

CHAPTER XI

LAW, ORDER AND JUSTICE

INCIDENCE OF CRIME IN THE DISTRICT.

The river Ganga forms the northern boundary of the Patna district and separates it from the districts of Saran, Muzaffarpur, Darbhanga and North Monghyr. This river is spanned by the *Rajendra Pul*, a rail-cum-road bridge, connecting Barauni with Mokameh and is navigable upstream by country boats and small steamers only. On the west, the river Son separates it from the Shahabad district. Except during the rains when country boats ply on it, this river is fordable. There is a road-cum-rail bridge on it at Koilwar. The districts of Gaya and Monghyr are to the south and the east respectively. There are large *diara* tracts in the district which are but small islands during the rains. They have poor communications and not much of permanent habitations. Therefore, they offer excellent hideouts for criminals. The river boundaries are difficult to check and so it is easier for criminals to escape through rivers than by rail or roads.

The Patna district has a number of important business centres, *e.g.* Bakerganj (Bankipur), Patna City, Danapur, Hilsa, Biharsharif, Barh and Mokameh which register a substantial turnover of business everyday. Patna has a very large floating population. It has several slums scattered all over the town. There is hardly any check on the antecedents of the large population in Patna consisting of the shop assistants, domestic servants, rickshaw-pullers, itinerant stall-holders, snack-sellers, railway porters, etc. The better employment chances in Patna may also be a cloak for criminals. There has been a very large expansion of Government offices and there may not be strict verification of the antecedents of all their employees. The building spree in urban areas incidentally encourages criminals in the guise of workers of different categories employed on construction works. There has also been a large influx of persons in Patna from outside the State. The numerous *melas* such as *Somwari Mela* at Bankipur, the Ain Khan cattle fair near Pali, the cattle fair at Bihta, the *Malmas* and *Sankranti Mela* at Rajgir, the *Urs* at Biharsharif and Phulwarisharif, the *Shivaratri Melas* at Baikatpur and Barh attract large number of people from far and wide and provide opportunity to anti-social elements to collect there to carry on their nefarious activities. Multitudes of people pass through Patna annually for attending Sonapur fair. The crowds at Patna Railway Station, Mahendru Ghat, Steamer Station, Bus-stand and at cinema houses are usually vulnerable to cheats and pick-pockets.

The easy means of communications facilitate the mobility of criminals from the neighbouring districts and also from other States to come to Patna in various guises and make good their escape conveniently after committing crimes. Patna has a lure for the unemployed villagers. They in turn lure youngsters and train them in anti-social activities. The police records show that the Patna district has experts in complicated burglaries, breaking of safes, lifting of cycles, pick-pocketing, etc., and Patna, Khagaul, Mokameh, Biharsharif and a few other places are supposed to have quite a number of them. There are also local as well as inter-State gangs of dacoits and robbers besides gamblers, traffickers in girls and women and smugglers of excise articles.

Burglary is a common crime. It is committed both in the day and in the night. The victims of day burglaries are generally office-goers and so attempts have been made to check this crime by the introduction of day-patrolling in their colonies. Burglaries are often committed in the night in quarters of high officials and houses of rich people. This is attempted to be curbed by armed patrolling.

Dacoity is a serious crime of the district. It is committed all over the district, but is concentrated in Barh and Danapur subdivisions. Even Patna urban areas are also not immune from it. In July, 1965 a broad daylight dacoity was committed in the heart of the town in Bakerganj Mohalla resulting in the death of one goldsmith and loss of substantial amount of cash and valuables. Steps have been taken to check dacoities and as a result gangs of (i) Jugal Gope of Harnaut thana, (ii) Brahamdeo Singh of Asthawan thana, (iii) Mina Bazar of Alamganj thana, (iv) Baijnath Sao of Mandiri under Kotwali thana and (v) Dilchand Dhobi of Arwal thana (Gaya) have been liquidated.

The repeal of the Criminal Tribes Act resulted, in absence of appropriate methods of rehabilitation and reform, in unfettered movements of criminals like the Dharis of Onda-Manpur, Asthawan and Sarmera and consequent increase in the number of crimes. The abnormal rise in prices in the recent years has also had its impact on the increase of crime.

The juvenile unrest has also led to a new phase of crime. The colleges and the universities admit enormous number of students, majority being hardly suitable for higher education. They have little prospect of employment on leaving their institutions. This tendency has been accentuated by 1966 on account of saturation point having been reached in certain technical employment such as those of engineers which has, for about the last two decades, drawn the best talented students. The frequent strikes and continued lockouts in engineering

institutions reflect the moods of the students. There are few facilities to give a healthy occupation to the students in the evenings. Hardly any link of personal relationship that existed between teacher and student some two or three decades ago can be traced now. Acute housing condition has forced majority of students to live in slum areas. The high cost of living has forced them to resort to very cheap restaurants frequented by undesirable elements. The cinema houses make money from them by showing sexy pictures. The students are often exploited by political parties. All these and various other socio-economic and political factors have brought about uncongenial and disquietening environs to students and they cannot always be blamed for the present unrest. The teachers, by and large, have failed to inspire them. Many of them are really not teachers, but assumed this guise to cover their political activities. Whether in schools or colleges they encourage groupism, casteism and are quick to form cliques against the authorities. Such teachers have often been found taking help of students in their unsocial activities. It is a common complaint that the teachers would give more credit in examinations to the students of their respective caste or group. If this is the image of the teachers it is difficult to blame the boys if they travel without ticket, pull frequently alarm chains in trains, beat up the checkers and are a menace to the girls. Eve-teasing has found excessive expression recently in the academic environs. Police constables are posted at the gates of women's educational institutions. At Patna there was a case in which sulphuric acid was thrown on a girl's face disfiguring it permanently*. It was reported that a school girl while being escorted back home by the maid servant of the school in the night after some cultural function was lifted and molested by some students. In August, 1965 an eve-teaser in front of the Bankipur Balika Vidyalaya on the main road had knived a young relative of a school girl who was escorting her and the injured man died in the hospital. Juvenile delinquency, particularly among the students has become a problem for law and order. It has also to be observed that the parents of the girl students have not always been able to inculcate sense of dignity in the dresses of the latter, reading mostly in colleges. The craze among these girls to copy the latest fashions in dress initiated by cinema actresses on the screen to transmit their sex appeal is also responsible in no small measure to provoke the male students to commit offences towards them.

In recent years students have been exploited or they have themselves taken a plunge in various types of activities like organising strikes, leading processions and so on. Soon after the Independence in

*The accused boy was convicted and sentenced by the lower court, but acquitted on appeal by the High Court in 1964 on benefit of doubt on account of insufficient evidence of his identity.

1947, the patriotic zeal of students evaporated, may be due to disillusionment of their dreams which they had cherished. This psychological change in their outlook gave a twist to their latent energy to manifest itself in defiance of the authority, which had assumed charge of the administration after the Britishers had left. Even on the slightest provocation they showed tendency to rise in revolt. This phenomenon expressed itself prominently on August 9, 1955 when an altercation between a conductor of a State bus and some students led to the police firing at Patna, killing one Dinanath Pandey and subsequent appointment of a Judicial Commission, presided over by Hon'ble S. K. Das, Chief Justice of the Patna High Court. Since then, August 9 has been observed as a Martyr's Day by the students community all over Bihar. August 9, in 1964, witnessed an open revolt by the students against the authority all over the State and led to serious violence involving much destruction of public property at Patna. Since August, 1966, the educational institutions have been under turmoil, and except for short breaks, they have been closed. The police firing at Samastipur College (September, 1966), at Ram Dayalu Singh College, Muzaffarpur (December, 1966), at Barh, Bihar and Patna on January 5, 1967 and the violent reactions of the students have posed a serious problem.

The following table gives the crime statistics in the different heads for the years 1955 to 1964* :—

Years.	Murder.					Dacoity.				
	Re-ported.	Charge-sheeted.	Con-victed.	Acquit-ted.	Pend-ing.	Re-ported.	Charge-sheeted.	Con-victed.	Acquit-ted.	Pend-ing.
1955 ..	62	28	15	13	..	78	16	8	8	..
1956 ..	77	26	23	3	..	87	33	12	21	..
1957 ..	61	27	14	13	..	105	31	15	16	..
1958 ..	96	76	35	41	..	72	27	10	17	..
1959 ..	70	49	21	28	..	44	19	15	4	..
1960 ..	54	33	19	14	1	29	11	6	4	1
1961 ..	71	37	13	20	4	37	11	4	5	2
1962 ..	46	23	12	10	1	38	13	9	2	2
1963 ..	46	28	10	12	6	35	12	7	2	3
1964 ..	76	29	5	4	20	37	15	3	4	8

*Source.—Office of the Superintendent of Police, Patna.

Year.	Robbery.					Burglary.				
	Re- Charge.	Con- victed.	Acquit- ted.	Pend- ing.	Re- Charge.	Con- victed.	Acquit- ted.	Pend- ing.	Re- Charge.	Con- victed.
1955 ..	56	26	10	15	..	1,484	162	87	75	..
1956 ..	70	27	13	14	..	1,649	167	75	92	..
1957 ..	74	24	9	15	..	1,733	152	78	74	..
1958 ..	62	26	15	11	..	1,593	192	94	98	..
1959 ..	39	16	9	7	..	1,584	176	84	92	..
1960 ..	35	12	7	5	..	1,547	180	87	93	..
1961 ..	38	13	6	7	..	1,488	186	89	97	..
1962 ..	49	13	5	8	..	1,671	193	93	96	5
1963 ..	45	17	8	3	6	1,063	230	95	99	36
1964 ..	50	19	5	2	12	2,213	309	75	86	148
Year.	Theft.					Riot.				
	Re- Charge.	Con- victed.	Acquit- ted.	Pend- ing.	Re- Charge.	Con- victed.	Acquit- ted.	Pend- ing.	Re- Charge.	Con- victed.
1955 ..	1,736	280	181	99	..	267	141	75	66	..
1956 ..	1,878	389	207	182	..	254	217	123	94	..
1957 ..	2,076	438	225	213	..	289	221	168	53	..
1958 ..	1,817	391	219	172	..	273	212	109	103	..
1959 ..	1,912	354	159	165	..	245	229	163	66	..
1960 ..	1,530	238	154	134	..	264	211	105	106	..
1961 ..	1,601	319	209	110	..	144	137	98	39	..
1962 ..	1,687	346	201	145	..	171	165	89	73	3
1963 ..	1,804	339	193	101	45	179	120	65	36	19
1964 ..	2,013	406	142	101	163	255	168	59	31	78

Year.	Swindling.				
	Reported.	Charge-sheeted.	Convicted.	Acquitted.	Pending.
1955	46	11	5	6	..
1956	52	13	6	7	..
1957	55	11	4	7	..
1958	34	9	5	4	..
1959	14	7	3	4	..
1960	24	9	5	3	1
1961	34	10	5	3	2
1962	24	12	5	6	1
1963	54	16	4	5	7
1964	39	17	3	2	12

During the decade 1955 to 1964, 1957 was one of the worst years so far as the incidence of crimes was concerned. In this year elections were also held and this increase in crimes might be due to the engagement of the police force in election duties which might have led to some relaxation in surveillance of criminals. In that year (1957) the number of dacoities (105), robbery (74), thefts (2,076), riots (289) and swindlings (55) was the highest during the decade.

There has been an increase in the incidence of crime mainly against property since the year 1962 due most probably to the rise in prices of commodities and their consequent hardship to poor people, some of whom obviously took to criminal means to satisfy their wants. The cases of dacoities and robberies remained nearly constant. Burglary, theft and riot continuously increased during 1962 to 1964 and the total number of cognizable cases also increased.

It is noteworthy that though Shahabad is generally taken as notorious for crimes and has a larger population than the Patna district, still the average number of annual cognizable cases was only 5,124 in Shahabad district as compared with 6,236, the average during a decade in the Patna district.

ORGANISATION OF THE POLICE FORCE.

The sanctioned strength of the police force of this district during the year 1965 is as follows :—

Senior Superintendent of Police	..	1
City Superintendent of Police	..	1
Additional Superintendent of Police	..	1
Deputy Superintendents of Police	..	6
Senior District Prosecutor	..	1
District Prosecutors	..	3
Additional District Prosecutors	..	16
Sergeant-Majors	..	5
Sergeants	..	6
Inspectors	..	11
Sub-Inspectors	..	8
Assistant Sub-Inspectors	..	85
Havildars	..	124
Constables	..	2,100

Besides, there is a temporary police force in the district. The strength of this force is as follows :—

Armour Sergeant-Major	..	1
Inspectors	..	2
Sub-Inspectors	..	14
Assistant Sub-Inspectors	..	27
Havildars	..	58
Lance Naiks	..	412
Constables	..	499

The police organisation is headed by the Senior Superintendent of Police with headquarters at Patna. He is under the administrative control of the District Magistrate and the Deputy Inspector-General of Police at Patna.

There are thirty-seven police-stations and fifty-nine outposts in the district. For the Police Administration, they are grouped into eight circles as detailed below :—

Subdivision,	Circle.	Police-station.	Number of outposts.
Patna Sadar ..	Town Circle ..	Patna Kotwali	6 town outposts.
		Gardanibagh	6 " "
		Kadam Kuan	5 " "
		Pirbahore	1 " "
	Sadar Circle ..	Digha	2 " "
		Phulwari	
		Masaurhi	
		Punpun	

Subdivision.	Circle.	Police-station.	Number of outposts.
Danapur	.. Danapur Circle	Khagaul	.. 1 town outpost.
		Danapur	.. 8 " "
	.. Bihta Circle	Paliganj	
		Bikram	
		Bihta	
		Naubatpur	
City Subdivision	.. City Circle	Khajekalan	.. 6 town outposts.
		Chowk	.. 3 " "
		Alamganj	.. 2 " "
		Sultanganj	.. 2 " "
		Malsalami	.. 3 " "
Barh	.. Barh Circle	Barh	.. 1 " "
		Pundarak	
		Bakhtiarapur	
		Harnaut	
		Mokameh	.. 3 town outposts.
		Sarmera	
		Fatwa	
Bihar	.. Bihar Circle	Asthawan	
		Giriak	
		Silao	.. 1 outpost.
		Bihar	.. 6 town outposts.
		Noorsarai	
		Rahui	
	.. Hilsa Circle	Hilsa	
		Chandi	
		Ekangarsarai	.. 1 outpost.
		Islampur.	

In olden times a Police Sub-Inspector, an Assistant Sub-Inspector and about eight constables normally manned a police thana. With the growth of population and socio-economic changes in society the police force had to be strengthened to cope with the problems of law and order. A circle is put under an Inspector of Police and a police thana under one Sub-Inspector of Police known as the officer in-charge with one or two Sub-Inspectors and a number of Assistant Sub-Inspectors of Police is necessary.

The lowest but not the least in importance in the police organisation is the village Chowkidar. Formerly he was a strong link in the Police

administration and had multifarious duties, one being detection and reporting of crime. But consequent on the formation of village *Panchayats* with *Gram Sewaks* and *Gram Raksha Dal*, he has rather paled into insignificance. However, he has still to do night patrol, check up the criminals and to report detection of crime to police-station. A number of Chowkidars are placed under a Dafadar. The latter works under the supervision of the thana officer. The number of Chowkidars in this district in 1964 was 2,070 and that of Dafadars 284*.

After the Independence, an experiment was made in respect of the controlling officers of thanas and circles. Instead of Sub-Inspectors being in charge of police thanas and Inspectors of circles, the thanas were put under Inspectors of Police and the circles under Deputy Superintendents of Police or Additional Superintendents of Police. This reorganisation scheme was in vogue from 1st September, 1957 to 1st July, 1964, but has since been abolished. The recent tendency is to open more circles and thanas with smaller jurisdiction so that there could be better control over them.

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 at Patna under the control of the Senior Superintendent of Police. The Bureau consists of one Deputy Superintendent of Police, two Sub-Inspectors, two Writer Constables and one Constable. There is a dog squad attached to this Bureau.

DOG SQUAD.

The dog squad began functioning in 1955 with two dogs only. It was under the charge of a Deputy Superintendent of Police, who is also in charge of the District Crime Bureau, subject to administrative control of the Senior Superintendent of Police. This squad has been started to help the police in detection of crime and apprehension of criminals. In 1965 there were 11 dogs in the headquarters squad, but the sanctioned strength of the dogs is 6 only. There is a proposal to open a dog squad in each of the Divisional headquarters and for that purpose five dogs have been reserved out of 11 dogs. The dogs are sent throughout the State on the request of the Superintendent of Police of the district concerned. Out of 11 dogs, 10 are Alsations and one Labrador. They have been trained carefully and in some cases have been of much help in detecting the criminals.

*See, Appendix v to this Chapter for thanawise distribution of Chowkidars and Dafadars as in 1911.

The strength of this squad is one Deputy Superintendent of Police, one Sub-Inspector, one Havildar and seven Constables.

The following statement incorporates the cases in the State in which police dogs were deputed to assist in the investigations:—

Year.		Number of cases in which police dogs deputed.	Charge-sheet submitted.	Number of cases in which valuable clues were obtained but not charge-sheeted.	Number of cases in which the dog remained unsuccessful due to lapse of time, bad weather, insufficient scent, etc.
1957		50	3	24	23
1958		53	5	25	23
1959		86	4	37	36
1960		117	9	46	62
1961		136	15	54	67
1962		61	2	29	30
1963		71	..	36	35
1964		65	1	32	32
1965 (up to May)		25	..	13	12

JUVENILE AID BUREAU.

The juvenile delinquency had not been given any special attention before the State Government decided to start two Juvenile Aid Bureaus in Ranchi and in Patna in 1961*. The Juvenile Aid Bureaus are meant to do a certain amount of pioneering work and serve as a nucleus of specific measures for prevention and control of delinquency amongst children and youths.

Aims.—The Juvenile Aid Bureaus have the following primary functions :—

- (1) An assessment of the extent of delinquency; the collection of relevant statistics and other data with a view to determine its extent and causes; and a sample survey of the incidence of juvenile delinquency in the respective areas of operation.

*Order no. 108 in the *Bihar Police Gazette*, dated September 22, 1961.

- (2) Organisation of preventive measures by establishing boys' clubs, hobby centres, annual rallies and camps, etc., by introduction of preventive patrols in slum areas, by giving advice to parents and guardians and stimulating thought and discussion on this important problem and by mobilization and judicious utilisation of all available resources of the community for the welfare of juveniles.
- (3) Investigation of important and intricate cases involving juveniles, and enquiry into conditions which favour the growth of anti-social activities.
- (4) Supervision of enforcement of laws relating to children.
- (5) Treatment and rehabilitation of juvenile offenders in co-operation with the probation services of the Jail Department and personnel of the Child Guidance Clinics set up by the Education Department and to organise training and instructional classes for uniformed police so that the tremendous importance and the proper manner of police juvenile contacts is widely realised.

Juvenile Aid Bureau at Patna.—This bureau has started functioning at Patna since 1961 for juveniles up to the age of 21. The jurisdiction of the bureau extends over the urban areas of Patna, Patna City, Danapur and Khagaul.

This bureau is manned by one Inspector, two Sub-Inspectors, one Writer Constable and one Constable. They are under the overall control of the D. I.-G., C. I. D. Crimes, Patna. The Senior Superintendent of Police, Patna exercises day-to-day supervision over the bureau.

According to the main objects enunciated in the police order mentioned above, the bureau at Patna has organised a boys' club in 1961 in the dirty and slum areas of Yarpur, Patna, which is inhabited by a large section of the people of lower strata. This club has been opened for boys for providing them healthy leisure time activities and keeping them off the roads. This club has about 60 members. This club is lodged in a rented building.

The main handicaps for the bureau are —

- (i) There is no legislation sanctioning the bureau and no Children's Act for the purpose has yet been passed ;

- (ii) The public is not conscious of the utility of the bureau and does not take any interest in it;
- (iii) There is a complete lack of institutions for children and child guidance clinics ; and
- (iv) The boys' club is being run without any monetary sanction and hence it lacks continuity of the programme.

BIHAR MILITARY POLICE.

This is an emergency force to supplement the local police during emergencies. This force is controlled by the Deputy Inspector-General of Military Police and Training with headquarters at Patna. This force also goes to other States on deputation to assist the local administration in dealing with mass disturbances. The movement of this force is controlled by the Inspector-General of Police, with the sanction of the State Government.

Two units of this force, namely, Bihar Military Police V and VIII, have been stationed at Phulwarisharif. The strength of the Bihar Military Police V is one Commandant, one Assistant Commandant, two Wing Commanders, one Subedar Major, eight Subedars, fourteen Jamadars, fifty-five Havildars, nine Writer Naiks, twenty-one Naiks, twenty-one Lance Naiks, one Steno.-Assistant Sub-Inspector, eight hundred and five Sepoys and sixty-three camp followers.

The strength of the Bihar Military Police VIII is one Commandant, one Deputy Commandant, six Assistant Commandants, one Adjutant, one Quarter Master, six Subedars, twenty-one Jamadars, six Havildar Majors, seventy-eight Havildars, fifty-four Naiks, fifty-four Lance Naiks, five hundred and eighty-eight Sepoys and sixty-nine camp followers.

The Bihar Military Police VIII has been converted into India Reserve Battalion with effect from 13th May, 1964 under Government of India Memo. no. 30-23-63, dated 30th December, 1964*.

Besides, one troop of the Mounted Military Police is stationed at Patna. This is under the local control of the Commandant, Bihar Military Police V and general control of the Superintendent of Police, North Shahabad, who is also the Commandant of the Mounted Military Police. The strength of this troop is one Jamadar, two Dafadars, two Naiks, two Lance Naiks and twenty Sawars. The horses are fine specimens and well trained for their particular work in riots.

*This battalion at present (1965) is on deputation to Jammu and Kashmir from 10th May, 1965.

It is a State Reserve Force and its movement is directly controlled by the Inspector-General of Police, Bihar, Patna. The main objective of the force is to help the regular police in maintaining law and order throughout the State.

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 law and order in the State and to inculcate a sense of self-reliance, discipline and civic responsibility among the volunteers and the public in general.

The Home Guards are enrolled by the District Magistrate on the recommendation of a Board consisting of the Superintendent of Police, the Commandant of the Home Guards and a non-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.

They are trained in various types of trades. They are also given rifle training. The training begins after selection and medical examination. There is a Central Training Camp for Home Guards at Bihta. 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 of Re. 1 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 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 Rural Home Guards were reported to be useful, during the sweepers strike in Patna and Patna City in 1957 and 1964 the Rajya Transport strike in 1954 and 1956, the Electric Power House strike in 1952 in Patna and in 1956 at Bokaro and Maithon and the Railway and Postal strikes in 1960.

The strength of this force is as follows :—

District Company Commander	..	1
Company Commanders	..	5

Havildar Clerk	..	..	1
Sepoy orderly	..	..	1
Platoon Commanders	..	..	12
Section Leaders	..	..	36
Assistant Section Leaders	..	..	36
Home Guards	..	..	382

They are trained, equipped and armed and are under the control of the Senior Superintendent of Police through whom they assist the District Magistrate when required.

During the National Emergency arising out of the Indo-Pak conflict in 1965, 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. In order to look after their training, the following staff has been posted —

Company Commanders	..	..	7
Havildar Clerk	..	..	1
Driver	..	..	1
Sepoy Cleaner	..	..	1

The Urban Home Guards Volunteer Force has been organised in seven companies, five for gents and two for ladies with their headquarters at Danapur, Patna City and Patna Sadar. In 1965 the strength of these volunteers was—

Name of headquarters.		Volunteers and their number.	
Danapur	..	Gent volunteers	31
	..	Lady volunteers	23
Patna City	..	Gent volunteers	61
	..	Lady volunteers	16
Patna Sadar	..	Gent volunteers	346
	..	Lady volunteers	75

These volunteers include Company Commanders, Platoon Commanders, Section Leaders, Assistant Section Leaders and Urban Home Guards.

• GOVERNMENT RAILWAY POLICE.

There are four Government Railway police-stations in the district, viz., Patna, Danapur, Bihar and Mokameh. The Patna Government Railway Police-Station has one outpost at Patna City Railway Station. The Danapur Government Railway Police-Station has one outpost at

Bihta Railway Station. Biharsharif Government Railway Police-Station has one outpost at Rajgir Railway Station and Mokameh Railway Police-Station has two outposts, viz., at Barh and at Hathidah Railway Stations. The strength of these police-stations are as follows:—

1. Danapur Government Railway Police-Station—

Sub-Inspector	1	
Assistant Sub-Inspector	1	
Havildar	1	
Constables	17	
Constables	3	(at Bihta Outpost).

Besides, there is an Inspector's Office of Government Railway Police at Danapur with one Inspector, one Assistant Sub-Inspector and one Constable. The jurisdiction of this police-station is from ex-Phulwarisharif Railway Station to Koilwar bridge railway line.

2. Patna Government Railway Police-Station—

Sub-Inspectors ..	2	
Assistant Sub-Inspectors	2	
Male Havildars ..	2	
Female Havildar ..	1	
Constables (Male) ..	29	
Constables (Female) ..	9	
Constables (Male) ...	3	(at Patna City Outpost).

The jurisdiction of this police-station is from Phulwarisharif to Bankaghat Railway Station and Patna Junction to Nadaul Railway Station.

3. Bihar Government Railway Police-Station —

Sub-Inspector ..	1	
Assistant Sub-Inspectors	2	
Havildar	1	
Constables	14	
Havildar	1	} (at Rajgir Outpost).
Constables	6	

The jurisdiction of this police-station is from ex-Bakhtiarpur to Rajgir Railway Stations.

4. Mokameh Government Railway Police-Station—

Sub-Inspectors ..	2
Assistant Sub-Inspector	1

Havildar	1	
Constables	20	
Assistant Sub-Inspector	1	} (at Hathidah Outpost).
Constables	9	
Constables	3	(at Barh Outpost).

The jurisdiction of this police-station is from Fatwa to Hathidah and Hathidah to ex-Barauni Railway Stations.

The main function of these police-stations is to check railway crimes in their jurisdiction and to maintain law and order in the railway premises. These police-stations cover the whole of the district. The jurisdiction of these Government Railway police-stations in this district is about 203 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 railway property and also public property entrusted to the railway as carriers.

There are one post of the railway protection force at Danapur and one outpost each at Patna, Fatwa, Bakhtiarpur and Mokameh under Danapur post. The strength of the force is as follows :—

Name of post/outpost.	Assistant Sub-Inspector.		Head Rakshaks.	Senior Rakshaks.	Rakshaks (Sepoys).
	Sub-Inspector.	Sub-Inspector.			
Danapur Post ..	1	1	10	18	78
Patna Outpost ..	..	1	4	10	62
Fatwa Outpost ..	..	..	1	4	31
Bakhtiarpur Outpost ..	..	..	1	3	6
Mokameh Outpost ..	..	..	1	4	34

The jurisdiction of the post in the district is from Danapur to Mokameh Junction (101 running kilometres), Patna junction to Nadaul Railway Station (36 running kilometres), Bakhtiarpur to Rajgir Railway

Station (53 running kilometres), Patna City to Bankaghat Railway Station (2 running kilometres), Patna Junction to Dighaghat Railway Station (8 running kilometres), and Mokameh to Mokameh Ghat Railway Station (3 running kilometres). The post in the Eastern Railway is under the Chief Security Officer, Eastern Railway, Calcutta.

For the purpose of carrying out their duties they are deployed to watch properties in railway godowns and yards. They also go out armed or unarmed in goods and parcel trains to watch the railway property and public property entrusted to the railway. They also escort and guard cash carried for disbursement of salaries.

JAILS.

The District Jail* at Patna known as Bankipur Jail is under a whole-time Superintendent with a staff of one Jailor, four Assistant Jailors, two Clerks and 65 Warders. Besides these there is one Medical Officer and one Compounder to look after the health of the inmates. The registered capacity of this jail is 623 prisoners.

The following statement** shows the daily average population of Bankipur District Jail —

Year.	Population.
1955 ..	674.86
1956 ..	764.56
1957 ..	764.22
1958 ..	869.04
1959 ..	890.95
1960 ..	810.47
1961 ..	892.41
1962 ..	1,010.99
1963 ..	998.26
1964 ..	992.55

The figures show that the jail has all along been overcrowded during the decennial ending 1964.

Besides the Bankipur District Jail, there are four subsidiary jails, one each at Danapur, Patna City, Barh and Bihar with accommodation for 24, 29, 64 and 128 prisoners respectively. Each of the subsidiary jails is under the charge of the Civil Assistant Surgeon of the respective Subdivisional Hospital who is a part-time Superintendent of his charge and is assisted by the one Assistant Jailor and eight Warders.

*Functioning temporarily as Central Jail since 20th June, 1967.

**Source—Jail Department, Bihar, Patna.

The orthodox view regarding prisoners was that they being anti-social elements must be isolated from society to spare it from them as long as possible. This has undergone a radical change and the administration has taken steps not only to reclaim them, but also to train them for a useful life when they return home after serving their sentence. Thus provision has been made for appropriate moral instructions to them, based on their respective faith through a *Pandit* or a *Maulavi*. The prisoners are also allowed opportunity to celebrate their religious festivals and also observe national festivals such as Republic and Independence Day. They are also provided with books and means of other recreation. They may write letters to and receive them from and have interview with their relations within prescribed rules. They are also given training in arts and trades of their liking so that on return home they may engage in these pursuits to live an honest and independent life. In Bankipur Jail the prisoners are trained in art of weaving *daris* and *kalin*. There is an emporium attached to this jail where goods manufactured by prisoners as also from other jails are kept for sale.

The District Magistrate, Patna is in overall charge of the administration of this jail while day-to-day routine administration is carried on by a whole-time Superintendent as referred to above. There is a Board of Visitors consisting of officials and non-officials for this jail which is reconstituted periodically. The visitors contact the prisoners and hear their grievances and advise the administration for necessary steps to be taken. They particularly look into the diets supplied to them and their general health.

CAMP JAIL.

There is a Camp Jail situated at Phulwari about two miles to the west of Patna. This was opened in 1930 to accommodate political prisoners in wake of the Civil Disobedience Movement. It was fully fortified later and accommodated a large number of political prisoners connected with 1932 and 1942 Civil Disobedience Movement*.

PROBATION SYSTEM.

The word 'probation' was used in the Statute Book as far back as 1938. It is also mentioned in section 562(1) of the Criminal Procedure Code (Act 5 of 1898) wherein it has been said —

“When any person not under twenty-one years of age is convicted of an offence punishable with imprisonment for not more than seven years, or when any person under

*At present (1968) it is lying defunct.

twenty-one years of age or any woman is convicted of an offence not punishable with death or imprisonment for life, and no previous conviction is proved against the offender, if it appears to the Court before which he is convicted, regard being had to the age, character or antecedents of the offender, and to the circumstances in which the offence was committed, that it is expedient that the offender should be released on probation of good conduct, the Court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a bond, with or without sureties, to appear and receive sentence when called upon during such period (not exceeding three years) as the Court may direct, and in the meantime to keep the peace and be of good behaviour".

Thus the first offenders aged below twenty-one years and women who are not liable to be punished either with death or transportation for life and adult males above twenty-one years who are not punishable with a term of imprisonment exceeding seven years would be released on probation of good conduct.

This section was amended in 1923* and the following was added as 1A to section 562(1) —

"In any case in which a person is convicted of theft, theft in a building, dishonest misappropriation, cheating or any offence under the Indian Penal Code punishable with not more than two years' imprisonment and no previous conviction is proved against him, the Court before whom he is so convicted may, if it thinks fit, having regard to the age, character, antecedents or physical or mental condition of the offender and to the trivial nature of the offence or any extenuating circumstances under which the offence was committed, instead of sentencing him to any punishment, release him after due admonition".

Thus the first offenders committing offences generally of trivial nature and punishable with imprisonment for less than two years would be released on admonition.

However, no machinery was provided to the Courts to ascertain facts regarding the personality and character, social circumstances and prospect of rehabilitation of offenders to enable them to consider sentences to be awarded. Thus Courts exercised the jurisdiction

*Sec. 37 of 1923 s. 4.

given to them under the aforesaid provision of law only in rare cases. With the passing of the Probation of Offenders Act, 1958 (no. 20 of 1958) this lacuna has been removed.

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

- (i) 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 for life provided that in the circumstances of the case including the nature of the offence and the character of the offender, if such a course is considered expedient by the Court.
- (ii) Restrictions on the use of probation based on age, sex and previous conviction as mentioned in Section 562 of the Criminal Procedure Code.
- (iii) 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.
- (iv) 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.
- (v) It envisages release of an offender on various conditions including residential requirements and payment of compensation by him.
- (vi) It makes probation enquiries mandatory in cases of offenders below twenty-one years of age, where the provisions of the Act are applicable.

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 are a Probation Officer and two Assistant Probation Officers including one lady posted at Patna, and one Senior Probation Officer in each of the subdivisions who work under the Principal Probation Officer who is also the Superintendent of Bankipur 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

*As in July, 1964.

of the punishment and subjects the offenders to a process of trials. As mentioned 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 Court during the trial of the case refers to the Probation Officer for a pre-sentence report. The Probation Officer has to submit his report to the Court in a sealed cover. If the accused is found guilty by the Court the aforesaid report is opened, perused and considered by the Court. If the Probation Officer recommends for the release of the offender on probation and the Court agrees, then instead of sentencing him at once to imprisonment the Court releases him on probation. If the offender is released on probation, he is placed under the supervision of the Probation Officer, and the Probation Officer supervises his conduct during the period of probation. The minimum period of supervision is one year and the maximum three years. If the offender's conduct is reported to be satisfactory during the period of his probation, then he is discharged from the supervision of the Probation Officer and the case is considered to be finally closed. If, however, during the period of probation and supervision he violates any of the conditions of the bond entered into by him at the time of release, the Probation Officer may make an application to the Court concerned for the cancellation of his probation order and the Court may impose upon him the original punishment which would have been awarded to him instead of releasing him on probation.

The table below* gives the data of the offenders released on probation and parole enquiries conducted during 1959 to July, 1965 :—

Year.		Number of pre-sentence references.	Number of parole enquiries conducted.	Persons released on probation including admonition.
1959	..	120	6	50
1960	..	194	24	44
1961	..	196	169	89
1962	..	235	213	120
1963	..	285	242	102
1964	..	302	394	104
1965	..	185	141	89

*Source—The District Probation Officer, Patna.

STATE PROBATION HOME

Quite a large number of female offenders released on probation lack suitable homes. For reclaiming and rehabilitating such women a home was needed to accommodate, train and educate them in various arts and crafts. A State Probation Home for the purpose was established at Patna in 1962. The minimum period of stay in the Home is one year and the maximum three years*.

There is one Superintendent (Probation Officer) incharge of the Home. He is assisted by two lady attendants. He is under the supervision and control of the Jail Superintendent, Bankipur (Patna).

STATE PROTECTIVE HOME.

The Suppression of Immoral Traffic Act provides corrective training to hardened female offenders, prostitutes, fallen women and wayward girls. A Home for the purpose has been established at Patna City in 1964 where necessary arrangements for imparting training in various crafts have been made. The inmates are trained under the guidance of a Lady Resident Probation Officer. In July, 1965 there were only four inmates in the Home.

REMAND HOME.

In order to counter the problem of juvenile delinquency a Remand Home was started with headquarters at Patna in 1959 with a total capacity for 25 inmates. It is a place for keeping boys below 15 years of age of the following categories :—

- (i) Under-trials,
- (ii) Insecure boys, and
- (iii) Homeless boys.

In July, 1965 there were 18 inmates in the Home.

There is a Lady Superintendent incharge of the Remand Home. She is assisted by one House Master-cum-Clerk. She is under the supervision and control of the Jail Superintendent, Bankipur, Patna.

ADMINISTRATION OF CIVIL JUSTICE.

The District Court at Patna was started in 1786. It was then lodged in a private Dutch building which now forms part of the Patna College. The Court of Sessions was, however, created in 1831.

*In July, 1965 there were only three inmates in the Home.

In 1857 the District Courts were removed near its present site and in 1911 a new Civil Court building was constructed. In this building the courts of the District Judge, Additional District Judge and the Senior Subordinate Judge were held. The Civil Court buildings were badly damaged by the earthquake on January 15, 1934 and thereafter the present two-storeyed building was constructed and made over to the District Judge in December, 1937. This building situated near Mahendru ferry *ghat* commands an excellent view of the river Ganga. The building is quite spacious. But owing to the creation of a large number of additional courts and separation of the Executive from the Judiciary the building is now found inadequate to accommodate all the courts which are under the control of the District Judge.

The Civil Courts at Patna Sadar are comprised of the courts of the District Judge, two permanent Subordinate Judges and three permanent Munsifs. The court of the 2nd Subordinate Judge at Sadar which had jurisdiction over all the thanas of the Bihar subdivision was shifted to Biharsharif and is functioning there since June, 1955. Besides the aforesaid Civil Courts at Sadar, there is also a permanent court of Munsif at Barh and another at Biharsharif. Since 1953 a court of Execution Munsif has been created at Sadar to deal with execution cases of the courts of all the Munsifs at Sadar. Since the 23rd November, 1964 a separate court of Subordinate Judge at Barh has been created with jurisdiction over Bukhtiarpur, Barh, Mokameh and Sarmera thanas. The aforesaid court has also been vested with the powers of Assistant Sessions Judge to dispose of Sessions cases arising out of the Barh subdivision including Fatwa thana.

In addition to the above permanent courts, there are three Additional District Judges, five Additional Subordinate Judges, two Additional Munsifs at Sadar and one Additional Munsif at Biharsharif*. The number of these additional courts, however, varies from time to time.

The District Judge deals with civil appeals only below Rs. 10,000 in value, arbitration cases, testamentary insolvency, succession and matrimonial cases and also such cases under other Acts for which he is specially empowered by the State Government to hear them. He is also entrusted with the work of general superintendence over the subordinate Civil and Criminal Courts in the district.

The two permanent Subordinate Judges at Sadar and one at Bihar and the other at Barh deal with original suits above the value of Rs. 4,000 and are also vested with powers to hear Small Cause Court cases up to a valuation of Rs. 750 and are empowered to hear Civil

*As in 1965.

appeals arising out of Munsifs' decree irrespective of valuation and appeals against the orders of the Munsif valued up to Rs. 1,000. They are further empowered to entertain suits of the above valuation arising within certain specified areas in the district.

The Munsifs at Sadar, Bihar and Barh deal with suits and cases up to a valuation of Rs. 4,000 arising within the jurisdiction of certain specified police-stations and are also vested with powers to try Small Cause Court cases up to Rs. 350 in value.

The Registrar system was introduced in this district on an experimental basis in the year 1925 and a Subordinate Judge-Registrar was posted at Patna to check the evil of corruption and malpractices prevalent in the Civil Courts and to give facilities to the litigant public by opening different kinds of information registers. He is to help the District Judge in day-to-day administration and run the various departments smoothly. Since 1931, however, the post of Registrar is held by a Munsif. The Civil Court Registrars have been entrusted since January, 1954 to check the service of processes and to report against process-servers who are found responsible for non-service or suppression of processes. The District Judge has, however, not been able to spare the Registrar to check sufficient number of processes and it has been suggested that the processes of the district should be checked by the Registrar and the Judge in charge of the Nazarat in the outlying stations should also do certain amount of checking. A Munsif of experience is appointed to the post of a Registrar under the Judge in charge of Nazarat Accounts, Forms, Stationery, Record Room and Copying Departments.

The civil cases dealt with by different courts are variegated. Family quarrels give rise to partition suits. Title suits arise in connection with disputes relating to trusts, charitable properties, gifts, sale and mortgage. Owing to the enforcement of the Land Reforms Act of 1947 and abolition of the Zamindari system in 1955 the rent suits have gradually disappeared. In Patna town, however, a new kind of cases relating to eviction of tenants under the House Control Act are now being litigated in the courts of Munsifs exercising territorial jurisdiction over the town area.

Since the scheme of separation of the executive and judicial functions has been in operation in this Judgeship since 1950 a few Munsifs belonging to the Bihar Judicial Service are now exclusively employed as Munsif-Magistrates to try criminal cases*.

*See, Discussion on 'Criminal Justice' (infra).

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 1964. Table no. 2 shows the details of civil suits, cases and appeals under different heads yearwise from 1950 to 1964.

TABLE 1.

Civil suits and cases instituted.

Year.	Title suits.	Money suits.	Rent suits.	Small cause court suits.	Miscellaneous judicial cases.	Execution cases.	Title Money Rent Miscel- laneous appeals, ap- peals, peels, appeals.
1950	1,200	1,761	10,093	863	2,242	6,413	233
1951	1,741	1,327	6,510	385	2,206	6,070	317
1952	936	2,024	11,891	1,043	2,323	6,228	277
1953	913	2,000	11,495	1,052	2,540	6,669	358
1954	928	2,715	13,769	1,698	2,713	6,526	339
1955	955	2,396	12,632	1,320	2,942	7,169	310
1956	1,121	2,337	8,451	1,476	3,806	6,868	253
1957	1,030	2,260	7,399	1,524	3,143	5,814	261
1958	1,119	1,921	6,527	1,214	2,846	5,786	271
1959	1,336	1,768	2,276	1,084	3,107	4,354	286
1960	1,489	1,577	910	910	3,428	3,983	307
1961	1,440	1,654	1,102	1,102	2,961	2,876	273
1962	1,557	1,592	1,196	1,196	2,316	1,979	237
1963	1,404	1,345	915	915	2,070	1,300	266
1964	1,491	1,402	4	947	1,676	1,156	237
	..	..	..	..	..	..	70
	..	..	..	..	..	..	Nil
	..	..	..	..	..	..	206

TABLE 2.

Civil suits, cases and appeals.

Year.	Civil suits.			Civil regular appeals including rent appeals.		
	Last pending.	Instituted.	Total for disposal.	Disposed of.	Last pending.	Total Disposed of.
1960	9,802	13,064	23,221	13,643	869	917
1961	9,578	13,186	23,883	14,680	623	916
1962	9,203	14,861	24,453	16,233	631	843
1963	8,220	14,408	23,065	13,826	821	789
1964	9,239	17,412	27,166	16,727	899	667
1965	10,439	16,883	26,647	17,162	801	700
1966	9,485	11,909	21,629	13,821	691	616
1967	7,708	10,689	18,648	11,732	495	470
1968	6,816	9,567	16,803	10,047	338	437
1969	6,757	5,380	12,446	7,958	277	407
1960	4,488	3,067	7,807	4,159	387	398
1961	3,649	3,095	6,930	2,842	607	358
1962	4,088	3,152	7,405	2,702	579	295
1963	4,072	2,750	7,628	2,910	600	334
1964	4,718	2,897	7,747	2,503	641	307
1960	1,170	1,793	917	1,793	917	1,793
1961	922	1,553	916	1,553	916	1,553
1962	668	1,489	843	1,489	843	1,489
1963	716	1,615	789	1,615	789	1,615
1964	765	1,667	667	1,667	667	1,667
1965	922	1,513	700	1,513	700	1,513
1966	637	1,132	616	1,132	616	1,132
1967	629	965	470	965	470	965
1968	490	772	437	772	437	772
1969	325	712	407	712	407	712
1960	302	809	398	809	398	809
1961	313	893	358	893	358	893
1962	322	922	295	922	295	922
1963	306	947	334	947	334	947
1964	278	964	307	964	307	964

LAW, ORDER AND JUSTICE

TABLE 2—contd.

Year.	Rent appeals.				Miscellaneous appeals.			
	Last pending.	Instituted.	Total for disposal.	Disposed of.	Last pending.	Institu. red.	Total Disposed of.	
1960	549	603	1,158	744	64	156	360	
1961	414	542	961	641	58	127	188	
1962	320	466	789	333	56	130	193	
1963	456	316	771	419	52	211	264	
1964	312	199	511	351	109	203	312	
1965	200	271	476	298	109	174	283	
1966	178	166	352	209	69	127	202	
1967	143	118	261	183	52	155	207	
1968	78	78	156	135	59	196	255	
1969	21	29	51	30	98	164	267	
1960	21	3	27	21	137	145	284	
1961	6	15	21	21	127	122	249	
1962	NH	10	10	2	125	142	271	
1963	8	1	9	3	137	190	330	
1964	6	NH	6	5	142	206	349	
1964	167	157	130	167	157	130	167	

1960	549	603	1,158	744	64	156	360	164
1961	414	542	961	641	58	127	188	132
1962	320	466	789	333	56	130	193	140
1963	456	316	771	419	52	211	264	152
1964	312	199	511	351	109	203	312	203
1965	200	271	476	298	109	174	283	214
1966	178	166	352	209	69	127	202	150
1967	143	118	261	183	52	155	207	146
1968	78	78	156	135	59	196	255	167
1969	21	29	51	30	98	164	267	130
1960	21	3	27	21	137	145	284	157
1961	6	15	21	21	127	122	249	125
1962	NH	10	10	2	125	142	271	134
1963	8	1	9	3	137	190	330	188
1964	6	NH	6	5	142	206	349	157

TABLE 2—*contd.*

Year.	Miscellaneous cases.			Execution cases.		
	Last Instituted.	Total for disposal.	Disposed of.	Last Instituted.	Total Disposed of.	

1960	939	2,242	3,203	2,126	4,366	6,413
1961	1,065	2,206	3,286	2,212	4,161	6,070
1962	1,061	2,323	3,407	2,280	4,389	6,228
1963	1,121	2,540	3,684	2,767	6,026	6,669
1964	909	2,713	3,651	2,676	4,484	6,526
1965	970	2,942	3,939	2,742	4,608	7,169
1966	1,196	3,806	4,010	2,898	6,129	6,858
1967	1,112	3,143	4,259	2,493	4,893	6,814
1968	1,766	2,846	4,632	3,016	6,466	6,786
1969	1,616	3,107	4,741	2,486	4,904	4,354
1960	2,255	3,428	6,712	2,083	3,927	3,983
1961	3,624	2,961	6,607	2,449	3,876	2,876
1962	4,157	2,316	6,620	2,988	3,664	1,979
1963	3,527	2,070	6,628	2,880	3,018	1,300
1964	2,738	1,676	4,442	2,058	2,352	1,156
	..	..	..	..	..	4,267
	..	..	..	..	..	2,220

CRIMINAL JUSTICE.

The District Judge is also the Sessions Judge of the district. He is helped by three Additional Sessions Judges, and six Assistant Sessions Judges at Sadar—two at Bihar and one at Barh. All the Subordinate Judges of the district have been vested with powers of Assistant Sessions Judge. The Sessions Judge deals with criminal appeals and bail petitions. Since the separation of the executive from the judiciary, he is also vested with the powers of District Magistrate to deal with the following cases:—

- (i) Transfer of cases under Section 528, Cr. P. C.
 (ii) Appeal against forfeiture of bail bonds under Section 515, Cr. P. C.

The Sessions Judge and the Additional Sessions Judges are empowered to try sessions cases and to impose the extreme penalty of death subject to confirmation by the High Court. They also hear appeals arising from the decision of Magistrates exercising first class powers. Some of the Sessions Judges, Additional Sessions Judges and Assistant Sessions Judges have been appointed Special Judges under Section 6 of the Criminal Law (Amendment) Act, 1952 and under Prevention of Corruption Act. The Assistant Sessions Judges are now empowered to try sessions cases and impose a maximum sentence up to 10 years rigorous imprisonment and to hear and dispose of such appeals from the decisions of Second and Third Class Magistrates which may be transferred to them by the Court of Sessions.

JURY AND ASSESSORS TRIAL.

Section 269(1) of the Code of Criminal Procedure provides for trial of offences by jury by any court of sessions. In Bihar the system was first introduced in Patna by a notification of the Government of Bengal, dated the 27th March, 1893. In recent years, owing to non-availability of suitable personnel, the system attracted much public criticism. On the recommendation of the Committee constituted under the Chairmanship of Mr. Justice S. K. Das (as he then was), the State Government excluded certain offence under the Indian Penal Code for trial with the aid of jury with effect from the 1st of August, 1952. The trial with the aid of jury was confined to the following offences only in the district of Patna, *viz.*, (i) theft (Sections 379 to 382, I. P. C.), (ii) criminal misappropriation (Sections 403 and 404, I. P. C.), (iii) receiving stolen property (Section 411, I. P. C.), (iv) mischief (Sections 426—432, 434—438 and 442, I. P. C.), (v) house trespass (Sections 448, 450—458, 461 and 462, I. P. C.). This has since been abolished in the district of Patna from May 1961*. The rest of the offences under the Indian Penal Code were triable with the aid of assessors in a Court of Sessions. The Code of Criminal Procedure has, however, since been amended and trial with the aid of assessors has been abolished.

SEPARATION OF EXECUTIVE AND JUDICIAL FUNCTIONS.

The scheme of partial separation of judicial from executive functions was introduced in the district of Patna on an experimental basis in January, 1950. The scheme was based on a report of a Committee constituted by the State Government under the Chairmanship of Mr. Justice H. R. Meredith (as he then was). The report envisages trial of some major offences including those under the Indian Penal

* *Vide*, Notification no. A/JRS-101/59-1479-J., dated the 10th March, 1961.

Code by Munsif-Magistrates and Deputy or Sub-Deputy Magistrates (called Judicial Magistrates who are to be placed under the control of the High Court), non-intervention by executive authorities (i. e., Subdivisional Magistrate and District Magistrate), once a case has been transferred to the court of a Munsif-Magistrate or Judicial Magistrate, administrative and judicial control of the courts of such Magistrates by the Sessions Judge who is vested with the powers of District Magistrate for exercising such control, hearing of appeals against orders of Munsif and Judicial Magistrates, exercising powers of Second and Third Class Magistrates by Subordinate Judges vested with the powers of Assistant Sessions Judges. All minor offences as also proceedings arising under the Code of Criminal Procedure would, however, continue to be tried by Executive Magistrates who are subordinate to the District Magistrate. The scheme was introduced without any change of legislation and was meant to function on the basis of certain agreed convention regarding non-intervention of the executive in the working of courts of Munsif-Magistrates and Judicial Magistrates who are to function under the direct control of the Sessions Judge and the High Court.

Reports received from the Sessions Judge of Patna on the working of the system show that except for certain administrative and other difficulties inherent in the scheme of partial separation, the scheme on the whole has been working successfully in the district. It has created confidence in the minds of the litigant public. In September, 1954, the State Government appointed a Special Officer to review the working of the scheme of separation. His report has since been partly considered by the High Court and the State Government. To ensure better supervision of the Magisterial courts it was proposed to appoint two Peripatetic District Judges who would constantly supervise the courts of the Magistrates in separation districts and to enable the Sessions Judges of Patna and other separation districts to devote more time to inspection. It was also proposed to appoint a number of Additional Sessions Judges to relieve the Sessions Judges of a part of their case work. The suggestions have since been implemented.

In 1965 there were two Munsif-Magistrates and one Judicial Magistrate holding first class powers and four Munsif-Magistrates exercising second class powers at Sadar. There were three Munsif-Magistrates with first class powers; and two with second class powers at Biharsharif. Two Munsif-Magistrates with first class powers and one with second class powers are at Barh. There were one Munsif-Magistrate with first class powers and one with second class powers and three Honorary Magistrates with first class powers at Patna City. One Judicial Magistrate, one Honorary Magistrate and one Munsif-Magistrate with first class powers and one Munsif-Magistrate with second class powers are posted at Danapur. All these Magistrates were under the administrative control of the District and

Sessions Judge and tried cases which were transferred to them by the Subdivisional Magistrates of the respective subdivisions where they were posted. In addition, there were 31 Stipendiary Executive Magistrates in the district of Patna in 1965. Of these 25 were holding first class powers, and six second class powers. Further, besides the District Magistrate there was one Additional District Magistrate also.

The statistics of Sessions cases from 1950 to 1964 are given below :—

Year.		No. of Sessions cases pending from before.	Instituted.	Total.	Disposed of.	No. of persons—		Number of witnesses examined.
						Acquitted.	Convicted.	
1950	..	54	157	211	161	659	179	1,997
1951	..	50	146	196	156	523	164	1,895
1952	..	40	116	156	134	470	95	1,599
1953	..	22	157	179	124	461	84	1,545
1954	..	55	134	189	151	464	151	1,969
1955	..	38	169	207	167	580	218	2,419
1956	..	40	178	218	161	557	194	2,107
1957	..	57	157	214	169	650	184	2,107
1958	..	45	183	228	183	775	211	2,932
1959	..	45	195	240	165	539	205	2,450
1960	..	75	232	307	161	449	279	2,082
1961	..	146	190	336	212	600	335	3,156
1962	..	124	246	370	236	610	277	3,223
1963	..	134	233	367	253	732	441	3,223
1964	..	114	206	320	197	538	215	2,694

The statistics of Criminal cases from 1950 to 1964 tried in the Magisterial Courts are given below :—

Year.		Pending from before.	Received.	Total.	Disposed of.	Number of persons—		Number of witnesses examined.
						Acquitted.	Convicted.	
1950	..	2,212	11,670	13,882	11,510	11,309	10,368	27,990
1951	..	2,372	5,090	7,462	5,382	7,684	4,481	20,298
1952	..	2,080	5,121	7,201	4,848	6,473	3,460	16,871
1953	..	2,353	4,089	6,442	4,861	8,711	2,619	18,378
1954	..	1,581	3,989	5,570	4,044	7,958	2,236	18,282
1955	..	1,526	3,479	5,005	3,785	8,142	2,094	19,517
1956	..	1,220	3,880	5,100	3,741	7,839	2,530	20,668
1957	..	1,359	4,106	5,465	3,772	7,603	2,355	17,127
1958	..	1,693	4,428	6,121	4,007	8,383	2,687	16,458
1959	..	2,114	5,398	7,512	4,413	7,068	2,927	13,122
1960	..	3,099	5,505	8,604	4,873	7,419	3,988	16,883
1961	..	3,731	4,971	8,702	5,049	8,288	3,977	19,515
1962	..	3,653	5,140	8,793	4,620	7,072	3,783	18,786
1963	..	4,173	5,654	9,827	4,991	7,864	3,925	19,599
1964	..	4,836	5,646	10,482	4,931	8,084	3,391	19,849

PANCHAYAT ADALATS.

The *Gram Panchayat* Courts were established with a view to minimise litigation, expedite the disposal of cases economically in the villages and to bring about as many compromises as possible. Lawyers are not allowed in these courts and the judges consist of the co-villagers. But according to a 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 persons 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 incidence of cases in the courts of the Stipendiary Magistrates will diminish. 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 caste considerations or groupings in villages.

The *Gram Kutchery* (i. e., the judiciary of the *Gram Panchayat*) is headed by the *Sarpanch* who is elected through 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*. He is also vested with civil powers to dispose of petty suits. Thus 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. The *gram sevak*, who is a paid employee of the *Gram Panchayat*, acts as 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 Magistrate in respect of criminal cases.

The following statement shows the disposal of cases and suits tried by the *Gram Kutcheries* in the district from 1959-60 to 1963-64 :—

Year.	Number of notified Gram Panchayats.	Number of Gram Kutcheries.	Number of cases and suits instituted.		Number of cases and suits disposed of.		Number of cases and suits compromised.	
			Cases.	Suits.	Cases.	Suits.	Cases.	Suits.
1959-60 ..	568	547	337	242	211	199	101	29
1960-61 ..	568	547	413	1,107	399	1,107	308	706
1961-62 ..	568	547	1,250	647	1,250	647	715	417
1962-63 ..	563	549	404	1,536	357	1,349	75	514
1963-64 ..	566	552	1,724	869	1,720	836	986	395

* *Vide*, Section 64 of Gram Panchayat Act.

LEGAL PROFESSION AND BAR ASSOCIATION

The legal profession consists of barristers, advocates, pleaders, mukhtears and their registered clerks. Barristers, advocates, pleaders and mukhtears are now termed advocates irrespective of the certificates, diplomas or degrees held by them. In 1965 there were 45 pleaders and 23 mukhtears in the district, who have not been registered as advocates.

The Bar Associations at the district and the subdivisional headquarters have their own buildings and libraries. They look after the interests of their members and help in maintaining a dignified and helpful relationship with the Bench. Some of the eminent lawyers of the Patna District Bar in recent years were Messrs. Guru Prasad Sen, Sarat Chandra Banerji, Purnendu Narain Sinha, Ram Lal Sinha, Syed Hasan, Lal Bihari Lal and Pande Narsing Sahay. Many of the lawyers have taken a leading part in the provincial legislature and in moulding the public life in Patna. Some of them were actively associated with the founding of schools and colleges and other cultural institutions.

The State Government have appointed a separate class of police officers to act as prosecutors in criminal cases in the district and the subdivisional courts. Previously ordinary Police Sub-Inspectors or Inspectors used to do this work. Now only law graduates are appointed for this job.

The Patna High Court Bar has produced a large number of eminent personalities* who have contributed to the welfare of the country in various ways. Some of the prominent barristers and advocates of Calcutta High Court came over to Patna when the Patna High Court was opened in 1916**.

PATNA HIGH COURT.

Creation.

By proclamation made by the Governor-General of India on the 22nd March, 1912 the territories of Bihar and Orissa which were formerly subject to, and included within, the limits of the Presidency of Fort William in Bengal, were promoted to the status of a separate province, and by Letters Patent, dated the 9th February, 1916, the Patna High Court was ushered into existence with Circuit sittings at Cuttack, and from the 26th February, 1916, the date on which the aforesaid Letters Patent was published in the *Gazette of India*, the

*See, *Patna High Court*, 1967 (a Supplement to this Gazetteer), pp. 6—8.

***Ibid.*

High Court of Judicature at Fort William in Bengal ceased to exercise jurisdiction, Civil, Criminal, Admiralty, Matrimonial, Testamentary and Intestate, Enrolment, etc., in all matters in which jurisdiction was given to the High Court of Judicature at Patna. Thus the ancient city of Pataliputra had a High Court of its own in 1916 with Sir Edward Maynard Des Champs Chamier, Kt., Barrister-at-Law as its first Chief Justice and Sarvashri Saiyid Sharfuddin, Barrister-at-Law, Edmund Pelly Chapman, I. C. S., Basant Kumar Mullick, I. C. S., Francis Reginald Roe, I. C. S., Cecil Atkinson, Barrister-at-Law and Jwala Prasad, B. A., L. B., as Puisne Judges.

Foundation and opening.

The foundation-stone of the High Court building was laid on Monday, the 1st December, 1913 by His Excellency the late Viceroy and Governor-General of India, Lord Hardinge of Penshurst, who also formally opened it in a *darbar* held for the purpose on the 3rd February, 1916. The Court actually commenced work from the 1st March, 1916.

Expansion.

The Patna High Court started its work in 1916 with the Chief Justice and six Puisne Judges. In the year 1947, the sanctioned strength of the Court was nine permanent and three Additional Judges. Though a separate province of Orissa was created in the year 1937, this High Court exercised jurisdiction over the territories of that province till 26th July, 1948, when a separate High Court was constituted for Orissa. Even after the constitution of the Orissa High Court, the sanctioned strength of Judges for this Court remained the same. In February, 1950, the three posts of Additional Judges were made permanent. The post of the 13th permanent Judge was sanctioned in September, 1952, and that of the 14th permanent Judge in January, 1956. Since then there has been no increase in the sanctioned strength of the permanent Judges of the Court. Four posts of Additional Judges have also been sanctioned from time to time since July, 1957. In November, 1965 there were 14 permanent Judges, including the Chief Justice and three Additional Judges.

In the year 1916, when the Patna High Court was created, there were 11 judgeships under its control in Bihar and one in Orissa. In the year 1947, there were 13 judgeships in Bihar, Orissa having already been constituted into a separate province with a separate High Court of its own in 1948. The judgeships of Hazaribagh and Palamau were created on 4th April, 1949 and 18th July, 1960 respectively. Formerly there was only one judgeship of Chotanagpur which included Hazaribagh and Palamau also with headquarters at Ranchi. Similarly, there was

only one judgeship for the districts of Manbhum and Singhbhum with headquarters at Purulia. After the transfer of a portion of the district of Manbhum including Purulia to West Bengal, the remaining portion of the Manbhum district, thereafter, known as the district of Dhanbad, and the district of Singhbhum were formed into a new judgeship and Sessions Division with effect from the 1st November, 1956 with headquarters at Dhanbad. On 4th February, 1960 a separate judgeship for Singhbhum was created with headquarters at Chaibasa. There are thus 16 judgeships at present as against 17 districts. A separate judgeship for Saharsa has also been sanctioned. It has not started functioning yet as the construction of buildings, both office and residential, for the District and Sessions Judge is still to be completed. This district is at present linked up with the judgeship of Bhagalpur. With the creation of a separate judgeship for Saharsa the number of judgeship under the control and supervision of the High Court would be increased to 17.

Post-Independence Period.

In 1947 India attained Dominion status. On 26th January, 1950, it became a Republic. India has framed its own Constitution and the Judiciary has been charged with responsibility of protecting the individual rights of liberty and property guaranteed under the Constitution. Problems of complexity and questions of great significance have cropped up before the Court and they have been subject of most searching analysis and debate, and have been solved in many cases in an admirable manner. The jurisdiction and powers of the High Court have been considerably enlarged. Under Article 226 of the Constitution the High Court has been empowered to issue writs, direction or orders in the nature of habeas-corpus, mandamus, prohibition, quo warranto and certiorari for the enforcement of any of the rights conferred by Part III of the Constitution and for any other purpose, and, under Article 235 of the Constitution the control over district courts and courts subordinate thereto including the personnel of these courts has also vested in this Court. The scheme of separation of executive and judicial functions was introduced for the first time on 3rd January, 1950 in the districts of Patna and Shahabad. It has since been introduced in all the districts of the State. This scheme envisages that all Magistrates and Munsif-Magistrates trying criminal cases should be under the control of the High Court through the Sessions Judges and that the district and the Subdivisional Magistrates should not have any control over them nor should they have anything further to do with a criminal case after it has been transferred for trial to a Munsif or a Judicial Magistrate.

Statistics.

In 1916, 3,759 cases were instituted, 4,105 cases were disposed of, and 2,415 cases remained pending at the close of that year. In the

year 1964, 8,894 cases were instituted, 7,835 cases were disposed of, and 10,233 cases remained pending at the close of the year. During the five years ending 31st December, 1964, 5,295 writ applications were filed and 3,977 writ applications were disposed of. The number of writ applications pending for disposal at the close of the year 1964 was 1,736. The statistics of the cases instituted, disposed of and pending during a period of five years ending 1964 are given below* :—

Pending.			Institutions .	Disposals .	Pending at the close of the year.
1960	..	..	8,058	9,039	8,240
1961	..	..	8,351	8,242	8,266
1962	..	..	8,138	7,682	8,845
1963	..	..	9,031	8,702	9,174
1964	..	..	8,894	7,835	10,233

Court Premises.

The Patna High Court building is one of the finest in India and of special attraction for the tourists visiting Patna. It has a pleasing appearance. The entrance hall has been very artistically finished in marble and the huge dome above together with marble facing on the walls and the massive marble parapets of the landing add grandeur to the structure. Two wings have since been added to the building. A portion of the High Court building was used for accommodating the Patna Museum and the office of the Bihar and Orissa Research Society until 1928 when they were shifted to the existing building of the Patna Museum on the Buddhamarg.

Gardens.

The High Court has got a beautifully laid out garden with many rose beds. Its chrysanthemum, dahlias and carnations have always won the appreciation of all flower-lovers. At one time the cannas of the High Court were proverbial. This tradition is being maintained even now and they stand supreme and continue to win first prizes in the State Horticultural shows. There are some fine avenues with natural arches of green foliage under which a walk is most pleasant and refreshing**.

* *Annual Reports on the Administration of Civil and Criminal Justice in Bihar*, published by the High Court.

** These gardens owe much to the genius of Sir Leonard Adami, I.C.S., a former Judge of the High Court, was also Chief Organiser of the Patna Flower Show up to 1938, himself being a keen rose grower in his own garden at Kent (England) as also at Patna.

Library.

The Patna High Court has a library containing about 70,000 volumes, including periodicals. The library possesses rare books of reference of not only legal interest, but also on multifarious subjects of general interest. There is a modest annual grant of Rs. 45,000 for the purchase of books.

Record Room.

The Central Record Room of the Patna High Court is a repository of priceless records dating back to the year 1793. About 54,000 records were transferred from Calcutta High Court to this Court on separation. There are now as many as four lakhs of records, including those of Sadar Dewani Adalat and Sadar Nizamat Adalat. Some of the important decisions recorded from the Moghal times, including the decisions during the period of the East India Company are stored and preserved in the Record Room. These records, if studied thoroughly, systematically and scientifically, will make available new source materials for rewriting the history of Bihar not only so far as Judicial Administration is concerned but will also provide an accurate glimpse into the social, economic and political history of the State. The remarkable feature of the Court's Record Room is that the arrangement of records is so perfect that practically it takes no time to get the record of a case, however old it might be.

APPENDIX I

CHIEF JUSTICES.

The Patna High Court has had the following Chief Justices from its inception :—

- (1) Sir Edward Mayner Des Champs Chamier, Kt. (1916-17).
- (2) Sir Thomas Fredrick Dawson Miller, Kt., K.C., K.C.I.E. (1917—28).
- (3) Sir Courtney Terrell, Kt. (1928—38).
- (4) Sir Arthur Trevor Harries, Kt. (1938—43).
- (5) Sir Syed Fazl Ali, Kt. (1943—47).
- (6) Sir Clifford Monmohan Agarwala, Kt. (1947—50).
- (7) Sir Herbert Ribton Meredith, Kt., I.C.S. (1950).
- (8) Shri Pandit Lakshmi Kanta Jha (1950—52).
- (9) Shri David Ezra Reuben, I.C.S., Barrister-at-Law (1952-53).
- (10) Shri Syed Jafar Imam, Barrister-at-Law (1953—55).
- (11) Shri Sudhansu Kumar Das, I.C.S. (1955-56).
- (12) Shri Vaidyanathier Ramaswami, I.C.S., Barrister-at-Law (1956—64).
- (13) Shri Ramaswamy Lakshmi Narasimham I.C.S. (1965—68).
- (14) Shri Satish Chandra Misra, M.A., B.L. (1968—..).

APPENDIX II

STATEMENT OF TOTAL NUMBER OF INSTITUTIONS OF ALL KINDS OF CASES (CIVIL AND CRIMINAL) DURING THE YEAR 1965 AND TOTAL NUMBER OF PENDING CASES AT THE END OF THE YEAR.

Nature of cases.	ORIGINAL SIDE.			
	Pending at the beginning of the year 1965.	Total number of institutions in the year 1965.	Total number of disposals in the year 1965.	Total number of pending cases at the end of 1965.

	ORIGINAL SIDE.			
	(1) Civil Suits	(2) Liquidation Cases	(3) Writ Petitions	(4) Others (Marital, Testimony, etc.).
..	18	19	1,736	14
..	1	6	1,243	5
..	1	6	1,804	9
..	18	18	1,176	10
(5) Total	1,787	1,254	1,820	1,221

	CIVIL.			
	(6) Letters Patent Appeals	(7) First Appeals	(8) Second Appeals	(9) Miscellaneous Appeals
..	241	2,178	1,796	609
..	30	629	1,044	385
..	163	307	688	186
..	108	2,400	2,152	809
..	10	614	968	1,369
..	2	2	241	514
..	24	..	..	8
..	10	12	2	20
..	238	220	189	264
(10) Revision Petitions.	808	1,529	968	1,369
(11) Miscellaneous Petitions	622	233	241	514
(12) Election	..	5	2	3
(13) Claims	24	..	8	16
(14) Compensation	10	12	2	20
(15) Others (S. C. A., Civil Reviews, Civil Reference, etc.).	238	220	189	264
(16) Total	6,421	3,987	2,763	7,655
(17) Grand Total of Civil (5+16)	8,208	5,241	4,573	8,876

APPENDIX II—*concl.*

Nature of cases.				
Pending at beginning of the year 1965.	Total number of institutions in the year 1965.	Total disposals in the year 1965.	Total number of cases at the end of 1965.	
<i>Criminal.</i>				
(18) Writ Petitions	10	435	384	61
(19) Criminal Appeals	1,350	758	697	1,411
(20) Criminal Revision Petitions	480	1,677	1,250	907
(21) Confirmation Cases	4	13	11	6
(22) Reference	71	124	164	31
(23) Criminal Miscellaneous Petitions	110	1,026	927	209
(24) Total	2,025	4,033	3,433	2,625
Grand Total of Civil + Criminal (17 + 24).	10,233	9,274	8,006	11,501