

CHAPTER I

INTRODUCTION

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The study of judicial administration in a particular period and region, forms an important branch of history, because it deals with the life of the common people and the elite and reflect upon the policy of government and the nature of the State. The ⁱregion of Rajarshi Shahu Chhatrapati (1874 to 1922) is significant for a number of reasons in a history of Kolhapur State. It was in this period that social reforms and economic measures were undertaken by the Kolhapur State under the leadership of Shahu Chhatrapati. It was because of these socio-economic reforms that Dr. B.R. Ambedkar described Shahu Chhatrapati, "as the pillar of social democracy in India". The reforms of Shahu Chhatrapati in Kolhapur State were made by introducing ~~to~~ new laws and issuing orders to bring about social change in Kolhapur State. These laws operating in judicial system in Kolhapur State brought about new awareness not only in Kolhapur but throughout India.

It was because of this historic importance of the study of Shahu Chhatrapati's reforms, the study of judicial administration in Kolhapur State was undertaken for study through the present dissertation.

The study of judicial administration in Kolhapur State has been based on primary sources preserved in Kolhapur Archives. These primary sources are in the form of Administra-

tive Reports and Gazettes of Kolhapur State. Moreover, the original letters and documents pertaining to this period have been studied in preparing this dissertation. A few secondary sources have also been used but as the dissertation explores ~~in~~ new subjects for the first time, the dissertation has been primarily based on original and contemporary sources.

In this Chapter an attempt has been made to understand the geography and the historical sketch of Kolhapur State. Moreover, the judicial system in Kolhapur State under ^{the} control of the British Government prior to the accession of Rajarshi Shahu has been briefly outlined.

GEOGRAPHY OF KOLHAPUR STATE :

The Kolhapur State lay between East longitude $70^{\circ}44'11''$ and $73^{\circ}43'16''$ and North latitude $17^{\circ}10'45''$ and $15^{\circ}50'20''$.¹ It was bound by ~~Miraj and Sangli~~ Patwardhan States of Miraj and Sangli and Chikodi (Sub-division of Belgaum District) to the east, on the west by Ratnagiri District and on the north by the river Warana. The State had an area of 2,493 square miles and its annual revenue was rupees 30,88,340 during the year 1881. The average height of Kolhapur was estimated to be about 1917 feet from the sea level.²

Various rivers such as Kasari, Kumbhi, Panchaganga, Bhogawati, Dudhaganga, Vedganga flow in Kolhapur. These rivers originate from the Sahyadri ranges. One half area of Kolhapur State is mountainous and hilly. The soil of the area is

laterite and red clay (in Panhala and Bhudargad) brownish and well drained land (in Alte, Karveer and Radhanagari). The remaining lands of the Alte, Shirol, Gadhinglaj, Raibag, Katkol and Ichalkaranji are rather flat and have black soil.

A BRIEF HISTORY OF KOLHAPUR STATE :

In the seventeenth century, Kolhapur became a part of the Maratha Kingdom founded by Shivaji Chhatrapati. It became a distinct and independent State during the first quarter of the eighteenth century. The Kolhapur State, an important State in the Deccan, was the seat of power of the Chhatrapati and was founded by queen Tarabai by 1710. In the twentieth century Kolhapur became famous for its social, cultural and artistic contributions.

"According to the Purans the tract of Kolhapur State was originally known as, 'Kurweer', from the goddess Mahalaxmi using her mace (Kur) in lifting this her favoured retreat from the water of the great deluges.³ Historically, the earliest reference to Kolhapur occurs during the eighth century in a manuscript at Shravanbelgol,⁴ in the present Karnatak State.

The King Mahamandaleshwar Vikramaditya Bhoj II who belonged to the Shilahar dynasty transferred the capital of his kingdom from Walwa to Kolhapur in the year 1187.⁵ After three years he established his throne at Panhala fort.⁶ In the

year 1209 the Yadav King defeated Shilahar kings and captured Kolhapur and its adjoining area.⁷ Thus, Kolhapur became a part of the Devgiri Yadav's Kingdom during the first quarter of the thirteenth century. Later on Kolhapur went under the control of Muhammadan rulers.⁸ During the later fifteenth century it was ruled by the two Maratha Palegars namely Shakarray and Raje Shirke.⁹

Shivaji captured the Panhala fort in the year 1659¹⁰ and thus Kolhapur came under his control. Chhatrapati Shivaji died on 3rd April, 1680. His elderst son Sambhaji succeeded to the throne and coronated himself in January, 1681. He fought bravely against the Mughals but was captured by Shaikh Nizam on 1st February, 1689.¹¹ Aurangzeb put him to death on 11th March, 1689.

Under the leadership of Rajaram, Maratha Senapati Santaji Ghorpade, Maratha general, Dhanaji Jadhav and other statesmen the people of Maharashtra fought whole-heartedly against the Mughals. On 2nd March, 1700 Rajaram died at Sinhagad. After the death of Rajaram his twenty-five year old widow queen Tarabai organised Maratha leaders and soldiers against the Mughal emperor. Under the leadership of Maharani Tarabai, Marathas regained their prestige and power. Aurangzeb became disappointed and frustrated because his army was defeated by the Marathas. Aurangzeb died on 20th February, 1707 at Ahmednagar.¹²

SHAHU'S RELEASE FROM MUGHAL CAMP :

In the year 1689, Raigad (capital place of Marathas) fell into the hands of Zulfikarkhan and at the same time Yesubai, widow of Sambhaji, and his son Shahu became prisoners at the Mughal Court. After the death of Emperor Aurangzeb, Azam Shah performed the burial rites of his father at Khuldabad.¹³ Azam Shah hurriedly declared himself as the Emperor of India and went towards the north. Azam Shah released Shahu on the advice of Zulfikar Khan, while he crossed river Narmada.¹⁴ Then Shahu proceeded towards the Swarajya territory and started correspondence with Tarabai for his rights. But Queen Tarabai denied his right and declared him an imposter.

BATTLE OF KHED :

Maharani Tarabai assembled immediately her ministers, generals and statesmen to oppose Shahu. She sent her Senapati Dhanaji Jadhav and the Pratinidhi to fight against Shahu. In the battle of Khed between Shahu and Tarabai, Tarabai was defeated by Shahu. Dhanaji Jadhav, thereafter joined Shahu's service. After the success at Khed, Shahu captured Chandan-wandan and he attacked Satara. Satara was captured in 1707,¹⁵ and Shahu coronated himself on 12th January, 1708 at Satara. He also appointed his Ashtapradhans.¹⁶

RISE OF THE KOLHAPUR STATE :

After her defeat queen Tarabai went towards Panhala and then to Vishalgad, Malwan and Sindhudurg. During the rainy season she came back to Panhala and she made Panhala the capital of Kolhapur State. She proclaimed her son Shivaji as the Chhatrapati of Kolhapur State in the year 1710.¹⁷ Thus a new Maratha Kingdom was created at Kolhapur.

TRANSFER OF POWER :

In the months of August-September 1714, a Palace Revolution took place. Queen Tarabai and her son Shivaji were removed from the power and imprisoned. Sambhaji II, Rajaram's younger son by Rajasbai ascended the Kolhapur throne.¹⁸ Ramchandra Pant Amatya became the Kharbhari of Kolhapur State.

WARANA TREATY (1731) :

The warana treaty was signed by both the Chhatrapatis of Kolhapur and Satara on 13th April, 1731.¹⁹ By this treaty the river Warana became the boundary between Kolhapur and Satara State. Shahu and Sambhaji II also agreed that the servants, which were disloyal should not be appointed in each other's Court.²⁰ After the treaty Tarabai accepted to live with Shahu. Thus, the struggle between Kolhapur and Satara came to an end.

PROPOSAL OF UNIFICATION OF THE
KOLHAPUR AND SATARA STATE :

Peshwa Balaji Bajirao had agreed to unite Kolhapur and Satara States. When Sambhaji came to Satara the new Peshwa executed a secret understanding with him for the unification of two States and it was proposed that Sambhaji should succeed the throne, after Shahu's death. But this proposal did not materialise.²¹ After the death of Shahu in 1749 Ram Raja was adopted as a heir of Satara gadi. Sambhaji died on 20th December, 1760.

STRUGGLE WITH PESHWAS :

Sambhaji died childless in 1760 and his wife Jijabai decided to adopt a son from Khanvilkar family. The adoption ceremony took place on 22nd September, 1762 at Panhala²² and thus Shivaji II became the Chhatrapati of Kolhapur. Jijabai struggled with the Peshwa for the supremacy of Kolhapur for twelve years.²³ It was Shivaji II, who shifted his capital from Panhala to Kolhapur. He also defeated Peshwa's generals in some of the battles. Shivaji II accepted a treaty with British and Kolhapur became a princely State from the year 1812.²⁴

CHHATRAPATI SAMBHU ALIAS ABASAHEB :

Chhatrapati Shivaji II died on 24th April, 1813. After the death of Shivaji II, his son Sambhu alias Abasaheb came to the gadi of Kolhapur. But his reign was cut short

because he has killed by Sayaji Mohite for money and land.²⁵
 In his ~~region~~^{reign} he introduced Munsiffs Courts²⁶ in the Kolhapur State. He also introduced reforms in the administration,²⁷ even though there were many restrictions imposed on him by the British.

CHHATRAPATI SHAHAJI ALIAS BUWASAHEB :

Abasaheb Maharaja was killed in the Rajwada (Palace) on 16th July, 1821 by Sayaji Mohite. In the month of January, 1822 Abasaheb Son Shahaji alias Buwasaheb ascended the throne. Buwasaheb made necessary arrangements for the peace and order in the State.

The treaties of 1812 and 1826, which were signed between Kolhapur and British Government, led to the British interference in the Kolhapur State.²⁸ The British government also imposed restrictions on the strength of Kolhapur Army.²⁹ Again a treaty took place between Kolhapur and British Government in the year 1829 which imposed more restrictions on the Chhatrapati of Kolhapur.³⁰ The strength of the army of Kolhapur was fixed at 400 horse and 800 foot.³¹ British army was to be kept at Kolhapur and Panhala and its expenditure was to be borne by the Kolhapur Darbar.³² Chhatrapati agreed to keep a British resident at his Court.³³ Thus civil and military powers of the Chhatrapati of Kolhapur was curtailed by the treaty of 1829. British Government also appointed a Chief Minister, Chhatrapati was, therefore, unable to control

him. Buwasaheb Maharaja died on 29th November, 1838, while he was on a religious tour to Tulajapur.

SHIVAJI III ALIAS BABASAHEB MAHARAJ :

Babasaheb Maharaj came to the throne on 13th December, 1838. While the elder son of Buwasaheb came to the throne there was a serious conflict between Anderson, the Political Agent and Saibai, mother of Babasaheb regarding the control of the State administration.³⁴ British Government appointed Ramrao Desai as the Kharbhari of Kolhapur. During the minority of Babasaheb Maharaja, Regency Council was appointed for the administration of State. In the Regency Council there were two groups; one led by Anandibai and another by Saibai and Dinkarrao Gaikwad. The latter group was powerful and dominated the Kolhapur State. As the administration suffered the British Government sacked the Regency Council.³⁵

British Government appointed Major D.C. Graham as a Political Superintendent of Kolhapur in the year 1845. Major Graham organised the State according to the British pattern and appointed Daji Pandit as a Chief Revenue Officer, Gokhale as the Sadar Amin and J.H. Khare as the Judge.³⁶ After the appointment of Graham the powers of Chhatrapati came into the hands of British officers, the coins of Kolhapur were discontinued and administration of Kolhapur State was made on the British pattern.³⁷

Chhatrapati Shahaji alias Appasaheb died in April, 1848. The British Government, therefore, annexed the Satara State under the doctrine of lapse in 1848. In the year 1866 the Maharaja Babasaheb died without a child.

RAJARAM MAHARAJ :

Babasaheb Maharaja adopted a son, named Nagojirao Patankar, as Rajaram. Rajaram Maharaja came to the gadi of Kolhapur on October 29, 1866. At the time of accession his age was sixteen. The Regency Council, therefore, continued to rule the Kolhapur State.³⁸ Rajaram Maharaj was under the supervision of the Captain Edward for education.⁴⁰ He was married with the daughter of Mudhojirao Naik Nimbalkar in March, 1867. He took interest in the spread of education and started Kolhapur High School in 1867.⁴⁰

Rajaram Maharaja visited England in the year 1870. On his return journey to India he died on 30th November, 1870 at Florence in Italy.⁴¹ Rajaram had no male child, therefore, his wife adopted a son from Sawardekar Bhosale family in October, 1871.⁴²

CHHATRAPATI SHIVAJI IV :

A boy of eight years from the Sawardekar Bhosale family was adopted by the Kolhapur Darbar.⁴³ The Political Agent made the necessary arrangements for education of Narayanrao, renamed Shivaji IV. Mahadev Vasudev Burve was appointed as the

Kharbhari of Kolhapur State on 9th June, 1871.⁴⁴ While Barve was the Karbhari, he recruited one hundred Chitpavan Brahmins in the Kolhapur State.⁴⁵ He regarded himself as a chief authority in Kolhapur Darbar. There was the system to salute the Chhatrapati, but Karbhari arrogantly expected a return salute from the Chhatrapati. While ^{the} king and members of the Darbar denied it, he kept the minor king alone from his relatives.⁴⁶ His main intention was to retain the power. Therefore, he decided to call back Shivaji from the Rajkot and kept him under the direct supervision of Edmund Cox, the Assistant Political Agent; his tutor B.P. Modak and Barve's spy Rambhau Ainapurkar.⁴⁷

Queen Sakwarbai wrote a letter on 26th June, 1876, in which she said, "Shivaji was being educated according English Principles and policies and that there was every reason to hope that the would be a capable ruler."⁴⁸ Sakwarbai complained against Edmund Cox and Green who ill-treated Shivaji IV. This behaviour of British Officials and Barve came to the notice of Tilak and Agarkar. They immediately attacked on the policies of the Karbhari. In this matter Abasaheb Ghatge helped Tilak and Agarkar. Barve filed ^a suit against Tilak, Agarkar and editor of the Dnyanaprakash. Tilak and Agarkar were punished by ~~the~~ way of imprisonment for four months.⁴⁹

In the year 1882, Abasaheb Ghatge became a Regent of Kolhapur State. Then Abasaheb sent Chhatrapati Shivaji IV to Ahmednagar with Mr. Green. In the fort of Ahmednagar his mental condition became worst. On 25th December, 1883 Mr. Green kicked the Chhatrapati to death.⁵⁰

RAJARSHI SHAHU CHHATRAPATI :

Rajarshi Shahu was born on 16th July, 1874 in the Ghatge family at Kagal.⁵¹ His father Abasaheb Ghatge was working as a Regent of Kolhapur State ~~who filled the vacant throne.~~ Shahu was adopted on 7th March, 1884⁵² by Anandibai, the widow of the late Chhatrapati Shivaji IV. At the adoption ceremony the Political Agent Colonel Reeves, Jahagirdars of various States, Sardars and people of Kolhapur were present.⁵³

The Political Agent made necessary arrangements for the education of Shahu Chhatrapati. His father Abasaheb Ghatge died on 20th March, 1886, when he was studying at Rajkumar College at Rajkot. He was married to Laxmibai, the daughter of Gunajirao Khanvilkar on 1st April, 1891.

The accession of Shahu Chhatrapati to the gadi opened a new chapter in the history of Kolhapur State. He came to the gadi on 2nd April, 1894⁵⁴ and he notified to the subjects of the Kolhapur State as under :

"Be it known to all our subjects of the Kolhapur State that the function of the Council of Administration which

conducted the affairs of the State during our minority have terminated, and we have ascended to the full powers of our State from today i.e. 2nd April, 1894."⁵⁵

"It is our earnest desire, that our subjects should always be happy and contented, that their welfare should increase from day to day and that our State should go on prospering in all respects. In promoting the welfare of the subjects, we rely on the most loyal and hearty co-operation of our Jahagirdars, Relatives, Sardars, Mankaris, Inamdars, Kamdars, Mercantile Classes and all other subject. We invoke with undivided attention the blessings of the Ruler of the Universe the Highest spirit on our career commenced this day that it may last long and prove beneficial."⁵⁶

In his reign of twenty eight years Shahu Chhatrapati made a number of reforms in the socio-economic, educational, judicial and political fields. Rajarshi Shahu Chhatrapati died on 6th May, 1922.

JUDICIAL SYSTEM OF THE KOLHAPUR STATE :

In the year 1845 Kolhapur State came under direct control of British Government. Before 1845 there was not a single Court to decide civil disputes in Kolhapur.⁵⁷ In the village Patil was Chief Civil Judicial authority.⁵⁸ The revenue officers such as Mamaletdars exercised judicial powers especially land disputes. At the village level it was the Patil who decided

suits with the help of Kulkarni. Whenever it became difficult for Patil and Kulkarni to settle the disputes, the Panchayat decided the cases.⁵⁹ The Panchayat consisted generally of five members who were known as the panchas. Sometimes, the strength of the Panchayat was more or less than five. The panchayat, generally, decided the cases regarding the land boundary disputes, ownership of land and conflicts regarding hereditary property.⁶⁰

PANCHAYAT :

With the consent of both the parties the dispute was filed under the power of Panchayat.⁶¹ Panchayat consisted of five members but sometimes its strength was more or less than five.⁶² Occasionally the entire village was involved in the judicial working.⁶³ It seems that the working of the Panchayat was under the supervision of Government officers.⁶⁴

Generally, the Panchayat heard the claims from both the plaintiffs and defendents. They took written statements from the parties that they would obey the Panchayat's decision. Panchayat asked both the parties to forward evidences in support of their claims. Then they took the oral and documentary evidences, and finally Panchayat decided according to the regional traditions.⁶⁵ If all other evidences failed, ordeals were permitted.⁶⁶ In the year 1806, at Vishalgad there was a case of an ordeal performed at Vishalgad in 1866 by the village Patil. A red hot iron ball was placed on the palm of his hand

and the Patil was required to take seven rounds of the Narsinh temple.⁶⁷ There is a reference to a person who performed a Rawa Divya. According to the Rawa Divya a piece of iron kept in the boiling oil was lifted by the plaintiff and defendant. The practice of ordeals which existed in Maharashtra in the Maratha period, thus, continued to exist in the 19th century. The practice of ordeal was discontinued ~~from~~ⁱⁿ the Kolhapur State by Abasaheb Maharaj.⁶⁸

The Panchayat met for the inquiry of disputes in the temple or any other religious place.⁶⁹ In most of the disputes the inquiry of the Panchayat was written on papers. The details regarding evidences and decision were recorded by the Panchayat in a document, which was generally known as Niwadapatra,⁷⁰ Panchayatnama⁷¹ or Mahajar.⁷² The party which lost the suit gave a Khutparta to the successful party. In the Khutpatra the party which lost suit agreed to obey the decision and they accepted their defeat and they promised that they would not give any kind of trouble in future to the winning party.⁷³ The party which won the case paid the harki and the party which lost the case paid gunegari to the government, in addition to the Khutpatra.

Generally, both the parties agreed with the decision of the Panchayat. When it was not accepted Panchayat's decision forcibly implemented. Sometimes, government sent orders for

the implementation of the decisions of Panchayat.⁷⁴ The Panchayat system used moral and religious fear to decide the cases, but the whims and enclinations of the Panchas, sometimes made it difficult for the parties concerned to get fair justice.

CRIMINAL JUSTICE IN
KOLHAPUR BEFORE 1845 :

The Patil was given powers to inquire crimes like thefts, abusing or injuries.⁷⁵ Patil decided such disputes by the legal procedure. He used to take the oral evidence from the parties and witnesses and then he declared penalty or sometimes arrest to a culprits.⁷⁶ Next to the Patil there was a higher judicial officer who was known as Kamavisdar or Mamalatdar who inquired into cases like murder, dacoity and housebraking.⁷⁷ Finally such suits were sent to the Hujur Court at Kolhapur. Occassionally king sent these cases to the Nyayadhish for his opinion.

In the Kolhapur State, there were crimes like sedition, murder, dacoity, house-breaking, theft, injury and adultery (Jarkarm).⁷⁸ Generally the culprits were punished by death penalty and imprisonment.⁷⁹ There was the practice of giving khunkat land to the relatives of the killed person.⁸⁰ Generally women guilty of adultery was punished by cutting one of her limbs (Angavichheda).⁸¹

PRISON SYSTEM IN KOLHAPUR
BEFORE 1845 :

The Culprits were kept generally in the forts. In Kolhapur proper there were some dungeons (Andhar-Kothadyas) near Rankoba temple.⁸² The prisons were not hygenic. The food which was supplied to the prisoners was not good.⁸³

The culprits who were given death sentences were either beheaded, hanged, blown from the cannon pushed from the precipice or trampled under the feet of an elephant.⁸⁴ Sometimes they sharp iron stakes (sul) were used for death punishment.⁸⁵

During the 19th century the tradition of dhind was in practice.⁸⁶ A culprit was placed on an ass, with the culprit's face towards the animal's tail and was thus led around the village or city. Generally, the culprit's face was darkened by black colour. By this type of punishment the culprit was publically exposed as an offender.⁸⁷ This practice was known as terrible punishment, because the culprit was greatly insulted.⁸⁸ While the dhind was led around the village or city drums were beat.

The culprit punished with dhind, was banished from the village or city.⁸⁹ There was not fixed written law. Justice generally depended upon the desire of judicial officials. Sometime the culprits were cruelly punished by the judicial servants.⁹⁰

Feudatory Jahagirdars, Sardars and inamdars were empowered to decide civil and criminal cases in their jurisdiction.⁹¹ Some of them were empowered to decide the cases of death sentences also.⁹²

In 1825, the Collector of Karnatak territory guided the Maharaja of Kolhapur to appoint one shastri and one kazi to decide all cases.⁹³ He further advised that if the shastri and kazi misbehaved they should be terminated from their posts.⁹⁴ Otherwise the interference of the Maharaja was not necessary.⁹⁵ It seems that the power of the judicial officials was increased after the year 1825.

In the year, 1842, the practice of sati was abolished from Kolhapur and its feudatory States.⁹⁶ The Government also stopped the sale of the children in the year 1843.⁹⁷

Kolhapur State came under the direct rule of British in the year 1844-45. The judicial system of the Kolhapur was criticized by British officials. In 1845, Reeves described the judicial system of Kolhapur as under :

"The system of justice in the Kolhapur State, though based on ancient Hindu sastras, in practice led to injustice and tyranny. Justice purely depended upon the desire of the servants of the Hujur. The village Patil and Mamalatdar became powerful rulers and dictated all the administration which had become slack and inefficient. This in turn could have led to

the destruction of the State but it was saved essentially by the strength of village communities."⁹⁸

CHANGES IN THE JUDICIAL DEPARTMENT :

The Kolhapur State came under the direct control of British in 1844-45. The Mamalatdar was empowered with both civil and criminal rights upto the year 1848.⁹⁹ Two Munsiffs and one Sadar Amin's Courts were established in 1848.¹⁰⁰ The Munsiffs court had the power to try suits not exceeding rupees 5,000/-¹⁰¹ and the Sadar Amin's court could try suits not exceeding rupees 10,000/-.¹⁰² Upon the decision of Sadar Amin's Court appeal could be forwarded towards the Political Superintendent,¹⁰³ and then it could be forwarded lastly to the Government of Bombay.¹⁰⁴

Mamatdars of six petas and the Karbharis of Bawada, Vishalgad and Kagal were empowered to punish, in the criminal matter, upto rupees fifty and three month's imprisonment.¹⁰⁵ The Nyayadhis of the Kolhapur proper was given right to decide and punish upto rupees 200 and three years imprisonment.¹⁰⁶ The Kotwal of the city was given powers to inquire cases upto rupees 25/- and punish upto one month's imprisonment.¹⁰⁷ In the criminal matter higher court was known as Political Superintendent's Court.¹⁰⁸

Political Superintendent's Court was the appellate court and sometime this court appointed Assessors for the further inquiry of the case.¹⁰⁹ The powers of Political Superintendent's court were the same as the powers of the session court of British District.¹¹⁰ Generally, justice was given according to the laws prevalent in British territory (ilakha).¹¹¹ Sometimes justice was given according to the local traditional practices. The implementation of the court decision the debtor living house was not sold due to the local traditional practices.¹¹² One of the traditions prevalent in Kolhapur State was that the house or the land of the debtor could not be sold. Only when the moneylender got the house as deposit he could sell it.¹¹³ Debtor was also never kept in the prison.¹¹⁴ The Jahagirdars were not given powers to pass death sentences and exceeding ten years imprisonment.¹¹⁵ Generally, the important cases were sent to political superintendent's court.¹¹⁶

CHANGES IN THE JUDICIAL DEPARTMENT :

Chhatrapati Shivaji alias Babasaheb became independent ruler of Kolhapur in 1862.¹¹⁷ In the year 1862 some significant changes occurred in judicial department. Nyayadhish was empowered to punish upto seven years imprisonment.¹¹⁸ But the prior permission of the Chhatrapati was necessary for the Nyayadhish when sentenced imprisonment exceeding three years.¹¹⁹ Upon the lower court's decision appeal could be made in the Hujur

court.¹²⁰ Chhatrapati had power to punish culprits but not of death sentence.¹²¹ While punishing with death sentence Chhatrapati had to take the prior permission from the Government of Bombay.¹²² According to the treaty of 1862, the Chief Jahagirdars of the State could give punishment upto seven years.¹²³ Jahagirdars had to sent cases to the Political Agent's Court when the punishment was more than seven years. Maharaja Babasaheb ~~was~~ died in 1866.¹²⁴

REFORMS IN THE JUDICIAL DEPARTMENT (1867) :

In 1867, the Nyayadhish could hear only one appeal on the decision of the lower courts in which the amount involved was upto rupees five huddred.¹²⁵ In other cases Nyayadhish could be inquire appeals on the decision of lower court and had original jurisdiction in disputes involving more than rupees 10,000/-.¹²⁶ Appeal could be made on the decision of Nyayadhish to the Court of Political Agent.¹²⁷ In the criminal matters the powers of the Nyayadhish were the same as those of the British Magistrate. Nyayadhish was also empowered with the Assistant Judge's power.¹²⁸ Therefore, Nyayadhish could inquire the cases which were sent by the Political Agent for the purpose of inquiry. Assistant Political Agent was also empowered with criminal power like the Assistant Session Judge,¹²⁹ and he had the right to inquire into civil disputes which were sent by the Political Agent.¹³⁰

The criminal penal code and criminal procedure code was introduced in the Kolhapur State.¹³¹ By these laws Mamalatdar's powers became equal to the powers of Second Class Sub-Magistrate.¹³² By this act he could punish upto three months imprisonment. No change was made, however, in the punishment of adulterious women, who could be physically assaulted.¹³³

In the Kolhapur State Article 10 of the Act of 1872 was introduced in 1873.¹³⁴ By this act Mamalatdar's powers were increased to those of Second Class Magistrate and he could give punishment upto six months imprisonment and rupees 200 as an penalty.¹³⁵

Two District Officers were appointed in 1874, and they enjoyed powers similar to First Class Magistrate.¹³⁶ In 1879, the Civil Procedure Code was introduced in Kolhapur State.¹³⁷ No change was made in the procedure of implementation of the court decision.¹³⁸ The State Kharbhari was also given powers of Assistant Judge in Civil and Criminal matters.¹³⁹

CHANGES IN JUDICIAL DEPARTMENT (1882) :

Before 1882, there was a High Court in Kolhapur which was known as Political Agent's Court.¹⁴⁰ The Regency was established in the year 1882, the Regency Council's court became High Court.¹⁴¹ During the year 1883, there were 19 civil courts viz. one Regency Council's Court, one Chief

Judges' or Sarnayayadhish's Court, one Assistant Judge's Court, one Sadar Amin's Court and fifteen Munsiff's Courts.¹⁴²

Sarnayayadhish was given powers similar to those of the District Judge and Assistant Judge had powers like Assistant Judge in British India.¹⁴³ Sadar Amin's Court had power to try suits not exceeding rupees 10,000/-.¹⁴⁴ There were fifteen Munsiff's Courts out of which seven were paid servants and remaining eight were honorary.¹⁴⁵ The Munsiffs of Shirol and Gadhinglaj had powers to try suits not exceeding rupees 500/-.¹⁴⁶ The Joint Court at Katkol had powers to try suits not exceeding rupees 50/-.¹⁴⁷

In the year 1883, there were forty criminal courts which were as under : one Regency Council's Court, one Sarnayayadhishi's Court, one District Magistrate's Court, four first Class Magistrate's court, twenty one Second Class Magistrate's Courts and twelve were III Class Magistrate's Courts.¹⁴⁸ In the criminal matter the Jahagirdars of Bawada and Kagal had powers to decide cases and gave punishment upto seven years.¹⁴⁹ In case when Jahagirdars were minor, the chiefs of feudatory States had powers of Mamalatdar and Munsiffs.¹⁵⁰

POLICE ADMINISTRATION OF KOLHAPUR STATE :

Village Police :

In the village there was not a separate police force and administration. Mulki Patil performed both the revenue and

police duties.¹⁵¹ He was helped by the shetsanadi peons. According to the Act VIII of 1867, Police Patil was invested with different powers. Police Patil worked under the Nyayadhish or District Magistrate.¹⁵² But the powers of appointing or terminating the Police Patil were given to the Mulki Officials.¹⁵³

Shetsanadi peons were given in grant for their services a small piece of land for their services.¹⁵⁴ The land was continued and police duties were entrusted to this class under the Police Patil of the village.¹⁵⁵

The Police Patil was also incharge of taking the muster (hajeri) of criminal castes and of granting the passes. Without possessing the passes they could not leave the village.¹⁵⁶ Police Patil also supervised on the villagers and strangers.¹⁵⁷

Criminal Castes :

In view of British Government the castes like Kaikadi, Mahar, Mang, Berad, Pardhi, Garudhi, Kolhati, Bhante and Waddar were main criminal castes.¹⁵⁸ Their occupations were different such as baskets making, acting as middlemen in sale and purchase of animals,¹⁵⁹ begging and farm workers.¹⁶⁰ Traditionally Kaikadi, Kolhati, Berad and Waddar were dacoits. The members of these castes were under the observation of Police and had to give Hajeri to the Police daily.¹⁶¹ They could not leave the village without the permission of the Police Patil.¹⁶²

Police :

A troop of ten horsemen accompanied by a police Karkun moved from village to village to perform police duties.¹⁶³ A small police force was maintained for the protection of Kolhapur city and one party was stationed at Panhala.¹⁶⁴ Graham records that in the Kolhapur State robberies, dacoities and thefts were very numerous in the past but since 1845 these instances were greatly discontinued.¹⁶⁵

Sheikdar was the higher authority upon the police Patil, who supervised over a certain number of villages.¹⁶⁶ Later on the posts of Shaikdar and Police Kulkarni were abolished.¹⁶⁷ In the year 1869, Police Department became separate.¹⁶⁸ There were appointed one Foujdar or Chief Constable to each of the petas.¹⁶⁹ One half of the police force was given under the authority of Foujdar and the remaining half was under Mamalatdar. The Police Department was directly under the authority of the Nyayadhish. In 1870 one Chief Police Officer was appointed.¹⁷⁰

In the Department of police there were working strength of police force was as under : seven Foujdar or Chief Constables, thirteen Jamadars, twenty Havaladars, forty six Naiks and three hundred ninety eight police constables.¹⁷¹ The total annual expenditure on police force was f rupees 53,508/-.¹⁷²

Prison Administration :

The number of jails in Kolhapur was one Central Jail and thirteen sub-ordinate jails which were located at different Jahagirs.¹⁷³ The long terms prisoners were generally kept in the Central Jail and short-term prisoners were kept in the sub-ordinate jails.¹⁷⁴

The building of the Central Jail was constructed in Kolhapur. The building of the Central Jail was substantial, spacious and surrounded by four walls, twenty two feet in height. The building of the Central Jail was constructed in the year 1847-48. The building of the Central Jail was divided into wards, in which the prisoners were kept under close control. In the construction of the building care was taken to make it difficult for the prisoners to run away from the Central Jail.¹⁷⁵

Sub-ordinate Jails were located at Taluka places and the head-quarters of the feudatories.¹⁷⁶ The sub-ordinate jails were located at Karveer, Panhala, Alte, Shirol, Bhudargad, Gadhinglaj, Raibag, Katkol, Vishalgad, Bawada, Ichalkaranji, Ajra and Kagal.

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