

CHAPTER 14—JUSTICE AND PEACE.

THE JUDICIAL DEPARTMENT.

THE DISTRICT JUDGE, DHARWAR, is the highest judicial authority in the district and presides over the District Court. Under Article 233 of the Constitution of India, appointments, postings and promotion of district judges* are to be made by the Governor in consultation with the High Court; and under Article 234, appointments of persons other than district judges to the judicial service† are made by the Governor in accordance with rules made by him after consultation with the State Public Service Commission and with the High Court. Under Article 235, the control over the District Court and the courts subordinate to it, including the posting and promotion of, and the grant of leave to, persons belonging to the judicial service and holding any post inferior to the post of district judge, is vested in the High Court.

The District Court is the principal court of original jurisdiction in the district, and it is also a court of appeal from all decrees and orders up to the value of Rs. 10,000 passed by the subordinate courts from which an appeal can be preferred. The District Judge exercises general control over all the civil courts and their establishment and inspects the proceedings of these courts.

In addition to the District Court, there is located in Dharwar one other Court presided by an Assistant Judge. The Assistant Judge exercises both original and appellate jurisdiction. He can try original cases the value of which does not exceed Rs. 15,000.

Subordinate to the District Judge are two cadres of Civil Judges, Junior Division and Senior Division. The jurisdiction of a Civil Judge (Junior Division) extends to all original suits and proceedings of a civil nature wherein the subject matter does not exceed Rs. 10,000 in value, while that of a Civil Judge (Senior Division) extends to all original suits and proceedings of a civil nature irrespective of

* Under Article 236 of the Constitution of India, the term "District Judge" includes additional district judge, assistant district judge, chief judge of a small causes court, sessions judge, additional sessions judge and assistant sessions judge.

† Article 236 of the Constitution of India, "judicial service" is described as a service consisting exclusively of persons intended to fill the post of district judge and other civil judicial posts inferior to the post of district judge.

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District Judge.

Civil Courts.

CHAPTER 14. the value of the subject-matter. Appeals in suits or proceedings wherein the subject-matter does not exceed Rs. 10,000 in value are taken to the District Court, while in those wherein the subject-matter exceeds in value Rs. 10,000 are taken direct to the High Court.

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Civil Courts.

There are two courts of Civil Judges one of Senior Division and one of Junior Division at Dharwar. Outside Dharwar, there are two courts of Civil Judges at Hubli, one of Senior Division and one of Junior Division; two courts of Civil Judges (Junior Division) at Gadag; one court of Civil Judge (Junior Division) at each of the following places, namely:—Haveri, Ranebennur, Kundgol, Laxmeshwar, and Savanur. The civil courts of Laxmeshwar and Savanur are linked courts, presided over by one Civil Judge, Junior Division. The Civil Judges at Savanur, Laxmeshwar and Kundgol are also doing criminal work.

Criminal Courts. The District Judge, Dharwar, is also the Sessions Judge of the district. The Sessions Judge tries criminal cases which are committed to his court by the Judicial Magistrates after preliminary enquiry and hears appeals against the decisions of the subordinate magistrates.

The Assistant Judge also exercises the powers of an Assistant Sessions Judge on the criminal side. And generally he is invested with powers of an Additional Sessions Judge. The Sessions Judge and Additional Sessions Judge may pass any sentence authorised by law, but any sentence of death passed by any such judge is subject to confirmation by the High Court. An Assistant Sessions Judge can pass any sentence authorised by law except a sentence of death or of transportation or imprisonment for a term exceeding seven years.

The Bombay Separation of Judicial and Executive Functions Act (XXIII of 1951) has classified the magistracy of the State into two categories, viz., (1) Judicial Magistrates and (2) Executive Magistrates. Judicial Magistrates are of the following classes:—(1) Presidency Magistrates; (2) Magistrates of the First Class; (3) Magistrates of the Second Class; (4) Magistrates of the Third Class; and (5) Special Judicial Magistrates. Executive Magistrates fall under the following classes:—(1) District Magistrates; (2) Sub-divisional Magistrates; (3) Taluka Magistrates; (4) Presidency Magistrates specially empowered by the State Government; and (5) Special Executive Magistrates. The State Government may, in consultation with the High Court, direct any two or more Judicial Magistrates in any place outside Greater Bombay to sit together as a bench and invest such bench with the powers of a Magistrate of the First, Second or Third Class.

Presidency Magistrates work in Greater Bombay. Special Judicial Magistrates are appointed by the State Government in consultation with the High Court to try particular cases or classes of cases or cases generally in any local area. Special Executive Magistrates are appointed by the State Government for particular areas, or for the performance of particular functions.

All Judicial Magistrates and Benches of Judicial Magistrates are subordinate to the Sessions Judge who may from time to time make rules or give special orders as to the distribution of business among them.

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All Executive Magistrates are subordinate to the District Magistrate. Their powers and functions are detailed in paragraphs III-A, IV, and V of schedule III of the Criminal Procedure Code. Appeals from orders requiring security for keeping the peace or for good behaviour, however, lie from Executive Magistrates to the Court of Sessions (section 406, Criminal Procedure Code). The State Government has power by notification to direct that appeals from such orders made by a Magistrate other than the District Magistrate shall lie to the District Magistrate and not to the Court of Session. Again, under section 406A of the Code any person aggrieved by an order refusing to accept or rejecting a surety under section 122 may appeal against such order, if made by a District Magistrate, to the Court of Session. Under section 435(4), the High Court is empowered to call for and examine the record of any proceeding under section 143 (prohibition of repetition of nuisance), 144 (temporary order in urgent cases of nuisance or apprehended danger), and 145 (procedure where dispute as to immoveable property is likely to cause breach of the peace), even though such proceeding was before an Executive Magistrate.

The ordinary powers of the Magistrates of the Third, Second and First Class are detailed in Schedule III, parts I, II and III respectively of the Criminal Procedure Code (Act V of 1898). They may be invested with additional powers by the State Government in consultation with the High Court, and these additional powers are detailed in Schedule IV of the Code. They are competent to pass the following sentences :

- | | |
|--------------------------------------|--|
| (a) Magistrate of the First Class. | (1) Imprisonment for a term not exceeding 2 years, including such solitary confinement as is authorised by law. |
| | (2) Fine not exceeding Rs. 1,000. |
| | (3) Whipping. |
| (b) Magistrates of the Second Class. | (1) Imprisonment for a term not exceeding 6 months, including such solitary confinement as is authorised by law. |
| | (2) Fine not exceeding Rs. 200. |
| (c) Magistrates of the Third Class. | (1) Imprisonment for a term not exceeding one month. |
| | (2) Fine not exceeding Rs. 50. |

The Bombay Separation of Judicial and Executive Functions Act came into force on the 1st July 1953. Now there are in all 10 Resident Magistrates in Dharwar District: 2 at Dharwar, 3 at Hubli; 3 at Gadag; 1 at Haveri and 1 at Ranebennur. The first

CHAPTER 14. Additional Resident Magistrate, Hubli, sits for 8 days in a month at Kalghatgi to try cases of the Kalghatgi taluka and the second Additional Resident Magistrate, Hubli, sits at Navalgund for 14 days in a month to try cases of the Navalgund taluka. Similarly, the first Additional Resident Magistrate, Gadag, sits at Ron for 14 days in a month to try cases of the Ron taluka and the second Additional Resident Magistrate, Gadag, sits for 8 days in a month at Mundargi to try cases of the Mundargi Mahal. The Resident Magistrate, Haveri, sits for 14 days in a month at Hangal to try cases of the Hangal taluka and the Resident Magistrate, Ranebennur, sits for 14 days in a month at Hirekerur to dispose of the cases of the Hirekerur taluka.

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Criminal Courts.

The civil courts of Savanur and Laxmeshvar are linked, and one Judge presides over the two courts. He holds his court for 14 days in Laxmeshvar and for the rest of the month in Savanur. He does also the criminal work of both the talukas under his jurisdiction. The Civil Judge, Kundgol, disposes of all the criminal work of Kundgol Mahal.

Other Law
Officers.

The following are the other law officers of Government functioning in Dharwar District :—

District Government Pleader and Public Prosecutor ;

Assistant Government Pleader ;

First Assistant Public Prosecutor ;

Second Assistant Public Prosecutor ;

Two Honorary Assistants to the District Government Pleader and Public Prosecutor ; and

Sub-Government Pleaders, one at each of the following places, viz., Haveri, Hubli, Kundgol, Laxmeshwar, Ranebennur, Gadag and Savanur.

Number of legal
practitioners.

In December 1952, there were practising in the various civil courts in the district 18 advocates, 325 pleaders and 7 sanadi pleaders.

Nyaya panchayats.

Under the Bombay Village Panchayats Act (VI of 1933), nyaya panchayats have been formed in a number of villages and these institutions are empowered to try petty civil suits and criminal cases. The constitution and powers of the panchayats are detailed in Chapter VI, sections 37 to 58-A, of the Bombay Village Panchayats Act, 1933. An appeal lies to the District Court against a decree passed by a nyaya panchayat in any suit and to the Sessions Court against any order in any case.

Statistics of
Civil Courts.

In Dharwar District, in the various civil courts, 2,830 suits were pending at the end of the year 1951. In the year 1952, 2,622 suits were instituted ; 3,025 suits were disposed of ; and 2,655 suits were pending at the end of the year. Of the 2,622 suits instituted, 1,154 were either for money or moveable property ; 571 were of value not exceeding Rs. 100 ; 1,312 were of value above Rs. 100 but not exceeding Rs. 1,000 ; 307 were of value above Rs. 1,000 but not exceeding Rs. 5,000 ; and 110 of value above Rs. 5,000. The total value of the suits instituted was Rs. 26,31,875.

Out of the 3,025 suits disposed of, 850 were disposed of without trial; 305 *ex-parte*; 118 on admission of claims; 471 by compromise; 1,253 after full trial; 21 by transfer; and 7 by reference to arbitration.

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Statistics of
Civil Courts.

There were 827 appeals (including Miscellaneous and Debt Adjustment Board appeals) pending at the end of the year 1951. During the year 1952, 714 appeals were instituted, 879 were disposed of; 682 appeals were pending at the end of the year.

Of the 879 appeals disposed of during the year 1952, 162 were either dismissed or not prosecuted; 447 confirmed; 100 modified; 122 reversed and 48 remanded for re-trial.

In the year 1952, there were 17,299 offences reported in the criminal courts of the Dharwar District. Persons under trial numbered 23,874; persons whose cases were disposed of 15,863; persons discharged or acquitted 3,956; persons convicted 11,889; persons committed to sessions or referred to higher tribunals 189; persons died or escaped or transferred to another State 15. Five were sentenced to death, 3 to transportation or penal servitude, 1,770 to imprisonment and 10,030 to fine, and 568 were asked to give security.

Statistics of
Criminal Courts.

During the year 1952, in the Sessions Court 56 offences were reported, 186 persons were under trial. Cases of 156 persons were disposed of during the year, 117 persons were acquitted or discharged, 39 persons were convicted. Three hundred and forty-eight (348) persons were committed to Sessions, 159 persons were tried in the Sessions Court, of whom 117 were acquitted and 42 convicted, of whom 3 were awarded death sentence, 3 transportation for life and 35 were imprisoned. Out of these 35 one was ordered to give security.

Statistics of
Sessions Courts.

The following are the figures showing the revenue and expenditure of the Judicial department in Dharwar District for the year 1952-53 :—

Revenue and
Expenditure.*Revenue.*

	Rs.	a.	p.
(1) Sale proceeds of unclaimed and escheated property.	—	—	—
(2) Fines by Civil and Sessions Courts ..	5,745	0	0
(3) Cash receipts of record rooms ..	—	—	—
(4) Miscellaneous receipts ..	24	0	0
Total ..	5,769	0	0

Expenditure.

	Rs.	a.	p.
(1) Pay of officers	1,02,527	0	0
(2) Pay of establishment	2,03,959	8	0
(3) Pay of process serving establishment ..	35,207	7	0
(4) Travelling allowance	3,059	7	0
(5) House rent allowance	3,023	10	0
(6) Dearness allowance	1,56,878	6	0
(7) Contingencies	3,500	0	0
Total ..	5,08,155	6	0

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THE POLICE DEPARTMENT.

Justice and Peace.
POLICE.

THE PRIMARY FUNCTIONS OF THE POLICE are the prevention and detection of crime; the maintenance of order; the apprehension of offenders; escorting and guarding prisoners, treasure or private or public property of which they may be placed in charge; and the prosecution of criminals. They have, however, various other duties to perform, of which some, such as control of traffic, censorship of plays and other performances, service of summonses in criminal cases and destruction of stray dogs are imposed upon them by law, and others, such as aid to refugees and pilgrims and passport and naturalisation enquiries, are entrusted to them for administrative reasons.

Organization.

Under section 17(1) of the Bombay Police Act (XXII of 1951), the District Superintendent and the police force of a district are under the control of the District Magistrate of the district. While all questions of policy and of the administration of law within the district are for the District Magistrate's decision, it is the province of the Inspector-General of Police of Bombay State to watch over the recruitment, education, housing and equipment of the police and so to regulate their internal organisation and their methods of working as to render them the most efficient instrument possible for the use of the District Magistrate in the safeguarding of his charge.

Under the Inspector-General of Police are three Deputy Inspectors General of Police, each in charge of one of the following divisions: (1) Northern Range, (2) Southern Range and (3) Criminal Investigation Department. Below these officers are the District Superintendents of Police in charge of districts. Under the law as it stands at present, the Superintendent of Police is an assistant of the District Magistrate for police purposes, although in matters falling within the jurisdiction of the Inspector-General of Police he is subject to the general control and direction of the superior police officers. In short, while the district police forces are under the Inspector-General of Police for the sake of administrative control, the force in each district is under the working control of the District Magistrate.

The District Superintendent of Police, Dharwar, is the executive head of the police force of the district. The district is divided into two sub-divisions, Northern and Southern, each in charge of a Sub-Divisional Police Officer. There is one Assistant Superintendent of Police. He holds the charge of the Sub-Divisional Police Officer, Southern Sub-Division. In addition to the Police Headquarters at Dharwar, there are in the district 28 police stations and 26 outposts under them. Out of the 28 police stations 4 are town police stations, *viz.* Dharwar, Hubli Town, Hubli Suburban and Gadag, 12 taluka police stations, 4 mahal police stations and 8 sub-police stations.

The original strength of the district police, which was 974 came up to 1,278 by 1942, and by 1948, it had risen to 1,600. In 1952, the composition of the force was as follows :—

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Strength.

Superintendent of Police	1
Deputy Superintendents	2
Inspectors	4
Sub-Inspectors	..	..	42
Unarmed Head Constables	..	..	193
Armed Head Constables	..	..	105
Unarmed Constables	..	..	679
Armed Constables	..	..	546

That is to say, 49 officers and 1,523 men.

The following temporary strength had been sanctioned for various extra duties :—

Extra duties.	Head Wire-less Operators.	Wire-less Operators.	Ins-pectors.	Sub-Inspectors.	Head Constables.		Constables.	
					Arm-ed.	Un-armed.	Arm-ed.	Un-armed.
1. Prohibition ...	...	...	...	6	...	10	3	62
2. Enforcement of food control measures.	...	...	...	...	...	19	...	19
3. Anti-corruption ...	...	...	1	1	...	2	...	2
4. For additional Sub-division police stations and outposts, etc.	...	...	...	2	7	16	16	37
5. Mess Managers ...	...	...	...	...	...	1	...	...
6. Wireless Grid ...	1	2	...	...	...	...	...	...
7. Village Defence ...	...	...	...	1	...	13	...	...
8. Motor Transport ...	...	...	...	...	1	...	18	...
	1	2	1	10	8	61	37	120

In addition there were two temporary fitters for Motor Transport.

The total strength, both permanent and temporary, was 60 officers and 1,752 men.

The annual cost of the district police for 1952-53 was Rs. 21,25,901. The total strength of the police worked out at one policeman to 2.95 sq. miles and 883.69 persons.

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Regular Duties.

The District Superintendent of Police, who is the executive head of the police force, is invested with the direction and control of the police under the command and control of the District Magistrate. His primary duties are to keep the force under his control properly trained, efficient and contented, and to ensure, by constant supervision, that the prevention, investigation and detection of crime in his district are properly and efficiently dealt with by the force.

The Sub-Divisional Police Officers in charge of Sub-divisions, who may be either Assistant Superintendents or Deputy Superintendents, are responsible for all crime work in their charges. Under the general orders of the Superintendent, they are responsible for the efficiency and discipline of the officers and men in their divisions and have to hold detailed inspections of police stations and outposts in their charges at regular intervals.

The Inspectors are practically entirely employed on crime work and supervision of bad characters and gangs in their sub-divisions. They are also utilised for supervising and co-ordinating the crime work of the different police stations in their sub-divisions.

There is a Home Police Inspector at the district head-quarters, Dharwar. He is the Office Superintendent with duties somewhat different to those of a Divisional Inspector. He supervises the work of the Head Police Office, the Town and the Head-quarters Police during the absence of the District Superintendent and Sub-Divisional Police Officers and does all the routine work in the Head Police Office for the District Superintendent.

The Sub-Inspector of Police is the officer-in-charge of the police station. He is responsible in his charge for the prevention and detection of crime, and for seeing that the orders of his superiors are carried out and the discipline of the police under him is properly maintained.

Head constables are subject to the orders of the Sub-Inspectors placed over them and of the superior officers of the police force. They are to report to the Sub-Inspector all crimes in their beats and also to assist him in the investigation and detection of crime. When in charge of a particular post or circle of villages, the head constable acts in all police matters in concert with the heads of the village police. When attached to the police station, he holds the charge in the absence of the Sub-Inspector and looks to all routine work including investigation of crime.

The constables perform such duties as they may be ordered by the head constables and superior police officers to perform.

Recruitment.

Appointment of Assistant Superintendents of Police are made by the Government of India on the recommendation of the Union Public Service Commission. Before being posted to regular duty they are trained in the Central Police Training College, Mount Abu. The Deputy Superintendents of Police are appointed by the Bombay Government, 70 per cent. by promotion of meritorious officers from

the lower ranks of the District Police force, and 30 per cent. by direct recruitment. Direct recruits are, on recruitment, attached to the Police Training School, Nasik. After completion of their training, these officers are attached to districts for practical training for a period of one year prior to their confirmation.

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Recruitment.

Inspectors of Police are appointed by the Inspector General of Police. Appointments are, as a rule, made by promotion of Sub-Inspectors, direct appointments being very rare.

Recruitment of Sub-Inspectors is made by the Inspector General of Police both by promotion of officers from the lower ranks of the district police force and by direct recruitment. Candidates for direct recruitment may be either from outside the police or from the Police Department. These candidates are, in the first instance, selected for training in the Police Training School, Nasik, as Sub-Inspectors. The selection is made by the Inspector General of Police assisted by a committee of Deputy Inspectors General and the Principal, Police Training School, Nasik.

The police constables are recruited directly, and the head constables generally from the ranks of constables. However, to attract better men, recruitment of head constables is made direct from duly qualified candidates up to one-third of the vacancies.

Among the 60 officers and 1,752 men in the Dharwar district there was no one illiterate in 1952.

Literacy.

The armament of the Dharwar district police in 1952 consisted of 10 carbine machine guns, 817 rifles (.33 bore), 574 muskets of .410 bore, and 74 revolvers (.39—455 and 35—38). In addition to these the Home Guards of the district had been allotted 100 Italian rifles, 30 rifles (.303), 23 revolvers (.455) and 200 muskets (.410).

Armament.

The district had (in 1952) a fleet of 14 motor vehicles, including a motor cycle and 2 vehicles allotted for prohibition work.

The Wireless Grid had a static wireless station with 3 receivers, and 2 transmitters.

The whole strength of the armed police is provided with 303 rifles and the squad of 30 men trained with carbine machine guns.

There is a special armed police, called the State Reserve Constabulary, stationed at Belgaum, consisting of 1,000 personnel, including officers and men. This group, with two other similar groups located at Dhond and Baroda and another group of 2,000 located in Greater Bombay, is meant to make the State self-sufficient in respect of internal security. This force is highly trained and mobile and is provided with wireless sets and motor transport.

State Reserve
Constabulary.

There is an Anti-Corruption Branch of the Police Department working under the Additional Assistant to the Inspector General of Police. Its organisation is not districtwise but for the whole State. There is a branch of this organisation at Dharwar, under an Inspector whose jurisdiction covers Dharwar, Bijapur and Karwar. One Sub-Inspector, two head constables and two constables work under him in Dharwar.

Anti-Corruption.

CHAPTER 14. The railway running through the district is under the charge of a Superintendent of Police, who has a Sub-Divisional Officer to assist him. His charge, however, covers the Central and Southern Railways running through the whole State. The Superintendent is under the general control of the Range Deputy Inspector General of Police and the Inspector General of Police. He must, however, obey the instructions of the General Manager of the Railways, but may appeal to the Inspector General afterwards, if appeal, in his opinion, is necessary.

Justice and Peace.
Police.
Railway Police.

Figures of Crime. In 1952 the following were the figures of crime in the Dharwar district:—

(a) Total number of non-cognizable crime	5,162
(b) Total number of cognizable cases reported to the Police	5,891
(c) Total number of cognizable cases dealt with by Magistrates	1,724

The following figures represented the variations in crime during the quinquennium 1948-52:—

	1948.	1949.	1950.	1951.	1952.
(a) Non-cognizable crime	7,121	6,511	3,960	4,261	5,162
(b) Police cognizable crime	3,239	4,198	3,882	4,039	5,891
(c) Reported cognizable crime . Not available.	4,419	4,478	4,473	4,473	6,373
(d) Magisterial cognizable Not available.	221	596	434	482	

Real serious crime, including (1) murders and cognate crime, (2) dacoities, (3) robberies, (4) house-breaking and thefts, (5) thefts including cattle thefts, (6) receiving stolen property and (7) rioting, varied as follows from 1948 to 1952:—

1943	...	73	1947	...	88	1951	...	112
1944	...	52	1948	...	117	1952	...	94
1945	...	56	1949	...	93			
1946	...	92	1950	...	87			

Incidence of cognizable crime per thousand persons varied as follows during the years (1943-52):—

1943	...	1.474	1947	...	4.431	1951	...	2.506
1944	...	1.353	1948	...	3.004	1952	...	3.738
1945	...	1.989	1949	...	3.122			
1946	...	3.222	1950	...	2.894			

In 1952 the prosecuting staff in the district consisted of one Senior Police Prosecutor and 11 Police Prosecutors. The total number of cases conducted by the prosecuting staff in 1952 was 2,856, out of which 1,408 ended in conviction. In the same year the prosecuting staff and prosecutions.

total number of cases conducted by the executive staff (I and II Grade Jamadars) was 1,583, out of which 890 ended in conviction. Jamadars are non-gazetted officers of the Police Force. They hold the rank of I or II Grade Head Constables.

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Prosecuting staff
and Prosecutions.

Besides there is a Prosecutor Law Instructor for instructing recruits at Dharwar Headquarters.

In the Anti-Corruption Branch, in 1952, 26 cases were reported to the Branch. Out of these, one case of corruption was sent up for trial which ended in acquittal. Twenty-four other cases were sent up, of which 11 ended in conviction and 2 in acquittal and 11 were pending trial. The remaining one case was departmentally dealt with.

Of the total strength of 1,752 policemen (permanent and temporary), 819 were housed in Government quarters. Of the 52 Sub-Inspectors, 17 were provided with Government quarters.

Housing.

There is a part-time police dispensary at the Police Headquarters at Dharwar with a part-time Government doctor.

Hospital.

A dairy farm, a poultry farm, carpentry, sewing and spinning classes, and a provision store have been working at the Dharwar Police Headquarters to promote the welfare of the police and their families. A police mess and canteen was started in 1946 at the Police Headquarters to cater to the needs of recruits in respect of food and light refreshments.

Welfare Work.

The stipendiary police of the district is helped by the village police. Under the Bombay Village Police Act (VIII of 1867), the control of the village police vests in the District Magistrate and not in the District Superintendent of Police. The District Magistrate may, however, delegate any of his authority to the District Superintendent of Police. There are 1,333 villages in the district. Each village or group of villages has a police patil. The police patil is required to collect information regarding suspicious looking strangers and send it to the police station. He has to keep a strict watch over the movements of notoriously bad characters under surveillance of the police. When the patrolling police goes to the village, he has to give all the information he possesses about events in the village. It is the duty of the village police patil to render assistance to any sick traveller and maintain law and order in the village. In 1952, the number of village police including the police patil, and 70 *walikars*, i.e. *shet sanadies* attached to the police stations, was 3,458. The *walikars* who were attached to the five important and big police stations (Dharwar, Hubli, Hubli Suburban, Gadag and Ranebennur) rendered valuable assistance to the police in the prevention and detection of crime, night rounds and the like. In the same year, the village police rendered assistance to the district police in 52 cases.

Village Police.

In charge of the Home Guards organisation in the State is the Commandant General, and under him are Commandants in each district who control the district staff. The appointments of the

Home Guards.

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Home Guards.

Commandant General and Commandants are made by the Government from among suitable non-official gentlemen, and the posts are purely honorary, carrying no remuneration. The organisation is non-political and non-communal. All members have, on enrolment, to sign a pledge to the effect that they will well and truly serve the Government of Bombay without fear or affection, malice or ill-will, or communal or political bias, and will assist to the best of their ability in the maintenance of peace and prevention of crime against person and property. Any person who is between the ages of 20 and 50 and has studied up to standard IV in any of the regional languages is eligible for enrolment.

The Home Guards are trained in squad drill, lathi drill, use of arms, control of traffic, elementary law, mob-fighting, unarmed combat and guard and escort drill. They are also trained in first aid and fire-fighting. They are encouraged to take up social work. When called out on duty, they enjoy the same powers, privileges and protection as an officer of the police force appointed under any Act for the time being in force. Their functions consist mainly of guarding public buildings, patrolling for the prevention of crime and assisting the police in their ordinary duties. They are issued with uniforms and are paid a duty allowance of Rs. 2-8-0 per diem whenever they are called out on duty. They are given a washing allowance of Re. 1 per mensem each.

The Dharwar District Home Guards unit was started on 1st October, 1947. The organisation in the district now (1953) consists of a Commandant, the Second in Command, the District Quartermaster, a Staff Officer in charge of training and a Staff Officer in charge of Prohibition. Home Guard centres have been opened at 15 places in the district, each under a taluka commandant. The places are :—

- | | | |
|--------------|----------------|-----------------|
| 1. Annigeri. | 6. Hubli. | 11. Navalgund. |
| 2. Dharwar. | 7. Kalghatgi. | 12. Ranebennur. |
| 3. Gadag. | 8. Laxmeshwar. | 13. Ron. |
| 4. Hangal. | 9. Mundargi. | 14. Savanur. |
| 5. Haveri. | 10. Nargund. | 15. Shiggaon. |

The total strength is 791.

Village Defence
Parties.

In addition there are Village Defence Parties. The scheme is modelled on the ancient system of *Gav Senas*, under which at the beat of a drum the villagers used to collect with weapons and help one another against outside aggression.

Each village defence organisation is under an officer known as the Kotwal. At the head of the organisation in the taluka is the "Assistant Village Defence Officer", who is usually a police head constable of III grade in charge of the taluka. The Village Defence Parties are under the supervision of a police officer of the rank of a Sub-Inspector of Police called Village Defence Officer. The District Superintendent of Police is in charge of the whole organisation in the district. The Village Defence Officer is assisted by a "Joint Village Defence Officer", who is always a non-official.

Similarly, the "Assistant Village Defence Officer" is assisted by a non-official "Joint Assistant Village Defence Officer." The non-official officers perform purely honorary service and receive no remuneration. They are appointed by the District Superintendent of Police and are subordinate to him.

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Village Defence
Parties.

Every able-bodied villager between the ages of 20 and 50 is eligible for membership of a party, provided he is recommended by the Kotwal and other officers. The training given to members of the Village Defence Parties is not as intensive as that given to the members of the Home Guard units. They are, however, instructed in the use of arms, drill and lathi drill and are trained to gather at a given place at the beat of a drum, with available weapons and to defend themselves. No uniforms are issued to them but whistles and arm bands are given. Unlike the Home Guards they do not exercise any powers. They are mere citizens helping one another to defend themselves.

In 1952 in the Dharwar district there were village defence parties organised in 1352 villages, including hamlets, and they had a total strength of 57,231. The non-official Joint Village Defence Officer of the District is assisted by one Sub-Inspector of Police (Village Defence Officer) and 13 head constables (Assistant Village Defence Officers) in organising and running the parties.

THE JAIL DEPARTMENT.

THERE IS NO DISTRICT PRISON in the Dharwar district. Prisoners sentenced to imprisonment for more than one month are transferred to the Belgaum Central Prison to serve out their sentences, and those sentenced for one month or less are retained in the sub-jails. There are 14 sub-jails in the district, in addition to the two sub-jails in the Dharwar town (one situated in the Mamlatdar's Office compound, and the other in the Borstal School premises), and they are located at the following taluka headquarters, viz. :—

JAILS.

Location of Jails.

Gadag,	Mundargi,
Hangal,	Nargund,
Haveri,	Navalgund,
Hirekerur,	Ranebennur,
Hubli,	Ron,
Kalghatgi,	Shiggaon, and
Kundgol,	Shirhatti.

Of the two sub-jails in Dharwar the one situated in the Mamlatdar's office compound is in charge of the Mamlatdar, Dharwar, and the other in the Borstal School premises is in charge of the Governor, Borstal School. The sub-jails at the taluka headquarters are in charge of part-time Superintendents from the Revenue Department (usually Mamlatdars). The guarding of all these jails is done entirely by the Police Department. The number of the guarding establishment ranges from 4 to 12 according to the requirements of each sub-jail.

CHAPTER 14. There are also 24 police lock-ups located at the following places, namely :—

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Police Lock-ups.

Adur,	Hubli Town,
Annigeri,	Kalghatgi,
Byadgi,	Kundgol,
Dharwar Taluka,	Mugod,
Dharwar Town,	Mundargi,
Gajendragad,	Nargund,
Gadag Taluka,	Ranebennur,
Guttal,	Ron,
Hansbhavi,	Savanur,
Hangal Taluka,	Shiggaon,
Haveri Taluka,	Shirhatti, and
Hirekerur,	Tadas.

Borstal School.

In the Dharwar town is situated the only Borstal School for the whole of the Bombay State. This institution was started in 1931, following the enactment of the Bombay Borstal Schools Act (XVIII of 1929).

“Borstal School”, as defined in section 3(a) of the Act, means a place in which young offenders, while detained in pursuance of the Act, are given such industrial training and other instruction and are subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime. Only male offenders (boys) are detained in this institution. They are between the ages of 16 and 21 years and are from all the districts in the State.

The Inspector-General of Prisons exercises, subject to the orders of the State Government, general control and superintendence of the Borstal School. The institution is in charge of a “Governor” who usually belongs to the rank of Superintendent of District Prisons. Under him are a Deputy Governor belonging to the rank of Jailor (Group I or Group II) and two additional Deputy Governors belonging to the rank of Jailor (Group II or Group III). Besides the clerical staff, there are eight House Masters and Teachers, 48 Supervisory Staff (including a Chief Supervisor), two nursing orderlies, a Medical Officer belonging to Bombay Medical Service (Class III), a compounder, and nine Technical Instructors. The Civil Surgeon of the Dharwar district is the Medical Officer of the School.

The school has accommodation for 549 lads.

Admissions, releases and daily average number of inmates for the three years 1950-52, were as follows :—

Year.	Admission.	Releases.	Daily Average.
1950	.. 170	183	327
1951	.. 139	164	287
1952	.. 143	188	272

Lads who are illiterate or have not studied up to the Third Primary Standard before they are admitted into the school attend literacy classes (i.e. primary classes I, II and III). The languages taught are Marathi, Gujarati, Kannada and Urdu. The Deputy Educational Inspector, Dharwar Division, takes an annual examination of the lads in order to ascertain their attainments in literacy. The Technical Instructors train the lads in various trades, e.g. carpentry, polishing, lathework, weaving, smithy, cane-work, tailoring, agriculture, poultry-farming, laundry, and masonry. By the time a lad is released from the school he becomes an average worker in the trade to which he is trained. Boys from the villages are given intensive training in dry-farming and in growing vegetables. The school has also a small flower-garden in which some lads are trained in *mali* work.

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Justice and Peace.JAILS.
Borstal School.

Physical training is a part of the daily routine. There are parades and games on alternate days. The House Masters take keen interest in the recreational activities of the lads. The lads arrange matches and tournaments among themselves, and they also take part in public tournaments in which they play matches with local schools, colleges and private teams. Besides, there are the annual School sports. One House Master is in charge of scouting. The school has a band and the lads are trained by one of the Supervisors.

Under the Borstal Schools Act, the lads, when they have finished a certain period of residence in the Borstal School and acquired some proficiency in a trade, are released under a licence to live in their homes or in after-care hostels (run by non-official agencies) under supervision. The statistics of releases show that only 10 per cent. of the lads commit offences and the licence has to be revoked in their cases, that is to say only 10 per cent. are failures.

The school is maintained entirely by Government. The gross cost of maintenance for the year 1952 was Rs. 1,80,322. The average expenditure per lad was Rs. 662-15-1, excluding supplies from the garden, and Rs. 693-4-5, including the cost of supplies from the garden. The establishment cost was Rs. 91,686 and cost of diet Rs. 56,020. The profit from the school factories was Rs. 6,517 and garden realizations amounted to Rs. 14,000.

There is a Statutory Visiting Committee consisting of 11 members, of whom 7 are officials (viz., the District Magistrate, Dharwar; the Chief Inspector of Certified Schools, Poona; the Medical Officer of the School; the District Judge, Dharwar; the Educational Inspector, Dharwar; the District Superintendent of Police, Dharwar; the Governor, Borstal School; and 4 non-officials. The latter are nominated by the State Government from among the non-official members of the District Committee of the District Probation and After-care Association, Dharwar. The District Magistrate is the chairman. Each member of the Committee generally visits the school once every month, and a meeting of the committee is held once every quarter. Every member inspects the school regarding general complaints, discipline, reformatory measures, release of inmates, etc.

CHAPTER 14.

JUVENILES AND BEGGARS DEPARTMENT.

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JUVENILES AND
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DEPARTMENT.
Legislation.

IN BOMBAY STATE THERE ARE FIVE PIECES OF SOCIAL LEGISLATION the aim of three of which is to protect children and to prevent juveniles, adolescents and young adults from becoming habitual criminals. The latter three are (1) the Bombay Children Act (LXXI of 1948); (2) the Bombay Borstal Schools Act (XVIII of 1929); and (3) the Bombay Probation of Offenders Act (XIX of 1939). The remaining two are the Bombay Beggars Act (XXIII of 1945), for prevention of begging and the Bombay Habitual Offenders' Restriction Act (LI of 1947), dealing with prevention of crime and treatment of offenders. While the Children Act deals with children below 16 years of age, the Borstal Schools Act is applied to adolescents between 16 and 21, and the Probation of Offenders Act provides for offenders of any age, especially those between 21 and 25 and those who have not committed offences punishable with death or transportation for life.

Children Act.

The Bombay Children Act consolidates all previous laws relating to the custody, protection, treatment and rehabilitation of children and youthful offenders and also for the trial of youthful offenders. It gives protection to four principal classes of children, *viz.*, (1) those who are neglected, destitute or living in immoral surroundings, and those in moral danger; (2) uncontrollable children who have been reported as such by their parents; (3) children, especially female children, who have been used for begging and other purposes by mercenary persons; and (4) young delinquents who either in the company or at the instigation of older persons or by themselves have committed offences under the various laws of the land. Such children are taken charge of either by the police or by officers known as "probation officers" and in most cases are kept in "remand homes". A remand home is primarily meant as a place where a child can be safely accommodated during the period its case is being considered and it is also meant to be a centre where a child's character and behaviour can be minutely observed and its needs fully provided for by wise and careful consideration. After enquiries regarding their home conditions and antecedents have been completed, they are placed before special courts known as "Juvenile courts" and dealt with according to the provisions of the Children Act. If the home conditions are found to be satisfactory, and if what is needed is only friendly guidance and supervision, then the children are restored to their parents and placed under the supervision of a trained probation officer. If the home conditions are unwholesome and uncongenial the children are committed to institutions known as "certified schools" or "fit person" institutions. "Fit Person" includes any association established for the reception or protection of children. At these schools or institutions the children receive training according to their individual aptitudes, in carpentry, smithy, book-binding, tailoring, agriculture, poultry-farming, goat-rearing, gardening, cane-work, knitting, etc. Youthful offenders, when implicated in any offence along with adult offenders, have to be tried separately in juvenile courts without the paraphernalia of criminal courts. The technique employed in juvenile courts is entirely different from that in adult courts. Penal terms are avoided,

and even the word "punishment" has been dropped from the CHAPTER 14.

children are regarded only as victims of circumstances or of adults. Justice and Peace. JUVENILES AND BEGGARS DEPARTMENT. BOrstal Schools Act.

Adolescent criminals coming under the BOrstal Schools Act are sent for detention and training in the BOrstal School, Dharwar. Factory work and agriculture form two main heads of vocational training. Weaving, manufacture of furniture and stationery, and smithy are some of the other vocations taught. The adolescents sent to this school are given such individual training and other instruction and are subjected to such disciplinary and moral influences as will conduce to their reformation. However, boys found to be too incorrigible or unsociable to be kept in the BOrstal School are transferred to the juvenile Section of the Prison at Yeravda. Similarly, if the Inspector General of Prisons thinks that any prisoner in the juvenile Section can be better treated to his advantage if he is sent to the BOrstal School, he is accordingly transferred. Both juveniles and adolescents, when they have finished a certain period of residence in the institutions to which they are sent and acquired some proficiency in a trade, are released, under a licence as prescribed under the Rules, to live in their homes, or, if they are destitutes, in "after-care hostels" (institutions run by non-official agencies), under supervision, and efforts are made to find employment for them.

For the proper enforcement of the legislative enactments mentioned above, machinery, both official and non-official, is provided. The non-official machinery is provided by the Bombay State Probation and After-care Association, Poona, with a net-work of affiliated bodies called the District Probation and After-care Associations which are actively functioning in 19 districts of the State. These Associations provide "remand homes" and "after-care hostels" and also direct Probation Officers to make enquiries regarding the home conditions and antecedents of children and also to supervise the young persons released either directly by courts or on licence from certified schools and the BOrstal School, Dharwar. As regards offenders dealt with under the Probation of Offenders Act, the work of the District Association consists only in making preliminary enquiries regarding the cases of alleged offenders referred to them and carrying on, in selected areas, supervision of offenders released on probation.

The official agency is the juveniles and Beggars Department. Until 1934, the juvenile Branch, as it was then known, was controlled by the Education Department, but from April 1934, it was attached to the Backward Class Department under the control of the Home Department. The Backward Class Officer was designated as Chief Inspector of Certified Schools. In March, 1946, the administration of the Bombay Beggars Act (XXIII of 1945), was added to the duties of the Backward Class Officer. As work increased and the Backward Class Officer could not be expected to devote much attention to the expansion of work under the social laws relating to children, from June 1947, the juvenile Branch, the Bombay State Probation and After-care Association, and the Beggars Branch were divorced from the control of the Backward

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Official.

Class Officer and these three branches were constituted into a separate department called "the Juveniles and Beggars Department" under a full-time Chief Inspector of Certified Schools and Chief Inspector of Certified Institutions. This officer is under the control of the Education Department of the Secretariat so far as the administration of the Children Act, the Bombay Probation of Offenders Act and the Borstal Schools Act is concerned. The Home Department of the Secretariat, which deals with the Beggars Act, the Bombay Habitual Offenders' Restriction Act and the Probation of Offenders Act, guides and controls his activities in relation to those Acts.*

So far as the Dharwar district is concerned, the Beggars Act has not yet been applied to any part of it, but the Mental Hospital, Dharwar, has been certified under the Beggars Act for detention of lunatic beggars. The Bombay Habitual Offenders' Restriction Act, 1947, has been applied to the Dharwar District but no settlement under section 15 of the Act was since been established at Dharwar.

The whole of the Bombay Children Act has been applied to the Dharwar and Hubli talukas and to the municipal limits of Gadag-Betgeri, Haveri, Byadgi and Ranebennur, and also to the municipal limits of Navalgund, Nargund, Savanur, Gudgeri, Kundgol, Shigali, Kamadolli, Saunshi, Laxmeshwar, and the Head-quarter limits of the following talukas, *viz.*, (1) Kalghatgi, (2) Shiggaon, (3) Shirhatti, (4) Hangal, (5) Hirekerur, and to the village limits of Annigeri and Gajendragad. The whole of the Act, except parts V and VI, is in force throughout the district.

The officer in charge of the work of the Juveniles and Beggars Department in the district is called "Chief Officer". He is a Government servant deputed by the Chief Inspector of Certified Schools to the Dharwar District Probation and After-care Association. He carries on the day to day work of the Association and is subordinate to the Chief Inspector of Certified Schools and the Honorary Secretary of the Association. He is also responsible to the Juvenile Court Magistrates as far as the Juvenile Court work is concerned. He also supervises the work of all the Probation Officers in the district. There are seven Probation Officers under him, one of whom is a lady. Four of them are at Hubli, one at Dharwar, one at Gadag and one at Ranebennur. The duties of the probation officers are:—

(1) to study the children that are brought before the Juvenile Court and to submit reports regarding them to the court suggesting a treatment programme;

(2) to supervise the children placed under their supervision by the Juvenile Court;

(3) to conduct inquiries regarding applications received by the Juvenile Court;

(4) to conduct the inquiries referred to the District Probation and After-care Association by other institutions in respect of children and beggars;

(5) to conduct inquiries regarding children proposed to be released on licence from different certified schools and the Borstal School, Dharwar, and to supervise such children as are released on licence;

*Later, the Bombay Habitual Offenders' Restriction Act was also allotted to the Juveniles and Beggars Department for administration.

(6) to conduct inquiries and supervision work under the Probation of Offenders Act; and

(7) to do propaganda work to further the objects of legislation relating to children and youthful offenders.

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The district is divided into four divisions with head-quarters at Dharwar, Hubli, Gadag and Ranebennur, with Juvenile Courts at each of these centres. Although the Act contemplates the establishment of separate Juvenile Courts in each district, there are no full-time magistrates established as yet for any of these courts, and their work is done by the local City Magistrates or the Resident Magistrate, First Class. Two lady honorary magistrates are attached to each of the Courts to advise the Presiding Officer in respect of disposal of cases under trial.

There are six remand homes in the district run by the District Probation and After-care Association: two at Hubli, one at Gadag, one at Ranebennur, one at Dharwar and one at Laxmeshwar. One of the homes at Hubli is for girls. All these homes are recognised as "fit-person" institutions by Government.

Remand Homes.

There is also an After-Care Hostel at Hubli run by the Association.

After-Care
Hostel.

One Certified School is run by the Government at Hubli. The inmates of this school are given primary education and vocational training in tailoring, needlework and cooking. There is a Visiting Committee for the School composed of the District Magistrate, Dharwar (as President); the City Magistrate, Hubli, and the District Superintendent of Police, Dharwar, as ex-Officio members; and two non-officials appointed by Government. This committee meets periodically to recommend cases of inmates fit to be released on licence. There is no Certified School in the district run by the District Probation and After-Care Association.

Certified Schools.

The total annual expenditure of the Dharwar District Probation and After-Care Association during 1951-52 was Rs. 75,833.

The Chief Inspector of Certified Institutions is also the Reclamation Officer, Bombay State. This officer has general control of the settlements established under section 15 of the Bombay Habitual Offenders' Restriction Act (LI of 1947). Unlike the Criminal Tribes Act, which has been repealed, the Habitual Offenders' Restriction Act is made applicable to persons of all castes and communities alike, and restrictions are imposed only after judicial enquiry as prescribed under the Act. It extends to the whole of Bombay State.

Habitual Offenders'
Restriction Act.

