

CHAPTER XV.

VOL. II.
CHAP. XV.

ADMINISTRATION OF JUSTICE.

*Pages 193 to 202.—Substitute :—*The superior civil tribunals in the district include the courts of the district judge, subordinate judge and six district munsifs, and these take in and dispose of disputes in regard to claims ordinarily in excess of fifty rupees and to all kinds of civil rights. The village and panchayat courts constituted under the Village Courts Act V of 1920 dispose of petty civil litigation. The ordinary pecuniary jurisdiction of the district judge and the subordinate judge is unlimited, while that of district munsifs extends only to the trial of suits where the value of claims does not exceed Rs. 3,000. Village courts including panchayat courts are empowered to try suits only up to Rs. 50 in value, but with the consent of the parties they can try suits valued up to Rs. 200. Though the district munsifs exercise control over these petty courts and can modify, alter and rescind their decrees, this is done only in exceptional cases, and the general superintendence of these courts is vested in the Collector of the district.

Civil Justice.

The territorial jurisdiction of the district and subordinate judges extend throughout the revenue district of South Kanara. That of the various district munsifs is not however conterminous with the revenue taluks bearing their names. The reason is that the district had to be divided among these munsifs in such convenient extents as may provide sufficient work for each officer and as may be within easy reach of the station where the court is located. The local jurisdiction of the six district munsifs is given in the following table:—

District munsif of	Jurisdiction.
1. Mangalore ...	One hundred and thirteen villages of the Mangalore revenue taluk and seven villages in the north of the Kásaragód taluk.
2. Kásaragód ...	The whole of the revenue taluk of Kásaragód with the exception of the 7 villages included in the Mangalore munsifi, and 4 villages which are under the district munsif of Puttúr.
3. Udipi ...	The entire revenue taluk of Udipi with the exception of 33 villages in the north of the taluk which are attached to the district munsif's court of Coondapoor and 14 villages on the east and south-east which have been placed under the district munsif of Kárkál.

District Munsif of	Jurisdiction.
4. Coondapoor ...	The revenue taluk of Coondapoor and the 33 villages of the Udipi taluk referred to above.
5. Kárkal ...	The revenue taluk of Kárkal, 42 villages of the Mangalore taluk and 14 villages of the Udipi taluk.
6. Puttúr ...	The whole of the revenue taluk of Puttúr (formerly known as Uppinangadi), 4 villages of Kásaragód taluk and 24 villages of the Mangalore taluk.

Being the lower of the two courts of unlimited pecuniary jurisdiction in the district, all suits of value in excess of Rs. 3,000 are instituted in the court of the subordinate judge of Mangalore. This court was permanently established here in 1913, and has since been empowered to entertain petitions in insolvency and under the Guardian and Wards and Land Acquisition Acts, to entertain and dispose of disputes arising out of elections to local boards, under the amended Local Boards Act, and, as a court of small causes, to dispose of such claims to money as arise on accounts or pronotes or for rent up to the value of Rs. 1,000 and arising within the jurisdiction of the district munsif of Mangalore. The ordinary small cause jurisdiction of district munsifs extends up to Rs. 100 of such money claims as are described above, but munsifs of sufficient seniority in service are specially authorized to try such claims up to Rs. 300 as small cause suits, with a view to giving finality to their judgments on such claims and to limit the number of appeals to higher tribunals. All district munsifs (except the one at Mangalore) have jurisdiction to entertain applications for succession certificates under Act XXXIX of 1925. As a result of an increasing number of petitions in insolvency to the courts of the subordinate judge and district munsifs, an officer called the official receiver has been appointed for the district to assist these courts in the disposal of such petitions and in the realization of assets of insolvent debtors and distribution of dividends among their creditors. Whenever the file of any of these permanent munsifs' courts shows an increase, an additional munsif is appointed (under the amended Civil Courts Act) to assist them in the speedy disposal of suits and such additional munsifs had been appointed in Mangalore, Kásaragód, Puttur and Coondapoor at various times. Appeals lie from the decisions of munsifs in ordinary (as opposed to small cause) suits and from those of sub-judges in suits whenever the claim does not exceed Rs. 5,000 to the district judge; and this judge can transfer cases of appeal against munsifs' orders to the subordinate judge for disposal. Appeals against the subordinate judge's judgments

in other cases and against the judgments of the district judge lie only to the High Court.

Vol. II.
CHAP. XV.

The district was found to be the most litigious in the Presidency, after Malabar, one suit being filed for every 48 people in 1932, as against one suit for every 41 people in Malabar. The average has no doubt been affected by the large number of suits filed before village panchayat courts (17,575), it being the largest figure with the exception of Malabar (29,710) and Coimbatore (18,702). The number of suits before the higher tribunals was not large (9,286); in fact it was the smallest figure after the Ceded districts and Nellore and Chittoor. Appeals to the district court and High Court were not numerous and only 4.51 per cent of the decisions against which appeals might have been preferred were actually appealed against.

Incidence of
litigation.

Taking the figures from the published report for a normal year (1932) we find that there were 178 village courts and 132 panchayat courts exercising civil jurisdiction in the district and these disposed of 1,401 and 16,865 suits respectively. The disposal of such a large number of disputes about petty claims below Rs. 50 in these village tribunals is a sign of growing wisdom among litigants, as it is less expensive to have them settled in these courts which are situated in the villages themselves and charge no court fees, and much less time is wasted in going to and coming from higher courts situated in the taluk headquarters and no money is spent in paying travelling expenses to parties and witnesses. Elsewhere the reverse is the case owing to factions in villages and the partiality of the members constituting the panchayats. The conditions here are however better. It is no doubt open to the parties to go to the munsifs' courts, paying court fees and engaging lawyers, but with a view to discourage resort to them, the courts have been empowered to transfer such suits to the village courts at once or to disallow costs to the successful party unless he shows good grounds for not going to the village court for redress.

The village
tribunals.

About 4,000 ordinary and 5,000 small cause suits were disposed of in the munsifs' courts in the district. The latter class of suits were only for money, ranging from Rs. 50 to Rs. 300, but of the former more than half related to title to immovable property. It appears that litigation in respect to them was often hotly contested apparently due to the high value placed on agricultural lands by the litigants who are mostly Bants who will give up no bit of ancestral land easily. Writing in 1895, Sir Harold Stuart said that there was less tendency to litigation in South Kanara than in the Presidency as a whole; this can no longer be true in view of what has been

The munsifs'
courts.

stated above. A smaller proportion of small cause suits was contested before the district munsifs. The average duration of a contested ordinary suit was 430 days and of a small cause suit 102 days and about a third of the ordinary suits had been pending for more than a year and a sixth for more than two years.

Appeals.

The district court is the principal court of appellate jurisdiction and on an average about 350 appeals against decrees and 100 appeals against miscellaneous orders of the subordinate judge and district munsifs are filed in it. In 1893 the figures were 403 and 74, so that it must be said that parties now are more prone to accept the decisions of the courts of first instance. If any reason can be suggested for this phenomenon it is this that we have now a better class of civil judicial officers in whose impartiality litigants have great faith. No other explanation suggests itself, especially as there has been a great increase in the number of courts, pleaders and suits and a larger number of appeals of both kinds should naturally have been expected. There were about a hundred appeals of various kinds to the High Court which is not remarkable seeing the numerous appealable orders passed by the district and subordinate judges in their ordinary or appellate jurisdictions.

The bulk of the civil work of the district judge lies in his capacity as a judge of appeal over the subordinate judge and district munsifs, on an average about 300 appeals a year. He also tries a few original suits which he takes over from the subordinate judge's court. Much of his time is, however, devoted to work as a judge in criminal cases.

Criminal
justice.

The highest criminal court in the district is that of the sessions judge, who holds sessions once a month for the trial of grave crimes, 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, who is also the Collector of the district. He is a first-class magistrate and so are the revenue divisional officers of Coondapoor, Mangalore and Puttúr whose criminal jurisdiction is co-extensive with their revenue subdivisions. Below them again are the subordinate magistrates of the second-class of whom there are at least two in each taluk, the tahsildar-magistrate and a stationary or deputy tahsildar-magistrate. The bulk of the criminal work in the district is done by these magistrates who are generally of the second-class or, when just appointed, of the third class. A few of these second-class magistrates have in recent years been raised to the first-class, with a view to train them to be subdivisional first-class magistrates. There are besides benches of honorary magistrates of the first and second-classes in Mangalore and in certain taluk centres who assist the

regular stipendiary magistrates by trying a large proportion of the cases that are instituted before the latter. The honorary magistrates are non-official gentlemen or ladies of standing in society or retired Government officers and are selected by the district magistrate for such distinction. Certain clerks in the running for regular magistrateships are also invested with third-class powers prior to appointment as such, and try petty criminal cases transferred to them by the subordinate magistracy. Besides these there are the village magistrates who have powers to punish in petty crimes and the village panchayats who are sometimes allowed to hear criminal complaints alleging minor offences against the accused persons.

VOL. II.
CHAP. XV.

Taking the village courts first there were eight cases only before the four village magistrates and 551 cases before the 117 panchayats functioning in the district in 1932, the number of accused persons concerned in them being respectively 10 and 954. Five of the former and one hundred and eleven of the latter were actually convicted of the crimes alleged against them, though before the panchayats 664 persons had sought permission to compound with the complainants and live in peace with them, which was no doubt granted. That is a special feature of these courts which must be deemed to reflect popular opinion in the village and the accused persons are naturally averse to courting trial where they had actually committed the crime alleged against them, for they know that they cannot hoodwink the panchayatdars.

Work in the
magistrates'
courts.

Benches of magistrates were at work at Mangalore and Udipi, and in 1932 they disposed of 1,577 cases and had convicted 67.76 per cent of the persons that came before them for trial, after examining 773 witnesses. These honorary benches were of great help to the stipendiary magistrates of various classes who had to try in that year 3,854 cases. The statistics of criminal cases in these courts show that the district was one of the least criminal districts in the Presidency, having contributed only 1.48 per cent of the total number of criminal cases in the Presidency as a whole, the Nilgiris and the Agency tracts of the Circars alone returning a lower percentage.

Appeals against the orders of second and third-class magistrates were generally very few, 113 only in a year, Bellary and the Nilgiris only showing smaller figures, and 55 appeals were filed against the judgments of first-class magistrates to the sessions court. The figures were 121 and 17 in 1892. There was then it seems less tendency to appeal against the convictions of first-class magistrates than at present for the number had increased over 200 per cent. About 25 per cent of the appellants succeeded in the sessions court. Among appellants to the first-class magistrates there were reversals in about 33

Appeals.

per cent; these facts indicate that the magistrates as a whole did their work with care.

Sessions
court.

In the sessions court, the judge had to try 52 cases involving serious crimes in 1932 in which 132 persons had been brought to trial, and examine 532 witnesses. In the trials he was aided by juries in cases involving robbery, theft or misappropriation of property and by assessors in cases of grievous hurt, murder and forgery. A few petitions by way of revision against orders of magistrates are also filed before the sessions judge and the district magistrate but in only a small proportion of such cases are the orders of the lower courts interfered with.

Police.

The present police force consists of a district superintendent of police, 6 inspectors, 1 motor-vehicles inspector, 1 charge sergeant, 3 sergeants, 30 sub-inspectors, 1 havildar major, 56 head constables and 456 constables. The headquarters of the district superintendent of police are at Mangalore. The district is divided into five circles each in charge of a circle inspector. The circle is further sub-divided into stations in charge of sub-inspectors. There are altogether 19 police stations and 7 out-posts. The Armed Reserve Force is stationed at Mangalore in charge of a charge sergeant. The whole force is provided with 166 swords, 259 fire-arms and 557 lathies. All officers and men are literate with the exception of 2 men. There are no criminal settlements in this district. The Thottia Naicks of this district have been registered under the Criminal Tribes Act.

Jails.

The jail at Mangalore, which was formerly a district jail, was converted into a special sub-jail with effect from 1st October 1908. Prisoners sentenced to one year and below are confined in the sub-jail, as also under-trial prisoners. A special sub-jail is an intermediate jail, i.e., between an ordinary sub-jail and a district jail—and comes under the direct control of the Inspector-General of Prisons, unlike an ordinary sub-jail which is under the control of the district magistrate of the district in which it is located. Accommodation is available in the Mangalore special sub-jail for 116 male and 4 female prisoners, including temporary accommodation for about 30 more. Ordinarily 100 to 125 prisoners are actually confined in it.