

## CHAPTER XV.

## THE ADMINISTRATION OF JUSTICE.

THE Civil Courts in the district are the District Court, the Subordinate Judge's Court at Mangalore and six District Munsifs' Courts. The jurisdictions of the Subordinate Judge and of the District Munsifs are as follows:—

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Courts.

Names of Courts.	Names of revenue taluks comprised within the jurisdiction of each Court.
Sub-Court, Mangalore ...	<i>Ordinary jurisdiction</i> : the whole district. . <i>Small Cause jurisdiction</i> : the whole of the Mangalore Munsifi, 21 máganés in the Kárkal Munsifi and 2 máganés in the Kásaragód Munsifi.
Mangalore Munsif ...	Five máganés of the revenue taluk of Kásaragód, and the revenue taluk of Mangalore, except— (a) the eastern portion consisting of 16 máganés, (b) the northern portion lying to the north of the Sashittal river, and (c) the village of Kallamundkúr in Murnád mágané.
Kásaragód do. ...	The revenue taluk of Kásaragód except (a) the 5 máganés included in the Mangalore Munsifi and 4 others included in the Puttúr Munsifi, (b) 15 villages of the Vittal mágané, and (c) the Ishwarangal division of the Nettanige mágané.
Udipi do. ...	Nearly all the western portion of the revenue taluk of Udipi.
Coondapoor do. ...	The whole of the revenue taluk of Coondapoor and a portion of the Udipi taluk.
Kárkal do. ...	The northern portion of the Mangalore taluk lying to the north of the Sashittal river, and the village of Kallamundkúr in Murnád mágané; most of the eastern portion of the Mangalore taluk comprising 12 out of the 16 máganés excluded from the Mangalore Munsifi; a portion of the Udipi taluk; and the Mujúr mágané in the Uppinangadi taluk.
Puttúr do. ...	The whole of the Uppinangadi taluk except the Mujúr mágané included in the Kárkal Munsifi; 4 máganés of the Mangalore taluk; and a portion of the Kásaragód taluk.

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Village Munsifs are empowered, under the Madras Village Courts Act of 1888, to try petty suits in which the value of the property involved does not exceed Rs. 20 ; formerly the pecuniary limit was Rs. 10.

The Collector and his Divisional officers exercise civil powers under Regulation VI of 1831 and the Rent Recovery Act of 1865.

Suits.

The subjoined statement shows the number of civil suits instituted in each of the last five years :

Year.	Ordinary and summary suits.		Small causes.		Village Courts.	
	Number.	Value.	Number.	Value.	Number.	Value.
		RS.		RS.		RS.
1888 . . .	2,251	7,73,359	2,613	1,12,742	816	} Not known.
1889 . . .	2,321	8,36,969	2,590	1,12,490	671	
1890 . . .	2,367	8,98,846	2,563	1,05,030	847	
1891 . . .	2,345	8,30,362	2,553	1,07,686	787	
1892 . . .	2,338	11,00,987	2,794	1,25,976	591	
AVERAGE . . .	2,324	8,88,105	2,623	1,12,785	742	

There is less tendency to litigation in South Canara than in the presidency as a whole. In the latter one suit is filed, on an average, for every 151 inhabitants, but in South Canara it is only one for every 186. The bulk of the suits are decided by the District Munsifs. As regards ordinary jurisdiction the average annual institutions are, for the District Court 8, for Sub-Judge's Court 45, for the Revenue Courts 26, for Village Courts 742 and for District Munsifs' Courts 2,245. Small cause work is done entirely by the Sub-Judge and the District Munsifs, the institutions being 346 and 2,277 per annum respectively.

The annexed statement gives the details of the value of these suits. The bulk of them are for money or movables. The value of the subject-matter in the great majority of the suits is less than Rs. 100, and there are extremely few in which it exceeds Rs. 500.

Statement showing the number and value of Suits instituted in the several Courts of South Canara District in the years 1888-92.

Class of Court.	Year.	Ordinary and Summary Suits.										Small Causes.							
		Not exceeding Rupees										Total.		Not exceeding Rupees			Total.		
		50	100	500	1,000	2,500	5,000	10,000	1,00,000	Exceeding Rs. 1,00,000.	Not estimable in money.	No.	Value.	50	100	500	No.	Value.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	
District Judge's Court.	1888	...	...	...	...	...	...	...	...	...	3	3	Rs. ...	...	...	...	...	...	Rs. ...
	1889	...	...	...	1	...	...	...	...	1	4	6	11,444	...	...	...	...	...	...
	1890	...	...	...	1	1	...	...	...	...	6	8	1,157	...	...	...	...	...	...
	1891	...	...	...	4	...	1	2	1	...	4	12	17,621	...	...	...	...	...	...
	1892	...	...	...	...	...	...	...	...	...	13	13	...	...	...	...	...	...	...
	AVERAGE.	...	...	1	1	...	...	...	...	...	6	8	6,044	...	...	...	...	...	...
Subordinate Judge's Court.	1888	...	...	...	...	...	20	14	5	...	1	40	228,121	...	111	191	302	46,073	
	1889	...	...	...	...	...	29	8	8	...	...	45	295,084	...	166	177	343	47,926	
	1890	...	...	...	...	...	1	23	6	...	...	44	327,568	...	162	164	326	44,780	
	1891	...	...	...	...	...	...	37	7	2	...	46	268,034	...	148	175	323	44,986	
	1892	...	...	...	...	...	...	37	9	5	1	52	553,588	...	196	238	434	62,066	
	AVERAGE.	...	...	...	...	...	29	11	5	...	...	45	334,479	...	157	189	346	49,166	

Statement showing the number and value of Suits instituted in the several Courts of South Canara District in the years 1888-92—cont.

Class of Court.	Year.	Ordinary and Summary Suits.											Small Causes.						
		Not exceeding Rupees									Exceeding Rs. 1,00,000.	Not estimable in money.	Total.		Not exceeding Rupees			Total.	
		50	100	500	1,000	2,500	5,000	10,000	1,00,000	No.			Value.	50	100	500	No.	Value.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	
District Munsifs' Courts.	1888 ...	343	533	973	181	113	...	...	...	...	30	2,173	Rs. 543,593	2,043	268	...	2,311	Rs. 66,669	
	1889 ...	264	686	989	190	90	...	...	...	...	17	2,236	527,475	2,100	147	...	2,247	64,564	
	1890 ...	284	667	1,002	205	101	...	...	...	...	33	2,292	568,849	2,077	160	...	2,237	60,250	
	1891 ...	289	665	1,000	185	91	...	...	...	...	32	2,262	542,186	2,067	163	...	2,230	62,700	
	1892 ...	256	652	1,028	187	91	...	...	...	...	46	2,260	545,879	2,205	155	...	2,360	63,910	
	AVERAGE.	287	641	998	190	97	...	...	...	...	32	2,245	545,596	2,098	179	...	2,277	63,619	
Revenue Courts.	1888 ...	24	7	3	...	...	...	...	...	...	1	85	1,645	...	...	...	...	...	
	1889 ...	21	6	6	1	...	...	...	...	...	...	34	2,966	...	...	...	...	...	
	1890 ...	17	...	6	...	...	...	...	...	...	...	23	1,272	...	...	...	...	...	
	1891 ...	12	6	7	...	...	...	...	...	...	...	25	2,521	...	...	...	...	...	
	1892 ...	4	3	6	...	...	...	...	...	...	...	13	1,520	...	...	...	...	...	
	AVERAGE.	16	4	6	...	...	...	...	...	...	...	26	1,985	...	...	...	...	...	

During the last five years there were on an average 433 regular appeals and 72 miscellaneous appeals. The average annual disposals were 409 regular appeals and 74 of the others. At the end of 1887, there were 174 appeals pending and 206 at the end of the following year; but at the close of 1892 the number was no less than 349. In 1892 the average duration of an uncontested appeal was 208 days and of a contested appeal 253 days; in 1888 the figures were 109 and 161 days respectively. The average annual number of appeals to the High Court is 10 for first and 74 for second appeals. There were 76 second appeals in 1892.

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Appeals.

The marginal statement shows that these courts more than pay their way, the average

Receipts and charges.

Year.	Receipts.	Charges.	Surplus.
	RS.	RS.	RS.
1888 ...	1,26,968	1,06,808	20,165
1889 ...	1,33,402	1,00,747	32,655
1890 ...	1,33,095	1,09,048	24,047
1891 ...	1,30,504	1,14,289	16,215
1892 ...	1,37,321	1,12,798	24,523
AVERAGE.	1,32,258	1,08,737	23,521

annual surplus being nearly a quarter of a lakh of rupees. There are, however, certain items on the expenditure side, such as pensions, which are not included in the charges. Rather more than half the annual income is derived from institution fees, process fees amount to between Rs. 36,000 and

Rs. 38,000, and miscellaneous court fees give about Rs. 10,000. The charges are practically all for salaries.

The highest criminal court in the district now is that of the Sessions Judge, who holds a sessions once a month for the trial of grave charges, hears appeals from the decisions of magistrates of the first class and has certain powers of supervision in respect of all the subordinate criminal courts. The real work of supervision, however, vests in the District Magistrate, an office always held by the Collector. The revenue divisional officers are always magistrates of the first class and their criminal jurisdiction is co-extensive with their revenue sub-divisions. These are the sub-divisional magistrates of the Criminal Procedure Code. The bulk of the original criminal work is done by magistrates of the second or third class.

CRIMINAL  
JUSTICE.  
Criminal  
Courts.

The average number of cases instituted in criminal courts of all classes during each of the past five years is 3,961, and of this number 3,376 were instituted in the courts of the subordinate stipendiary magistrates, 384 before benches or special magistrates, 152 before magistrates of the first class, 21 before the District Magistrate and 28 were trials at the sessions.

Work of the  
Courts.

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Work of the  
Courts.

Class of court.	Percentage of conviction.	trial in each kind of court during the five years ending 1892 is shown in the marginal table. The cases that come before the benches and special magistrates are for the most part petty nuisance cases, and the percentage conviction is naturally
Court of Session ...	44.20	high. Of the regular courts, the Subordinate Magistrates, who try the bulk of the cases, show a low percentage of convictions. Taking all courts together 33.65 per cent. or one in three of the persons charged were convicted. For all the courts of the presidency outside Madras the percentage for the same period was 39.72.
District Magistrate ...	21.05	
Assistant Magistrates ...	29.45	
Deputy Magistrates ...	32.55	
Subordinate Magistrates.	33.01	
Benches ...	41.86	
Special Magistrates ...	94.12	

Appeals.

The average annual number of appeals to first-class magistrates and to the Court of Session is only 121 and 17 respectively. The ratio of persons who actually appeal to those on whom appealable sentences were passed by the subordinate magistracy is 11.46 per cent. and the corresponding ratio in the case of first-class magistrates is 56.08 per cent. It is only natural that the latter ratio should be the higher, for the offences tried by such magistrates are more serious and the sentences of course more severe. For the presidency, as a whole, the ratio of actual to possible appellants was 46.98 per cent. in the case of persons convicted by first-class magistrates, and 10.10 per cent. in the case of those dealt with by sub-magistrates, so there is in South Canara a slightly greater tendency to appeal than is found in most districts. Of appellants from decisions of first-class magistrates 21.80 per cent. were wholly and 16.59 per cent. were partially successful; the corresponding figures for the whole presidency are 19.91 and 12.70 per cent. Putting it in another way, of persons on whom appealable sentences were passed by first-class magistrates, 12.17 per cent. succeeded in getting their convictions reversed and 9.26 per cent. got the sentence or order modified in some way; in the case of the remaining 78.57 per cent. the Magistrate's decision and sentence were not interfered with. For the presidency, as a whole, on the other hand, only 9.14 per cent. of the persons convicted were wholly and 5.83 per cent. partially successful. Turning next to the appellants from the decisions of sub-magistrates, 42.64 per cent. of those who actually appealed were wholly, and 9.51 per cent. partially, successful. Of those on whom appealable sentences were passed, 4.79 per cent. got the decision reversed and 1.07 per cent. obtained some modification of the sentence or order; the corresponding figures for the presidency are 3.33 and 0.88 per cent.

Receipts and  
charges.

The average annual receipts of the criminal courts of South Canara during the five years 1888-92 amounted to Rs. 20,971.

Fines yielded Rs. 14,823 and court-fees Rs. 5,838. The average annual charges during the same period were Rs. 50,017, so that the net cost of the courts, excluding charges for pensions and other indirect items, is Rs. 29,046 a year.

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The judicial work done by Village Magistrates is trifling. The average number of cases filed before them in each of the last five years is only 742, although the number of petty cases must be far larger than this. The number of village magistrates who actually try cases is only about 82 in any one year, so that each man disposes on an average of about nine cases.

Village  
Magistrates'  
Courts.

The present police force consists of one Superintendent, whose head-quarters are at Mangalore, 10 inspectors, and 532 constables. There is one police officer to every 7.3 square miles and every 1,985 of the population; or if we take only the force employed on ordinary police duties, there is one to every 9.6 square miles and 2,595 inhabitants. The corresponding figures for the whole presidency are 8.4 square miles and 2,112 inhabitants. The total cost of the police amounted in 1892 to Rs. 1,01,189 or one anna and seven pies per head of the population of the district. All the constables are armed with batons, 243 are provided with fire-arms and 295 with swords. All the officers and 404 of the 527 men can read and write.

POLICE.  
Present  
force.

The work of the police, as shown by the subjoined statistics of detection, is good:

Work of  
police.

Year.	Percentage of cases detected.		Percentage of persons convicted among those accused.		Percentage of property recovered.	
	South Canara.	Presi-dency.	South Canara.	Presi-dency.	South Canara.	Presi-dency.
1888 ... ..	40.3	31.3	13.8	27.8	34.2	18.9
1889 ... ..	35.2	32.6	15.0	28.5	29.6	21.8
1890 ... ..	42.1	35.2	19.3	29.6	50.0	25.5
1891 ... ..	30.1	32.9	18.8	30.3	34.8	21.3
1892 ... ..	34.2	35.5	19.2	30.2	25.7	22.7

The foregoing statistics relate to all cognizable offences under

Crime.	Percentage detected.	
	South Canara.	Presi-dency.
Murder ... ..	40.5	28.1
Dacoity ... ..	100.0	30.9
House-breaking ...	40.5	35.7
Robbery ... ..	26.7	42.2
Cattle theft ... ..	47.1	47.4
Other theft ... ..	43.1	43.6

the Penal Code except nuisances. The percentage of detection is high in some of the grave crimes, but the detection of robberies is poor. The total value of property lost through crime during the last five years amounted to Rs. 1,26,528,

of which property valued at Rs. 43,801 was recovered.

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## POLICE.

This gives an annual income of Rs. 16,545 to the criminal classes, but the value of property as reported to the police is probably exaggerated.

CRIME.  
Statistics.

The subjoined statement shows the amount of crime occurring in the district in each of the five years ending with 1892 :

Year.	Offences under the Penal Code.		Offences under special and local laws.	Total.
	Grave crime.	Others.		
1888 ... ..	476	1,641	985	3,102
1889 ... ..	421	1,487	1,777	3,685
1890 ... ..	362	1,344	2,218	3,924
1891 ... ..	374	1,453	2,662	4,489
1892 ... ..	409	1,295	3,004	4,708
AVERAGE ...	408	1,444	2,129	3,981

The amount of grave crime was appreciably less at the end than at the beginning of the quinquennium. The number of other offences under the Indian Penal Code also shows a considerable decrease, while the offences under special and local laws, *i.e.*, chiefly breaches of the excise, forest and municipal laws, have more than trebled during the last five years. The ratio of crime to population is lower in South Canara than in the presidency generally. Taking all cases together, there was in South Canara one offence per annum to every 265 inhabitants, while for the presidency the ratio is 1 to 155. For grave crime alone, the ratios are 1 to 2,588 for South Canara and 1 to 1,754 inhabitants for the presidency; for other offences under the Penal Code it was 1 to 731 for South Canara against 1 to 441 for all districts together; and for offences under special and local laws 1 to 496 in South Canara and 1 to 277 in the whole province.

## Grave crime.

Statistics of the more important crimes are given below :

Crime.	1888.	1889.	1890.	1891.	1892.
Murder ... ..	11	10	4	11	6
Dacoity ... ..	1	...	1	...	...
Robbery ... ..	5	6	4	9	6
House-breaking ... ..	86	58	75	71	90
Theft { Cattle ... ..	13	10	13	23	11
{ Ordinary ... ..	195	191	259	236	254

The figures vary so much from year to year that no useful inferences can be drawn from them.



The average annual number of suicides and accidental deaths during the last five years was 487.; of these 307 were males and 180 were females.

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CRIME.

Number of suicides and accidental deaths, 1888-92.

Cause of death.	Total.	Males.	Females.
Suicide ... ..	348	203	145
Drowning ... ..	1,208	647	561
Wild beasts ... ..	13	17	1
Snakes ... ..	322	211	111
Other causes ... ..	540	459	81
<b>TOTAL ...</b>	<b>2,436</b>	<b>1,537</b>	<b>899</b>

Suicides and accidental deaths.

This gives a proportion of one death to every 2,169 inhabitants, the ratio for the presidency as a whole being 1 to 3,142. Some of the suicides

are ascribed to the state of mind produced by severe pain, others to ill-treatment at the hands of their relatives, and others again are due to quite trivial causes. In 1892 a lad aged 14 years hanged himself because he was rebuked for not properly reciting the Védas. Drowning is the favourite method of suicide with females, nearly 50 per cent. having adopted this mode of terminating their life. Hanging is also largely resorted to, for about a third of the total number of suicides are effected in this way. In the case of males, 79 per cent. of the deaths were due to hanging, while 15 per cent. drowned themselves.

As the manufacture, sale and possession of arms and ammunition are controlled by the magistracy and the police, the subject will be noticed in this chapter. No native of India is permitted by law to possess arms without a license, but in numerous instances, the provisions of the law are neglected through ignorance. In South Canara, however, the Act has been diligently enforced during recent years with the result that the number of ordinary licenses to possess arms and ammunition and to go out armed has increased from 1,422 in 1888 to 1,800 in 1892. One person in every 319 of the population has a license, while for the presidency as a whole the ratio is only one in every 670. Registration is probably now fairly complete. The number of arms and ammunition shops was 54 in 1892, and of these 41 were licensed for manufacture as well as for sale. These shops are inspected once a quarter and the stock checked with the sale registers. In this way an effective control is exercised over the sale of gun-powder, sulphur and arms, and any unusual activity for the demand for them can be promptly investigated.

The Arms Act.

The prisons of the district consist of one district jail, and eight subsidiary jails for the confinement of under-trial and short-term prisoners. Prisoners sentenced to a longer term than one year are usually sent to Cannanore or one of the other large central prisons.

JAILS.

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## JAILS.

District  
jail.

The number of convicts in the district jail has steadily risen during the last five years and in 1892 the average daily strength was about 100. In 1888 it was only 62·90, but in 1880, on the other hand, it was 180·34. The total gross expenditure was Rs. 7,526 in 1892, but the convicts earned Rs. 261, so the net cost was Rs. 7,265. The average net cost to Government for the last five years was Rs. 6,990. During the same period, the average annual cost of a prisoner in the Mangalore district jail has always been higher than the average for all district jails in the presidency. In 1889 the cost was Rs. 109-12-0, but a great saving was effected in 1890 and the average cost per head in 1891 was only Rs. 72-10-0.

The vital statistics show that the death-rate fluctuates a good deal. The highest rate was 70·90 per mille in 1889, while the lowest was 30·95 in 1891. It cannot be concluded from these figures that the district jail is unhealthy, for the total number of prisoners confined in it is very small and the addition of even one or two to the number of deaths would considerably enhance the death-rate.

Subsidiary  
jails.

It is only convicts whose sentences do not exceed one month who undergo their complete term in subsidiary jails; but persons under trial are largely confined in these prisons and other convicts, and even civil prisoners, are occasionally lodged in them temporarily while on their way to the larger jails. The average daily strength of the convicts in subsidiary jails was 8·99 in 1892, and the average number of under-trial prisoners confined therein was 9·27. The average annual expenditure on these jails is about Rs. 629. The cost per head during the past three years has been lower in South Canara than in the presidency as a whole. In 1892, the rate was Rs. 41-4-8 in South Canara as against Rs. 55-14-6 in the province as a whole. There are practically no earnings in subsidiary jails, as the prisoners are for the most part employed in keeping the jail premises clean.