

CHAPTER IX.

JUSTICE.

Chapter IX.

Justice.

Early Acts.
1802-1816.

¹FOR the four years ending 1803 no information is available regarding the administration of justice. The preamble to Madras Regulation II. of 1802 shows that before January 1802 no regulations were in force. The Collector decided most civil suits at his discretion and made over most petty land disputes to arbitration.² In districts where a permanent settlement of the land assessment was introduced, district or zilla courts were established under Madras Regulation II. of 1802. In 1803, when an Act for the administration of criminal justice was introduced, sections 56 to 58 of Madras Regulation II. of 1803, empowered the Collector to exercise magisterial functions and sections 47 to 55 empowered him to decide civil suits. As the permanent settlement was not applied to Kánara these regulations were not introduced into the district. In 1807, under Regulation II. of 1806, a district court was established at Honávar with jurisdiction over South and North Kánara. In 1809 the district court was removed from Honávar to Mangalor. In 1817, under Madras Regulation IX. of 1816, the magisterial powers of the District Judge were transferred to the Collector, and, under Madras Regulation X. of 1816, the District Judge was given the powers of a criminal judge for committing certain cases for trial before the circuit court, for trying and deciding petty cases on their own authority, and for passing sentence not exceeding two years' imprisonment. The District Judge was subject to the Provincial and Circuit Court of Tellicherry.

Provincial Court.
1802-1843.

Under Madras Regulation IV. of 1802, a Provincial and Circuit Court consisting of three Judges was established at Tellicherry with power to hear appeals from, and to decide on circuit criminal cases committed for trial by, the District Judges of Kánara and Malabár. To hear such cases, one of the three Judges of the Provincial and Circuit Court left Tellicherry for six months every year for the districts north of Tellicherry, and, on his return, another Judge set out for the remaining six months of the year for the districts south of Tellicherry. The Circuit Judge visited every district station on his way. In deciding cases he was helped by the *káji* or Muhammadan

¹ From materials supplied by Mr. S. N. Tagore, C.S.

² Major Munro to the Board of Revenue, December 1800, paras. 3, 4.

law officer of the Provincial Court. At the close of the trial the *káji* gave his opinion called *fatwa*, and, if the Judge agreed, decision was given on the spot. Cases in which the Circuit Judge and the *káji* disagreed were referred to the High Court or Sadar Faujdári Adálat at Madras.

In 1807, under Madras Regulation XVI. of 1802, native commissioners were appointed in Kánara to decide suits relating to personal property not exceeding £8 (Rs. 80) in value. Under Madras Regulation VII of 1809, the powers of the native commissioners were extended to the hearing of such suits under £10 (Rs. 100) as were referred to them by the Judge. In 1816, under Madras Regulation VI. of 1816, native commissioners gave place to district *munsiffs*. Under Madras Regulation IV. of 1816, village *munsiffs* were appointed with powers to decide suits relating to personal property of not more than £1 (Rs. 10) in value. The office of village *munsiff* was in most cases given to *pátils* or village headmen. Under Regulation V. of 1816 the village council or *pancháyat* was appointed with power to decide suits referred to them by the village *munsiffs*; and under Regulation VII. of 1816 the district council or *pancháyat* was appointed to decide suits referred to them by the district *munsiffs*. Village and district councils or *pancháyats* continued in Kánara, until the transfer of the district to Bombay in 1862. In 1817, for North Kánara including Kundápur, three *munsiffs*, one each at Bhatkal Gokarn and Sirsi, were appointed with power to decide suits not exceeding £20 (Rs. 200). Between 1821 and 1823 the Bhatkal *munsiff* was removed to Honávar, and the Gokarn *munsiff* to Ankola, and an additional *munsiff* was appointed for Yellápur. In 1827, under Madras Regulation I. of 1827, an assistant judge was appointed at Honávar with jurisdiction over Kundápur, Honávar, Kumta, Ankola, Sirsi, Siddápur, Yellápur, and Supa. The assistant judge heard appeals from the decisions of the district *munsiffs*, and, besides having criminal powers, heard original civil suits not exceeding £500 (Rs. 5000) in value. Appeals from the decisions of the assistant judge lay to the District Judge at Mangalor. In 1827 a *sadar-amin's* court was established at Honávar. In 1830, under Madras Regulation VII. of 1827, a native judge was appointed at Sirsi with jurisdiction over Sirsi, Siddápur, Yellápur, and Supa. In 1833, under Regulation III. of 1833, the jurisdiction of the *munsiffs* was extended to suits of £100 (Rs. 1000) and that of the *sadar-amins* to suits of £250 (Rs. 2500). In 1836 a native judge's court was substituted for the assistant judge's court at Honávar and, under Madras Act XXIV. of 1836, the native judges at Sirsi and Honávar were styled principal *sadar-amins*.

In 1843, under Madras Act VII. of 1843, considerable changes were made in the judicial administration. The offices of the Provincial Circuit Court at Tellicherri, of the District Judge at Mangalor, and of the two principal *sadar-amins* at Sirsi and Honávar were abolished; North Kánara was separated from South Kánara in judicial matters, and the offices of a Civil and Sessions Judge of the second class and of a *mufti sadar-amin* at Honávar and of a *sadar-amin* at Sirsi were established. Under this arrangement the Collector and his

Chapter IX. Justice.

Subordinate
Courts.
1807-1843.

Changes.
1843-1862.

Chapter IX.
Justice.

assistant continued to perform magisterial work. In 1852 a principal *sadar-amin* was appointed under the Judge and a *munsiff's* court at Kumta was sanctioned. In 1860, the present North Kánara, with the sub-division of Kundápur, was made the separate charge of a District Judge who held his court at Honávar. till 1866, when the court was removed to Kárwár. In 1862, when North Kánara passed to the Bombay Presidency, Kundápur continued to form part of South Kánara.

Civil Courts.
1862-1881.

Of the strength of the judicial staff and the number of cases decided in Kánara the earliest available details are for 1862. In that year the number of civil courts was nine, the number of suits disposed of was 4305, and the average duration of each suit was five months. In 1870 the number of courts was reduced to five, the number of suits disposed of was 2466, and the average duration was three months and seven days. In 1874 the number of civil courts was five, the number of suits had risen to 2866, and the average duration had fallen to two months and twenty-seven days. In 1880 the number of civil courts was five, the suits numbered 2303, and the average duration was two months and fifteen days. At present (1881) the district is provided with a District Judge and four subordinate judges. Of the four sub-judges the first class sub-judge of Kárwár, besides special jurisdiction above £500 (Rs. 5000) over the whole district, has ordinary jurisdiction over Kárwár, Ankola except the Kulenad *mágní* or village-group, the Chinnápur village-group of Yellápur, and the charge of the Supa mahálkari; the second class sub-judge of Kumta has charge over Kumta and the Kulenad village group of Ankola; the sub-judge at Honávar has charge over Honávar and the three village-groups of Hire-avattalige, Chikka-avattalige, and Hire-kode in Siddápur; and the sub-judge of Sirsi has charge of Sirsi, Yellápur except the Chinnápur village-group, the Supa mámlatdár's division, and Siddápur except the village groups of Hire-avattalige, Chikka-avattalige, and Hire-kode. The average distance of the Kárwár court from its furthest six villages is sixty-nine miles; of the Sirsi court seventy miles; of the Kumta court forty-one miles; and of the Honávar court thirty-nine miles.

Civil Suits.
1870-1881.

During the twelve years ending 1881 the average number of suits decided was 2776. During the six years ending 1875, the totals show alternate rises and falls, the lowest total being 2467 in 1870 and the highest 3193 in 1873. For the next three years the returns show a continuous fall from 3092 in 1875 to 2272 in 1878. In 1879 the total suddenly rose from 2272 in 1878 to 3589 or an increase of nearly fifty per cent; but in 1880 it again fell to 2306 or to pretty nearly the former level. In 1881 there was a further fall to 2095, the lowest total during the whole twelve years. Of the total number of cases decided, forty-one per cent have on an average been given against the defendant in his absence, the lowest being thirty-two in 1879 and the highest forty-five in 1875. Except in 1879, when there was an unusual fall to thirty-two or nine per cent below the average, the proportion of cases decided in this way showed slight variations from the average, the

rise or fall being generally one or two and at the most four per cent :

Kanara Ex-parte Decrees, 1870 - 1881.

YEAR.	Suits.	Decided <i>ex-parte.</i>	Percent- age.	YEAR.	Suits.	Decided <i>ex-parte.</i>	Percent- age.
1870	2467	1002	40	1877	2586	1076	41
1871	3086	1290	40	1878	2272	972	42
1872	2896	1150	39	1879	3589	1169	32
1873	3193	1329	41	1880	2306	1028	44
1874	2871	1156	40	1881	2095	863	40
1875	3092	1413	45				
1876	2910	1276	43	Total ...	33,313	13,709	41

Of contested cases, during this period of twelve years an average of 25.21 per cent have been decided for the defendant, the percentage varying from 31.19 in 1873 to 16.63 in 1880, and the number keeping above 200 before and below 200 after 1878. In sixty or 2.86 per cent of the suits decided in 1881 the decree was executed by putting the plaintiff in possession of the immovable property claimed. The number of this class of cases varied from 108 out of 3193 in 1873 to sixty out of 2095 in 1881. In 287, or 13.69 per cent of the 1881 decisions, decrees for money due were executed by the attachment or sale of property. Of these 201 or 9.59 per cent were executed by the sale of immovable property and 86 or 4.10 per cent by the sale of movable property. The number of the attachments or sales of immovable property varied from 571 in 1876 to 201 in 1881, and of movable property from 155 in 1876 to sixty-five in 1878. During the twelve years ending 1881 the number of decrees executed by the arrest of debtors varied from 1118 in 1873 to 380 in 1881. During the first five years the number rose from 895 in 1870 to 1058 in 1874, and after a sudden fall to 649 in 1875, gradually dwindled to 380 in 1881. The following table shows that during the same twelve years (1870 - 1881) the number of civil prisoners varied from thirty-five in 1875 to twelve in 1877 :

Kánara Civil Prisoners, 1870 - 1881.

YEAR.	PRI- SONERS.	DAYS.	RELEASE.				
			Decree satisfied.	Cre- ditor's request.	No allow- ance.	Pro- perty shown.	Time- expired.
1870	25	26	4	5	14	...	1
1871	21	47	1	...	21	...	...
1872	17	25	1	3	11	...	...
1873	29	24	...	4	21	2	...
1874	19	26	1	3	13	1	...
1875	35	26	7	10	11	...	1
1876	32	26	8	7	19	...	...
1877	12	27	4	2	8	...	1
1878	19	32	5	1	7	1	2
1879	20	39	3	6	12	...	...
1880	14	45	1	1	12	...	...
1881	20	26	5	3	9	...	1

The twenty prisoners in 1881 were all Hindus.

The following statement shows in tabular form the working of the district civil courts during the twelve years ending 1881 :

Chapter IX.

Justice.

Civil Suits. 1870 - 1881.

Chapter IX.

Justice.

Civil Suits.
1870-1881.

Kánara Civil Courts, 1870-1881.

YEAR.	SUITS.	AVERAGE VALUE.	UNCONTESTED.				
			Decreed.	Dismissed.	On Con- fession.	Otherwise	Total.
1870	2467	12.9	1002	191	123	462	1778
1871	3036	13.9	1290	197	175	557	2219
1872	2896	15.9	1160	201	113	555	2019
1873	3193	12.9	1329	244	99	494	2166
1874	2871	14.1	1156	178	115	509	1958
1875	3092	20.5	1278	140	78	604	2100
1876	2910	12.9	1150	126	83	575	1934
1877	2586	31.6	944	135	65	580	1724
1878	2272	11.2	839	133	58	552	1582
1879	3589	11.7	1045	114	61	1594	2814
1880	2306	11.	914	114	65	517	1610
1881	2095	15.5	760	93	70	453	1376

YEAR.	CONTESTED.				EXECUTION.			
	For Plain- tiff.	For Defen- dant.	Mixed.	Total.	Arrest of Debtors.	Decree- holder given Immov- able Property.	Attachment or Sale of Property.	
							Immov- able.	Movable.
1870	376	227	86	689	395	69	303	94
1871	428	254	185	817	337	77	293	105
1872	449	269	159	877	366	97	402	98
1873	551	237	189	1027	1118	108	357	190
1874	453	204	196	913	1058	89	343	130
1875	515	262	217	992	649	86	314	96
1876	451	276	249	976	668	105	571	155
1877	413	246	203	862	554	73	511	126
1878	284	210	196	690	444	78	313	65
1879	412	179	184	775	473	92	339	171
1880	394	163	149	696	465	63	292	112
1881	373	157	189	719	330	60	201	86

Small Cause
Courts.

There is no Small Cause Court in Kánara. Since October 1880 the sub-judges of Honávar and Kumta have been given the powers of a small cause court judge. In 1881 the number of small cause suits decided by them was 526.

There is no arbitration court in Kánara.

Registration.

The work of Registration employs ten sub-registrars of whom eight are special officers and two are head clerks to mámlatdárs and maháلكaris. The special sub-registrars have been appointed since April 1882. One of these sub-registrars is stationed at each petty divisional and sub-divisional head-quarters. In addition to the supervision of the Collector as District Registrar and his assistant and deputy collectors, the sub-registrars are subject to the control of the Inspector-General of Registration and Stamps. According to the registration report for 1881-82 the registration receipts for the year amounted to £1078 (Rs. 10,780) and the charges to £787 (Rs. 7870) leaving a balance of £291 (Rs. 2910). Of 4155, the total number of registrations, eighteen were wills, 664 were deeds relating to movable property, and 3473 were deeds relating to immovable property. Of the 3473 documents relating to immovable property, in addition to 1448 miscellaneous instruments, eighteen were deeds of gift, 978 were deeds of sale, and 1029 were

mortgage deeds. The registered value of the total immovable property transferred was £101,784 (Rs. 10,17,840).

At present (1883) twenty-six officers share the administration of criminal justice. Of these six are magistrates of the first class and twenty of the second and third classes. Of the magistrates of the first class three are covenanted European civilians, one is a European uncovenanted civilian, and two are natives. The District Magistrate has a general supervision of the whole district, while each of the first class magistrates, as assistant or deputy collector, has an average charge of 782 square miles and 84,368 people. In 1882 the first class magistrates decided 227 original criminal cases and fifty-four criminal appeals. The average charge of the twenty second and third class magistrates, all of whom are natives, is 195.5 square miles with a population of 21,092. In 1882 these magistrates decided 1327 original criminal cases. Besides their magisterial duties these officers exercise revenue powers as *mámlatdárs* or the head clerks of *mámlatdárs*. Besides these, 744 police *patils* who also do revenue work, are entrusted with petty magisterial powers under the Bombay Village Police Act (VIII. of 1867). Of the whole number, twenty-five, under section 15 of the Act, can in certain cases fine up to 10s. (Rs. 5). The others under section 14 cannot fine and can imprison for only twenty-four hours.

There is no regular Village Police. The revenue headman or *pátíl*, as a rule, performs the duties of a police headman. A new revenue head is appointed on probation for six months or a year, and, when he is considered to have gained sufficient experience, is given a police deed or *sanad* under the authority of the Divisional Commissioner. Both in revenue and police duties the village headman is assisted by the village watchmen, *shetsandis* or militia, and *ugránis* or messengers. In villages where the headman has no police-deed the headman of a neighbouring village looks to the police work. The Superintendent of Police has no power over the village police. The system of patrol by the district police is carried on in the regular way, each post having its appointed area which is patrolled by the officers and men in charge of the post. The village headman has no separate emoluments for his police duties.

The chief local obstacles to the discovery of crime and the conviction of offenders are the difficult nature of the country, its hills forests and broad estuaries, and the neighbourhood of Goa in the north and of Maisur in the south. Forgery and the fabricating of false documents are the characteristic crimes of the higher classes. Crimes of violence are rare and serious agrarian offences are unknown. During the rice harvest disputes constantly arise about the right to cut the crop. But the ground of dispute is possession and the quarrels do not lead to agrarian disturbance. Few if any crimes arise from the pressure of creditors. Cases of professional poisoning are rare.

There are no unsettled hill or forest tribes. The low class Halepáiks and Komárpáiks, who were formerly bandits and gang-robbers, have now taken to husbandry and in ordinary times are as orderly as Kunbis. There are few wandering tribes except

Chapter IX.

Justice.

Magistracy.

Village Police.

Crime.

Criminal Classes.

Chapter IX.**Justice.****Criminal Classes.**

Lambánis. The Lambánis or Vanjárís pass through Kánara in considerable numbers during the fair season with their bullocks carrying grain from Belgaum and Dhárwár to the coast or to river ports. Formerly they used to commit robberies on their return journeys, and the speed with which they moved and the nearness of Maisur and Goa often prevented the police from bringing offenders to justice. The district is at present free from Lambáni depredations though other gang-robbers occasionally come from Goa or Maisur and commit offences in the district.

Police,
1881.

In the year 1881 the total strength of the district or regular police force was 663. Of these, under the District Superintendent, two were subordinate officers, 105 inferior subordinate officers, and 555 foot constables. The cost of maintaining this force was for the Superintendent a total yearly salary of £1200 (Rs. 12,000); for the subordinate officers on yearly salaries of not less than £120 (Rs. 1200), and the inferior subordinate officers on yearly salaries of less than £120 (Rs. 1200), a total yearly cost of £2785 12s. (Rs. 27,856); and for the foot constables a cost of £5646 2s. (Rs. 56,461). Besides their pay a total sum of £240 (Rs. 2400) was yearly allowed for the horse and travelling allowances of the Superintendent; £326 10s. (Rs. 3265) for the pay and travelling allowances of his establishment; £241 6s. (Rs. 2413) for the horse and travelling allowances of subordinate officers; and £765 4s. (Rs. 7652) a year for contingencies and petty charges. Thus the total yearly cost of maintaining the police force amounted to £11,204 14s. (Rs. 1,12,047). On an area of 3910 square miles, and a population of 421,840, these figures give one constable for every 5·9 square miles and 636 people and a cost of £2 17s. 3½d. (Rs. 28-10-6) to the square mile, or 6¼d. (4¼ as.) to each head of the population. Of the total strength of 663, exclusive of the Superintendent, thirteen, one officer and twelve men, were in 1881 employed as guards at district, central, or subsidiary jails; seventy-nine, four of them officers and seventy-five men, were engaged as guards over treasuries and lock-ups, or as escorts to prisoners and treasure; 570, eighty-five of them officers and 485 men, were stationed in towns, municipalities, and cantonments. Of the whole number, exclusive of the Superintendent, 380 were provided with fire-arms and nine with swords or with swords and batons; and 273 were provided with batons only. 239, of whom fifty-eight were officers and 181 men, could read and write; and fifty-five, of whom four were officers and fifty-one men, were under instruction.

Except the Superintendent and one constable, who were Europeans, the members of the police force were all natives of India. Of these, thirty-six officers and 228 men were Muhammadans, twelve officers and sixteen men Bráhmans, two officers Rajputs, fifty-four officers and 261 men Maráthás, and two officers and forty-five men Christians.

The police are recruited chiefly in the district, and in Ratnágiri and Sávantvádi, and to a less extent from Belgaum, Dhárwár, Goa, and Maisur. Besides the local recruits there are about half a dozen Pardeshis from Cawnpur and Lucknow. Nearly half of the force are Ratnágiri and Sávantvádi Muhammadans.

The returns for the eight years ending 1881 show a total of thirty murders, thirty-six culpable homicides, thirty-nine cases of grievous hurt, 124 gang and other robberies, and 16,577 other offences. During these eight years the total number of offences gave a yearly average of 2100 or one offence for every 200 of the population. The number of murders varied from two in 1877 and 1880 to seven in 1881 and averaged four; culpable homicides varied from two in 1875 to nine in 1880 and averaged four; cases of grievous hurt varied from two in 1876 and 1879 to ten in 1875 and averaged five; gang and other robberies varied from eight in 1874 and 1875 to thirty in 1877 and averaged fifteen; and other offences varied from 1544 in 1874 to 2602 in 1878 and averaged 2072 or 98.66 per cent of the whole. Of the whole number of persons arrested the convictions varied from thirty-six per cent in 1875 to sixty-three in 1877 and averaged fifty-three per cent. The percentage of stolen property recovered varied from thirty in 1879 to sixty-nine in 1875. The details are :

Kánara Crime and Police, 1874-1881.

Chapter IX.
Justice.
Offences.
1874-1881.

YEAR.	OFFENCES AND CONVICTIONS.															
	Murder and Attempt to Murder.				Culpable Homicide.				Grievous Hurt.				Dacoities and Robberies.			
	Cases.	Arrests.	Convictions.	Per-cent- age.	Cases.	Arrests.	Convictions.	Per-cent- age.	Cases.	Arrests.	Convictions.	Per-cent- age.	Cases.	Arrests.	Convictions.	Per-cent- age.
1874	3	3	2	66	4	5	3	60	4	4	3	75	8	84	8	9
1875	4	3	2	25	2	2	1	50	10	11	5	45	8	12	8	66
1876	4	3	1	33	5	5	2	40	2	6	5	83	15	33	3	9
1877	2	3	1	12	5	5	2	40	6	13	10	77	30	160	75	47
1878	4	7	...	...	3	4	2	50	3	1	1	100	16	8	3	8
1879	4	9	2	22	4	4	2	50	2	4	...	...	10	36	1	3
1880	2	10	7	70	9	10	2	20	6	13	8	61	25	15	5	6
1881	7	9	4	44	4	4	1	25	7	8	8	100	12	11	7	63
Total ...	30	57	19	33	36	39	15	38	39	60	40	66	124	359	108	30

YEAR.	OFFENCES AND CONVICTIONS—continued.											
	Other Offences.				Total				Property.			
	Cases.	Arrests.	Convictions.	Per-cent- age.	Cases.	Arrests.	Convictions.	Per-cent.	Stolen.	Re-covered.	Per-cent- age.	
1874	1544	2560	1157	45	1563	2656	1173	44	£ 3712	£ 2346	60	
1875	1719	3170	1234	39	1743	3208	1250	36	5463	3798	69	
1876	1705	2653	1400	53	1731	2700	1411	53	2854	1170	41	
1877	2327	3496	2207	64	2369	3622	2295	63	4069	2013	49	
1878	2602	2464	1530	62	2628	2484	1538	62	6242	4203	67	
1879	2492	2333	1655	59	2512	2386	1660	58	2409	745	30	
1880	2252	2507	1372	55	2294	2555	1390	54	3818	2377	62	
1881	1936	2202	1080	49	1966	2234	1100	49	3668	1819	50	
Total ...	16,577	21,825	11,635	53	16,806	22,340	11,817	53	32,295	18,369	57	

Besides the lock-up at each mámlatdár's office, there is a district jail at Kárwár. The number of convicts in the Kárwár jail on the 31st of December 1881 was ninety-six, of whom eighty-nine were males and seven females. During the year 1882, 155 convicts, of whom 146 were males and nine females, were admitted, and 179

Jails.

Chapter IX.

Justice.

Jails.

of whom 167 were males and twelve females, were discharged. During the year the daily average of prisoners was ninety-five and at the close of the year the number of convicts was seventy-two, of whom sixty-eight were males and four females. Of these twenty-eight males were sentenced for not more than one year; sixteen males and two females were for over one year and not more than two years; nineteen males and one female were for more than two years and not more than five years; four males and one female were for between five and ten years; and one female was for over ten years. There were no life-prisoners nor any convicts under sentence of transportation. The daily average number of sick was 2.1. During the year one prisoner died of bowel complaint. The total cost of diet was £170 (Rs. 1700) or an average of £1 15s. 6d. (Rs. 17½) to each prisoner. The chief jail industries are cane-work, weaving, and carpentry.¹

¹ Details are given above p. 74.