

CHAPTER XI.

LAW, ORDER AND JUSTICE.

INCIDENCE OF CRIME IN THE DISTRICT.

The district of Shahabad is bounded on the north by the river Ganga, on the east and the south by the Sone river, on the north-west by the Karamnasa river and on the west by the Mirzapur district of Uttar Pradesh. To the north of the district are the districts of Ballia of Uttar Pradesh and Saran of Bihar, to the north-west are the districts of Varanasi and Gazipur of Uttar Pradesh, to the east is Patna, to the south-east is Gaya and to the south is Palamau district of Bihar.

The north-east portion of the district is the most densely populated part.

The *diara* lands of the Ganga and the Sone are liable to floods causing a shifting of population every year during the rainy season and hence form good hiding places for the criminally inclined people. These *diara* lands lie to the north of Koilwar-Buxar Road. The *diara* lands grow only *bhadoi* and *rabbi* crops which are every year subject to floods in the rainy season and frost and other calamities in the winter season. The result is that the inhabitants of this area suffer badly and in times of distress are forced to seek employment elsewhere mostly outside the district. Even then their requirements remain unfulfilled and they take to criminal habits. The main source of income of the people of the *diara* area is the rearing of cattle. These people are prone to cattle lifting and committing dacoities outside their immediate vicinity and extend their depredations even to West Bengal and Assam. These *diara* lands are not the hiding place of the criminals of Shahabad only but also those of Saran, Ballia and Gazipur districts, etc. These gangs have people living in other parts of the district as their members and collaborators.

After the Second World War and the achievement of independence by India, prices of commodities soared very high and even now there has been no drop in the price structure. This has caused a sense of frustration with the result that some people have become anti-social and have taken to undesirable means to gain money. The abolition of the Criminal Tribes Act also led to some deterioration in the crime position.

After independence the army was demobilised and this resulted in some illegal traffic in fire-arms which passed into the hands of the criminals. These were some of the factors which caused a high incidence of crime in the district.

Lack of supervision and control owing to cessation of the operations of the Criminal Tribes Act over the criminals led to bad results initially. There is now no criminal class as such in the district. Mostly the Rajwars, Nonias, Dusadhs, Nats and Ahirs used to indulge in crime. The Domes of Barhara police-station and of the towns were notorious for house breaking.

In the years 1957–60 there was an outbreak of dacoities in the district led by inter-State gangs of Kamta Singh of Dumaria, police-station Shahpur, Kuer Singh of Jasatpur Pakari, police-station Bahera, Teju Dhanja of Karja, police-station Shahpur, Shirikishun Ahir—Ram Lakhan Ahir of Nanijore, police-station Brahmpur, Sheo Gobind Rajwar of Bihta, police-station Tarari, Shambhu Singh of Bhabua subdivision, Dhanja of Nasriganj and the Nonia criminals of Rajpur, police-station Nokha.

In order to check crime the whole district was turned into a Military Police operation area and an Anti-Dacoity force was created in 1959. Due to large-scale arrests of the criminals, their successful prosecution and also to inter-gang rivalries in which Kuer Singh, Kamta Singh, Shirikishun Ahir and Ram Lakhan Ahir were killed, their gangs were liquidated. Normal conditions returned to the district in the latter part of 1959. At present (1964) the following gangs are active in the district:—

- (1) Rajwar gang of Bihta, police-station Tarari.
- (2) Shayama Dubey's gang of Belaur, police-station Arrah Mufassil.
- (3) Bhagwanpur gang of Ahirs.
- (4) Tribhuwan Singh's gang of Chatar, police-station Barhara.
- (5) Satya Narain Ojha's gang of Kohara, police-station Mufassil.
- (6) Dome criminals of Nathmalpur Sinha and Lakshmipur of Barhara police-station.
- (7) Sona Dusadh's gang of Shahpur, police-station Brahampur.

- (8) Bhani Choubey's gang of Jagdishpur police-station.
- (9) Mandil Ahir's gang of Simri police-station.
- (10) Sheo Pujan Koeri's gang of Itarhi police-station.
- (11) Mukha Nonia's gang of Rajpur police-station associated with Nonia criminals of Dinara and Nokha police-stations.
- (12) Nutam Ahir's gang of Nawanagar police-station.

CRIME STATISTICS.

The total number of cognizable crimes reported in the district and their results from 1953 to 1963 are given below:—

Year.			Total number of cognizable cases reported.	Charge-sheeted.	Convicted.	Acquitted.
1			2	3	4	5
1953	..	..	5,855	978	455	528
1954	..	..	5,600	1,461	584	877
1955	..	..	4,883	1,249	367	882
1956	..	..	5,604	1,083	308	775
1957	..	..	6,119	1,111	326	785
1958	..	..	5,592	990	296	694
1959	..	..	4,683	Not available		
1960	..	..	4,461	1,096	379	717
1961	..	..	4,174	1,042	358	684
1962	..	..	4,729	1,137	404	733
1963	.	..	5,399	1,157	400	757

These figures show that the percentage of detection as compared with the cases reported was very meagre. Even then the number of person actually found guilty by the courts was less than half the number charge-sheeted and more than half got their acquittal,

The following are the statistics of crimes under the heads murder, dacoity, riot, theft and burglary for the years 1953 to July, 1963:—

for the years 1953 to July, 1963.—															
Year.		Murder.				Dacoity.				Robbery.					
		Total cases.	Charge-sheeted.	Convicted.	Acquitted.	Total cases.	Charge-sheeted.	Convicted.	Acquitted.	Total cases.	Charge-sheeted.	Convicted.	Acquitted.		
1		2	3	4	5	6	7	8	9	10	11	12	13		
1953	..	..	..	51	25	9	16	83	31	12	19	64	18	6	12
1954	..	..	..	61	28	13	15	75	29	7	22	63	16	2	14
1955	..	..	..	50	41	14	27	98	35	14	21	98	19	5	14
1956	..	..	..	62	42	7	18	104	48	16	19	105	57	5	28
1957	..	..	..	81	30	15	19	225	43	7	16	125	32	12	17
1958	..	..	..	..	..	..	..	Not available.				..	..	..	..
1959	..	..	..	69	30	10	13	123	12	8	11	70	18	10	10
1960	..	..	..	72	31	16	16	114	36	15	31	70	12	10	13
1961	..	..	..	67	61	11	12	74	24	10	19	64	26	10	9
1962	..	..	..	67	30	14	16	67	24	13	13	63	25	8	11
1963	..	..	..	66	31	25	25	54	19	12	15	65	19	7	12

Year.	Burglary.				Theft.				Riot.						
	Total cases.	Charge-sheeted.	Convicted.	Acquitted.	Total cases.	Charge-sheeted.	Convicted.	Acquitted.	Total cases.	Charge-sheeted.	Convicted.	Acquitted.			
1	14	15	16	17	18	19	20	21	22	23	24	25			
1953	..	..	..	2,744	201	102	99	2,268	303	153	150	203	110	46	64
1954	..	..	..	2,809	277	99	178	1,135	387	155	232	241	169	45	124
1955	..	..	..	2,365	254	74	180	1,144	346	120	226	281	173	33	140
1956	..	..	..	2,519	421	56	103	1,133	373	93	160	412	308	48	167
1957	..	..	..	3,323	63	74	118	1,406	256	85	150	152	196	43	166
1958	..	..	..	..	..	..	..	Not available.				..	..	..	..
1959	..	..	..	2,407	100	62	95	1,137	164	69	175	384	251	47	142
1960	..	..	..	2,294	134	74	94	1,152	182	65	142	415	226	72	191
1961	..	..	..	2,110	189	58	72	1,221	260	73	126	314	225	64	159
1962	..	..	..	2,054	259	79	86	1,167	258	96	148	357	276	66	156
1963	..	..	..	2,394	159	67	89	1,295	279	84	125	472	287	58	159

N.B.—The figures of conviction and acquittal also include cases pending trial from previous years.

Shahabad may be described in Police language a criminal district. Murder, dacoity, riots are quite common as the figures will indicate. Further it has to be remembered that detections and convictions when charge-sheets given are not many. Gang dacoities still continue. The land disputes are often the background for riots. Thefts and burglaries along with cattle-lifting are common in this district along with the other districts. The abolition of the zamindari rights led to an agrarian upset and for some time riots over land disputes were rampant. Dacoities with gun and other arms will show that there is a large number of unlicensed fire-arms or some of the licensed fire-arms are abused. The large number of bad livelihood and other cases under the preventive sections show that the incidence of crime is quite high. The problems of law and order, like communalism, etc., keep the Magistrates quite busy. Shahabad is rich in rice produce while some of the neighbouring districts like Ballia in Uttar Pradesh and Saran in Bihar are not. So smuggling of rice becomes common if and when embargoes are imposed against inter-district or inter-State export and import of rice. Juvenile delinquency has not yet become a problem of any magnitude but the influence of the bad type of films, perverted ideas of social relationships between a boy and a girl, influence of sexy cheap literature in the languages is being increasingly felt on the maladjusted youths. Teddy-boyism is in an embryonic stage and may become a problem soon unless checked. Country-made liquor has become order of the day and is mostly responsible for quarrels in cinema houses and processions.

ORGANISATION OF THE POLICE FORCE.

It may be noted here that the population of south Shahabad is sparse as compared with north Shahabad and the production in south Shahabad *per capita* is greater than in the north. The criminals of the north were, therefore, prone to carry on depredations in the south, and, as it was found that the headquarters of the police district was situated in the north at Arrah at a great distance from the south, which was the seat of the activities of the criminals of the north, the district was split into two police districts. These police districts are (i) north Shahabad with headquarters at Arrah comprising Arrah Sadar and Buxar subdivisions, (ii) south Shahabad police district with headquarters at present at Dehri and comprises Sasaram and Bhabua subdivisions. Both the districts are independent of each other. But the Motor Vehicle, Passport and Rural Police sections have not been separated and continue to function at the district headquarters at Arrah for the entire district. This division was brought about under memo. no. 10558-D-XXXI-1-24-61, dated the 4th December, 1962, from the Office of the Inspector-General of Police, Bihar.

The north Shahabad police district comprises of the following police-stations with their outposts, viz., Arrah town including three outposts, Arrah, Nawadah including two outposts, Arrah Mufassil,

Koilwar, Barhara and Udwanthnagar of Sadar Circle of Sadar subdivision; Shahpur, Bihea Beat House, Piro, Tarari, Jagdishpur, including two town outposts, Sandesh, Sahar, Agian outpost and Bhual Chapra outpost of Piro circle of Sadar subdivision; Buxar with two town outposts, Itarhi, Rajpur with one outpost, Dumraon with two town outposts, Barhampur, Nawanagar and Simri of Buxar Circle of Buxar subdivision.

The strength of this police district consists of one Superintendent of Police, three Deputy Superintendents of Police, one Sergeant Major, three Inspectors, two Sergeants, 42 Sub-Inspectors, 51 Assistant Sub-Inspectors, two Jamadars, 30 Havildars, 681 Constables, one Senior District Prosecutor and seven Assistant District Prosecutors.

Besides these the *Anchal* force consists of 18 Havildars, five Naiks and 146 Constables.

The south Shahabad police district consists of the following police-stations with their town outposts and outposts:—

Sasaram with three town outposts, Chenari, Rohtas, Dehri with three town outposts, and Sheosagar with one outpost in Sasaram Circle of Sasaram subdivision; Bikramganj, Dawath, Nasriganj, Kargahar, Dinara and Nokha of Bikramganj Circle of Sasaram subdivision. Bhabua with one town outpost, Adhaura, Chainpur, Chand, Mohania, Kudra, Ramgarh and Durgawati with one check post at Karamnasa in Bhabua Circle of Bhabua subdivision.

The police force consists of one Additional Superintendent of Police, two Deputy Superintendents of Police, six Inspectors, one Sergeant Major, two Sergeants, 44 Sub-Inspectors, 38 Assistant Sub-Inspectors, 18 Havildars, 514 Constables, one District Prosecutor and four Assistant District Prosecutors.

Besides these the *Anchal* force consists of one Jamadar, two Havildars, four Naiks and 166 Constables.

The *Anchal* force was organised in 1956 mainly for the purpose of guarding and escorting the Government revenue money entrusted to the Block Development Officers in the different Community Development Blocks.

Both the Superintendent of Police of north Shahabad and the Additional Superintendent of Police south Shahabad are under the administrative control of the District Magistrate of Shahabad, and the Deputy Inspector-General of Police at Patna. The Inspector-General of Police at Patna is the administrative head.

It may be mentioned that the whole of Shahabad district has 339 *Dafadars* and 2,816 *Chowkidars* for the rural areas.

DISTRICT CRIME BUREAU.

To maintain records of criminal gangs operating within and outside the district and help the regular police force in investigation and crime control work, a District Crime Bureau has been established in each of the two police districts of Shahabad. The Bureau in north Shahabad police district consists of one Inspector, two Sub-Inspectors and one Writer Constable and the Bureau of south Shahabad police district consists of two Sub-Inspectors, one Writer Constable and one Constable.

ANTI-DACOITY FORCE.

Due to the large incidence of dacoities in several parts of the State an Anti-Dacoity Force was created in 1959 with one Deputy Superintendent of Police for the districts of Shahabad, Palamau and Gaya taken together. He works under the Superintendent, Anti-Dacoity Force, Patna. The headquarters of the Deputy Superintendent of Police is at Dehri (District Shahabad). The following staff work under the Deputy Superintendent of Police:—

North Shahabad—one Inspector, three Sub-Inspectors, three Writer Constables and one Constable.

South Shahabad—four Sub-Inspectors, four Assistant Sub-Inspectors and six Constables.

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 enrol volunteers. In addition to this the *Gram 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. There has not been much impact of this force nor much enthusiasm in the rural areas to join it. Lack of statutory rights also stands on the way. The youths of the villages do not want to play the second fiddle.

MOUNTED MILITARY POLICE.

The creation of a Mounted Military Police Contingent at Arrah is an outcome of the Piro riots in 1917, when the State Government felt the necessity of having an effective Military Police in the State. Consequently with the concurrence of the Central Government they sanctioned the establishment of five troops of the Mounted Military Police with its headquarters at Arrah under M. P. Act (V) of 1892 from the 16th October, 1919. The Superintendent of Police, Shahabad was appointed under the above Act as the Commandant of the force and he still functions as such. The State Government increased its strength by two more troops in 1943.

It is a State Reserve force and its movement is directly controlled by the Inspector-General of Police. The main objective of the force is to help the regular police in maintaining law and order throughout the State. Out of seven, three troops have been stationed at Arrah, the district headquarters of Shahabad. For their speedy reach to places away from Arrah, one troop each has been stationed at Patna, Jamshedpur, Bhagalpur and Muzaffarpur.

The sanctioned strength of the force in 1964 is as follows:—

(1) Sergeant Major	..	..	..	1
(2) Resaidar	..	..	..	1
(3) Jamadars	..	..	..	7
(4) Non-Commissioned Officers	..	..	..	41
(5) Sowars	..	..	..	172
(6) Horses	..	..	..	202

BIHAR MILITARY POLICE.

This is an emergency force to supplement the local police when there are emergencies. This force is controlled by the Deputy Inspector-General of Military Police and Training with headquarters at Patna. This force goes to other States as well in deputation to deal with mass disturbances. The movement of this force is controlled by the Inspector-General of Police, Bihar with the sanction of the State Government.

One unit of this force that is Bihar Military Police II has been stationed at Dehri. The strength of this force is as follows:—

1 Commandant, 1 Assistant Commandant, 3 Wing Commanders, 1 Subedar Major, 7 Subedars, 21 Jamadars, 76 Havildars, 54 Naiks, 8 Writer Naiks, 54 Lance Naiks and 711 Sepoys.

GOVERNMENT RAILWAY POLICE.

There are three Government Railway Police Stations in the district, viz., Arrah, Buxar and Sasaram. The Sasaram Government Railway Police has two town outposts, viz., at Dehri-on-Sone and Bhabua Road railway stations. The Arrah and Buxar Government Railway Police Stations have no town outposts. The strength of these police-stations at Arrah, Buxar and Sasaram consists of one Sub-Inspector, one Assistant Sub-Inspector and Constables of different strength. The town outposts consist of an Assistant Sub-Inspector and some Constables.

The main function of the police-stations is to check railway crimes in the district. These police-stations cover the whole of the district. The jurisdiction of Arrah police-station is from Koilwar railway station to Raghunathpur railway station. The area covered

by this police-station is about 49 running kilometres. The jurisdiction of Buxar police-station is from Raghunathpur railway station to Karamnasa river. The area covered by this police-station is about 30 running kilometres. The jurisdiction of Sasaram police-station is from Dehri-on-Sone railway station to Durgauti railway station rather up to Durgauti river. The area covered by this police-station is about 75 running kilometres. These police-stations are under the administrative control of the Superintendent, Railway Police with headquarters at Patna.

RAILWAY PROTECTION FORCE.

The main function of the force is to protect and guard the railway property and also the public property entrusted to the railway as carrier.

There are two posts of the railway protection force in this district, viz., at Buxar and Dehri-on-Sone. The Buxar post has an outpost at Arrah and the post at Dehri-on-Sone has no outpost within the Shahabad district. The strength of the Buxar post is one Sub-Inspector, two Head *Rakshaks**, nine Senior *Rakshaks*†, and about 23 *Rakshaks*‡. The strength of Dehri-on-Sone post posted within the Shahabad district is one Sub-Inspector, five Head *Rakshaks*, 13 Senior *Rakshaks* and 51 *Rakshaks*. The outposts at Arrah has one Assistant Sub-Inspector and some Constables. The jurisdiction of the Buxar post in this district is from Koilwar to Chousa railway stations (93 running kilometres) and the jurisdiction of Dehri-on-Sone post in this district is from Dehri-on-Sone to Karamnasa railway station (86 running kilometres). These posts in the Eastern Railway (Main and Grand Chord Lines) are under the Chief Security Officer of the railway protection force, Eastern Railway with headquarters at Calcutta.

HOME GUARDS.

The Home Guards Force was organised in this district with effect from July, 1948 in accordance with the Bihar Home Guards Act, 1947, to provide a volunteer organisation to assist in the maintenance of peace and tranquillity in the State of Bihar and to inculcate habits of self reliance and discipline among the volunteers and the public in general to develop in them a sense of civic responsibility.

The Home Guards are enrolled by the District Magistrate on the recommendation of a Board consisting of the Superintendents of Police, the Commandant of the Home Guards and one un-official member. The term of their appointment is for four years out of which one year is for active service and the remaining three years are spent in reserve.

* Head *Rakshak*—Havildar.

† Senior *Rakshak*—Naik.

‡ *Rakshak*—Sepoy.

They are trained in various types of trades. They are also given rifle training. The training begins after the selection and medical examination. There is a Central Training Camp for Home Guards at Bihta (district Patna). Their initial training period is for 105 days. Later they are required to attend a refresher course for 21 days each subsequent year.

During the course of training the Home Guards are paid duty allowance at rupee one per day per head and ration allowance at Rs. 40.00 per month per head. When they are called up for duty they are paid duty allowance at Rs. 1.50 per day per head and ration allowance at Rs. 40.00 per month per individual.

It is the duty of each Home Guard to respond to each call up and, if they fail to report for duty, they can be prosecuted under the Home Guards Act.

The services of the Home Guards during the General Elections of 1957 and 1962 and during the last Chinese aggression have been much appreciated. They were called up in view of the communal disturbances this year (1964).

The strength of this force is as follows:—

One District Company Commander, * five Company Commanders, one Havildar Clerk, one Sepoy Orderly, thirty-six Section Leaders, thirty-six Assistant Section Leaders and 493 Home Guards. They are trained, equipped and armed and are under the Superintendent of Police. They assist the District Magistrate through the Superintendent of Police.

During the last National Emergency the other branch of Home Guards known as Urban Home Guards has also been provided to the district. This branch is functioning since 1st December, 1962 in the district. There are three Company Commanders, one Havildar Clerk, one Driver, one Sepoy Cleaner who have been posted in this district to look after the training of the Urban Home Guards.

The Urban Home Guards Volunteer Force has been organised in three companies in the district with their headquarters at Arrah, Dalmianagar and Dehri. There are two platoons of gentlemen including one Company Commander, two platoon Commanders, six Section Leaders and six Assistant Section Leaders and one Platoon of ladies including one Platoon Commander, two Section Leaders and two Assistant Section Leaders in Arrah town. There are two Platoon of gents only in Dalmianagar. No Non-Commissioned Officers have yet been selected. There are one Platoon of gents and one Platoon of ladies in Dehri. No Non-Commissioned Officers have yet been selected.

JAILS.

Regarding Jails the *Gazetteer of Shahabad* (1924) mentions:— "Besides the subsidiary jails, there is a District Jail at Arrah and a Central Jail at Buxar. The subsidiary jails at Buxar, Sasaram and Bhabhua are merely lock-ups and in 1921 the daily average of prisoners was only nine, thirteen, and fourteen, respectively. At Buxar male prisoners are sent to the Central Jail on conviction and female prisoners to the District Jail, as there are no female wards in the Central Jail; in the other subdivisions all but short-term prisoners are sent to the Arrah Jail, where on the average one hundred and nine prisoners were confined daily in 1921. This jail has accommodation for fifty prisoners under trial; and for sixteen Juvenile, eighteen female and two hundred and twenty-five male convicts, with hospital accommodation for twenty-four prisoners. The Buxar Central Jail is the largest jail in the Province, with accommodation for 1,160 convicts, and hospital accommodation for seventy-five. The principal industries are tent making, cloth weaving and the manufacture of uniforms for the Police and Jail Departments. The profits in 1921 were Rs. 58,784"*.

The jail administration has had a great expansion and changes since. Arrah and Buxar Jails have now got independant status with individual Superintendents. They are under the direct administrative control of the Inspector-General of Prisons with headquarters at Patna.

CENTRAL JAIL, BUXAR.

The Central Jail is under a whole-time Superintendent with a staff of one Deputy Superintendent, two Sub-Assistant Surgeons, one Jailor, seven Assistant Jailors, one Chief Head Warder, nineteen Head Warders and one hundred and sixty-three Warders. This jail is meant for male prisoners from all over the State. The registered accommodation of the jail is for 994 prisoners. But the daily average jail population during the last seven years shows that the number of jail inmates far exceeds this population.

The table below supplied by the Central Jail Office will show the daily average population during 1957 to 1964:—

Year.				Daily average population.
1957	..	..	..	1,278.30
1958	..	..	..	1,425.08
1959	..	..	..	1,528.18
1960	..	..	..	1,562.70
1961	..	..	..	1,484.62
1962	..	..	..	1,535.14
1963	..	..	..	1,576.11
1964 (up to February, 1964)	..	..	..	1,568.23

* *District Gazetteer of Shahabad*, 1924, By J. F. W. James, page 186.

The Central Jail is located in a consolidated area of 83 acres out of which 40 acres are utilised for gardening which supply vegetables to the jail inmates. There are mango trees and banana plantation. This jail has a small dairy farm maintained inside the jail and the products are used for the jail inmates.

The main industries of the jail are making of tents out of materials manufactured in the jail, weaving, *newar* making and tailoring of the uniforms for the Government employees. The industries in the jail are supervised by the Deputy Superintendent who is a technical man of the Industries Department, Bihar, Patna. The details regarding the industries in the Central Jail have been discussed in the chapter 'Industries'.

It may be noted that discipline of the standard required under the Jail Manual Rules is maintained. Under-trial prisoners are kept separately from the convicted prisoners. There is still the cell system in the jail which has accommodation for 80 prisoners. The cells are no longer meant for desperate criminals. At one time they were used for political prisoners also.

With the help of the Education Department, Bihar, a Social Education Centre has been started in the jail during 1958-59. The actual work of the centre is to make the prisoners literate. At present (1964) there are 106 students and one teacher. During 1963-64, 75 books had been given by the Education Department to the centre in shape of book grant. A middle school was also running in the jail but due to emergency in 1962 the school was closed. Facilities for musical recreation on Sundays, festival days and certain important holidays are given by the centre. For this, musical instruments like *tabla*, *dholak*, *jhal* had been supplied to the centre by the Education Department in 1962-63.

The table below supplied by the Central Jail Office will give the number of the prisoners that have been made literate through the centre during 1959 to 1964:—

Year.			No. of persons made literate.	
1959	..	..	..	219
1960	..	..	..	218
1961	..	..	..	212
1962	..	..	..	205
1963	..	..	..	217
1964 (up to February 1964)	..	..	..	43

The percentage of the literacy of jail inmates is about 15 per cent.

There is a library in the jail which has about 2,300 books. There is no proper arrangement for the study room in the library. Books are issued to the inmates for study in the wards. On the average books are issued to 25 prisoners daily. Due to lack of accommodation, the prisoners cannot sit for study in the library room.

The classification of the books available in the library is as follows:—Social novels (341), stories for neo-literates (295), religious books (159), poetry books (398), educational books (570), books on literature, i.e., Hindi, Urdu and English (300) and miscellaneous (237).

It may be noted that the prisoners mostly read novels, religious and educational books. The neo-literates read short stories and educational books. The prisoners are allowed to take the newspapers like the Indian Nation, the Searchlight, the *Aryavarta*, the *Pradeep*, the *Nawrashtra* and the periodicals like the *Dharmyug* and the *Saptahik Hindustan*, etc., to their wards.

For recreation, film shows are exhibited once in a month. For this, the jail has been provided with one projector of sixteen millimetre and an operator. The educational, religious and social type of films are shown to the prisoners. It may be noted that since 1959 fifty films have been shown to the prisoners.

The jail has a hospital with two Doctors and one Compounder-cum-Dresser. It has 72 indoor beds for general patients and 12 beds for tuberculosis patients. The Deputy Superintendent of the Buxar subdivisional hospital is in charge of the jail hospital who visits twice a week to examine the patients.

The table below supplied by the Central Jail Office, Buxar, will show the number of indoor and outdoor patients treated and death during 1960-61 to 1963-64:—

Year.			Number of indoor patients treated.	Number of Tuberculosis patients treated.	Number of outdoor patients treated.	Number of deaths.
1			2	3	4	5
1960-61	..	..	573	25	4,024	Nil.
1961-62	..	..	531	21	4,036	4
1962-63	..	..	642	17	4,148	Nil.
1963-64	..	..	741	13	4,182	Nil.

District Jail, Arrah.

The District Jail at Arrah is under a whole-time Superintendent with a staff of one Jailor, one Sub-Assistant Surgeon, two Assistant Jailors, five Head Warders and 40 Warders.

The total area of the jail is 21.34 acres out of which 4 acres of the land are utilised for gardening.

It may be mentioned that the status of this jail had to be reduced from that of a district jail to a sub-jail during the First World War due to financial stringency. Some of the staff quarters were made over temporarily to the Police Department. As a measure of post-war reconstruction scheme on the basis of the population being constantly very high for a sub-jail, this jail being situated at the district headquarters, its original status along with the building was restored to this jail and it again became a district jail since 1951.

The registered capacity of this jail is 416 male and 13 female prisoners. This jail has a small dairy farm maintained inside the jail and the products are used for the jail inmates. The jail has a hospital of 15 beds. This hospital has its own staff who work under the supervision of the Civil Surgeon of Arrah, but are under the administrative control of the Superintendent of the Jail.

The table below supplied by the Arrah District Jail office will indicate the daily average population of prisoners for the last 13 years:—

Year.					Average population.
1951	..	..	..	..	429.53
1952	..	..	..	..	406.00
1953	..	..	..	..	451.47
1954	..	..	..	..	395.82
1955	..	..	..	..	441.52
1956	..	..	..	..	432.19
1957	..	..	..	..	357.04
1958	..	..	..	..	447.27
1959	..	..	..	..	481.46
1960	..	..	..	..	387.04
1961	..	..	..	..	380.22
1962	..	..	..	..	382.92
1963	..	..	..	..	407.63

The prisoners are given instructions in making *newar* and *duree*, weaving, gardening and dairy farming, etc. The jail has a library with 400 books and also a Social Education Centre.

Besides the District Jail, there are three subsidiary jails, one at Buxar with accommodation for 28 male and five female prisoners, one at Sasaram with accommodation for 227 male and 13 female prisoners and one at Bhabua with accommodation for 53 male and seven female prisoners. Each of the subsidiary jails is under the charge of the Deputy Superintendent of the subdivisional hospital. He is a part-time Superintendent of the subsidiary jail. The Buxar subsidiary jail has one Assistant Jailor, one Head Warder and six

Warders. The Sasaram subsidiary jail has one Assistant Jailor, two Head Warders and ten Warders. The Bhabua subsidiary jail has one Assistant Jailor, one Head Warder and six Warders. The pattern and working of the subsidiary jails are like that of the District Jail on a smaller scale.

The jail administration has undergone a great change. It is no longer a wooden system where the prisoners are given tasks of hard labour and corporal punishment as a matter of course. The present idea is to treat the jail inmates as members of the society and attempt is made to rehabilitate them.

There is a provision for religious instruction to the prisoners. For this purpose a *pandit* and a *moulvi* are employed and they give suitable talks to the prisoners. Important festivals, both of Hindus and of Muslims are allowed to be celebrated inside the jail. Provisions for recreation and amusement are also available. The visits of the members of the family and receiving of letters are allowed within restrictions.

There is a separate board of visitors consisting of officials and non-officials for each of the jails in the district. The prisoners are allowed to contact the members with their grievances, if any, when they come on visit.

Provision for execution of death sentences has been made available only in Arrah District Jail. No such sentences have, however, been executed in the course of the last ten years.

PROBATION SYSTEM.

With the enforcement of the Probation of Offenders Act, 1958, in the State and release of prisoners on parole, there have been fundamental changes in the treatment of offenders. The word probation was used in the statute book as far back as in 1838. 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 executed 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. The first offenders aged below 21 years and women who are not liable to be punished either with deaths or transportation for life, and adult males above 21 who are 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 1959 in this district, there has been a change in the method of dealing with the offenders. To implement this scheme there is a District Probation Officer posted at

Arrah who works under the Principal Probation Officer who is also the Superintendent of Arrah District Jail. It may be noted that since August 1961, one more post has been created on subdivisional level and 21 subdivisions in Bihar have been provided with Senior Probation Officers. In Shahabad district, one Senior Probation Officer has been posted in Sasaram subdivision with headquarters at Sasaram whose jurisdiction extends over Sasaram and Bhabua subdivisions.

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 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.

The table below supplied by the District Probation Office, Arrah will give the figures of offenders released on probation and parole enquiries conducted during 1959 to 1964 (up to February, 1964):—

Year.				Released on probation.	Parole enquiries conducted.
1959	..	..	..	7	14
1960	..	..	..	9	48
1961	..	..	..	20	74
1962	..	..	..	18	85
1963	..	..	..	20	102
1964 (up to February, 1964)				6	29

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

The 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) Restrictions on the use of probation based on age, sex and previous conviction as mentioned 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 social machinery to supervise probationers as well as to advise and assist them while on probation and after discharge from the same.

- (iv) It envisages a release of an offender on various types of conditions including residential requirements 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 are also 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.

ADMINISTRATION OF CIVIL JUSTICE.

The *District Gazetteer of Shahabad* (1924) mentions as follows:—

“The Judicial staff entertained for the purposes of civil justice consists of the District Judge, two Subordinate Judges, and three Munsifs stationed at Arrah, and of two Munsifs at each of the subdivisional headquarters of Buxar and Sasaram. Civil business has greatly increased since the first edition of this Gazetteer was published. Apart from the increase in rent suits which has been already mentioned, the increase is marked in suits of high valuation. Whereas in 1904, 296 suits valued at over a thousand rupees were instituted, in 1921 the number was 417.”*

There has been substantial increase in the staff since although the steel-frame of the organisation remains the same.

At present (1964) the head of the organisation for civil justice is the District and Sessions Judge. Under him there are two Additional District and Sessions Judges, ten permanent and seven Additional Subordinate Civil Courts. Additional Courts are posted whenever there is a congestion in the files. The Judiciary is under the Patna High Court.

The Subordinate Civil Courts in the district in early 1964 consist of the courts of two permanent Sub-Judges, three Additional Sub-Judges, three permanent Munsifs and one Additional Munsif at the headquarters, one permanent and one temporary Sub-Judges, two permanent and one temporary Munsifs in Sasaram subdivision, and two permanent Munsifs in Buxar subdivision. There is no Munsif's court at Bhabua. Civil justice for the subdivision is administered from Sasaram.

* *District Gazetteer of Shahabad* (1924), p. 188.

The District Judge and the Additional District Judges have powers to try suits and hear appeals but generally they do not try suits except those of special nature. Besides powers for civil justice the District Judge and the Additional District Judges have the powers of a Sessions Judge also. The District and Sessions Judge is also vested with the powers of a Magistrate first class and also of an Additional District Magistrate. He may inspect all the criminal courts and offices in the district except that of the District Magistrate.

The Sub-Judges posted at Sadar have unlimited pecuniary jurisdiction on the original side regarding cases of both the Sadar and Buxar subdivisions. They are vested with the powers of Small Cause Court Judges to try suits up to the value of Rs. 750 within the jurisdiction of Sadar and Buxar subdivisions. Similarly the Sub-Judges at Sasaram also have unlimited pecuniary jurisdiction on the civil side and is vested with the powers of Small Cause Court Judges to try suits up to the value of Rs. 750 with the jurisdiction of Sasaram and Bhabua subdivisions. The Sub-Judges are empowered to hear appeals in civil suits decided by the Munsifs and those who function as Assistant Sessions Judges are empowered to hear criminal appeals against the decisions of the 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.

Since 1947 there is a court of an Additional Munsif in Arrah to deal with all the execution cases of all the Munsif's Courts at Sadar since 1947.

The Registrar system was introduced in the district in January, 1948. A Munsif of experience is appointed to the post of a Registrar under the Judge. The Registrar looks after the day-to-day administration of the Judgeship. He works as the link between the litigants and the courts. He helps the District Judge in his administration of the departments. The Registrar is also the Judge in charge of Nazarat, Accounts, Forms, Stationery, Record Room and Copying departments. The Registrar system has helped the Judgeship to run more smoothly, expeditiously and efficiently.

The scheme of separation of the executive and judicial functions is in operation in this Judgeship since 1950. This matter has been discussed under Criminal Justice.

Since after the separation scheme, the Judicial Magistrates have come under the administrative control of the District and Sessions Judge. Provisions for their staff, law books, forms and stationery are, however, made by the District Magistrate.

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 1963. Table no. 2 shows the details of civil suits, cases and appeals under different heads yearwise from 1950 to 1963.

TABLE 1.
Civil suits and cases instituted.

Year.		Title suits.	Money suits.	Rent suits.	*S. C. C. suits.	Miscellaneous Judicial cases.	Execution cases.	Title appeals.	Money appeals.	Rent appeals.	Miscellaneous appeals.	
1		2	3	4	5	6	7	8	9	10	11	
1950	..	..	1,636	765	7,108	1,621	1,610	7,862	323	58	168	125
1951	..	..	1,423	815	6,558	1,412	1,680	7,034	244	49	181	134
1952	..	..	1,243	1,018	8,132	1,897	1,690	7,075	387	74	148	134
1953	..	..	1,257	1,028	9,389	2,207	1,914	7,641	562	78	135	160
1954	..	..	1,252	1,047	9,873	2,148	1,990	9,089	441	82	126	117
1955	..	..	1,290	1,069	6,726	2,053	2,194	9,082	437	124	93	154
1956	..	..	1,397	1,084	5,247	1,941	2,109	7,818	449	110	67	178
1957	..	..	1,263	1,045	4,991	1,626	1,913	6,770	423	85	27	181
1958	..	..	1,398	1,036	4,012	1,969	2,266	6,281	411	91	28	167
1959	..	..	1,462	1,066	1,296	1,537	2,128	6,652	381	95	17	208
1960	..	..	1,657	931	28	1,329	2,037	4,910	478	87	11	202
1961	..	..	1,646	793	23	1,467	1,870	3,829	434	57	4	196
1962	..	..	1,578	600	23	1,499	1,501	2,823	367	46	10	148
1963	..	..	1,867	643	21	1,657	1,566	2,236	374	51	2	152

*Small Cause Court.

*Small Cause Court.

TABLE 2.
Civil suits, cases and appeals.

Year.	Civil suits.			Civil regular appeals including rent appeals.			Rent appeals.					
	Last Insti- tuted.	Total.	Disposed of.	Last Insti- tuted.	Total.	Disposed of.	Last Insti- tuted.	Total.	Disposed of.			
1960	6,354	11,130	17,484	10,769	706	549	1,255	838	134	168	302	223
1961	6,963	10,208	17,171	10,591	457	474	931	564	80	181	261	215
1962	6,805	12,290	19,095	13,262	378	609	987	493	47	148	195	144
1963	6,093	13,881	19,974	14,043	507	775	1,282	679	52	135	187	137
1964	6,239	14,320	20,559	14,964	713	649	1,362	654	50	126	176	110
1965	5,899	11,138	17,037	11,656	722	654	1,376	854	67	93	160	141
1966	5,617	9,669	15,286	11,444	542	626	1,168	603	19	67	86	61
1967	4,074	8,925	12,999	9,580	604	535	1,139	628	27	27	54	38
1968	3,653	8,415	12,068	8,463	636	527	1,163	568	16	25	41	30
1969	3,834	5,361	9,195	6,134	629	493	1,122	407	16	17	33	19
1960	3,250	3,945	7,195	4,088	752	576	1,328	578	14	11	25	19
1961	3,269	3,929	7,198	3,638	786	495	1,281	562	7	4	11	9
1962	3,733	3,700	7,433	3,495	747	423	1,170	291	2	10	12	4
1963	4,075	4,188	8,263	3,263	905	427	1,332	325	8	2	10	8

TABLE 2—concl'd.

Year.	Miscellaneous appeals.					Miscellaneous cases.				Execution cases.					
	Last pending.		Insti- tuted.	Total.	Disposed of.	Last pending.		Insti- tuted.	Total.	Disposed of.	Last pending.		Insti- tuted.	Total.	Disposed of.
	1	14	15	16	17	18	19	20	21	22	23	24	25		
1950	..	66	125	191	124	507	1,610	2,117	1,620	3,890	7,862	11,752	6,232		
1951	..	68	134	202	152	501	1,680	2,181	1,688	3,261	7,034	10,295	5,201		
1952	..	51	134	185	130	510	1,690	2,200	1,775	3,236	7,075	10,311	4,725		
1953	..	55	160	215	143	439	1,914	2,353	1,849	3,685	7,641	11,326	6,109		
1954	..	73	117	190	135	531	1,990	2,521	1,904	3,648	9,089	12,737	6,091		
1955	..	58	154	212	143	637	2,194	2,831	2,153	4,379	9,082	13,461	6,960		
1956	..	72	173	245	179	704	2,109	2,813	2,235	4,151	7,818	11,969	5,794		
1957	..	69	181	250	162	614	1,913	2,527	1,909	4,048	6,770	10,818	4,717		
1958	..	88	167	255	169	642	2,266	2,908	2,117	4,284	6,281	10,565	5,121		
1959	..	88	203	291	144	819	2,128	2,947	2,075	3,665	6,652	10,317	4,431		
1960	..	150	202	352	239	892	2,037	2,929	1,972	3,896	4,910	8,806	4,238		
1961	..	118	196	314	191	986	1,870	2,856	2,054	3,292	3,829	7,121	3,337		
1962	..	126	148	274	131	832	1,501	2,333	1,516	2,865	2,823	5,688	2,696		
1963	..	149	152	301	134	815	1,566	2,381	1,488	2,331	2,236	4,567	2,007		

Table number 1 gives the break up figures of civil suits and cases instituted while table number 2 deals with the total number of civil suits, cases and appeals dealt with during the corresponding years.

From the above tables it appears that the number of the civil cases rose in the years 1952 to 1954, and this was due to the greater number of rent suits filed. The increase in the number of rent suits was due to the fact that tenants might not have been in a position to pay rent or to the fact that zamindari was going to be abolished and so the zamindars thought that they should realise the arrear rents from the tenants before the abolition of zamindari.

Naturally with the abolition of zamindari the number of rent suits decreased in the later years. This decrease was not visible in other types of civil suits.

CIVIL COURT RECORD ROOM.

The records are kept in a room (called the Record Room) attached to the Civil Court buildings at Arrah. The records are maintained according to the rules framed by the Patna High Court. The oldest record available here is that pertaining to title suit no. 448 of 1857 which was decided in the year 1858. The parties to the suits were

Mir Najaf Ali—*Plaintiff*

versus

Abdul Ali and others—*Defendants*.

This suit was for the partition of the plaintiff's share in the suit properties and was decreed without costs. These records are in Persian script.

CRIMINAL JUSTICE.

The *District Gazetteer of Shahabad* (1924) mentions:—

"Criminal Justice is administered by the District Judge, who is also Sessions Judge, and by the District Magistrate and fifteen subordinate magistrates at the headquarters and subdivisional stations. Under the existing arrangement these fifteen magistrates also perform revenue functions as deputy or sub-deputy collectors; one of them, a Sub-Deputy Collector at Sadr, is specially appointed for partition work. The sanctioned staff at Arrah consists, in addition to the District Magistrate and this partition officer, of five Deputy Magistrates exercising first class power and two exercising second or third class powers. The Subdivisional Officers are Magistrates vested with first class powers; and there are also stationed at Sasaram a Deputy Magistrate and a Sub-Deputy Magistrate; at Buxar a Deputy Magistrate; and at Bhabua a Sub-Deputy Magistrate to assist

the Subdivisional Officers. The Superintending Engineer and the Executive Engineer at Arrah have the powers of magistrates of the third class, and try cases connected with breaches of Irrigation laws. There are benches of Honorary Magistrates at Arrah, Bhabua, Buxar, Dumraon, Jagdishpur and Sasaram. In all there are thirty-eight Honorary Magistrates, of whom ten are empowered to sit singly for the trial of cases."*

There are only two courts of Honorary Magistrates in the district (1964), one at Arrah Sadar and other at Sasaram. The other set up mentioned has also changed.

Previous to 1st January 1950, 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 the Sessions Judges. There were also Honorary Magistrates of first, second and third class powers†. The Magistrates used to be vested with criminal powers of either first, second or third class. The courts were vested with powers of the seniors, first, second and third class according to the Criminal Procedure Code.

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 powers were empowered to hold preliminary enquiries against the accused persons in cases triable by the Court of Sessions and commit to the Court of Sessions. They commit the accused persons to stand their trial in the Sessions Court after finding a *prima facie* case against them on the evidence adduced. Commitment is an order passed by the Magistrate of first class in an enquiry under Chapter XVIII of Cr. P. C. of the offences triable by the Court of Sessions. 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 Gazetteer, Shahabad (1924), pages 183-184.

† At Sasaram there were two life Honorary Magistrates, namely, M. Ahmad Ali Khan, Pleader and Shah Moizuddin Ahmad, an unique privilege rarely bestowed.

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 410, 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 a combination of 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 had to make himself available for receiving and giving executive orders 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. The Magistrate always could not inspire confidence to the lawyers and the parties.

As a Magistrate in his executive capacity he often came to acquire extra-judicial contacts and specific information about a particular case and it was humanly difficult for him to completely disabuse his mind of all that when he sat as a Court to hold even the scale of justice. 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 intimately connected with the 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 the judge and an executive Magistrate. Article 50 of the Indian Constitution enacted on the 26th January, 1950 also gave the 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 Railway Act, Cattle Trespass Act, Cruelty to Animals Act, Factories Act, Payment of Wages Act, Motor Vehicles Act, Telegraph Wires (Unlawful Possession) Act, Bihar Sales Tax Act, Treasure Trove Act, Indian Boiler Act, Bengal Vaccination Act, Punitive and Preventive Sections 144, 145, 107, 109, 110 of Cr. P. C. etc.

SEPARATION OF EXECUTIVE AND JUDICIAL FUNCTIONS.

The separation of executive from the judicial function has been an old demand of the leading citizens of India since the days

of Raja Ram Mohan Roy. The Indian National Congress, as early as its second session, passed a resolution urging the separation of executive from the judicial functions of the country. The question of separation of executive also came up for consideration in connection with the debate on the Government of India Act, 1935. At that time some members of the Parliament suggested that in accordance with the principle in English law the executive should be separated from the judicial administration and the subordinate criminal judiciary should be placed under the control of the High Court. But that proposal was not accepted on the ground that in India different considerations had to be made and as such subordinate criminal judiciary could not be placed under the control of the High Court of the State. It may be recalled that the idea of separation of executive from the judicial function has its root also in the '*Ain-i-Akbari*', where it has been laid down, "Refer not his case to the Diwan, for his grievance may be against the Diwan." Anyway no further progress was definitely made in the matter till the enactment of our own constitution in the year 1950.

As to earlier efforts the Bihar Government under Resolution no. 5866-A., dated the 1st December, 1946, had 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 the Meredith Committee, the scheme of separation of judiciary from executive was introduced in this district from the 1st January, 1950. 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.

Since 1960 in some districts, of which Shahabad is one, the system of separation of the Executive and the Judiciary has been introduced. There are two peripatetic District and Sessions Judges, one for the north Bihar and the other for the south Bihar. The peripatetic District and Sessions Judge, South Bihar, inspects the courts of the Magistrates on the judicial side once every year. The inspection is primarily meant to remove delays in the administration of justice.

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 report or charge-sheets 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 charge-sheet is submitted and if the case is ripe for hearing the Subdivisional Magistrate transfers the case under Section 192 Cr. P. C. to the Munsif-Magistrate or the Judicial Magistrate 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 conclusion 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 charge-sheet, 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 charge-sheet 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 concludes that a case is *prima facie* made out, he may straight away 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 to stand his trial. 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 the 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 perview of the Indian Penal Code, but are offences against other Acts are normally 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 distribution of the Executive Magistrates and Honorary Executive Magistrates in Shahabad district (1964):—

Number of Executive Magistrates.	Power.	Place of posting.
8	First class ..	Arrah Sadar.
1(Honorary)	Second class	Ditto.
3	First class ..	Buxar.
1	Second class ..	Do.
3	First class ..	Bhabua.
3	First class	Sasaram
1	Second class	Ditto.

The District and Sessions Judge is both the judicial and administrative head of the Judgeship. He is under the administrative control of the Hon'ble Patna High Court. He is usually a member of the Bihar Judicial Service and has served for more years as a Munsif and 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 two Additional District and Sessions Judges in this Judgeship posted at Arrah (Shahabad). There are two permanent courts of Sub-Judges at Arrah (Shahabad) and one at Sasaram. They are vested with the powers of an Assistant Sessions Judge. The Court of the Sub-Judge was established at Sasaram in 1948. For purpose of quicker disposals more courts may be set up at any time. The Hon'ble Patna High Court gets a large number of returns and reports as to the position of the cases and suits. There are also periodical inspections by the Hon'ble High Court as also by the peripatetic District and Sessions Judge, South Bihar.

The following is the distribution of the Judicial Magistrates and Munsif-Magistrates in the district in 1964:—

Number of Magistrates.	Power.	Place of posting.
2 Munsif	.. First class ..	Arrah.
1 Munsif ..	.. Second class	Do.
1 Honorary	.. First class ..	Do.
2 Munsif ..	.. First class ..	Buxar.
2 Munsif ..	.. Second class ..	Do.
2 Munsif ..	.. First class ..	Sasaram.
1 Munsif ..	.. Second class	Ditto.
1 Honorary	.. First class ..	Ditto.
1 Munsif ..	.. First class ..	Bhabua.
1 Munsif	.. Second class ..	Ditto.
1 Judicial ..	.. First class ..	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 the same locality and the 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 purpose. An able lawyer interprets 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. It is difficult for the Bench to work properly without the help of an intelligent and conscientious Bar.

The statistics of Sessions cases from 1950 to 1963 are given below:—

Year.	No. of Sessions cases pending from before.	Institu- ted.	Total.	Disposed of.	Number of persons.		No. of witnesses examined.	
					Acquitted.	Convicted.		
1	2	3	4	5	6	7	8	
1950	..	40	99	139	116	501	114	1,478
1951	..	23	122	145	108	382	134	1,409
1952	..	37	143	180	143	464	186	1,721
1953	..	37	144	181	152	474	196	1,745
1954	..	29	153	182	151	416	213	1,796
1955	..	31	143	174	126	442	164	1,566
1956	..	48	135	183	160	461	226	2,246
1957	..	23	115	138	104	379	103	1,332
1958	..	34	151	185	122	355	135	1,804
1959	..	63	141	204	141	576	212	1,863
1960	..	63	169	232	168	675	265	2,586
1961	..	66	238	304	214	649	422	3,103
1962	..	90	166	256	198	492	310	2,658
1963	..	58	195	253	175	603	244	2,449

From the above statistics it appears that the number of cases fluctuates every year. But a high incidence of crime appears to have been recorded in the years 1954, 1958, 1960, 1961, 1962 and 1963. From the statistics it also appears that the number of persons acquitted is much higher than those convicted.

The statistics of Sessions Cases under some of the different Sections of the Penal Code in Shahabad Judgeship from 1950 to 1963 are as follows:—

Year.	Section 302.	Section 304.	Sections 363, 364, 366 and 369.	Section 376.	Sections 395 and 396.	Sections 399 and 402 IPC.
1	2	3	4	5	6	7
1950 ..	28	11	4	3	13	5
1951 ..	38	12	6	4	20	2
1952 ..	34	9	14	2	38	1
1953 ..	37	4	14	3	21	4
1954 ..	40	9	14	6	22	4
1955 ..	35	11	9	2	32	4
1956 ..	36	8	13	2	36	4
1957 ..	41	7	8	3	21	..
1958 ..	42	11	7	2	33	6
1959 ..	41	8	9	2	28	5
1960 ..	59	6	6	7	41	1
1961 ..	80	10	11	7	42	1
1962 ..	52	7	14	8	22	1
1963 ..	43	13	12	5	26	2

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

The statistics of criminal cases from 1950 to 1963 tried in the Magisterial courts are given below:—

Year.	Pending from before.	Received.	Total.	Disposed of.	Number of persons		No. of witnesses examined.
					Acquitted.	Convicted.	
1	2	3	4	5	6	7	8
1950 ..	1,261	8,361	9,622	6,937	11,483	5,574	23,425
1951 ..	969	3,615	4,584	3,788	7,491	3,032	30,572
1952 ..	628	3,460	4,088	2,891	5,544	2,474	15,476
1953 ..	1,074	3,604	4,678	3,175	6,633	2,067	16,001
1954 ..	1,291	3,596	4,887	4,029	9,350	2,445	18,043
1955 ..	1,072	3,432	4,504	3,680	9,748	1,905	19,190
1956 ..	810	3,419	4,229	3,393	8,870	2,229	17,129
1957 ..	852	3,377	4,229	3,168	8,406	1,695	13,915
1958 ..	1,077	3,353	4,430	3,093	7,444	1,769	12,588
1959 ..	1,291	3,664	4,955	3,286	8,610	2,088	13,442
1960 ..	1,524	3,916	5,440	3,481	8,205	2,060	14,448
1961 ..	1,926	4,352	6,278	3,649	9,107	2,389	15,374
1962 ..	2,313	4,949	7,262	4,565	10,374	2,972	16,288
1963 ..	2,328	4,652	6,980	4,789	11,645	3,075	15,350

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 1950 and 1962. From the statistics it also appears that the number of persons acquitted is much higher than those convicted.

JURY AND ASSESSOR SYSTEM.

Mention has to be made of the jury and assessor system so far as criminal justice is concerned. The names of respectable persons

used to be empanelled as jurors and assessors and an odd number of them used to be called up and associated with the Judge in sessions trials. Under the assessor system the majority opinion of the assessor was not binding on Sessions Judge and he might 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 a 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 could differ from the majority opinion of the jury giving his reasons and refer the case to the 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. Various types of allegations against them were common. The jury system was in vogue in Shahabad district till 30th April, 1961. It now stands abolished.

PANCHAYAT ADALATS.

The details of the working of the *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. 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 *Mukhiyas* and *Sarpanches* are always preceded or followed by tension often based on castelines or village groupings.

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 the 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 *Gram Kutcheries* from 1951-52 to 1961-62.

Statement showing the position of cases and suits tried by the *Gram Kutcheries* in the district of Shahabad from 1951-52 to 1961-62:—

Year.	Number of notified Gram Panchayat.	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
1951-52	134	134	530	89	375	73	299 (56.3%)	41 (46.1%)
1952-53	232	232	565	133	463	99	272 (48.3%)	45 (33.8%)
1953-54	260	260	246	29	153	24	114 (45.9%)	14 (48.6%)
1954-55	397	397	768	198	636	163	431 (56.5%)	95 (48.7%)
1955-56	397	397	1,747	999	1,518	880	1,038 (59.2%)	447 (43.8%)
1956-57	397	397	1,620	941	1,445	855	918 (56.3%)	290 (31.2%)
1957-58	792	605	1,750	951	1,744	1,061	1,163 (66.2%)	325 (34.3%)
1958-59	812	793	2,185	1,364	1,941	1,222	1,374 (62.9%)	534 (38.8%)
1959-60	812	805	1,720	966	1,520	825	1,069 (61.7%)	454 (46.9%)
1960-61	813	805	1,207	367	1,097	464	817 (66.8%)	161 (44.4%)
1961-62	813	805	544	547	497	407	373 (68.6%)	315 (57.4%)

The statement of the disposal of cases that has been given shows that quite a large percentage of criminal cases and civil suits have 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 the criminal cases. The highest percentage of compromise in civil suits was 57.4 and of criminal cases was 68.6 in 1961-62. This is a healthy sign.

The statistics suggest a higher incidence of litigation year to year. This however, has to be taken with the back ground that almost every year more *Gram Kutcheries* are opened and function. The number in 1961-62 was 805.

LEGAL PROFESSION AND BAR ASSOCIATION.

The legal profession consists of Barristers, Advocates, Pleaders, Mukhtiar and their clerks. At present there is only one Barrister in the district. There are 136 Advocates at Arrah, 7 at Buxar, 73 at Sasaram and 6 at Bhabua. The number of Pleaders at Arrah is 39, at Buxar 54, at Sasaram 68 and at Bhabua 7. There are 65 Mukhtiar at Arrah, 21 at Buxar, 34 at Sasaram and 22 at Bhabua. The number of their clerks in the district is not available. The number of Mukhtiar is dwindling due to the abolition of Mukhtiarship Examination. Since the enforcement of the Advocates' Act 1961, the Pleaders are getting themselves enrolled as Advocates.

The Bar Association and the Mukhtiar Association at the district headquarters and also at the subdivisional headquarters of Buxar and Sasaram have their own buildings and libraries separately while those at Bhabua have a joint building and a joint library. The Associations look after the interest of their members and maintain 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 the magisterial Courts.

Shahabad has produced some brilliant members of the Bar. There is no information of any contribution to research in law from the lawyers of the district.

It may be mentioned that several brilliant lawyers of this district had gone up very high in their profession or on the bench. One of the Hon'ble Chief Justices of the Supreme Court of India was Shri Bhuvaneshwar Prasad Sinha, who comes from Gaziapur village of Sadar subdivision of Shahabad district. Sir Jwala Prasad, a man of this district was the acting Chief Justice of the Patna High Court and Shri Sukhdeo Prasad Verma, Bar-at-law was also a Puisne Judge of the Patna High Court. At present Shri Mahavir Prasad, Bar-at-law, a man of this district is the Advocate-General of the Patna High Court. He was also a Puisne Judge of the Patna High Court.

In the history of administration of justice, Shahabad district brought some important cases for trial, e.g., Rohtas murder case, Burma case, Piro communal riot case and Dumraon case.