

CHAPTER XII

LAW AND ORDER, AND JUSTICE

INCIDENCE
OF CRIME

In the beginning of this century crimes were petty and heinous crimes were extremely rare in the Boudh-Khondmals area which now constitutes a district of the same name comprising the ex-State of Boudh, the Khondmals subdivision of the former Angul district, and the Baligurha taluk of the neighbouring district of Ganjam, and 51 villages of Dahya out-post which was a part of Sonepur ex-State. Burglary and theft were the chief forms of crime and cases of murder and dacoity were rare. But the inhuman practice of human sacrifice known as 'meriah' sacrifice was prevalent among the Kandhas who are found in large numbers in the area. They sacrificed human beings in the fields with the belief to get bumper harvest. Though not universal, female infanticide, another cruel practice was found to be prevalent among certain sections of the Kandhas. "The Kandhas had to pay high prices for wives of their own tribe—a fact which they assigned as one of their reasons for wishing to get rid of their maidens. Mr. Russel, of the Madras Civil Service, in a report dated August 1836, first brought the subject to notice. The expenses attending the marriage rites were then said to be the motive."* L. S. S. O' Malley in the Angul District Gazetteer writes "Female infanticide, which was prevalent among some sections of the Khonds, had apparently nothing to do with religion. According to Major Macpherson, it was forced on the people by the burden of their own marriage customs and their poverty. A Khond bought his wife, paying in kind a sum equal to Rs. 50 to Rs. 70. Once married, a Khond woman had the right to leave her husband, and go to another if she liked, and some exercised this right as many as half a dozen times. When a Khond woman left her husband, the latter had the right to demand from his father-in-law the bride price, minus whatever marriage expenses the latter had paid. The result of this system was that nobody who had a married daughter could tell what part of his property was his own, nor could his tribe, who were liable for him, tell what sum it might be called upon at any time to make good for him, or what payments it might have to enforce in his favour. The result was that a married daughter became a burden ; and to the poorer and more ignorant Khonds the easiest way out of the difficulty was female infanticide."** The British Government took serious measures and these cruel practices were repressed.

The Panas and the Dombs had earned notoriety in the hill country. They used to procure victims for the Kandhas for Meriah sacrifice. Not only did they commit crime within the subdivisions of Khondmals

* Tribal History of Eastern India, pp. 288-89, by E. T. Dalton

** Bengal District Gazetteers, Angul, p. 25, by L. S. S. O' Malley

and Angul, constituting the then Angul district, but with their assistance raids were also made in these areas by the Panas of the neighbouring ex-State. In order to prevent such offences the Kothghar system was enforced, i.e., the village headman kept watch over the Panas of his village at night and made them sleep in one place.

The incidence of crime in the district of Boudh-Khondmals since its formation as a separate district has been quite low. The main offences reported are murder, burglary and theft. Rioting, robbery and dacoity are less common and professional swindling and murder for gain are extremely rare. Most of the murders are due to sudden provocations and superstitious beliefs like witch-craft, etc.

Most of the crimes against property like burglary and theft are petty in nature and are committed by poor people who have no regular jobs.

Incidence of crime is generally heavy in the outlying areas like Belaghar, Bamunigan, and Sundargiri and the reason can squarely be attributed to the lack of communication and education among the Adivasis. There was a case of recurrence of human sacrifice (meriah) from Phiringia police station in the year 1963 in which a Khond committed the murder of the widow of his elder brother on the blind belief that distribution of her flesh in the field would yield him bumper crops for years to come and remove all the evils from his family. The culprit was detected and was punished. Riots, agitations and strikes are at a low ebb in the district. In 1970, the Adivasis of the Khondmals subdivision had started an agitation for the restoration of the agricultural lands of their forefathers which had been allegedly usurped by the non-Adivasis. They were being instigated by the Kui Samaj Samiti to commit offences of trespass and forcible reaping of paddy involving the lands under the occupation of the non-Adivasis. This for some time had given rise to a serious problem of law and order in the district.

The incidence of crime committed in the district during the year 1948 stood at 4 cases of murder, a single case of dacoity, 100 cases of burglary and 180 cases of theft. After three years, i. e. during 1951 there was a slight increase in the recurrence of burglary and theft and the incidence remained at 107 and 202 respectively. However, the occurrence of murder rose to 15. Towards the end of this decade, during the year 1960, the crime position figured at 17 cases of murder, 3 cases of robbery, 117 cases of burglary and 130 cases of theft. In the year 1970 the district witnessed 17 cases of murder, 8 cases of dacoity, 165 cases of burglary and 277 cases of theft. Thus it is evident from the records that the majority of the crimes committed in the district are theft, the

second highest number being burglary. Of such crimes as dacoity, robbery and murder, the highest number is that of murder, and dacoity is rarely reported. Since the formation of the district in 1948 till 1972, there have been only 30 cases of dacoity. There has been no murder or dacoity of any particular note or interest.

Statement showing incidence of different types of crime committed in the district in the years 1971 to 1977 (yearwise) has been given in Appendix I.

A police administration on sound lines did not exist in the princely State of Boudh before the coming of the British. Police functions in those days were discharged by irregular troops. A regular police force in the ex-State was created towards the latter part of the 19th century. According to Cobden-Ramsay towards the beginning of this century the police force of the ex-State consisted of two Sub-Inspectors, ten Head Constables and 59 Constables. The principal police stations were at Boudhgarh, the headquarters of the ex-State; Ghantaparha and Manamunda. The Chowkidars were working as village police.

Prior to 1904, the administration of police in the subdivisions of Angul and Khondmals constituting the then district of Angul was under the Superintendent of the Tributary Mahals, but was transferred in the same year to the Inspector General of Police. The latter dealt with all matters affecting the internal discipline of the force and was its executive head, but the Superintendent of the Tributary Mahals retained full powers to order the whole or any part of the police to proceed to any place where they might be required and was responsible to Government alone for any orders of this nature which he might issue. For administrative purposes the subdivision of Khondmals was constituted a thana, and there were out-posts at Khajuriparha, Kumbharkhol and Saringia. The Chowkidars constituted the village police force and were appointed for watch and ward duties in the villages.

In the agency in Baligurha area regular police system was introduced in 1852 and police officials were appointed to maintain law and order.

With the annexation of the ex-State of Boudh to Phulabani the new district named Boudh-Khondmals with headquarters at Phulabani was formed with effect from the 1st January, 1948. The Police administration in the district was better organised. The Inspector General of Police is the head of the Police Department at the State level and the district comes under the Deputy Inspector General of Police, Southern Range, with headquarters at Berhampur. The Superintendent of Police, Phulabani, normally belongs to the Indian Police Service cadre. He controls the entire police administration of the district. He is assisted by a Deputy Superintendent of Police. A police station is

POLICE
History of
Police Orga-
nisation

Organisation
of Police
force after
merger

under the charge of a senior Sub-Inspector of Police and he is assisted by other Sub-Inspectors, Assistant Sub-Inspectors and Constables. The work of the police stations is supervised by Circle Inspectors.

The sanctioned strength of the police force in the district includes 1 Superintendent of Police, 1 Deputy Superintendent of Police, 2 Reserve Inspectors, 5 Inspectors, 2 Sergeants, 29 Sub-Inspectors, 2 Drill Sub-Inspectors, 38 Assistant Sub-Inspectors; 2 Havildar Majors, 33 Havildars, 12 Naiks, 9 Lance Naiks and 456 Constables.

The district is divided into three police circles and 14 police stations* as mentioned below. Besides, it has a number of police out-posts.

Circles	Police stations
1. Phulabani	1. Phulabani 2. Khajuriparha 3. G. Udayagiri 4. Raikia 5. Phiringia
2. Baligurha	6. Baligurha 7. Kotagarh 8. Daringbarhi 9. Belaghar 10. Bamunigan
3. Boudh	11. Boudh 12. Manamunda 13. Ghantaparha 14. Harabhanga

CIVIL POLICE

The ordinary reserve of the district mainly provides staff to the civil police. It consists of 5 Inspectors, 29 Sub-Inspectors, 38 Assistant Sub-Inspectors, 1 Havildar and 264 Constables. Maintenance of law and order, detection and prevention of crime are the chief duty of the police force.

ARMED RESERVE

To meet emergency situations and to restore peace and order in grievous circumstances when the civil police fails to tackle, the Armed Police Reserve comes to its rescue. The Armed Reserve in the district comprises 1 Inspector, 2 Sergeants, 2 Drill Sub-Inspectors, 2 Havildar Majors, 33 Havildars and 213 Constables (including Naiks and Lance Naiks).

PROSECUTION STAFF

For the prosecution of police cases, police staff have been posted in the subdivisional courts of the district. The staff at Sadar Court, Phulabani, consists of 1 Inspector, 1 Sub-Inspector, 2 Assistant Sub-Inspectors and 6 Constables. At Boudh the court staff includes 1 Sub-Inspector, 1 Assistant Sub-Inspector and 4 Constables, whereas 1 Sub-Inspector and 2 Constables constitute the staff for Baligurha Subdivisional court. The G. Udayagiri court staff comprises 1 Sub-Inspector and 3 Constables.

* The number of police stations in the district has now been increased to 17.

The Home Guard organisation had its humble beginning in the district of Boudh-Khondmals in the year 1961. It is a voluntary organisation having its wings spread both in the urban as well as in the rural areas. The organisation mainly aims at maintaining law and order in the society. Besides, it helps the police when called for at the time of emergency, natural calamities, fairs and festivals, elections, strikes, etc. It also renders first-aid service to the public in case of necessity. At present the sanctioned strength of Urban Home Guard in the district is 210 (inclusive of 11 women) and that of Rural Home Guard is 250. The Home Guards are paid Duty Call-up Allowance at the rate of Rs. 5 per day when they are engaged in duty like night patrolling etc.

Home Guard

The Phulabani Squad, Phulabani, the only vigilance squad in the district, has been functioning since the 17th January, 1960. The squad, consisting of one Inspector and 3 Constables, is under the administrative control of the Superintendent of Police, Vigilance, Southern Division, Berhampur. The squad Inspector collects intelligence and takes up inquiries and investigations entrusted to the squad against Government or public servants including those working under the local bodies and corporations under the Government of Orissa. Cognizable cases under the Prevention of Corruption Act and under the Indian Penal Code like bribery, defalcation of public funds, cheating etc. are investigated under the provisions of the Code of Criminal Procedure. It too collects intelligence and assists in the investigations in order to prevent or detect leakage of public revenue and the evasion of commercial taxes like the Sales Tax, Agricultural Income-tax, Entertainment Tax, Motor Vehicle Tax etc. Its functions also cover enforcement of various control orders, dealing with cases of hoarding, profiteering and black-marketing of essential and controlled commodities.

Vigilance

The number of vigilance cases handled by the squad from 1971 to 1977 is given below :

Year	Criminal cases investigated	Enquiries conducted	Preliminary enquiries held
1971	1	9	30
1972	..	15	32
1973	1	16	30
1974	..	8	18
1975	7	11	19
1976	..	34	..
1977	1	31	..

Wireless

Wireless stations have been set up at Phulabani, Boudh, Baligurha and Khairmal (Manamunda). Two Sub-Inspectors and 9 Assistant Sub-Inspectors are functioning in these stations. Besides these, V. H. F. stations are there at G. Udayagiri, Raikia, Daringbarhi, Baligurha, Phulabani, Tikabali and Phiringia. No separate staff have been sanctioned for these stations. They are being operated by the police staff in addition to their normal duties. The function of these wireless stations is to transmit and receive messages pertaining to crime and criminals, and law and order situation.

Pigeon Service

Two pigeon service establishments are functioning in the district, one at Phulabani and the other at Baligurha. Each pigeon-loft is under the charge of a Constable.

Intelligence Staff

There is a District Intelligence Bureau in the district located at Phulabani, the headquarters of the district. One Inspector, one Sub-Inspector and two Constables have been posted there. Two more Intelligence establishments are there in the district located at Phulabani and Baligurha, each being manned by one Sub-Inspector and one Constable.

Fire Service

The district of Boudh-Khondmals had no fire station until 1966 when a 'C' class fire station was established at G. Udayagiri on the 14th July. Another fire station of the same category was incepted on the 2nd February, 1972 at Boudh, and the third one has been sanctioned for Phulabani, the headquarters of the district which will start functioning shortly with the availability of suitable accommodation. The sanctioned strength of each of these fire stations is one Station Officer, two Leading Firemen, two Driver Havildars and sixteen Firemen. The statement given below indicates the number of fire calls attended by the fire stations, and the losses and recoveries therefrom during the last three years ending 1977.

Name of the Fire Station	Year	No. of Fire Calls	Properties lost (in Rs.)	Properties saved (in Rs.)	Cattle life lost
(1)	(2)	(3)	(4)	(5)	(6)
Boudh	1975	29	4,00,470	6,54,230	73
	1976	28	6,00,820	7,76,500	34
	1977	34	5,05,210	1,00,580	52
G. Udayagiri	1975	9	25,643	36,500	..
	1976	9	1,65,305	2,58,000	3
	1977	8	1,15,600	1,55,000	18

The Chowkidars constituted the village police in the subdivisions of Boudh and Khondmals. In Baligurha subdivision, which was formerly included in the district of Ganjam, the Muthaheads with the assistance of their servants helped in running the village administration. Among other duties, the Muthaheads also looked to the maintenance of peace, recording of vital statistics, reporting of offences to the police*, etc. The Chowkidars were assisting the policemen. Besides, they used to go to the police station every week to submit the statistics of births and deaths in the villages. The Chowkidars of Boudh were enjoying *chakran* lands while those of Khondmals were paid monthly emoluments of Rs. 15 each. The Chowkidari system of Boudh subdivision was abolished with effect from the 1st July, 1965 and that of Khondmals subdivision with effect from the 1st December, 1965. The Muthahead system was abolished with effect from 1st January, 1971. A number of 782 Chowkidars were on the roll when the Chowkidari system was abolished. The Beat Constable system was introduced in the district in the same year and the number of Beat Constables appointed in the subdivisions of Boudh, Khondmals, and Baligurha was 32, 13 and 24 respectively.

Village
Police

The Beat Constable system did not work well and the system was abolished and replaced by the Gram Rakshi system from January 1967. At that time 63 Beat Constables were working. A number of 322 Grama Rakshis were appointed for the purpose. The Grama Rakshi scheme was transferred from the administrative control of the police to the District Magistrate with effect from the 1st September, 1969. At present the sanctioned strength of the Grama Rakshi in the district is 318.

When Khondmals was a subdivision in the then district of Angul (now a subdivision in the district of Dhenkanal) a subsidiary jail was established for the subdivision at Phulabani in the year 1907. According to L. S. S. O' Malley, in 1908 the jail had accommodation for 20 (18 male and 2 female) prisoners. It was upgraded to the status of a District jail only on June 28, 1975 and a wholetime Superintendent was appointed for the jail. Prior to that the Chief District Medical Officer of the district was the Medical Officer-*cum*-part-time Superintendent.

JAILS
District Jail,
Phulabani

At present the sanctioned strength of the District Jail is 1 Superintendent, 1 part-time Medical Officer (the Chief District Medical Officer of the district), 1 Assistant Surgeon, 1 Jailor, 1 Assistant Jailor, 2 Sub-Assistant Jailors, 3 Head Warders, 18 Warders (male), 1 Female Warder, 1 Sweeper and 1 Pharmacist.

* Agency standing orders revised and issued by N. S. Arunachalam, O. B. E., I. C. S., Agent to Governor in Ganjam and Deputy Commissioner, Khondmals, dated 1949 published in 1965.

BOUDH-KHONDMALS

The jail provides accommodation for 67 (65 male and 2 female) prisoners. Altogether there are 4 wards in the jail. The habitual deteneues, under-trial prisoners, and convicted prisoners are kept in separate wards.

The average daily population of the District Jail for the years 1973-77 is given below :

Year	Under-trial prisoners	Convicts
1973	43.25	5.25
1974	30.08	4.28
1975	56.56	17.14
1976	81.28	80.33
1977	99.81	66.42

The statement given below shows the number of various types of convicts released on expiry of terms, on remission of sentences, on appeal, on transfer to other jails and by special orders from the District Jail from 1973 to 1977 :

Year	On expiry		On Remission		On Appeal		On Transfer		By Special Order		
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	
1973	..	48	5	..	..	2	..	38	1	..	..
1974	..	46	1	..	..	..	..	27	..	..	..
1975	..	99	5	9	..	2	..	23	..	..	..
1976	..	109	..	32	..	1	..	39	..	..	..
1977	..	131	7	46	..	..	..	43	1	12	..

Special Sub-Jail, Boudh

The prison organisation at Boudh was constituted during the ex-State period. Writing on the feudatory States of Orissa, Cobden-Ramsay mentioned that in 1907-08 there was a good masonry jail at Boudh with accommodation for sixty prisoners and during the same year the average daily population in the jail was 29. During the ex-State rule the prisoners were employed both in out-door and in-door work. Extramurally they were employed in the jail and ex-State gardens, in improving

basti sites, and in filling up insanitary pits and ditches. The intramural work consisted of oil-pressing, paddy husking and manufacture of durriss, bed sheets and prisoners' clothing. Towards 1929-30 it was noticed that the average daily population in the jail remained at 22.77.

The Sub-jail was converted to a Special Sub-jail with effect from the 1st April, 1956.

The number of staff engaged in the Special Sub-jail is 1 part-time Superintendent (the Medical Officer of the Subdivision), 1 Assistant Jailor, 1 Sub-Assistant Jailor, 2 Head Warders, 10 Warders, 1 Female Warder and 1 Sweeper.

The accommodation capacity of the Special Sub-jail is 66 prisoners (61 male and 5 female). Altogether there are 5 wards in the Special Sub-jail.

The average daily population of the Special Sub-jail, Boudh, from 1973 to 1977 is given below :

Year	Convicts	Under-trial Prisoners
1973	62.95	45.3
1974	60.65	50.71
1975	67.1	86.65
1976	52.13	104.73
1977	40.38	116.65

The number of various types of convicts released from the Special Sub-jail, Boudh, on different grounds like expiry of terms, remission of sentences, appeal, etc., for the last five years (1973-77) is as follows:

Year	On Expiry	On Remission	On Appeal
1973	97	28	1
1974	97	43	4
1975	85	28	4
1976	73	12	1
1977	85	33	2

Sub-jail,
Baligurha

The sub-jail at Baligurha was instituted in 1905 when Baligurha was in Madras Presidency. No separate staff have been appointed for the jail. The Tahsildar, Baligurha, functions as the part-time Superintendent. The Sub-jail has one permanent warder, one sweeper and one temporary warder. It is a 'C' class prison. The accommodation capacity of the Sub-jail is 15 (13 male and 2 female) prisoners. There are two male wards and one female ward in the sub-jail.

The average daily population of the Sub-jail, Baligurha, from 1973 to 1977 is furnished below:

1973	..	48
1974	..	42
1975	..	78
1976	..	98
1977	..	59

The number of various convicts released from the sub-jail from 1973 to 1977 (year-wise) is given below:

1973	..	48
1974	..	54
1975	..	58
1976	..	66
1977	..	49

Sub-jail,
G. Udayagiri

The Taluk Sub-jail, G. Udayagiri, was instituted during the period when G. Udayagiri formed a taluk in the then Ganjam district when the latter was in the province of Madras. This is a 'C' class prison. Like Baligurha Sub-jail no separate staff have been posted for this establishment. The Tahsildar, G. Udayagiri, is the part-time Superintendent and the head clerk of the Tahsil functions as the Sub-jailor in addition to his normal duties. This apart, two warders, one permanent and another temporary, and one Sweeper constitute the staff of the Sub-jail. The sub-jail has four wards. No separate ward is there for females. But on admission of female prisoner a cell is arranged and one temporary female sub-jail warder is appointed for the purpose. The sub-jail provides accommodation for 15 prisoners.

The average daily population of the Sub-jail, G. Udayagiri, is given below. :

1973	..	55
1974	..	42
1975	..	62
1976	..	52
1977	..	52

The number of convicts released from the Sub-jail during last five years (1973 to 1977) is furnished below :

1973	..	38
1974	..	23
1975	..	65
1976	..	63
1977	..	91

There is no separate hospital building in the District jail, Phulabani, but one of the cells of the jail is converted to a dispensary and the prisoners are treated as out-door patients. One Assistant Surgeon and one Pharmacist (now the post is vacant) have been appointed in the Jail to look after the health of the prisoners. The Chief District Medical Officer who is the part-time Medical Officer of the jail also pays visit to the jail when required. In serious cases the patient is removed to the District Headquarters Hospital. Due care is taken of the health of the prisoners.

Medical,
Educational,
Vocational,
and Recreational
Facilities

A 4-bedded hospital is there inside the Special Sub-jail, Boudh, for the treatment of the ailing prisoners. The Subdivisional Medical Officer who is also the part-time Superintendent of the sub-jail looks after the health of the prisoners. There is no hospital attached to the sub-jail either at Baligurha or at G. Udayagiri. The Subdivisional Medical Officer, Baligurha, visits the jail and takes care of the health of the prisoners. The Assistant Surgeon, M. C. C. Hospital, G. Udayagiri, is in charge of the sub-jail, G. Udayagiri. He visits the sub-jail once a week. The required medicines are either supplied from the Public Health Centre, Gresingia, or are purchased from the market.

No regular school is there in any of the prisons of the district. In the District Jail, Phulabani, a literacy centre has been opened on the 8th September, 1977 with the co-operation of the Inspector of Schools of the district, so as to eradicate illiteracy among the prisoners. But there is no trained teacher. A qualified prisoner imparts teaching to his other inmates. In the Special Sub-jail, Boudh, also no teacher is appointed but the task is performed by an educated prisoner. Reading and writing materials are supplied to the inmates for their education.

Due to lack of adequate space in the jail no workshop is there in the District Jail to provide vocational training to the prisoners. In the Special Sub-jail, Boudh, there is provision for imparting training in tailoring. The prisoners' dresses are being prepared by them. Besides, the prisoners work in the jail garden. Five acres of cultivable land is there for the Special Sub-jail where paddy and different kinds of vegetables are grown. Thus the prisoners get practical training in cultivation.

There is provision for recreational facilities of the prisoners in the District Jail, Phulabani, and the Special Sub-jail, Boudh. The prisoners are allowed to stage dramas and variety shows, to play on musical instruments, and to perform folk dances and *daskathia*. At times film shows are also organised by the Public Relations Department for their entertainment. In the Special Sub-jail, Boudh, there is provision for both indoor and out-door games. But due to want of adequate space no out-door games facility is available in the District Jail. A radio set has been provided to the prisoners in the District Jail for their entertainment. There is a small library in the jail to encourage the prisoners to read books.

Treatment of
Prisoners

In the jails the prisoners vary in character, in the nature of crimes committed, in age, etc., and, as such, they are kept separately. The casuals are kept separated from the habituals and the under-trials are separated from the convicts. The nature of treatment offered to the prisoners in the jails is not deterrent as was the case during the Durbar regime, but it is reformatory. The jails aim at reforming the wrong-doer so as to make him better fit for the society. Women prisoners are kept separately and their privacy is strictly maintained. The prisoners are allowed to have letter correspondence with their friends and relatives. Certain categories of prisoners are granted parole and may visit their homes for a short period. The system of granting remission of a portion of the prison-term to convicts as reward for good behaviour acts as an inducement to better discipline. Further, there is provision for the prisoners to make petitions to the higher authorities with regard to their case affairs, and after conviction, to file appeal to the next appellate court.

Board of
visitors

The District Jail, Phulabani, has a Board of Visitors which consists of 10 official and 5 non-official (including one lady) members. The Collector, Boudh-Khondmals, acts as the *ex-officio* Chairman of the Board. The Special Sub-jail, Boudh, and the Sub-jails at Baligurha and G. Udayagiri have 3 non-official members each. The 3 non-official members at Boudh Special Sub-jail include one lady member.

The Board of Visitors meets every three months. The members pay surprise visits and go round the jails. They hear patiently the complaints made by the inmates of the prison, look to the cleanliness and the sanitary

arrangements made in the jail, and the food served to the prisoners. From time to time the members move the Government to take steps to redress the grievances of the prisoners and to improve the condition of the jail.

The District Probation Officer for the district is posted at Phulabani, the headquarters of the district. He chiefly looks after the prisoners placed under him by the court. He makes attempts to find out suitable employment opportunities for the probationers. Further, if necessary, and when ordered by the court, he, too, takes up preliminary inquiries into the environs of the under-trials with a view to determining the most appropriate methods to deal with them.

Probation
Officer

Before the merger of the erstwhile princely State of Boudh, which is now a subdivision in the district of Boudh-Khondmals, with the Province of Orissa in 1948, the ex-State had its own civil and criminal courts including District Court and High Court under the direct control of the Ruling Chief. The relations between the ex-State and the British Government were regulated by the *sanad* of 1894 which was revised in 1908 and the Chief exercised the power of a magistrate of the first class. The Chief was assisted by a Dewan. There were the courts of the Superintendent and the Assistant Superintendent for the administration of justice in the ex-State. Since the merger of the ex-State with Orissa this area was constituted a subdivision under the district of Ganjam and judicial administration remained under the control of the District and Sessions Judge of Ganjam-Nayagarh, as it was then. The Criminal powers were exercised by the Subdivisional Magistrate, Boudh. A regular Munsif's Court was constituted in the year 1948 in the area having jurisdiction over both the Khondmals area and also the Ganjam Agency area.

JUSTICE

The Khondmals subdivision comprising the present Phulabani Subdivision was being administered under the Khondmals Laws Regulation with the Deputy Commissioner of Angul as the head of the administration who exercised powers corresponding to those of a Collector and District Magistrate of the then Angul district till the formation of the Orissa Province in 1936. He was vested with the powers of a Sessions Judge and in civil cases had powers corresponding to those of a District Judge. The Subdivisional Officer of Khondmals had the ordinary powers of a Subdivisional Magistrate of the first class, as defined in the Code of Criminal Procedure, the powers of Civil Court to try original civil suits of which the value did not exceed Rs. 500-00, and also the powers of a Court of Small Causes. There was also an Honorary Magistrate at Phulabani exercising the powers

of a Magistrate of the Third Class. The administration of justice in Khondmals was guided by Khond customs under the Angul District Regulation. The Khonds themselves neither understood nor cared for the subtleties of law, nor did they care for precise adjudication of their disputes. What they preferred was that a dispute should be settled so as to satisfy both the sides that a happy mean should be found out which would be acceptable to the disputants. The efforts both of the law courts and of the village panchayats were accordingly directed to effecting an amicable settlement. False and frivolous claims were not set up. Each side came forward with a genuine grievance, and needed to be convinced of the rights of the opposite party. In the absence of direct evidence, recourse was always taken to oaths, and settlements made in accordance with them were never repudiated. The people were always eager to have their disputes settled by arbitration. Such cases being disposed of in the presence of the village council of elders, who knew a good deal about the facts, prevarication and exaggeration were avoided, and the parties themselves were saved the time, trouble and expense involved in regular law suits.

With the formation of Orissa as a separate Province in 1936, the Subdivision of Khondmals was administered as a subdivision of the Ganjam district but under the Special Regulation i.e., the Khondmals Laws and Regulation Act, 1936. Under this regulation the Collector of Ganjam, styled as Deputy Commissioner, was the head of the District Administration. There was no regular administration of justice in Khondmals and both the Criminal and Civil justice were being discharged by the Court of Subdivisional Officer, Deputy Commissioner and the Commissioner (Board of Revenue). The Commissioner was exercising powers akin to the High Court. The regulation was amended in 1951 enabling the constitution of the Civil Court under the Bengal, Agra and Assam Civil Court's Act, and the District Court under the High Court. The Subdivisional Officer was declared as *ex-officio* Musif on the civil side and he was also the Subdivisional Magistrate under the Code of Criminal Procedure, 1898. The Sessions Judge of Ganjam functioned as District and Sessions Judge of the said area.

The present Baligurha Subdivision was a part of the Ganjam Agency. As per the Ganjam and Vizagpatnam Act, 1839, the Collector of Ganjam who was the Agent of the Provincial Government was the head of the judicial administration being the District and Sessions Judge. This area was under the administrative control of the Revenue Divisional Officer, Russelkonda (now Bhanjanagar) who was the Special Assistant Agent

for the area. The Revenue Officers in the Taluks of Baligurha and G. Udayagiri were functioning as Magistrates under the Code of Criminal Procedure. The Code of Civil Procedure was not applicable, and as per rules known as Agency Rules, framed by the Madras Government and subsequently amended by the Government of Orissa, the Revenue Officers functioned as Agency Munsifs and the Collector was the Agency District Judge. These rules provided limited appeals to High Court. Subsequently these Agency Rules were abolished and normal judicial administration was established from 1st January, 1953. The Revenue Officers who were functioning as Magistrates under the Criminal Procedure Code were declared *ex-Officio* Munsifs. Thus came the courts fully under the control of the judicial administration of the District and the Sessions Judge, Ganjam.

The regular district of Boudh-Khondmals was formed in the year 1952 with headquarters at Phulabani having three subdivisions, namely, Phulabani, Baligurha, and Boudh. Before the separation of the judiciary from the executive the District Magistrate was dealing with all sorts of criminal cases. The Executive Officers, generally belonging to the cadre of Orissa Administrative Service, were discharging the function of judicial administration along with their respective normal administrative works.

There was separation of Judiciary from the Executive which was implemented in the district of Boudh-Khondmals with effect from the 13th November, 1967. Consequently, Judicial Magistrates were posted to function as Subdivisional Judicial Magistrates at Phulabani, Baligurha and the Munsif of Boudh was invested with powers of Subdivisional Judicial Magistrate. A separate Judicial Magistrate First Class was posted at G. Udayagiri. The Additional District Magistrate (Judiciary), Ganjam also functioned as the Additional District Magistrate (Judiciary) for the district of Boudh-Khondmals to discharge the Judicial functions of the District Magistrate as provided in the Criminal Procedure Code (1908). The Subdivisional Judicial Magistrates of Phulabani, and Baligurha; and the Judicial Magistrate First Class of G. Udayagiri, were vested with the powers of Munsifs and functioned as Additional Munsifs under the Munsif of Boudh.

Separation
of Judiciary
from the
Executive

After the amendment of the Code of Criminal Procedure in the year 1973, a Chief Judicial Magistrate for the district of Boudh-Khondmals was posted at Phulabani on the 1st April, 1974. He was also vested with the powers of Sub-Judge-cum-Assistant Sessions Judge to try both Civil and Sessions Cases in the district under the control of the District and Sessions Judge, Ganjam.

The Judgeship of Sessions Division was hence styled as Ganjam-Boudh and the District and Sessions Judge stationed at Berhampur functions as the head of the judicial administration for the districts of Ganjam and Boudh-Khondmals.

The District and Sessions Judge of Ganjam-Boudh-Khondmals Judgeship is the head of Criminal administration for the district of Boudh-Khondmals with his headquarters at Berhampur. Subject to the superintendence of the High Court, the District and Sessions Judge has administrative control over all the Criminal Courts of the District of Boudh-Khondmals. He exercises Criminal powers in accordance with the Code of Criminal Procedure, 1973. The Sessions Judge has been vested with powers to try Sessions Cases committed by the Judicial Magistrates including the Subdivisional Judicial Magistrates of the district of Boudh-Khondmals. He has been empowered to hear appeals and Revisions against the decisions of the Subdivisional Judicial Magistrates and also the Judicial Magistrate, First Class. He is to hear Urgent Criminal Applications and to pass orders for bail. He holds Sessions Circuit Courts at Boudh, Phulabani, Baligurha and G. Udayagiri for the trial and disposal of sessions cases. He being at the apex of the Criminal administration for the district, has also supervising powers over the Chief Judicial Magistrate, Phulabani; Subdivisional Judicial Magistrates posted at the subdivisions of Phulabani, Boudh and Baligurha; and the Judicial Magistrate, First Class posted at G. Udayagiri.

At present there are five Criminal Courts in the district of Boudh-Khondmals, viz., the Court of Chief Judicial Magistrate, Phulabani; Subdivisional Judicial Magistrate, Boudh; Subdivisional Judicial Magistrate Baligurha; and Judicial Magistrate First Class, G. Udayagiri.

The Chief Judicial Magistrate as well as the Subdivisional Judicial Magistrate, including the Judicial Magistrate, have been vested with criminal powers as laid down in the Code of Criminal Procedure and accordingly they exercise their criminal powers in their respective jurisdiction. The Chief Judicial Magistrate is subordinate to the Sessions Judge; and other Judicial Magistrates, subject to the general control of the Sessions Judge, are subordinate to the Chief Judicial Magistrate.

The Chief Judicial Magistrate may, from time to time, make rules or special orders, consistent with the Code of Criminal Procedure, 1973 as to the distribution of business among the Judicial Magistrates subordinate to him.

The Subdivisional Judicial Magistrates have the power to try Criminal Offences triable by a Magistrate, First Class. They have also the power to transfer Criminal cases to the Judicial Magistrate, First and Second Class within their jurisdiction for trial.

Statement showing number of persons involved, acquitted and convicted in the criminal cases tried in different criminal courts of the district for the years 1971 to 1978 is given in Appendix II.

Subject to the superintendence of the High Court, the District Judge of Ganjam-Boudh Judgeship stationed at Berhampur, Ganjam, shall have administrative control over all the Civil Courts under the Bengal, Agra and Assam Civil Court Act, 1887 within the local limits of his jurisdiction. He has to try Civil cases under Special Acts and to hear Civil Appeals from the decisions of the Chief Judicial Magistrate-cum-Additional Sub-Judge, up to the value of Rs. 10,000 and also to hear appeals from the decisions of Munsif, Boudh and Additional Munsifs of Phulabani, Baligurha and G. Udayagiri.

The Chief Judicial Magistrate who also acts as Additional Sub-Judge has powers to try civil suits of unlimited pecuniary jurisdiction. He is vested with powers to hear civil appeals from the decisions of the Munsif, Boudh and the Additional Munsifs of Phulabani, Baligurha and G. Udayagiri as may be transferred to him by the District Judge under his administrative control. He also has powers to try small cause cases up to the value of Rs. 500 within the local limits of the Munsif of Boudh.

The Munsif, Boudh, has been vested with powers to try civil suits up to the value of Rs. 4,000. He, too, has powers to try small cause cases up to the value of Rs. 100 within the local limits of Boudh Munsif.

The Subdivisional Magistrates of Phulabani and Baligurha, the Judicial Magistrate, First Class of G. Udayagiri have been vested with the powers of an Additional Munsif. They try civil suits up to the value of Rs. 1,000. But they are not empowered to try small cause cases within the local limits of their respective areas.

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 1971 to 1978.

The Bar Association, Phulabani, was constituted in 1969 with three members on the roll. At present the strength has gone up to 8. It has no building of its own.

BAR ASSO-
CIATIONS
Bar Associa-
tion, Phula-
bani
Bar Associa-
tion, Boudh

A Bar Association was formed at Boudh in the year 1950. At the beginning it had only five members but now the number has gone up to thirty-seven. No other Bar in the district has such large number of lawyers. It has its own library but no separate building.

With the separation of judiciary from the executive in the district in the year 1967 a Bar Association was formed at Baligurha with five members. Now the number has gone up to seven. The Bar Association possesses a small library, but has no building of its own.

Bar Associa-
tion, Bali-
gurha

A Bar Association at G. Udayagiri was formed in December, 1967 with two members only. The number has now increased to five. It is the smallest Bar in the district. It too, possesses a library but has no building of its own.

Bar Associa-
tion,
G. Udayagiri

APPENDIX I

Statement showing the incidence of different types of crimes committed in the district from 1971 to 1977 (year-wise)

Year	Murder	Dacoity	Robbery	Burglary	Theft	Cheating	Rioting	Rape	Kidnapping and abduction	Arson	
1	2	3	4	5	6	7	8	9	10	11	
1971	..	21	1	4	145	265	5	12	..	1	14
1972	..	23	1	5	163	331	5	11	..	1	13
1973	..	11	..	6	197	264	8	8	..	4	19
1974	..	17	4	6	201	242	8	13	..	1	17
1975	..	23	5	10	204	251	3	27	..	..	12
1976	..	24	5	7	148	165	13	18	..	3	7
1977	..	13	8	12	152	180	4	26	1	..	8

APPENDIX II (A)

Year-wise statement showing the number of Sessions Cases, Criminal Appeals and Criminal Revisions instituted, disposed of and transferred in the Sessions Division of Ganjam-Boudh-Khondmals, Berhampur, for the district of Boudh-Khondmals from 1971 to 1977.

Year		Instituted	Disposed of	Transferred
SESSIONS CASES				
1971	..	33	16	15
1972		28	10	13
1973		33	18	24
1974	..	24	8	22
1975	..	37	7	6
1976	..	31	9	13
1977	..	44	13	16
CRIMINAL APPEALS				
1971	..	79	44	..
1972	..	56	51	..
1973	..	36	87	14
1974	..	57	57	9
1975	..	66	48	8
1976	..	69	31	9
1977	..	64	50	11
CRIMINAL REVISIONS				
1971	..	4	3	..
1972	..	1	1	..
1973	..	5	10	..
1974	..	22	12	4
1975	..	26	19	12
1976	..	12	10	..
1977	..	11	15	16

APPENDIX II (B)

STATEMENT SHOWING THE NUMBER OF CRIMINAL CASES TRIED, CRIMINAL APPEALS HEARD, PERSONS INVOLVED, ACQUITTED AND CONVICTED BY EACH COURT OF THE DISTRICT OF BOUDH-KHONDMALS FROM 1971 TO 1977

CRIMINAL CASES

Name of the Court	1971	1972	1973	1974	1975	1976	1977
Chief Judicial Magistrate, Phulabani	Persons involved	..	..	289	182	238	143
	Persons acquitted	..	..	215	114	152	115
	Persons convicted	..	..	74	68	86	28
Subdivisional Judicial Magistrate, Boudh	Persons involved	930	631	595	1,063	743	897
	Persons acquitted	534	343	370	634	453	575
	Persons convicted	396	288	225	429	275	322
Subdivisional Judicial Magistrate, Baligurha	Persons involved	878	908	994	814	714	630
	Persons acquitted	399	343	362	403	301	249
	Persons convicted	429	538	598	395	391	335
Judicial Magistrate, First Class, G. Udayagiri	Persons involved	1,816	1,164	1,085	1,203	1,339	1,762
	Persons acquitted	500	329	324	282	262	365
	Persons convicted	223	289	286	278	216	204

BOUDH-KHONDMALS

APPENDIX III

STATEMENT SHOWING THE NUMBER OF DIFFERENT TYPE OF CIVIL SUITS INSTITUTED, DISPOSED OF AND APPEALS HEARD BY DIFFERENT COURTS OF THE DISTRICT OF BOUDH-KHONDIMALS FROM 1971 TO 1977

Nature of Cases	1971		1972		1973		1974		1975		1976		1977	
	Insti- tuted	Dispo- sed of	Insti- tuted	Dispo- sed of	Insti- tuted	Dispo- sed of	Insti- tuted	Dispo- sed of	Insti- tuted	Dispo- sed of	Insti- tuted	Dispo- sed of	Insti- tuted	Dispo- sed of
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
ADDITIONAL SUB-JUDGE, PHULABANI														
Title suits	5	5	15	3	13	11	9
Money suits	1	2	..	3	4	..	5
M. J. C.	7	6	28	39	23	25	12	15
Execution P.	3	5	2	1	7	2
Title Appeals	16	11	52	18	21	24	16
Money Appeals	1	9	2	4	..	1
Miscellaneous Appeals	10	4	2	..	2
MUNSIF, BOUDH														
Title Suits	..	28	26	19	30	19	44	18	20	24	28	44	38	47
Money Suits	..	11	11	22	16	33	35	18	20	10	17	11	13	17
ADDITIONAL MUNSIF, BALIGURHA														
Title Suits	..	11	19	9	13	17	13	7	15	11	6	7	3	7
Money Suits	..	8	6	1	2	1	2	..	..	..	2	1	2	2
ADDITIONAL MUNSIF, G. UDAYAGIRI														
Title Suits	..	8	13	12	9	7	17	16	22	10	14	18	17	16
Money Suits	..	13	10	4	7	5	8	16	22	2	7	2	3	2
ADDITIONAL MUNSIF, PHULABANI														
Title Suits	..	17	13	3	15	7	9	4	5	5	6	10	7	16
Money Suits	..	1	4	3	3	2	4	16	17	2	2	1	2	1