

CHAPTER XII

LAW AND ORDER AND JUSTICE

LAW AND ORDER

INCIDENCE OF CRIME

Dacoity, robbery, house-breaking, theft at railway stations and roads, theft of standing crops and corn from stalks, cattle stealing and receiving, distilling illicit liquor and trafficking in women were common crimes in the district before partition and Minas, Bawarias Rangars, were criminal tribes which were addicted to these offences. They committed these crimes in organised gangs and operated much beyond the jurisdiction of the district.

Minas in the Rewari area organized gangs for the commission of robberies and dacoities in Rajputana and other parts during the Pre-Independence period. They usually acted under the leadership of Thokdars and went armed and mounted on camels. They usually sent on spies who disguised themselves as *fakirs*, *purohits*, etc., or got employment as servants in or about the house of the victim selected. A very favourite plan in cities and towns was to enter as a marriage procession and make the attack from inside during the night. They took great care to master the manners and customs of *fakirs*, mendicant Brahmans and musicians so as to obtain easy access into the house of wealthy persons. Their depredations were usually marked by their great violence and the completeness of the arrangements for retreat and the speedy disposal of loot.

On being compelled by such crimes, the authorities of the British government and princely states introduced Criminal Tribes Act and other reformatory measures and the incidence of such type of crime was lessened. As the district has undergone territorial changes the year-wise data pertaining to various crimes are not available.

The disorderly conditions prevailing on the eve of the Partition in 1947 caused a havoc and as a result the law and order situation became unmanageable. It took quite sometime for conditions to become normal and downward trend in the incidence of the crime started after 1950. However, an idea regarding the trend of various crimes

in the district from 1970 to 1978 may be had from the following table :—

(Only reported cases)

1	1970	1971	1972	1973	1974	1975	1976	1977	1978
All Crimes Class I to VI	1,091	1,102	1,353	1,695	1,918	1,708	1,562	1,184	372
Murder	8	5	6	8	15	7	8	7	1
Dacoity	—	—	—	1	—	1	—	2	—
Robbery	1	—	—	1	1	1	1	2	1
Burglary	67	61	80	161	172	113	64	97	21
Rioting	3	3	5	9	18	3	—	—	—
Sex Crime	10	3	2	15	9	11	4	8	4
Theft	96	74	88	173	228	185	107	152	51
Cattle theft	15	11	24	26	38	26	25	32	7
Cheating	13	19	11	7	21	15	7	5	3
Smuggling in Foodgrains	9	11	6	143	110	45	17	9	—
Miscellaneous	869	915	1,131	1,151	1,306	1,301	1,329	1,870	284

The important categories of crime are described as under :—

Murder.—Murder is always taken as fortuitous crime and cannot be foreseen. The main motives behind murder are illicit relations, domestic quarrels, land disputes, lure of property, personal enmity, etc. This type of crime is mainly confined to rural areas. The number of cases reported in 1974 was 15 as against 7 in 1977. After 1974, the incidence of this crime has been showing a descending trend.

Dacoity.—Due to the unsettled conditions prevailing after the partition, the incidence of dacoity in the district rose high in 1950 when 6 such cases were reported. There were several cases (under PEPSU government) in which policemen were singled out and shot dead by dacoits with the result the police stood completely demoralised and the policemen were generally reluctant to go into the country-side in uniform. Keeping in view the dangerous situation, government took strict measures. In 1951, the anti-dacoity police staff arrested 9 dangerous dacoits in the district. Since then this heinous crime has been brought under check.

Robbery.—The crime is not high in the district. One case was reported in 1970 while only two cases were brought to the notice of police in 1977. This crime is under control due to preventive measures adopted by the police.

1. Class I to VI signifies all cognizable offences under Indian Penal Code and Local and Special Laws.

Burglary.—Burglaries are committed by those who have exhausted their means of livelihood. This sort of crime was committed in the district by the criminals from the adjoining areas who after committing the burglaries again took shelter in their native villages.

The number of cases reported in 1970 was 67. But there was a sudden increase in the incidence of this crime from 1972 to 1974 and then started a downward trend from 1975 to 1978. The cases reported were 80 in 1972; 161 in 1973 and 172 in 1974. The crime is now well under control.

Rioting.—There was a gradual rise in rioting cases during 1972, 1973 and 1974. There was no such case after 1975.

Sex Crime.—All the cases of rape and abduction have been clubbed here. The number of rape cases were not so high in the district; while the cases of kidnapping and abduction were reported as 15 in 1973 (being highest). Such cases were isolated in character and not the work of any organized gang in the district. Most of the cases were of love affairs.

Theft.—The incidence of crime though fluctuating, showed an alarming increase during 1974 after which a downward trend started.

Cattle theft.—Only professional offenders commit this crime for fetching easy and good money. After lifting the cattle, the offenders pass on to adjoining areas. The cases reported in 1974 were 38. From 1975 there was a gradual downward trend in the incidence of this crime.

Cheating.—The offence of cheating is quite under control in the district. But, so long as the people do not pull out of the materialistic conception of life, this offence can not be vanished altogether. The number of such cases reported during 1974 was 21, being the highest.

Smuggling in food grains.—Only 9 cases were reported in 1970 but the number of cases assumed much proportion in 1973. Thereafter it began to decline. The greedy traders illegally passed on wheat to the adjoining state of Rajasthan for fetching good price.

Offences under Excise Act, Arms Act and Police Act.—The Excise Act, the Arms Act and the Police Act add considerably to the normal incidence of crime. The cases detected by the police under the Excise Act were 403 in 1970. In 1976, 752 cases being the highest number, were registered.

Under the Arms Act, only 43 cases were detected in 1976 (being highest) as against 20 cases in 1970.

The Police Act which is applicable in the towns deals with smaller offences relating to public peace and regulation of traffic. On the whole the law and order situation in the district was well under control.

Road traffic and transport.—The road traffic, besides the Indian Motor Vehicles Act, 1914, is regulated by several other Acts¹. The yearwise details of road accidents reported in the district are as under :—

Year	Number
1970	15
1971	18
1972	15
1973	38
1974	35
1975	39
1976	30
1977	47
1978	20

POLICE

In 1870, separate *Naib-Nazims* were appointed and the *thana* functionaries were placed under *Naib Nazim* and *Nazim* and *Adalati* or *Hakim-i-adalati-sadar* was the Chief of them. In 1882, the Police Department in the princely states was organised on the British model and a District Superintendent of Police was appointed. The then Mahendragarh Nizamat had *thanas* at Mahendragarh, Narnaul and Nangal Chaudhry. Besides, there were 14 out posts along the border of the state of Patiala which were later abolished.

The Bawal Nizamat which is now Bawal tahsil of the Mahendragarh district had *thanas* at Bawal, Kanti and Kanina. In Rewari tahsil which was the part of the Gurgaon district had *thanas* at Rewari, Jatusana and Khole. There were road-posts at Dharuhera, Kund (Kundal), Khori and Nimoth.

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1. (i) Sections 279, 304A, 337 and 338 of Indian Penal Code;
 (ii) The State Carriage Act XVI of 1861;
 (iii) The Hackney Carriage Act, 1879;
 (iv) The Police Act III, 1888;
 (v) The Prevention of Cruelty to Animals Act XI of 1890;
 (vi) The Punjab Municipal Act, 1911.
 (vii) The Punjab Motor Vehicle Taxation Act, 1925; and the Indian Motor Vehicles Act, 1939.

In 1978, the Mahendragarh district had 10 police stations as detailed below :—

<u>Name of Tahsil</u>	<u>Name of Police Station</u>
1. Narnaul	(i) Narnaul (ii) Nangal Chaudhry (iii) Atcli
2. Mahendragarh	(iv) Mahendragarh (v) Kanina
3. Rewari	(vi) Rewari City (vii) Rewari Sadar (viii) Jatusana
4. Bawal	(ix) Khole (x) Bawal

Organisation of Police

For the purpose of police administration the Mahendragarh district falls under the administrative control of a Deputy Inspector General of Police, Hisar Range, Hisar. At the district level the administration of police is controlled by the Superintendent of Police.

On March 31, 1978, the police force in the district was as under :—

	Superin- tendent of Police	Deputy Superin- tendents of Police	Inspec- tors	Sub Ins- pectors	Assist- ant Sub Inspectors	Head cons- tables	Cons- tables
Permanent strength	1	2	2	16	19	76	432
Temporary strength	—	—	—	2	6	21	119
Deputation, reserve for Excise Staff and Sales Tax Barriers	—	—	—	—	1	2	9
Total :	1	2	2	18	26	99	560

Civil Police.—The civil police is detailed for duty at the police stations. Each of the stations is under the charge of a police officer, known as Station House Officer, assisted by one or more officers, a Head Constable, a

Maharrir or Clerk Constable and number of Constables depending upon the load of work. The Station House Officer maintains law and order and investigates offences occurring within his jurisdiction.

Mounted Police.—The District Armed Reserves are kept in the police lines, Narnaul, for deployment during any exigency that may arise in connection with the maintenance of law and order. Mounted police is made available by the Haryana Armed Police whose responsibility is confined to patrol the border areas between U.P. and Rajasthan as an anti-dacoity measure and also to stop smuggling. However, the Haryana Armed Police contingents are also deployed for the protection of vulnerable points, viz. power houses, railway bridges, etc.

Railway Police.—The railway police is not allotted to any district in particular but it is a part of a separate state organisation functioning under the Deputy Inspector General of Railway Police, Haryana, Ambala Cantonment. The circles of the railway police are formed according to sections of the railway lines.

There is a railway police station at Rewari with one out-post located at Narnaul. Its jurisdiction extends to the railway premises within the territorial jurisdiction of the Mahendragarh district.

The main functions of railway police are to investigate all types of crime within its jurisdiction; to maintain law and order at railway stations and in trains; to protect travellers from injury to person or property; to keep the platforms clear of idlers and beggars; to keep a look out for suspicious persons; to patrol all passenger trains and to provide escorts to important night trains.

Police Wireless Stations.—For receiving and transmitting messages, wireless sets have been provided to police stations at Narnaul, Nangal Chaudhry, Ateli, Mahendragarh, Kanina, Khole, City Rewari, Sadar Rewari, Bawal and Jatusana and at Jaisinghpur Khera barrier. These have a direct link with the district control room set up at Narnaul. In the maintenance of law and order and in dealing with emergencies requiring quick transmission of important messages for immediate action, the system plays a very important role.

Village Police.—For over a century some of the police functions at village level in the areas of the Mahendragarh district were performed by *zaildars*, *sufaidposhes*, *chowkidars* and *Inamkhors*. The institution of *chowkidari* alone survives, all the others were abolished in 1948. The *chowkidars* report births and deaths in a *thana* fortnightly, give information of crime, keep surveillance over the bad characters residing in the village and report

their movements. Besides attending to watch and ward duties, they generally assist the public officer on tour.

In the remote past, the village chowkidar used to receive, as his remuneration, a share from each cultivators produce which was reckoned according to the number of hearths. Now the chowkidars are paid by the government.

Previously *thikar* chowkidars were selected by lot from among the residents of a village; those unwilling to serve were obliged to pay the cost of substitute. These chowkidars were provided only during an epidemic, outbreak of crime and emergencies. With the advent of democratic decentralization, the chowkidari system, which was a sort of *shrandan* aimed at providing safety to the person and property has now become weak and is not of much help in the field of watch and ward. People generally are averse to *thikri pehras* and no longer enthusiastic. The Punjab Gram Panchayat Act, 1952 has, however, authorised panchayats to raise their own voluntary force for the purpose.

Home Guards.—Home Guards, known as voluntary force to meet eventualities of law and order, civil defence, fire fighting, natural disaster and internal security was started in the district in 1960-61. The overall charge of Home Guards organisation of the Mahendragarh district was with the District Commandant, Home Guards, Gurgaon, uptill March, 1974 and thereafter it came under the District Commandant, Home Guards, Bhiwani. Both the districts (Bhiwani and Mahendragarh) have combined training centre for rural home guards at Narnaul.

In 1978, there were 3 urban companies, i.e. 2 at Rewari and 1 at Narnaul, each having a strength of 101 cadets and 8 rural companies with a strength of 100 cadets each.

JAILS

There were jails at Mahendragarh and Bawal with an accommodation for 50 and 100 prisoners respectively in 1904. Besides there was a lock-up at Narnaul which could accommodate 40 convicts¹. In 1978, there were 3 sub-jails, one each at Mahendragarh, Narnaul and Rewari.

Sub-Jail, Mahendragarh.—The sub-jail of Mahendragarh² is housed in the old fort on Rewari-Narnaul road. The Sub-Divisional Magistrate, Mahendragarh, holds part-time charge as Superintendent of the sub-jail. The other staff consist of one Assistant Superintendent, One Head Warder, 14 Warders, one Dispenser (whole-time) one Doctor (part-time) and one

1. *Phulkian States Gazetteer, (Patiala, Jind and Nabha)*, 1904, pp. 175 and 379.

2. Sub-Jail Mahendragarh was upgraded as District Jail on 1-9-85.

Sweeper. It can accommodate 50 under-trials. Only under trials are kept here. Though there is a provision to keep the convicts and political prisoners here yet the convicts of more than six months are sent generally to the District Jail, Bhiwani. Average daily number of inmates during 1978 was 18.

The sub-Jail is spacious, electrified and kept neat and is provided with bathrooms and flush latrines for the use of inmates. Besides, ceiling fans have also been provided in the wards. There is a separate ward for political prisoners known as 'B Class' ward. Newspapers and magazines are provided to them at government expenses daily. Besides, there is a part-time doctor who attends to the sick inmates. There is a small farm where seasonal vegetables are grown by the prisoners for use in the kitchen. The surplus vegetables are sold in the open market.

Sub-Jail, Narnaul.—The Sub-Jail located in the old fort was a police lock-up which was converted to judicial lock-up in 1970. The Sub-Divisional Officer (civil), Narnaul, holds part-time charge as Superintendent of the sub-jail. The other staff consist of one Assistant Superintendent, one Head-Warder, 10 Warders, one Medical Officer (Part-time), one Dispenser (part-time) and one Sweeper. The authorised accommodation of the sub-jail is for 60. Though there is a provision to keep the convicts here up to three months' sentence yet only the undertrial criminals are kept generally. On conviction they are transferred to the District Jail, Bhiwani/Hisar.

The sub-jail is spacious, electrified and ceiling fans have been fitted in the wards.

Sub-jail, Rewari.—Sub-jail, Rewari, was established on January 5, 1970. Previously it was a judicial lock-up. The Sub-Divisional Officer (Civil) is in charge of this sub-jail. The other staff consist of one Assistant Superintendent, one Head Warder, seven Warders and one Sweeper. The authorised accommodation of the sub-jail is for 14. A part time doctor attends to sick inmates.

Welfare of Prisoners.—Though the jails are considered penal institutions, the policy of the government is not of retribution or revenge but reformation and rehabilitation of those men and women who find themselves in jails for a variety of reasons. The prisoner is given training as will enable him to settle down as honest, reformed and useful citizen of the community after his release.

JUSTICE

History

Narnaul and Mahendragarh tahsils.—In the beginning of twentieth century, Narnaul and Mahendragarh tahsils were part of the Patiala State

which was one of the three Phulkian states. During the time of Maharaja Narinder Singh five *nizamats* were marked off and Mahendragarh Nizamat was one of the five *nizamats*. The *nazims* were appointed to each tahsil. Tahsildars were also appointed in each tahsil and they, in addition to their revenue work, dealt with criminal and civil cases. The headquarters staff of each *nizamat* consisted of a *nazim*, two *naib-nazim* and a tahsildar in charge of the tahsil headquarters. *Nazims* were appointed by Maharaja Narinder Singh under the name of *munsarim hadbast* to introduce cash assessment.

The *Nazims*, tahsildars and Naib *Nazims*, who were called Sub Judge-cum-Magistrates were appointed to deal with criminal and civil cases. In the reign of Maharaja Mahendra Singh, the tahsildars were deprived of their criminal and judicial jurisdiction except criminal jurisdiction in few petty cases. Besides, two Naib *Nazims* were appointed in each *nizamat* to decide civil and criminal cases and superintend the police. In 1904, the then Mahendragarh district was under a *Nazim* who was assisted by one Naib *Nazim* and two tahsildars. The Naib *Nazim* was posted at Narnaul. The tahsildars had power to give three months' imprisonment and Rs. 25 as fine. Naib *Nazim* had power to give three years' imprisonment and Rs. 1,000 as fine. Appeals from the Courts of tahsildars and Naib *Nazim* went to the *Nazim*. The *Nazim* was practically a Deputy Commissioner with the powers of a Sessions Judge in addition. He had the power to pass sentence of 14 years' imprisonment and Rs. 1,000 fine. From the decisions of *Nazim*, the appeals lay to the Chief Court in civil and criminal cases and the Commissioner and Revenue Minister (*Dewan*) in the revenue cases. In civil cases, the further appeals lay to *Ijlas-i-Khas* (the court of Maharaja).

The Chief Court might pass any sentence authorised by law. Capital punishment and imprisonment for life, however, needed the confirmation of the *Ijlas-i-Khas*. In murder cases the opinion of the *Sadr Ahlkars* was taken before the sentence was confirmed.

Special jurisdiction in criminal cases was also exercised by certain officials. The Foreign Minister had the powers of a *nazim* in cases where one party or both were not the subjects of Patiala, Jind or Nabha. Appeals lay to the Chief Court. Cases under the Telegraph and Railway Acts, were decided by an officer of the Foreign Department subject to the appeal to the Foreign Minister. Certain canal and forest officers had magisterial powers in cases falling under Canal and Forest Acts. The Inspector-General of Police exercised similar powers in respect of cases which concerned the police. During the settlement operations the settlement officers were invested with the powers to decide revenue cases with an appeal to the Settlement Commissioner. Powers of revision (*nigrani*) could be exercised by the *Adalati* and the Sessions Court; review by the Chief Court and *Ijlas-i-Khas* only.

A code of Civil Procedure, compiled from the British Indian Act VII of 1859 and Act XXIII of 1869 with suitable modifications, was introduced.

These arrangements continued upto October, 1939, when criminal and civil justice were placed under Bhatinda Sessions Division and a District and Sessions judge used to come on tour at Narnaul.

Later, the Mahendragarh district was attached to Sunam and then to Sangrur Sessions Division and thereafter, was transferred to Gurgaon Sessions Division in 1966 on the formation of Haryana.

Bawal tahsil.—The Bawal tahsil was a *nizamat* of erstwhile princely state of Nabha and contained *parganas* of Kanina and Ateli, each *nizamat* had a District Court over which the *nazim* presided. Subordinate to him was the Court of the Naib-*nazim*. Superior to the *nazim's* court was the *Adalat Sadr*; above that the *Ijlas-i-Khas*, consisting of three judges, and highest of all the *Ijlas-i-Khas*, over which the Raja presided.

The lowest court, that of the naib-*nazim*, could impose sentences not exceeding one year's imprisonment or fine not exceeding Rs. 50 or took security for good conduct upto Rs. 50 the amount for a period not exceeding six months. The *nizamat* courts had powers to impose sentences not exceeding three year's imprisonment, fine not exceeding Rs. 500, whipping not exceeding six strips (in Bawal *nazim* might impose 12 strips) or security up to Rs. 200 for a period not exceeding two years. The *Sadar Adalat* might impose five years' imprisonment, Rs. 1,000 fine, 12 strips and demanded security for good behaviour upto Rs. 1,000 or imposed imprisonment in default up to 2 years. The *Ijlas-i-Khas* had absolute power to impose any sentence of death, imprisonment, banishment of state territory, fine or confiscation of property. The Tahsildars also exercised criminal powers in case of criminal trespass (by infringement of boundaries, etc.) imposing fine not exceeding Rs. 25 or in default six months' imprisonment. Railway cases were heard by the Railway Magistrates.

For civil cases there was a Munsiff in each *nizamat*, with appeal to the *nizamat* court. The Munsiff tried civil cases up to Rs. 1,000 in value. For all others the *nizamat* court was the court of original jurisdiction.

The Tahsildars tries petty revenue cases up to Rs. 100 in value, all others going to the *nizamat* courts. Appeals from the *nizamat* court and *Niabat Adalat Sadr* lay to the *Sadr Adalat* in all cases, including civil suits, but appeals on executive revenue matters went from District Court to the Dewan. Appeals from *Adalat Sadr* lay to the *Ijlas-i-Khas*. Lambardari and mutation cases were heard by Tahsildars, and those transferred to the *nizamat* and *dewani* cases were finally decided in the *Ijlas-i-Khas*.

The Indian Penal and Criminal Procedure Codes were in force with certain modifications, of which most important are detailed below :—

- (i) In order to check immorality the police were authorised to take cognisance of all cases of adultery or fornication without complaint.
- (ii) In cases of rape, compensation was given to woman from the property of the criminal.
- (iii) In the case of abduction of married women, her husband was remunerated in cash.
- (iv) In case of theft, criminal breach of trust or fraud, the loss was made good from criminal's property, summarily, without resort to a civil suit.
- (v) In cases of homicide not amounting to murder, in addition to the punishment imposed on the offender, the murdered man's heir was compensated from offender's property.
- (vi) In all criminal cases the complainant could appeal, even if the accused was acquitted.

On formation of PEPSU in the year 1948, Bawal was added to Gurgaon district and Ateli and Kanina were added to Mahendragarh district.

Rewari tahsil.—Rewari tahsil was a part of the Gurgaon district, a British territory and the Deputy Commissioner was the District Magistrate for criminal work. The Tahsildars and Naib Tahsildars were second class and third class magistrates. Besides, there were honorary magistrates with third class powers and their jurisdiction extended to the limits of Rewari Municipality only. The District Judge exercised the powers under Punjab Courts Act, 1918. The civil and criminal courts of the district were subordinate to the District and Sessions Judge, Delhi. The Gurgaon district was later attached to the Hisar Sessions Division and District & Sessions Judge, Hisar, used to visit Gurgaon for the disposal of criminal and civil work as an appellate court. The district was transferred to Karnal Sessions Division in 1950 and to Rohtak Session Division in 1955. In 1966, the Gurgaon district became the fullfledged Sessions Division covering the Mahendragarh district also. The Rewari tahsil became a part of district Mahendragarh in 1972.

On November 15, 1974, a new District and Sessions Division was created at Bhiwani. In April, 1975, Mahendragarh district was also put under the overall administrative control of the District & Sessions Judge,

Bhiwani¹. The District & Sessions Judge functions under Punjab and Haryana High Court, Chandigarh and is assisted by an Additional District & Sessions Judge in the disposal of criminal and civil work at Narnaul. There is one Senior Sub-Judge, one Chief Judicial Magistrate and two Sub-Judge-Judicial Magistrates. Besides, there are two Courts of Sub Judge-cum-Judicial Magistrate at Mahendragarh and three at Rewari.

After the passing of Gram Panchayat Act, 1952, some of the functions of civil, criminal and revenue courts were made over to the Panchayats, where the cases lie in the exclusive jurisdiction of the Panchayats, their cognizance by other courts is barred. The Chief Judicial Magistrate is empowered to revise the decisions of Panchayats in criminal cases under section 51 of the Gram Panchayat Act and he can delegate his powers to the Illaqa Magistrates, if he likes.

Although, separation of executive from judiciary was introduced in princely State of Patiala but, the year cannot be ascertained fully. The Gurgaon was one of the districts where separation was introduced on an experimental basis and thereafter, the system was introduced in the whole of Punjab in 1964.

Revenue Courts.—The Collector is the highest revenue authority in the district and an appeal or revision against his orders lies to the Divisional Commissioner and against the orders of the Divisional Commissioner an appeal or revision lies to the Financial Commissioner. The Government has invested the Sub-Divisional Officers (Civil) in the district with the powers of Collectors. The General Assistant, the Assistant Commissioners/Extra Assistant Commissioners are Assistant Collectors of the first grade. However, the Tahsildars exercise powers of Assistant Collectors of the first grade in partition cases.

BAR ASSOCIATIONS

In 1978, there were three bar associations in the district i.e. one each at Narnaul, Mahendragarh and Rewari. These associations provide the practising lawyers with a forum to improve their working conditions and to safeguard their interests. The bar association Narnaul, was established in 1859 with a membership of eleven. In 1978, it had 96 members. The bar association, Rewari, was established in 1897 with an initial membership of two which rose to 64 in 1978. The bar association, Mahendragarh, was established in 1951 with a membership of six which rose to 30 in 1978.

1. An independent Sessions division was created at Narnaul with effect from 25-3-1983.