

## CHAPTER XII

### LAW AND ORDER AND JUSTICE

**M**aintenance of law and order is the primary task of police administration. Prior to 1859, the Police work formed a part of the Revenue Administration. In 1859, the Police Department was separated from the Revenue Department and the District Magistrate continued to be in overall charge.

*Earlier Period:* The village militia under the control of the village headman, the *gramabhojaka* of the Shatavahana-Kadamba times or the *gramani* or *urala* or *gauda* (*gramakuta*) of later times, maintained peace and detected criminals and booked them. Under Bijapur and the Marathas, the village headman was called Desai. Major law and order problems were tackled by the army stationed at forts or in towns under an officer called *adhikari*. For the unit *nadu*, there were *nadagaudas*. The village militia consisted of *totis* or *talaras* or *paikas* (footmen). Some of them were called *ugranis* as they were watchmen or keepers of State barns of *ugrana* when revenue was collected in kind and stored. Under the Madras Government till 1862, in addition to his revenue and police duties, the village headman was the head of the Village Council or Panchayat which decided petty civil disputes. The Bombay District Police Act of 1862 (Act VII) which was modelled on the Indian Police Act of 1861 (Central Act) came to regulate the police administration in the district. Under this Act, the Police administration was reconstituted defining the powers and functions of the Police Officers.

In 1881, there was one District Superintendent of Police in the district, with a staff of Police force of 662. There were two subordinate officers, 105 inferior subordinate officers and 555 foot constables. Of them, one officer and 12 men were gaurds at the

District Central and subsidiary jails, 4 officers and 75 men were engaged as guards over treasuries and lock-ups, 85 officers and 480 men were stationed in towns, Municipalities and Cantonments. The total cost of maintaining this force was Rs 1,12,047. These figures give one constable for every 5.9 sq miles and 636 people and a cost of Rs 29 per square mile. There was a yearly average of one offence for every 200 population. There was no regular village police. The revenue headman or patil as a rule performed the duties of a police patil, also assisted by Shetsandis and Ugranis. The Act 1890 continued to be in force until 1951, when a consolidated and comprehensive legislation known as Bombay Act of 1951 came into being.

The Inspector General of Police, Bombay State had to watch over the recruitment, education, housing and equipment of the Police Force. The District Superintendent of Police was in charge of the districts. In order to bring about uniformity in the State, the Police Act 1963 (Mysore Act No. 4 of 1964) was adopted and was brought into force from 2nd April 1965. A Police Manual has been compiled in three volumes.

### **Law and Order Situation**

In recent years, there have been a few minor agitation of workers engaged in various industries in the district and events of disturbances of public peace. A survey of major incidents in recent years is undertaken here. The workers of boat-building yard, Karwar abstained from their work and observed hunger strike during January to April 1973, for redressal of their grievances. The workers at Karwar, Belekeri and employees of Dandeli Mills observed strike in 1973 for the fulfilment of their demands. The College students of Karwar, Honavar, Kumta and Sirsi took processions from 24-9-1973 to 1-10-1973, against price rise of essential commodities. Some miscreants looted the shops, societies and caused damages. The Police resorted to lathi charge to disperse the mobs. The Police also opened fire on 28-9-1973 at Karwar to disperse the violent mobs, causing one death. There was a dispute between drivers, *hamals* and hotel owners over the rise in price of tea at Yellapur in December 1973. There was a clash on 12-8-1974 between the Navayats of Bhatkal and fishermen of Mavinkurve over transport of fish to outside places. A quarrel between a citizen and his associates with owner of a shop in Ankola in June 1974 gave rise to a clash. The associates damaged the articles in the shop. The shop keeper caused injuries to the citizen. The

Superintendent of Police formed a peace committee at Ankola and brought the situation under control.

On 24-1-1974, there was a teasing of a Lamani women by the Malabari workers in Amgaon and the matter was amicably settled, by the intervention of contractors. On 26-1-1974, the Malabaris assaulted one Lamani and trespassed into their hutments. Some Malabaries were arrested. In protest against this, the labourers started obstruction and intimidation to the willing workers. As a result of this, more Malabaris were arrested. Later the matter was amicably settled. During the year 1974, there were organised processions, meetings, relay hunger strikes by the workers of the Mysore Power Corporation, Amgaon. The fishermen objected the operating of mechanised boats along the sea coast of Bhatkal on 7-11-1975. About 25 persons were arrested. The boat owners were advised to operate elsewhere. During March and April 1975 the fishermen of Karwar, protested against the effluent water from the Caustic Soda Factory into Binaga bay. There was a hunger strike, which was called off after the assurance to safeguard the interest of fishermen.

There were clashes between two parties at Mundgod, disturbances at Murdeshwar, Honavar, Siddapur, Sirsi and Bhatkal in 1978. In the last place it was soon after the Assembly election. In 1979, there was a land grab agitation at Haliyal. The agitators trespassed on the forest land and cut down a large number of trees and damaged plantations. 'Bundh' was observed at Haliyal. The Police used teargas to disperse the mob, and finally opened fire, causing one death. The students of Government Polytechnic, Karwar boycotted the classes in August 1979 in protest against shortage of lecturers. The strike was called off on early postings.

The workers of West Coast Paper Mills were on indefinite strike in 1979 to press for their charter of demands. There was a lock-out in Dandeli Ferro-Alloys, Dandeli in 1979, as some workers were dismissed from service. The workers of Ballarpur Industries Ltd., Binaga were on relay hunger strike in 1979. After the conciliation meeting by the Joint Labour Commissioner, Belgaum, strikes were called off. 'Bundh' at Dandeli and Sirsi were observed on 18-8-1980 as per call of local Trade Unions in response to Karnataka Bundh. The Police managed to keep the situation under control. There were strikes of workers, of Kasarkod Tile factory and Caustic Soda Factory, Binaga in 1980. At Kumta, there was a strike on 28-7-1980

by the College students to protest against the Police action in Nar-gund and Navalgund and the students indulged in pelting stones and the police dispersed the mob by *lathi* charge. At Karwar, on 8-8-1980 the College students took out a procession, presented a memorandum to the Deputy Commissioner, requesting for reduction of firewood rates, bus fares, etc. Some miscreants uprooted telephone poles and damaged street lights. Some students were arrested. In 1981, the workers in front of the factory of Bangurnagar, Dandeli were indulging in arson. Tear gas shells were used by the Police to disperse the crowd. There was strike of workers of a transport company of Dandeli during April to June 1982. There were also strikes of students of Polytechnic, Karwar, and College students of Sirsi in September 1982 and November 1982.

On 21-3-1983 Dandeli Ferro Alloys Workers agitated in connection with the lay-off due to power cut. On 24-3-1983 one worker who was to clean the *silo* suddenly collapsed. The other two workers who went to rescue him also collapsed. The workers assaulted the security officer and caused injuries to him. The workmen agreed to the *ex-gratia* relief decided by the Deputy Commissioner, Karwar. There were strikes of students of Colleges during 1983 at Sirsi, Dandeli, Karwar, Honavar and Kumta to fulfil the demands of the students.

### Cognisable Crimes

Cognisable offences under the Indian Penal Code have been classified into six different categories for purpose of investigation. The following table gives the number of crimes registered according to the above classification for some recent years.

Nature of crimes	Years				
	1979	1980	1981	1982	1983
Offences against State, public tranquility, safety and justice	158	126	176	154	139
Serious offences against persons	381	352	433	428	460
Serious offences against persons and property or against property	285	334	406	349	280
Minor offences against persons	237	209	224	219	199
Minor offences against property	557	496	505	354	355
Other offences not specified	51	159	160	154	156
<b>Total</b>	<b>1,669</b>	<b>1,676</b>	<b>1,904</b>	<b>1,658</b>	<b>1,589</b>

### Grave Crimes

The number of grave crimes committed in the district from 1978 to 1983 was as follows :

<i>Nature of crime</i>	<i>Number of cases during</i>					
	1978	1979	1980	1981	1982	1983
Murder	18	18	19	19	13	20
Dacoity	4	4	6	6	2	1
Robbery	4	2	7	10	5	4
House breaking and thefts	20	11	19	36	37	30
Ordinary thefts	7	17	26	25	15	8
<b>Total</b>	<b>53</b>	<b>52</b>	<b>77</b>	<b>96</b>	<b>72</b>	<b>63</b>

The motives of murders when analysed during these six years yield following figures : 1) Property dispute-10; 2) Murder for gain-9; 3) Sexual causes-21; 4) Sudden provocation-11; and 5) Other causes-56.

The number of cases of rioting or unlawful assembly registered during the year 1983 was 135 as against 150 in 1982, 171 in 1981.

### Quinquennial averages

The figures given hereunder show the quinquennial yearly averages pertaining to various categories of crimes committed in the district during the periods from 1973 to 1977 and 1978 to 1982, of the latter period given in brackets : Cognisable crimes 1563.4 (1731.6), Rioting 94.2 (152.6), Murder 15.2 (17.4), Kidnapping and abduction 2.2 (3.0), Dacoity 4.4 (4.4), Robbery 10.2 (6.8), House breaking and thefts 295 (272), Cheating 15.6 (21.6) and Breach of trust 30.6 (21.4).

### Unnatural Deaths

Unnatural deaths have to be reported under the law to the police so that the real causes of the same can be determined. The suicides reported were attributed mainly due to dejection in life or family quarrels and ailments. The table given in p. 661 shows the incidence of unnatural deaths during some recent years.

Category	1978	1979	1980	1981	1982	1983
Accidental drowning	23	43	43	49	46	43
Suicidal drowning	5	30	10	19	20	17
Suicidal hanging	15	23	—	14	27	18
Snake bites	11	2	—	7	—	1
Attack by wild beasts	1	3	1	—	2	—
Burns	5	15	5	—	3	10
Electric shocks	—	—	—	2	—	3
Lightning	—	—	—	—	2	1
Motor accidents	41	44	35	34	25	40
Fall from height	4	4	—	—	—	5
Gunshot	—	1	2	4	—	—
Poisoning	16	15	—	11	18	19
Other cases	64	72	64	25	62	42
Total	185	252	160	165	205	199

### Motor Vehicle Offences

The number of cases put up for trial in respect of the offences under the Motor Vehicles Act was as follows in recent years. (For other details details see p. 506).

Category	1978	1979	1980	1981	1982	1983
Over speeding	79	99	90	212	180	94
Driving without licence	221	275	27	—	127	—
Over-loading	291	201	91	307	—	102
Using of dazzling lights	56	45	35	12	15	38
Illicit taxis	14	10	37	—	36	70
Miscellaneous	2,810	3,280	3,352	2,452	5,034	4,262

*Detection of Cognisable Crimes :* Detection of crime depends upon circumstances of cases and calls for scientific approach and perseverance. Hence the percentage of detections of cognisable crimes varies every year. The percentage of detection of grave crimes for some recent years were as given below.

Name of crime	1978	1979	1980	1981	1982	1983
Murder	77.7	50	68.4	47.3	53.8	7
Dacoity	75	—	33.3	33.3	50	—
Robbery	20	71.4	42.1	30	20	1.6
House breaking & theft	25.3	18.2	36.5	8.3	10.8	31.4
Ordinary theft	40.5	62.5	45.5	27.2	38.4	60.0

Investigation was refused under Section (157) 1 of the Criminal Procedure Code in respect of 14 cases in 1983, 8 in 1982, 1 in 1981, 5 in 1980, 6 in 1979 and 1 in 1978, as the properties involved were unidentifiable and trivial in nature.

The position in regard to Sessions cases as at the end of 1983 was as follows: Number pending carried forward-3, Number committed to sessions-35, Total-38, Convicted-4, Acquitted-28 and Pending trial-6.

*Property Lost and Recovered:* The total value of properties lost and recovered after investigations during some recent years was as noted hereunder.

Year	Value of property in Rs		Recovery percentage
	Lost	Recovered	
1978	7,25,230	1,78,393	36%
1979	8,92,684	5,67,355	64%
1980	8,74,882	3,19,084	28%
1981	11,54,747	3,26,824	28%
1982	9,59,458	2,22,854	23%
1983	19,61,353	2,43,508	23%

*Disposal of Cases:* The nature of disposal of prosecuted cases during the past few years was as follows

Particulars	During					
	1978	1979	1980	1981	1982	1983
No. of cases decided by courts	1,403	970	1,097	1,487	1,362	1,761
No. of cases which ended in conviction	509	638	681	656	656	523
No. of cases ending in acquittal or discharge	677	332	416	871	706	941
No. of cases compounded	217	70	171	209	205	297
No. of cases otherwise disposed of	—	444	427	552	469	—
Percentage of convictions	36.2	65.7	62.07	44.1	48.1	29.6

The number of security cases put up in the district during 1983 was 82 under Section 110 of Criminal Procedure Code.

*Habitual Offenders:* The Karnataka Restriction of Habitual Offenders Act, 1962 is in force in the district. Persons sentenced to substantive terms of imprisonment on not less than three occasions for any of the offences indicated in the Act are classified as habitual offenders. They are required to notify their residence to the police whenever they go out of the district. There were six such habitual offenders in the district in 1984. In order to have control over the criminal activities, frequent physical checks are conducted.

*Suppression of Immoral Traffic:* The Superintendent and the Deputy Superintendents of Police of Karwar, Sirsi and Dandeli subdivisions are the special officers for the purpose of dealing with offences under the Suppression of Immoral Traffic in Women and Girls Act, 1956, in the district. The following statement shows particulars of cases booked under the Act in the district during the recent years.

Year	Number of cases booked	Number of cases which ended in conviction	Number of cases acquitted
1978	34	34	—
1979	30	30	—
1980	9	7	2
1981	7	3	3
1982	20	13	1
1983	10	4	5

### Forest Police Squad

There is one Special Forest Squad consisting of one Police Sub-Inspector, six Head constables and one driver with a jeep stationed at Dandeli. They are patrolling throughout the District and collecting information and conducting raids at various places. This squad is under the direct control of Deputy Inspector General of Police, Criminal investigation Department (Forest), Bangalore. The following is the value of smuggled sandalwood traced during the last ten years: 1974 Rs 1,545, 1975 Rs 9,277, 1976 Rs 12,215, 1977 Rs 17,259, 1978 Rs 27,291, 1979 Rs 44,514, 1980 Rs 14,164, 1981 Rs 22,625, 1982 Rs 7,992 and 1983 Rs 9,723.



In 1984, two food checkpoints one at Majali and another at Anmod were functioning in the district.

### **Organisation of District Police**

The Superintendent of Police, Karwar, is the officer in charge of the Police administration of the entire district. He works directly under the control of the Deputy Inspector-General of Police, Western Range, Mangalore, who is responsible to the Director General of Police in Karnataka, Bangalore. The Deputy Commissioner of the district is the District Magistrate, and in that capacity he is responsible for the maintenance of Law and Order. He has control over the police in so far as law and order matters are concerned. He has to enforce law and order, through the police. He has to take regulatory and penal actions for the purpose. The Superintendent of Police is responsible for all matters relating to the Police Department, its internal management and economy, maintenance of discipline and regular and punctual performances of all the police duties in the district. He has to ensure prevention, investigation and detection of crimes and has to see that the staff posted under him are properly trained and kept efficient. For the purposes of police administration, the district is divided into three sub-divisions with headquarters at Karwar, Sirsi and Dandeli respectively. The Karwar Sub-division is headed by a Deputy Superintendent of Police and has two circles, viz., Karwar and Kumta. The Sirsi Sub-division is under the charge of a Deputy Superintendent of Police, and it consists of two circles, namely Sirsi and Yellapur. The Dandeli Sub-division is having only one circle. The Circle Inspectors have to guide and supervise the work of Sub-Inspectors of Police who are in charge of Police Stations. The Sub-Inspectors, who are responsible for efficient working of police stations have to maintain law and order and also attend to prevention and detection of crimes occurring in their respective jurisdictions. There were 28 Sub-Inspectors in the district and the break-up of this number was as follows: In charge of police stations 19, Special Branch and Special Branch Tattihalli 2, District Scientific Aid 1, Crime 3, District Crime Record Bureau 1, Forest Squad, Dandeli 1 and Sea Petrol 1; total 28.

The police stations are located at the following places: Karwar Circle: Karwar Town, Karwar Rural, Chitakul, Ankola; Kumta Circle: Kumta, Gokarn, Honavar; Sirsi Circle: Bhatkal, Sirsi Town, Sirsi Rural, New Market Sirsi, Siddapur; Dandeli Circle: Dandeli, Haliyal, Ambikanagar, Ganeshgudi, Joida; and Yellapur

Circle: Yellapur, Mundgod. There are 17 police outposts in the district. A head constable is in charge of each of them.

At the end of 1983, the police force in the district was provided with 12 vans, 12 jeeps, six motor cycles, one car and one tempo.

*Strength of Police Force:* The sanctioned strength of the District Police Force including the District Armed Reserve, in 1983 was as follows: 1) Superintendent of Police 1, 2) Deputy Superintendents 3, 3) Circle Inspectors 5, 4) Sub-Inspectors 28+3, 5) Assistant Sub-Inspectors 10, 6) Head Constables 159 and 7) Constables 640.

*Armed Reserve Police:* 1) Inspector 1, 2) Sub-Inspectors 6, 3) Assistant Sub-Inspectors 10, 4) Head Constables 55 and 5) Constables 256.

*Radio staff sanctioned:* Sub-Inspectors 3, Assistant Sub-Inspectors 3, Head constables 18 and Police Constable 12. Telex messages are also transmitted from the District Wireless Control, Karwar. One woman Head Constable and two women Constables are at Karwar Town Police Station and two WPCs are at Sirsi Town Police Station.

*Crime Record Bureau:* There is a District Crime Record Bureau working under the direct control of the Superintendent of Police, Karwar. It serves as the agency for collecting particulars about crimes and criminals and for maintaining records about criminals. It disseminates the information to police officers in and outside the district.

*Special Branch:* A unit named District Special Branch is functioning under the direct control of the Superintendent of Police. It has one Inspector, one Sub-Inspector, and six Head Constables. In addition, there are three Head Constables; one at Bhatkal has a jurisdiction over Bhatkal, Honavar and Kumta taluks, one at Sirsi has jurisdiction over Siddapur, Sirsi, Mundgod and Yellapur taluks; and another at Dandeli has jurisdiction over Haliyal and Supa taluks. The Karwar and Ankola taluks are being looked after by constables of Special branch attached to the respective police stations. Head Constables working in the office are asked to collect information on intelligence whenever situation warrants. In addition, a temporary staff consisting one Sub-Inspector and three Head Constables are stationed at Mundgod for regularisation of passports, etc., of the Tibetans. The Special Branch collects intelligence regarding political, social and communal movements, labour and students' agitations, public security, foreign affairs and law and order problems.

*Anti-corruption Squad* : The Anti-corruption Squad consisting of one Police Inspector, One Sub-Inspector, two Head Constables, and two Constables stationed at Karwar is working under the control of the Deputy Superintendent of Police and Superintendent of Police, State Vigilance Commission, stationed at Dharwad and Belgaum respectively. The staff stationed at Karwar undertakes enquiries into complaints as per orders of the State Vigilance Commissioner, Bangalore, against all Government employees and certain other notified public authorities working in the district about corruption, misuse of power and position, misappropriation, lack of integrity, etc.

*Sea-Patrol Staff* : The Sea-Patrol staff at Karwar is under the control of Superintendent of Police, Karwar. The staff consists of one Police Sub-inspector, one Assistant Sub-inspector, three Head Constables and 12 Police Constables. It supervises the coastline from Karwar to Bhatkal. The police launch crew, with three Motor Launch Sub-Inspectors, two Sarangs, three Dingi drivers and eight Khalasis is working. Three Motor Launches are also operating with the above Police motor launch crew in the Arabian Sea.

*Civil Right Enforcement Cell* : Untouchability offences are treated as grave crimes requiring an officer not below the rank of an Inspector of Police to investigate. Every Police Station in the district has been instructed to maintain in a register a list of Harijan Colonies. All beat constables and senior officers including the Superintendent of Police are to visit the Harijan Colonies periodically. In 1974, a Special Cell called the Civil Rights Enforcement Cell was created in the State Criminal Investigation Department in the Office of the Director General of Police, for strict enforcement of the Untouchability (Offences) Act, 1955 and for dealing effectively with cases of harassment of the Scheduled Castes.

*Civilian Rifle Training Centre* : In 1962, Civilian Rifle Training Centre was started at Karwar. There are 15 Civilian Rifle Training Centres, one in each of the 11 taluk headquarters and at Dandeli, Chitakul, Gokarn and Ambikanagar (1982). Training in rifle shooting is imparted (to the citizens) at these centres for one week. The total number of persons trained upto the end of 1982 was 926 in the district.

### **Police Welfare**

Thirty six officers, 155 Head Constables and 652 Constables of the district have been provided with Government quarters. There is also

a Police Benevolent Fund. At the end of 1983, the net balance of this fund stood at Rs 5,05,021. The financial aid to the children of police personnel for their school and college education and medical relief are sanctioned to deserving cases from this fund. Monetary aid is also given to the heirs of police staff who expired while in service. Nursery school, primary school, tailoring the handicraft classes, socks knitting centres, boys' reading club, training facilities in physical exercise and drill to the children of police personnel, etc., are provided. There is a police canteen and a bakery in District Armed Reserve, Karwar, which supplies refreshment to policemen and their children. A recreation club, a welfare centre at Sirsi, a book bank at DAR, Karwar and Sirsi are functioning. All the police stations are provided with sports articles.

*Police Lock-ups :* Lock-ups are provided in the following police stations: Karwar town, Karwar rural, Chitakul, Ankola, Kumta, Gokarn, Honavar, Sirsi, Mundgod, Haliyal, Dandeli, Damsite Supa, Ambikanagar and Joida, and Police out-posts at Sunkasal, Katgal, Gersoppa, Hulekal, Banavasi Malgi, Bilgi, Kumbarwada and Castle-rock. These are for the safe custody of the suspected persons and persons in custody.

*Cost of Police Force :* The amount of expenditure incurred for maintenance of the police force in the district during some recent years was as follows: 1974-75 Rs 36,37,532, 1975-76 Rs 53,03,887, 1976-77 Rs 58,13,770, 1977-78 Rs 69,14,322, 1978-79 Rs 69,93,108, 1979-80 Rs 73,09,302, 1980-81 Rs 91,94,429, 1981-82 Rs 1,15,17,614, 1982-83 Rs 1,47,93,457 and 1983-84 Rs 1,27,04,045.

*Police Medals :* The President's Police Medals for meritorious service have been awarded to Shri D. S. Patil, Police Sub-Inspector, Sirsi, and Shri Ganapati Bikku Naik, Civil Head Constable, Karwar on the occasion of Republic Day 1982 since the inception of the scheme from 1951 in the district. Sri C. Mohamed Iqbal, Deputy Superintendent of Police, Dandeli Sub-Division, Dandeli, has been awarded Chief Minister's Gold Medal with cash reward of Rs 1,500 in recognition to his exceptional skill, conspicuous devotion to duty and outstanding work during 1984.

*Railway Police :* The Alnavar-Dandeli (32 km, Metre gauge) branch Railway line of South Central Railway comes under the Railway Police Station, Hubli. Londa and Castlerock Railway Police out-posts of Londa-Marmugao line come under Railway Police

Station, Belgaum. For the last ten years there had been no important offence reported in these lines. Each out-post has one Head Constable and two Police Constables. The Head Constable performed the duty of Station House Officer and Police Constable attended the Station sentry duties, platform duty and other miscellaneous work.

### The Home Guards

In pursuance of the Bombay Home Gards Act (III of 1947), the Uttara Kannada District Home Guards Unit was started in the year 1948 at Kumta under the stewardship of Dr A. R. Masookar. Subsequently the headquarters was changed from Kumta to Karwar. The position of home-guards since inception to 1983 is shown by the following statement.

<i>Unit</i>	<i>Year of establishment</i>	<i>Home Guards</i>		
		<i>Number trained</i>	<i>Number under training</i>	<i>Total</i>
Ankola	1948	22	13	35
Dandeli	1967	50	25	75
Haliyal	1948	20	40	60
Honavar	1951	21	5	26
Karwar	1948	68	40	108
Kumta	1948	24	23	47
Mundgod	1975	26	25	51
Siddapur	1967	8	—	8
Sirsi	1949	25	33	58
Yellapur	1949	20	19	39

Some of the Mundgod cadets were sent to Calcutta for higher and advanced training. The Home Guards of the district have helped in extinguishing fires in Karwar and other places and in saving lives and properties. They assist the law and order authorities in maintaining peace and order when necessary on occasions like various *bundhs*, elections, *jatras* and festival days, sports meets, service camps, conferences, eye camps, etc.

*Heroic Deeds:* With the assistance of best swimmer fishermen, Sri J. P. Madtha, Platoon Commander of Karwar Home Guards Unit,

who unmindful of the grave risk to his own personal safety, saved the lives of 28 crew members of motor vessel Cherrymaju of Singapore, on 30-6-1980, at the limits of Karwar port. Shri D. Naik, Commandant, Home Guards, Karwar was awarded Home Guards and Civil Defence Medal on the occasion of Independence Day, 1978 by the President of India for the commendable contribution made by him. The Honavar Home Guards saved many lives and property during the flash floods at Honavar in August 1982.

There is a Commandant of Home Guards for the district as a whole, who is assisted by Second in Command at Karwar, ten officers of command, each officer being the head of each unit, one staff officer training at Honavar, three Principal Commanders one each at Karwar, Honavar and Dandeli, one Instructor and one Assistant Instructor, two part-time Instructors one each at Karwar and Sirsi and other subordinate staff. The following statement gives the expenditure of the Home Guards organisation of the District for the recent five years. 1978-79 Rs 1,04,593, 1979-80 Rs 1,22,926, 1980-81 Rs 1,30,684, 1981-82 Rs 1,74,811 and 1982-83 Rs 2,28,181.

*Territorial Army* : The 115 Infantry Battalion of Territorial Army located at Belgaum has jurisdiction over Uttara Kannada. The date of establishment of this Unit is 1-10-1960. The Territorial Army is a part-time citizen's voluntary force composed of civilians in peace and soldiers in war.

*Village Defence Parties* : The Village Defence Parties are constituted from 1968 and onwards in the district covering 1,016 villages as per Karnataka Village Defence Parties Act 1964 and Rules 1965 made thereunder. The important purposes and functions of these bodies are (1) aiding the police in matters of internal security, watch-and-ward patrolling and guarding, prevention of crimes, protection of persons and properties and maintenance of public order in the village and (2) assisting, when necessary, as an emergency labour force, and the armed force. The Government decided to dispense with the services of Police Patels and appoint Dalapatis in their place. These Dalapatis perform the duties of Police Patels. Their services are being utilised also during patrolling of rural areas and railway tracks.

#### JAILS AND LOCK-UPS

There was a District Jail at Karwar in addition to the lock-up at each Mamlatdar's office in the district as in 1881. The Chief Jail

industries were cane work, weaving and carpentry. In Bombay-Karnataka region, the different Acts enacted by the Bombay Presidency, such as the Prisons Act of 1894, the Prisoners Act of 1900, Whipping Act of 1909, the Indian Lunacy Act 1912, the Bombay Borstal Act of 1929, the Transfer of Prisoners Act of 1950, and other Acts commissioned by the Bombay Provincial Government were in force before 1956. The Inspector General of Prisons, Bombay State, Poona was the Head of the Department before 1966. The Bombay Jail Manual was also in force in Bombay Karnataka area before 1956. Subsequently Karnataka Prison Rules 1974 and Karnataka Prison Manual 1978 were introduced in the district.

### **District Prison, Karwar**

The District Prison at Karwar, was established in 1874. It was a District Lock-up in the beginning. Gradually its status was raised to that of a Special Sub-Jail to confine hundreds of convicts of Bombay Province. Only habitual and uncontrollable prisoners were used to be kept in this institution. Very prominent political leaders were kept in the jail during the freedom struggle. They also included the members of the Afghan royal family, the Bengali revolutionary Rakhachand Dey and many Chinese prisoners.

The Prison has a capacity (1984) to accommodate 220 male 5 female prisoners. There is provision for only 'C' class prisoners. The convicts under trials, lunatics, females and civil prisoners are lodged separately. Long-term prisoners (those sentenced to more than 6 months) and those sentenced to death are sent to the Central Prison, Belgaum. Prisoners sentenced to more than 15 days and less than 6 months are lodged in the District Prison, Karwar. The Superintendent is the head of the District Prison. He is responsible for overall management of the jail supported by the Chief Jailor, Jailor and Head Warders. The Superintendent communicates directly with Inspector General of Prisons, Bangalore.

There is a land of four acres attached to the District Prison, Karwar provided with four wells. Paddy and vegetables are grown there, by the convict prisoners. The value of garden products for the past five years was as follows: 1979-80 Rs 3,342, 1980-81 Rs 4,322, 1981-82 Rs 6,593, 1982-83 4,750 and 1983-84 Rs 9,589. The expenditure of the jail for some years is given below: 1979-80 Rs 41,819, 1980-81 Rs 42,419, 1981-82 Rs 52,396, 1982-83 Rs 54,504, and 1983-84 Rs 70,029.

### Taluk Sub-Jails

There are nine sub-jails in Uttara Kannada District. The capacities of each sub-jail are, Ankola-12, Bhatkal-18, Honavar-25, Haliyal-36, Kumta-25, Mundgod-15, Sirsi-15, Siddapur-5, and Yellapur-5. The Taluk Sheristedar of the Revenue Department is the *ex-officio* in-charge Superintendent and he is looking after the sub-jail administration. And one clerk of the Revenue Department functions as Jailor. The Deputy Commissioner of the District exercises supervision over the sub-jails. Guarding duty in these sub-jails is performed by the Police Department. The prisoners sentenced to more than fifteen days in sub-jails are transferred to the District Prison, Karwar. The receipts and expenditure of these Jails of the District for 1982-83 are Rs 24,394 and Rs 2,87,101 respectively.

*Amenities to Prisoners :* A Prison Panchayat system has been introduced for helping to settle the grievances of prisoners and for providing amenities as per rules. There is a Board of visitors to District Prison, Karwar, with the Deputy Commissioner as the chairman. It suggests ways and means to promote the welfare of the prisoners. The District Surgeon, Karwar and the Assistant Surgeons of the Government Hospitals of taluk places are the visiting Medical Officers of the District Prison and Taluk Sub-jails respectively. Lectures on morality are arranged often for the benefit of the prisoners. Books, magazines and newspapers are also provided to them. The prisoners are given special meals on important national and festival days. They are permitted to correspond with their relatives and well-wishers. Sports, games, indoor games and cultural activities are organised. For each inmate, dress and bedding are provided. Adult Education classes are conducted. The literate prisoners are encouraged to teach the illiterate inmates. The prisoners are trained in carpentry, coir industry, agriculture and horticulture. Free legal aid is also provided.

### ADMINISTRATION OF JUSTICE

In medieval period, the local assemblies and guilds acted as arbitrators in disputes and the system of imposing fines by way of punishment was commonly resorted to. Sometimes, the culprits were expelled from their caste. The origin of the present system of civil and criminal justice is to be traced to what is called Cornwallis System, first established in Bengal in 1793 and subsequently extended



to Madras in 1802. In 1802, a series of rules were approved in the Madras Presidency for establishing civil and criminal courts, defining their powers.

Before 1802, there were no regulations in force regarding administration of justice in the district of North Kanara. The Collector decided most of the civil suits at his discretion and made over most petty lands to arbitration. Regulation II of 1802 of Madras is the earliest document that speaks of the administration of justice in this district. In 1907, as per Madras Regulation XVI, 1802, native Commissioners were appointed in Kanara to decide suits relating to personal property not exceeding Rs 801 in value. In 1807, under Madras Regulation II of 1807, a district court was established at Honavar with jurisdiction over both divisions of Kanara, (then known as North Kanara and South Kanara Divisions). In 1809, the District Court was shifted from Honavar to Mangalore. In 1817, under Madras Regulation IX of 1816, the magisterial powers of the District Judge were transferred to the Collector and under the Madras Regulation of 1816, the District Judge was given the powers of a Criminal Judge. The District Judge was subject to the provincial and Circuit Court at Tellicherry. The Circuit Court Judges were helped by *kazis* regarding the Mohammedan Civil Law and *pandits* regarding the Hindu Civil Law. Their verdict of the agreement was given effect to immediately. In case of difference, matter was referred to the High Courts, then known as Sadar Deevani Fouddari Adalat at Madras. Under Regulation VII, 1816, the District Council or Panchayat was appointed to decide suits referred to them by the District Munsiffs. These Councils continued in Kanara until the transfer of the district to Bombay Presidency in 1862.

In 1827, an Assistant Judge was appointed at Honavar with jurisdiction over Kundapur, Honavar, Kumta, Ankola, Sirsi, Siddapur, Yellapur and Supa. Appeals from the decisions of the Assistant Judge lay to the District Judge, Mangalore. In 1827, a Sadar Amin's Court was established at Honavar. In 1836, a native judge's court was substituted for Assistant Judge's court at Honavar and under Madras Act XXIV of 1836, the native judges at Sirsi and Honavar were styled Principal Sadar-amins. In 1843, North Kanara district was separated from South Kanara in judicial matters. Under this arrangement, the Collector and the assistant continued to perform magisterial work. In 1860, the North Kanara with the sub-division of Kundapur was made the separate charge of a District Judge who held

his court at Honavar till 1866, when the Court was removed to Karwar. In 1881, the district had a District Judge, four subordinate judges at Karwar, Sirsi, Kumta and Honavar. Sathyendranath Tagore, elder brother of Gurudev Rabindranath Tagore was the first Indian I C S Judge who presided over Karwar District Court in 1897.

Upto January 26, 1950, the High Court's fundamental constitution and working were governed by British ideas of administration of justice. After that it worked under the Constitution of India. In all matters, High Court has the appellate and revisional jurisdiction, excepting the matters which fall in the revisional and appellate jurisdiction of the District Court. Upto 1956, the District Court of North Kanara was subordinate to the Bombay High Court. From 1956 onwards it came under the Mysore High Court now called Karnataka High Court, Bangalore. The High Court, Bangalore supervises, controls and regularises Judicial Administration of all subordinate courts.

#### **District Court, Karwar**

The District and Sessions Judge, Karwar is the highest judicial authority in the Uttara Kannada district, and the District Court is the Principal Civil Court of original jurisdiction within the limits of the area. As the head of administration of justice in the district, the District and Sessions Judge exercises control over all the civil and criminal courts in the district. The District Court entertains and hears appeals in respect of decrees and orders passed by the Civil Judge, the value of which does not exceed Rs 20,000. The District Judge also entertains and tries civil cases under special enactments.

#### **Separation of Judiciary from Executive**

Formerly, the Revenue authority was invested with criminal court powers ranging as Ist Class, II Class and III Class Magistrates, with graded powers of passing sentences. The Collector, who was the District Magistrate also heard criminal appeals. The Revisional powers, however, were vested with the Sessions Court Judges who presided over the District Sessions Court at Karwar. In addition to these there was a Town Magistrate Court at Karwar. The Town Magistrate simultaneously worked as Huzur Deputy Collector having supervision over the District Treasury Office. The District Magistrates, Mamlatdars and the Assistant Collectors who presided over the criminal courts could hold their courts even in the camps in

the villages during the circuit programme. The separation of judiciary from the executive was effected from 1st July 1953 when the District was in Bombay State. The former class of Magistrate was exclusively invested with the powers of judicial enquiry or trial and latter (executive magistrate), viz., Collectors, Mamlatdars and Aval Karkuns continued to exercise respectively the powers of District Magistrates, Sub-divisional Magistrates and subordinate Magistrates for the purpose of law and order. While judicial functions were exercised by the Judicial Magistrates who were also wielding Civil Court powers, the Executive Magistrate exercised their powers to a limited extent for maintaining law and order under Sections 107, 144 and 145 of Criminal Procedure Code. They did not deal with matters concerning the administration of justice. The High Court exercised jurisdiction over all these courts.

*Assessors :* In the district, in Sessions cases, formerly trials were held with the help of assessors. Their opinion was not binding. This system was abandoned by the time judicial separation took place as stated above.

### **Civil Judge's Courts**

In 1881, the First Class Sub Judge of Karwar, besides having special jurisdiction of above Rs 5,000 over the whole district had ordinary jurisdiction over Karwar and Ankola taluks except some villages. The Administration of Justice of Bombay Presidency in the District continued till Mysore Civil Courts Act came into force in 1964. The First Class Sub Judge's Court at Karwar was invested with Appellate powers to hear appeal from the decisions of Munsiff's Court at taluk level and further vested with powers of hearing special suit of more than Rs 10,000 valuation and also decides cases relating to insolvency, pecuniary small causes, guardian and wards, matrimony, elections to municipalities, etc. The Civil Judges were appointed by the High Court by promotion from the cadre of Munsiffs. The Chief Judicial Magistrate Court, Karwar, which existed from 1-4-1974 was merged with Civil Judge, Karwar from 15-7-1976. The Court of Joint Civil Judge, Junior Division and Judicial Magistrate First Class, Sirsi was named as Additional Munsiff and Judicial Magistrate First Class Court when Mysore Civil Courts Act came into force in 1964. Chief Judicial Magistrates' powers were given to the Civil Judge Court at Sirsi from 3-1-1977. This designation was changed as Civil Judge and Principal Judicial Magistrate First Class on 1-3-1980.

### Sessions Court, Karwar

The Sessions Court at Karwar has jurisdiction over the entire district. The District Judge himself is the Sessions Judge under the Criminal Procedure Code. The Sessions Judge conducts trials of sessions cases committed to the Sessions Court, and also hears appeals over orders from subordinate Magistrates in the district. He is vested with the powers of Judicial Magistrate. As such, he exercises general administrative superintendence and control over the Judicial Magistrates in the district, in addition to special powers pertaining to revision and transfer of cases. He entertains also cases under the Prevention of Corruption Act.

### Courts of Munsiffs and Judicial Magistrates

There are nine courts of Munsiffs and Judicial Magistrates First Class in Uttara Kannada district, one each at Karwar, Ankola, Bhatkal, Haliyal, Honavar, Kumta, Siddapur, Sirsi and Yellapur. There are Principal Munsiff and Judicial Munsiff First Class, and Additional Munsiff and Judicial Munsiff First Class Magistrates at Honavar. Also there are Principal Munsiff and I Additional Judicial Magistrate First Class and Additional Munsiff and II Additional Judicial Magistrate First Class at Sirsi. Both the Courts i.e., Munsiff and Judicial Magistrate First Class, Yellapur and Mundgod are functioning at Yellapur. All these courts are combined courts and as such deal with both civil and criminal cases. As civil courts (Munsiff's Courts), they try original suits and other proceedings of a civil nature upto the value of Rs 10,000. As criminal courts, they have powers as laid down in Criminal Procedure Code.

*Juvenile Courts* : There is no separate juvenile court in the district, but, the Civil Judge and the Chief Judicial Magistrate, Karwar is empowered to try cases of juvenile offenders arising in the taluks of Karwar, Ankola, Yellapur and Haliyal. The Munsiff and Judicial Magistrate First Class, Kumta, Honavar and Principal Munsiff and I Additional J M F C, Sirsi are empowered to try the cases of juvenile offenders arising in the other taluks.

*Executive Magistrates* : Some executive officers of the Revenue Department are *ex-officio* Executive Magistrates having responsibilities for maintaining law and order in their jurisdiction, for which purpose they can give directions to the police force. While the Deputy Commissioner is the District Magistrate, the Head-quarters Assistant to the Deputy Commissioner is the Additional District Magistrate.

Similarly, the Revenue Sub-Divisional Officers i.e., Assistant Commissioners of the Sub-Divisions are the *ex-officio* First Class Magistrates and Tahsildars are *ex-officio* Second Class Magistrates. They exercise their magisterial powers under the supervision and control of the District Magistrate (See Chapter X).

*Bar Associations:* There are ten Bar Associations functioning in the district at Karwar, Sirsi, Ankola, Kumta, Honavar, Bhatkal, Haliyal, Siddapur, Yellapur and Mundgod. As in 1983, there were 191 lawyers practising in these places. Uttara Kannada Bar Association, Karwar, celebrated its centenary in 1975. The associations have good libraries. The State Government has provided grants for these associations for the purchase of books, furniture and equipments.

*Heritage of Lawyers and Judges:* The district has produced some outstanding lawyers and jurists. Appa Narayan Mahale of Kajubag and Mangesh Bhikappa Nadkarni of Ankola popularly known as Vakil Raya were two Maktyars (or-lawyers in earlier days) in the district. K R Haldipur was a leading appellate court lawyer. Saverine Silva and P. S. Kamat from Karwar, S. S. Shastry from Honavar and N. G. Shanbhag from Kumta were other renowned lawyers. Advocates like Sham Rao Vitthal Kaikini and G. P. Murdeshwar, practising at Bombay High Court brought pride to the district. Rao Bahadur Dhandavar was an expert lawyer in handling criminal cases and he was also the President of Karwar Municipality, being appointed as a Public Prosecutor and Government Pleader. Y. T. Nadakarni was also a freedom fighter. M. G. Kasbekar, a prominent Pleader founded the Arts and Science College at Karwar. Narayanan Chandavarkar became a Judge of Bombay High Court and G. N. Sabahit of the Karnataka High Court. Sajaroba Telang was a popular High Court Pleader. B. N. Palekar, retired Judge of Supreme Court of India is from Uttara Kannada.

TABLE 1

Statement showing the number of civil cases of all types instituted, disposed of and pending in various courts of Uttara Kannada District as in 1983-1984(1) and 1984-85(2)

Name of Court	Pending at the beginning of the year		Instituted during the year		Refiled, Remanded or received by transfer		Total for disposal		Decided		Transferred to other Courts		Total disposed off		Pending at the end of	
	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
<b>ORIGINAL CIVIL SUITS</b>																
District Judge's Court	—	—	10	10	—	—	10	10	—	—	10	10	10	10	—	—
Civil Judge's Court	296	344	194	207	1	4	491	555	147	156	—	—	147	156	344	399
Munsiffs' Courts	2,999	3,001	962	1,081	8	9	3,969	4,091	968	891	—	7	968	898	3,001	3,193
Total	3,295	3,345	1,166	1,298	9	13	4,470	4,656	1,115	1,047	10	17	1,125	1,064	3,345	3,592
<b>MISCELLANEOUS CIVIL CASES</b>																
District Judge's Court	360	464	212	323	3	1	575	788	83	124	28	26	111	150	464	638
Civil Judge's Court	1,377	1,303	385	336	—	7	1,762	1,646	457	677	2	—	459	677	1,303	969
Munsiffs' Courts	4,829	2,910	612	764	2	1	5,443	3,675	2,526	2,383	7	6	2,533	2,389	2,910	1,286
Total	6,566	4,677	1,209	1,423	5	9	7,780	6,109	3,066	3,184	37	32	3,103	3,216	4,677	2,893

Source : Report from the District and Sessions Judge, Karwar.

Total receipts of District Judge's Court for the year 1983-84 were Rs 21,853 and for 1984-85 Rs 26,846. Expenditure for these two years respectively was Rs 6,30,184 and 6,90,475. The receipts for the Civil Judge's Court for 1983-84 were Rs 5,86,431 and for 1984-85 Rs 5,69,148. Expenditure for these two years respectively was Rs 6,12,228 and 7,40,675. The receipts of Munsiffs' Courts were Rs 3,22,678 for 1983-84 and 4,23,041 for 1984-85. This expenditure on these courts for these years respectively was Rs 25,95,574 and 36,97,649.

TABLE 2

Statement showing the number of criminal cases instituted, decided and pending in various courts of Uttara Kannada District during the year 1983-84(1) and 1984-85(2)

Name of Court	Pending at the beginning of the year		Instituted during the year		Total disposal		Disposed of during the year		Pending at the end of the year	
	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
Sessions Court										
i) Sessions	29	28	32	28	61	56	33	18	28	38
ii) Criminal appeals	86	108	74	62	160	170	52	31	108	139
Magistrate's Court	4,991	4,545	13,417	13,297	18,408	17,842	13,863	18,034	4,545	5,808
Total	5,106	4,681	13,523	13,387	18,629	13,948	13,948	13,083	4,681	4,985
<b>MISCELLANEOUS CRIMINAL CASES</b>										
Sessions Court	82	134	128	100	210	234	76	67	134	167
Magistrate's Court	379	430	570	492	949	922	519	557	430	365
Total	461	564	698	592	1,159	1,156	595	624	564	532

Source : Report from the District and Sessions Judge, Karwar.