

CHAPTER XII

LAW AND ORDER, AND JUSTICE

The ex-State of Kalahandi being on the borders of some areas of the then Madras Presidency, the Central Provinces, and the Patna ex-State, served as the resort of many refugees and the wild inhospitable tracts of the Eastern Ghats served as the ideal abode for criminals since long. As reported by L. E. B. Cobden-Ramsay in his Feudatory States of Orissa, crime was heavy in the ex-State of Kalahandi for which a strong and efficient police-force had to be maintained. The Kandhas and Doms of this tract were always ready to join any adventure on a plan of dacoity and looked upon it as a kind of sport not unlike their hunting parties. In the first decade of the 20th century the average number of all kinds of cases was generally about 900 per annum.

It is evident from the old records in the district archives that dacoities within the ex-State were committed mostly by organised gangs from Madras Presidency, Patna ex-State, Bastar and other neighbouring areas. In 1912, for example, it is said that there was not a single active gang within the ex-State to commit dacoity. Two dacoities committed in Lanjigarh and two in Kashipur areas were the act of a Madras gang. A gang from the Patna ex-State was responsible for two cases of dacoity in Narla and Madanpur-Rampur.

The total number of cognizable cases reported to the police during the year 1914-15 was 1,139 against 1,184 in the previous year. The police-force of late years had been very considerably improved and the strenuous efforts made to stamp out dacoity on this long and exposed border had met with success. Two dacoities were committed by Jeypore gangs in 1914-15. Two members of one gang and three of the other were arrested and convicted. Extradition warrants had been issued by the Political Agent for the arrest of 10 absconders belonging to these two gangs. There was not a single active gang in the State limits then.

The following table shows the state of crime in the ex-State in 1914-15 as compared with the previous years.

Offence	Period					
	1910-11	1911-12	1912-13	1913-14	1914-15	
(1)	(2)	(3)	(4)	(5)	(6)	
Dacoity	..	7	2	6	5	2
Robbery	..	5	4	4	11	5
House-breaking	..	287	255	228	228	226
Cattle-theft	..	111	59	64	67	47
Ordinary theft	..	347	460	435	451	392

During 1921-22 two cases of dacoity were reported against 10 in the preceding year. The gang of notorious Jagabandhu Domb was implicated in three charge-sheet cases of the previous year and one of the current year. 10 members of the gang were all residents of the Agency Division of Madras and of the Bastar State in Central Provinces. Another prominent member of the gang named Khunti Domb received a gun shot while resisting arrest in a raid by the Agency Police, Madras, and died subsequently. Jagabandhu Domb, the leader of the gang, with his associates took shelter in the Agency Division. But after Khunti Domb was shot dead, he shifted to Bastar State after committing some dacoit in the Agency Division. A party of the State Police was deputed to Bastar State in pursuit of the gang who succeeded in arresting 8 of them. But Jagabandhu Domb, the notorious ringleader, eluded arrest. In November, 1921 he with 5 other accomplices entered the State and after committing a dacoity in the Junagarh police-station limits, made good his escape to Bastar State. Two constables of the Armed Reserve of the State Police were again deputed to Bastar who succeeded in arresting Jagabandhu after shooting him on the leg.

Another local gang under the leadership of Haldia Domb was responsible for a number of highway robberies and house-breaking especially in the hilly areas. They took refuge in the inaccessible and isolated parts of the hill together with their families. They used to commit depredation on simple and innocent Kandhas and evaded arrest by taking refuge in their special hideouts. During 1921-22, the leader Haldia Domb and two of his associates were shot dead in the thickest part of the jungle offering resistance to arrest. During the year, there were 12 cases of robberies out of which 10 were committed by Haldia (alias Bachu) Domb.

In 1922, two dacoities were committed by a gang consisting of some returned emigrants of Assam tea gardens. Both these were committed on the road on the border of Madras Presidency.

It is significant to mention that during 1925-26 out of a total of 432 cases reported to the police, 12 cases related to murder and culpable homicide and 3 cases to dacoity.

In 1929-30 the number of cases reported to the police was 353 against 347 cases in 1928-29. Most of the cases were ordinary and were not of much importance.

During 1935-36, 7 cases of murder and 3 cases of culpable homicide were reported to the police. Besides, 38 cases under Excise Act and 3 under Opium Act were also reported. Out of 3 cases of smuggling of opium 2 were from Ganjam side and one from Jeypore side.

The following table shows the state of crimes for the year 1935-36 as compared with those for the 4 preceding years :

Offence (1)	Period				
	1931-32 (2)	1932-33 (3)	1933-34 (4)	1934-35 (5)	1935-36 (6)
Dacoity	..	..	..	1	..
Robbery	..	..	..	1	2
House-breaking	..	85	101	100	123
Cattel theft	..	23	16	17	23
Ordinary theft	..	123	142	139	165

Thus it is seen that burglary and theft were found to be the chief forms of crime in the district. Dacoity and robbery had been arrested to a very considerable extent. In 1951 total cases of offences reported to the police were 484 of which 14 were cases of murder, 1 of dacoity, 2 of robbery, 192 of burglary and 275 cases of theft.

In 1961, the district witnessed a total of 757 criminal cases which comprised 26 cases of murder, a single case of dacoity, 3 cases of robbery, 137 cases of burglary, 259 cases of theft and 331 miscellaneous cases. Thus, during this decade though the cases of dacoity and robbery remained almost constant, the incidence of murder showed an upward trend.

After 7 years, in 1968 it was found that of a total number of 993 cases of crimes, the majority of cases were that of theft, burglary being the next. There was no remarkable change in the incidences of murder as it remained at 26.

Right from the dawn of independence until recently, no case of unusual nature has occurred in the district. Gang dacoity, smuggling, and sex crimes are not a problem in this district. As regards murder, most of the Adivasis who are addicted to liquor do not hesitate to commit murder on the slightest provocation and for petty matters. The Scheduled Castes people who had no other means of livelihood, generally used to indulge in crimes against property. Preventive measures have been taken to curb their activities.

The following table shows the incidence of different types of crimes in the district from 1972 to August, 1975.

Year	Offences								
	Murder	Suicide	Dacoity	Robbery	Burglary	Rioting	Theft	Juvenile Delinquency	Total
1972	..	20	36	1	15	221	52	451	1,331
1973	..	23	47	1	11	230	36	433	1,416
1974	..	32	48	4	20	250	61	444	1,450
*1975	..	21	41	8	18	265	41	390	1,119

*Figures relating to Murder, Dacoity, Robbery, Burglary, Theft and Total are up to August 1975.

The province of Nagpur lapsed to the crown in 1853 when, 'Karond' (Kalahandi) came under the jurisdiction of the British Government. It is only after the British supremacy over the State that the police was organised not in a regular way but with a small posse of men who acted as the protecting wing of the administration. Raja Raghu Kishore Deo ascended the throne in 1894 and was murdered in 1897. Then the State passed on to the Court of Wards till 1916-17. During this period, the State police started functioning in a more regular manner.

According to Cobden-Ramsay, in 1907-08 the police were in charge of a British Inspector of Police. The civil police consisted of one Inspector, two Sub-Inspectors, 14 Chief Constables, 51 Head-Constables and 268 Constables with a civil reserve of one Chief Constable, 3 Head-Constables, and 29 men. From time to time it had been necessary to locate special police on the borders. Of the force, 68 men were drilled and trained in the use of arms. In former days the zamindars maintained their own police, but this, as elsewhere, had been abolished. The 'Paiks' rendered both military and civil services acting as a curde police-force. In the same year the 'Paiks' still numbered 446 and were organised under regular officers, viz., Senadhakshya (commander-in-chief) 1, Sardars (equivalent to captains) 4, Naiks (equivalent to subahdars) 30, Nalia sepoys (armed with antiquated muzzle-loading country guns) 334, drummers 25, gauras or luggage carriers 52, total 446. The distribution of the above force according to caste was as follows : Brahmans 3, Rajputs 2, Paiks 150, Dhakud Paiks 21, Banka Paiks 164, Karan 17, Bairagi 1, Teli 1, Malis 2, Bhandari 1, Gauras 11, Gonds 3, Moslems 2. The entire police-force was appointed and controlled by the ex-State.

In 1914-15 a Deputy Superintendent of the British Police had assumed charge of the State Police. He was under the immediate control and supervision of the Superintendent. The force consisted of 2 Circle Officers, 15 Chief Constables, 54 Head-Constables, 297 Constables, and 4 men (1 Dafadar and 3 Sawars) of the mounted police. The above figures included the Civil Reserve Police which consisted of one Chief Constable, 3 Head-Constables and 29 Constables. No special police was entertained during the year. The number of police-stations, out-posts, and road-posts, were 12, 23 and 4 respectively. The proportion of the police-force to the total population was 1 : 1,140 persons and that to area 1 : 10 square miles. There were 1,595 Chowkidars in the year 1914-15. There was not much change in the organisation of police in the ex-State during next two decades.

The numerical strength of the police-force of the ex-State in 1935-36 consisted of 2 Circle Officers, 14 Sub-Inspectors, 39 Head-Constables, 1 Drill Instructor, 1 Bugler, 239 Constables, 1 Sawar Dafadar and 3

Sawars. A Superintendent of Police remained in charge of the Department. No special police was entertained during the year. Regular training in the use of fire arms was given to all constables. During the year there were 1,681 Chowkidars in the ex-State. There were 11 police-stations and 16 out-posts in the ex-State in 1935-36.

In 1941-42, the police-force consisted of 326 men. The Armed Reserve Police comprised 1 Subadar, 3 Head-Constables, 1 Bugler, 40 Constables, 1 Sawar Dafadar and 3 Sawars. An additional number of 10 police constables were appointed as special police from the 1st September, 1940 for maintenance of internal security and strict vigilance over borders, roads, telegraphs and telephone lines.

**Organisation
of Police-
force after
Merger**

When the Maharaja of Kalahandi signed the instrument of accession for the merger of Kalahandi State with the Province of Orissa with effect from the 1st January, 1948, the strength of police-force then consisted of 1 Superintendent of Police, 4 Inspectors, 26 Sub-Inspectors, 47 Assistant Sub-Inspectors, 7 Havildars and 288 Constables. From the 1st day of 1948 the ex-State was treated as a subdivision under Balangir Patna district till the 1st November, 1949, when Kalahandi subdivision together with Nawapara subdivision of Sambalpur district was declared as a separate district with Bhawanipatna as its headquarters.

At present the sanctioned strength of police-force in the district includes one Superintendent of Police who controls the police-force of the district, one Deputy Superintendent of Police, 7 Inspectors, one Reserve Inspector, 2 Sergeants, 39 Sub-Inspectors, 60 Assistant Sub-Inspectors, 2 Havildar Majors, 40 Havildars, 10 Naiks, 8 Lance Naiks, 23 Writer Constables and Literate Constables and 580 Constables.

The police establishment in the district is placed under the Deputy-Inspector-General, Southern Circle, Berhampur.

The district, at present, has five police circles and 16 police-stations and 21 out-posts a list of which is given in Appendix I.

Civil Police

The ordinary reserve of the district which mainly provides staff to the civil police consists of 7 Inspectors, 37 Sub-Inspectors, 60 Assistant Sub-Inspectors, 8 Havildars, 23 Writer Constables and Literate Constables and 580 Constables. They are primarily meant for detection and prevention of crime and for restoration of law and order.

**Armed
Reserve**

To meet emergency, to deal with law and order problems when the ordinary reserve staff fail to manage the situation, to escort police arms and ammunition and prisoners, to guard treasury and banks and vital institutions like telegraph, railway, etc. there is an Armed Reserve Police-force consisting of one Reserve Inspector, 2 Sergeants, 2 Drill Sub-Inspectors, 2 Havildar Majors, 32 Havildars, 10 Naiks, 8 Lance Naiks and 211 Constables.

Police staff have been posted in the Subdivisional Courts of the district for prosecution of police cases. The staff comprise 1 Inspector, 2 Sub-Inspectors, 2 Assistant Sub-Inspectors and 7 Constables in Sadar Court; 1 Sub-Inspector, 1 Assistant Sub-Inspector and 4 Constables in Nawapara Subdivisional Court; and 1 Sub-Inspector, 1 Assistant Sub-Inspector and 4 Constables in Dharamgarh Subdivisional Court.

Prosecution
Staff

The District Home-Guard Organisation was established in 1965 with a number of 80 Urban Home-Guards and 900 Rural Home-Guards. The aim and objective of the organisation is to maintain law and order in the society, to have trained personnel besides military and police, to act in emergency and to help police department at the time of natural calamities, local festivals, elections, strikes etc. Training in fire fighting, rescue operations, civil defence and Thana maintenance are being imparted to them. They are paid Duty Call-up Allowance when they are called for any duty. At present there are 390 Urban Home-Guards including 31 women. The strength of Rural Home-Guards is 255.

Home-Guard

There is no traffic police sanctioned for the district, nor there is any traffic standpoint in any town of the district. But occasionally the district policemen are employed for the purpose as and when necessary. The number of traffic offences committed in the district were 80, 60, 67 and 55 in 1972, 1973, 1974 and 1975 (till 31st August) respectively.

Traffic
Police

The Superintendent of Police, Vigilance, Southern Division, Berhampur, controls the vigilance staff of the district. The district comprises two vigilance squads one at Bhawanipatna and the other at Khariar Road. Each squad consists of one Inspector and 3 Constables. During the years 1968 to 1972 both the squads dealt with 85 file enquires and 7 criminal cases.

Vigilance

The statement below shows the number of vigilance cases handled by each squad from 1973 to 1975.

Name of the Squad	Year	Criminal cases investigated	Enquiries conducted	Preliminary enquiries held	Tax evasion cases	Cases under the Essential Commodities Act
Bhawanipatna Squad	1973	3	9	23	16	1
	1974	1	6	7	18	1
	1975	..	7	14	16	5
Khariar Road Squad	1973	..	12	9	11	7
	1974	2	10	5	5	3
	1975	..	2	4	3	1

Wireless

There are three wireless stations in the district established at Bhawanipatna, Nawapara and Khariar (at Jonk). The sanctioned strength of the post consists of 2 Sub-Inspectors and 8 Assistant Sub-Inspectors. The wireless stations at Bhawanipatna and Nawapara were incepted in 1948 while that of Khariar (at Jonk) was set up in 1965.

Pigeon Service

Three pigeon lofts which function in the district are located at Bhawanipatna, Khariar police-station and Kutru out-post under Jayapatna police-station. Four Constables have been sanctioned for the purpose.

Intelligence Staff

The district has two intelligence staff establishments one at Bhawanipatna and the other at Kesinga. In these two establishments 1 Inspector, 2 Sub-Inspectors, 2 Assistant Sub-Inspectors and 4 Constables have been appointed.

Fire Station

The 'C' class Fire Station at Bhawanipatna is the only fire station in the district which was established on the 1st September, 1970. The staff comprises one Station Officer, two leading Firemen, two Driver Havildars and thirteen Firemen. The Fire Station is well equipped with three vehicles and three pumps.

The statement given below shows the number of fire calls attended, value of property saved and lost in the district of Kalahandi from 1970 to 1975.

Year	No. of fire calls	Value of property saved (in Rs.)	Value of property lost (in Rs.)
1	2	3	4
1970	.. 1	3,00,000'00	70,000'00
1971	.. 5	30,200'00	240'00
1972	.. 12	2,58,700'00	5,250'00
1973	.. 15	1,38,659'00	1,50,860'00
1974	.. 14	1,58,603'00	1,46,872'00
1975	.. 17	11,66,500'00	1,13,975'00

The only fire call attended in 1970 was from a bamboo depot.

Village Police

The Chowkidars and the Jhankars constituted the village police in the district. Though not police officials, the Chowkidars in the villages performed the duty of policemen like reporting commission of offences, movement of professional criminals and arrival and departure of strangers. Besides, they helped the police in the detection of crimes. They used to go to the police-station every week to submit

the statistics of births and deaths in the villages. The Jhankars were assisting the Chowkidars and were worshipping the village deity. The Chowkidars as well as the Jhankars were remunerated with jagir lands or were paid by the Government. The Chowkidari system was abolished in the district from 1st May, 1965, and the Chowkidars were replaced by Beat Constables from that date. Alongwith the Chowkidars the Jhankars also ceased to function as village police. But the Jhankars still perform the worship of the village deity for which they are remunerated by the Government. 85 Beat Constables were appointed, but the Beat Constable system was not found to be efficacious. Thus the system was abolished from 31st January, 1967 and Gram Rakhis were appointed. 972 Gram Rakhis were working in the district in July 1974.

The Jail at Bhawanipatna, the headquarters of the district, was constructed during the ex-State administration. According to Cobden-Ramsay in 1907-08 this jail was well managed and well appointed. The jail worked on the model of jail in British India. It had an accommodation capacity of over 300 prisoners. The average daily number of prisoners in the jail was 353.

JAILS
District Jail,
Bhawanipatna

In 1935-36, in view of the existing accommodation for 432 prisoners in the jail there was no overcrowding. The daily average of convicts in the jail was 88.34.

During the Durbar regime, the staff of the jail consisted of one Jailor, one Naib Jailor, two Head Warders, two Gate Warders and eighteen Male Warders. The Chief Medical Officer of the State was the part-time Superintendent of the Jail and the Sub-Assistant Surgeon of the main dispensary of Bhawanipatna was in charge of the Jail Hospital.

The Jail at Bhawanipatna with the Sub-jail at Nawapara came under the regular administration of the Government when the Rulers of the ex-States signed an Instrument of Accession on the 1st January, 1948. The Sub-jail at Dharamgarh was established after independence. The district jail controls the warder's establishment of the two sub-jails in the district.

The Chief Medical Officer of the district was the part-time Superintendent of the District Jail from the date of merger of the State till the 8th May, 1973, but since 9th May, 1973, a wholetime Superintendent from Jailors' cadre has been appointed for the purpose. The present staff at the District Jail consists of one Jailor, one Assistant Jailor, one Sub-Assistant Jailor, one Assistant Surgeon, one Welfare Officer and a number of other subordinates.

The Jail provides accommodation for 248 prisoners (231 males and 17 females).

The average daily population of the District Jail for the years 1968—75 is given below :

Year		Male	Female	Total
1968	..	254.35	8.48	262.83
1969	..	217.26	7.14	224.40
1970	..	212.36	4.48	216.84
1971	..	166.25	4.76	171.01
1972	..	203.94	5.99	209.93
1973	..	239.89	5.18	245.07
1974	..	223.91	4.8	228.71
1975	..	338.32	5.0	343.32

Under the Maintenance of Internal Security Act (MISA) the average daily population of the District Jail was 0.42 and 2.26 in the years 1974 and 1975 respectively.

The statement given below shows the number of various types of convicts released on expiry of terms, on appeal and on remission of sentences from the District Jail from 1968 to 1975.

Year	On Expiry			On Appeal			On Remission		
	Male	Female	total	Male	Female	Total	Male	Female	Total
1968 ..	158	..	158	3	..	3	47	..	47
1969 ..	76	4	80	3	..	3	55	..	55
1970 ..	380	2	382	6	..	6	52	2	54
1971 ..	98	1	99	4	1	5	13	..	13
1972 ..	54	..	54	6	..	6	44	..	44
1973 ..	139	2	141	..	..	..	49	..	49
1974 ..	103	..	103	..	..	..	45	..	45
1975 ..	132	5	137	3	..	3	66	..	66

Nawapara
Sub-Jail

The Nawapara Sub-jail, a 'C' class jail, was established in 1941. At present the staff comprises one part-time Superintendent (the Medical Officer of the subdivision), one Sub-Assistant Jailor, one Head Warder, six Warders and one sweeper. The accommodation capacity of the Sub-Jail is 23 prisoners (18 males and 5 females). Altogether there are 7 wards in the jail.

The average daily population of Nawapara Sub-jail from 1968 to 1975 is given below:

1968 ..	45.39
1969 ..	67.85
1970 ..	65.71
1971 ..	35.95
1972 ..	37.97
1973 ..	41.92
1974 ..	39.09
1975 ..	103.78

The Dharamgarh Sub-jail was incepted on the 1st September, 1954. It is a 'C' class jail consisting of 4 wards. It has an accommodation for 42 prisoners. The staff includes one part-time Superintendent who is the Medical Officer of the subdivision, one Sub-Assistant Jailor, one head warder, four warders and one sweeper.

Dharamgarh
Sub-Jail

The average daily population of the Sub-Jail from 1968 to 1975 is furnished below :

1968 ..	40.32
1969 ..	41.98
1970 ..	33.52
1971 ..	30.60
1972 ..	42.81
1973 ..	43.69
1974 ..	41.42
1975 ..	104.75

There is a 12-bedded hospital attached to the District Jail, Bhawani-patna. A Medical Officer and a Pharmacist have been appointed in the Jail to take care of the health of the prisoners. The Chief District Medical Officer pays visit to the Jail whenever necessary. Necessary equipments, medicines and special diet for the ailing prisoners are provided from the Jail budget.

Medical,
Educational
and Recrea-
tional facili-
ties

There is no hospital attached to the Sub-Jail either at Dharamgarh or at Nawapara. The Superintendent, who is also the Medical Officer of the Sub-Jail, looks after the patients. The required medicines are either brought from the local hospital or purchased by the jail authorities.

The prisoners of the District Jail are given vocational training in crafts like weaving, duree and *asan* making, carpentry, smithy and garden- ing so as to make them useful citizens and to enable them to earn their livelihood. There is a Carpentry Instructor in the Jail employed for the purpose.

There is a school in the District Jail to wipe out illiteracy among the prisoners and to make them useful citizens. In the school the prisoners are imparted teaching in 3 R.s. (Reading, Writing and simple Arithmetic) by a trained teacher. There is a Jail library to make the prisoners interested in reading.

For the moral uplift of the prisoners a religious instructor has been appointed in the District Jail who visits the Jails on Sundays and other festive occasions to impart moral teaching to the prisoners.

As an idle brain is the devil's workshop, for the better utilisation of leisure the prisoners are provided with a good radio set, some newspapers and periodicals. They are allowed to play volley-ball and other local games. The prisoners are also allowed occasionally to perform *ghumra dance* which is very popular in the district.

Treatment of Prisoners

The treatment offered to different categories of prisoners is strictly in accordance with the Jail Manual. The under-trials are kept segregated from the convicts, and the habituals are kept separated from the casuals. The deterrent form of punishment of the Durbar regime has become obsolete. The reformation form of punishment is the rule of the day. The prisoners are allowed to write letters to their friends and relatives, to make petition to higher authorities with regard to their case affairs, and after conviction, to file appeal to the next appellate court. To look to the welfare of the prisoners a Prison Welfare Officer has been appointed at the District Jail. He acts as liason officer between the prisoner and his relations. He attends to the letters, petitions, appeals and interviews of the prisoners. This apart, he delivers lectures to the prisoners with a view for their ultimate rehabilitation in the society after release. He pursues the cases for premature releases, parole and furlough releases with the local authority for speedy action.

Board of Visitors

The Board of Visitors at the District Jail includes five non-official members including a lady member. The District Magistrate acts as the Chairman. Dharamgarh Sub-jail and Nawapara Sub-jail each has three non-official visitors. The Board of Visitors meets every three months. The members go around the jail, look to the grievances of the prisoners, the sanitary arrangement made for them, the food served to them and the clothing provided. They suggest various remedial measures to be undertaken by the Government to improve the condition of the Jail and prisoners.

After-Care Shelter

The inception of the After-Care Organisation in the district of Kalahandi dates back to the 21st day of December, 1958. The Superintendent of Jail (After-Care Services), Balangir, has jurisdiction over this After-Care Organisation. The main function of the After-Care is to reform and rehabilitate the discharged prisoners from jails. It provides

boarding, lodging facility and vocational training with a view to fit the individual into a job. Besides, it provides monetary help, legal guidance and other helps to have reunion with the family that has been delinked due to imprisonment. Inmates are selected and sent to Central Home for men, Baripada, for further treatment.

The following table gives a year-wise account of the number of inmates admitted to and discharged from the After-Care Organisation for social rehabilitation from 1959 to 1975.

Year		No. of inmates admitted	No. of inmates discharged for social rehabilitation	No. of inmates discharged for vocational rehabilitation
(1)		(2)	(3)	(4)
1959	..	17	17	..
1960	..	15	15	..
1961	..	24	23	1
1962	..	16	16	..
1963	..	23	23	..
1964	..	33	31	2
1965	..	29	29	..
1966	..	25	25	..
1967	..	17	16	1
1968	..	24	23	1
1969	..	31	28	3
1970	..	25	24	1
1971	..	32	30	2
1972	..	26	25	1
1973	..	6	6	..
1974	..	3	3	..
1975	..	..	..	..

It seems regular courts were constituted after the British supremacy over the area. In 1882, a British Officer was appointed as Political Agent with headquarters at Bhawanipatna to manage the ex-State and criminal and civil courts in their modern concept were established. The powers of the Ruler in the sphere of administration of justice was regulated by the Sanad of 1867 revised in 1905. In the first decade of this century the Chief continued to possess full powers in both criminal and civil matters except that capital sentences had to be submitted to the Commissioner of Orissa Division for confirmation. Before this, the ruler

JUSTICE

governed as the fountain-head of justice and had powers even to pass capital punishment. There was a Superintendent and an Assistant Superintendent. The Superintendent exercised the powers of the Chief except that sentences passed by him exceeding seven years were subject to the confirmation by the Political Agent. The Assistant Superintendent exercised the powers of a first class magistrate. The Zamindars also were sometimes invested with small civil powers. Work-load on the civil side was not heavy, the majority of cases were of petty nature—below Rs. 50·00 in value.

Towards 1914-15, in the ex-State, there were 7 judicial tribunals, viz., courts of the Superintendent, Assistant Superintendent, Tahsildar, Naib Tahsildar, Zamindar of Mahulpatna, Zamindar of Kashipur and Zamindar of Lanjigarh. During 1914-15 the total number of criminal cases brought to trial was, 1,138 and the total number of criminals implicated in the cases brought under trial was 1,580. The ratio of criminals to population was 1:265. So far as the Civil side is concerned a number of 613 civil suits were instituted during the year 1914-15. Including 54 suits pending from the previous year the total number of suits was 667 out of which 635 were disposed of during the year. The ratio of litigants to the total population was 1:1,302. In the mid-thirties of this century, besides the court of the Maharaja, the ex-State had nine criminal courts viz., the court of the Dewan, the Second Officer; the Tahsildar; the Naib Tahsildar, Sadar; the Naib Tahsildar, Thuamul-Rampur; the Zamindar, Madanpur-Rampur; the Zamindar, Mahulpatna; the Zamindar Lanjigarh and the Zamindar, Kashipur. The Ruling Chief exercised the highest criminal powers in the ex-State. He exercised the powers of High Court, entertaining appeals against the decision of the Dewan who, acting as Sessions Judge, heard criminal appeals against the orders of all the subordinate magistrates. In 1935-36 the total number of criminal cases was 582 and a total of 759 persons were found to be accused. The ratio of criminals to population was 1:676·8.

Excluding the court of the Ruling Chief, there were six civil courts in the ex-State of Kalahandi. The Feudatory Chief as the High Court heard all appeals against the original or appellate orders of the Dewan. The Dewan acted as the District Judge and tried all original suits exceeding Rs. 500·00 in value. He, too, heard first appeals against the decision of all the subordinate civil courts. The Tahsildar as Munsif tried civil suits of all descriptions not exceeding Rs. 500·00 in value. The monetary value of suits tried by Naib Tahsildar and Additional Naib Tahsildar were similarly fixed at Rs. 100·00 and Rs. 50·00 respectively. In the year 1935-36 the number of civil suits instituted was 190. Thirtyseven cases were pending from the previous year. Thus out of

the total number of 227 suits 201 cases were disposed of out of which 131 were of Rs. 50·00 or below in value, 36 cases were below Rs. 100·00, 28 below Rs. 300·00, 2 below Rs. 500·00, 3 below Rs. 3,000·00 and 1 below Rs. 5,000·00.

The Maharaja, in 1941, sitting with the Dewan exercised the powers of High Court. The Second Officer, however, was vested with the powers of the District Judge and District Magistrate and heard civil and criminal appeals against the orders of the subordinate courts. He also exercised the powers of a Subordinate Judge in the trial of civil suits exceeding Rs. 500·00 in value. Besides the High Court, 8 civil and criminal courts were functioning in the ex-State in 1941. The Maharaja's order No. 2419, dated the 1st October, 1942 issued in connection with the arrangement owing to temporary appointment of a Dewan, supports the above facts regarding organisation for the administration of justice.

Such a system with the executive and the judiciary closely clubbed together continued till about 1944-45 when the Union High Court was established and the Munsif, the Sub-Judge and the District Judge were brought under its control and superintendence. The Union High Court constituted the final appellate court in both civil and criminal matters, but the Ruler continued to be the final appellate authority in Revenue matters. The District and Sessions Judge of Kalahandi exercised the same powers in respect of the whole of Sonapur ex-State till merger.

After merger, the three erstwhile princely States of Patna, Sonapur and Kalahandi constituted a new district called the Balangir-Patna District with a new Judgeship and Sessions Division styled as Balangir-Patna Judgeship and Sessions Division as per Home Department Notification No. 3A, dated the 1st January, 1948. This judgeship and Sessions Division started functioning from the 19th June, 1948, when a District and Sessions Judge joined Balangir. With effect from the 1st November, 1949, the ex-States of Patna and Sonapur formed a separate district called Balangir District while the ex-State of Kalahandi formed a separate district with Nawapara, a new subdivision, which was formerly tagged to Sambalpur district. This newly formed district remained under the Balangir-Kalahandi Judgeship with headquarters at Balangir. At that time one Additional Sub-Judge and one Munsif were functioning at Bhawanipatna. On the 8th September, 1949, a Principal Sub-Judge joined Bhawanipatna and the Additional Sub-Judge was transferred. Since then the court of the Sub-Judge is continuing. The court of the Munsif was abolished with effect from the 22nd December, 1952. There was no Munsif at Nawapara. But the

Subdivisional Officer, Nawapara, was functioning as the ex-Officio Munsif. When the Nawapara Munsif was under Sambalpur-Sundargarh Judgeship, the Munsif of Bargarh was holding circuit court at Nawapara. When the Munsif came under the control of the Balangir-Kalahandi Judgeship, the Munsif, Titlagarh, used to hold circuit courts at Nawapara till a Munsif was posted there. The Registrar system was introduced in this judgeship with effect from the 1st November, 1960. A Munsif was posted as such. The post was upgraded and an officer of the rank of Subordinate Judge has been functioning as Registrar since the 19th February, 1973.

The Civil and Sessions Courts were under the Patna High Court till the 26th July, 1948. The Orissa High Court was formed under Notification No. S. O. 10, dated the 30th April 1948, of the Government of India, Ministry of Law (Reforms) and started functioning since then.

Criminal Courts

The Sessions Judge, Balangir-Kalahandi, stationed at Balangir, is empowered to try cases under Sections 161 and 165-A of the Criminal Procedure Code under the Criminal Law Amendment Act (Act XLVI of 1952) and to try cases under Section 5(2) of the Prevention of Corruption Act, to try sessions cases, to hear appeals against the decisions of all the Magistrates and the Assistant Sessions Judges excepting cases decided by a Magistrate specially empowered under Section 30 of the Criminal Procedure Code or in cases when an Assistant Sessions Judge passes sentence of imprisonment for a term exceeding four years. He also hears revisions under Sections 435 and 436 of the Criminal Procedure Code.

Besides the Sessions Judge, Balangir-Kalahandi, the Subordinate Judge, Bhawanipatna, had been vested with the powers of an Assistant Sessions Judge with concurrent jurisdiction for cases triable by him in both Balangir and Kalahandi districts.

After the merger and before the separation of judiciary from the executive the District Magistrate was dealing with all sorts of criminal justice. It was the Executive Officers belonging to the Orissa Administrative Service who had been entrusted with the criminal cases worked under the direct control of the District Magistrate. A Magistrate 1st Class was left to devote exclusively to criminal case work. Besides, the Subdivisional Officers and some other subordinate officers were vested with 1st, 2nd and 3rd class powers to deal with criminal cases along with other duties allotted to them. There were similarly some Magistrates at each of the places Nawapara and Dharamgarh to whom cases were transferred by their respective Subdivisional Magistrates. The Additional District Magistrate who heard revision petitions against orders of all these Magistrates, also inspected their court and superintended their work from time to time.

The Judiciary in the district was separated from the Executive with effect from the 1st May, 1967. Since after the separation one Subdivisional Magistrate has been functioning in each of the three subdivisions in the district, namely, Bhawanipatna, Nawapara and Dharamgarh. There is an Additional District Magistrate (Judiciary), Balangir -Kalahandi with headquarters at Bhawanipatna. He is also the Additional Sub-Judge and Assistant Sessions Judge. The Sessions Judge, Balangir-Kalahandi, is stationed at Balangir. The Additional District Magistrate (Judiciary) vested with the powers of Magistrate 1st Class exercises powers of a District Magistrate as authorised under the Criminal Procedure Code and supervises the work of the criminal courts of the Judgeship. As Assistant Sessions Judge he hears appeals and tries sessions cases that may be made over to him by the Sessions Judge. He, too, hears appeals under section 515 of the Criminal Procedure Code. He is the appellate authority under the House Rent Control Act, 1968. The Subdivisional Magistrates exercise powers under Section 13 of the Criminal Procedure Code as Subdivisional Magistrates, and are Magistrates 1st Class authorised under Section 14 of the Criminal Procedure Code. This apart, they are vested with powers under Sections 260 and 435 of the Criminal Procedure Code and with the powers under Sub-section 2 of the Section 12-A of the Essential Commodities Act, 1955, and powers of Section 15 of the Indian Standard Institution (Certification of Marks) Act, 1952, read with Section 14 of the Criminal Procedure Code, and also powers conferred by Sub-section (1) of the Section 13 of the Indian Official Secret Act, 1923 (19 of 1923) within their respective jurisdiction.

Separation
of the Judiciary
from the
Executive

The following table gives information regarding the number of criminal cases tried, persons involved, persons acquitted and persons convicted from 1968 to 1972 in different criminal courts in the district.

Year	No. of criminal cases tried	No. of persons involved	No. of persons acquitted	No. of persons convicted
(1)	(2)	(3)	(4)	(5)
1968	.. 2,563	1,758	1,048	1,402
1969	.. 3,570	2,022	1,696	1,786
1970	.. 2,691	2,425	1,350	1,238
1971	.. 2,166	1,596	1,271	818
1972	.. 3,232	2,059	1,539	1,653

Statement showing number of criminal cases tried, persons involved, acquitted and convicted for the years 1971 to 1975 is given in Appendix II.

Civil Courts

The genesis and growth of the civil courts organisation have been discussed in earlier paragraphs. The courts have been constituted under Section 3 of the Bengal, Agra and Assam Civil Courts Act. At present the following civil courts are functioning :

- (1) District Judge, Balangir-Kalahandi, Balangir
- (2) Additional District Magistrate (Judiciary)-*cum*-Assistant Sessions Judge-*cum*-Additional Sub-Judge.
- (3) Sub-Judge, Bhawanipatna (He is also Magistrate 1st Class)
- (4) Munsif, Nawapara (He is also Subdivisional Magistrate)
- (5) Munsif, Dharamgarh (He is also Subdivisional Magistrate)

Subject to the Superintendence of High Court the District and Sessions Judge has the administrative control over all civil courts of the judgeship. He is the Head of the Department and the controlling officer. He has the power to try civil suits up to any valuation as the principal Civil Court. He hears appeals against the decisions of the Munsifs in all suits and cases and hears appeals against the decision of the Sub-Judge and the Additional Sub-Judge in cases where the value is up to Rs. 5,000'00. Besides, he tries cases under other special acts such as the Indian Succession Act, the Guardian and Wards Act, the Land Acquisition Act, the Corporation Act, the Motor Vehicle Act, the Municipality Act, etc. He also hears appeals under Section 9 of the Public Premises Act, under Section 47-A of the Stamp Act, the Grama Panchayat Act, etc.

The Sub-Judge tries original suits and cases up to any valuation. The Sub-Judge, Bhawanipatna, has been authorised to entertain and hear appeals in suits and cases against the decision of the Munsif, Nawapara. He hears appeals in suits and cases against the decision of the Munsif, Dharamgarh, whenever made over to him by the District Judge. As Magistrate 1st Class, he tries criminal cases when transferred to him.

The Additional Sub-Judge tries original suits and cases up to any valuation whenever transferred to his file.

Munsifs

The Munsifs try suits and cases in their respective jurisdiction. They exercise powers as Subdivisional Magistrates in their respective subdivisions. As per Section 19 of the Bengal, Agra and Assam Civil Courts Act a Munsif ordinarily exercised pecuniary powers up to Rs. 1,000'00. The Honourable Court may empower a Mansif or all Munsifs to exercise powers up to a limit of Rs. 4,000'00. The Munsifs Dharamgarh and Nawapara now exercise pecuniary powers up to a limit of Rs. 4,000 each.

A detailed statement given in Appendix III indicates the number of civil suits instituted and disposed of and appeals heard by different courts of the district from 1968 to 1975.

During the Durbar Administration a well constituted Bar was found to be absent; nevertheless, the lawyers were allowed to practise in the courts. In 1949 the district experienced the birth of a Bar Association with five members on its roll. At present the Bar has a strength of forty-six Advocates. It has no separate building of its own, but it has been allotted two rooms located in the civil courts building. It has a small library for reference.

BAR ASSO-
CIATIONS

Kalahandi
Bar Associa-
tion,
Bhawani-
patna

The Bar Association, Dharamgarh, was incepted in 1952 with four members. Now the strength has gone up to 19. It has no building of its own. It is accommodated in a small room in the Subdivisional Court, Dharamgarh. It has a small library.

Bar Associa-
tion,
Dharam-
garh

The Bar Association, Nawapara, was formed in the year 1946 with 3 members. Now it consists of 19 Advocates. It has no library or building of its own.

Bar Associa-
tion, Nawa-
para

The Orissa Legal Aid to Poor Rules, 1975, came into force on the 15th December, 1975. Accordingly, the District Legal Aid to Poor Committee has been formed with a panel of names of the legal practitioners to be entrusted with such cases. Under the Rule, nine persons applied for help of which three for filling suits under Civil Law, one under the Orissa Money-lenders' Act, two under section 324 of the Indian Penal Code, two for maintenance suit, and one under the Orissa Land Reforms Act. Besides, out of the grants available under the welfare budget for legal aid pecuniary help was accorded to eight Scheduled Tribes, and eleven Scheduled Castes people during 1975-76.

LEGAL AID
TO POOR
PEOPLE

APPENDIX I

Statement showing the number of Police circles and police-stations in the district of **Kalahandi** in 1975

Circles	Police-stations
1. Sadar	.. 1. Bhawanipatna
	2. Thuamul-Rampur
	3. Kegaon
2. Kesinga	.. 4. Madanpur-Rampur
	5. Lanjigarh
	6. Narla
	7. Kesinga
3. Dharamgarh	.. 8. Dharamgarh
	9. Jayapatna
	10. Junagarh
	11. Koksara
4. Nawapara	.. 12. Nawapara
	13. Jonk
	14. Komna
5. Khariar	.. 15. Khariar
	16. Sinapali

APPENDIX II (A)

Statement showing the number of Sessions cases, Criminal Appeals and Criminal Revisions instituted, disposed of and pending in the Sessions Division of Balangir-Kalahandi, Balangir, for the district of Kalahandi since 1971 to 1975

Year		Instituted	Disposed of	Pending	
Sessions Cases					
1971	..	24	21	11	
1972	..	30	27	14	
1973	..	32	25	21	
1974	..	49	29	40	(One transferred to the Chief Judicial Magistrate, Bhawanipatna)
1975	..	35	27	48	
Criminal Appeals					
1971	..	41	54	80	
1972	..	43	60	62	(One appeal converted to Revision)
1973	..	59	62	59	
1974	..	47	82	24	
1975	..	59	21	62	
Criminal Revisions					
1971	..	21	14	23	
1972	..	29	32	20	
1973	..	20	18	22	
1974	..	29	36	15	
1975	..	30	14	31	

APPENDIX II (B)

Statement showing the number of Criminal Cases heard, and persons involved, acquitted and convicted by each court in the district for three years (Year-wise) ending 1975

Particulars of court	Year	No. of criminal cases tried/ appeals heard	Number of persons involved	Number of persons acquitted	Number of persons convicted
(1)	(2)	(3)	(4)	(5)	(6)
Sessions Judge, Balangir-Kalahandi, Balangir	1973	62(appeals heard)	116	45	71
	1974	82 "	132	52	80
	1975	21 "	37	3	34
Chief Judicial Magistrate, Kalahandi, Bhawanipatna	1973	127	216	168	48
	1974	86	229	183	46
	1975	129	247	192	55
Subordinate Judge and Magistrate, First Class, Bhawanipatna	1973	88	194	149	45
	1974	138	297	234	63
	1975	120	294	206	88
Subdivisional Magistrate (Judiciary), Bhawanipatna	1973	805	1,137	436	701
	1974	1,261	1,519	355	1164
	1975	950	1,341	624	717
Subdivisional Magistrate (Judiciary), Nawapara	1973	610	830	343	487
	1974	505	731	367	364
	1975	367	584	269	315
Subdivisional Magistrate (Judiciary), Dharamgarh	1973	418	589	242	347
	1974	493	838	344	494
	1975	442	709	394	315

APPENDIX III

Statement indicating the number of Civil Suits instituted and disposed of and appeals heard by different courts (Court-wise) for the district from 1971 to 1975

Particulars of Appeals and Cases (1)	1971		1972	
	Instituted (2)	Disposed of (3)	Instituted (4)	Disposed of (5)
Court of the District Judge, Balangir				
Title suits ..	2	..	2	..
Money suits ..	..	..	..	..
Title Appeals ..	20	14	10	21
Money Appeals ..	3	2	5	2
Miscellaneous cases ..	..	..	..	..
Miscellaneous Appeals ..	7	7	3	8
Court of the Sub-Judge, Bhawanipatna				
Title suits ..	36	34	71	50
Money suits ..	25	19	31	44
Title Appeals ..	10	4	9	6
Money Appeals ..	1	1	3	2
Miscellaneous cases ..	51	50	67	45
Miscellaneous Appeals ..	..	..	4	1
Court of the Munsif, Nawapara				
Title suits ..	6	11	6	13
Money suits ..	12	12	6	13
Miscellaneous cases ..	20	14	15	23
Court of the Munsif, Dharamgarh				
Title suits ..	9	5	7	6
Money suits ..	3	1	2	1
Miscellaneous cases ..	9	8	6	6

Particulars of Appeals and Cases	1973		1974		1975	
	Instituted	Disposed of	Instituted	Disposed of	Instituted	Disposed of
(1)	(6)	(7)	(8)	(9)	(10)	(11)
Court of the District Judge, Balangir						
Title suits ..	..	..	..	..	..	..
Money suits ..	..	..	..	..	..	..
Title Appeals ..	22	15	19	14	14	20
Money Appeals ..	3	3	..	4	4	3
Miscellaneous cases ..	7	5	6	5	8	7
Miscellaneous Appeals ..	5	6	6	5	5	4
Court of the Sub-Judge, Bhawanipatna						
Title Suits ..	59	63	79	83	67	68
Money Suits ..	38	24	35	38	39	42
Title Appeals ..	..	5	17	4	7	16
Money Appeals ..	5	3	1	3	2	3
Miscellaneous cases ..	76	69	76	90	98	85
Miscellaneous Appeals ..	..	2	2	1	4	5
Court of the Munsif, Nawapara						
Title suits ..	7	5	20	15	8	15
Money suits ..	16	11	19	17	6	16
Miscellaneous cases ..	3	10	15	17	16	15
Court of the Munsif, Dharamgarh						
Title suits ..	19	20	14	19	15	16
Money suits ..	4	4	2	3	1	2
Miscellaneous cases ..	16	13	12	11	10	12