

CHAPTER XII

LAW AND ORDER AND JUSTICE

INCIDENCE OF CRIME

At the beginning of the 19th century, the settled population in the district was extremely scanty and there was almost no cultivation. The land was, however, the scene of many border raids and forays. There was a regular system on which these raids were conducted. Sometimes one or two men would steal off towards the encampment of their foes and endeavour to carry off by stealth a few of their cattle. These were called simply *chor* (thieves). Or a band of six or ten armed men would make a dash upon some grazing herd, drive off its armed herdsmen and carry away the herd by violence. Such a band was called *dhar* and the members of it *dharvi*. But sometimes a leader of note, would organise a large expedition of two or three hundred men, some of them mounted on ponies, and take them for a foray fifty miles or more into the enemy's country, carrying off their cattle and other spoils by sheer force. Such a raid was called *katak*. When those attacked raised the country and pursued the raiders, the pursuing force was called *var*, and it was the rule for the *katak* to divide into two parties, one to drive off the spoil and the other to keep back the pursuers. The men who were most successful in these exploits were most honoured among their fellows.¹

In the beginning of the 20th century, the cattle theft was the principal crime of the district which continued as a relic of the old days and was practised mostly by Muslim Rajputs (Ranghars) and the Pachhadas and the crime was regarded as a venial offence by many of the agricultural tribes. The number of thefts of cattle that took place was far in excess of the number registered at various police stations. The reason for this was the prevalence of the habit of taking *bunga* and the presence of a considerable number of *rassagirs* among the inhabitants. *Bunga* was the reward paid by the owner of the animals stolen for their recovery. The *rassagir* was the habitual trafficker in stolen cattle. When a man had his cattle stolen his first effort was to track the animals. If he was not successful in finding them in this way, he usually applied to the nearest *rassagir* for assistance. There was a

1. J. Wilson, *Final Report of the Revision of Settlement of the Sirsa District in the Punjab, 1879—83*, p. 31.

sort of freemasonry among *rassagirs* and usually the owner would be informed in a very few days, of the amount of *bunga*, he must pay, before he could get back his animals. After a little haggling, the *bunga* was agreed upon and paid to the *rassagir*. Then if the *rassagir* was an honest man, as honour was reckoned among thieves, the owner was told where he would find the cattle and on going to the place, which was invariably some isolated spot, the owner would find his cattle grazing contentedly with no clue to the actual perpetrator of the theft. In such cases, the owner was thankful to get back his animal and no report was made. Most of the *rassagirs* were men of considerable prominence, and it was almost impossible to get any evidence against them. Their ability to spirit away stolen animals (especially camels) bordered on the marvellous.¹

The highway robberies were fairly common particularly during the famine. The most frequent method employed was for the robber to masquerade as a foot-sore traveller to ask for a lift from the owner of a passing camel. The front seat on a camel is the easiest position and the pseudo traveller was usually given the seat behind, with the result that in a very short time the camel owner was felled from the camel by a stunning blow, and when he came to his senses, could find no traces of his camel or the person whom he had helped. A variant of this method was for the robber to pass as a merchant wanting to hire camels; once the camels were obtained and the village left far behind, the *modus operandi* was similar to that already described. This method required for its successful execution more than one robber. Dacoities were not common and were chiefly confined to wandering gangs of Sansis. There were two criminal tribes in the district, the Bauriahs and the Sansis. The former were a criminal tribe only in name and most of them lived quietly in villages and earned an honest livelihood as tenants or as daily labourers. They, however, committed thefts when compelled by famine to leave their native villages. The Sansis were a wandering tribe who lived by pilfering.²

The people were as a rule law abiding. The crimes of violence were of rare occurrence and those that were perpetrated were generally the result of sudden quarrel and committed without premeditation.

The following table would show the incidence of various crimes in the district since 1910 :—

1. *Hissar District Gazetteer*, 1904, pp. 209-210.

2. *Ibid*, p. 210.

Number of Cases Registered

Year	Murder	Culp- able Homi- cide Not Amount- ing to Murder	Abduct- ion and Kid- napping	Rape	Dacoity	Robbery	Burg- lary	Theft
1910	4	7	7	8	—	2	115	77
1920	5	6	6	10	5	5	105	58
1930	10	7	7	22	20	25	270	145
1940	17	15	12	21	17	27	168	137
1950	31	7	3	18	12	24	194	208
1960	15	12	7	20	3	4	98	123
1970	25	19	15	20	1	2	209	231
1971	33	9	11	12	1	5	109	185
1972	30	13	11	23	—	1	136	274
1973	43	16	9	8	—	3	128	217
1974	22	14	4	6	2	4	137	234
1975	18	18	15	6	1	3	157	210
1976	3	2	15	5	1	1	38	71
1977	26	10	24	15	1	8	287	428
1978	34	4	29	8	2	5	360	640

The communal disturbances in the wake of the Partition in 1947 diminished the respect for decency, morality and the law. The acute economic depression, however, aggravated lawlessness and there was general rise in the crime. The work of the police was rendered difficult as it got depleted with the migration of Muslim personnel and as a result of political changes and abolition of non-official agencies of Zaildars, and Sufedposhes who were strong pillars of administration and provided valuable support to the police. But the police force geared up and faced the situation and took sometime for conditions to become normal. The serious violent crimes like murder, dacoity, robbery, rape and abduction had high incidence in 1930, 1940 and 1950. The dacoity and robbery after 1950 are now rare occurrence

and only a few stray cases are reported. However, the murder figures fluctuate depending upon sudden outburst of violence due to land disputes, illicit relations, domestic quarrels, blood feuds and lure of property, etc. The incidence of murder is mainly confined to rural areas. Burglary and theft are quite common in the district. However, a large number of theft cases are of minor nature. Cheating is not common though some cases of cheating have been reported since 1972.

Offences against local and special laws comprise cases of public nuisance and those covered under the Indian Arms Act, 1878, the Punjab Excise Act, 1940 (including illicit distillation) and the Public Gambling Act, 1867. Besides, the offences under the Indian Motor Vehicles Act, 1914 and cases under various regulatory traffic Acts have also been on the increase with the increased number of vehicles in the district. The following table would indicate a steady increase in these offences particularly after 1950 :—

Number of Cases Reported under the Various Acts

Year	Excise Act	Arms Act	Gambling Act	Motor Vehicles Act
				(Accidents)
1910	—	6	—	—
1920	2	12	—	—
1930	15	21	6	1
1940	26	35	8	1
1950	119	126	16	8
1960	256	84	86	9
1970	674	129	97	41
1975	1,706	395	278	59
1976	738	91	104	14
1977	1,547	175	227	99
1978	1,350	108	232	125

Cases under the Excise Act including illicit distillation have increased after 1970. Similarly offences under the Arms Act gradually increased and these were highest in 1975.

Gambling was not common upto 1950, when only 16 cases were reported. Gradually cases of gambling increased and these were highest in 1975 when 278 cases were detected.

POLICE.

In 1851, the then Deputy Commissioner ordered all villages to be surrounded with a thick hedge of thorns or a deep ditch having only one gateway (*phalsa*) for protection against thieves. The gateway was closed at night by a gate or fence of thorns and was guarded by the village watchman so that no suspicious character may come in and no cattle may go out.¹ Later under the Police Act, 1861, the enforcement of law and order was given over to the police. In 1866, the police in the district was under the District Superintendent and there were police stations at Hisar, Barwala, Tohana, Fatehabad, Ratia and Hansi and police outposts at Balsamand, Agroha and Khot.² According to 1881-82 police report, the district was in the Ambala Police Circle under the Deputy Inspector General of Police at Ambala. The police in the district was under the Superintendent and the police stations were at Hisar, Balsamand, Barwala, Tohana, Hansi, Narnaund, Fatehabad and Ratia and police outposts at Agroha and Madanheri.³ According to police report of 1890-91, the district was transferred to the control of Lahore Police Circle, Lahore. The police stations were at Hisar, Balsamand, Barwala, Hansi, Narnaund, Fatehabad, Ratia and Tohana and a police outpost at Agroha and road post at Madanheri.⁴

In 1915, the Superintendent of Police was incharge of the police force in the district and the district was transferred back to the Eastern Police Range under the Deputy Inspector General of Police at Ambala. There were police stations at Hisar, Barwala, Balsamand, Hansi, Narnaund, Fatehabad, Ratia, Tohana and Bhuna and a road post at Agroha.⁵

At present (1978), the police administration in the district is under the Senior Superintendent of Police, who next to Deputy Commissioner, is responsible for the maintenance of law and order. The Senior Superintendent of Police is assisted by one Assistant Superintendent of Police and 4 Deputy Superintendents of Police. The Senior Superintendent of Police functions under the administrative control of the Deputy Inspector General of Police, Hisar Range, Hisar. The tahsil wise police stations and police posts are given below :

1. Ameen Chand, *Settlement Report and History of the Hisar District*, 1866, part-II, p. 61 (Urdu).

2. *Ibid*, pp. 58-59.

3. *Hisar District Gazetteer*, 1883-84, p. 60.

4. *Ibid*, 1892. p. 221.

5. *Ibid*, 1915, p. 235 and *Ibid*, Vol. II B, *Statistical Tables*, 1912. Table 47.

Tahsil	Number and Names of Police Stations	Number and Names of Police Posts
Hisar	4 City Hisar Sadar Hisar Barwala Adampur	2 Balsamand Uklana
Hansi	3 City Hansi Sadar Hansi Narnaund	
Fatehabad	3 Fatehabad Bhuna Ratia	1 Bhattu
Tohana	2 Tohana Jakhal	
	<u>12</u>	<u>3</u>

The strength of the police force in the district during 1978 is given below :

Designation	Strength
Senior Superintendent of Police	1
Assistant Superintendent of Police	1
Deputy Superintendents of Police	4
Inspectors	7
Sub-Inspectors	38
Assistant Sub Inspectors	97
Head Constables	168
Constables	1,085

The civil police is detailed for duty at the police stations, police posts. Each of the station is under the charge of a police officer, known as Station House Officer generally in the rank of Sub-Inspector assisted by one or more second officer, a Head Constable, a Moharrir or Clerk-Constable and a number of Constables depending upon the load of work. The Station House Officers of the police stations at Hisar and Fatehabad are in the rank of Inspectors. The Station House Officer maintains law and order and investigates offences occurring within his jurisdiction. There is a village chowkidar who is responsible for reporting crimes within his area and reports all births and deaths in the village.

The district armed reserves are kept in the Police Lines, Hisar for utilisation during exigency that may arise in connection with the maintenance of law and order. However, the Haryana Armed Police contingents are also deployed for the protection of vulnerable points in the district.

The railway police in the district functions under the Assistant Inspector General of Police, Ambala Cantonment. It is entrusted with the duty of preventing crimes on the railway lines and railway stations. There is one railway police station in the district at Hisar.

Radio wireless sets have been provided at all the police stations and police posts in the district. Wireless sets have also been fitted in the vehicles of all gazetted officers.

Home Guards.—Home Guards, a voluntary force was first organised in the district in 1960 to meet eventualities of law and order, civil defence, fire fighting, natural disasters and internal security. The overall charge of the Home Guards for the district is with the District Commandant, Hisar. In 1977-78, the district had 2 urban and 6 rural companies with a strength of 802 volunteers.

JAILS

The district has one District Jail at Hisar and one Borstal Jail at Hisar. Initially, a jail was set up in a rented building but the jail building was constructed in 1856. It was upgraded as a Central Jail in 1965 but reverted to District Jail in 1966. The jail is spread over an area of 32 acres and 143 acres of agricultural land is available for cultivation by the prisoners. The prisoners also work in the workshop making furniture. Having an accommodation for 700 prisoners in 1977-78, the jail is under the charge of the Superintendent of Jails, who is assisted by 2 Deputy Superintendents and 6 Assistant Superintendents.

The jail is for convicted prisoners including female prisoners. It also serves as a judicial lock-up and hence undertrials are also kept.

The Borstal Jail, Hisar was established in 1976 for convicted children and women only. Located on Rajgarh road, the jail is spread over 31 acres and has accommodation for 317 prisoners. The jail is under the charge of a Superintendent of Jails, who is assisted by one Deputy Superintendent and 3 Assistant Superintendents including one female Assistant Superintendent. Police stations are provided with police lock-ups for keeping accused persons during investigation of cases.

JUSTICE

There are three kinds of courts existing in the district, civil, criminal and revenue.

Towards the end of the 19th century, the Deputy Commissioner was the District Judge and District Magistrate. One of the four Extra Assistant Commissioners was invested with the powers of a Subordinate Judge for the purpose of civil business and another was entirely entrusted with revenue work. There was also a *Munsiff* at the Sadr.¹

In the beginning of the 20th century, the Deputy Commissioner was the District Magistrate, to hear appeals from the orders of Magistrates of the II and III class and exercised the powers of Magistrate I class and tried all offences not punishable with death under Section 30 of the Criminal Procedure Code. The Deputy Commissioner was the Collector and Registrar of the district. The District Judge and two Extra Assistant Commissioners were other Judicial officers. The District Judge was the head of the principal civil court and magistrate of I class. As magistrate, he was under District Magistrate and as a civil court, he was under the control of the Divisional Judge at Ferozepore (Punjab). The Tahsildars at Hansi, Hisar and Fatehabad were invested with powers of II class magistrates and Naib Tahsildar of Tohana was a magistrate of III class. There were two *Munsiffs* at Hisar who exercised purely civil powers and disposed of petty suits. Besides, 3 Honorary Magistrates were invested with various criminal, civil and revenue powers. For civil and criminal jurisdiction, the district was in the Ferozepur Sessions Division. The Divisional and Sessions Judge, Ferozepur visited the district 3 or 4 times a year to hear cases committed for trial and to inspect civil and criminal courts of the district.²

By 1915, the Hisar district was declared a Sessions Division and the District and Sessions Judge was located at Hisar.

After the Independence, the District Magistrate and other executive officers continued to function as judicial officers till the Punjab Separation of Judicial and Executive Functions Act, 1964 was enforced in October, 1964. On adoption of this Act, the judicial magistrate came under the direct control of high court and District and Sessions Judge. The judicial officers below the rank of District and Sessions Judge, who exercised only civil powers before the separation of judiciary from executive were empowered with both civil and criminal powers. The magistrates exercising criminal powers who were earlier under the control of Deputy Commissioner were also placed under

1. *Hissar District Gazetteer*, 1892, p. 220.

2. *Ibid*, 1904, pp. 206-207.

District and Sessions Judge and the executive magistrates were only left with magisterial powers for security measures to maintain law and order.

At present (1978) the civil and criminal justice in the district is under the overall control of the District and Sessions Judge, Hisar. At the headquarters, there is one Senior Sub-judge, one Chief Judicial Magistrate, a Sub Judge-cum-Judicial Magistrate I class and Additional Sub-Judge-cum-Judicial Magistrate. Besides there are three courts of Sub Judges-cum-Judicial Magistrates, one at Hansi and two at Fatehabad.

After the passing of the Punjab Gram Panchayat Act, 1952, some of the functions of the civil, criminal and revenue courts were made over to the panchayats. Where cases lie in the exclusive jurisdiction of the panchayats, their cognizance by other courts is barred. The Chief Judicial Magistrate is empowered to revise their decisions and he in turn can delegate these powers to the *Illqa* Magistrate.

Revenue Courts

The collector is the highest revenue judicial authority in the district and an appeal or revision against his orders lies to the Divisional Commissioner and Financial Commissioner. The Tahsildars and Naib Tahsildars are Assistant Collectors 2nd grade but in partition cases Tahsildar assumes the power of Assistant Collector Ist grade. The General Assistant to Deputy Commissioner, and Sub Divisional Officers (Civil) are Assistant Collectors Ist grade but Sub Divisional Officers (Civil) have been delegated the powers of collectors under certain Acts.

District Attorney

The District Attorney, conducts civil and criminal cases in the courts of the district. For civil cases he is controlled by the Legal Remembrancer, Haryana and for criminal cases by the Director of Prosecution, Haryana. The latter is the administrative head of the District Attorney. In 1977-78, the District Attorney, Hisar was assisted by one Deputy District Attorney and 10 Assistant District Attorneys.

Bar Association

The three bar associations at Hisar, Hansi and Fatehabad were founded in 1870, 1940 and 1961 respectively. The total strength of these bar associations in 1977-78 was 467. These associations provide the practicing advocates with a forum to improve their working conditions and to safeguard their interests.