

LAW AND ORDER AND JUSTICE

LAW AND ORDER

INCIDENCE OF CRIME

The predominant form of crime was burglary in the beginning of the present century. Another important crime prevalent in the area was cattle lifting, as cattle were considered very important source of subsistence. The cattle thefts were performed in a very systematic form; the animals being rapidly transferred to a great distance and to other district through a chain of accomplices.

The criminals and bad characters of a particular caste confined themselves to shop-lifting and obtained a livelihood by attending the numerous fairs which were held in Delhi and neighbourhood and they used to steal everything. They also wandered about in gangs in the area and pilfered from villages. They had no settled home in the district but came from other parts of the surrounding areas. The Kanjars and Sansis had no fixed habitations towards the close of 19th century. They lived in *chapas* in the jungles and came to the public roads and committed thefts of small things from travellers. Among this class, the women were as inclined to crime as the men. Some persons of a particular caste of Rohat village were notorious thieves and house-breakers. Numbers of complaints were made concerning them by the *lambardars* of the surrounding villages.¹

The modus operandi of the crime committed by the wandering gangs of Sansis is as follows :—

“They wander about from place to place in gangs of 6 to 100 souls committing petty thefts in villages, pasturing their flocks and pilfering the zamindar's grain. They own large herds of goats, sheep and donkeys. Their goats and sheep form a visible means of subsistence, while the donkeys carry not only tents, bed, etc., but also sacks of grain stolen in the course of their wanderings. These gangs are a nuisance and a scourge to the countryside. The only means of dealing with them short of settling them in Government lands lies in the preventive sections of the Criminal Procedure Code which is extremely unsatisfactory.”

1. *Gazetteer of Delhi District*, 1883-84, p. 148.

Undoubtedly the people of the district have been law-abiding. Hence the crime situation here was generally normal. The following extract of the old Gazetteer¹ confirmed above-mentioned situation of crime :

“The people of the district are not, as a rule, addicted to crime. There is very little premeditated crime, but when blood runs hot very minor squabbles are apt to develop in a way which leads the disputants to serious trouble. Fifty years of peace and settled rule following the stern lesson of 1857 has transformed the agrestic population, who can be no longer described (as they were by Sir John Lawrance as “Predatory and turbulent.”).

In this area the crime position was reviewed in 1920 and was reported to be light. The position, however, changed in the forties and many factors were responsible for this change. Consequent upon a famine in the district, there was a marked rise in crimes in 1939. Inadequacy of canal water-supply and frequent closures of distributaries added to the difficulties of the peasants who, for irrigating their withering crops, resorted to unlawful means with the result that canal cuts were numerous.

A communal riot over cow-slaughter also occurred in the Barota village of the Gohana tahsil. The village (Barota) comprised two parts, one inhabited by the Hindus and other by Muslim Baluches. A baluch slaughtered a cow and enraged the Hindus. There was a scuffle between the Hindus and Muslims as a result of which one Baluch died and several others received injuries. The dispute ended in a compromise according to which Hindu Jats were not to rear pigs while the Muslims were forbidden to slaughter kine.

The communal disturbances of 1947 resulted in diminishing respect for law and moral values. The police force had to perform a difficult task to combat the heavy spate of lawlessness and restore confidence in the minds of the law-abiding people. The work of the police had further been rendered difficult as a result of certain changes effected for political reason. The abolition of non-official agencies like the Honorary Magistrates, *Zaildars* and *Safedeposhes*, which in previous regime were a source of strength to the administration deprived the police administration of support in its work in the rural areas. Without them the morale of the remaining rural functionaries such as *Lambardars* and *Chowkidars* fell so low that they no longer enjoyed either their former status or the confidence of the villagers.

1. *Gazetteer of Delhi District*, 1912, p. 67.

In spite of the difficulties, the efforts were made to weed out and control anti-social elements. Before long, the forces of law and order were re-established and the administration got the better of crimes and the criminals. Banwari of Rohtak was a great menace to public peace and tranquility. He was a type of person who committed murders without a semblance of provocation and often without any reason. He was wanted in no less than 10 cases of murder, attempted murder, robbery and burglary. He created a reign of terror in the jurisdiction of Rai and Sonipat police stations besides the other areas. On June 29/30, 1950, he was killed in police encounter. As a consequence of vigorous efforts in this direction, there was an improvement in the law and order situation from 1950 onwards.

The common crimes brought to the notice of police in the district were simple thefts including cattle thefts, murder, robbery and burglary. The crimes accompanied with violence were not common. However, committing suicide by jumping into wells and before the running trains by women was common.

The crime-wise trend remained in the district during 1983 to 1989 is as follows :—

Name of the Crime	Year						
	1983	1984	1985	1986	1987	1988	1989
Murder	18	27	21	33	41	40	32
Dacoity	..	1	3	2	5	4	3
Burglary	134	152	149	109	187	221	133
Thefts	220	237	203	237	273	263	204
Robbery	7	4	7	1	12	24	8
Kidnapping	15	6	3	2	7	25	10
Rioting or unlawful assembly	35	42	20	38	18	22	17
Culpable homicide	16	15	10	10	5	7	6
Miscellaneous	1,883	1,846	1,898	1,868	1,799	1,908	1,504
Total	2,328	2,330	2,314	2,300	2,347	2,514	1,947

The motive for murder include land disputes, intoxication, illicit relations, water disputes and domestic quarrels. The district is predominantly inhabited by sturdy Jats who are exceptionally revengeful by nature and among whom the tradition of long lasting vendetta is very strong. The statistics are slippery and fluctuating. The murder cases in the district rose progressively from 21 in 1985 to 33 in 1986 and 41 in 1987 but such cases came down in 1988 and 1989.

No dacoity occurred in 1983. The incidence of dacoity was not so high in the district. However, there was an increase in the number of dacoity cases during 1984 to 1985. Number of such cases reported in the district was 14 during 1986 to 1989.

There was a sudden increase in the number of cases of burglary from 1986 to 1988, but it decreased in 1989. The situation is now under control.

237 cases of thefts were reported in 1984 which declined to 203 in 1985. The theft cases rose up to 237 in 1986 and 273 in 1987. But in 1988 the position improved somewhat and number of such cases came down to 263 in 1988.

The incidence of robbery suddenly increased during 1987 and 12 cases were reported during the one year. In the next year the incidence of crime suddenly rose up in 1988 and number of such cases reported in 1988 was 24. Thereafter, the robbery cases came down to 8 in 1989.

The reported cases of kidnapping and abduction have been isolated in character and not the work of any organized gang.

The position of rioting and culpable homicide cases is normal and well under control. The miscellaneous cases numbering 1,504 during 1989 were reported in the district.

Delhi—the capital of India has spread widely due to enormous expansion in population. Large areas have been acquired along the G.T. Road. As a result, the prices of land from Kundli to Ganaur along G.T. Road have skyrocketed now-a-days. A class of neo rich has emerged. On account of capitalistic tendencies, many land disputes and other petty disputes have become matters of concern to the Administration.

POLICE

It has already been indicated that Sonipat area remained a part of Delhi district up to 1912. Gohana tahsil was a part of Rohtak district.

In 1910, the police administration in the Sonipat area was under control of Deputy Inspector-General of Police, whose headquarters was at Ambala. The police force was under the command of a Superintendent whose immediate

subordinates were at least one Assistant Superintendent and Deputy Superintendent. Besides, there were Inspectors, Sub-Inspectors, Head Constables, Foot Constables and Sowars.

There was a special charge of a Inspector with headquarters at Sonipat who controlled the rural police of this area. The then Sonipat tahsil had the following (*thanas*) police stations:—

1. Larsauli
2. Sonipat
3. Rai.

In each *thana* there were one Sub-Inspector, 2 Head Constables and 10 Foot Constables, but at Larsauli (which was the most populous *thana*) there was an extra Sub-Inspector and two extra Constables, as there more than 100 cases were reported per year.

In 1910, the Rohtak district for the purpose of Police administration was divided into 2 circles; Rohtak and Jhajjar. Gohana area having only 2 police stations (Gohana and Baroda) was included into Rohtak Circle. The police force consisting of one Sub-Inspector, 2 Head Constables and 10 Foot Constables was posted at Gohana police station. The same strength of police officials was posted at Baroda police station.

Above and beyond the sanctioned strength of lower subordinates (all grades below Sub-Inspectors), a reserve of 15 per cent was allowed, i.e. 11 per cent for leave and 4 per cent for other vacancies. This force was under the Reserve Inspector and a Sub-Inspector.

No difficulty was experienced in obtaining sufficient and suitable recruits. A recruit after joining was kept in lines for about 6 months during which period he was drilled and trained in the use of fire-arms. For 3 to 4 hours a day he attended school where he was taught the outlines of his duties and, if possible, how to read and write.

Constables from rural police stations were called in rotation for two months' training, when in addition to being drilled, they attended school in the same way as recruits. Each year a certain number of men about one per cent of the force were sent to Police Training School at Phillaur where they attended six months' course. At the end of this period those who passed what was known as Lower School Test were considered fit for promotion to the rank of Head Constables.

In the same way selected Head Constables, 1st Grade were sent for a six months' course and those who passed the Upper School Test were considered fit for promotion to the rank of Sub-Inspector. All men sent to the

Training School were selected by the Deputy Inspector General from amongst these recommended by the Superintendent of Police. The "detective Force" was posted at Police Stations. The Gohana area had Gohana, Kharkhoda and Mundlana police stations or Chowkis.

During 1933-89, the position of police stations and police posts was as follows.—

Police Stations	Police Posts
1. City Sonipat	1. Old City Sonipat
2. Sadar Sonipat	2. Model Town Sonipat
3. Kharkhoda	3. Gohana Road, Sonipat
4. Rai	4. Sikka Colony, Sonipat
5. Gohana	5. City Ganaur
6. Baroda	6. Geeta Bhawan, Sonipat
7. Ganaur	7. P.P. Mohana
	8. Piao Maniari
	9. Mimarpur
	10. Murthal
	11. Jatheri
	12. Sector-14, Sonipat
	13. City Gohana.

The district police is controlled by the Superintendent of Police. As on March 31, 1989, he was assisted by an Additional Superintendent of Police, 2 Deputy Superintendents of Police, 4 Inspectors, 25 Sub-Inspectors, 38 Assistant Sub-Inspectors, 116 Head Constables and 662 Constables. As on March 31, 1989, there were 7 police stations and 13 police posts.

Civil Police.—The civil police is utilized for duty at the police stations. During 1988-89, there were 7 police stations and 13 police posts. Each is under the charge of a Police Officer, known as the Station House Officer, assisted by other staff. It is his duty to maintain peace in the circle as well as to investigate offences occurring within his jurisdiction.

Haryana Armed Police.—The Provincial Additional Police was rechristened as the Provincial Armed Police on December, 15, 1947 and thereafter it was designated as the Punjab Armed Police on April 11, 1961. Since November, 1966, it has been called the Haryana Armed Police. It is presently deployed on protection of important vulnerable points.

Railway Police.—It is not allotted to any district in particular but is a part of a separate state organisation. The circles of the railway police are formed according to sections of the railway lines and they are connected with the prevention, detection and control of crimes in railway trains and within the railway premises. There is a Government railway police outpost at Sonipat.

Police Radio Organisation. For receiving and transmitting messages, wireless sets have been provided at all police stations. This system plays an important role in maintenance of law and order.

Home Guards.—This is a national service organization evolved to meet miscellaneous needs of the civil population as they arise.

The trainees are trained in drill with and without arms, fire fighting, first-aid, warden duties, maintaining essential services and in helping the civil authorities. They are trained in using weapons, taking cover, judging distance, driving boating, patrolling and performing general duties.

Home Guards discharged their duties efficiently on various occasions particularly at the time of floods, Chinese Aggression in 1962 and Pakistani Aggression.

Village Police.—For over a century the police activities at village level were performed by *Zaildars*, *Sufedposhes*, *Chowkidars* and *Inamdars*. But for the institution of *Chowkidari*, all other institutions were abolished from time to time. The *chowkidars* report births and deaths in a thana fortnightly, give information of crimes, keep surveillance over the bad characters residing in the village and report their movements. Besides attending to watch and ward duties, they render general assistance to officers on tour.

Mention may also be made of *thikar chowkidars* who are selected by lot from among the residents of the village; those unwilling to serve are obliged to pay the cost of a substitute. These *chowkidars* are detailed only during emergencies. With the advent of decentralization, this type of system has become very weak and people are averse to *thikri pehra*. The police has to persuade them to implement this system in villages where crime is rampant.

Prosecution Staff.—The prosecution Staff has been placed under the overall charge of the Director of Prosecution, Haryana, Chandigarh since April, 1, 1974. A District Attorney looks after the prosecution work in the district. He is assisted by the other staff.

JAIL

District Jail, Sonipat.—The judicial lock-up, Sonipat was converted into subsidiary jail for the detention of undertrials with effect from 5th January, 1970. It was upgraded to district jail on September 15, 1986. It is situated near the old courts. The Sub-Divisional Magistrate, Sonipat holds part time charge of the jail. The other staff consists of one Superintendent jail, one Deputy Superintendent Jail and Warder Staff for the security of jail. There is accommodation for 103 under-trials in the new Jail. Only undertrial prisoners are kept here. Though there is a provision to keep the convicts for a period of 3 months here; on conviction they are generally sent to District Jail, Rohtak.

There is no special class in this sub-jail. If the court awards a prisoner any special class, he is immediately transferred to Rohtak. The daily average number of the undertrials in the jail during 1988-89 was 48 only.

There is no juvenile ward in the jail. In the absence of a female ward, the women undertrials are not confined here. They are shifted to Rohtak Jail.

The jail is electrified and airy. There is a facility of newspapers for the undertrials. A part-time doctor attends the inmates.

Measures are taken for the moral, social, mental uplift and physical development of the prisoners so as to effect a change in their attitude and criminal tendencies.

JUSTICE

During 1912, the judicial work of the Delhi district was supervised by the Divisional and Sessions Judge of the Delhi civil division. The District Magistrate was responsible for the administration of criminal justice, being Chief Magistrate and supervisor of the Police so far as their duties related to crime. Besides, there were First Class, Second Class and Third Class Magistrates.

The civil judiciary was under the control of the District Judge whose principal assistants were Additional District Judge, a Sub-Judge and the Judge of Small cause court; the latter was assisted by a Registrar. The minor courts consisted of *Munsiffs* who were mostly revenue officers in an allomorphic disguise.

The Gohana tahsil was the part of Rohtak district. The normal strength of the district staff consisted of one Deputy Commissioner and three Extra Assistant Commissioners, who were District Judge, Treasury Officer and Revenue Assistant respectively. The Deputy Commissioner was invested with enhanced powers under section 30, Criminal Procedure Code and the Extra Assistant Commissioners, each of whom was incharge of one or more police stations, had the ordinary powers of First Class Magistrates.

The District Judge had under him two *Munsiffs* and a temporary Sub-Judge at a time. The Extra Assistant Commissioners had the powers of a *Munsiff*. The district was then (1910) in the Judicial division of Hisar.

In Gohana tahsil (there was a Tahsildar with second class and a Naib Tahsildar with third class) criminal powers. There was also an Honorary Magistrate with third class powers at Gohana.

On the revenue side the Naib-Tahsildars and Tahsildars had the powers of Assistant Collectors of the Second grade and the Revenue Assistant of the first grade. All were subordinate to the Deputy Commissioner as Collector, and again to the Commissioner and Financial Commissioner. The District Judge and Treasury Officer did no revenue work but had in common with the Revenue Assistant the powers of a Collector under the Income Tax Act.

Administration of Justice after Independence

Before March 1, 1955, for judicial administration, the areas of present Sonipat district forming part of Rohtak district were tagged to Karnal district. As such only one District and sessions Judge was appointed for the two districts. Finding this arrangement cumbersome for lawyers and litigants, the Bar represented against it and as a result, a separate District and Sessions Judge was posted at Rohtak.

On the civil side the administration of Justice in the then Sonipat district was handled by the District and Sessions Judge, Rohtak. Only a Sub-Judge was posted at Sonipat. The Judges of civil courts tried cases of civil nature according to the powers with which each Sub-Judge had been vested. Since October 2, 1964, all the Sub-Judges were invested with the powers of Judicial Magistrate Ist Class.

Criminal Courts.—Prior to the separation of the judiciary from the executive (October 2, 1964), the organization of criminal justice was controlled by the District Magistrate, Rohtak who was assisted in the areas of Sonipat district by Sub-Divisional Magistrate and Resident Magistrate Ist Class at Sonipat and Resident Magistrate Ist Class at Gohana.

The District Magistrate and Magistrates dealt with all types of crime cases. The criminals were produced before the Magistrate Ist Class in whose jurisdiction the crime was committed. The jurisdiction of the Magistrate was delimited in the district by the District Magistrate and in his absence or with his approval, by the Additional District Magistrate. The jurisdiction of the Magistrate Ist Class usually extended to 3 to 4 police stations. The District Magistrate had executive control over the Magistrates whereas the District and Sessions Judge exercised judicial control as he heard appeals against their Orders in judicial cases.

After the separation of judiciary from the executive, the administration of both civil and criminal justice was transferred to the District and Sessions Judge, Rohtak. He was assisted in this area by 2 Judicial Magistrates posted at Sonipat and 1 Judicial Magistrate posted at Gohana. There was also a Sub-Judge at Sonipat. They dealt with criminal and civil work. Thereafter the Executive Magistrates did only those criminal cases which related to prevention of breach of peace.

On March 31, 1983, Sonipat district was a part of Sessions Division, Rohtak. The Sonipat Sessions Division was created in June, 1983. The following courts were functioning in the district as on March 31, 1989:—

1. Court of District and Sessions Judge, Sonipat.
2. Court of Ist Addl. District & Sessions Judge, Sonipat;
3. Court of IInd Addl. District & Sessions, Judge, Sonipat;
4. Court of IIIrd Addl. District & Sessions Judge, Sonipat.
5. Court of Senior Sub-Judge, Sonipat;
6. Court of Chief Judicial Magistrate, Sonipat;
7. Court of Addl. Senior Sub-Judge, Sonipat;
8. Court of Sub-Judge-cum-Judicial Magistrate 1st Class, Sonipat;
9. Court of Judicial Magistrate Ist Class-cum-Sub-Judge, Sonipat;
10. Court of Sub-Divisional Judicial Magistrate-cum-Sub-Judge Ist Class, Gohana.

After the passage of Punjab Gram Panchayat Act, 1952, some of the functions of the civil and 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 can in turn delegate those powers to *illqa* Magistrate. The panchayats being elected bodies, however do not generally consist of persons with an adequate knowledge of law. The usual formalities of procedures are thus conspicuous by their absence in the trial cases by a panchayat.

Revenue Courts:—The Deputy Commissioner, by virtue of his office, exercises the powers of Collector under the various statutes and is the highest revenue judicial authority in the district. The cases regarding the appointment of *lambardars* are decided by him in the exercise of original jurisdiction and an appeal from and revision of his orders lies to the Commissioner of the Division. The Government has also invested the Sub-Divisional Officer (Civil) with the powers of Collector under specific laws. The Assistant and Extra Assistant

Commissioners, on first appointment to the service are *ex-officio* Assistant Collectors Grade-II but these officers after having passed the departmental examination in Civil Law and Higher Standard Examination in Revenue Law, work as Assistant Collectors of the 1st Grade by virtue of their office. However, the Tahsildars assume powers of an Assistant Collector of the First Grade in particular cases only. The Tahsildars and Naib-Tahsildars also exercise the powers of Assistant Collector (II Grade) under various Acts.

Bar Associations

The bar associations maintain a library and an office. Their function is to help litigants to get justice and to maintain the dignity of the legal profession.

There are two bar associations one each at Sonipat and Gohana. The particulars about these associations are given below:—

Name	Year of Establishment	Membership as on March 31, 1989
Bar Association, Sonipat	1912	206
Bar Association, Gohana	1936	57