

# THE LEGISLATIVE COUNCIL OF THE GOVERNOR

OF

## BIHAR AND ORISSA.

*Thursday, the 20th March 1930.*

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The Council met in the Council Chamber at Patna at 11 A.M.  
the Hon'ble the President in the Chair.

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### QUESTIONS AND ANSWERS.

#### NUMBER OF PROSECUTIONS UNDER THE FOOD ADULTERATION ACT.

105. Maulavi SAIYID MUBARAK ALI Sahib\* : Will Government be pleased to state—

(a) the number of prosecutions started during the past five years, separately in the rural and urban areas, under the Food Adulteration Act, and the percentage of successful cases ;

(b) if it is a fact that the Act has been found wanting in the successful prosecution of delinquents ;

(c) if so, do they propose to undertake its amendment at an early date ?

Mr. G. E. OWEN : (a) The information is not available and would have to be obtained from the local bodies who administer the Act.

(b) Government are not aware that this is so.

(c) The answer is in the negative.

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\* In the absence of the questioner the answer was given at the request of Maulavi Abdul Hamid Khan.

[20th March 1930]

## ADMINISTRATION OF JUSTICE.

The Hon'ble Raja RAJENDRA NARAYAN BHANJA DEO : Sir, I rise to move :

That the Council do assent to a demand of Rs. 34,30,508 to defray the charges which will come in course of payment during the year ending the 31st day of March, 1931, in respect of "Administration of Justice".

This appropriation has the recommendation of His Excellency the Governor.

## PROCESS-SERVING ESTABLISHMENT.

Maulavi ABDUL GHANI : Sir, I move :

That the provisions of Rs. 3,35,917 for "Total process serving establishment" be reduced by Re. 1.

Maulavi ABDUL GHANI : جناب صدر - اس تخفیف کی غرض یہ ہے کہ summons اور process جو جاری (issue) ہوتا ہے اس میں لفظ "تم" کا ہوتا ہے جو اس صوبہ میں بہت حقائق کی نظر سے دیکھا جاتا ہے اس کے بارے میں question بھی ہوا تھا مگر گورنمنٹ کہتی ہے کہ اس کا خیال کیا جائیگا - امید ہے کہ گورنمنٹ کو کافی رقت خیال کرنے کا مل چکا ہوگا - اب امید ہے کہ گورنمنٹ لفظ "تم" جو کہ summons میں استعمال ہوتا ہے ہٹا دینے کا حکم جاری کریگی اس میں اس کا کوئی خرچ نہیں ہے اور نہ اس کے خزانہ میں کچھ کمی ہوگی اور ساتھ ہی ساتھ ہم لوگوں کو تشفی بھی ہو جائیگی - بجائے لفظ "تم" کے لفظ "آپ" استعمال کیا جائے -

Babu SHYAMNANDAN SAHAY : Sir, the matter is so simple and also of such grave consequence that it demands no great support, and therefore I rise simply to support the motion moved by Maulavi Abdul Ghani.

Babu MAHESHWAR PRASHAD NARAYAN SINHA : With reference to this motion I have only to say that I find in English there is the word "you", while in the translation the word is "Tum". I do not think there any very great difficulty in the way of Government accepting this proposal of Maulavi Abdul Ghani. But I suggest that in summonses to the accused persons also until and unless their guilt is proved they should be summoned as "Ap" instead of "Tum",

[Mr. J. A. Sweeney]

Mr. J. A. SWEENEY : Sir, I will state the position very briefly. In criminal summonses and notices the forms "Tum" and "Tumhara" are generally used. In the civil courts, notices are generally prepared by the parties themselves, and they can use any style of address that they wish. In the revenue courts the style used is "Ap".

Babu MAHESHWAR PRASHAD NARAYAN SINHA : The forms which are generally printed contain the words "Tum" and "Tumhara".

Mr. J. A. SWEENEY : The hon'ble gentleman is quite correct ; but I say it is quite open to the parties to put down any form of address in the civil court notices.

In the criminal notices I admit that the words "Tum" and "Tumhara" are used. The question was discussed in this Council in 1927, and several members here present will remember what was said on that occasion. Enquiries were made at that time from the local officers throughout the province as to whether the use of the forms "Tum" and "Tumhara" caused any general resentment, and the substance of the replies was to the effect that in some cases people seemed to take offence at it, but that in general no resentment was caused. I may also say that enquiries were made from the neighbouring provinces of Bengal and the United Provinces, and in both of these the practice with regard to criminal and civil notices is almost precisely the same.

Mr. SACHCHIDANANDA SINHA : May I, Sir, make one suggestion to the Hon'ble the Raja Sahib ? I find that this matter of "Tum" and "Tumhara" has provoked some feeling. I would suggest that when printing the forms the words "Tum" and "Tumhara" should be placed on the top of a line, and underneath it should be put the words "Ap" and "Apko", which I think is the best way of solving the whole difficulty. It will not cost much to make the change. If a man is discontented with the words "Tum" and "Tumhara", he can simply cut out those two words. I have myself received notices with the words "Tum" and "Tumhara" in my life, but I have not been hurt with that style of address. The form at present used is absolutely impersonal and some people take objection to it merely on sentimental grounds.

The Hon'ble Raja RAJENDRA NARAYAN BHANJA DEO : Sir, I shall be glad to consider the suggestion that Mr. Sinha has just made regarding this matter.

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Maulavi ABDUL GHANI: In view of the assurance given just now by Government through the Hon'ble Finance Member I beg leave of the House to withdraw my motion.

The motion was, by leave of the Council, withdrawn.

#### CIVIL AND SESSIONS COURTS.

Babu SRIKRISHNA PRASHAD: Sir, I move:

That the provision of Rs. 23,13,579 for "Civil and Sessions Courts—voted" be reduced by Re. 1.

Sir, I have tabled this cut with a view to invite the attention of Government and of the Council to the great delay which has been occasioned in introducing any reform in the matter of the disposal of suits and appeals or the realisation of decrees. What we find is that inspite of the fact that suits are being instituted in large numbers year after year no steps have been taken to cope with them by the department which deals with the matter.

Before I give my arguments in favour of the proposition which I have made before the House, I think it my duty to invite the attention of the House, to certain figures which shall convince the House of the hopelessness of the present situation. In the year 1924 (I am dealing with suits in relation to sub-judges' courts only) the number of suits instituted was 7,492; in the year 1925, the number was 6,725, that is to say, there was a little decrease in the number of institutions. Then in the year 1926 there was again an increase from the year 1925 and the number of suits instituted came up to 7,035; in the year 1927, the number rose to 7,246; and in the year 1928 it rose to 8,781. We find that except from the year 1925 when there was a fall from the previous year, every succeeding year has shown an increase in institutions so far as the institution of suits in the courts of subordinate judges is concerned.

If we take again along with this the total number of suits in each year coming on undisposed of from the previous year and add on the suits revived or reviewed—I will not tire the patience of the House by giving these figures or detail—what we find is this that the total number of suits for disposal each year inclusive of the three items come up to the following figures between the years 1924 and 1928. In the year 1924 the total number of suits for disposal was 11,464; in 1925, it fell to 10,268; but again in 1926 it rose up to 13,105;