and the Kundwa is sold. Out of the 16 thinning coupes 12 are sold. The total revenue realised by the sale is Rupees Seven Lacs fortyfive thousand six hundred and eighty one.

The dead bamboos were advertised for sale but no tender was received and hence is being sold on permit.

Grass in closed coupes was sold by public auction and a sum of Rs. 3818/— was realised. Minor forest produce such as Gums, Chilar bark, Bones and Mohoti was sold last year by auction and Rs. 3006/— was realised and will be sold in February 1959 as usual.

Permits for bamboos, Zitas, Awali Leaves for domestic use and for trade are sold on permitts at a fixed rate.

#### "ARTIFICIAL REGENERATION"

In all clear felling coupe, rabs were got prepared according to sale condition by the Contractors. In all 191 acres were planted up with teak, Sisam, Khair, Ain and Shivan. Planting distance is kept as 6' apart. 82,130 plants are raised besides nurseries for next year stumps where in 1,50,000 teak plants will be available for stump planting next year.

In last years plantation coupes two weeding were carried out. Result of plantation is encouraging and the coppice shoots everywhere in the clear cutting coupes are very vigourous and promising.

## "MALKI TREES"

The policy of disposal of malki trees was finalised during the year and indiscriminating cutting of trees has been stopped and the following rules are framed and are being followed:

Rajalu trees which are not property of the State will be allowed to be cut and removed and following rules are prepared to regulate the cutting of these trees.

1) On flat land which can be developed into Agricultural Land all trees except fruit trees will be allowed to be cut on production of certificate from the Agricultural Officer that the land is fit to be developed into rice land.

2) In plots which are partially on flat ground and partially on slopes only flat portion will be marked out and all trees except fruit trees will be allowed to be cut therein subject to production of certificate from Agricultural Officer.

3) In plots which are wholly on moderate to steep slopes all trees except fruit trees and which are above 36" in girth will be marked with chisel numbers by the owner and will be allowed to be cut.

4) No fruit trees such as Moha, Jambul, Chich, Tad, Amba or Rajan will be allowed to cut unless they are barren due to age.

5) If the land and tree growth belongs to Adivasi, price of the tree growth will be fixed by the Forest Officer and amount will have to be paid to Adivasi in presence of the Forest Officer of Nagar-Haveli.

6) The license for felling will be given only when the applicant will agree to sell 1/4 of the resultant material at fixed price of Re. 0-8-0 per Bengali Maund at the fuel Depot at Naroli, Dadra or Khanvel whichever is near to the area.

## "PRIVILEGES OF VILLAGES"

Rights and privileges of the forest villagers are continued as before.

## "MALI LANDS"

As giving out of mali lands for cultivation is prejudicial to forest. No more mali lands will be given but the old mali lands given out for cultivation continues after renewing their License every year as before.

## "TIMBER FOR SCHOOLS"

Timber and bamboos as required by the Education and Public Works Department are given free of charge.

## "CAIRNS"

As the boundaries of the Forest are not clearly demarcated and in many cases the old pillars and cairns are broken and have fallen down completely and there being no topographical survey of the forest, the khatedars are encroaching into the forest and hence erection of new cairns was taken up last year. In all 7357 cairns were erected at a cost of Rs. 7.357/—.

(Signed) P. K. ROY,

Forest Officer

Silvassa,  
8.11.1958.

Silvassa, Dadra and Nagar Haveli.

To the Administrator, Silvassa

(for information).



## APPENDIX LX

## I

No. Adm/CNLSR) 7/282/of 57-  
Silvassa: 7-3-1957.

*Subject: Delegation of Powers*

*Read:* Letter No. 276 dated 24/25th January 1957 from the Forest Officer, N.H. requesting to delegate the Round Officers to give free grant of 100 bamboos and 10 cartload of, Zintas to Adivasis per family for their house annual repairs and compounds.

## ORDER

The Council is hereby pleased to empower the Round Officers to make free grants upto 40 bamboos and two cart loads of Zintas (Branchwood of Katas bamboos) to Adivasis per family for their genuine house repairs and compounds after satisfying that the materials are to be used for the purpose for which the free grant is sanctioned. This may be verified through the Patel.

(Signed) C. M. BAROT.  
Adviser,

Nagar Haveli Administration, Silvassa.

(Signed) A. FURTADO.  
Administrator,

Nagar Haveli, Silvassa.

To

The Forest Officer, Nagar Haveli,  
for information, guidance, and compliance.

## II

## LIBERATED AREAS OF DADRA &amp; NAGAR HAVELI

## FOREST DEPARTMENT

*Privileges conceded to the inhabitants of Forest Villages & Hill Tribes.  
They are as under:*

1. They can remove grass, reeds and dead leaves from the Forest for rab purposes.
2. They can cut for wood ash manure the thirteen shrubs noted below in para 6, and also other brushwood of an inferior quality.
3. The villagers can remove for rab, domestic and agricultural purposes material felled or lopped of less than 6" circumference, grass reeds, leaves etc., and material of inferior species except bamboos and palms from coupes under exploitation. Material left by contractors in the coupes is allowed to be removed only after completion of the rabs in the marked area. If the coupe of the year in any block remains unsold, special arrangements will be made to provide the above facilities elsewhere under supervision of the Forest Department.
4. Fallen dead timber and firewood of species other than teak, Tiwas

Khair, Sishun, Ain and Sandal-wood can be removed by inhabitants of Forest Villages for house consumption only.

5. Bamboos and Karvi may be taken by inhabitants of Forest Villages within the limits of their Forest Block for bonafide local consumption.

6. Thorns can be removed on head-load or cart-load by the people of Forest Villages for agricultural and domestic purposes. Carts will be allowed to go off the recognised tracks within a quarter of a mile of the area of supply in open area but only along recognised tracks in the closed areas.

For the purpose of this concession the following species of thorns are allowed to be removed.

i) Bor ii) Gel iii) Ghat bor iv) Gultora v) Kakor vi) Karwand vii) Murmati viii) Turan ix) Zita (crowns and side branches).

7. (a) The inhabitants of Forest Villages can have the privilege of removing minor forest produce other than Hirda, Bheda, Tarpal, Chikakai and their pods, leaves of Apta and Tumri, flowers and seeds of Mohra.

(b) They can collect for domestic use and sale edible tubers and roots, jungle fruits, flowers, honey, wax, gum and medicinal plants.

(c) They can have for home consumption leaves of Toddy Date Palms.

8. The inhabitants of Forest Villages, can remove for domestic use or for barter leaves of Pallas.

9. To cut, lop and remove material inferior to 6" in girth for wood ash manure excepting the following species: Teak, shishun, Tiwas, hed, ain, khair and bibla from the Forest and own Malki.

10. They shall be given material of inferior species gratis during the season for gul boiling on request.

11. The villagers can have Jungle Wood material gratis on production of a certificate from the Village Patil for agricultural implements.

12. As per the provisions of the Wild Animals & Birds Preservation Act, no Shikar is permitted to Non-Licence Holders.

13. No stamped paper is necessary for any petition directed to this department.

14. In case of Forest Fires all inhabitants of villages forest or non-forest are bound to render any assistance required to extinguish the fire under pain of forfeiture of these privileges.

(Signed) B. F. BRITO.

Forest Officer,

Nagar Haveli Liberated Areas, Silvassa.

(Enclosure No. 2)

## RESOLUTIONS PASSED BY THE PEOPLE OF DADRA AND NAGAR AVELI AND BY THE VARISHTHA PANCHAYAT

The people and the Varishtha Panchayat of Dadra and Nagar Aveli have clearly and unequivocally affirmed their firm determination of integrating their territory within Indian Union.

On the very day of its inauguration, 25th November 1954, the Panchayat, while protesting against celebration of this date of reconquest of Goa, adopted the following resolution, with applause:

"1. To pledge allegiance and give full support to the new political regime freed from the Portuguese colonial rule.

To appeal to the staff to serve with equal loyalty and enthusiasm the new regime since Liberty is God's greatest gift to humanity. To express ardent hopes that the people of Goa, Daman and Diu will see in the near future the hoisting of the Flag of Indian Sovereignty in their territories.

2. To express to the National Government of India their patriotic will and fervent desire to integrate these liberated territories with the Indian Union to realize and solidify its inalienable and imprescriptible territorial and political Unity.

3. To manifest great joy towards the *de facto* transfer to the Indian Union of the old French settlements by peaceful negotiation by the great Prime Minister of India and by the far-sighted statesman Mendes France and to congratulate the people of Mahe, Karikal, Yanam and Pondicherry expressing their profound admiration for their indomitable resistance in the struggle for liberation."

On 18/6/1955, Azad Dadra and Nagar Aveli Sangathan Samiti, inaugurating its Constitution, proclaimed that its objective was:

"1st: To promote the *integration* of the Liberated Territories with the great Republic of the Indian Union and lend full support to the struggle for Liberation of Goa, Daman and Diu.

2nd: To promote an intense nationalist propaganda for the better compenetration of the right to freedom which is, however, already being understood by the population which was kept in backward condition, specially the Adivassi population whose condition has improved since Liberation: the Congress must do active work in this direction.

3rd: To demand an opportune affiliation of this Congress with the All India Congress."

Soon after Portugal's application to the International Court of Justice asking for the right of passage to re-subjugate Dadra and Nagar-Aveli, the people of these enclaves met at a large gathering on 15/1/56 at Silvassa and passed unanimously the following resolution:

The people of Dadra and Nagar Haveli gathered in this vast meeting without distinction of class and creed, proclaim their complete liberation from the Portuguese colonialization and declare before the UNO that the right of liberty is inalienable and imprescriptible.

They declare moreover that it is the duty of Hague Tribunal not merely to observe the spirit and letter of the UNO Charter but also take

into consideration the wishes of the people of Dadra and Nagar Haveli represented by their Panchayat against which the fascist Portuguese Regime seeks to exercise military action.

They emphatically lodge their protest against any act or contract which may contribute towards the colonial subjugation of the people of Dadra and Nagar Haveli as object and invalid because the material and moral slavery of a people can never be object of any transaction and the history of the Portuguese in Asia, in the words of her own historian has been the history of piracy.

They further declare that even if the Government of Indian Union consents to discuss at The Hague the question of her sovereignty such as of granting of passage to the Portuguese to recolonize Dadra and Nagar Haveli, the people of these territories solemnly swear that they will resist by all means within their power and with every sacrifice any attempt of the Portuguese to reoccupy these territories to strangle the precious fruits which the colonizers denied and which the Liberation has restored—the sacred Liberation which was obtained by the people repelling the unjust and inhuman domination of the Portuguese.

Later on, on 19/4/1956, the people of Dadra and Nagar Aveli, gathered at Silvassa in a mass meeting, to record its protest against the complaint of Portugal to the International Court at Hague against India, demanding a passage through its territory to re-establish itself in Dadra and Nagar Aveli, and adopted the following resolution:

“... The people of Dadra and Nagar Aveli gathered in this vast meeting without distinction of class and creed, proclaim their complete liberation from the Portuguese colonialism and declare before the U.N.O. that the right of liberty is inalienable and imprescriptible.

They declare, moreover, that it is the duty of The Hague Tribunal not merely to observe the spirit and letter of the U.N.O. Charter but also take into consideration the wishes of the people of Dadra and Nagar-Aveli represented by their Panchayat against which the fascist Portuguese regime seeks to exercise military action.

They emphatically lodge their protest against any act or contract which may contribute towards the colonial subjugation of the people of Dadra and Nagar Aveli as abject and invalid. The U.N.O. can not impose material and moral slavery on a free people. The history of Portuguese in Asia, in the words of her own historian, has been the history of piracy.

They further declare that even if the Government of The Indian Union consents to discuss at The Hague the question of her sovereignty such as of granting passage to the Portuguese to re-colonize Dadra and Nagar Aveli, the people of these Territories solemnly swear that they will resist by all means within their power and with every sacrifice any attempt of the Portuguese to reoccupy these territories to strangle the precious fruits which the colonizers denied and which the Liberation has restored—the sacred Liberation which was obtained by the people repelling the unjust and inhuman domination of the Portuguese.”

Still another protest of the Panchayat against the inclusion of liberated territories in the Bill of the Political Statute of Portuguese India, in which it reiterated its decision in favour of integration with India:

"The Panchayat of the liberated territories of Dadra and Nagar Aveli at its meeting of 1/9/1955 took notice of the fact that the Dictatorial Government of Dr. Salazar has published the Bill of Political Statute of Portuguese India, in the Article 1 of which it is said:

"Portuguese India integrated in the political union of Portuguese Nation comprises the territories of Goa with the islands of Angedives, Saint George and Morcegos on the Malabar Coast, Daman on the coast of Gulf of Cambay with the Territories of Dadra and Nagar Aveli.

"The Panchayat in fact considers this provision as an insult because both Portugal and the Territories of Portuguese India are governed by different Constitutional Laws: The former, by the Portuguese Political Constitution and the latter, by the 'Carta Organica' of the Portuguese Overseas or Colonial Empire.

The Legislation is based more on the past domination and on the presumed right of considering as not liberated the territories of Dadra and Nagar Aveli, from the Colonial tutelage, when it is certain that these territories were politically freed by their people.

This Panchayat protests against the Article 1 of the Political Statute of Portuguese India not only because these territories are beyond the Portuguese jurisdiction, but also because they anxiously desired to be integrated with the great mother-land that is India.

The Panchayat decides to forward a copy of this to the Prime Minister of Portugal; another one to the Governor General of Goa and third one to the Central Government of the Indian Union."

The Sanghathan Samiti adopted the following resolution:

"The Azad Dadra and Nagar-Aveli Sangathana Samiti the first and only association of free people of the old so-called Portuguese India, expressing the feelings of the inhabitants of these Territories who in the two years that have passed have seen the benefits of Liberation by administering their own house, avails of this festive date to convey to their compatriots in Goa, Daman and Diu the message that they do not consider complete their legitimate satisfaction at the ousting of the foreign rulers, till those rulers are ousted from the rest of the territories dominated by them in India and *till India covers with her mantle of protection*. All the citizens of Dadra and Nagar Aveli having sufficiently manifested their full loyalty to India, in spite of the weakness of their strength in comparison with that of the hatred and savagery of the Portuguese imperialist intruders who seek to subjugate with the force of fire-arms the birth-right of over 700,000 citizens who consider themselves not slaves of Portugal but citizens of the Great India and the cradle of spiritual civilization."

The Panchayat also protested against the deceitful manoeuvres of Government of Goa in order to show that the people want to continue to be under the Portuguese in India and that they are against their own liberation.

The Panchayat also passed the following resolution:

“It is learnt that the President of União Nacional (which is the party of the Dictatorship) forwarded to the Governor of Portuguese India, a memorandum signed by 31,400 persons in which they declare that they wish to be loyal to Portugal and request the Government of Portugal to reconsider the Liberated Territories of Dadra and Nagar Aveli.

The founder of the Catholic Daily “A Vida” of Margao has already denounced how the Goans are compelled to sign protest against India and statements of loyalty towards Portugal. In fact, these signatures are obtained from school going children, Government servants, Municipal staff and Members of União Nacional. Besides it does not stand to reason that a people will ask for its own slavery, at the time of its liberation. Even taking for granted that 31,400 people did sign the statement, that number represented nothing as compared with more than five lakhs of population which is completely deprived of most elementary civil liberties and under the absolute police rule.

The União Nacional which is the off-spring of colonial tyranny has no right to intervene or to disturb by itself or through intermediaries the internal autonomy of the liberated territories of Dadra and Nagar Aveli, as it is the right of the People and of the Human and Divine Law and of the U.N.O. Charter that every People should govern their own destinies.

The Panchayat of Nagar Aveli, holding this extraordinary session, records its vigorous protest against the treacherous and base methods of União Nacional, to keep the people of Goa in bondage at the time when the right of liberation of the people of Portuguese India is better asserted and to this end it recommends peaceful negotiations with the Government of the Indian Union.”

Another resolution of the Panchayat dated 19/4/1956 runs as follows:—

“The Panchayat ardently desires that the people of Liberated Territory from the tyrannical yoke of the Portuguese colonial Government be integrated in the democratic regime of India, consolidating its political and geographical unity which is eternal and indissoluble.”

Finally, on 14th April 1957, in an impressive protest demonstration, the entire population of Dadra and Nagar Aveli resolved to repudiate in these terms any decision of The Hague Court which may have been taken without consulting the people of these territories or its Panchayat:

“1. After the Portuguese Government referred its complaint to Hague Court asking for free passage through the territory of India to reoccupy Dadra and Nagar Aveli the people of these territories declared that any verdict of the Court of Hague on this point would be irrelevant and null, because neither the people of these liberated territories, nor their representative body—Pachayat—or their *de facto* Government were heard and convinced about this litigation arisen among the third parties: Portugal on one side and India on the other.

2. The present *de facto* Government of Dadra and Nagar Aveli is as respectable as the Government of Portuguese Dictatorship. The two Governments arose out of the Revolution. And just as the

present Portuguese Government demolished by a coup d'état the democratic Government of Portuguese Constitutional Republic, so the people of Dadra and Nagar Aveli destroyed the foreign Portuguese domination and constituted their own democratic Administration which in the short period of less than two years did more for religion than the Portuguese Government did not do in about two centuries' rule. Further more, the Portuguese Government was established in India by conquest and such a Government can never be a legitimate Government but a *de facto* Government, because, otherwise, the basis of right would be conquest or violence and there would not exist fundamental, inalienable and non-transferable rights of the peoples.

3. The people of Dadra and Nagar Aveli and their Varishtha Panchayat, the people's Congress of the liberated territories of Dadra and Nagar Aveli—expressed several times to the Government of India their desire for integration with the Indian Union. The lack of fulfilment of this desire by the Government of India renders the people politically isolated from the rest of India.

It therefore demands that this integration be made or the juridical and political identity of the present Administration of these liberated territories be recognized.

4. If the Court at Hague rejects the pretention of Portugal, then that Court will have only observed in spirit the U.N.O. Charter which lays down the principle "to respect the fundamental rights and liberties of man" and "to recognize the political aspirations of colonial or nonautonomous peoples and assist them in the progressive development of their free political institutions".

5. If the Court at Hague, without considering a new political situation of these territories grants to the Portuguese Government (which denies to the progressive liberation of its colonial peoples) the passage for its troops to reoccupy these liberated territories, in that case the last course open to the people is to exercise the right of resistance to new oppression, either by organising its defence or by asking India for Military Aid in order to prevent the erstwhile aggressor of the Indian Territory from re-entrenching himself on its soil, to the detriment of human freedom and its imprescriptible and inalienable right of self-determination."

In order to re-assert its loyalty, the entire meeting proceeding to Gandhi Park and took a solemn pledge before the image of the Father of the Nation:

"The liberated people of Dadra and Nagar Aveli gathered today in a mass meeting in Silvassa to protest against the Portuguese colonialist pretension to redominate these Territories, solemnly pledge before the statue of the Father of the Indian Nation their fidelity to the Indian Flag and their firm decision to prevent at any cost the re-establishment of the Portuguese colonial oppression over these territories."

During the celebrations of 22nd July and 2nd August 1957 Sarpanch Mr. Chowbal asked the whole audience whether they would like the Portuguese to come back. The whole meeting immediately rose and in

a thunderous shout declared, "No more Portuguese. Azad Dadra Zinda Bad!" The same scene occurred in Silvassa where the crowd with raised hands protested: "No, we do not want the Portuguese".

This repeated request for integration with Indian Union not only on the part of inhabitants of Dadra and Nagar Aveli, but even from all Goan Parties which fight for liberation, cannot for long be ignored by the Government of India.

The Administrator,  
(Signed) A. FURTADO.

Seal.

Silvassa 8/12/58.

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## Annex F. No. 118

COMMUNIQUE ISSUED BY THE MINISTER OF FOREIGN AFFAIRS  
PORTUGAL ON THE 3RD JULY, 1954

In connection with a note from the Ministry of External Affairs of the Indian Union addressed to the Legation of Portugal at New Delhi on the 26th June, 1954, protesting against the arrest of 20 Portuguese nationals in Goa, on June 18th 1954 to which mention was made by the Indian press on the 27th of the said month.

1. It is true that the Ministry of External Affairs of the Indian Union presented on the 26th June a note addressed to the Legation of Portugal in New Delhi, protesting in vivid terms against the repressive measures taken in the Portuguese territories in India "Against Goans whose "only" crime is that they have the courage and the patriotism (sic) to declare openly their feeling for merger with India". Twenty persons would have been arrested in several parts of those territories on the 18th June which has been chosen to celebrate the 8th anniversary of the beginning of the campaign for the purpose of provoking that annexation.

2. As the Portuguese Government declared in due time, clearly and incisively, activities with the aim of encouraging the annexation of Portuguese territories to other states are illegal and constitute a crime under our juridical order. *When such activities take place in national territory and, moreover, when they are carried out by Portuguese citizens, they are exclusively a matter for the competence of the Portuguese authorities. In such matters, any intervention of foreign countries is inadmissible. The protest cannot, therefore, be considered.*

It may be recalled, however, that this is the doctrine, explicitly recognized and affirmed by the Prime Minister of India Union, Mr. Nehru, on the 23rd February of this year. And it will not be without interest to point out that two days after the delivery of Note under reference the same Prime Minister signed with the Representative of another Power an international communique in which they reaffirmed, among others, the principles of mutual respect for territorial integrity and sovereignty, and non intervention in each other's internal affairs and proclaimed at the same time that these principles should be applied to the relations with other countries in Asia as well as in other parts of the World.

"If these principles are applied, not only between various countries but also international relations generally, they would form a solid foundation for peace and security and the fears and apprehensions that exist today would give place to a feeling of confidence."

These were the words with which the statement of these principles was accompanied.

It is, indeed, an impossible doctrine.

3. It should be emphasized that the cases of tendentious and provoked demonstrations which took place in Goa, in order to exploit the said 8th anniversary, though they caused some arrests and investigations which are going on within *strict legality* and with the application of the *proper juridical means*, have now, on the other hand, no more significance than this: One dozen and a half cases, according to the allegations of the Indian note, in a population of 600,000 persons.

## Annex F. No. 119

(1)

1. Editorial—“*The Hindu*” Madras, 1st July, 1954

## GOA

Though it is India's irrevocable stand that the small colonial possessions of two European Powers in India should revert to the Mother-country our Government have refrained from taking any unilateral action in this behalf. They have been content to let the voice of the people of these settlements speak for themselves in favour of reunion. And they have been hoping to bring about the change in a peaceful manner by friendly negotiations with their foreign rulers. At the same time the Government of India have scrupulously refrained from trying to interfere in the internal affairs of the local administrations. They have, however, been constrained, from time to time to point out the futility of these foreign Governments trying to whip up, by questionable methods, some kind of a counterblast the popular movements in the Settlements. The consequence of not heeding these warnings is now being experienced in the French Establishments, where the nationalist movement has come out in the open and has successfully challenged foreign authority over a wide area of its jurisdiction. But this has had no lessons for Portugal. This is not surprising because unlike France, the Portuguese Government have not even conceded in principle that Goa is part of India or even that Goans are Indians. They have claimed that, besides their sacred right to hold these territories for all time, the Goans themselves have not expressed any desire to join the Indian Union. They have, of course, seen to it that the true voice of the people is kept muzzled, through the complete denial of freedom of speech, the imposition of rigid censorship and by the various other devices of repression well-known among the Colonial Powers. This has naturally entailed severe sentences of imprisonment and worse for those who have had the temerity to stand up for their birthright. The hardships suffered by increasing numbers of Goan nationalists are having repercussions in the adjoining Indian territory where the people are agitated over the fate of their kith and kin across the border.

In recent months Portugal has made the situation worse by importing large numbers of white and coloured troops, obviously to over-awe the population. Matters apparently reached a climax on the 18th of June last when there was a spontaneous and wide-spread demonstration of the popular demand for merger with India. This has been followed by a double dose of repression by the Administration. Reports speak of whole-sale arrests, house-searches and even beatings in jail for extorting confessions. The seriousness of the situation can be gauged from the fact that the Government of India have felt compelled to lodge a strong protest with the Portuguese Legation in New Delhi against the launching of this fresh wave of repression. The Portuguese authorities have been squarely told that India cannot continue to remain a silent spectator to the continuance of this repressive policy. They have also been informed that unless positive steps are taken towards a more realistic policy in keeping with the historical changes that have taken place the responsibility for the consequences will rest with the Portuguese Govern-

ment. It is doubtful if this grave warning will induce Portugal to stay its hand. But the Government of India cannot wait on events in discharging their own responsibility in the matter. Feelings are running high among the considerable Goan population in Bombay. It is therefore right and proper that their External Affairs Secretary should hasten to Bombay to confer with the State's Chief Minister.

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(2)

*Bombay Chronicle 14th August 1954*NEHRU ASKS GOANS TO BE NON-VIOLENT  
TALKS OF FREEDOM IN ADDRESS TO EDITORS

.....

*He said he would advise the Goans to seek peaceful and non-violent means and not to encourage sensationalism. It was more so, he said, because the other party was apparently prepared for violence.*

He said: "I have no doubt there can be one ultimate result in regard to Goa, and that is: Goa will have to merge with-India.

Every sensible person in any part of the world realises this. But the only difficulty is that some people think in terms of hundred, two hundred and four hundred years ago, not being able to catch up to what is happening in India or Asia.

"But I do want to lay stress on this question of non-violence. It is not merely a question of absence of violence. It is a way of thinking ; it is a way of approach."

He said in internal relations, communal relations, "we must express this mental approach, non-violent peaceful approach of integration ; and I am convinced that in our international relations also we should do that even though the other party appears to be irritating."

"In the present little storm in a tea-pot in Goa affair, we should advise our people to stick to non-violence and they must not give cause for violence from the other side."

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## Annex F. No. 120

EXTRAIT DU « LIVRE ORANGE » NÉERLANDAIS PUBLIÉ EN TRADUCTION PAR L'IMPRIMERIE NATIONALE A LA HAYE (SEPTEMBRE 1916) ET INTITULÉ : « RECUEIL DE DIVERSES COMMUNICATIONS DU MINISTRE DES AFFAIRES ÉTRANGÈRES AUX ÉTATS-GÉNÉRAUX PAR RAPPORT A LA NEUTRALITÉ DES PAYS-BAS ET AU RESPECT DU DROIT DES GENS » (p. 168 & 170).

## LA STATION RADIO-TÉLÉGRAPHIQUE DE BAARLE-DUC

Vers la fin de l'année 1915 le Gouvernement Néerlandais apprit qu'une station de télégraphie sans fil avait été installée dans une partie du territoire belge, commune de Baarle-Duc, entièrement enclavée dans le territoire néerlandais.

Le Gouvernement n'a pas négligé d'examiner quelles mesures il était obligé de prendre pour le maintien d'une stricte neutralité relativement au nouvel état de choses créé de ce fait. Il conclut qu'il y avait lieu de veiller à ce que des marchandises pouvant être utiles au fonctionnement de la station ne fussent pas transportées du territoire néerlandais dans l'enclave en question. En effet la présence de cette station radio-télégraphique en cet endroit fait de cette enclave une base d'opérations des forces belligérantes belges et il serait contraire à l'observation d'une stricte neutralité de tolérer l'utilisation du territoire néerlandais pour l'envoi des produits nécessaires à son fonctionnement à une pareille base d'opérations de l'une des parties belligérantes que le territoire néerlandais protège de tous côtés contre une agression de la partie adverse.

Par contre la responsabilité du Gouvernement Néerlandais n'est nullement engagée par le fait même du fonctionnement d'une station radio-télégraphique dans cette enclave, attendu que cette enclave est territoire belge.

Pour réaliser le principe établi ci-dessus par le Gouvernement, l'autorité militaire a fait entourer l'enclave en question d'un réseau de fil de fer, dressé sur le territoire néerlandais, et il a été édicté une défense de transporter des Pays-Bas au territoire situé en dedans de la zone ainsi délimitée n'importe quel produit pouvant être utile à la station radio-télégraphique.

Cette clôture permet en même temps d'exercer une surveillance sur les personnes qui se rendent à ladite base d'opérations ou, inversement, la quittent. Ces personnes doivent passer par un poste militaire néerlandais où il est fait une enquête au sujet de leur identité et où l'on contrôle également si elles ne transportent pas des objets de contrebande.

En rapport avec ceci il importe de remarquer que, outre la défense spécialement en vigueur pour Baarle-Duc de transporter en cet endroit des objets utilisables par une station radio-télégraphique, les règles générales en vigueur aux Pays-Bas concernant l'exportation sont aussi applicables à l'exportation des Pays-Bas à Baarle-Duc. A la suite tant de ces défenses d'exportation que de la mesure spéciale prise en ce qui concerne Baarle-Duc se sont élevées quelques difficultés à propos du ravitaillement de Baarle-Duc en vivres et en autres objets nécessaires. Depuis lors cependant une réglementation a été organisée qui donne toute satisfaction; une commission, dans laquelle siègent à côté de fonctionnaires néerlandais des fonctionnaires belges, juge les demandes d'importation qui lui sont adressées et détermine de quels objets et de

quelles quantités l'importation est nécessaire: l'exportation des Pays-Bas de ces objets est dès lors autorisée.

Par une note du 18 avril dernier, le Ministre de Belgique a introduit une plainte basée sur ce que 12 caisses de pétrole expédiées d'Angleterre et adressées au maire de Baarle-Duc étaient retenues à la frontière néerlandaise.

Dans une note verbale du 6 juin dernier le Gouvernement Néerlandais a trouvé l'occasion d'exposer au Gouvernement Belge sa manière de voir relativement à la station radio-télégraphique de Baarle-Duc et notamment la défense de transporter dans cette enclave des produits destinés à cette station.

Cette note verbale du 6 juin dernier est reproduite ci-dessous.

*Note Verbale.*

Au mois d'octobre 1915 le Gouvernement Belge a installé une station radio-télégraphique dans une partie du territoire belge (commune de Baarle-Duc) enclavée dans le territoire néerlandais.

La deuxième Conférence de la Haye a reconnu l'importance de pareille station au point de vue militaire. Elle en a interdit dans les Conventions V et XIII l'installation, par un belligérant, en territoire neutre. L'article 5 de cette dernière Convention précise que l'endroit où se trouve une station radio-télégraphique exploitée par un belligérant revêt par là-même le caractère d'une base d'opérations militaires.

Par l'installation de la station radio-télégraphique l'enclave de Baarle-Duc est donc devenue une base d'opérations du Gouvernement Belge.

Dans l'opinion du Gouvernement Néerlandais le maintien d'une stricte neutralité l'oblige à veiller à ce que le territoire néerlandais ne serve en aucune manière à favoriser l'utilisation d'une base d'opérations de l'une des parties belligérantes que le territoire néerlandais protège de tous côtés contre une agression de la partie adverse.

Par conséquent il lui incombe d'empêcher l'envoi à cette base d'opérations de tout ce qui peut être utile à la station radio-télégraphique.

Conformément à ce qui précède le Gouvernement Néerlandais à son regret ne se voit pas à même de consentir à ce que les douze caisses de pétrole adressées au bourgmestre de Baarle-Duc et qui se trouvent à la gare de Baarle-Nassau (frontière) soient remises au destinataire.

La Haye, le 6 Juin 1916.

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I certify that these Annexes are either an exact copy or a faithful translation of the relevant originals.

(Signed) JOHN ALOYSIUS THIVY,  
Agent of the Government of India.

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