

## CHAPTER X

### LAW, ORDER AND JUSTICE

#### INCIDENCE OF CRIME

The district is divided into two parts by the river Ganga. The northern part consists of three police stations and the southern part consists of nineteen police stations. The land in the northern portion of the district has less fertility and borders Purnea and Saharsa districts. Both Purnea and Saharsa districts border Nepal. Criminals from Nepal *terai* have been responsible for many crimes in Purnea, Saharsa and Bhagalpur districts. The district has *diara* lands and it is a fact that crimes connected with land and crops like riots, etc., are common in *diara* areas. *Diara* villages have been known to harbour criminals both local and foreign. Regarding the incidence of crime the last *District Gazetteer* by J. Byrne (1911) has the following :—

*Crimes.*—“Bhagalpur compares favourably with other districts of the division from the point of view of criminality. Of course there always are a number of cases of theft and housebreaking and riots of an agrarian nature, but there are no purely criminal tribes resident in the district. In years gone by, river-pirates were an intolerable nuisance on the river Ganges near Colgong in particular, but their depredations have long ceased.

“In 1903, owing to short rainfall, an outbreak of grain looting occurred in Banka subdivision and lasted for three days (30th and 31st July and 1st August) till a heavy fall of rain came and put a stop to it. The grain dealers had formed a combination to put up prices and the people of the locality would not endure it any longer. About 134 persons were convicted.

“In 1903-04 a series of professional dacoities took place in the north of the district, headed by one Bhadda Jat. He was tried in July 1904 with eighteen of his gang, and sentenced to transportation for life.

“In 1908 there was an increase of thefts and burglaries, due directly to the prevalent scarcity. These crimes are inevitable and are practically impossible of detection.

*Criminal Classes.*—“Most of the criminals are to be found in the ranks of Dharhis, Musahars, Doms and Dusadhs in

this district. No genuine criminal tribes are to be found in Bhagalpur. The Dharhis approach most nearly to a genuine criminal tribe. They nominally live by manual labour and the breeding of animals, but in reality they rely very largely on thieving for their livelihood. It is said that they look individually on specific localities as their own special preserve, and the exclusive right of thieving therein is so highly valued that if another Dharhi poaches in that special preserve, inter-marriage between the two families becomes impossible. In the neighbouring district of Monghyr, these Dharhis are more numerous and more dangerous than here.

“The Dusadhs are traditionally swine-keepers, village chaukidars or watchmen and thieves. They and Musahars live largely by manual labour.

“Doms are basket-makers and bamboo-weavers; they also dispose of the dead bodies and act as common scavengers. They are undoubtedly looked on as the most degraded class in the social system.”

Independence came to India in 1947 and was preceded and followed by communal riots. Bhagalpur also was the scene of communal tension and there was some exodus of Muslim population from this district. There were instances of unbridled fanaticism at different parts of the district and such incidents in Monghyr district and particularly one at Lakhanpur village in Tarapur P. S. had some repercussions in Bhagalpur district.

The transition period that followed the declaration of independence marked a high incidence of crime as was usual throughout the province in this period. The reasons had their roots in the past. The last Great War, after which independence followed, left the country in a certain amount of chaos. The anti-social elements taking advantage of the transition, adopted lawless attitude which was mainly responsible for the high incidence of crime. In addition there was draught, resulting in failure of crops, continuously for a number of years after independence, in 1947. The high price position created during last Great War, has continued and has led to economic depression and food shortage in this district as in the others. This was an incentive to crime.

After independence, the army was demobilised and illicit traffic in arms followed and it flowed into the criminal gangs, who got support from the demobilised personnel particularly of lower ranks also. The Criminal Tribes Act and Manual were abolished after the independence which gave much impetus to this section of the

criminal tribes. These were some of the factors which marked the high incidence of crime particularly during the transition period that followed the last Great War and independence.

Lack of supervision and control owing to cessation of the operations of the Criminal Tribes Act over the criminal tribes, led to bad results initially. There are some noted criminal gangs in this district, as mentioned below who got no less incentive during this period.

Some of the noted gangs are—

- (1) Kutubganj gang of Mojahidpur, headed by some outsiders hailing from Monghyr and Dumka.
- (2) Siri Gangota's Gang of Nathnagar P. S.
- (3) Udhwa Chamar's Gang of Mufassil P. S.
- (4) Chhanguri Dhanuk's gang of Colgong.
- (5) Kathin Singh's gang as also Siwanpur Chamar Gang of Pirpainty P. S.
- (6) Sakram and Tarar village criminals of Sonhaura P. S.
- (7) Banshipur-Chatma Gang of Shambhuganj.
- (8) Ex-C. T. Act Dusadh's Gang of Bounsi.
- (9) Gang consisting of Dhanuk criminals of Dhuraiya P. S.
- (10) Dharis and Gopes hailing from Barbigha P. S. in Monghyr helped local criminals of Colgong.
- (11) Dusadhs and Musahars living in the vast *diara* lands on either side of Ganga.

Most of the gangs are to be found in the poorer sections of the population inhabiting the *diara* area on either side of Ganga of this district, such as Dharis, Musahars, Doms and Dusadhs. Although there are no genuine criminal tribes now, several criminal gangs have sprung up during the post independence period.

In the years 1957-58, there were series of professional dacoities and these two years were the peak period in almost all forms of crimes, the main reason being the continuous high price of commodities, and draught resulting in failure of crops, that marked the post independence period unceasingly. The prevalent scarcity led to outbreak of burglaries, particularly in the period 1952-54, and 1956-59. Similar was the position of dacoities during 1953-54, as also in 1957-58, when sweeping changes were being effected in the administrative machinery, owing to developmental projects by the Government.

The high incidence of riots has been associated with land disputes, that followed the transition owing to sweeping land reforms of various kinds including abolition of zamindari. *Diara* area has always been noted for such riots.

The north of the Ganga particularly Bihpur, Naugachhia and Gopalpur thanas which border the district of Purnea, and Colgong and Pirpainty, which border Santhal Parganas district have to put up with the depredation of bordering criminals from Santhal Parganas and Bengal which border that district. While on the borders of Monghyr the depredations of Monghyr criminals forming link with local criminals, particularly the gangs led by Hari Koiri of Tarapur and Bindwara criminals of Monghyr Town, also have been responsible for quite a few crimes in this district.

The statistics that follow for 1950—60 indicate the position of crime in Bhagalpur.

The number of charge sheets are fairly good, but the number of acquittals is large. Now professional lawyers have been appointed as District Prosecutors and Assistant District Prosecutors on higher pay, in places of the usual Prosecuting Inspectors and Sub-Inspectors. In this district there are two courts, viz., Bhagalpur and Banka. In Bhagalpur, a Senior District Prosecutor equal to the rank of a Deputy Superintendent of Police is in charge with five Assistant District Prosecutors and in Banka two Assistant District Prosecutors form the prosecuting staff. The crime figures for the last eleven years under different heads and total cognizable crimes given in the two statements below would show the position of crime in the district.

**CRIME STATISTICS**  
**CRIME UNDER DIFFERENT HEADS FROM 1950 TO 1960**

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Year.	Mur-der.	Dacoity.	Rob-bery.	Bur-glary.	Theft.	Riot.	Swind-ling.	Kid-napping.	Rape.	Adul-tery.	B.L. case.		Cattle theft.	Smuggl-ing case.	Traffic acci-dent.	Gang case.	
											109, Cr. P.C.	110, Cr. P.C.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	
1950	..	45	71	46	973	688	172	14	11	3	..	80	31	25	8	Not available.	..
1951	..	29	97	46	1,001	761	135	16	12	4	..	86	26	39	10	Ditto	..
1952	..	48	87	30	1,194	520	193	18	20	5	..	92	32	42	6	Ditto	..
1953	..	44	111	48	1,356	506	217	18	7	4	..	84	28	8	9	Ditto	..
1954	..	28	106	50	1,165	518	201	23	10	8	..	128	30	26	2	Ditto	..
1955	..	17	55	37	668	494	156	9	7	4	..	83	35	18	5	Ditto	..
1956	..	30	88	36	1,161	505	167	32	13	13	..	82	66	28	8	Ditto	..
1957	..	52	159	66	1,424	616	226	9	18	4	..	102	70	44	12	71	..
1958	..	34	114	59	1,354	670	151	14	15	8	..	94	48	49	4	66	..
1959	..	29	50	28	1,238	598	211	17	17	6	..	85	62	34	6	114	..
1960	..	32	62	32	1,157	646	271	18	11	1	..	63	59	45	10	120	..

BHAGALPUR

## TOTAL COGNIZABLE CRIME FROM 1950 TO 1960

Year.	Total cognizable. reported.	Charge sheeted.	Convicted.	Acquitted.	Remarks.	
1	2	3	4	5	6	
1950	..	2,786	624	332	292	
1951	..	2,660	747	462	285	
1952	..	2,283	629	353	276	
1953	..	2,827	620	373	247	
1954	..	1,998	446	243	203	
1955	..	1,737	506	259	247	
1956	..	1,911	443	259	184	
1957	..	2,275	646	373	273	
1958	..	2,260	617	361	256	
1959	..	2,072	479	270	195	14 cases still pending in court.
1960	..	2,060	445	225	170	50 cases still pending in court.

From the statistics it appears that the high incidence of crime was more marked during the years 1957 and 1958 under all the heads. This was the period of high price of commodities, low yield of crops due to continued drought and unemployment made the people more prone to crimes. From the statistics it is also apparent that the peak period of burglaries were during 1952—54 and 1956—59 chiefly for the same reasons. Owing to the changes in the land reform measures and more particularly in the zamindari abolition resulting in *bujharat* the landlords engaged themselves in quarrels and rivalries for ownership of lands which led to the abrupt and sudden riots during this period. The incidence of crimes under robbery, theft, swindling, cattle theft and smuggling is more or less the same every year. The number of traffic accidents is increasing every year. The number of traffic accidents was 66 in 1958 but it has gone up by about 50 per cent in 1960 in comparison to the reported cases of 1958. The incidence of road accident has gone up in the recent years. Due to good roads the number of jeeps, buses, trucks and other types of vehicles has increased tremendously. Inexperienced men have managed to get driving licenses.

## ORGANISATION OF POLICE FORCE AND REGULAR POLICE

The police organisation in 1911 has been described as follows in Byrne's Gazetteer :—

*Police.* "At present there are twelve thanas or police stations and ten independent outposts which are also investigating centres for cognizable offences, distributed as follows.—

Subdivision.	Thana.	Area (Square miles).	Independent outpost.
1	2	3	4
Sadar ..	{ Bhagalpur ..	181	Nathnagar.
	{ Colgong ..	413	{ Gopalpur. Pirpainty.
	{ Sultanganj ..	165	Shahkund.
	{ Bihpur ..	175	Nil.
Banka ..	{ Banka ..	354	Dhurja.
	{ Kataria ..	534	Belhar.
	{ Amarpur ..	294	Rajaun.
Madhipura..	{ Madhipura ..	547	Nil.
	{ Bangaon ..	283	Nil.
	{ Kishanganj ..	366	Nil.
Supaul ..	{ Supaul ..	593	Dagmara, Daparkha.
	{ Prataganj ..	341	Bhimnagar.

"The police force of the district consists of 1 District Superintendent, 4 Inspectors, 28 Sub-Inspectors, 42 Head constables, 376 Constables and 4,770 Chowkidars. Each of the four subdivisions has its Police Inspector who is a gazetted officer. The subdivisions are divided up into smaller areas each of which is a police-station. There may or may not be outposts dependent on each police station. Again, each police station contains a number of dafadari circles, each circle is under the charge of a dafadar and contains about 20 village chowkidars.

"The ordinary police force is divided into four classes—armed, civil, town and rural police. The armed police consist of the district police reserve, created by order of the Government

of India to deal with organised disturbances, and always kept up to full strength. They are not employed except by order of the District Magistrate. The civil police perform all the ordinary duties of escorting prisoners, working at police stations and outposts and attending the courts. The literate among them supply the police clerical staff, and one writer-constable is attached to each police station and one literate constable to each outpost. Town police are employed only at night within the town or municipality in which they are enlisted.

“There is a constables’ training school at Nathnagar and a company of military police, 100 strong, is maintained at Bhagalpur.”

With the expansion of administration and particularly the change in the character of the administration, the Police Force has had a big expansion.

The sanctioned strength of Police Force during the year 1960 of this district was one Superintendent of Police, six Deputy Superintendents of Police, seventeen Inspectors, one Reserve Sergeant Major, two Sergeants, two Jamadars, forty-two Sub-Inspectors, fifty four Assistant Sub-Inspectors, thirty-six Havildars and 960 Constables. In addition to the above staff, there are one Sub-Inspector, two Havildars and twenty-two Constables as traffic staff for controlling traffic in town area.

The police organisation is headed by the Superintendent of Police with headquarters at Bhagalpur. He is under the administrative control of the District Magistrate and the Deputy Inspector-General of Police at Bhagalpur. The Superintendent of Police is assisted by one Deputy Superintendent of Police in the office on the district level and four other Deputy Superintendents of Police posted in different circles assist him on the circle levels, and by another in the prosecution work called Senior District Prosecutor, who serves as the liaison between the Magistracy and the Police Administration of the district.

There are twenty two police stations and eighteen outposts in the district. For the police administration the district is divided into four circles each having several police stations and outposts. The police-stations and outposts are distributed as follows :—

- (i) Bhagalpur Sadar subdivision.—(i) Bhagalpur town Circle—Bhagalpur Kotwali, Mojahidpur and Nathnagar Police-Stations. Jogsar, Sujaganj, Bhikhanpur, Barari, Mojahidpur, Babarganj, Nathnagar and Champanagar outposts.



- (ii) Sadar Circle—Sabour, Jagdishpur, Colgong, Sonhaura, Pirpainty, Shahkund and Sultanganj police stations. Colgong and Barahat outposts.
- (iii) Naugachhia Circle—Naugachhia, Bihpur and Gopalpur police stations. Dholbaja, Kadwa, Kharik, Parbatta, Sonbarsa, Bellaura, Bhawanipur and Ismailpur outposts.
- (2) Banka Subdivision—Banka Circle—Banka, Bounsi, Dhuraiya, Rajaun, Katoria, Chanan, Belhar, Amarpur and Sham-bhuganj Police Stations. Phaliduar outpost.

Out of the eighteen outposts nine are situated in the town area and the remaining are situated in the rural areas.

In the post independence period there have been some changes in the administrative machinery in the district with a view to bring about an improvement in the integrity and outlook of the thana officers. Unlike other police stations except in Patna district in the State, none of the police stations are placed in charge of Sub-Inspectors rather each of the police stations except Shahkund, Sonhaura, Dhuraiya, Belhar and Rajaun have been placed in charge of Inspectors and the Circles have been placed in charge of Deputy Superintendents of Police. This has been done as an experimental measure since 1953 and is still continuing. Seventeen police stations are under the charge of Inspectors and five police stations are under the charge of Sub-Inspectors. Each police station is generally manned by one Inspector of Police (officer incharge) and one Sub-Inspector of Police, one Assistant Sub-Inspector of Police, one Writer-Constable, and eight Constables. But the strength varies according to the size and needs of police stations. In big police stations two, three or four Sub-Inspectors of Police and similar number of Assistant Sub-Inspectors of Police are posted.

Each of the outposts whether rural or urban is under the direct control of the officer in charge of the police station concerned and is manned by Sub-Inspectors or Assistant Sub-Inspectors according to the necessity and volume of work, nature and importance of the outposts concerned. For the rural areas there are 108 Dafadars and 1,205 Chowkidars in this district. There have been some ancillary establishments to help the regular police force. They are—(1) Anchal Force; (2) Home Guards, (3) Village Volunteer Force and Village Resistance Groups.

(1) *Anchal Force*.—This force was organised in 1956 mainly for the purpose of guarding and escorting Government revenues entrusted to the Block Development Officers in different Community Development Centres. The strength of the force is likely to increase with more of Blocks coming into operation. At present the force consists of one Sergeant, one Sub-Inspector, one Jamadar, two Assistant Sub-Inspectors, twenty Havildars and 138 Constables.

The unit for each anchal consists of one Havildar and eight constables.

(2) *Home Guards*.—This force was organised in 1948 with a view to help the administration in various aspects especially the Police Department for patrolling the crime-affected areas and also the prevention of crimes and maintenance of law and order. Their services may be useful in case of any emergency arising in and out of the district also. The strength of this force is as follows :—

One Battalion Commander, one Battalion Adjutant, four Company Commanders, one Jamadar Head Clerk, three Havildar clerks, three Orderlies, nine Platoon Commanders, twenty-seven Section Lads and 297 Home Guards. This force acts as auxiliary to the regular Police force in the district. They are trained, equipped and armed and are under the Superintendent of Police.

(3) *Village Resistance Groups*.—To meet the problem of dacoities in the post independence period, these groups were formed out of the members of the public for the purpose of patrolling and dacoity control in different police stations. The villagers were exhorted to organise themselves into a disciplined body and to enroll volunteers. In addition to this the *Panchayats* organise Village Volunteer Force in each *Gram Panchayat*. They are also to act with the regular and rural police for the purpose of law, order and crime control measures.

#### RADIO AND WIRELESS STATIONS

There are three wireless stations in the district, one at Bhagalpur, one at Banka and one at Naugachia. They receive and transmit information.

#### DISTRICT CRIME BUREAU

The Bureau consists of one Inspector, two Sub-Inspectors and two Writer-Constables. They are Criminal Investigation Department staff and work in plain clothes. Their main duty is to maintain records of criminal gangs operating within and outside the district and help the regular police force in investigation and crime control work.

In addition there is a troop of a Mounted Military Police with twenty-seven ponies posted at Bhagalpur to quell disturbances if any in the Bhagalpur division. The troop consists of one Jamadar, two Dafadars, two Naiks, two Lance Naiks, sixteen Sepoys, one Bugler, one Farrier, one Saddler and one Compounder.

There is a Constables' Training School at Nathnagar, where the trainees are all constables from different districts of this Province. The school is under a Deputy Superintendent of Police known as the Principal. He has a staff to assist him in imparting a course of training to the new recruits in drill and in police duties.

#### GOVERNMENT RAILWAY POLICE

There is a Government Railway Police Station at Bhagalpur Junction situated on the Eastern Railway platform. The strength of the police station is one Sub-Inspector (Officer incharge), one Assistant Sub-Inspector, one Havildar, one Writer-Constable and eighteen Constables.

The main function of the police station is to check the railway crimes in the district. This police station covers the whole of the district. The jurisdiction of the police station is from Gangania railway station to Mirza-chowki and from Bhagalpur to Mandar Hill railway station. The area covered by this police station is about 80 running miles. It is under the administrative control of the Superintendent, Railway Police with headquarters at Patna.

#### JAILS AND LOCK-UP

There are three jails at Bhagalpur, namely, Central Jail, Special Central Jail and Female Jail. The jails in 1911 have been described as follows in Byrne's Gazetteer :—

“A Central Jail with accommodation for about 1,960 prisoners is situated at Bhagalpur. In it blanket-making is the most important industry as already described in chapter VIII, 33 power looms and 34 handlooms being used.

“In addition, carpet-making, rope and mat-making, oil pressing and grain grinding are carried on.

“At Banka, Supaul and Madhipura there are subsidiary jails in which accused persons are kept while awaiting trial if they are not released on bail, and short-term prisoners (sentenced to not more than fourteen days' imprisonment) are kept to serve out their sentences. Oil pressing and grain grinding are the industries carried on in the subsidiary jails.”

There has been a great expansion in the jails since Byrne's time. During the Civil Disobedience Movement Bhagalpur Central Jail was expanded to accommodate a large number of political prisoners. The jails at Bhagalpur have got independent status with separate Superintendents. They are under the direct administrative control of the Inspector-General of Prisons, Bihar.

*Central Jail*

The jail is under a whole time Superintendent with a staff of Medical Officer (Gazetted), one Jailer, five Assistant Jailors, one Head Clerk, three Clerks, one Chief Head Warder, fourteen Head Warders and two hundred and five Warders. The registered accomodation of the jail is for 1,870 prisoners. The average jail population during the last seven years was as follows :—

1954	..	..	..	..	2,192.91
1955	..	..	..	..	2,168.49
1956	..	..	..	..	2,362.76
1957	..	..	..	..	2,357.68
1958	..	..	..	..	1,862.49
1959	..	..	..	..	1,929.52
1960	..	..	..	..	1,897.96

All the jails of the State are divided into different circles and Bhagalpur Central Jail is one of the Circle Jails. There are three affiliated district jails at the three district headquarters at Monghyr, Dumka and Purnea. The establishment charges of the warder staff of the three district jails and the district jails are affiliated to the Central Jail, Bhagalpur.

*Prison discipline and welfare*

Discipline of the standard required under the Jail Manual is maintained. There is suitable arrangement for imparting elementary education inside the Central Jail, Bhagalpur. There are ten night social education centres, one Upper Primary School and a Basic Middle School. A library is maintained. There are arrangements for musical recreation. Radio sets with microphones and gramophones have been provided. There is a drama party of the prisoners. They are provided with apparatus for outdoor and indoor games. An experiment of release of prisoners on parole system has been introduced. Many of them were sent to open camps for the implementation of the scheme of Five Year Plan.

The State Government has very recently introduced an Act, "The Bihar Probation of Offenders' Act, 1959". According to this Act a separate Probation department has been working at Bhagalpur. The head of the institution is designated as Principal Probation Officer who is the Superintendent of Central Jail, Bhagalpur. Under him one Probation Officer, two Assistant Probation Officers and a Lady Assistant Probation Officer have been appointed. The object of the scheme is to make a rational and human approach to the problem of delinquency. The woodenness of the old system under which the idea that once a prisoner, he is always condemned in society has to go. To work out this scheme offenders are frequently released on probation of good conduct. By virtue of this Act, the offenders instead of being sent to the jails to

serve their imprisonment, are released by trying courts and placed under the supervision of District Probation Officer for a certain period.

There is a Board of Visitors consisting of officials and non-officials.

### *Industries*

There is a large woollen factory in this jail. About 750 prisoners are required daily to work therein. The main industries of this jail are blanket weaving, smithy, carpentry, alluminium work, tailoring and cottage industries like cloth weaving, duree, newar and carpet weaving. The overall annual investment of Government for the industries in this jail amounts to Rs. 12 to 15 lakhs. The factory is supervised by the technical Deputy Superintendent.

### *Garden*

The garden of this jail, an area of about 18 acres, is situated outside the walls where prisoners work.

### *Special Central Jail*

This jail was started in February, 1958 with a view to keep all the refractory prisoners at one place so that there may not be any disturbance due to the refractory prisoners in the rest of the jails of Bihar. This is the only jail of this type in Bihar. It has a separate establishment and has nothing to do with the local Central Jail.

The jail is under a whole time Superintendent who has been provided with a part time Medical Officer, one Jailor, five Assistant Jailors, two Clerks, one Typist, one Chief Head Warder, fourteen Head Warders, one hundred and thirty-three Warders, two Sub-Assistant Surgeons and one Compounder. The registered accommodation of this jail is 3,278 prisoners. The average jail population since it has been started is given below :—

1958	..	..	..	..	944.17
1959	..	..	..	..	813.75
1960	..	..	..	..	885.48

The same pattern of organisation like the Central Jail is maintained for keeping up prison discipline and welfare.

### *District Female Jail*

This is the only Female Jail in the State. There is a whole time Lady Superintendent with a staff.

The Jailer of the Bhagalpur Central Jail is at present also the Jailer of this Jail. The Medical Officer of the Central Jail is the Medical Officer of this jail and the prisoners of this jail get medicines from the Central Jail. This Female Jail is located in the premises of the Central Jail.

The registered accommodation of the Female Jail is for 89 prisoners. The average population of this jail since its inception has been as follows :—

1958	..	..	..	..	78.23
1959	..	..	..	..	79.98
1960	..	..	..	..	74.99

Women in the districts of the State sentenced to more than three months' sentence are sent to this jail. The same pattern for maintenance of prison discipline and welfare as in the Central Jail is followed here also.

#### CRIMINAL JUSTICE

Previous to 1st July, 1957, criminal cases were tried at the first instance by the Magistrates, either of Bihar Civil Service or Subordinate Civil Service commonly known as Deputy and Sub-Deputy Magistrates. They used to be vested by the Government with criminal powers as a First, Second or Third Class Magistrates. They were under the control of the District Magistrate. These officers were empowered to hold preliminary enquiry in cases triable by the court of sessions and commit them to sessions court. Appeals from the decisions of Second and Third Class Magistrates were heard by the District Magistrate or some other Magistrate specially empowered to hear appeals and appeals from the decisions of the First Class Magistrates were heard by the District Judge or the Additional District Judge. The decisions of the District or Additional District Judges could be taken up in revision or review to the Hon'ble Patna High Court.

Under the above set up the District Magistrates and Deputy Magistrates had the dual role of the administration of criminal justice besides their executive work. This dual system of mixing up the executive and judicial functions in the one and the same person was not an unmixed good and often did not inspire confidence that justice was being done. It was commonly held that a person who has to carry on executive functions, may not always be in a position to do full justice to his judicial work because of extra judicial information as an Executive Officer. It was felt that if fair and impartial justice was to be done there should be a separation of the two functions and one and the same person should not be made both a judge and an Executive Magistrate. Article 50 of the Indian Constitution also gave this directive.

It was on the 1st of July, 1957, that the separation of the judicial and executive functions was carried out in Bhagalpur Judgeship. Bhagalpur Judgeship comprises of two districts, viz., Bhagalpur and Saharsa. Judicial Magistrates were put under the District Judge while the Executive Magistrates were put under the District Magistrate.

Broadly there are two categories of criminal cases; one under the provisions of the Indian Penal Code and the other under different Acts other than the Indian Penal Code, such as 34 Police Act, Indian Railways Act, Cattle Trespass Act, Cruelty to Animals Act, Epidemic Diseases Act, Motor Vehicles Act, Payment of Wages Act, Municipal Act, Payment of Minimum Wages Act, Telegraph Wires (Unlawful Possession) Act, Bihar Sales Tax Act, Treasure Trove Act, Indian Boiler Act, Bengal Irrigation Act, Bengal Vaccination Act, Sections 144, 145, 107, 109, 110, Cr. P. C. (Preventive Sections), etc.

Cases under the first category are of two kinds—cognizable and non-cognizable. Cognizable cases are those which are taken cognizance of by Police. The Police investigates and submits final reports or charge-sheets to the Subdivisional Magistrates concerned. Cases for which charge-sheets are submitted are ripe for hearing and the Subdivisional Magistrate transfers them to the Munsif-Magistrates or Judicial Magistrates for trial. In cases where final reports are submitted, the Subdivisional Magistrate has to apply his judicial mind; he may accept the police report which means according to him the cases are not *prima facie* established and the accused persons should not be put to their trial. He has the prerogative to order the Police to submit charge-sheet, if he thinks the Police report should not be accepted. After charge-sheet is submitted the case is sent for trial to the Munsif-Magistrate or to the Judicial Magistrate.

Complaints for non-cognizable offences are filed by the aggrieved party before the Subdivisional Magistrates. If from the statement on oath of the complainant, the Subdivisional Magistrate concludes that the case is *prima facie* not made out, he may dismiss the complaint outright. If he wants he may hold an enquiry himself or he may order any Magistrate or the Police or any respectable person to hold an enquiry and to submit report on which he may hold or order for a further enquiry or he may dismiss the complaint or he may summon the accused. The case is transferred to the Munsif-Magistrate or Judicial Magistrate for trial. The Subdivisional Magistrate's orders could be taken to the District Judge in appeal or review.

Appeals from the decisions of the Munsif-Magistrates and Judicial Magistrates are heard by the Sessions Judge or Additional Judge to whom the cases are transferred by the District and Sessions Judge. Decisions of the District or Additional District Judge

could be taken to the Patna High Court and finally to the Supreme Court.

The second category cases, viz., those that do not come under the purview of the Indian Penal Code, but are offences against other Acts mentioned earlier are filed by the Department concerned and by the Police are triable by the Executive Magistrates. Sections 109 and 110 of the Cr. P. C. are cognizable and are tried by the Executive Magistrates. The number of such Magistrates in the district in 1960 is six. There are at present four such Magistrates who are posted in Sadar subdivision, two with 1st class powers and two with second class powers. Two such Magistrates are posted at Banka subdivision with first class powers.

The District and Sessions Judge is the administrative head of the Judicial Department of the judgeship. There are two Additional District and Sessions Judges in the judgeship posted at Bhagalpur. There are two permanent courts of Sub-Judges one at Bhagalpur and the other at Madhepura who are also vested with the powers of an Assistant Sessions Judge. The court of Subordinate Judge was established at Madhepura in 1944. There is at present one Judicial Magistrate vested with the powers of a Magistrate 1st class at each of the subdivisions, viz., Madhepura, Saharsa and Supaul of the district of Saharsa and Banka of the district of Bhagalpur. There are three Judicial Magistrates all vested with the powers of a Magistrate 1st class at Bhagalpur Sadar. Besides these courts, there are two Munsif-Magistrates at Bhagalpur Sadar and one at Banka, vested with the powers of a Magistrate 1st class. At present, two Judicial Honorary Magistrates one vested with the powers of a Magistrate first class and another with the powers of a Magistrate second class are functioning at Banka. Statistics of sessions cases from 1950 to 1960 are given below :—

## STATEMENT OF SESSIONS CASES OF BHAGALPUR JUDGESHIP.

Year.	Number of Sessions cases.			Number of persons.			Number of witnesses examined or discharged.	Percentage of persons convicted to the total number of accused.
	Pending from before.	Received.	Total.	Dis-posed.	Acquit- ted or dis- charged.	Con- victed.		
1	2	3	4	5	6	7	8	9
1950 ..	43	116	159	129	464	157	1,628	25.1
1951 ..	30	152	182	105	291	156	1,338	34.1
1952 ..	77	135	212	170	553	192	2,284	26
1953 ..	42	140	182	145	563	212	2,109	26
1954 ..	37	117	154	128	341	171	1,881	26
1955 ..	28	182	208	111	319	131	1,539	29
1956 ..	96	201	297	194	517	262	3,147	38.4
1957 ..	103	165	268	223	629	271	2,964	29.6
1958 ..	45	213	258	196	548	225	2,703	29
1959 ..	62	162	224	150	380	180	1,951	20.2
1960 ..	74	143	217	139	441	147	1,855	14.8

\*In 1954 Saharsa was separated as a district consisting of Madhipura and Supaul subdivisions.



From the above statistics it appears that the number of cases fluctuates every year. But a high incidence of crime was recorded in the years 1956 and 1958. From the statistics it also appears that the number of acquittals is much higher than the convictions. The percentage of persons convicted to the total number of accused varies from about 14 per cent to 34 per cent.

The break up figures of important sessions cases from 1950 to 1960 are given below :—

LIST OF SESSIONS CASES OF DIFFERENT SECTIONS IN BHAGALPUR JUDGESHIP.

Year.	Section 302, I.P.C.	Section 304.	Sections 363, 364, 366 and 369.	Section 376.	Sections 395 and 396.	Sections 399 and 402.
1	2	3	4	5	6	7
1950 ..	48	20	3	10	23	2
1951 ..	44	6	4	5	61	21
1952 ..	46	6	3	9	53	10
1953 ..	45	7	6	2	41	13
1954 ..	41	12	5	2	53	8
1955 ..	60	9	4	2	54	14
1956 ..	48	15	10	8	46	23
1957 ..	34	10	2	8	46	14
1958 —	31	4	7	3	37	8
1959 ..	28	10	4	3	23	5
1960 ..	34	3	2	8	18	1

From the perusal of the table it appears that murder cases are quite large in this district. The highest number of murder cases was in 1955 when 60 murder cases were committed to sessions and the lowest number was in 1959 when 28 cases were committed to sessions. The table further shows that dacoity cases are also quite large in the district. The highest number of dacoity was in the year 1951 when 61 cases were committed to sessions. The next highest number of dacoity cases was in the years 1952 and 1954 when 53 cases each were committed to sessions. From the table it also appears that the sessions cases of important sections are declining from 1957 but in sections 395 and 396, I.P.C. the cases appear to be declining from 1959.

## ADMINISTRATION OF CIVIL JUSTICE

Regarding Administration of Justice in Bhagalpur in Pre-British days Dr. K. K. Basu, Ph.D., mentions in Journal of Bihar and Orissa Research Society, Volume XX :—

“The earliest reference to Bhagalpur in the Muhammadan period is to be traced to Ain-i-Akbari, the *vade-mecum* of the Great Mughal's court, where it is mentioned as one of the 31st Mahals or parganas under the *Sarkar* or the revenue division of Munger (Monghyr), which had an assessment of over a lac of rupees. Bhagalpur continued to remain as an appanage to Munger till the last days of the Muslim rule, and it was in 1779 A.D., when by virtue of the authority bestowed upon the Hon'ble East India Company by the grant of the Diwani, which made them full-fledged administrators of Bengal, that William Harwood was appointed the first supervisor with his headquarter at Rajmahal to which was attached Bhagalpur. But it was not till 3rd December 1790 that the post of Naib Nazim was abolished, a new fouzduary arrangement inaugurated and four courts of circuits established.

“The writer of this article| while engaged in the work of examining provincial records of Bihar and Orissa discovered papers that throw light on the system of judicial administration that obtained at Bhagalpur at the dawn of the Company's rule. In the archives of the Collector of Bhagalpur there are two old correspondence, dated the 5th July and 1st November 1792, from the Collector of Boglipore (Bhagalpur) to the President, Council of Revenue, Fort William, Bengal, that furnish a report of the persons by whom the Zila Kazi office was held in the district of Bhagalpur, and of their functions, salaries and other incidental details.

“The aforesaid communications mention that Muhammad Laik held the office of the Zila Kazi of Bhagalpur under sanads granted to him by Ghulam Ali Khan, Saiyid Ahmad Ali Khan and Muhammad Najm-ud-din Khan, the Kazi-ul-Kuzzats or the Chief Kazis of Suba Bihar on the 19th Muharram, 1195, Zilkaudd 1198, and 1206 H.

“In those days Rajmahal formed a separate Zila and was under the jurisdiction of a separate Kazi. Ghulam Ali Reza, the Kazi of Rajmahal, received, like his compeer at Bhagalpur, sanads from the Chief Kazis Saiyid Ahmad Ali Khan and Muhammad Najm-ud-din Khan on 1200 and 1206 H. respectively.

“The district Kazi of Bhagalpur exercised dual functions. In addition to the fouzduary or the criminal cases over which he presided, the Kazi had to witness deeds, perform

marriages and funerals in certain portion of his district. Theoretically though, the Zila Kazi had to decide the civil and criminal cases in addition to his function in connection with social matters, such as in attending the marriages or the funeral ceremonies, in practice, however, he personally attended the fouzday court only, whereas his other duties alluded to above were conducted by his assistants, who, likewise, had under them sub-assistants for assisting and relieving them of a portion of their work. The appointments and dismissal of the principal assistants were in the hands of the Zila Kazi, and as a corollary, the sub-assistants were completely under the control of the principal assistants in matters of appointment and dismissal.

“The Zila Kazi of Bhagalpur had under him the following four principal assistants ;—

- (1) Muhammad Ahmad residing at Bhagalpur,
- (2) Muhammad Azim residing at Colgong,
- (3) Nasimullah residing at Bihpur, and
- (4) Muhammad Afzal residing at Gogri.

“Muhammad Ahmad, the Principal Naib for pargana Bhagalpur, had five inferior *Naibs* under him. Their names and stations are given thus. Khusru resided at Jubbarchuk, Ghulam Ashraf at Champanagar, Imam Bukhsh at Munniharee, Bhoju at Barkope and Hozaul at Dakhilkunj.

“The second Principal Naib, Muhammad Azim stationed at Colgong, had three assistants under him. They were Imam Bukhsh, Ghulam Ashruf and Imam Ali living at Mudban, Sultanganj and Barari respectively.

“Nasimullah, the third Principal Naib, having jurisdiction over the pargana Chchye and residing at Bihpur, had, like the Principal Naib at Colgong, three assistants, viz., Sobhani, Bashir and Sheikh Bakhsh posted at Muddadeis, Sa'iyidabad and Mouza Madheley respectively.

“The fourth Principal Naib, Muhammad Afzal, placed in charge of pargana Chchye, held his court at Gogri. He likewise, had three inferior Naibs, but their names and stations are not known.

“As seen above, the zila of Bhagalpur, which was placed within the jurisdiction of Suba Bihar, necessitated the appointments of nineteen judicial officers. Besides, the Zila Kazi whose headquarters was at Bhagalpur, there were

his four Principal Assistants, three of whom had three assistants each, the only exception being the Assistant at Bhagalpur, who had five instead [of three assistants under him.

“The monthly allowance of the District Kazi was rupees sixty-five, and those of his Principal Assistants rupees sixty only. But as regards the posts of the inferior Naibs or the sub-assistants, no emolument was attached to them, the income of those officers being the “fees” which, as the report goes, were also shared by their immediate superiors, the Principal Assistants.

“Some alterations and changes were effected in the list of the judges in the year 1782 A.D., when the three Principal Naibs of Bhagalpur, Colgong and Chhaye being dismissed from their offices for causes not particularly known, the vacant offices were duly filled up by three new incumbents. Some changes in the rules regarding the terms of appointment of the judicial officers having set in by the time the fresh appointments were made, the new appointees unlike their predecessors in office, received no monthly allowance but obtained, like the inferior Naibs, “fees” instead. But the Principal Assistant at Gogri, unlike this compeers, continued receiving monthly salaries which was further increased in that year (1782 A.D.). Under the new arrangement the positions of the inferior Naibs remained the same and were not altered.

“With the abolition of the office of the Naib Nazim, the allowance attached to the post of the Principal Assistant at Gogri was also discontinued.

“It should be here noted that there was no fixed rate of the “fees” received by the Kazis. In cases of marriage, the fee ranged from rupee one and annas four to nothing, in funerals from annas four to rupee one and annas four, in witnessing papers rupee one and annas four to even a lesser amount, but in cases of official attendance at festivals they were fed by the parties concerned. We should here remember that the rate mentioned above related to poor Mohammedans only, the richer people paid more.

“The Kazis of Suba Bihar had their seats at Surjigurrah, Selimabad, Monghyr and Kuruckpur. These offices were generally hereditary and remained in the same family. Excepting the official “fees”, no salaries or allowances were attached to the posts.

"The post of Kazi at Surjigurrah devolved on Ghulam Mukaddam and his heirs with a rent-free land of forty bighas as an appanage. 'Ali Ashghur was the Kazi of Selimabad and in his absence it was to go to his heirs and successors. Ashghur obtained fifty bighas of rent-free land. Muhammad Murad was the Kazi at Chandanbhuka and to him was allotted one hundred and fifty bighas of land.

"Ghulam Hussain was the District Kazi of Rajmahal, and the office was conferred upon him by Muhammad Reza Khan. Like the Principal Assistant Kazis, Husain got no salary but official fees. The District Kazi of Rajmahal had under him twenty-five Assistants stationed at the following places, Kankjole, Danapur, Mangalpur, Bahadurpur, Havilly Tandah, Pargana Fallakhana, Bettiah Gopalpur, Shikarpur, Begumabad, Amgachy, Ghiaspur, Parganas Mocrain, Akbarpur, Garbound, Hatindah, Sarhurmankour, Maldowar, Munneharee and Sicreegully.

"Kasim Bakhsh, the Kazi of parganas Monghyr and Kuruckpur resided at Kuruckpur. He held 427 bighas of rent-free land—127 bighas at Monghyr and 300 bighas at Kuruckpur."

Civil justice now is administered by the District Judge and six permanent subordinate courts. At times additional courts are also sanctioned. At present three Additional Subordinate Judges also administer civil justice.

Bhagalpur judgship now comprises of two districts, viz., Bhagalpur and Saharsa. The civil courts subordinate to the District Judge comprise of one permanent court and two additional courts of Subordinate Judges at Bhagalpur and two permanent courts of Munsifs at Banka. Besides there are two additional courts of District and Sessions Judges at Sadar Bhagalpur.

The District Judge has powers to try suits and hear appeals but generally suits except of special nature are not tried by him. Recently his appellate powers in the civil side has been raised to less than Rs. 10,000. He is also vested with some special powers, viz., (1) Claim Officer in respect of cases of minor Railway Accidents, (2) the District Judge is the single member of Motor Accidents Claim Tribunal for the purpose of adjudicating upon the claims for compensation in respect of motor accidents, (3) the District Judge has powers to try cases under the Companies Act, 1956, (4) the District Judge has been empowered to hear appeals against the decisions of the Claim Officers under section 16 of the Bihar

Land Reforms Act, 1950 in respect of the districts of Bhagalpur and Saharsa.

Besides civil powers, the District Judge has the powers of Sessions Judge. Since the introduction of the scheme of separation of executive and judicial functions in this district and in the district of Saharsa from 1st July 1957 he is also vested with the powers of a Magistrate first class and also as an Additional District Magistrate. He is empowered to inspect all the criminal courts and offices in the two districts except those of the District Magistrates.

Under section 76 of the Bihar Panchayat Raj Act (Bihar Act VII of 1948) the District Judge has powers at all times to inspect the proceedings and records of Gram Kutchery and benches thereof.

The permanent courts of Sub-Judges at Bhagalpur are vested with the powers of a S. C. C. judge to try suits up to the value of Rs. 750. The Subordinate Judges have also the powers to hear civil appeals against the decisions of Munsifs. They also exercise the powers of revising authority of voters list under the Peoples Representative Representation Act, 1951. The permanent court of a Sub-Judge at Bhagalpur is also vested with the powers of a Special Judge to try corruption cases under sections 161, 165, etc., of Indian Penal Code.

The Munsifs have been exercising the powers to try suits on the original side up to the value of Rs. 4,000 and the powers of a S. C. C. Judge up to the value of Rs. 250. According to the recent amendment of Bengal, Assam and Agra Civil Courts Act the ordinary powers of all the Munsifs in this Judgeship have been raised to try suits up to the value of Rs. 5,000 and their powers of S. C. C. Judge has been raised to Rs. 300.

The Registrar system was first introduced in this district in the year 1950 on temporary basis, which was made permanent with effect from March, 1958. A Munsif of sufficient experience is always appointed to this post and the system has been working successfully in this judgeship. No suit or cases are, however, tried by the Registrar. The Registrar is really to look after the day to day administration, and work as a link between the litigants and the courts. He is to help the District Judge in his administration of the departments. The Registrar is also the Judge in-charge of Nazarat, Accounts, Forms and Stationery, Record Room and Copying Departments.

Since after the separation scheme the Judicial and Honorary Judicial Magistrates have come under the administrative control of the District and Sessions Judge but provision for their staff, court rooms, furniture, law books, forms and stationery is made by the District Magistrate. The District Magistrate deputes bench clerks for the court of the Judicial Magistrates. Copies relating to

the courts of Judicial and Honorary Judicial Magistrates are also prepared in the Collectorate's Copying Department.

According to the directions of the High Court a Vigilance committee was formed at Bhagalpur Sadar with the object of checking corruption in the offices of the courts. It consists of the District Judge as its Chairman and ten members. The Registrar, Civil Court is the *ex-officio* Secretary. The members include four persons from the Bar, two from the Ministerial Officers and three from the public.

The two tables of civil suits and cases are given below. Table no. 1 will show the total number of civil suits and cases instituted under different heads yearwise from 1950 to 1960 and Table no. 2 will show the details of civil suits, cases and appeals under different heads yearwise from 1950 to 1960.

TABLE NO. 1.

CIVIL SUITS AND CASES.

Year.	Total number instituted.											
	1	2	3	4	5	6	7	8	9	10	11	
1950	630	645	4,536	848	1,314	3,572	124	42	37	118	..	..
1951	673	688	4,480	1,103	1,187	3,739	92	25	50	77	..	..
1952	620	703	5,983	1,178	1,090	2,933	138	41	73	102	..	..
1953	460	764	5,935	1,109	1,157	2,859	174	40	37	92	..	..
1954	378	774	6,368	1,150	1,122	3,035	114	48	29	87	..	..
1955	440	742	5,193	2,384	1,271	3,782	95	43	9	82	..	..
1956	627	736	2,386	1,761	1,670	4,526	115	51	23	81	..	..
1957	454	630	1,651	2,529	1,380	4,291	115	41	15	100	..	..
1958	515	583	1,083	1,423	1,330	4,506	163	79	1	99	..	..
1959	605	570	318	1,048	1,326	3,499	135	36	7	81	..	..
1960	..	..	539	1,272	1,449	3,317	122	44	4	84	..	..

LAW, ORDER AND JUSTICE



**TABLE NO. 2**  
**CIVIL SUITS, CASES AND APPEALS.**

Year.	Civil suits.				Civil regular appeals including rent appeals.				Rent appeals.				
	Last pending.	Ins-tituted.	Total.	Disposed of.	Last pending.	Ins-tituted.	Total.	Disposed of.	Last pending.	Instj-tuted.	Total.	Disposed of.	
1	2	3	4	5	6	7	8	9	10	11	12	13	
1950	..	3,171	6,654	9,825	6,512	203	203	406	234	30	37	67	57
1951	..	3,408	6,944	10,352	6,521	176	167	345	214	10	50	60	49
1952	..	3,972	8,484	12,456	8,191	131	247	378	206	11	73	84	43
1953	..	4,342	8,268	12,610	9,523	175	248	423	253	41	37	78	79
1954	..	3,283	8,670	11,953	8,569	173	191	364	186	9	29	36	17
1955	..	3,563	8,759	12,322	8,836	186	147	333	213	17	9	26	19
1956	..	3,618	5,410	9,028	6,633	120	189	309	210	7	23	30	23
1957	..	2,538	5,244	7,882	6,054	99	171	270	168	7	15	22	16
1958	..	1,684	4,608	6,492	4,957	108	243	349	201	6	1	7	7
1959	..	1,684	2,541	4,225	2,898	151	178	329	162	..	7	7	2
1960	..	1,412	2,540	6,952	2,327	171	170	341	126	5	4	9	5

Year.	Miscellaneous appeals.				Miscellaneous cases.				Execution cases.				
	Last pending.	Instituted.	Total.	Disposed of.	Last pending.	Instituted.	Total.	Disposed of.	Last pending.	Instituted.	Total.	Disposed of.	
1	14	15	16	17	18	19	20	21	22	23	24	25	
1950	..	34	118	152	86	579	1,314	1,893	1,347	2,927	3,572	6,499	3,932
1951	..	66	77	143	111	558	1,187	1,745	1,235	2,604	3,739	6,343	3,580
1952	..	33	103	136	81	531	1,090	1,621	1,155	2,794	2,933	5,727	3,173
1953	..	55	92	147	114	478	1,197	1,675	1,257	2,573	2,959	5,532	2,964
1954	..	35	87	122	83	398	1,122	1,520	1,061	2,597	3,035	5,632	2,768
1955	..	39	62	121	89	483	1,271	1,754	1,154	2,904	3,382	6,286	3,012
1956	..	34	81	115	82	509	1,670	2,179	1,323	3,330	4,526	7,856	3,486
1957	..	31	100	131	101	607	1,380	1,987	1,558	4,411	4,291	8,702	4,360
1958	..	32	99	131	97	463	1,330	1,793	1,441	4,456	4,506	8,962	5,201
1959	..	34	81	115	52	393	1,326	1,719	1,236	3,932	3,499	7,431	5,194
1960	..	64	84	148	92	501	1,449	1,950	1,189	2,302	3,317	4,619	2,883

## PANCHAYAT ADALATS

The details of the working of Gram Panchayats will be found in the chapter Local Self-Government. It may, however, be mentioned here that the Gram Panchayats were established to cut down litigation, expedite the disposal of the cases cheaply at the villages and to bring about as many compromises as possible. Lawyers are not allowed and the judges consist of the co-villagers who are commissioned to bring about as many compromises as possible. But according to recent amendment, lawyers are allowed in certain circumstances. The Bihar Panchayat Raj Amendment and Validating Act, 1959, Section 71 runs as follows :—

“No legal practitioner or person declared or known to the Gram Kutchery to be a tout shall appear, plead or act on behalf of any party in any suit or case before the benches thereof. Provided that a person who is arrested shall have the right to consult and to be defended by a legal practitioner of his choice.”

It was thought that the witnesses would not perjure themselves at their villages and that the cases in the courts of the stipendiary magistrates will go down. In practice, however, this has not been fulfilled. On the other hand it has been found that the elections of the Mukhiya, members of the Panch and the Sarpanch are always preceded or followed by tension.

The Gram Kutchery, the judiciary of the Gram Panchayat, is headed by the Sarpanch who is elected by adult suffrage. He is vested with the powers of a third class Magistrate. He has certain emergency powers in case of apprehension of breach of the peace (vide section 64 of Gram Panchayat Act). He is also vested with civil powers to dispose of petty suits. He can try both civil and criminal cases of simple nature. In trial of cases he is assisted by a panel of panches consisting of five panches including himself—one panch each nominated by the contestants and two other panches selected by him. They all derive their powers under a Statutory Act. *Gram Sevak*, the paid employee of the Gram Panchayat, acts as a bench clerk. So far as the administration of justice is concerned, these courts are under the general supervision of the District Judge and the Munsif of competent jurisdiction in respect of civil cases and the Subdivisional Officer in respect of criminal cases. The following statement gives the statistics of the working of the Gram Kutcheries from 1954-55 to 1959-60. .

STATEMENT SHOWING THE POSITION OF CASES AND SUITS TRIED BY GRAM KUTCHERIES IN THE DISTRICT  
OF BHAGALPUR FROM 1954-55 TO 1959-60.

Name of the year.	Number of notified Gram Panchayats.	Number of Gram Kutcheries.	Number of cases and suits instituted.		Number of cases and suits disposed of.		Number of cases and suits compromised.	
			Cases.	Suits.	Cases.	Suits.	Cases.	Suits.
1	2	3	4	5	6	7	8	9
1954-55 .. ..	339	207	2,464	620	573	213	1,364 (55.3%)	284 (45.7%)
1955-56 .. ..	365	365	8,315	741	2,920	303	4,398 (52.9%)	336 (45.3%)
1956-57 .. ..	365	365	4,335	938	462	466	2,825 (65.2%)	393 (41.9%)
1957-58 .. ..	365	365	4,181	898	3,399	685	1,974 (47%)	269 (30%)
1958-59 .. ..	365	365	2,591	551	1,955	421	1,194 (45%)	164 (30%)
1959-60 .. ..	373	365	2,600	481	899	222	1,570 (60.7%)	229 (47.6%)

The statement of disposal of cases that has been quoted shows that quite a large percentage of criminal cases and civil suits has been compromised every year. The percentage calculation has been shown within brackets in the columns 8 and 9. The percentage of compromises in civil suits is, however, not as encouraging as in criminal cases. The highest level in civil suits was at 47.6 per cent in 1959-60 while the highest percentage in criminal cases was 65.2 per cent in 1956-57. The percentage of compromises of criminal cases and civil suits in 1959-60 was 60.1 and 47.6 respectively.

From the statistics it also appears that the criminal cases and civil suits both are declining from 1958-59.

#### LEGAL PROFESSION AND BAR ASSOCIATION

The legal profession consists of Barristers, Advocates, Pleaders and Mukhtears. At present there is no Barrister in the district of Bhagalpur. Bhagalpur judgeship comprises of both Bhagalpur and Saharsa districts. Lawyers from Bhagalpur frequently visit the mofussil courts in Bhagalpur and other districts.

Out of the lawyers practising in Bhagalpur one hundred and eighty-five are members of Bhagalpur Bar Library. There are thirty-eight Advocates, one hundred and eighty-three Pleaders and forty Mukhtears at Bhagalpur. The number of lawyers at Banka is twenty-nine out of whom twenty-one are Pleaders and eight are Mukhtears.

The number of Mukhtears in the district of Bhagalpur is on the decline as Mukhtearship examination has been abolished and no fresh Mukhtears are being recruited. They are normally entitled to appear before the Magistrates only.

The Bar Association and Mukhtear Association at the headquarters and at the subdivisional headquarters of Banka have their own building and library. These Associations look after the interest of the members and encourage a dignified and helpful relationship with the Bench. The State Government have also appointed a separate class of Police Officers who are known as District Prosecutors and Assistant District Prosecutors. They conduct criminal cases on behalf of the State in Magisterial Courts.

Bhagalpur has produced quite a large number of brilliant members of the legal profession on both the criminal and civil sides. The members of Bar Association have maintained a rich tradition of acumen, independence and integrity combined with a sense of co-operation with the courts. Some members of Bhagalpur Bar have been recruited to the Bench both as District Judges and

High Court Judges. The legal profession has supplied the leadership in society and politics. One of them Raja Shiva Chandra Banerjee was a great benefactor of the public and his charity is still remembered in the State. Probably he is the only lawyer who was given the title of Raja in British India. Another member of the Bar was Deep Narain Singh who endowed his extensive property in trust for public good. The lawyers of Bhagalpur have been in the forefront to found and endow schools, colleges, libraries and other public institutions. Some of them had closely associated themselves with the Freedom Movement in various stages. The Bhagalpur Bar Association has a Legal Aid Committee. This Committee is functioning since 1954. The aim is to give free legal aid to the poor and needy. The members of this Committee defend the accused in sessions cases free of charge after getting information from the trying court in case the accused is too poor to defend his case.