

Police and Judicial Administration : A Study of Princely States of Nayagarh District (1858-1947)

Dr. Saroj Kumar Panda

In the second half of the 19th century, the police administration in the Orissa states was in highly unsatisfactory condition. The Police had little reputation either for efficiency or for honesty. There were frequent complaints regarding the corruption and extortion of the Police. The oppression of the Police was an important cause of several popular risings that occurred in the Princely States of Orissa in the latter half of the 19th Century. After 1905, steps were taken in all the states to organize and strengthen the Police system. The period under review saw the foundation of reorganized police system in the Orissa states.

Under the organized system, the posts of Superintendent were held by the British Officers. The officials who assisted the Superintendent or Inspectors were Sub-Inspectors, Assistant Sub-Inspectors, Havildars, Writers and Constables. Punishments were given to the police personnel for breach of discipline. At the same time in cases of instances of good detection, the police officers concerned were suitably rewarded. In 1907-08, the total police force in the states consisted of 428 officers and 1,936 men. Even then the police administration was defective in several ways and needed thorough organization.¹

In 1908, the chiefs sent their own officers for training at the Police Training College at Hazaribagh. They passed their examinations successfully. By 1915-16, altogether 67 candidates had been trained and by 1935, 435 numbers had been trained. The Head Constables of the states were also sent from time to time to undergo training at the Nathnagar Training School. In 1928, the Political Agent observed that the standard of police work was rising gradually owing to more men being trained at Hazaribagh and Nathnagar. Efforts were also made to raise the standard of literacy of the constables. There was a special primary school for constables in Dhenkanal state.²

The Chowkidars in the villages performed the duty of village police. Their duty comprised reporting commission of offences, movements of professional criminals and arrival and departure of strangers. They also helped the police in the detection of crimes. Crimes like burglary, theft and dacoity were common in the states. Good harvest often showed a decrease in the incidence of crimes while failure of crops showed an increase. The cattle thefts were common and continued to be a nuisance. Murder was committed mostly among the Adivasis who were less sophisticated and

preferred immediate revenge to take recourse to police and court. The *modus operandi* of professional criminals were wall-cutting and lock-breaking. Generally cash, clothes, utensils and jewelry were stolen.³

In the early part of British rule, the ex-states of Nayagarh, Daspalla, Ranpur and Khandapara had their own police system. In 1816, a new policy was followed by British Government, according to which these states were placed under the jurisdiction of the criminal courts and the police power of chiefs was made subject to the supervision of the superintendent.⁴ Till the end of 19th century, the Rajas did not maintain regular police stations. The Police duties were performed by the Paikas or cultivators holding on a tenure of military service.⁵ Due to the absence of efficient and well-organized police system, crime was on the increase. The heinous crimes like dacoity, highway robberies and murder were frequent.⁶

After the disbandment of the Paikas (landed militia) and organization of regular police system, the police force in the four States under study were as follows in 1907-08.

The police force of *Daspalla* state consisted of one Sub-Inspector, 11 Head Constables and 25 Constables. Besides these, there were still 112 Paikas in the state.⁷ In *Khandapara* state, there were one Sub-Inspector, 3 Head Constables and 38 Constables.⁸ The police staff of *Nayagarh* state consisted of one Sub-Inspector, 10 Head Constables, 10 Writer Constables and 35 Constables. Besides these, there was a staff of reserve police officers consisting of one *Jamadar* (Head Constable) and 20 Constables.⁹ Similarly, the police staff of

Ranpur state consisted of one Sub-Inspector, 5 Head Constables and 21 Constables.¹⁰

The budget provision for Nayagarh police, for the session 1938-39 was Rs.49,828/- where as the actual amount spent under this Head was Rs.31,335/-. The excess provision in the budget was made with a view to pay state share of contribution to the Eastern States Joint Police Force, which was not paid during the year. The actual expenditure under this Head in 1938-39 was Rs.28,482/- where as the figure for 1939-40 was Rs.31,335/-. The excess expenditure was due to the maintenance of an extra force that was employed towards the end of the year 1938-39.¹¹

In 1941-42 there was no military force in Nayagarh state. A section of the Eastern States Joint Police Force was stationed at the Headquarters under the supervision and control of the Inspector General of Police and Police Advisor to the resident for the Eastern states. The total strength of police was 133. They included 1 Inspector, 5 Sub-Inspectors, 8 Assistant Sub-Inspectors, 3 Havildars, 1 Body Guard, 9 Writer Constables and 106 Constables. There were also 72 Guns of different pattern in the Police Reserve of the State.¹²

In 1942-43, the police administration of Nayagarh was regulated according to Police Act (Act V of 1861 and Orissa Police Manual) as far as practicable. The entire Police work was carried on in accordance with the provision of the British Indian Criminal Procedure code as applied to the state. The Department was in charge of an Inspector of Police. But for greater efficiency and better management of the Department, the post of Chief Police officer was created during the

year. The total strength of police at the end of the year was 120.¹³

The police administration of Ranpur state remained under the administrative control of Nayagarh Durbar till the end of the year 1945 and afterward it was separated. There were 4 police stations and 3 out posts besides one Police Beat at Godiput during the year. The total strength of the police at the close of the year was 114. The total expenditure during the year under police administration was Rs.64,442/-, out of which Rs.60,789 were paid from Nayagarh state treasury whereas Rs.3,653/- were paid from Ranpur state treasury. During the year, 18,410 bore muskets were purchased through Eastern States Joint Armed Police Force. Thus at the close of the year, the state was in possession of 43,410 bore muskets which were the prescribed number sanctioned for the state.¹⁴

The village Chowkidars used to submit in the police station of every week statistics of birth and death in the villages. Their status was being gradually improved by giving them uniform at regular intervals and a fixed allotment of *jagir* lands. Rewards were also granted to Chowkidars for good work. The total number of Chowkidars in Nayagarh was 386.¹⁵ In the year 1945, the post of more Chowkidar was created. Out of 387 Chowkidars, 22 were getting cash remuneration at the rate of Rs. 4 per month each and 2 were at the rate of Rs.6/- per month. The rest of the Chowkidars enjoyed jagir lands measuring 2060.97 acres. 220 Chowkidars were rewarded with Rs.154/- for regular attendance and good work in connection with detection of crimes and criminals.¹⁶

Some Pans were branded as criminal and to them attributed the dacoits and highway

robberies. The *kothgarh* system of the detection of pans at night was introduced in the states of Talcher, Dhenkanal, Nayagarh, Khandapara and Daspalla in 1923. According to this system, the village headman forced the Pans to sleep in one place in order to keep watch over them at night.¹⁷ It was abolished in Nayagarh and Khandapara during the year 1925–26. It was also abolished in Daspalla except in the case of those pans who were active criminals.¹⁸

JUDICIAL ADMINISTRATION

During Durbar administration, in the ex-states of Orissa, the respective rulers were the heads of justice. They were assisted by the Dewans or the superintendent and a number of subordinate officers to deal with civil and criminal cases. Still the judicial administration in the states was far from satisfactory, it was defective in several ways. Various reasons led to the denial of justice to the people. Firstly, there prevailed personal rule in the states. The cases were generally decided according to the sweet will of the ruler and not according to laws. Secondly, the various codes of laws were not enforced in these states. Thirdly, a lot of discrimination was practised in the judicial sphere. For the same crime, some were punished lightly and some others heavily. There also prevailed widespread corruption in the ranks of police and administrative machinery. The greatest advantage of the judicial system of the Princely States was that, it was speedy and inexpensive.¹⁹

The *sanads* granted to the chiefs in 1894 and 1905 aimed at controlling the judicial powers of the chiefs. Sanads bounded all the chiefs to administer justice fairly and impartially. In the disposal of civil justice, the chiefs of all

the states had full powers. But it was open to Political Agent to advise the chiefs where injustice and hardship had been done.²⁰

In 1927, the Bar Association at Baripada was formed with all the legal practitioner of Mayurbhanj. In 1933, the Maharaja of Mayurbhanj established High Court in its Capital Baripada. The Dewan acted as chief justice, other judges being the special judicial officer and the state judge.²¹ In 1934, the Ruling chief of Patna established High Court in his Capital, Bolangir. The Maharaja had the power to grant pardon.²² However, the High Court of the Patna State interpreted laws and inflicted punishments on the Culprits. The Patna Bar Association in the Patna State was founded in 1938 consisting of seven members; out of which five were law graduates and the rest two were *muktiars*.²³ During this period crime was on the whole light and not of serious nature. Heinous crime was extremely rare.

In 1927-28, the Superintendent of Nayagarh reported that good results had been obtained by the cancellation of all old powers of Attorney which were held by professional Agents. This had reduced the number of cases. The large reduction of the number of suits instituted in this state were, however, chiefly due to adoption by the state of the Indian Limitation Act.²⁴ In 1939-40, the administration of civil and criminal justice was carried on in accordance with the principles of enactments in force in British India. The Indian Penal Code, Criminal Procedure Code, Evident Act, Limitation Act, Civil Procedure Code, Hindu Law, Stamp Act, and Court-fees Act, Police Act and Police and Jail Manuals were strictly followed in the states. During the year, the scale of Court fees was brought in conformity

with the Court Fee Act of Patna High Court. One of the main changes during the year was the appointment of a Special Judge who had been delegated the High Court powers exercised by the ruling chiefs in civil and criminal appeals. Rai Bahadur Lokanath Mishra, an advocate of Patna High Court and the Public Prosecutor of Puri had been appointed to the post. He disposed of 6 civil and 22 criminal appeals during the year. Another change worth of mention was the delegation by the Ruling Chief, the powers of Sessions Judge to the Dewan. Consequently the Assistant Dewan was invested with the powers of a Magistrate of First Class and civil power of unlimited jurisdiction. A post of third officer was created with second-class magistrate powers and civil powers up to the value of Rs.250/- for speedy disposal of cases.²⁵

During 1944-45 in Khandapara State the Civil Court was separated from the criminal Court as an experimental measure. The judiciary also functioned independently from the executive as the common High Court functioned its business. The State joined in the scheme with Nayagarh and other states of this group. There appointed a common district and Sessions Judge with headquarters at Nayagarh state. The state contributed Rs.551/- towards the maintenance of the District and Sessions Judge.²⁶ Rai Bahadur Lokanath Mishra, Special Judge continued to exercise the power of High Court in the state till 30.07.1945 when the common High Court for the Chhatisgarh and Orissa state functioned.

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Saroj Kumar Panda, Principal, Gadibrahma (Degree) College, Delang, Puri, E-mail : saroj_kumarpanda@yahoo.com,