The Indian subcontinent was ruled by the British colonial rulers for over two centuries. To administer the large country and its diverse population, the British designed a legal administrative system and law courts which played a key role in serving their interest and dominance. Along with the legal administration, they also developed the police system, and these were used as important instruments of colonial dominance, utilising advancement in the mechanism of public control and disciplining of society. Thus law, judiciary and police constituted the arms of the state, and these organs of the colonial government played a crucial role in administering justice and maintaining law and order. A detailed analysis of the nature and functions of the judiciary and the police and their dimensions and dynamics provide a better perspective regarding the working of British colonialism in this region.

**Judiciary:**

The British introduced and implemented the codification of law, the code of civil procedure, which was applicable to all citizens, irrespective of caste, creed and religion. The British laid the foundation of a new system of dispensing justice through a hierarchy of civil and criminal courts. These courts were established for trial of the petty and heinous crime with the right to appeal at the High Court and an appeal to a committee of Privy Council in civil suits. The making of law was the central concern of the European colonisers in the colonies. In fact, law is described as the ‘cutting edge of colonialism’ and also as ‘central to the civilising mission of the British imperialism’. On 28th February
1862, North Kanara was detached from the Presidency of Fort St. George and annexed to the Bombay Presidency. Under the Proclamation dated 15\textsuperscript{th} April 1862, the Governor General of India in Council was appointed to enact the Indian Council Act in the region.\textsuperscript{5}

In 1860, North Kanara with the sub-division of Kundapur came under the separate charge of a district judge who held his court at Honnavar till 1866.\textsuperscript{6} In 1862 there were 9 civil courts in the district. In 1866 the District Court was transferred from Honnavar to Karwar.\textsuperscript{7} In 1870, the numbers of Civil Courts were reduced to five and were situated at Karwar, Kumta, Honnavar, Sirsi, and Siddapur.\textsuperscript{8} In 1881 the district was provided with the services of four subordinate judges.\textsuperscript{9} The Bombay High Court was the Supreme Court for the district.\textsuperscript{10} The High Court consisted of a chief justice and nine puisne judges. The chief justice had ordinary and extraordinary, civil and criminal jurisdiction and exercised both original as well as appellate functions. The appellate judges supervised the administration of justice by subordinate civil and criminal courts.\textsuperscript{11}

The revenue authorities were invested with powers of criminal judicature ranging as 1\textsuperscript{st} class, 2\textsuperscript{nd} class and 3\textsuperscript{rd} class Magistrates with powers of passing sentences. The District Magistrate, \textit{Mamlatdars} and the Assistant Collectors were also given the responsibility of Criminal Courts and they could hold their courts at camps the villages during the circuit programme.\textsuperscript{12} The Collector was the District Magistrate and also heard criminal appeals. The power to revise Magistrate’s decision was given to the session’s court judge who presided over the district sessions court at Karwar. In addition to these, there was a court of the Town Magistrate at Karwar. The Town Magistrate simultaneously worked as a \textit{Huzur} or Deputy Collector having supervision over the district treasury office.\textsuperscript{13} In order to help him in the administration, Sub-Magistrate’s establishment was set --.
up at Haliyal, Siddapur, Ankola, Bhatkal and Mundgod.¹⁴ The *Mamlatdars* were given the magisterial responsibility of sub-divisions under the Act V of 1864.¹⁵ Subsequently, this Act was superseded by the Bombay Act of 1876.¹⁶

<table>
<thead>
<tr>
<th>Number of posts</th>
<th>Officials</th>
<th>Salary per Month in Rupees</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Sub-Magistrate</td>
<td>50-0-0</td>
</tr>
<tr>
<td>1</td>
<td><em>Gumasta</em></td>
<td>12-0-0</td>
</tr>
<tr>
<td>1</td>
<td>Dufferbund</td>
<td>7-0-0</td>
</tr>
<tr>
<td>2</td>
<td>Peon @ Rs. 5</td>
<td>10-0-0</td>
</tr>
<tr>
<td>1</td>
<td><em>Mussaljee</em> (Sweeper)</td>
<td>5-0-0</td>
</tr>
</tbody>
</table>

The highest court in each district was the District Court. The District Court at Karwar was created around 1866 in the pattern of county courts in England. Ever since the creation of the District Court, the Presiding Officers of the Courts were all British till 1947, except for a few instances. Satyendranath Tagore, the elder brother of Poet laureate Rabindranath Tagore presided over this Court between 1881 and 1884.¹⁸ These judges used to be mainly from the Indian Civil Service cadre who chose to accept the judicial assignments. They had the right of seeking necessary advice or explanation from Hindu *pundits* regarding Hindu Law and from *Kazis* regarding the Muslim personal law. The judgements were written by the judges in their own handwriting were generally short.¹⁹

In 1881, the First Class Sub-Judge of Karwar, besides having special jurisdiction of above Rupees 5,000 over the whole district, had ordinary jurisdiction over Karwar and Ankola taluks except some villages.²⁰
The Sessions Court at Karwar had jurisdiction over the entire district. The District Judge himself was the Sessions Judge under the Criminal Procedure Code. The sessions Judge conducted trials of cases committed to the sessions court and also heard appeals over orders from the subordinate Magistrate in the district.

**Codes and Acts:**

The Civil Procedure Code, the Penal Procedure Code and the Criminal Procedure Code were passed in the year 1859, 1860 and 1861 respectively. The British Judicial System in India played a vital role in sustaining the colonial state by maintaining law and order, controlling crime and surveillance of its subjects. The British rule saw the transformation of the judicial system from a formal social control mechanism based on local tradition and religion to an instrument of colonial ideas and colonial subjection. Through the criminal laws, many restrictions were imposed on the rights and privileges of the Inhabitants. In 1860, the colonial government passed the rule prohibiting cutting of green leaves and dead wood for burning purposes. Initially, for violation of this rule the inhabitants were punished under the Madras Code, but after implementation of the Criminal Procedure Code, the offenders were punished under the criminal law. About 1300 cases were filed under the Indian Penal Code for very minor offences in the year 1895. Further these laws were extended to the ryots who failed to pay the land revenue to the government. In the year 1908, the Criminal Procedure Code was amended and it was used to suppress the anti-governmental attitudes of the subjects. Many cases were filed against those who participated in the anti-British activities. Many Acts like the Bombay Survey Act I of 1865 which was later amended as Bombay Land Revenue Code (Act V. of 1879) in 1879, Village Police Act (Bombay) VII of 1867, District Police Act II of 1867,
Cattle Trespass Act I of 1871, Abkari Act V of 1878, District Municipality Act II of 1884, Gambling Act IV of 1887, Bombay Salt Act II of 1890, and Indian Forest Acts (1865, 1878, and 1927), were implemented in the district. Besides, separate forest rules were framed by the British government to control the Kanara Forests. Whenever the inhabitants violated any of these laws, cases were filed under one clause or the other and they were subjected to various types of punishments. Sometimes penalties were put, lands were forfeited, movable and immovable properties were sold to the highest bidder, and in some cases they were sentenced with imprisonment.

As per the Cattle Trespassing Act I of 1871, if any cattle passed through a reserved forest or in any position of a protected forest which was lawfully closed off for grazing, the cattle could be seized by the forest or police officers. In addition to this, under Section 24 of the Act, a fine of five Rupees and in addition two Rupees were collected from the owners of the cattle for the damage done to the forest. The fines and compensations were credited to the government account. In the year 1881 a tax of two annas was imposed on each head of cattle including cows and calves. The tax was imposed on the cattle which were reared by the ryots at their houses. The authorities were harsh and followed severe method in collecting the tax. If grazing tax was not paid, the cattle which were grazed at bettas, beenas and such other lands were driven into cattle pounds and fines were imposed. Many cattle pounds were set up to impound the cattle which crossed the restricted areas. In the year 1888-89, 14,285 cattle were impounded and 137 cattle were sold to the highest bidder, and in the year 1888-90, 11,580 cattle were impounded and 128 cattle were sold. Fifty-four inhabitants were prosecuted under the Act in the year 1895.
It was through the Abakari Act (1878) that the government established its monopoly over the manufacture and sale of liquor, and one who violated it was prosecuted. Any person could sell liquor only with a licence. Those ryots who removed toddy or palm liquor without paying tree tax and without licence to remove toddy or palm liquor were punished by the government. Thirty inhabitants were prosecuted under the Act in the year 1895. Through the Indian Forest Acts and Kanara Rules, the government consolidated its hegemony over forest and sale of forest resources. The Forest laws were framed to impose the government monopoly over the forest resources. Those who violated the Forest Laws were prosecuted. The forest officials acted as autocrats in implementing and protecting the forest laws with the assistance of the legal system. Many false cases were filed against the inhabitants by forest officers and the judicial system upheld these cases against the inhabitants. Sometimes even for simple violation of law, the inhabitants were given harsh punishments. For example, in 1880 fifteen days confinement was the punishment prescribed for illegal feeling of one teak tree. At Sirsi, five persons who were found guilty of felling young trees were sentenced to twenty-five days of imprisonment and a fine of Rupees 25 or convertible to seven days of additional imprisonment. An illiterate peasant whose cattle were grazed in a reserved forest area where grazing was prohibited was led directly before a Magistrate and sentenced to pay a fine equivalent to Rupees 59.

The District Collector was given the right under the British legal system to impose collective punishments on whole village, where the forest officials were unable to find the actual culprits for causing forest fire. In some cases, the villagers who lived far away from the forest areas, and who were totally unaware of the break out of fire were punished. In a few cases, the Lingayats who bury their dead bodies were also made responsible for forest fires and sentenced with imprisonment. Often the families which lost their family
members were made responsible forest fires. If the villagers inhabiting near to the forests failed to bring to the notice of forest officials about the outbreak of forest fires, they were liable for penalty. In case of infringement under the Kanara Forest Privilege Rules, the Collector had given every right to suspend all the privileges and right to usage of community forest.\textsuperscript{41} In the year 1895, 70 inhabitants were prosecuted under the Indian Forest Act of 1878.\textsuperscript{42} Those who violated the Forest Acts were prosecuted under the provision of Criminal Law.\textsuperscript{43}

**Case filed against James London (1880-81):**

The case filed against James London is the best example to evaluate the contradictory and complex nature of the British judicial system in India. James London was a shoemaker and police constable at Karwar. He owned some land in Shirwad village of Karwar taluk which was under *mulageni* tenure. He spent more than Rupees 400 to convert the land into cultivable area. In this process, he had cut down many jungle wood trees except royalties which was according to the privileges granted to every occupant during that time.\textsuperscript{44} In the process of developing the land, he had felled six trees of inferior quality from the government lands with the belief that the same belonged to him. When the land came into his possession on *mulageni*, there was no boundary stone to bifurcate his land and government land on the eastern side of his land. The survey stone which was placed during the time of survey and settlement disappeared. As he was in the process of transporting all the woods of inferior quality for firewood purpose, the cart was stopped by the *patel* and *sarkarkoon* of Shirwad village. They seized the cart loaded with wood and report was sent to the Collector by *sarkarkoon* and *patel*. They gave the report that there was no boundary stone to mark the boundary between the land of James London and that
of the government, and that James London had taken permission to cut the trees four years back. The forest ranger filed the case of theft on London and they decided to seize the cart and add the amount of fine and wood to government treasury. On 26th October 1880, suddenly a warrant was issued against London. The police constable arrested London and he was kept in the taluk office cell at Karwar. He was taken to Sadashivgad, where the Collector had camped till the sentence was ordered. At the time of hearing, only the patel and sarkarkoon of Shirwad were asked some questions by the Collector or Magistrate. Nothing was asked to London, no clarifications were sought from him and he was sentenced for ten days rigorous punishment with non-appealable verdict in any court of law. Thus London was found guilty of theft by the Magistrate and was prosecuted under criminal law. According to London, the trees were cut with the belief that they were standing on his land and proper permission was sought before felling them. As per the petition sent by London to the government, the trees valued not more than two rupees. London with his influence in the police department sent a petition to the government against the Collector, and it was forwarded by the Jailer. But the government upheld the decision of the Collector and London was forced for conviction. Thus London was punished for no fault of his in this case, and was not even provided with the usual principle of appeal.

**The Land Revenue Cases:**

As mentioned earlier in this thesis, land survey was carried out in Karwar taluk in 1871, and revenue settlement was done. The landowners of villagers of 18 villages of the Karwar taluk opposed it and filed the case against the government. They questioned the right of Bombay government to revise the assessment. Cases were filed by denying the right of the government to effect a general revision of assessment and asserting the
permanency of their existing rates of land revenue for ever.\textsuperscript{49} More than 500 cases were filed against the revenue authorities.\textsuperscript{50} The government proceeded with legal action against the landholders who protested against the new assessment. A notice of action was issued through the Civil Court at Karwar. Hearings of these cases were decided upon at various dates from 16\textsuperscript{th} November to 10\textsuperscript{th} January 1872 in the Civil Court of Karwar.\textsuperscript{51} The cases were decided on the ground of the constitutional and legal right of the government under the provisions of Regulations XVII of 1827 and Bombay Act I of 1865 to order a general revision of assessment of lands to fix the land revenue. The government officials were asked for their opinion about this incident; they said that it is the inherent right of the government to increase the land revenue in Uttara Kannada too as in other Provinces of the Presidency. All these cases were decided at the Civil Court of Karwar.\textsuperscript{52} The judgement was given in favour of the government.

\textbf{Pundalik Marta Shenvi and Seven Others Versus Secretary of State in Council:}

In the year 1877, decision was passed at the District court in the case of Pundalik Marta Shenvi and seven others versus Secretary of State in Council.\textsuperscript{53} In this suit the plaintiff claimed the site of an old tank called Bamantale and some adjoining forest land which had been refused to them by the Collector in 1862-64. The case was filed in the District Court by the plaintiff and seven others, the decision was kept pending for more than 12 years and finally the decision was given in favour of Collector.\textsuperscript{54} This case provides evidence for the directory nature of the British judiciary system.
Case of Vaikunta Bapuji:

One of the major cases filed at the Civil Court of Karwar was that of Vaikunta Bapuji of Baad *kasba* of Karwar taluk against W.C. Anderson, Revenue Survey and Settlement Commissioner, Southern Division, and Elphinstone, Acting Collector of Kanara. His *wargs* were situated in the Baad *kasba* with *muli* numbers 31 and 16, in Katinkon village with *muli* number 203, and in Kodibag village with *muli* number 64. These *wargs* were enjoyed by him as his hereditary proprietary right from the remote past.

In his plaint, Vaikunta Bapuji asserted that from time immemorial he was paying the fixed amount of Rs. 200-7-5 on his lands. He pointed that it was through an order dated 29th March 1870 passed by the Governor in Council that Act I of 1865 of Bombay Legislature was improperly applied to his land, and assessment of land revenue was increased to Rs.468-14-0. He requested the court that his old assessment should be made permanent and his right over the land was to be considered as perpetual.

Further, he claimed that the government by implementing the Act and levying the revised assessment violated his traditional proprietary right. He insisted that the Bombay Act I of 1865 was not applicable to his lands. He questioned the right of the government to reassess and fix new rates of assessment on his lands. The date fixed for hearing of this case was 16th November 1871. Oral statement of the plaintiff was taken in the first hearing. This was an important case for both the government and plaintiff. The case which was initially filed in the Civil Court of Karwar was transferred by the government to the Bombay High Court stating that it had original jurisdiction over it. Though this was projected as the official reason to transfer the case, the real factors were far different. The Judge of Karwar Court was a junior having insufficient experience, and the government
did not want to take risk and lose the case. Further, there was a great excitement among the
people of Karwar about this case and the government desired to keep the local people away
from it. The case was transferred to Bombay High Court on 18th January 1872. A further
order of Bombay High Court dated 9th April 1873 permitted the plaintiff to amend his
plaint by substituting the Government of Bombay as defendants in lieu of the Revenue
Survey and Settlement Commissioner Southern Division and the Collector of Kanara. On
17th February 1872, the plaintiff was successful to obtain an injunction which restrained
the defendants from levying the enhanced rate of land revenue until the hearing of the
suit.

Defending the case, the defendants gave their written statement to the Court on
20th April 1872, that the British government had not given any assurance to keep the old
assessment on a permanent basis. Therefore, the revised assessment of Rs. 468-14-0 was
fixed for plaintiff’s land should be paid by him to the government and the Court should not
give any relief to his prayer.

Finally this case came up for hearing on 18th January 1875 before Sir Michael
Roberts Westropp, Chief Justice, and Justice West in High Court under its Extraordinary
jurisdiction. The argument of counsel was too elaborate and took 14 sitting days (18th, 19th,
21st, 22nd, 25th, 26th, 28th, 29th of January, and 1st, 2nd, 4th, 5th, 6th, and 9th of February 1875).
The members of counsel who argued in favour of the plaintiff were Farran, Branson and
Badruddin Tyabji. The members of the Counsel appointed for the defendants were A.R.
Scoble (Advocate General), Latham, Tyrrell Leith and Hart.
Once again the oral statement of the plaintiff was taken by Spens, member of the Commission appointed by the High Court to enquire about this case. Shaw Stewart, formerly the Collector of North Kanara, had already given his report from government side before prothonotary (principal clerk of the court). 65

The main objective of the plaintiff in this case was to challenge the right of the government to enhance the land revenue on his muli lands. The counsel including Farran and others argued in his favour and tried to prove that the Bombay Act I of 1865 was not applicable to Kanara. They emphasised on the system of private property and the hereditary proprietary right over the soil. The feelings and opinions of the ryots were added in the argument by the counsel in favour of the plaintiff. The ryots said that the survey and settlement measures were illegal and unjust, and they did not accept them. They argued that the government forced them to participate in the settlement by issuing summons on their names. They had a doubt about the authority of the government to reassess the land revenue and therefore, only some of them filed the case against the government. 66 Probably more number of ryots wanted to file the complaint against the government. The suppressive polices of the colonial government would have forced the illiterate and unorganised ryots not to file the suits.

The counsel of the plaintiff produced before the courts some letters and proclamation issued by the British officials and the Queen. Among them, one was issued by Thomas Munro which stated that when the British took possession of Kanara, many ryots ran away from their houses leaving their lands waste. To remedy this, he issued a proclamation on 26th March 1800, entreating the ryots to return by promising that the
government would lower the assessment and would not impose any extra assessment, if only people would come and cultivate the fields.\textsuperscript{67}

Another one was the assurance given to the people of Ankola on 6\textsuperscript{th} June of \textit{fusly} 1229 (1819-1820) by Harris, the Collector of Kanara. He stated that the ryots interested in proprietary occupation of government waste lands or \textit{sirkar geni} lands should apply for the same and the government would grant \textit{mulpattas} for the permanent enjoyment of the land by such ryots. Besides, he assured that the land revenue assessment would be fixed without any increase later.\textsuperscript{68}

Thirdly, the counsel for the plaintiff produced another circular sent by Viveash in \textit{fusly} 1244 (1834-35). According to it the ryots were hesitating to cultivate the lands on the government lease, and to overcome this problem he ordered that the \textit{geni} right would be considered as \textit{muli} right. \textit{Mulapatta} would be given for each ryots. As a result many lands were brought under cultivation.\textsuperscript{69}

Fourthly, the plaintiff’s counsel drew the attention of the court to the famous proclamation of Queen Victoria (1858) made by her soon after the transfer of power in India from the Company to the Crown. In her proclamation she desired to protect the natives of India in all rights connected with their lands.\textsuperscript{70} So the counsel argued that the present government has no authority to change the rent of the lands.

The ryots claimed that by trusting all these official announcements about security of tenure and land ownership, many waste lands were brought under cultivation by them with their own expenses. There was a kind of land called \textit{gaznee} which was liable to an
overflow of salt water. Much money was spent in constructing bunds to prevent the salt water from entering this land. But due to the Act I of 1865 the plaintiff had to pay more than double the old assessment to the government. 71 His proprietary right over the land, and the amount of land revenue paid by him earlier for several decades were not considered by this Act.

Vaikunta Bapuji claimed that in his name there were 23 wargs in Baad kasba and four wargs in Kodibag and Katinkone villages. Out of these, he asserted that 17 wargs in Baad kasba, two wargs Kodibag and two wargs in Katinkon villages were his muliwargs. He insisted that the muliwarga meant hereditary and alienable estates, of which the mulwargadar was the sole proprietor in perpetuity, subject to fixed land revenue or quit-rent, payable to the sovereign, and which could not be lawfully enhanced. He claimed that the remaining six wargs in Baad Kasba were held by him as geniwarg. This meant that the land was originally land held by the sovereign and he was liable to pay revenue to the government. The counsel argued that according to the assurance given by Harris, the Collector of Kanara, in fusly 1229 (1819-20) the geniwarg was considered in all respects equal to muliwarg. 72

The counsel also argued that to change the rules relating to private property, an Imperial Act was necessary. The Bombay Act I of 1865 could not have interfered with the existing rights and increase the land revenue. 73 In the discussion carried out before implementing the Act I of 1865, the region of Kanara did not figure. Therefore, the sudden application of this act in Kanara was an ultra vires act of the Bombay government. 74 Thus the counsel to the plaintiff pointed out in his argument that the British government failed to
implement its own proclamation and promises to the people of India in general and Kanara in particular.

The counsel who argued in favour of the defendants or the government successfully proved that all the proclamations provided by the plaintiff were not genuine and oral statement should not be recognised by the court. The counsel reasoned out that the Bombay Act I of 1865 was applicable to Kanara. According to Section XXV and XXVI of this Act, the government had the inherent right to decide on the tax of its people. Sections XXX of the Bombay Act empowered the government to revise the assessment on all the lands whether they belonged to government or not, and impose a thirty years’ settlement. Forty-ninth Section of this Act considered the term “alienated village” as including the muli land. Therefore, the counsel for the government argued that the plaintiff simply denied this right of the government and asserted that existing revenue assessment paid by him as everlasting.

The government’s counsel further argued that there was no force in the argument of the plaintiff that the nature of land tenure in Kanara made Bombay Act I of 1865 inoperative in Kanara. There was no provision in the Act to exclude the superior holder, occupant, owner, absolute owner, inamdar or mulgar from the payment of the land revenue to the government. The mulgars were admittedly holders of the land bound to make certain payments to the government and by default they acquired the right to sell their lands, but they were never exempted from paying the tax.

The counsel in defence of the government said that Munro, the first Collector had great power but it was not absolute. His polices were never followed by his successors.
According to Munro the term private property did not mean absolute freehold from payment of revenue to the government. By the term “fixed,” Munro did not mean that the land revenue could not be enhanced at all, and it only meant that it would not fluctuate frequently. The counsel further argued that when Munro took charge of Kanara, the British government had two aims: first to get the best from him, and secondly to conciliate the people by granting them partial remissions from the exactions imposed on them by their former native rulers. However, such remissions were purely temporary in nature and were for smooth administration. Even if the word ‘fixed’ meant ‘permanent’ for Munro, it was not adopted by the government as permanent settlement. If Munro had given any promise to the landholders that their assessments would never increase, he would have definitely written a report to the government, but no such letter was found. The government’s counsel argued that according to the regulations XXV and XXXI of 1802 passed after the departure of Munro, his successors were not bound by his act. The Regulation XXV, provided for permanent settlement, but was never implemented in Kanara and Sonda. According to the Regulation XXXI which was implemented in Kanara, the government had the right to increase the revenue from time to time. Thus the counsel emphasised that these two regulations were enough to prove that the Madras government never ordered for permanent settlement in Kanara.

The Judgement:

In this suit obviously the decision was given in favour of the government. The court came to the conclusion that the argument of the plaintiff was illegal and impracticable. All his evidences were considered in the court as unauthorised and fake.
The court upheld the arguments made by the counsel of the government and proved that the plaintiff had failed to produce any original *patta*, *sanads* and title of document.\(^79\)

The court observed that from the ancient times in India, the assessment of land revenue was always in the direction of increase. The Adil Shahis, Vijayanagara emperors, Keladi rulers, Haider Ali and Tipu Sultan who ruled the Kanara region before the British had regularly increased the land revenue from time to time. The plaintiff had failed to prove that the permanency of the rate or amount of assessment, or partial exemption from liability to payment of land revenue was an element in the *muli* tenure in Kanara for some centuries before the British conquest of the province. The court held that Vaikunta Bapuji relied on the promises and oral orders or statements given by the former British officials for which there was no authenticity. The court gave its final verdict on 9\(^{th}\) February 1875 by saying that the Bombay government had total authority to increase the land revenue on all the lands under its jurisdiction.\(^80\)

The final verdict was given in favour of the government. The colonial government at Bombay and its Court could prove that they had the right to increase the land revenue to be paid by a *mulawargadar* to the government. But this in no way reduced the significance of the legal suit of the plaintiff. Along with him several other ryots had petitioned to the government. However, Vaikunta Bapuji contributed to the process and language of protest of the ryots in Kanara which evolved in a big way subsequently. The present case brought to light the importance attached to *mulawarga* in Kanara. The arguments of the plaintiff’s counsel highlighted the contradictions that existed in the colonial rule by pointing out that the British did not implement their proclamations in India. In fact such colonial contradictions were later exposed by early Indian nationalists like Dadabhai Naoroji and
others, as well as M. K. Gandhi from the early decades of the twentieth century. Even after this case, the die-hard government did not decrease the land revenue and collected it as per the revised assessment. Further the government decided to increase it after thirty years. An appeal to the Privy Council was never prosecuted. The agitation in Kanara waned away. Thus the well-known fact that the British government was after the maximisation of land revenue in India was vindicated in this case also.

**Case of Pandurang Krishna Shanbhag:**

As in other parts of British India, in Uttara Kannada also the press was effectively used by the nationalists to expose the colonial character of the British rule in Kanara. The news of atrocities on women satyagrahis were reported by Akadas on 25<sup>th</sup> April 1932 in *Kanadavritta*, a weekly newspaper published from Kumta. It was edited by Pandurang Krishna Shanbhag. The women from the district used to organise strike in front of the houses of the villagers or ryots who had purchased the property forfeited and sold on account of arrears of land revenue. In one such incident, women in the district were guided by Gouramma, wife of a well-known Congress agitator, Venkataramayya from Bangalore. On 17<sup>th</sup> April 1932, the district women headed by Gouramma were on hunger strike in front of a bidder’s house that purchased the forfeited goods. Gouramma and three or four women associates and two men associates were arrested by the police and sent to Siddapur police *kacheri*, where the police tortured them. They were abused with ugly words, they were pulled like cattle, and their saris were dragged. They were severely pounced with gun stocks and *lathis*. Though the other women were released, Gouramma was sent to Sirsi where she was examined by the doctors. In the administrative report, it is stated that the doctors certified that Gouramma suffered no injuries. However, it has to be noted that this
was completely contradictory to the report that appeared in the public press about her condition. The news of this incident was published in Kanadavritta dated on 25th April 1932, Kannadiga of Bagalkot and Vishwa Karnataka of Bangalore. Consequently, she was sentenced for six months rigorous punishment. In response to this harsh action taken by the government on Gouramma, hartal was observed in Sirsi and Siddapur villages. The police threatened shopkeepers if they resorted to hartal, they would be punished with imprisonment for one year and a fine of Rupees 100 fine. The District Magistrate sent a memo to the editor to appear before him at Belekeri where he had camped. The editor was accompanied by the pleader, Narasinha Govind Shanbhag who was also the legal adviser of the newspaper. When they approached the District Magistrate, they were ill-treated by the Magistrate. The Magistrate argued that the news published was totally untrue and even the legal adviser was responsible for publishing the news. When they produced the copies of the newspapers, the Magistrate argued that the news was reported by the same reporter, and his intention was to spread false propaganda against the police and the government. The editor and legal adviser were insulted by the Magistrate, saying that they were unfit to be editors. The editor was ordered not to publish such anti-government news, and if he published such news items his newspaper would be banned. Finally, the editor was sentenced with fine by the Magistrate. But on 29th June 1932, a case was filed against the editor of Kanadavritta under the Section 17 of Criminal Law Amendment Act of 1908 at the Special Magistrate of Karwar town, and the case was prolonged for more than one year. The request of the accused to pass the case to the High Court, or produce Gouramma to the court was never allowed. On 8th November 1932, two more cases were filed on the editor for publishing the news with the heading “Congress Work being carried on at Ankola by 5th Dictator Bhagirathi Ganesh Kamat.” The District Magistrate under Section (17) of the Criminal Law Amendment Act, booked the case for publishing the news of...
activities of unlawful associations, and a fine of Rupees 200 was imposed, and the publication was banned. But when the editor appealed for revision of the District Magistrate’s decision at the High Court, the High Court gave decisions in favour of the editor on 24th November 1932. The High Court arrived at such a decision by holding that the names of the unlawful associations were not used in the news, and it was just the report of the programme which would be held at Ankola taluk. The High Court also ordered to refund the fine back to the editor. However, the original case against Pandurang Krishna Shanbhag filed for publishing the news of police atrocities was still pending in the First Magisterial Court at Karwar, and was finally decided on 6th November 1933, and the editor was convicted and sentenced to pay fine of Rupees 100 or in default to undergo rigorous imprisonment for one month. But against this decision, Pandurang Krishna Shanbhag appealed before the Sessions Court at Karwar. The court finally acquitted him on 23rd January 1934.

The legal system introduced by the British in India had several shortcomings. Fighting a legal case was very expensive and only the rich could approach the advocate and the court. The poor and uneducated were practically out of it. In the British legal system the cases were delayed and prolonged, and they favoured the clients who could afford to pay them. Both judiciary and law were not favourable to the inhabitants of the region. In fact, they proved to be a burden for them.

Police:

The police force was an important apparatus in maintaining law and order in the society. However, the colonial police used repressive policies. The establishment of police
system included two tasks: the first involved the establishment of an organisation disciplined to perform the tasks to control, and second involved in positioning and penetration of society to enable it to further colonial hegemony. This was very much necessary in a colony like India which was large in terms of population and area. India was located far away from Britain that hindered the direct control by solely using the strength of the British army. In the mid-19th century army was replaced by the police as the primary instrument of maintaining order and controlling crime in India. After the Revolt of 1857 in India the administrative strategy of the British government had changed. It passed many laws and codes to administer India. In 1860, the Government of India appointed a Commission to enquire into the police administration in India. It recommended the establishment of a well-organised civil constabulary, supervised by European officers. At the head of the police organisation in the province, there was an Inspector-General. The Deputy Inspector-General was placed in each range (the province was divided into ranges), and at the head of each district, there was a Superintendent of Police. These recommendations formed the basis of the Police Act of 1861. The Police Act of 1861 was the legal backbone of the police system. The act stipulated the organisational structure and hierarchy of the police force.

The police force in the district of Uttara Kannada consisted of two distinct bodies, the stipendiary and the village police. The member of stipendiary force could began as constables on a monthly pay of rupees 20, had the opportunity of becoming head constable, inspector or even deputy superintendent. In the mofussil, the sub-inspector had the charge of the police station. The inspector had the charge of sub-division comprising of several police stations or large towns. The pay of sub-inspector ranged from Rupees 75 to Rupees 160 and that of Inspector from Rupees 180 to Rupees 300 per month, and the Assistant
Superintendent of Police or Deputy Superintendent had charge of the sub-division of a district. The executive management of the police in each district was vested under the general direction of the Magistrate of the district assisted by Superintendent of Police. In 1881 the total strength of the district police was 663. There was one district superintendent with salary of Rupees 12000 per year and he was a European officer. The salary of subordinate officers was not less than Rupees 1200 per year and the inferior subordinate officers on yearly salaries of less than Rupees 1200. The proportion of police to area varied greatly according to the nature of the country. It was based on the density and the character of the population and neighbourhood of the Indian states. The police were recruited from Ratnagiri, Sawantwadi and Konkan Marathas of Karwar.

The following statement shows the average proportion of police to an area in the year 1879.

- Area - 4,235 square miles.
- Population Census (1872) - 398,406.
- Strength of Police on 1st June 1880 - 666.
- Police to Area - 1 to 6.
- Police to Population - 1 to 598.

This average reached in southern division of Bombay presidency to 1 to 5.27 square miles and 1 to 63 inhabitants in the year 1930.

The police force was also employed during the time of fairs held in the various parts of the district. The police stations were established in Karwar, Chittakula, Ankola, Gokarna, Kumta, Honnavar, Bhatkal, Siddapur, Sirsi, Banavasi, Mundgod, Yellapur,
Haliyal and Supa. In the early decades of the twentieth century, the police force was of considerable size. 97

Table 4:2
Total Strength of Police in the District

<table>
<thead>
<tr>
<th></th>
<th>1903</th>
<th>1910</th>
<th>1921</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police Inspector</td>
<td>3</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>Sub- Inspector</td>
<td>12</td>
<td>20</td>
<td>19</td>
</tr>
<tr>
<td>Head Constable</td>
<td>138</td>
<td>137</td>
<td>165</td>
</tr>
<tr>
<td>Constable</td>
<td>496</td>
<td>496</td>
<td>449</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>649</strong></td>
<td><strong>657</strong></td>
<td><strong>636</strong></td>
</tr>
</tbody>
</table>

**Village Police:**

As per the provision of Bombay Act VII of 1867, the system of village police was subjected to the control and direction of the Commissioner administered by the different district Magistrates. In each village, the village police was under the charge of police *patel*, who was often, but not always the person performing the duties of revenue *patel*. His duties as police *patel* were furnished to the Magistrate of the district, with any returns of information called for and to keep him constantly informed as to the state of crime, and all matters connected with the village police, health, and general condition of the community in his village. The village police had the duty to prevent crime, and public nuisances and to detect and arrest offenders within their village limits. They were not stipendiary, but received perquisites from the inhabitants of the village or rent lands or sums of money from the government. 98 Under a form of administration which preserved the village as the unit of collection, in the revenue matter, the village police naturally held an important place in the administration. 99 When the new survey and settlement were introduced in the district, the number of villages was increased and the salary of police *patel* was also
increased. In the year 1873, the number of village police was 554, and it was raised to 760 in the year 1876.

Jail:

The District Jail at Karwar was established in the year 1874. It was a district lock-up in the beginning. Gradually its status was raised to that of a special sub-jail to confine hundreds of convicts of Bombay presidency. During the freedom movement, very prominent leaders were locked up in this jail. A separate ward was reserved for prisoners in the District Hospital Karwar. There were three subordinate jails at Kumta, Honnavar and Sirsi, each with the capacity of 20 prisoners in the year 1875. The prisoners could be confined for periods not exceeding three months in this jail. In the subordinate jails, Mamlatdar was the superintendent of jail, and next to him was the Jailer of subordinate jails. Under the Amended Jail Act (Section II) of 1874, the transfer of prisoner from subordinate jails to district jail was entrusted to the Inspector General of Prisons. But in later years, the transfer of prisoners under certain condition was left with District Magistrate. For appointing jailer, District Magistrate was always consulted by Inspector General of Prisons. The sanitary condition of the district jail was very bad in the year 1875. The chief jail industries were carpentry, cane works and weaving. In 1882 some alterations were made in the jail administration, formerly the Jailer was appointed by the Superintendents, and subsequently after some changes in jail administration, he was appointed by the Inspector General. The Jailer’s pay was increased to graduate scale which helped him for quicker promotions. The pay of the jail warden and peon was also increased.
There were lock-ups at each Mamlatdar’s office and one district jail at Karwar. The political prisoners were not kept for a long time in the district. They were sent to jail in Belgaum.\[^{105}\]

The colonial government used its police force for its own benefits. Whenever the colonial laws were broken by the natives, the police force was sent to take actions against them. The police force was of great help to the colonial government in enforcing the forest laws in Uttara Kannada district. Sometimes, even false cases were filed against the peasants accusing them of violation of laws. Whenever a forest fire broke out in the forest, the police officers used to send the report that it was deliberately spread by the villagers. This kind of harassment reached its peak during the freedom struggle.

Conducting surprise raids, catching hold of persons at work in the fields or collecting wood in the forest and returning home tired and hungry were common. The peasants were taken to police station, and they were tortured to reveal the secret places of the Congress workers. Pulling a woman out of her house during the nights and threatening to strip her naked if the endeavour of her husband was not revealed was also an inhuman act of the police. Snatching the babies from their mothers and threatening the latter that if the men on whom warrants were issued were not brought and produced they would not get back their babies. Repressive measures of the police became routine affairs in the region. The women who endeavoured to break and open the seal of the forfeited houses were pushed, kicked, beaten up and jailed. At Vasare village in Ankola, Manudevi, a lady entered the house forfeited to the government after breaking the seal, but was pulled out by the police; she was slapped and kicked till she fell unconscious. Not content with this, the police threw chilly powder in her eyes, and left her for dead.\[^{106}\]
The police system was very harsh towards the natives. It was through the use of the police that the British held India and exercised control over it, and met continued successive challenges to colonial control.

5 The *JD* Proceedings, file No. 419 of 1865, dated 20th December 1865, *JD*, MSA, p.112.
10 *BHR*, The Kanara Land Assessment Case of 1st May 1875, *Appendix to Volume XII*, MSA, p.2.
11 *AARBP*, 1930-31, MSA, p.28.
12 Extract from Proceedings of the Government of Bombay in the Revenue Department dated 20th July 1862, MSA.
14 Extract from Proceedings of the Government of Bombay in the Revenue Department dated 20th July 1862, MSA.


26 Ibid.


30 *Kanara Vanadhukka Nivarana Sabha*, Inward No. 3239, Petition sent and signed by 38 ryots of Sirsi taluk, Exhibit -19, *MSA*.

31 Collector of Kanara to Revenue Commissioner *SD*, Collector’s Office, No.2317 of 1889, Karwar, 8th August 1889, *AARBP*, Kanara Collectorate, 1889-90, MSA, p. 82.


36 Quoted By Narayan Chandavarkar at First District Congress Session held in Karwar from 14 to17th May 1920, *Kanadavritta*, Dated, 20th May 1920, *KSA*.

37 *AFARBP*, Kanara Collectorate, 1881-82, MSA, p.45.

38 Bombay Native Newspapers reports, dated, 11/ 1920, MSA.


48 *Ibid*.


54 *Ibid*.


57 *Ibid*.


63 *Ibid*. 

153
Ibid. Tyabji’s role as a pleader here reminds us of the role of nationalist leaders like Bhulabhai Desai, Tej Bahadur Sapru, K. N. Katju, Jawaharlal Nehru, and Asaf Ali in defending the Indian National Army Prisoners in the court at the historic Red Fort trials in the year 1945. See Bipan Chandra and others, India’s Struggle for Independence, New Delhi, reprint, 2013, pp.475-76. Sumit Sarkar, Modern India 1885-1947, New Delhi, reprint 2013, p.418.


71 Ibid.


74 Ibid.


76 Ibid, pp. 5-6.

77 Ibid.

78 Ibid, p.18.


80 Ibid, p.2.

81 Telegram from Kaveramma Kallal, dated 22nd April 1932 to Home Member, Bombay Government, Bombay, Home Special, 800(41)D,1931-33, p.1; Home Department Special Files, No. 800(41) D, 1932-34; Kanadavritta, dated 25th April 1932; Kannadiga, Bagalkot dated 28th April 1932.

82 Telegram from Kaveramma Kallal, dated 22nd April 1932 to Home Member, Home Special, 800(41)D,1931-33, p.1; Home Department special files, No. 800(41) D, 1932-34; Kanadavritta news paper, dated 25th April, 1932.


84 Kanadavritta dated 25th April, 1932; Appeal by Pandurang Krishna Shanbhag, editor of Kanadavritta, Home Special File No.800(41)D, 1932-33, p.207.

85 Home Special File No.800(41)D, 1932-33, p.121.
The Government Pleader, Bombay High Court to Secretary to Government, No. 3579 of 1932, Bombay 5th December 1932, Criminal application number 323 of 1932, Home Special File No.800(41) D, 1932-33, pp. 137-147

Home Special File No. 800 (41) D. 1932-33.

AARBP, 1861, MSA, p.45.

Ibid.


AARBP, Kanara Collectorate, 1930-31, MSA.

Ibid.


AARBP, Kanara Collectorate, 1930-31, MSA.

Annual Police Administration Report of the Bombay Presidency (1903, 1910, and 1921) including the Province of Sindh, MSA.


AARBP, Kanara Collectorate, 1872-73, MSA.

A. R. Macdonald, Collector of Kanara to W. H. Havelock, Revenue Commissioner SD, No. 2567 of 1876, Karwar Collector’s Office, 24th July 1876, AARBP, Kanara Collectorate, 1876-77, MSA, p.35.


Ibid., p.81.

A. R. Macdonald, Collector of Kanara to W. H. Havelock, Revenue Commissioner SD, No.2567 of 1876, Karwar Collector’s Office, 24th July 1876, AARBP, Kanara Collectorate, 1876-77, MSA, p.35.
