

## **LAW & ORDER AND JUSTICE**

### **Law And Order**

In the beginning of the present century, the police had to deal with three factors peculiar to the Gorakhpur district, in the shape of criminal tribes of Badhaks, the Doms and the armed gangs of dacoits from beyond the Nepal border. Near about 1900, the Doms were then unregenerate robbers and thieves and were associated with numerous crimes. At the same time Badhaks had lost their old love for dacoity and robbery and had taken to cultivation. The bad characters living just across the border in Nepal territory continued to be troublesome and organized dacoity was very common in the north of the district. Elsewhere crime was as usual in rural tracts. The most common were petty theft, burglary, criminal trespass often resulting in agrarian riots, cattle thefts and occasional murders.

### **Organisation of Police**

At the beginning of the British rule the tahsildars, who were revenue contractors, were supposed to maintain an adequate police force but they could not do justice to this part of their duties. Consequently in 1809 a special force of barkandaz was set up to protect the treasuries and escort consignment of treasuries. They were posted at tahsils and at a few important places along the main roads (or high-ways), while a strong contingent of mounted police patrolled the Avadh border. In 1818 this force was further strengthened and the number of police-stations was largely increased. In 1861 constabulary, consisting mainly of discharged soldiers was formed. It was principally an armed unit functioning under British officers taken from the Indian army. In 1866 the armed and civil police were separated. In 1903, on the re-organisation of the mounted police, Gorakhpur became a troop headquarters. In 1907, the municipal police too was converted into regular constabulary. In addition there was town and notified areas, road patrols on the State highways, village chaukidars and goraitis or watchman. The last were a residue of the old system where in the village watchman was the landholder's employee receiving a piece of land in lieu of his services.

At present the district is included in the Gorakhpur police range under the superior charge of a deputy inspector general of police with headquarters at

Gorakhpur. The district police is divided into two broad divisions - the civil police and the armed police.

**Civil Police** :- The police force of the district is under the control of a senior superintendent of police who assisted by an additional superintendent, as assistant superintendent and five deputy superintendents of police, besides other staff.

For the maintenance of law and order the district has been divided into six police circles, each under the charge of a circle officer of the rank of assistant superintendent or deputy superintendent of police.

The statement that follows gives the description of the police circles and the names of the police -stations and out - posts under them.

Police circle	Police Station	Police out-post
City	City I (Kotwali)	Beniganj, Gorakhnath Nakkhas, Jatepur city
	City II	Jatepur Mohaddipur Railway colony Shahpur
Sadar	Rajghat	Basantpur, Tewaripur
	Pipraich	Pipraich
	Khajuri	----
	Gulriha	Sarhari
Pipraich	Sahjanwa	----
	Chauri Chaura	----
	Khorabar	----
	Jhangha	----
Bansgaon	Belapur	----
	Bansgaon	Kauriram
	Gagaha	---
	Gola	---
	Belghat	---
Pharenda	Sikriganj	---
	Barhalganj	Barhalganj, Patna
	Pharenda	Pharenda
	Purandarpur	Bridgmanganj, Jogiabari
	Nautanwa	Nautanwa, Sonauli Sheotari
	Peppeganj	---
	Kampienganj	---

Police Circle	Chiluwatal	Fertilizer
Maharajganj	Police-station	Police out-post
	Maharajganj	---
	Shyamdeorwa	Paniara
	Nichlaul	Thuthibari, Bahuar
	Kothibhar	Siswa
	Dhudhuli	--

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### **Village Police**

The institution of village chowkidars who form the lowest link in the police organization may be traced to a period when there existed no regular police and when each village had its own chowkidar to assist the village headman in maintaining law and order and guarding crops and property. He was then the servant of the village community and was remunerated with a share of their produce by the cultivators. Later, he was placed under the control of the zamindars and also paid by them, his duties being the same. Sometimes he was given a piece of land by the zamindar instead of wages.

By the North-Western Provinces Village and road Police Act, 1873, the district magistrate was made the appointing and dismissing authority of the village chowkidars. The actual control and supervision over them, however, rested with the superintendent of police, an arrangement that still continues. They are attached to the police-stations and are paid by the government. Their main duty is to report to the local police the occurrence of important crimes and other incidents in their areas. They also act as process servers of the nyay panchayats for which they are paid separately. The number of chowkidars was 1751 in 1974, in the district.

### **Pradeshik Vikas Dal**

This is a voluntary organization, originally set up in the district under the name of Prantiya Rakshak Dal, to mobilize rural manpower, carry out youth welfare activities in the rural areas and organize villagers for self-defence. The paid staff now consists of a district organizer, 17 block organizers and a physical training instructor, the unpaid staff comprising of 31 block commanders, 293 halqal sardars (circle leaders), 2658 dolpatis (group leaders), 7974 toli nayaks (section leaders) and 79,740 rakshaks. Members of the organization are sometimes assigned duty in fairs and in works relating to shramdan (voluntary contribution of labour), poultry, adult education, mass tree-plantation, etc. They are called upon to guard and

patrol vulnerable points during emergencies or to assist during fires, floods etc.

### **Government Railway Police**

Gorakhpur section of the government railway police is one of the five such section in the State. Its jurisdiction covers about 1530 km. of North-Eastern Railway. For the district there is a government railway police-station at Gorakhpur which is staffed by 7 sub-inspectors, 2 assistant sub-inspectors and 54 constables.

The duties of the government railway police as regards the areas in their jurisdiction correspond in general to those of the district police in the areas under their charge. In addition they maintain law and order at the railway station including the running and stationed trains. They examine empty carriages and enquire into accidents on railways and offences committed in their area. When necessary they also regulate the passenger traffic within the station premises.

### **Jails and Lock-ups**

**District Jail** :- A jail at Gorakhpur apparently existed in the earliest days of the British rule, but its site is not traceable. Between 1840 and 1845 a jail building was erected in muhalla Basantpur, on the site of Raja Basant Singh's fort, overlooking the Rapti. This building proved very unsatisfactory and the health of the prisoners suffered to such an extent that in 1889 an enquiry was made and it was condemned. Accordingly, a new building was constructed in 1894-95, to the south-east of the road to Pipraich and to the north of the railway settlement. It is an extensive brick structure covering an area of 7.6 ha and was then the most modern in the whole of the State. The old buildings were demolished, except the portion which was made over to the opium department in 1903. The jails has been functioning in this building since the beginning of 1897 and is now under a whole-time superintendent who is assisted by a jailor, two deputy jailors and three assistant jailors, besides some other staff. The 19 bed jail hospital is looked after by an assistant medical officer. The deputy chief medical officer (medical) also visits the hospital twice a week. The inspector general of prisons, U.P., who has his headquarters at Lucknow is the head of the department for all matters relating to the administration of jail.

The jail has accommodation for 720 prisoners, their daily average population since 1971 being as follows :

Year	Convicts	Prisoners Under trial
1971	258	178
1972	269	109
1973	215	176

The main industries employing the jail inmates are that of niwar (thick wide cotton tape used as webbing of cots, etc.), durrie (carpets), bed-sheets, towels, dusters, dusooti (a variety of cotton cloth) and moonj mats. The jail also has a small workshop in which cotton thread is spun by Ambar charkhas which is consumed in the jail for the manufacture of different items. The prisoners are also trained in agriculture and horticulture in the two agricultural farms and an orchard managed by the jail authorities.

**Welfare of Prisoners** :- Prisoners and under trials were formerly divided into three categories 'A', 'B' and 'C' but since 1948 they are classified only as 'superior and 'ordinary'. The treatment of prisoners and under-trials along humane lines has improved considerably after 1947. They are now paid regular wages for the work they do in jail. They are also allowed to receive money from relatives for personal needs. They encouraged to learn the three R's and take part in constructive activities. They are provided with newspaper from the jail library. Educational and recreational programmes, such as indoor games, dramatic and musical performances, religious discourses, etc., are also arranged for them.

**Revising Board** :- For periodical review of cases of all the convicts sentenced to terms of imprisonment of three years or more, there is a revising board to examine the cases deserving pre-mature release.

**Official Visitors** :- The ex-officio visitors of the jail are the director of medical health services, U.P., the commissioner of the Division and the district and sessions judge.

**Non-official Visitors** :- The State Government also appoints non-official visitors for the jail from among prominent citizens of the district, who are authorized to inspect jail and record their comments on the working and after suggestions for amelioration of conditions prevailing. Their term of office is usually two years.

All the local members of the Central and State legislatures, members of the standing committee of the State legislature on jails, chairman of the central committee of the U.P. Apradh Nirodhak Samiti and secretary of its district unit, chairman, municipal board and Adhyaksh, Zila Parishad are ex-official non-official visitors of the jail.

They constitute the board of visitors, which visits the jail twice a year, on dates fixed by the superintendent of the jail in consultation with the president and members of the board, the president being the district and sessions judge.

**Lock-ups** :- Under the administrative control of the superintendent district jail, there is a sadar lock up in Gorakhpur town for under-trial prisoners. A deputy jailor is in the charge of the lock-up who is assisted by an assistant jailor. A lock-up is also located in the premises of the collectorate for custody of the prisoners brought from jail to courts to attend the hearing of their cases and persons sentenced to imprisonment by courts before they are taken to the district jail. It is supervised by the public prosecutor and is under the control of the district magistrate. At each police-station also there is a lock-up under the charge of the station officer concerned. At the headquarters of each tahsil also there is a revenue lock-up to detain persons for non-payment of government dues under the revenue law.

**Probation** :- The probation scheme was introduced in the district in 1956 under the U.P. First Officer's Probation Act, 1938, with the posting of a district probation officer. He functions under the district magistrate in his day work, the general administrative control being of the Nideshak, Harijan and Samaj Kalyan Vibhag, U.P. He supervises the activities and conduct of the offenders of the released on probation, ensures their observing the conditions of the bonds executed by them, makes periodical reports to the courts concerned about their conduct and progress and in general, befriends them and assists them in their rehabilitation. The act provides for the release on probation of first offenders who are below 24 years in age. During the year 1973, the number of non-juvenile offenders dealt with under the Act and let off after admonition on furnishings bonds was 51. The number of domiciliary visits paid by the probation officer was 442 and that of inquiries conducted was 10.

## **JUSTICE**

Near about 1909 the areas now comprising districts of Gorakhpur and Deoria formed one district of Gorakhpur. The district and sessions judge, had both civil and criminal jurisdiction in the entire district of Gorakhpur and also powers of hearing criminal appeals from the Basti district. There were also

the courts of subordinate judge and three munsifs of Gorakhpur, Bansgaon and Deoria exercising respective jurisdiction. Initially munsifs, Gorakhpur, had his seat at Mansurganj but with the shifting of the tahsil headquarters to Maharajganj in 1862, the court was transferred to Gorakhpur. There were also two courts of honorary munsifs. In 1903 village munsifs were appointed in the Gorakhpur tahsil as an experiment. In 1909, the number of such munsifs for 90 circles was limited to 24 for want of qualified persons. From August 1, 1945, a separate Judgeship was created in Basti and thenceforth the judgeship of Gorakhpur included the present judgeship of Gorakhpur and Deoria. Then in the district existed the permanent courts of district and sessions judge, civil and sessions judge, judge, small causes court, civil judge, munsifs of Gorakhpur and Bansgaon, both at Gorakhpur. The temporary courts of an additional civil judge and four additional munsifs also functioned in the then judgeship of Gorakhpur. Later from September 12, 1964, Deoria also became a separate judgeship. This pattern is still continuing in the civil judiciary.

At present the civil judiciary consists of a court of district and sessions judges three of additional district and sessions judge, two of additional district judge, one each of judge small causes court and civil judge, and that of munsifs Gorakhpur and Bansgaon. Besides these there are the temporary courts of additional civil judge and of four additional munsifs. They exercise powers vested in them under various Acts and statutes.

The position of the case work in the civil courts in the year 1973, was as under:

Cases	No. of suits
Pending at the beginning of the year (1973)	4,927
Instituted during the year	4,175
Disposed of during the year	3,851
Pending at the end of the year	5,251

In the same year the numbers of suits instituted involving immovable property were 1,052, those relating to money and movable property were 1,036, those concerning matrimony were 26 and those relating to mortgage were four.

The number of suits instituted in 1973 according to valuation was as follows:

Valuation	No. of suits
Not exceeding Rs 100	126
Exceeding Rs 100 but not Rs 1,000	1,429
Exceeding Rs 1,000 but not Rs 5,000	417
Exceeding Rs 5,000 but not Rs 10,00	211
Exceeding Rs 10,000 but not Rs 20,000	77
Exceeding Rs 20,000 and over	8

Total valuation of the property in the suits so instituted was Rs. 99,43,956.

Details of the modes of disposal of suits in the year 1973 were as follows:

Manner of disposal	No. of suits
Disposed of after trial	2,056
Dismissed for default	598
Otherwise decided without trial	380
Decreed ex parte	43
On admission of claims	53
On compromise	316
Settlement by compromise	5
<b>Total</b>	<b>3,851</b>

The position of appeals instituted and disposed of in the year 1973 was as follows:

Nature of appeals	Pending	Instituted	Disposed of
Regular civil appeals	182	798	295
Miscellaneous civil appeals	95	331	127

### **Criminal Justice**

Near about 1909 for the administration of criminal justice in the district, there was a district magistrate, who was assisted by two covenanted assistants and six deputy collectors having magisterial powers, in addition to six tahsildars. Also there were six honorary magistrates at Gorakhpur with third class powers individually and as a bench of two or more. They disposed of petty cases occurring within municipal limits, besides some others in the

rest of the district. The number of magistrates varied with the changes in the boundaries of the constituent tahsils, sub-divisions and the district itself.

The district and sessions judge constitutes the chief criminal court of the district. He is assisted in sessions trials by eight sessions judges. There are also the courts of chief judicial magistrate and of judicial magistrates Bansgaon, Pharenda and Maharajganj.

Some details of criminal cases relating to the years 1972-1973 are given below:

#### CASES COMMITTED

Nature of offence	No. of cases	
	1972	1973
Affecting life	108	121
Kidnapping and forcible abduction	13	11
Hurt	18	12
Rape	10	7
Unnatural offences	-	1
Extortion	1	-
Robbery and dacoity	60	83
Other cases	56	54

#### PERSONS TRIED AND SENTENCED

Persons tried/ sentenced	1972	1973
Tried	1,567	785
Death	6	3
Life imprisonment	151	18
Rigorous imprisonment	266	124
Fined only	3	1
Other punishment	4	-

The district magistrate exercises first class magisterial powers and is the executive head of the district. For magisterial work he has under his control an additional district magistrate (executive), a city magistrate, four sub-divisional magistrates and an extra magistrates all vested with first class

magisterial powers and the tahsildars having second class magisterial powers. In 1973, in these courts, 20,764 persons were tried 3,332 persons were sentenced to fine and 21 to other punishments.

The position of cognizable offences under the I.P.C. and the local Acts in the year 1972 and 1973 was as follows:

Position of cases	1972	1973
Cases reported to police	7,244	9,319
Cases investigated	6,501	9,986
Cases sent to courts	3,135	2,678
Cases pending at beginning of year	6,366	6,828
<u>Cases disposed of</u>		
Convicted	1,626	2,292
Discharged or acquitted	769	705
Compounded	278	219

The number and result of cases relating to crimes like murder, dacoity, robbery, etc., in the year 1972-73 were as given in the following statement:

Crime	1972	1973
<u>Murder</u>		
Reported	83	70
Convicted	18	22
Acquitted	22	18
<u>Dacoity</u>		
Reported	110	142
Convicted	20	3
Acquitted	33	13
<u>Robbery</u>		
Reported	208	244
Convicted	30	30
Acquitted	34	21
<u>Riot</u>		
Reported	468	611
Convicted	57	109
Acquitted	70	61
<u>Theft</u>		
Reported	2,342	2,779
Convicted	122	238
Acquitted	119	129
<u>House breaking</u>		

Reported	1,400	1,493
Convicted	85	145
Acquitted	87	99
<u>Kidnapping</u>		
Reported	57	58
Convicted	9	8
Acquitted	18	8
<u>Rape and Unnatural offences</u>		
Reported	13	23
Convicted	1	1
Acquitted	5	-

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The administration of criminal justice is carried on according to the provisions of the Criminal Procedure Code of 1893, as amended from time to time. A new code has now replaced the old one commencing from April 1, 1974. This has introduced some major changes in the magisterial set up, giving more facilities to the accused and attempting to make the trial simpler and quicker. It has also brought about a complete separation of the judiciary and the executive.

### **Separation of Executive from Judiciary**

Partial separation of the executive from the judiciary began with the appointment of the judicial magistrates about the year 1949 in this district. The post of additional district magistrate (judicial) was created to control and supervise the work of the judicial magistrates. The judicial magistrates tried cases under the I.P.C. and suits and proceedings under the U.P. Zamindari Abolition and Land Reforms Act. Cases under the preventive sections of Cr. P.C. and the local and special Acts and proceedings under the U.P. Land Revenue Act continued to be disposed of by the executive magistrates

As a further step towards separation of the judiciary from the executive the additional district magistrate (judicial) and the judicial magistrates working under him were transferred to the over all control of the district and sessions judge, with effect from October 2, 1967. They tried cases under the I.P.C. The judicial magistrates were to be utilized for law and order duties by the district magistrate only in an emergency and with the prior approval of the district and sessions judge. For such emergent occasions, all executive officers posted in the district were vested with first class magisterial powers and all naib tahsildars with second class powers, in order that they may be effective in the maintenance of law and order. The process has found its

logical culmination in the new code of criminal procedure, which ensures an almost absolute separation. The executive magistrates have now entirely been relieved of their judicial functions and are to perform only executive duties and try preventive cases essential for the maintenance of public peace, law and order. This includes the trial of cases under some of the preventive sections of Cr.P.C.

### **Nyay Panchayats**

Panchayati adalats now called nyay panchayats were established in the district in 1949, under the U.P. Panchayati Raj Act, 1947 to entrust village people with the adjudication of petty offences and minor civil disputes locally. The jurisdiction of a nyay panchayat usually extends over an area of five to ten Gram Sabhas depending on the population of the constituent villages. The number of nyay panchayats in the district was 293 in 1973.

The panchs of nyay panchayats are nominated from amongst the elected panchs of the gram panchayats by the district magistrate with the assistance of an advisory body. These panchs elect from amongst themselves the sarpanch, who is the presiding officer and a sahayak sarpanch. In 1973, there were 293 sarpanchs, an equal number of sahayak sarpanch and 5800 panchs of the nyay panchayats in the whole district.

The panchs are honorary workers and hold office for a period of five years. Their term can be extended by an year by State Government. The cases are heard and disposed of by benches consisting of five panchs each and constituted by the sarpanchs annually. The presence of at least three panchs including a sarpanch at each hearing is essential.

The nyay panchayats are empowered to try cases as given below :

- (a) All cases under U.P. Panchayati Raj Act, 1947.
- (b) The following sections of I.P.C.

140	269	290	352	403*	431	509
160	277	294	357	411*	447	510
172	283	323	358	426	448	
174	285	334	374	428	504	
179	289	341	379*	430	506	

\* Involving property not exceeding an amount of Rs. 50 in value.

- (c) Section 24 and 26 of the Cattle Trespass Act, 1871.
- (d) Subsection 1 of section 10 of the U.P. District Board Primary Education

Act, 1926 and  
(e) Section 3, 4, 7 and 13 of the Public Gambling Act, 1867.

The nyay panchayats also have original jurisdiction to try civil suits up to a valuation of Rs. 500 and any dispute not pending in any court in accordance with some settlement, compromise on oath, if the parties concerned agree in writing in such a course. They are not authorized to award sentences of imprisonment and can impose fines up to hundred rupees only. Revision applications against their decisions in criminal and civil cases lie respectively to the munsif and sub-divisional officer concerned.

The number of cases instituted in the nyay panchayats and disposed of by them during the years 1969-70 to 1973-74 was as follows :

Year	Cases pending at the beginning of the year	Cases instituted during the year	Cases disposed of during the year
1969-70	149	1736	1632
1970-71	253	1509	1628
1971-72	134	1143	1125
1972-73	152	105	74
1973-74	183	67	107

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