

CHAPTER. XI

LAW, ORDER AND JUSTICE

Incidence of crime

Darbhanga district has Nepal to the north and portions of Bihar on the other sides. The district is subject to the activities from the criminals inhabiting or operating in the border districts and in Nepal besides those of the local criminals. Criminals commonly cross the border to Nepal after committing crimes and thus help themselves from being quickly apprehended by the police. Occasional contacts are held with the Nepal police for discussions and control of border crimes.

There are a large number of ex-criminal Tribes Act Dusadh criminals in Madhubani subdivision of the district. Their colonies are situated at Raiyam and Rajanpura in P. S. Jhanjharpur, Baushi, Mohanpur and Beladaura, in Khajauli P. S., Belmohan in Phulparas P. S. and Lohni in Biraul P. S. They used to be registered under Criminal Tribes Act. Every registered member of the Criminal Tribes Act was to report his movement to the police station concerned and any failure to do so was punishable under section 22 of Criminal Tribes Act. The police used to keep constant surveillance over them. Surprise visits to the Dusadh colonies were normal. With the repeal of this Act in 1953, they became free from the restrictions and thus could commit crimes with impunity. They are said to be habitual criminals and a problem in respect of crime. The following are the number of cases in the different police-stations of the district where Dusadh criminals were involved in dacoity cases under section 395, I. P. C. in 1959 and 1960. The figures are supplied by the Superintendent of Police, Darbhanga.

Name of the P. S.	Number of cases.	Year.
Warisnagar	2	1959
Dalsingarai	4	1959
Samastipur	3	1959
Rusera	2	1959
Harlakhi	1	1959
Madhubani	3	1959
Bahera	3	1960
Madhepur	4	1960
Warisnagar	2	1960
Khajauli	1	1960
Sadar	1	1960
Phulparas	2	1960
Laukaha	1	1960
Rusera	1	1960
Samastipur	1	1960
Biraul	1	1960

There are a large number of cases under other sections in these two years when Dusadhs have been suspected. The Dusadh criminals of the district have family connections with Jhijha Dusadh criminals of Nepal who carry on depredations in Madhubani subdivision and at times extend their operations to other subdivisions of the district. Besides Jhijha Dusadh criminals of Nepal, other Nepali criminals commit crime in this district. Criminals of Saharsa and North Monghyr are also responsible for a certain percentage of crime in the district.

According to the report of the Superintendent of Police, there are some notorious criminal gangs in this district. An example may be cited here. There is a village Andama under the jurisdiction of Sadar Police Station, Darbhanga at a distance of about 7 miles south-east of Laheriasarai. This village has a criminal gang under the leadership of one Kapileshwar Singh and his brother Ramlochan Singh. These two brothers induced some poor people of the village to criminality and formed a gang called Andama gang. Some major crimes in this district have been committed by the Andama gang. This gang had close associations with notorious criminals such as Damodar Issar of village Bhawanipur, P. S. Bachwara, district Monghyr, and Sheoji Singh of village Dubto, P. S. Mohuddinagar, district Darbhanga. This gang organised 'Nadaf' gang under the leadership of Bhuna Nadaf of village Barkidain, P. S. Bahera of the district. This formidable gang had practically shaken the district but with the death of some important members of the gang in an encounter in 1959, the crime incidence in the district is somewhat controlled.

The transition period that followed the declaration of independence marked a high incidence of crime as was usual throughout the State 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 crimes. In addition there were droughts resulting in failure of crops, continuously for a number of years after independence. The level of high prices created during the last Great War has continued and has led to a certain degree of economic depression which has acted as incentive to crime. After independence, the army was demobilised and illicit traffic in arms followed and this was taken advantage of by criminal gangs. Another opportunity to get firearms presented itself to the criminals in the year 1950 when there was political upheaval in Nepal due to the fight between the King and the Ranas. Darbhanga district being on the border of Nepal, some individuals of this district were successful in obtaining illicitly firearms from Nepal. The rules for granting firearms have also been relaxed and it is possible that some of the anti-social gun-licensees may have been abusing their privileges. There is also a large scale smuggling of non-duty

paid Nepali Ganja into the district. Gangs some of which include middle-class educated man are said to be engaged in this illicit traffic. Kidnapping of young girls from this district is also not uncommon although very few of them are reported.

The names of some of the criminal gangs operating in the district till the end of 1961 given by the Police office are as follows :—

- (1) Dhorha Thakur's gang of Raipur, P. S. Shakra, district Muzaffarpur, and Dhopgaun, P. S. Tajpur, district Darbhanga.
- (2) Sadanand Prasad's gang of Raipur, P. S. Shakra, district Muzaffarpur and Dhopgaun, P. S. Tajpur, district Darbhanga.
- (3) Andama gang of Sadar P. S., district Darbhanga.
- (4) Hatha-samvahi gang of Shakra P. S., district Muzaffarpur and Terma Rataipur, P. S. Sadar, district Darbhanga.
- (5) Damodar Issar's gang of Bachhwara P. S., district Monghyr and Dalsingsarai P. S., district Darbhanga.
- (6) Chhotan Singh's gang of Mahthi P. S. Dalsingsarai, district Darbhanga.
- (7) Atzauli gang of North Monghyr.
- (8) Babaji Goala's gang of Kharia, P. S. Pupri, district Muzaffarpur.
- (9) Jadunandan Mallah's gang of Chakhaidar, P. S. Warisnagar, district Darbhanga.
- (10) Anandi Hajam's gang of Khagaria (North Monghyr).
- (11) Bashi Bhindi gang of Tajpur P. S., district Darbhanga.
- (12) Balo Singh's gang of Madhurapur, P. S. Rusera, district Darbhanga.
- (13) Kesho Tiar's gang of Tijkeshwar, P. S. Singhia, district Darbhanga.
- (14) Shitaram Sharma's gang of Balkunda, P. S. Mohua, district Muzaffarpur.
- (15) Diljan Dhamia's gang of Tariahi, P. S. Laukaha, district Darbhanga.

- (16) Khusialpatty's gang of Khusialpatty, P. S. Laukaha, district Darbhanga.
- (17) Jhanghapatti's gang of Jhanghapatti, P. S. Laukaha, district Darbhanga.
- (18) Prayag Lal Jadab's gang of Bikramasher, P. S. Phulparas, district Darbhanga (connected with Nepal criminals).
- (19) Nanda Totema's gang of Jogia, P. S. Ladania, district Darbhanga (connected with Nepal criminals).
- (20) Pachgachhia gang of Pachgachhia, P. S. Biraul, district Darbhanga.
- (21) Nayagaun Dusadh's gang of Nayagaon, P. S. Sadar, district Darbhanga.
- (22) Bhangi Dusadh's gang of Bhangi, P. S. Bahera, district Darbhanga.
- (23) Terma Ratanpura Dusadh's gang of Sadar P. S., district Darbhanga.
- (24) Lahai Dusadh's gang of Lahai, P. S. Biraul, district Darbhanga.
- (25) Satashi Dal of Panchov, P. S. Sadar, district Darbhanga.
- (26) Phuchar Jha' gang of Vijjan, P. S. Bahera, district Darbhanga.
- (27) Belmohan Dusadh's gang of Phulparas, district Darbhanga.
- (28) Jhijha Dusadh's gang of Nepal (operates in this district).
- (29) Gopal Krishna's gang of Nepal (operates in this district).
- (30) Bahadur Dusadh's gang of Morchamuk, P. S. Muzaffarpur town.
- (31) Raiyam Dusadh's gang of Raiyam, P. S. Jhanjharpur, Dist. Darbhanga.
- (32) Mahthour's gang of Phulparas P. S., district Darbhanga (connected with Nepal criminals).

The following two tables show the incidence of crimes under different heads in the district from 1950 to 1960 :—

TABLE 1.

CRIME STATISTICS.

Crimes under different heads from 1950 to 1960.

Year.	Murder.	Dacoity.	Robbery.	Riot.	Ordinary theft.	Cattle theft.	House breaking.	Kidnapping	Sex crimes.	Smuggling
1	2	3	4	5	6	7	8	9	10	11
1950	31	73	22	463	698	28	1,568	17	3	26
1951	25	145	33	425	766	34	1,949	26	6	127
1952	45	136	33	575	840	37	1,883	28	6	103
1953	28	93	29	689	868	30	1,861	28	10	82
1954	25	98	38	683	859	34	1,751	35	22	61
1955	26	47	18	390	760	12	1,473	81	13	58
1956	26	58	11	343	820	13	1,526	20	7	33
1957	21	66	20	396	834	17	1,549	21	4	31
1958	32	38	18	302	655	30	1,266	26	5	28
1959	24	32	12	389	643	28	1,528	18	6	526
1960	43	34	27	472	819	20	1,850	33	11	41

TABLE 2.

Total cognizable crimes from 1950 to 1960 reported to Police only.

Year.	Total cognizable reported.	Charge-sheeted.	Convicted	Acquitted.
1950	3,513	665	239	426
1951	3,999	531	278	253
1952	4,283	735	337	398
1953	4,463	868	313	555
1954	3,470	718	267	451
1955	4,533	730	304	426
1956	3,569	933	251	682
1957	3,640	895	283	612
1958	3,073	1,127	340	787
1959	3,475	990	342	648
1960	3,953	1,029	358	671

The figures given above show that there was a rise in the number of dacoities, robberies, riots, etc., during the years 1950 to 1954. This was a period of scarcity in this district. Another remarkable feature was the detection of cases of smuggling which suddenly rose up to the huge number of 526 in 1959 as compared with only 28 in the previous year and 41 in the following year for which no explanation is available. This is rather intriguing and no cogent reason is available. It is quite possible that the staff became strictly vigilant in 1959 but this will mean there was a wide-scale leakage before.

Organisation of the police force

As regards the Police Administration, Mr. L. S. S. O' Malley, I. C. S., observes as follows :—*

“For police purposes the district is divided into 10 thanas or police circles, viz., Darbhanga, Bahera and R sera, in the headquarters subdivision; Madhubani, Benipatti, Khajauli and Phulparas, in the Madhubani subdivision; and Samastipur, Dalsingsarai and Warisnagar, in the Samastipur subdivision. Besides these, there are 10 independent outposts and 2 beat houses, and there are

*District Gazetteer of Darbhanga (1907), pag. 12).

thus 22 centres for the investigation of crime. The machinery employed for the protection of person and property consists of the regular or district police, including the town police, and of the rural force or village watch. The former consisted in 1905 of the District Superintendent of Police, 5 Inspectors, 37 Sub-Inspectors, 1 Sergeant, 32 Head Constables and 416 constables; and the latter of 289 *dafadars* and 4,530 *chaukidars*. The cost of the regular force was Rs. 1,03,000 and there was one policeman to every 6.7 square miles and to every 5,919 persons, as compared with the average of 4½ square miles and 3,194 persons for the whole of Patna Division."

The sanctioned strength of the police force of this district in 1960 was one Superintendent of Police, 4 Deputy Superintendents (one temporary), 4 Inspectors, 48 permanent Sub-Inspectors, 2 temporary Sub-Inspectors, one temporary Sub-Inspector (armed police), one Reserve Inspector, 62 permanent Assistant Sub-Inspectors, 2 temporary Assistant Sub-Inspectors, 2 temporary Assistant Sub-Inspectors (armed police), 614 constables, 30 temporary constables, 271 armed permanent constables, 343 armed temporary constables (including *Anchal*), 292 *dafadars* and 2,905 *chaukidars*. It will work out that one constable is meant for 15,000 to 16,000 population.

The police administration of the district is headed by the Superintendent of Police with headquarters at Laheriasarai (Darbhanga). He is under the administrative control of the District Magistrate, the Deputy Inspector-General with headquarters at Muzaffarpur and the Inspector-General of Police, Bihar, Patna. He is assisted by two Deputy Superintendents of Police at the district level, one Deputy Superintendent in-charge of Madhubani subdivision and one in-charge of Samastipur subdivision. Each of the three subdivisions (Sadar, Samastipur and Madhubani) has one Police Inspector who is a gazetted officer. One Inspector of Police was placed in-charge of Khajauli Police Circle in Madhubani subdivision.

The subdivisions are subdivided into smaller areas each of which is under a police station. Police station is defined in section 4 (s) Cr. P. C. and is the unit of investigation. For the purpose of police administration, all the investigating centres are known as police stations. A police station is generally manned by one Sub-Inspector, one Assistant Sub-Inspector, one writer-constable and 10 constables. The average area of a police station is about 150 square miles with a population of about 1,50,000. Each police-station contains a number of *dafadari* circle, each of which is under a *dafadar*. Each *dafadari* circle is further subdivided into still smaller areas, each of which is looked after by a *chaukidar*. Usually a village has a *chaukidar*. A large village will have more than one *chaukidar*.

For the purposes of police administration, the district has been subdivided into four circles—(1) Darbhanga, (2) Samastipur, (3) Madhubani and (4) Khajauli circle under Madhubani subdivision. Each of these circles is under an Inspector of Police. The incidence of crime of Khajauli area has been responsible for the posting of an Inspector of Police there.

(1) *Darbhanga Sadar Subdivision circle*.—It has the following police units—(a) Laheriasarai police station, (b) Darbhanga Town police station, (c) Sadar police station, (d) Bahera police station, (e) Biraul police station and (f) Jalley police station. Besides these there are two outposts, viz., (i) Keoti outpost and (ii) Singhwara outpost. Both of these outposts are under Sadar police station.

(2) *Samastipur Circle*.—It has the following police stations under it—(a) Samastipur, (b) Tajpur, (c) Warisnagar, (d) Mohiuddinagar, (e) Dalsingsarai, (f) Rusera and (g) Singia. Tajpur police station has the Pusa outpost under it and Rusera police station has Hathouri outpost under it.

(3) *Madhubani Circle*.—It has the following police stations under it—(a) Madhubani, (b) Jhanjharpur, (c) Benipatti, (d) Harlakhi and (e) Madhwapur.

(4) *Khajauli Circle*.—It has the following police stations—(a) Khajauli, (b) Jaynagar, (c) Phulparas, (d) Laukaha, (e) Ladania and (f) Madhepur.

The towns in the district have town outposts, besides their police stations. These town outposts are under the police stations of their respective towns. Town outposts are established in towns or remote parts of mofussil police stations for the purpose of patrolling and surveillance and, generally, for the prevention of crime. They are not investigating centres, and the officer-in-charge usually a Havildar, though responsible for the manning of the post, only performs the duties he would carry on if posted to the parent police station, subject in the same way under the control and direction of the Sub-Inspector. Laheriasarai police station has three, Darbhanga town has five, Samastipur town has one, Rusera town has one, Jaynagar town has one and Madhubani town has two outposts.

For the prosecution of the criminal cases in the Magistrates' courts there is one Senior District Prosecutor, equivalent to the rank of a D. S. P., posted at Laheriasarai. He is helped by Assistant District Prosecutors if necessary. The remaining two subdivisions has one A. D. P. each for the purpose. The scheme of D. Ps. and A. D. Ps. was introduced in this district in 1953. An A. D. P. is appointed from the rank of practising junior lawyers and also police officers with knowledge of law and experience of prosecution cases in courts.

To help the regular police force the following three categories of establishment have been established (1) Anchal Force, (2) Home Guards and (3) Village Resistance Group.

Anchal Force

This force was raised in 1956 mainly for the purpose of guarding and escorting Government revenues entrusted to the B. D. Os. in different Community Development Centres. The strength of the force is likely to increase with the increase in the number of blocks. The unit for each Anchal consists of one Havildar and 8 constables.

In 1961 the strength of this force was as follows :— (1) Quarter Master Sergeant 1, (2) Reservè Sub-Inspector 1, (3) Jamadar 1, (4) A. S. Is.2, (5) Havildars 42, (6) constables 290.

Home Guards

This force was organised in 1948 in Darbhanga district according to the Bihar Home Guards Act, 1947 (Bihar Act XX of 1947), with a view to help the administration in various aspects especially the Police Department for patrolling and raising Village Resistance Groups in crime affected areas, prevention of crimes and maintenance of law and order. At present (1961) the strength of the force is as follows :— (1) Company Commandars 4, (2) Havildar clerk 1, (3) Office orderly 1, (4) Home Guard volunteers 375.

For the enrolment of any person as a Home Guard, the following qualifications are required :—

- (a) age not less than 19 and not more than 40 years on the first day of January of the year ;
- (b) a good moral character ;
- (c) physical fitness ;
- (d) a height of not less than 5'-4" and chest measurement not less than 31" (unexpanded);
- (e) a pass at least in the upper primary test or equivalent examination ;

Every Home Guard volunteer shall after his enrolment undergo a course of training for a period of not more than three months in—

- (i) Infantry drills including arms drills, (ii) weapon training, (iii) musketry course, (iv) first aid, (v) fire-fighting, (vi) map reading, (vii) field craft, (viii) legal powers of Home Guard, (ix) internal security and anti-dacoity operation, (x) battle drill, (xi) traffic and mob control, (xii) lathi drill, (xiii) bayonet training, (xiv) military education and (xv) such duties as prescribed under rule 3 of Home Guard Rules.

The duty of every Home Guard is to assist in the maintenance of peace and tranquility, to inculcate the habit of self-reliance and discipline and to develop a sense of civic responsibilities amongst the citizens of the State and to assist the maintenance of essential services for which they are trained. The Home Guards may be required to perform all or any of the following duties :—

- (a) prevention of commission of crimes; (b) protection of life and property; (c) assistance in the organisation and functioning of village guards; (d) collection and communication of intelligence concerning law and order to the immediate superiors; (e) suppression of disorders; (f) to report and check currency of rumours likely to disturb peace; (g) to assist fire-fighting services and (h) to render first-aid and help in the removal of casualties to hospitals.

During the period on which a Home Guard is on active service (excluding the period spent over training) or in the reserve force, he shall receive duty allowance at the rate Rs. 1-8-0 in addition to ration in accordance with the scale per day. Provided that if the hours of duty is less than three hours a day, the Home Guard will draw a duty allowance of Re. 1 but no rations. During the period of training every Home Guard shall receive a free boarding and lodging besides a training allowance of Rs. 30 a month.

Village Resistance Group.—The Village Resistance Group was started in 1950 and the groups are still being raised in crime affected areas by local police in co-ordination with village and Home Guard volunteers. These groups are formed out of the public for the purpose of patrolling in anti-crime drives in the different police stations. The villagers are being exhorted to organise themselves into a disciplined body and to enrol volunteers. In addition to this the Panchayats organise village volunteer force in each Panchayat. They are also to act with the regular and rural police for the purpose of law and order and crime control measures.

The number and distribution of Village Resistance Groups in this district is as follows :—

Samastipur B.S. 350, Rusera P.S. 308, Warisnagar P.S. 333, Dalsingsarai P.S. 409, Mohiuddinagar P.S. 184, Singia P.S. 386, Tajpur P.S. 216, Darbhanga Town P.S. 85, Sadar P.S. 545, Bahera P.S. 148, Biraul P.S. 194, Jalley P.S. 92, Madhubani P.S. 409, Benipatti P.S. 338, Jhanjharpur P.S. 193, Harlakhi P.S. 154, Madhepur P.S. 85, Khajauli P.S. 449, Jaynagar P.S. 242, Phulparas P.S. 369, Laukaha P.S. 168, Ladania P.S. 98 and Madhwapur P.S. 150,

Radio and Wireless Station.—There are 4 wireless stations in the district for receiving and transmitting information distributed as follows :—

Laheriasarai 2, one of which deals with information to and from the two subdivisions, Samastipur 1, Madhubani 1.

District Crime Bureau.—The Bureau consists of one Inspector, two Sub-Inspectors, two writer-constables and one constable. They belong to the 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 detection of cases and crime control work.

A section of this bureau manned by a Criminal Investigation Department Inspector deals mainly with passports. It is manned by one Inspector, Criminal Investigation Department of the Special Branch and one clerk.

Government Railway Police.—There are two Government railway police stations in the district, one at Samastipur Railway Station and the other at the Darbhanga Railway Station. There is one Government railway police outpost also at Jaynagar under Darbhanga Government railway police. The strength of the Samastipur Government railway police station is one Sub-Inspector, two Assistant Sub-Inspectors and 18 constables. Its jurisdiction extends from Samastipur to Garhpura, Samastipur to Thalwar, Samastipur to Pusa Road, Samastipur to Dalsingsarai Railway stations. The jurisdiction thus extends to about 83 running miles of N. E. Railway line. The railway stations from Shahpurpatori to Vidyapatnagar fall in Darbhanga district but it is under the jurisdiction of Barauni (Monghyr district) Government railway police covering 22 running miles.

The strength of Darbhanga Government railway police station is two Sub-Inspectors, two Assistant Sub-Inspectors and 18 constables, besides one Assistant Sub-Inspector and 5 constables posted at Jaynagar railway outpost. The jurisdiction of Darbhanga Government railway police-station extends from Darbhanga to Laheriasarai, Darbhanga to Jogiara, Darbhanga to Sakri, Sakri to Jaynagar and Sakri to Ghoghardiha railway stations. Its jurisdiction thus extends to about 95 running miles of the N. E. Railway. Both these Government railway police stations are under the Inspector, railway Police posted at Samastipur who is under the direct control of the Superintendent, Railway Police posted at Muzaffarpur.

The main function of the Railway Police is to check crimes on the railways. The section has to control crime in an important area with Samastipur as a divisional headquarters for the railway.

Railway Protection Force.—There is one railway protection post at Samastipur railway station and one outpost at Darbhanga railway station in the district. The jurisdiction of the post and the outpost of the railway protection force extends from Samastipur to Dalsingsarai, Samastipur to Pusa Road, Samastipur to Garapura, Samastipur to Jogiara, Darbhanga to Sakri, Sakri to Ghoghardiha and Sakri to Jaynagar. The jurisdiction thus extends to about 178 running miles. The railway stations from Shahpurpatori to Vidyapatnagar covering 22 running miles fall in Darbhanga district, but it is under the jurisdiction of Sonepur railway protection post. Both the post and outpost are under the Sub-Inspector, Railway Protection Force, Samastipur who is under the direct control of the Assistant Security Officer, N. E. Railway, posted at Muzaffarpur and the Chief Security Officer, N. E. Railway, posted at Gorakhpur, in Uttar Pradesh.

The Railway Protection Force is primarily responsible for ensuring safe passages of goods and parcels entrusted to the railway and for protecting the railway property.

Police Reserve.—The Police Reserve at the headquarters of the district is divided for the purpose of organisation into Ordinary Police Reserve and the Armed Police Reserve.

Ordinary Police Reserve is maintained to supply guards and escorts, to strengthen police stations and outposts and in emergency to furnish parties to attend Magistrates' Courts and to fill vacancies caused by leave and casualties. It remains under constant drill and instructions and it forms the nucleus of the district police and receives the particular attention of the Superintendent of Police.

Armed Police Reserve is a part of the reserve and kept at headquarters in readiness for dealing with local disturbances. It is kept intact and in full strength. The strength of the Armed Police Reserve in the district is one Sergeant Major, four Havildars and 50 constables. This force cannot be employed on miscellaneous duties or sent away from headquarters without the authority of the District Magistrate or the Inspector-General of Police, but it may be called upon to furnish the magazine guard when there are unusual heavy demand on the ordinary reserve and there is no likelihood of the armed police being required for urgent duty elsewhere. If the District Magistrate is absent and prompt action is needed, the Superintendent of Police can move the Armed Police Reserve on his own responsibility informing the District Magistrate as quickly as possible.

Anti-Corruption.—To eradicate corruption in the services the Government has sponsored an Anti-Corruption Department under the Political Department of the Government of Bihar with headquarters in Patna Secretariat. This department has a moving

squad consisting of one Inspector, one writer constable and one constable who work in Darbhanga district. They work under the Deputy Superintendent, Anti-Corruption Department, posted at Muzaffarpur who in his turn works under the Deputy Secretary, Political Department (Anti-Corruption). This department is quite separate from the police organisation but has necessary contacts when necessary.

Jails and Lock-ups.—There is one District Jail of first class status at Laheriasarai, Darbhanga. It is located about one mile west of Laheriasarai railway station. This jail is a very old one.

The old double-storied building was destroyed in the earthquake of 1934 and consequently a new structure had to be erected in its place. A few temporary barracks were added to accommodate a large number of political prisoners during the 1942 Movement. The present capacity of this jail is sufficient for 731 male and 7 female prisoners.

The following statement shows the daily average population of Darbhanga District Jail for the last ten years :—

Year.	Male.	Female.	Total.
1951	548.09	6.82	554.91
1952	568.04	9.56	577.60
1953	483.37	8.57	491.94
1954	483.37	8.57	491.94
1955	514.31	15.02	529.33
1956	461.54	7.54	469.08
1957	405.42	5.60	411.02
1958	523.21	8.66	531.87
1959	506.88	7.91	514.79
1960	471.37	9.74	481.11

Prior to 1945 the Civil Surgeon of Darbhanga used to be in charge of the jail, in addition to his duties as the Civil Surgeon. But since 1945 this is under a whole time Superintendent. The sanctioned strength of the staff is one Jailer, two Assistant Jailors and one clerk, but actually there are at present one Jailer and four Assistant Jailors. Besides these the Jail has five head-warders and fifty-one warders including two female warders. This Jail has

a hospital with 35 beds for the treatment of prisoners and the Jail staff. This hospital has on its staff one whole time Sub-Assistant Surgeon and one compounder who work under the supervision of the Civil Surgeon of Darbhanga, but are under the administrative control of the Superintendent of the Jail.

This Jail has attached to it a garden of 12.3 acres out of which two acres contain lemon trees and two acres generally remain uncultivated while the rest is cultivated. This Jail has a small diary farm maintained inside the Jail and the products are used for the Jail inmates.

Besides this District Jail, there are two subsidiary Jails one at Madhubani with accommodation for 70 male and 5 female prisoners and the other at Samastipur with a capacity of 75 male and five female prisoners. Each of the subsidiary Jails is under the charge of the Civil Assistant Surgeon of the subdivisional hospital, who is a part time Superintendent of the Jail also. The Samastipur Subsidiary Jail has one Assistant Jailor, one clerk, two head-warders and 10 warders. The Subsidiary Jail at Madhubani has one Assistant Jailor, one clerk, one head-warder and eight warders.

With the introduction of more human treatment of prisoners and gradual abolition of corporal punishment and exaction of meaningless, degrading and arduous work such as human-driven *ghanis*, prison discipline has become more and more a matter of intelligent and sympathetic understanding of the prisoners on the part of the Jail staff and co-operation from the prisoners. There has been a commendable change in the attitude to cope with the problem of the prisoners.

The convicted prisoners are trained in weaving cloth, *Dari* and *Newar* and are engaged in such other work as bullock driven oil presses and intensive vegetable gardening. The educated prisoners impart elementary education up to the Upper Primary standard to their fellow prisoners. With the help of the Education Department a Social Education Centre is also run inside the Jail. The prisoners are occasionally treated to film shows by the Public Relations Department. The Jail has a library to which the prisoners are allowed access. Some newspapers are also provided for the prisoners.

There are one Hindu and one Muslim religious instructors who give the prisoners religious and ethical discourses besides conducting prayers on Sundays and Fridays. The prisoners are allowed to celebrate the important festivals in an appropriate manner. They are given occasional facilities for musical recreation also. There is an arrangement for execution of death sentences also in this Jail.

With the enforcement of the Probation of Offenders Act, 1958, in the State and release of prisoners on parole there has been a far-reaching and fundamental change in the treatment of offenders. The words 'probation' was used in our Statute Book as far back as in 1898. Section 562 of the Cr. P. C. used this word. It was provided therein that certain types of offenders committing trivial offences could be let off on probation of good conduct. The scope of this provision was extended with the amendment of Cr. P. C. in 1928. It was provided that the first offenders committing offences punishable with imprisonment for less than two years could be released on admonition. Suitable first offenders aged below 21 and woman when not liable to be punished either with death or transportation for life and adult males above 21 when not punishable with a term of imprisonment exceeding seven years could be released on probation of good conduct. No machinery was provided to the courts for ascertaining facts regarding the personality and character, social circumstances and prospect of rehabilitation of offenders in order to individualise punishment prior to the passing of Probation of Offenders Act, 1958.

After the enforcement of this Act in the latter part of the year 1959 in this district, there has been a change in the method of dealing with the offenders. To implement this scheme at present there is a Probation Officer posted at Laheriasarai, Darbhanga, who works under the Principal Probation Officer who also is the Superintendent of Darbhanga District Jail.

The grant of probation in the circumstances is not a final disposal of the order to the offenders. The court merely suspends the infliction of punishment and subjects the offenders to a suitable process of trials. As stated above, an agency is provided to the courts where an offender can be supervised and treated through counselling and guidance while he is allowed to remain at large and assisted through the mobilisation of social assistance for him. Since the enforcement of the Act, six offenders in 1959; 45 in 1960 and 35 in 1961 were released.

The salient features of the Probation of Offenders Act, 1958, are as follows :—

- (1) Courts have been given the power to place any offender on probation who is found guilty of having committed any offence not punishable with death or imprisonment of life provided, in the circumstances of the case, including the nature of the offence and the character of the offender, such a course is considered expedient by the court.
- (i) Restriction on the use of probation based on age, sex and previous conviction as contained in section 562, Cr. P. C. have been removed.

- (ii) The Act envisages a regular machinery for enquiring into the personality, character, antecedents and home surroundings of the offenders, which is to assist the court in determining the most suitable method of dealing with him.
- (iii) It envisages a special machinery to supervise probationers as well as to advise and assist them while on probation, as well after discharge from the same.
- (iv) It envisages a release of an offender on various types of conditions including residential requirement and payment of compensation by him.
- (v) It makes probation enquiries mandatory in cases of offenders below 21 years of age, where the provisions of the Act are applicable.

Juvenile prisoners, female prisoners and habitual offenders are kept separate from the prisoners of other categories.

Under-trial prisoners also are kept separate from the convicts. No work is taken from them except keeping their own personal equipments and wards clean. Juvenile prisoners undergoing sentence of more than three months are sent to Borstal School at Daltonganj where special facilities are provided for them.

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

Criminal Justice.—Mr. L.S.S.O'Malley, I.C.S., mentions as follows:—

“Criminal Justice is administered by the District and Sessions Judge, the District Magistrate and the various Deputy and Sub-Deputy Magistrates at the headquarters and sub-divisional stations. The sanctioned staff at Darbhanga consists, in addition to the District Magistrate, of four Deputy Magistrates of the first class and one Deputy Magistrate of the second or third class. Besides these officers, an Assistant Magistrate and one or two Sub-Deputy Magistrates exercising second or third class powers are generally posted there. The Subdivisional Officers at Madhubani and Samastipur are almost invariably officers vested with first class powers, and they are usually assisted by Sub-Deputy Magistrates of the second class. There are also benches of Honorary Magistrates at Darbhanga (8 members), Madhubani (9 members), Rusera (11 members) and Samastipur (3 members), all of whom exercise second class powers. In all, there are 31 Honorary Magistrates, of whom nine are authorised to sit singly.”*

*District Gazetteer, Darbhanga (1907), p. 128.

Previous to 1st July, 1957, original criminal cases were tried by the Magistrates either of Bihar Civil Service or of Subordinate Civil Service commonly known as Deputy and Sub-Deputy Magistrates or by Sessions Judges. There were also Honorary Magistrates of first, second or third class powers. The Magistrates used to be vested with criminal powers of either first, second or third class.

According to the Amendment Act 26 of 1955 in Cr. P. C., the Magistrate with first class powers could pass sentences for imprisonment either simple or rigorous for a term not exceeding two years and fine not exceeding two thousand rupees. The Magistrate with second class powers could pass sentences for imprisonment either simple or rigorous for a term not exceeding six months and fine not exceeding five hundred rupees. The Magistrate with third class powers could pass sentences for imprisonment either simple or rigorous for a term not exceeding one month and fine not exceeding one hundred rupees. The Court of any Magistrate may pass any lawful sentence combining any of the sentences which is authorised by law to pass. They were under the administrative control of the District Magistrate. The Magistrates of first class were empowered to hold preliminary enquiries in cases triable by the Court of Sessions and commit them to the Court of Sessions. They commit the accused persons to stand their trial in the Sessions Court after finding a *prima facie* case proved against them or evidence adduced and on perusal of documents produced before them. Commitment is an order passed by the Magistrate of first class in an enquiry under Chapter XVIII of the Cr. P. C. of the offences triable by the Court of Sessions. The original cases used to be heard and evidence taken by first class Magistrates only and if a *prima facie* case is made out the accused are committed to the Court of Sessions to stand their trial there. Appeals from the decisions of second and third class Magistrates were heard by the District Magistrate or some other Magistrate specially empowered under Section 407 Cr. P. C. to hear appeals. Appeals from the decisions of 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 appeal to the Patna High Court under section 710, Cr. P. C.

Under the above set-up the District Magistrate, Subdivisional Magistrates and Deputy Magistrates had the dual role of the administration of Criminal Justice besides their executive work. In his executive capacity a Magistrate has to maintain law and order and see to the prevention of breach of peace. This dual system of mixing up the executive and judicial functions in the one and same person was not an unmixed good and often did not inspire confidence to the litigants that justice was being done. In this dual capacity a Magistrate had to tour out of headquarters for days, run other administrative duties and be always ready for

26 Rev.—31.

receiving and giving orders to meet in exigencies of administration. Naturally his time was divided and he could not possibly give an exclusive attention to the disposal of cases. Long adjournments, harassment of witnesses by being kept over and delay in delivering orders were common features.

As a Magistrate in his executive capacity an officer often came to acquire extra judicial information about a particular case and it was difficult for him to completely disabuse his mind of all that when he sat as a Court to hold the scale of justice even. The dispensation of impartial justice was not always possible under the above system where the District Magistrate, Subdivisional Magistrates and the Deputy Magistrates or Sub-Deputy Magistrates exercised executive as well as judicial functions, and were connected with police administration. Such officers were commonly taken to have a bias towards passing orders of conviction. 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 Judge and an Executive Magistrate. Article 50 of the Indian Constitution enacted on the 26th January 1950 also gave this directive that, "the State shall take steps to separate the judiciary from the executive in the public services".

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

The Bihar Government under Resolution no. 5866-A, dated the 1st December 1946, appointed a committee to frame a practical scheme for the separation of judicial and executive functions. The committee was headed by Mr. Justice Meredith. The committee after examining various aspects of judicial and executive functions, submitted a report to the Government with their recommendation in support of separation of judiciary functions from executive in one and the same man. As per recommendations of Meredith Committee, the scheme of separation of judiciary from executive was introduced in this district from the 1st July, 1957. Deputy Magistrates or Sub-Deputy Magistrates whose services were placed under the High Court exclusively meant for judicial work known as Judicial Magistrates and the Munsifs vested with criminal powers known as Munsif-Magistrates were put under the administrative control of the District Judge while the Executive Magistrates were put under the administrative control of the District Magistrate.

There are two types of cases, viz., cognizable and non-cognizable. Cognizable cases are those which are taken cognizance of by the police or by the Magistrate specially empowered under section 190, sub-section (2) of Cr. P. C. The police investigates under section 156, Cr. P. C. and submit final reports or chargesheets under section 173, Cr. P. C. to the Subdivisional Magistrates concerned. If a case is made out and the accused has to stand his trial, a chargesheet is submitted. They are ripe for hearing and the Subdivisional Magistrate transfers them under section 192, Cr. P. C. to the Munsif Magistrates or Judicial Magistrates for trial. If the police investigation does not make out a tangible case against the accused, the police will submit a Final Report which usually means that irrespective of the fact whether the case is true or not, the case is not fit to come to trial. But the police attitude to the case is not final. The Subdivisional Magistrate has to apply his judicial mind; he may agree with the police report, accept it or he has the prerogative to order the police to submit chargesheet, if he thinks the police report should not be accepted. The Magistrate has the right to call the case-diary maintained by the police for studying if a proper investigation has been made by the police. After chargesheet is submitted, the case is sent for trial to the Munsif-Magistrates or to the Judicial Magistrates.

Complaints for offences can also be filed by the aggrieved party before the Subdivisional Magistrates or the Magistrates specially empowered to take complaints. Usually complaints for non-cognizable offences are made before the Magistrate who is empowered to take complaints. If from the statement on oath of the complainant, the Magistrate concerned concludes that the case is *prima facie* not made out, he may dismiss the complaint under section 203, Cr. P. C. If he wants, he may hold an enquiry himself or he may order under section 202, Cr. P. C. any Magistrate or the police or any respectable person to hold an enquiry. On getting the report he may hold or order for further enquiry or he may dismiss the complaint or he may summon the accused. When the accused is summoned and the presence of the accused is secured the case is transferred to the Munsif Magistrate or the Judicial Magistrate for trial. The Magistrate's order could be taken to the District Judge in appeal or review under section 407, Cr. P. C. The aggrieved party may file a petition under section 435, Cr. P. C. against the order of the Magistrate before the District Judge for revision or review of the order.

Appeals from the decisions of conviction or acquittal of the Munsif-Magistrates and the Judicial Magistrates are heard by the Sessions Judge or Additional Judge to whom the cases are transferred by the District and Sessions Judge. An aggrieved party may take the decisions of the District or Additional District Judge to the Patna High Court and finally to the Supreme Court. In Supreme

Court an appeal will only lie on the point of law and under special leave.

Those cases that do not come under the purview of the Indian Penal Code, but are offences against other Acts mentioned above are filed by the Department concerned and by the police and triable by the Executive Magistrates. Only under sections 144, 145 and 107, Cr. P. C. the third party may also put the law in motion.

The following is the distributions of the Executive Magistrates and Honorary Executive Magistrates in Darbhanga district (1961):—

Number of Executive Magistrates.	Powers.	Place of posting.
7	.. First Class	.. Laheriasarai.
1	.. Second Class	.. Ditto.
1 (Honorary)	.. Ditto	.. Ditto.
4	.. First Class	.. Samastipur.
2 (Honorary)	.. Second Class	.. Ditto.
4	.. First Class	Madhubani.

The District and Sessions Judge is both the judicial and administrative head of the Judgeship. He is usually a member of the Bihar Judicial Service and has served years as a Munsif and a Sub-Judge. He may also have been recruited direct from the Bar. The Additional District Judge is also either a member of the Bihar Judicial Service or recruited from the Bar.

There is a District Judge and one Additional District and Sessions Judge in this Judgeship posted at Laheriasarai (Darbhanga). There are seven permanent Courts of Sub-Judges at Laheriasarai (Darbhanga) and one at Samastipur. They are vested with the powers of an Assistant Sessions Judge. The Court of Sub-Judge was established at Samastipur in 1957. The appeals from the decisions of an Assistant Sessions Judge are heard by the District Judge.

The following is the distribution of the Judicial Magistrates and Munsif-Magistrates in the district in 1961 :—

Number of Magistrates.	Powers.	Place of posting.
One (Judicial) ..	.. First Class	.. Laheriasarai.
One (Judicial) ..	.. Second Class	.. Ditto.
Two (Munsifs)	.. Ditto	.. Ditto.
One (Honorary)	.. Ditto	.. Ditto.

Number of Magistrates.	Powers.	Place of posting.
One (Munsif) ..	.. First Class	.. Samastipur.
One (Munsif) ..	.. Second Class	.. Ditto.
One (Honorary)	.. First Class	.. Ditto.
One (Judicial) ..	.. Ditto	.. Madhubani.
One (Judicial) ..	.. Second Class	.. Ditto.
Two (Munsifs) ..	.. Ditto	.. Ditto.

Panchayat Courts have been described elsewhere. The *Panchayat* Courts have been given certain statutory powers for disposing of petty criminal cases. The bench and the parties in such cases all come from same locality and lawyers are a taboo. The main idea is that there will be a compromise failing which there will be speedy disposal of the case costing very little to the parties concerned.

But it has to be mentioned here that there is no statutory obligation of the villager that he has got to take his case to the *Panchayat* Courts. He may go to the police or to the Magistrate with a complaint as well.

The role of the lawyers in helping the Courts to come to a correct decision must be mentioned. The lawyers on either side work on the same purpose, that is, to have justice done according to law although seemingly they are at cross purposes. An able lawyer interpretes the facts elicited in the evidence for the benefit of his client and he will never try to mislead the Court. The bar in this district has been covered elsewhere.

Jury and Assessor system.—Mention has to be made of jury and assessor system so far as criminal justice is concerned. The names of respectable persons were empanelled as jurors and assessors and odd number of them were used to be called up and associated with sessions trials. Under the assessor system the considered majority opinion of the assessors was not binding on Sessions Judge and he would deliver his own judgement absolutely contradictory to the opinion of the assessors. It was, however, the duty of the Judge to explain the law and the facts of the case as transpired from the examination-in-chief and cross examination and leave the assessors to come to their opinion.

In a jury system the procedure was the same but the majority opinion of the jurors had statutory obligation on the Sessions Judge. The Sessions Judge would either give his judgement accepting the majority opinion of the jury and pass the sentence or he would differ from the majority opinion of the jury giving his reasons and refer the case to his higher Court.

It is unfortunate that the jury and the assessor system did not work well. It was difficult to get always the proper type of men as jurors or assessors and their opinions were often perverse. Allegations of corruption against them were common. The jury system was in vogue in Darbhanga district till 30th April 1961 and now stands abolished.

The statistics of sessions cases from 1939 to 1960 are given below:—

Statistics of Sessions cases from 1939 to 1960 of Darbhanga J udgeship.

Year.	No. of Sessions Insti- cases tried.	Total. Disposed of—	No. of persons. No. of					
			Witnesses.	Convicts.	Acquit- ted.	examined.		
	1	2	3	4	5	6	7	8

1939	12	68	70	41	101	86	782	..
1940	29	73	102	72	164	136	943	..
1941	30	65	95	69	133	149	1,030	..
1942	26	62	78	54	158	122	916	..
1943	24	104	128	64	181	184	806	..
1944	64	96	160	118	370	290	1,445	..
1945	42	76	118	95	325	146	1,216	..
1946	23	74	97	81	229	123	903	..
1947	16	79	95	50	155	109	697	..
1948	45	79	124	113	648	198	1,464	..
1949	11	93	104	93	394	185	1,071	..
1950	11	83	94	67	382	89	883	..
1951	27	88	115	73	351	99	1,040	..
1952	42	108	150	102	341	177	1,404	..
1953	48	112	160	135	729	170	1,946	..
1954	25	66	91	61	266	74	873	..
1955	30	78	108	86	295	169	1,219	..
1956	22	89	111	82	293	163	1,243	..
1957	27	78	107	76	234	137	993	..
1958	31	135	166	103	359	132	1,428	..
1959	63	109	172	123	470	207	2,288	..
1960	49	110	159	131	401	191	1,950	..

From the above statistics it appears that the number of cases fluctuates every year. But a high incidence of crimes was recorded in the years 1943, 1944, 1949, 1952, 1953, 1958, 1959 and 1960. From the statistics it also appears that the number of persons acquitted is much higher than those convicted.

The break-up figures of important sessions cases from 1939 to 1960 are given below :—

The statistics of sessions cases under some of the different sections of the Penal Code in Darbhanga Judgeship from 1939 to 1960 are as follows :—

Year.	Section 302 (murder).	Section 304 (culpable homicide not amounting to murder).	Sections 363, 364, 366 and 369.	Section 376.	Sections 395 and 396.	Sections 399 and 402.
1939	10	10	2	2	9	NIL
1940	18	9	5	NIL	5	2
1941	13	8	5	3	13	NIL
1942	10	8	2	5	13	NIL
1943	13	21	NIL	3	45	NIL
1944	16	11	3	2	44	NIL
1945	16	3	1	4	31	1
1946	17	7	2	3	18	1
1947	21	6	2	1	24	NIL
1948	20	3	3	5	28	2
1949	18	9	6	1	31	NIL
1950	19	8	1	2	20	2
1951	22	6	4	NIL	27	2
1952	18	3	6	2	25	3
1953	31	10	7	5	27	2
1954	10	6	2	2	25	2
1955	20	7	5	3	19	1
1956	20	12	3	NIL	23	2
1957	20	11	3	2	22	NIL
1958	23	10	4	4	89	2
1959	21	2	10	5	34	2
1960	17	8	13	2	21	5

1	2	3	4	5	6	7
1939	10	10	2	2	9	NIL
1940	18	9	6	1	31	NIL
1941	13	8	5	3	13	NIL
1942	10	8	2	5	13	NIL
1943	13	21	NIL	3	45	NIL
1944	16	11	3	2	44	NIL
1945	16	3	1	4	31	1
1946	17	7	2	3	18	1
1947	21	6	2	1	24	NIL
1948	20	3	3	5	28	2
1949	18	9	6	1	31	NIL
1950	19	8	1	2	20	2
1951	22	6	4	NIL	27	2
1952	18	3	6	2	25	3
1953	31	10	7	5	27	2
1954	10	6	2	2	25	2
1955	20	7	5	3	19	1
1956	20	12	3	NIL	23	2
1957	20	11	3	2	22	NIL
1958	23	10	4	4	89	2
1959	21	2	10	5	34	2
1960	17	8	13	2	21	5

From the perusal of the statistics above it appears that the incidence of murder cases is somewhat high in the district. The figures also show that the incidence of dacoity is also high in the district.

The statistics of criminal cases from 1957 to 1960 tried in the Magisterial Courts are given below :—

Year.	Pending from before.	Received.	Total.	Disposed of.	No. of persons.		No. of witnesses examined.
					Acquitted.	Convicted.	
1	2	3	4	5	6	7	8
1957 ..	1,491	2,399	3,890	1,783	5,240	1,079	5,563
1958 ..	2,107	2,394	4,501	2,494	12,050	2,506	15,464
1959 ..	2,179	4,278	6,457	4,370	12,066	2,664	15,800
1960 ..	2,150	3,720	5,870	4,085	11,544	2,826	16,006

From the above statistics it appears that the number of cases fluctuates every year. But a high incidence of crimes was recorded in the years 1959 and 1960. From the statistics it also appears that the number of persons acquitted is much higher than those convicted. The incidence of crimes is mostly due to the economic reasons as discussed in the sub-section 'Incidence of Crime'.

Administration of Civil Justice.—Until 1906 Darbhanga was under the Judgeship of Muzaffarpur. The Civil work of the district used to be carried on till then by eight Munsifs of whom three were stationed *at Laheriasarai (Darbhanga), three at Samastipur and two at Madhubani*. There was no Sub-Judge in this district. The District and Sessions Judge of Muzaffarpur came periodically to dispose of Sessions cases and other business. He held his court in one of the rooms of the Collectorate at Laheriasarai (Darbhanga).

In 1906 a judgeship was created for Darbhanga district and S. S. Skinner, Esqr. was appointed District Judge to this judgeship in that year. A separate building for the Civil Courts was built in the year 1909. The Civil Court building was a two storied one, but the terminable Earthquake of 1934 caused considerable damage to the upper floor of the building which was therefore dismantled. In 1937 a new building was constructed and was connected with the old block by a corridor.

*District Gazetteer, Darbhanga (1907), p. 127.

At Samastipur the pre-earthquake building still stands and the courts are held there. In both Madhubani and Samastipur there is a great dearth of accommodation in the Civil Court building. The Courts of temporary Sub-Judge and Additional Sub-Judge at Samastipur are being held at present in the Bar Association building. Hence a new building for the Sub-Judge's Courts is under contemplation. At Madhubani a new Civil Court building was constructed after the great Earthquake of 1934, as the old building was completely damaged.

At present (1961) Civil justice is administered by a District Judge, one Additional District Judge and seven permanent, one temporary and three Additional, Subordinate Civil Courts. The Hon'ble High Court deputes Additional Courts whenever there is a congestion in the files.

The Subordinate Civil Courts in the district comprise of the courts of one permanent Sub-Judge, two Additional Sub-Judges and two Munsifs at the headquarters, one temporary Sub-judge and two Munsifs in Samastipur subdivision and two Munsifs in Madhubani subdivision. Besides these a temporary court of Sub-Judge is functioning at Samastipur since January, 1957.

The District Judge and the Additional District Judge have powers to try suits and hear appeals, but generally they do not try suits except those of special nature. Recently their appellate powers in the civil side have been raised up to the value of Rs. 10,000 by an amendment of Civil Procedure Code. Besides civil powers the District Judge and the Additional District Judge have the powers of a Sessions Judge also. The District Judge is also vested with the powers of a Magistrate First Class and also of an Additional District Magistrate. He is empowered to inspect all the Criminal Courts and offices in the district except that of the District Magistrate.

The Sub-Judge posted at Sadar has unlimited pecuniary jurisdiction on original civil side regarding cases of both the Sadar and Madhubani subdivisions. He is vested with the powers of Small Cause Court Judge to try suits up to the value of Rs. 750 within the jurisdiction of Sadar subdivision. Similarly the Sub-Judge at Samastipur also has unlimited pecuniary jurisdiction on the civil side and is vested with powers of a Small Cause Court Judge to try suits up to the value of Rs. 750 within the jurisdiction of Samastipur subdivision. The Sub-Judges are empowered to hear civil appeals decided by the Munsifs and those who function as Assistant Sessions Judges have been empowered to hear criminal appeals against the decision of Second and Third Class Magistrates.

The Munsifs are vested with the powers in the original side as well as that of a Small Cause Court Judge within their respective

jurisdiction. Their powers on the original sides do not exceed Rs. 5,000 and that of as a Small Cause Court Judge they are limited to Rs. 350.

The Registrar system was introduced in the district in October, 1957 on a temporary basis and its terms have recently been further extended for a further period of two years since 1st August 1961. A Munsif of experience is always appointed to this post and the system has been working successfully in this judgeship. The Registrar looks after the day-to-day administration and works as a link between the litigants and Courts. He helps the District Judge in his administration of the departments. The Registrar is also the Judge incharge of Nazarat, Accounts, Forms, Stationery, Record Room and Copying Departments.

The scheme of separation of executive and judicial functions is in operation in this judgeship since 1st July 1957. The powers, number and place of posting of Judicial Magistrate and Munsif Magistrates have already been dealt in criminal justice.

Since after the separation scheme, the 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 Magistrates are also prepared in the Collectorate copying department.

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

TABLE No. 1.

CIVIL SUITS AND CASES.

Years.	1	2	3	4	5	6	7	8	9	10	11

1960	1,654	1,512	4,935	737	1,843	4,279	293	45	76	169	
1961	1,351	5,037	791	1,426	3,766	261	35	57	132
1962	1,206	7,049	935	1,280	3,069	273	39	52	93
1963	1,153	6,197	973	1,352	3,889	411	75	60	148
1964	1,107	6,380	845	1,662	3,444	341	76	45	138
1965	992	3,026	857	6,012	4,358	326	73	21	136
1966	1,085	2,161	707	1,484	4,429	254	78	20	144
1967	1,020	1,325	1,091	1,645	4,449	191	63	5	128
1968	994	652	1,232	1,701	3,097	242	55	3	116
1969	1,125	1,565	904	1,649	2,382	224	42	1	123
1960	1,215	1,558	864	1,514	1,742	267	75	2	135

LAW, ORDER AND JUSTICE

DARRHANCA

Year.	Civil suits.			Civil regular appeals including rent appeals.			Rent appeals.					
	Last Instl.	Total. Disposed of pending.	Instl. tuted.	Last Instl.	Total. Disposed of pending.	Instl. tuted.	Last Instl.	Total. Disposed of.				
1950	5,413	8,101	13,514	8,111	334	414	748	381	45	76	121	88
1951	5,647	7,964	13,611	7,827	337	353	690	349	38	57	95	49
1952	5,998	10,045	16,043	9,395	390	364	754	373	47	52	99	52
1953	6,841	9,294	16,135	10,277	383	546	929	390	47	60	117	48
1954	6,055	9,223	15,278	10,592	540	462	1,002	335	59	45	104	64
1955	4,943	5,772	10,715	7,500	676	420	1,096	480	42	21	63	52
1956	3,461	5,091	8,552	5,453	622	352	974	598	12	20	32	26
1957	3,276	4,185	7,461	4,502	391	259	650	332	6	5	11	10
1958	3,117	3,563	6,680	3,998	333	300	633	325	1	3	4	4
1959	2,847	2,707	5,554	3,083	328	267	595	312	..	1	1	1
1960	2,582	2,776	5,358	2,919	298	344	642	270	..	2	2	2

TABLE No. 2
CIVIL SUITS CASES AND APPEALS.

TABLE No. 2—cont'd.

Year.	Miscellaneous appeals.			Miscellaneous cases.			Execution cases.					
	Last Instl- disposed of.	Total disposed of.	Instl- pending.	Last Instl- disposed of.	Total disposed of.	Instl- pending.	Last Instl- disposed of.	Total disposed of.	Instl- pending.			
1950	98	169	267	173	768	1,843	2,601	1,750	2,659	4,279	6,938	3,880
1951	99	132	231	132	3,708	1,424	2,304	1,512	2,625	6,786	6,304	3,904
1952	99	93	192	109	8,211	1,260	2,301	1,343	2,533	3,069	5,602	3,635
1953	94	148	232	106	770	1,352	2,122	1,553	2,301	3,889	6,190	3,542
1954	122	138	260	132	587	1,662	7,249	1,507	2,694	3,444	6,138	3,642
1955	126	136	262	166	769	6,012	6,781	2,310	3,351	4,358	7,709	3,794
1956	97	144	221	174	755	1,484	2,239	1,497	3,150	4,429	7,579	4,447
1957	64	128	192	107	733	1,645	2,378	1,451	3,189	4,449	7,638	4,205
1958	85	116	201	119	963	1,701	2,664	1,530	3,485	3,097	6,582	4,129
1959	83	123	206	129	1,155	1,649	1,804	1,628	2,502	2,382	4,884	2,978
1960	81	135	216	141	1,206	1,514	2,720	1,885	1,956	1,742	3,698	2,157

Civil Court Record Room.

The Record Room was started in 1906 when the separation of this Judgeship from Muzaffarpur district was made.

The Record room has got many old records. The oldest record is of the year 1780, and relates to Money Title Suit no. 1 of 1780 (Lachmen Mander *versus* Raghu Purbay).

The records of the following nature are preserved here :—

- (1) Class I—Title suits and Title appeals (Preserved for ever).
- (2) Class II—Mortgage suits and appeals (Preserved for 25 years).
- (3) Class III—Money suits and appeals (Preserved for 12 years).
- (4) Class III A.—Rent suits and appeals (Preserved for 6 years).
- (5) Sessions Cases —
 - (i) Class I—14 years.
 - (ii) Class II—5 years.
 - (iii) Class III—2 years.
 - (iv) Class IV— 1 year.

Panchayat Adalats.

The details of the working of *Gram Panchayats* will be found in Chapter under Local Self-Government. It may, however, be repeated here that the *Gram Panchayats* were established to bring the disposal of justice to the litigants as near their doors as possible and at the cheapest possible cost and to bring about as many compromises as possible. Lawyers are not normally allowed and the Judges consists of the co-villagers who are commissioned to bring about as many compromises as possible. According to recent amendment, lawyers are allowed in some cases. 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 be less inclined to depose incorrectly in a *Panchayat Court*. It was also expected that the proper functioning of the *Panchayat* courts would ease the congestion of cases in the Court of Magistrates. These aims have not been fulfilled. On the other hand it has been found that the elections of *Mukhiya*, members of the *Panchayat* 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. The *Gram Kutchery* is vested with the powers of a third Class Magistrate. It is also vested with the civil powers to dispose of petty suits. Regarding the criminal powers of a bench of the *Gram Kutchery*, the Bihar Panchayat Raj Act, 1947, section 63 runs as follows:—

“A bench of the *Gram Kutchery* shall, in respect of the trial of cases, be deemed to be vested with the powers of a Magistrate of the third class.”

The *Surpanch* has certain emergency powers in case of apprehension of breach of peace (*vide* section 64 of Bihar Gram Panchyat Act). 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. The *Gram Sevak*, a 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 statement below gives the statistics of the working of the *Gram Kutcheries* from 1955-56 to 1960-61 :—

Statement showing the position of cases and suits tried by *Gram Kutcheries* in the district of Darbhanga from 1955-56 to 1960-61.

Year.	Number of notified <i>Gram Panchayat</i> .	Number of <i>Gram Kutchery</i> .	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
1955-56 ..	760	225	1,991	541	434	109	1,310(66%)	363(67%)
1956-57 ..	760	316	2,865	587	652	168	1,868(66%)	309(53%)
1957-58 ..	760	412	2,248	480	508	117	1,395(62%)	287(60%)
1958-59 ..	778	462	3,098	449	595	120	9,189(71%)	261(58%)
1959-60 ..	778	499	2,894	460	558	125	1,889(65%)	268(58%)
1960-61 ..	838	499	1,415	188	53	65	967(68%)	108(57%)

The statement shows that quite a large percentage of criminal cases and civil suits have been compromised every year. The percentage calculation has been shown within the brackets in the columns 8 and 9. The percentage of compromises in civil suits is, however, not as high as in criminal cases. The highest level in civil suits was at 67 per cent in 1955-56 while the highest percentage in criminal cases was 71 per cent in 1958-59. The percentage of compromises of criminal cases and civil suits in 1960-61 was 68 per cent and 57 per cent respectively.

Legal Profession and Bar Association.

The legal profession consists of Barristers, Advocates, Pleaders and Mukhtears. At present there is no Barrister in the district. There are 23 Advocates at Darbhanga, 4 at Samastipur and 3 at Madhubani. The number of Pleaders at Darbhanga is 174, at Samastipur 83 and at Madhubani 56. There are 41 Mukhtears at Darbhanga, 39 at Samastipur and 31 at Madhubani. The number of Mukhtear is dwindling due to the abolition of Mukhtearship examination.

The Bar Association and Mukhtear Association at the headquarters and at the Subdivisional headquarters of Samastipur and Madhubani have their own buildings and the libraries. The Associations look after the interest of their members and maintain a dignified and helpful relationship with 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.

Darbhanga has produced some brilliant members of the bar. Some of the members of the Darbhanga Bar have been raised to the bench. The golden jubilee of one of the Advocates Sri Priya Nath Mitra was celebrated in 1960.

The members of the Bar at Darbhanga and at the subdivisions have taken a very prominent part in moulding the civic and cultural life of the district. Some of them have sponsored educational institutions and worked the local bodies. Some of them have taken a prominent part in the struggle for independence. Since Gandhiji launched his first campaign in India in connection with the indigo movement in Champaran district some prominent members of the Darbhanga Bar, namely, Sri Braj Kishore Prasad, Dharnidhar, Harinandan Das, Mohammad Shafi, etc., have taken a prominent part in the political field.