JUDICIAL ADMINISTRATION
The Judiciary of the Nilgiri district was of gradual growth. From the very beginning of their settlement in the Nilgiris the Britishers paid due attention to the administration of justice. In 1868 the Nilgiris was constituted as a separate district under a commissioner and an assistant commissioner, in whose hands the whole of the judicial work both civil and criminal was placed.1

But subsequently in 1881 the civil and session courts were again reorganised with the jurisdiction of the District and sessions Judge of Coimbatore for the purpose of civil and criminal justice. Under this arrangement the District Judge was empowered to hold sessions, when necessary at Ootacamund and hold appellate suits. He also looked after the emergent miscellaneous civil works of the district by constituting additional session. He was authorized by the Judge of Coimbatore District to try all offences, but not those punishable with death and transportation for life.

Creation of Courts

A subordinate Judge's court was established in
the same year (1881) at Ootacamund with the jurisdiction over the Nilgiris district to try small cases upto Rs.500. In 1921 one temporary session judge was appointed to exercise the Jurisdiction over the hill District and again another additional session post was created in 1924, in view of the large number of crimes committed in the district\textsuperscript{2}. The post was made permanent in 1937.

Besides these there were one District Magistrate, one city first class magistrate, two additional first class magistrates two subdivisional magistrates and thirteen submagistrates (12 in coimbatore division and one in the Nilgiris) all exercised second class magisterial powers.

**Setting up of civil courts**

Ootacamund had been a military bazaar under a commandant till 1840, then it was made a civil station and it became the administrative head quarters.

In 1855 Principal 'Sadr Amir Court' was established at Ootacamund. The Sadr court improved the judicial administration of the hills\textsuperscript{3}. The civil and sessions court of the hill was proposed to be established in the 'Tellicherry' model with a salary of Rs.1700 to the assistant Judge. But the British government rejected the offer because of the additional expenses and so the Sadr court was proposed as an auxiliary civil and a sessions court with an unconventional Judge. There was no demand of a judge with higher
powers than a principal Sadr Amin because work in the
criminal sessions was very light in the Hills. It
provided the Judge of Coimbatore an occasional holding
at Ootacamund.

The district was separated by the Act 1 of 1868,
and J.W. Breeks was appointed as the first commissioner
of the Nilgiris, who had his service till 7th June
1872⁴. He rendered his service for the development
of Judiciary in the Nilgiris and secured the confidence
of the Government. The memorial school which bears
his name was built in great measure by public
subscriptions is a testimony to his service. He was
succeeded by Mr.J.R. Cock-well on 15th July 1873.
During his time Ouchterlony Valley was added to the
Nilgiris district, and in 1877 the three amshoms
(Namalakode, Munanad, Cherankode) of Wynaad also were
merged with the Jurisdiction area of the Nilgiris
(Before it had been in the Jurisdiction of Malabar)⁵.

Civil court and its function

For the purpose of the civil judicial convenience
the Nilgiris was included in the Judicial District of
Coimbatore. There were two courts of original
jurisdiction one sub-ordinate to the sub-judge of
Ootacamund and the other was under District Munsif of
Gudalur. Subordinate Judge of Ootacamund excercised
jurisdiction over the whole district, and he also
heard appeals from the decisions of the district
munisif.
The district and sessions court at Coimbatore and the subordinate Judge's court of Ootacamund were adjourned for two months whereas the District Munsif courts of Ootacamund and Gudalur were adjourned for six weeks⁶.

Registration of the Courts

The Nilgiris was created as a registered District in 1869 with a Registrar at Ootacamund, and other Sub-Registrars at Coonoor and Gudalur⁷. In 1877, Wynnaad became a part of the registration District of Nilgiris.

Under the authority conferred by Govt. in the notification of 1st January 1873 (under section of 49 civil and criminal procedure), the Acting District Magistrate of Ootacamund was to entertain complaints arising in the 'Namalakode', 'Munanad' and the Cherangode amshoms of the Wynnaad District⁸. But in 1855 the District Munsifs were also given criminal jurisdiction in petty offences and thefts. In the same year the sessions judge was invested with the power of holding sessions from time to time at Ootacamund for the trial of offences committed in the Nilgiris.

All the appeals from the subordinate judge's court of the Nilgiris and the District Munsif of Gudalur were posted for hearing in the District civil courts. They were heard, one month prior to the judgement of
The District Judge of Coimbatore, had his jurisdiction over the Subjudge at Ootacamund, and over the Coonoor taluk also. In cases above Rs.2500 in value arising in Gudalur, he also exercised powers. The District Munsif (who was the deputy tahsildar) of Gudalur tried suits valued upto Rs.2500 and the appeals were taken to the sub-judge at Ootacamund.

Under the Commissioner, an assistant Commissioner was appointed who had the powers of the District Magisterial Judge, to deal with petty cases. There were two joint Magistrates one at Ootacamund and another at Wellington, who heard cases in the Subjudge court and the cantonment.

Area of Jurisdiction

There were three judicial divisions in the judicial area. The first division (Division I) consisted of the local limits including, the tracts known as Seegor, Gudalur, Todanad and a part of Makanad and they came under the charge of the Joint Magistrate of Ootacamund. The second division (Division II) covered the local limits included in the amshorns of South East Wynaad and the Ouchterlony valley. The Govt. plantation at Naduvattam and Ossington Estate came under the charge of the second class Magistrate of Gudalur. The third and the last division (Division III) comprised the local limits including Paringinad.
Apart of the Mekanad came under the charge of the Magistrate of Wellington, who was appointed under the provisions of Sec. 42 of the code of Criminal procedure. The jurisdiction of the bench of honorary magistrates was appointed for Kotagiri including the whole of Paranginad except the settlement of Coonoor.

The bench of magistrates at Ootacamund was constituted in 1875. It had the power to try the offences. The bench of Magistrates in the South East Wynaad was constituted in April 1878. Under the provisions of Sec. 52 offences were tried. The magistrates who tried the second class offences had the powers of casting votes for the selection of the above bench, and they were also salaried persons. With the second class magisterial powers they were members of the bench and took part in the proceedings. They tried offences under the section 222 of the criminal procedure code. The bench was presided over by the Magistrate of the first class.

There was a special and second class magistrate. The duty of the special magistrate was to write the complaint in English. The signature of the complaint in the statement was in the Vernacular and it was found out by him and referred to the nearest police or the magistrate who had the jurisdiction.
Special magistrates had their own discretion. They were entitled to hear the cases and lay the complaint before the bench at their meetings. If the magistrate disbelived the complaint, he would dismiss it under section 4 of the code of criminal procedure. The important power of the special magistrate was to issue summon or warrant.

If summons were issued for the defendant, the complainant must produce his own witness at the time of hearing. In grave offences, when warrants were issued, the magistrate should issue summons to complainants and witnesses.

Proceedings issued by special magistrates were returned to the officer in charge of the Police Station. Usually 3 days were given for the trial of cases to the sessions court.

Sessions were fixed during the time of the appearing of special cases by special magistrates. The police gave all assistance in the filing up of the cases.

The local jurisdiction of the sub-magistrate of Ootacamund was extended. The portion of Munanad which lay within three miles radius from Ootacamund was added to the local limits of the sub-magistrate of Ootacamund. It was authorised to entertain criminal complaints arising within this tract. The submagistrate of Coonoor ceased to excercise his powers with the said tract.
The salary of the submagistrate was given from the land revenue. The salary of the Joint Magistrate of Ootacamund was equivalent to a Lieutenant Colonel, and his Salary was consolidated and fixed at Rs.700 per month.

Police System

An efficient Police System was essential not only for the working of the Judicial organisation but also for maintaining law and order in the district. Until the advent of the British there was no police department in the district.

In the villages the crimes were always light. Every able bodied villager was required to obey the instructions of his village chief and to perform the customary duties of the village. Regarding land disputes violent offences were generally connected with superstitions. The duties of law and order were vested with the village chief.

Later in the towns the law and order was strictly maintained by the British police. It was very difficult, because the immigrant population had different castes, races tongues and different characters. The people in the towns needed a strong force of protection and, so in 1828 a small body of military police was established in Ootacamund by the Military commandant. In 1847 this police force was under the immediate orders of the Tahsildars. The general control of the military joint Magistrate
consisted of a Kotwal who was paid a salary of Rs. 42 per mensum and five daffadars and 75 peons. A few of the daffadars and some peons were called sibbandis. Their role was that of a rural police and they were employed for part of the year in the collection of revenue, six more of the peons were exclusively engaged to protect the forests around Ootacamund from the illicit cutters. The Kotwal had a choultry which was attached to a lock up.

The post of commandant was abolished in the year 1859, and the military police was placed under the order of the civil authorities in accordance with the police act XXIV of the year 1859. Under section 154 of the Act of 1871 the commissioners resolved to instruct generally all police officers of Coonoor to lay the information before the magistrate and to apply for summons, warrant, and search warrants of any person committing any offence, under the above Act and to prosecute such offenders up to the final judgement.

A special police station was setup and police constables were appointed to look after the tax collection at Masinigudi. The directors of the police stations were sent by the Superintendent of Police, Coimbatore.

The municipalities revived their by-laws in the light of the opinion of the Advocate General. The commissioners resolved to empower the police of the town, to act under section 154. All the petitions
of the petitioners relating to conservancy or improvement were asked to bear one anna stamp.

In 1910 the Nilgiris was separated from the Coimbatore district and placed under a separate District Superintendent of Police\textsuperscript{22}.

Considerable difficulty was experienced in maintaining the police force on the Nilgiri Hills in an efficient and satisfactory manner. The rates of hill bata given did not compensate for the dearness of provisions and for the discomforts of the climate\textsuperscript{23}. Consequently resignations became frequent. The Superintendent of Police of Coimbatore District rendered special attention to keep up the force in a better working standard. As a result of those reforms the police system received a new direction and judicial organisation.

In the European model, the constabulary on the Nilgiris was constituted. The new constabulary was deprived of the aid which it had obtained from the hereditary police, prior to the introduction of the regular police system elaborated by Sir William and Mr. Robinson. The peons of Revenue Officers, chiefly those of the Tahsildars did little police work. From the year 1820 to 1855 Ootacamund possessed a military police, and later it was abolished. The establishment of the Military depot at Wellington was the immediate cause for the abolishment of the said police force.
As it is known, the superintendent of police, Coimbatore, exercised a general control over the Nilgiris District for sometime. Then the arrangement which had continued from the time when the Hills proper formed a taluk of that district came into force. The chief inspector on a salary of rupees 350, had one Inspector and two Sub-Inspectors under his control. The Chief Inspector took the place of an Assistant Superintendent, an office which was abolished in 1875\textsuperscript{24}. The duties and responsibilities of the Chief Inspector considerably increased by the annexation of the South East Wynaad in the year 1877.

The task of detecting and repressing Coffee Thefts was extremely difficult, in spite of the passing of the Act VIII of 1878, with the special object of repressing those offences\textsuperscript{25}. The head-quarters of the Chief Inspector were at Ootacamund. The chief inspector and subordinate Inspectors were stationed at Coonoor and Ootacamund.

In 1875, there were ten stations in the Nilgiris viz. Ootacamund town, Ootacamund district, Paikara, Naduwattam, Kalhatti, Masnigudi, Kotagiri, Wellington, Coonoor district and, Coonoor town. In Wynaad there were four stations as follows - Gudalur, Cherambadi, Devala and Nadugani.

The proportion of the police, to the population was one in 400 and to the area one in 6\(\frac{3}{4}\) square miles on the Nilgirs proper, and one in 1117 and one in 7
Sq. miles respectively in the Wynaad. The cost per head of the population in 1875-76 was Rupees 0-9-3 and per square mile Rupees 37-4-6 in the Nilgiris proper, and 0-5-8 and Rupees 33-1-3 respectively in the South-East Wynaad. The total cost for the district was approximately Rupees 38,140 or Rupees 0-6-1 per head of population and Rupees 38-9-8 per square mile\textsuperscript{26}.

**Prisons and Jails**

In the Nilgiris the District Sub-Jail was inaugurated in the year 1862\textsuperscript{27}. It was meant for the accommodation of Europeans sentenced in all parts of India to long terms, whether by the ordinary tribunals or by Court Martial. The first convict admitted was a man sentenced by the sessions court of Mangalore in Feb. 1862. There were 29 (Twenty Nine) civilian criminals from Calcutta and five court martial prisoners from different cantonments of the presidency in this prison. The sub-jail would hold 36 persons. Thereafter suitable Jails were built in other presidencies, so convicts could be transferred to their respective places. Then the sub-jail was used for short term prisoners and Eurasians. In 1878 there were 110 prisoners from the civil and criminal courts and 188 from the Military courts, totally 298 were sentenced. The convicts in the subjail were never employed outside the walls but were kept at work on weaving, making coir, matting, shoe-making and in cleansing their premises.
Female convicts and civil prisoners were not admitted into this Sub-Jail. They were sent to the state prison for women at Vellore. For Juveniles there was no separate accommodation. A small number of juveniles were admitted and they were not allowed to work with the adults.

All prisoners were liable to the discipline on their arrival and were considered on probation. On the expiry of the probationary terms, convicts worked under the superintendence and control of the European Warders.

None of the convicts were employed on extra mural work. Industrial works such as Stone breaking, saddlery, carpentry were done by the convicts. The convicts had a chance to be qualified in industrial labour sweeping the yard, white washing the premises, cooking and tailoring.

Diet of the convicts

The ordinary diet of the convicts was given in the annexure I. For the sick prisoners the doctor prescribed a special diet. The diet was ample and good, no fish was provided. The water for drinking was obtained from the Marlemand Lake.

Indisciplined convicts were subject to diet restrictions. Bread and water or half rations might be awarded as punishment.
On admission each prisoner was supplied with a small kit, marked with his register number, consisting of 1 cap, 1 coat 1 waist coat, and 2 trousers of ordinary infantry blue grey cloth and 2 blue serge and 3 cotton chequerd shirts, 2 flannel banians, 2 pairs of drawers, 3 pairs of socks, 2 hand kerchiefs, a pair of boots and slippers, 1 comb and 4 towels. The convicts were also provided a coir mattress and 2 pillows, 4 sheets and 4 pillow slips, 2 blankets and a cotton rug. During one month of their sentence in discipline a convicts was deprived of his mattress and required to sleep on a plank bed

The health of the convicts was remarkably good. Deaths were less, only around two deaths occurred. Some convicts suffered from pneumonia and heart disease. The more prevalent ailments were stomach disorders and cold. There were no epidemics. It was found out that the convicts generally gained weight during their imprisonment.

Spiritual or Divine Service was performed once a week for the Roman catholic prisoners and twice a week, Sundays and Wednesdays for protestants. There was a small library of useful and instructive books for the use of the prisoners. Religious books like the Bible, the Book of Common prayer were available in the library.

The cost of ration and other expenditures were kept in order. The cost of ration for the year 1878 exclusive of European prisoners at Ootacamund was
Rs.201-7-8 per annum. Mutual loan companies existed in the Nilgiris of which one was at Ootacamund and the remaining 18 were in the presidency towns. The establishment consists of 1 keeper, 5 wardens, 1 messenger, 1 medical officer and 1 Assistant Apothecary. The Joint Magistrate of the station was ex-officio superintendent. There was no police guard over the prison. The wardens had to act in the duelpost of guard and turnkey.

In the early days the only Jail in the district was the Kotwal's lock-up. The building was originally the old Travellers Bungalow subsequently utilized as a 'cutcherry' for the principal Sadder Amin and was ultimately, converted into a District Jail under the charge of the Sadder Amin in 1856. The Jail was well situated on a hill in the centre of Ootacamund. It consisted of a range of buildings facing the west, and contained ten wards of which one was under trial ward watchmen's room. There were four solitary cells at the northern end. There were kitchens and latrines with earthernstones. There was a workshop and a hospital that contained four wards and accommodation for 26 patients. The jail and hospital were well ventilated. There was also a separate building with a surrounding yard for civil debtors, Europeans and the natives. There was a separate building for female convicts and Juveniles. There were vegetable gardens producing excellent vegetables for the use of the prisoners. The Jailors quarters were situated close
to the Jail. The police guard room was outside the main Jail. All the buildings were lighted neatly with kerosene lamps.

The civil debtor's jail provided accommodation for 6 inmates and was a comfortable building but was rarely occupied. There was a lock-up for short term prisoners. There were also lock-ups at Gudalur and Devala. The only prisons in the district at present were the three sub-jails at Ootacamund, Coonoor and Gudalur. There was a Police Station at Wellington.

In 1883 Sir Frederick Robert, commander-in-chief stopped the sending of court-martialled convicts of the Army to the Nilgiri jail. In 1890 a committee was appointed by the Governor General to enquire into jail administration.

In 1906 the old exercise yard of the prison was converted into an Armoury and Drill Hall of the Nilgiri Volunteer Rifles. Public entertainments in Ootacamund like dances, dramatic performances and fancy fairs were held.

Crime and Punishment

Crime was light outside the two Municipal towns. Dacoities and robberies were very rare. An offence which attracted more attention in the district was coffee stealing. Coffee stealing was formerly prevalent in Wynaad. Violent offences were connected with superstitious feelings. The murders of Kurumbas due
to their supposed power of black magic occurred from time to time. In the Wynaad the Paniyas and Kurumbas committed most of the petty crimes. These crimes practically disappeared because of the decline of the coffee plantation. But the offences committed in the larger towns were great. The crime rate in the Nilgiris was of same proportion as in other districts of the Madras Presidency.

The Kurumbas became subject to attacks by other tribes because of their supposed black-magic powers. The Village Magistrate and Police Officers were appointed to stop the activities of the kurumbas. The Kurumbas were the hereditary thieves in the District, like the Dundassies in Ganjam, the Kavilgar of Trichinappaly and the Talliaries of Cuddapah. Before the advent of the Britishers there was no effective police administration to stop the crimes of the Kurumbas. The village heads were illiterates, and they had no knowledge of the judiciary. It was a great problem for the village headman to maintain law and order in the villages.

In 1835 many Kurumbas were massacred. The news was sent to Sullivan the then Governor of Madras. Frederick Adam was appointed as the commanding officer of Ootacamund police authority over the hills and he was also appointed as a Magistrate, in order to afford protection to the lives and property of all classes of the inhabitants.
Other crimes like flying kites on the road, depositing certain articles in the public road, drunkenness and riotous behaviour, nuisance defecation, theft and permitting sheep to remain in public place without proper attendants, assault or using criminal force on a British subject, keeping grain or other articles on a public road, playing marbles on a public road, using premises as a brickkiln without taking a license; permitting ponies to wander in a public places were also objected to by the police department.

Cutting grass on the public road torturing of animals, selling stale food mischief defamations house breaking by night were other crimes. Those committing these crimes were given severe imprisonment for the period of five years. Counterfeiting coins was also a crime. Two and half years rigorous imprisonment was given for cheating.

Complaints were made to the District Magistrate regarding annoyances and dangers caused by dogs to people on the public roads in towns or elsewhere in the District. All persons responsible for the custody of dogs, were warned that on proof of such common danger or annoyance by reason of their illegal acts, or omission to take proper care of their animals, they were liable to be convicted for public nuisance punishable under Chapter XIV of the Indian Penal Code. And the police were instructed to watch the places where such nuisance prevailed and prosecution was instituted against those responsible.
If things were found in public places the claimant to the same was to appear before the court, and to establish his claim within six months from the date. If no claim was forthcoming, it would be taken to the credit of the Government. Rewards were also given to persons who furnished information regarding unclaimed property.

Unclaimed articles were mentioned in the list of the District Magistrate. Any person who had claim to such things was required to appear before the District Magistrate and establish his/her claim to the same within three months from the date of claiming, failing which the articles were sold by public auction and the sale proceedings were attached to the Government.

The District Magistrate had the authority to sanction the destruction of dogs in the towns, regarding which, notice was made to public both in writing and by tomtom (announcing).

Cutting sandalwood trees without permission was sentenced to 25 thrashes with a light stick and the sentence was carried out in the Ootacamund court.

The provision of the code of criminal procedure relating to the summoning and examination of an accused person and witness and to the levying of penalties should be applied under the court laws.
All fees, fines and forfeiture realised under the court Act should be paid into the public treasury. If the person failed to pay the fine, he was given one month simple imprisonment.

Penalties for shooting, during close season and for breach of fishing rules were also imposed. Smuggling was also checked by the police department. Especially at Gudalur a special Sub Inspector was appointed to check the smugglers from Malabar and Mysore. That Inspector had the power to visit the area periodically. He had an Assistant Inspector to correspond to the abkari matters. Because of the smugglers the Board decided to abolish the Gudalur range of the Malabar circle. It was abolished and the Gudalur taluk was put incharge of the Assistant Inspector at Ootacamund. In order to reconstitute the duties of the Assistant Inspector the Coonoor range was placed under a Sub Inspector who worked under the Assistant Inspector. The Collector of the Nilgiri District worked with one Inspector and one Assistant Commissioner of Malabar.

Judicial Administration in the Villages

Village courts were under the control of the Munsifs or the village magistrates. The village munsif had the right to receive petitions from the villagers and he was given the power to look after the law and order in the villages. The petitions which he collected were submitted to the sub-magistrate court which was nearer to the village.
Village bench courts were constituted under Act I of 1889 and were also situated at Ootacamund and Coonoor and had Jurisdiction over specified villages near these towns.

All the records of the Jurisdiction of villages were kept by the village magistrate. The village magistrates of the Gudalur division were asked to submit the stamp papers to the District Munsif. According to the declaration of the Governor in council, the villages of Seegur Kundah and Todanad excepting Ouchterlony valley in the Nilgiri District were combined with the Judicial Area of Nilgiri District and a joint magistrate was also appointed to lookafter the said villages.

Police arrangements in respect of the village in the Nilgiris was peculiar. The headmen of rural divisions termed gramamaniyagar and the sub-ordinate headman called Ur Maniyagar of the hamlets had the power to look after law and order in the rural areas, and they also acted as Judicial heads of their particular areas. All the villagers including the able bodied villagers were required to obey the village chief. No communal system prevailed. Intravillage crime was also unknown. Land disputes, law and order also came under the control of the village headmen.

There was no effective police administration in the villages. But the police duties were carried out
by the village headmen. The education of the heads of villages aimed at a knowledge and appreciation of their responsibilities and duties as the dispensers of Justice in petty cases and as the protectors of the lives and properties, not only of their fellow villagers, but also as guardians of the public peace generally.

Three of the Maniyagars viz. those having their headquarters at Ootacamund, Coonoor and Kotagiri perform the functions of village Munsifs under Regulation IV of 1816.  

Talayaris were actually formed to perform the duties of a village police. But there was no real village police and the duties of the thandalkars in villages were to collect the revenue. The village maniyagars and submaniyagars were in office before the British settlement. Thandalkars were engaged in guarding the village remittances to the Taluk Treasury and performed duties of "Rural Police" and so were permitted to carry a gun without a license. Such servants were specially exempted under the Arms Act Rules No.1 Clause XI. Heads of villages and thandalkars were personally held responsible for providing proper attention to the sick and destitute travellers passing through their villages.

All reasonable expenses that were incurred in providing food for the sick or destitute and for their conveyance to the nearest hospital were paid by the District Magistrate.

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LOCAL ADMINISTRATION