

The Behar Herald.

Bankipur, Saturday, Sept. 29, 1917.

BAKRID DISTURBANCES AND HOW TO AVERT THEM.

I.

In our article on *Bakrid* disturbances which appeared in our issue of the 18th November, 1916, we arraigned our leaders both Hindus and Mahomedans rather strongly for their supineness and indifference in not making any attempt to throw oil over the troubled water of the acerbity of feelings that are excited over the matter of cow-sacrifices so repugnant to the religious feelings of the Hindus. We then said:—

“What are our Hindu and Mahomedan leaders doing? Does the Hindu-Mahomedan *entente* like some well-known brand of safety matches, ignite itself harmlessly, in mutually addressing complimentary epithets and spend its force in congratulating each other in the enjoyment of the loaves and fishes of office? Is that the only compact made between the two communities? How else can we characterize their strange attitude towards the happenings of to-day? Their indifference and supineness are complete. What would be the fate of the country if British impartiality and firmness be removed for a moment? We are not histrionic or hypocritical, but we speak with sorrow in bringing this indictment against our leaders?”

What happened subsequently was a sad commentary on the nation's capacity to handle such a delicate situation. The Mahomedans lodged complaints before the Magistrate of Patna. This was an opportune juncture for the Hindu and Mahomedan leaders to intervene. They should have put shoulders together, invited the ringleaders of the disputing parties and devised means to settle the matter as amicably as possible. Not a single soul stirred out in this desirable and patriotic mission. There was all the necessity of close vigilance on their part, considering there was no paucity of men in the lower strata, to fan the embers of religious or pseudo-religious differences into flame. Such desirable and noble efforts to effect reconciliation might have succeeded at that stage. That psycho-logical moment was lost, and we find the spectacle of the Hindus being prosecuted by the Mahomedans, through the wide and capacious door of the criminal courts and convicted.

We made the following suggestion at the time:—“The most important thing now, however, is, how to prevent future trouble. If the leaders would not still come forward, the Government should gauge the reasons for such indifference to obvious duty and encourage and invite them to devise means how best to get over the difficulties in future. Government has always done such pioneer work in the past where people have failed. Our Government should lose no time in advising the people to form a Reconciliation Board of Arbitrators, consisting of respectable Hindu and Mahomedan leaders who might not necessarily be in evidence, to proceed in the matter at once. No expense or trouble for the efficacy should stand in the way of getting the desired object, as a workable settlement would be commensurate with all that is best in the tradition

of our responsible Government and will be a harbinger of future peace and harmony between the two great sections of the population all over the country. No apology is needed, for our having indulged in rather caustic criticism, to our leaders. If we judged them too harshly, they would, we hope, pardon us in consideration of the great issues involved that have hitherto tended to the disruption of peace and are a standing menace to the enjoyment of amity and concord between the two races. We earnestly hope that they in collaboration with Government, would apply all their resources to minimise the possibility of future rupture that might result in blood-curdling scenes. If ever that appointment be made, it would be for the lasting good of Behar, as well as of India, as it will inspire good example all round of which our country is not too rich at the present moment.”

Ours was then a cry in the wilderness. We are glad to note that our exhortation and admonition have partially borne fruit. Amidst the din of political warfare and excitement, the still small voice of civic duties was well-nigh drowned. The terrible results that followed the Kanchanpur and Jadopur affairs have however served as an eye-opener. It is better late than never. We therefore warmly welcome the first earnest attempt on behalf of our leaders to close up the ranks. The times are somewhat opportune. The advanced political parties have got partial respite after the release of Mrs. Besant. We note with pleasure that some prominent leaders of the Home Rule League of Patna took active part to bring about a reconciliation. Messrs. Hassan Imam, Purnendu Naryan Sinha, Rajendra Prasad, C. B. Sahay and others organised a reconciliation party. Some of them took the trouble of visiting Barh and Dinapur. At one time it was thought that none else outside the Home Rule League had the privilege of joining the party. We are glad that this has been departed from, and we find that such estimable men as Khan Bahadurs M. Zahiruddin and M. Fakhruddin were induced to join the conciliation party.

Fortunately the two responsible Police Officers of the District at this juncture, are Mr. Alakh Kumar Sinha, officiating Superintendent of Police, the worthy son of Rai Bahadur Gajadhar Persad, and Mr. Shahabuddin Khuda Bux, Deputy Superintendent of Police, the son of our distinguished countryman, the late Khan Bahadur Mr. Khodabux, the illustrious founder of the Oriental Library of Patna. These two veteran old leaders of Behar were the sincerest pacifists in these matters and always tried to reconcile Hindus and Mahomedans. We are glad to know that these two high Indian Police officers have inherited the spirit and the temper of their fathers, and have thrown themselves to the onerous task of preserving peace without taking recourse to violence and force, if this could be helped.

BIHAR AND ORISSA POLICE.

The Government Resolution on the Administration of the Police Department in this province for the year 1916 discloses several interesting details. In the first place, there was a marked advance in the literacy of the men of whom fifty-nine per cent can now read and write. While this is certainly gratifying, a still more satisfactory improvement was that of the pay of the lower ranks of the force and the strengthening of the armed portions of the forces. The reforms carried out removed crying grievances, and that action was taken none too soon is shown by the large number of resignations which amounted during the year to no less than

thirty-five per cent of the total number of casualties.

The work of the Military Police in connection with the Bakrid trouble last year has naturally been mentioned and so has been the one political case tried under the Defence of India Act. We learn also that ten Bengalees were dealt with under the Defence of India (consolidation) Rules. In the absence of fuller details, nothing can obviously be said about the merits of any of these ten cases, but we hope that it may be found possible to remove the restrictions placed on these misguided young men on their giving satisfactory assurance that they will abstain from unconstitutional and violent methods of political agitation in future, whether they did or did not do so in the past.

As regards the discipline and the conduct of the Police, they were, it is stated, "on the whole good," a conclusion which is probably arrived at in consideration of the decrease in judicial punishments, although, as is stated in the same breath, this decrease was accompanied by an increase of departmental punishments. Of the 88 criminal cases brought against the police (as against 110, the figure for the previous year) 18 cases were sent up for trial, only five resulting in conviction. Of the rest 10 were found true, though there was no sufficient evidence for trial, and the remaining 60 were found false, or dismissed. It is interesting to note that out of the 88 cases, no less than 16 came from Ranchi.

The working of the present system of rural police has again been unfavourably commented upon. In view of the suggestions made these days about extending the Village Panchayet system, the public would note with some concern that instances are quoted of Presidents of panchayets deliberately abusing their powers for criminal purposes. As regards the prevention and detection of ordinary as well as professional crime, we notice that dacoities which numbered only 93 in 1914 increased again and reached the total of 179, of which Manbhun alone was responsible for sixty-eight. This is certainly alarming, but we hope that the recent arrest of a large gang alleged to have been connected with the Manbhun robberies would suppress the evil. The escape of the two alleged leaders of the gang from the Purulia jail is surely unfortunate, and we trust no pains will be spared in tracing them out.

The following summary of the characteristics of the work of the force during the year is reproduced as being of general interest:—

"As regards the conduct of the Police generally the reports of the local officers are with some exceptions favourable. The discipline of the force when deputed to maintain order on occasions of disturbance, has been uniformly good. It is satisfactory to note that there has been a decrease in the number of complaints against the police. It is, of course, impossible to detect any very marked change in the general character of a large body like the police from one year to another. I think there is very little doubt that active oppression on the part of the police is steadily diminishing but a lack of detective abilities is very marked. In the superior ranks much good work has been done but in many districts Superintendents of Police require more trustworthy assistance to be able to supervise their subordinates properly.

The weak point at present in police administration is undoubtedly the Inspector selected for abilities shown as Sub-Inspectors. These officers should be of the utmost help to Superintendents in the supervision of crime and the organization of preventive measures. Instead they have degenerated into post offices, their work lacks initiative and detective ability and is marked by apathy and

the shirking of responsibility. The fact that only a very few Inspectors of the higher grades are recommended as fit for rank promotion confirms the opinion that the majority of officers having reached the highest rank to which they aspire are content to do just enough work to keep them from getting into trouble and to ensure grade promotion."

Mr. Ryland's remarks quoted above on the inefficiency prevailing among Inspectors have been read with much regret by His Honour in Council who agrees that strong measures must be taken to enforce a higher standard of work and devotion to duty. At the same time, we must point out that unless brighter prospects are opened out for Inspectors, no amount of strong action can produce that efficiency which is the result of good prospects. The lack of detective abilities of the force is also a matter which should receive careful attention.

ARCHÆOLOGICAL SURVEY OF INDIA, EASTERN CIRCLE, 1915-16.

For some time past we have on our table a copy of the Annual Report of the Archæological Survey, Eastern Circle, for the year 1915-16. The report consists of 38 pages, (foolscap size). We learn that there are only two Gazetted officers, the Superintendent and the Assistant Superintendent, in the Eastern Circle.

Under the head of Exploration, our readers will feel the utmost curiosity to know as to what have been the results of the operations carried on in the Kumrahar site. We have been greatly disappointed to find that the results have been practically barren. The public are indebted for the munificent donation of Mr. (now Sir) Ratan Tata. Sir Ratan Tata's main objects in undertaking these excavations was the anticipated acquisition of sculptural or other artistic material. It is melancholy reading to be told that the Kumrahar site gave little promise of yielding such. The expectations that were then raised in the public mind about the palaces at Kumrahar being in imitation of the Persipolitan complex, had been rudely checked. The Persepolitan theory was the subject of great controversy and circumstantial probabilities were urged by two opposing camps, either in support of or in derogation of the tempting theory. People waited with bated breath to see what further light could be shed upon it by any important finds. But as fate would have it, at the very place where the two palaces meet and "which might most naturally be expected to settle the question", an unexpected difficulty occurred! It was the presence of Muhammadan graveyards! A cataclysm such as an earthquake could only come to our rescue. It is really pathetic to find that even Dr. D. B. Spooner, B. A., Ph. D., F. A. S. B., Superintendent, Archæological Survey of India, Eastern Circle, candidly confesses, "I do not consider the likelihood of this tract yielding artistic material of importance, such as to warrant a further expenditure of Sir Ratan Tata's money on it." Verily the existence of the graveyard proved to be the grave of a tempting theory big with large promises. It is inconsolable!

Nothing daunted, the attention of the explorers has been drawn to other sites in Patna. Panch Pahari, where the five stupas of Asoka are believed to have stood, has yielded nothing. Bulandi Bagh has yielded very largely of much Archæological material, "but nowhere have we as yet encountered precisely that sort of sculptural or artistic material which we sought."

The exploration that is likely to yield more profitable results is one that has been taken up at Nalanda, the site of the ancient university of that name. Financial help has come from an unexpected non-official agency. The Council of the Royal Asiatic Society of Great Britain and Ireland determined in the year under review to put at the disposal of the Archæological Department the money collected in their Exploration Fund, and, as this was earmarked especially for work at the buried university of Nalanda in the Patna district of Bihar, the privilege of applying it has come to Dr. Spooner. The sum received from London was £ 218-10. In addition to it Dr. Spooner was able to draw on Rs. 5,000 in his budget. Dr. Spooner hopes to supplement the sum substantially out of his own budget.

The thanks of the public are also due to Sir Edward Gait's Government which in spite of the financial stringency of the year has allotted a sum of Rs. 1,762-6-0 for the acquisition of the necessary land at and near Bargaon in addition to a further Rs. 1,000 received during Lord Hardinge's visit. The report truly remarks: "Few Governments have ever shown a more liberal attitude towards scientific research, and the Archæological Department will not be alone in gratitude to them."

Under Treasure Trove we find an important discovery of a metal image of Vishnu at Birat in the Rangpur district. There was a find of 104 coins at Bara Rajapur in the Khulna District, covering a period of 70 years from the early sultans of Bengal, from Fakhr-uddin Mubarak Shah to Shahab-uddin Bayazid.

The finds of coin in our province were not of very great importance though Mr. R. D. Banerji of the Indian Museum advised their acquisition.

The discovery of a stone image found by Mr. Bremner in the compound of St. Joseph's Convent in Cuttack, representing Varuna, in excellent preservation is of great importance as such statues are rare.

Under Epigraphy, we find three copper plates (A. D. 772) discovered in Bhandak in the Chanda district of the Central Provinces. They will be published in Epigraphia India. The other four sets of old copper plates were sent by Mr. Cobden-Ramsay, Political Agent.

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THE MALAMASA CONTROVERSY.

I.

A controversy having been launched by a writer in the Chinsurah *Education Gazette* of the 21st September pointing out that the view of the Bengal panchangas of regarding Bhadra as a malamasa is not borne out by the rules of the Surya Sidhanta. I consider this a fit occasion for presenting to the lay reader the nature of the dispute, in language divested of technicalities. It is to be remembered that the dates of the Hindu religious ceremonies are fixed according to the lunar month, which, when it is primary or *mukhya* begins with the new moon, that is to say, is the period from the completion of one amabasya to that of the next. The lunar month is named after the sign of the zodiac which the Sun occupies at the moment it begins. Now the average solar month consists of 30 days of 60 dandas each, while the lunar month consists of 30 tithis of an average duration of 58 dandas each. If then two months, one solar and another lunar, begin at the same instant when a Mahayuga commences, there will be in 30 solar months about 31 lunar months, the products 30×60 and 31×58 being nearly equal. If the inequalities in the moon's motion be taken

into account, there will be an additional lunar month in from 30 to 32½ solar months. This discrepancy will go on accumulating and if the above method of naming lunar months continues to be followed, two lunar months, beginning after two successive amabasyas which end in the same solar month, will bear the same name and cannot be distinguished from one another. Further there would be no certainty of associating a particular month with a particular religious festival and utter confusion in the existing panchangas would result. To obviate these two difficulties, the device of a malamasa or a month to be skipped was invented, which prevents the discrepancy, referred to above, from accumulating beyond one month. The two lunar months beginning in the same solar month receive indeed the same name, but the first is *malā* and the second is *shuddha*. While the malamasa lasts, only such religious rites can be performed, as, like the Preta Shraddha for instance, can on no account be postponed. Now the Surya Siddhanta gives the following method for the calculation of *mukhya* malamasa. In a Maha Yuga consisting of 4,320,000 solar years or $12 \times 4,320,000$ solar months, the moon performs 57,753,336 revolutions with reference to a point fixed in the zodiac or $57,753,336 - 4,320,000 = 53,433,336$ revolutions with reference to the Sun. This last therefore is the number of lunar months in a Maha Yuga. Subtracting from this number the number of solar months, $s = 12 \times 4,320,000$ we get the number of malamasa in a Maha Yuga to be $m = 1,593,336$. Now the number of complete solar months from the Last Creation of the Earth to the end of the Bengali year 1323 is $p = 1,955,885,018 \times 12$. By a simple application of the Rule of Three we get the number of malamasa up to the end of the last Bengali year $= mp/s = 721,384,724 = n$, say. The corresponding number up to the end of Bhadra and Aswin respectively would be $(m+5)p/s$ and $(m+6)p/s$. It will be found on calculation that the former is nearer to n than $n+1$ while the latter almost comes up to $n+1$, which shows that it is more probable that Aswin is the malamasa and not Bhadra. Another consideration also would render the occurrence of a malamasa in Bhadra very improbable, for the last malamasa having occurred in the Baisakh of 1322, there would be, on this supposition, two malamasa in the space of 29 solar months, which does not tally with the theory previously explained.

The following calculation is based on data furnished by the Nautical Almanac of 1917:

The time of Mahabishuba Sankranti was April 13, 7h 30m 2s, Calcutta time, or 1h 34m 2s, Greenwich time, when the longitude of the Sun was $22^\circ 33'$ nearly; thus the longitude of the Sun at the times of the Srabana and Bhadra Sankrantis respectively would be $142^\circ 33'$ and $172^\circ 33'$ which would be the case on August 16 about the time of sunrise, Calcutta time and on September 16, at about the same hour, Calcutta time. But the times of the new moon are August 17, 12-15 P. M. and September 16, 0-21 A. M. Calcutta time. The two amabasyas both ending within the month, Bhadra ought to be regarded as a malamasa. In the next article, I propose to give an investigation of the same question based on the calculation of the exact longitude of the moon at the instants of the Srabana and Bhadra Sankrantis.

Ashutosh Chatterjee, M. A.

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NOTES.

Indian Students in Ireland.

Presiding at a farewell meeting held in honour of the members of the Dublin Indian Association,

who are about to return home after having been called to the Bar, Mr. Justice Barton is reported to have said:—

"The Benchers of the King's Inns and others of the legal profession were proud of their Indian students. They were proud of the students' good manners. They were proud to congratulate them on their industry and on the distinctions which some of them had won in their examinations. The students came from all parts of the Empire. They came from all the provinces and all the presidencies, even from some of the six hundred Native States."

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Shop Post Offices in India.

In India, states the "Madras Times" nothing has been done in the way of allowing shopkeepers in the bazar to combine post office work with the work of the shop. Many a grocer's shop in England is also a post office and post office work is done economically and effectively. The nearest thing to it in India is that in outlying villages school masters have sometimes been allowed to add to their small incomes by selling postage stamps. A Ceylon paper says that the Postal Department are in communication with the Kandy Municipality with the idea of establishing several shop post offices in the town, by way of an experiment; and if arrangements can be made, the plan will come into operation on the 1st October.

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India's Minor Arts.

Mr. Percy Brown, lecturing before an appreciative audience at the Indian Museum, Calcutta, on the minor arts of India, referred to the village and bazaar industries and continued: "The craftsmen turn out such articles as are required by the people in their locality, and from the character of these productions, we may judge the character of the people. In the common jewellery of the country we may read much; those great heavy anklets of Central India speak of a desire to restrain the liberty of the womenfolk of those parts, and the tinkling bells on the anklets, fascinating as they may sound, at the same time enable every movement to be known. Whether the people of a village are prospering can usually be told by their jewellery, and a local famine or flood at once affects these minor arts. The superstitions of certain tribes are also observable on their jewellery, and those of people whose religion is associated with animism, or the worship of spirits are generally hung with decorated charms."

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Evils of Emigration.

The system of indentured emigration from India to the Colonies has now been abolished for ever. But with the removal of this "badge of helotry," all the deplorable evils of emigration of labour will not disappear. It would be idle to expect that they should. For many of the evils associated with the pernicious system of indenture have been proved to flourish even under the respectable name of free labour. The abolition of the indenture system has, indeed, removed a great obstacle in the way of a satisfactory solution of the emigration problem,—a solution which should be compatible at once with the independence and self-respect and the economic and moral welfare of the labourers and with the consideration of humanity. Considerable interest, therefore, attaches to the publication of the report of the Inter-Allied Immigration Conference held in London in May last. The recommendations contained in the report seem, in some respects at least, to be such as to form a basis for a satisfactory solution of the vexed ques-

tion. The Government of India, in their covering resolution, state that they have not yet considered the points raised in it. We are also disposed to follow the same course, at any rate, till the full text of the report, is before us.

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Sanitary Reforms in Rural Areas.

A well known expert in malariology remarked a few years ago that it was almost always in areas where the population was most dense that malaria was least apparent. According to him the static malaria of a community must necessarily be low if the number of anopheles per person is few. In other words a similar result to that which follows a decrease in the absolute number of anopheles in a given area may be also brought about by an increase of the human population in the area, provided the number of anopheles remains fixed. To effect an increase of the human population, health, stamina and vitality are the main factors. This is a huge economic question which can only be approached for solution by those who have imposed upon themselves the task of freeing the land from the terrors of bureaucracy. But it may be questioned if a reform in the existing system of Government can, with its magic wand, exterminate the causes of disease. To us it seems that the Indian village life should be the first to engage the attention of those who are practically fed by peasantry.

But we are digressing. We are told by a renowned malarilogist that by taking steps to



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concentrate the scattered populations, it will be possible to bring about a reduction of malaria as well as to simplify other sanitary improvements. Why not, then, proceed to form a model village? Perhaps, the Government with the combination of our wealthy men, can make a model town which may be expected not only to stimulate sanitary reform, but also improve the village unit which, in all intents and purposes, should afford a sub-structure for self-government. A few years ago the small village of Neora near Dinapore attracted the notice of a military officer as resembling an English village: this must be the undoubted result of the residence of educated people. There is no lack of cultured and enlightened men in our midst, and the wonder is that they have suffered their villages to remain as they are; in their zeal to bring about administrative reforms they have been led to neglect the fountain of prosperity.

LOCAL & PROVINCIAL.

THE following candidates are declared to have passed the Final B. L. examination from the Patna Law College:—

FIRST CLASS:—Goberdhan Lall.

SECOND CLASS:—Avadhkishore Prasad, Aziz Ahmad, Hiralal Das Gupta, Nalin Bijay Datta, Srish Chandra Gupta, Harbans Sahay, Jagdam Sahay, Jomuna Prasad Singh, Kamleshwari Prasad, Mohiuddin Ahmad, Md. Rashiduddin, Md. Wahid, Nandkishore Prasad, Satyadeva Sahay, Uma Prasad, Umashankar Sahay, Baldeo Narayan Singh, Bindeshwari Prasad Singh, Bindhyachal Prasad, Haripada Chakravarti.

LIEUTENANT Sudhir Kumar Bose, M.B., I.M.S., son of Principal G. C. Bose of Calcutta, and son-in-law of Babu Bisweswar Dey, the well-known Vakil of Patna, has been stationed at Dinapur Cantonment. He was one of the first to join when commissions in the I.M.S. were offered to Indians for war service.

THE death of Dr. S. A. Ghani, Barrister and Professor, Patna Law College, cuts short a brilliant career. Mr. Ghani was extremely popular with his quiet unassuming manners, and his profound scholarship. This is the fifth death, be it noted, which has occurred among the Patna Law College staff since the creation of the College six years ago.

WE hear that a meeting of the Board of Medical Examinations is going to be held on the 3rd October to consider the various questions arising out of the conduct and results of the last Examinations. This is encouraging and we hope that the Board will come to a reasonable and proper solution of the difficulty, thereby bringing happiness to many deserving students who suffered from the sudden innovations that were started on them.

WE congratulate the members of the Chupra District Board on their election of B. Birendra Nath Chakravarti, Vakil, Chupra as their Vice-Chairman. Birendra Babu has worked in that capacity with conspicuous success in the past and it is a welcome sign of the times that the majority of the Bihar gentlemen of the Board refused to be taken in by the bait of race animosity which was thrown out, and to ignore the claims of merit. Advance Bihar!

THANKS to the timely action of the local leaders, the Bakrid passed off quietly in the Patna District. We hear with regret however that there was some trouble at Gaya, through full reports are not yet available.

WE learn that Rai Saheb Bhuban Mohan Chatterjee, special Land Acquisition Deputy Collector, Patna, is shortly going on transfer to Bhagalpur. Entrusted as he had been with a most delicate task, the success that the Rai Sahib achieved was unique and Patna has had few more popular officers than him. We understand that he goes to Bhagalpur to complete the acquisitions in connection with the T. N. Jubilee College and other educational institutions and it is likely that he may come back after the expiry of two months.

HIS many friends at Patna and in different parts of Bihar will be glad to learn that the Government has just conferred on Mr. R. Mitra, Retired Superintending Engineer, Jubbulpur, the Order of St. John of Jerusalem in recognition of his great services on behalf of the fighting men. Mr. Mitra is also the recipient of a Kaiser-i-Hind medal. He was a student of the Patna College and is married to a daughter of the late Babu Prasanna Kumar Sinha, father of Babu Sarat Kumar Sinha who has just retired after a long and distinguished service in the Commissioner's Office, Patna.

LAST week's Bihar and Orissa Gazette contains the rules for the recruitment of Superintendents, Inspectors and Sub-Inspectors of Excise and Salt in the province. The Superintendents' cadre consists of 19 posts on a time scale of Rs. 250 rising to Rs. 500 in 14 years, by annual increments of Rs. 15 for the first ten years and of Rs. 25 during the last four years, besides two posts in each of the two higher grades of Rs. 600 and Rs. 700. As regards Inspectors, there will be 10 on Rs. 100, 8 on 125, 8 on 150, 5 on 175, 3 on 200, 2 on 225 and 1 on 250. The Sub-Inspectors' cadre is divided into seven grades as follows:—52 on Rs. 40, 48 on Rs. 50, 64 on Rs. 60, 64 on Rs. 70, 43 on 80, 13 on Rs. 90, and 11 on Rs. 100. Superintendents and Inspectors will be recruited upon actual vacancies by direct appointment or by promotion from the lower branches of the service. Sub-Inspectors will be recruited direct from the districts.

LIEUTENANT P. Bose, M.B., I.M.S., who has accepted a commission from the Bihar medical service is the third son of the late Professor Narendra Nath Basu of Patna College. He was a brilliant student of the Calcutta Medical College having been Prosector of Anatomy, and medallist in several subjects. He acted for some time as House Physician in the Medical College Hospital but later on accepted service in Bihar at the request of Lieutenant Colonel Drury whose student he was and who was extremely anxious to get his best students in the new Province. In the three years' service that he put in in Bihar, Dr. Bose achieved eminent success. His services at Purulia in connection with the improvement of the Hospital for which he secured from a friend of his a gift of a piece of land worth about Rs. 30,000 attracted favourable notice from the highest officials. He was extremely popular wherever he went and his many friends at Chupra, Monghyr and Purulia will join with us in wishing him all success.

WE are glad to learn that Maharajadhiraj Bahadur of Burdwan has kindly presented some of his valuable books to the Surhid Parishad and Hem Chandra Library, Bankipur.

WE are glad to learn that Miss N. B. Nayak, B. A., B. T., the first lady graduate of Orissa and holder of University Gold medal, now the 2nd Assistant of Ravenshaw Girls' High School, Cuttack, has been appointed to officiate as the Assistant Inspectress of Schools, Orissa.

"The Bombay Humanitarian Fund" has announced its new "Competitive Prize Essay Schemes," known as the Competitive Prize Essay Schemes Nos. XVI, XVII and XVIII, respectively, for this year. Any English-knowing lady or gentleman can compete in these schemes. In each scheme, there will be five prizes to the value of Rs. 400 and three certificates. Leading and influential persons of Bombay have kindly consented to constitute the boards of Honorary Examiners. Ladies and gentlemen intending to compete in any of these schemes are requested to send for the complete prospectus containing full particulars enclosing an half-anna stamp to Lallubhai G. Jhaveri, Honorary Manager, the Bombay Humanitarian Fund, 309, Shroff Bazar, Bombay.

BIHAR and Sir Sankaran Nair are to be congratulated on the passing into law of the Patna University Bill in its amended form. The original bill was a thoroughly reactionary measure and deserved to be rejected. But, thanks to the public-spirited agitation organized in Bihar and conducted with great ability and persistence, the services of non-official members of the Indian Legislative Council (more of those representing provinces other than Bihar itself), and the very friendly disposition of the hon. Member for Education, the select committee improved the measure considerably and made it acceptable to enlightened Indian opinion. The bill would have been all the better for the acceptance of the amendments moved on the 5th and 12th instants, but as it emerged from the select committee the bill was essentially a compromise measure, and the Member for Education speaking for Government was not in a position to accept them. The province can still be congratulated on getting a law by virtue of which a university with at least a partially progressive constitution will soon be an accomplished fact. The features of the bill were lucidly explained by the hon. Mr. Srinivasa Sastri in his speech on the final motion. Bihar is indebted to Mr. Sastri and Babu Bhupendra Nath Basu who did good work in the select committee, and to Sir Sankaran Nair, for the bill as it has been passed.—*Leader*.

USURY BILL.

The Text.

A Bill to give additional powers to courts to deal in certain cases with usurious loans of money or grain.

Whereas it is expedient to give additional powers to courts to deal in certain cases with usurious loans of money or grain; it is hereby enacted as follows:—

1. (1) This Act may be called the Usurious Loans Act 1917.

(2) It extends to the whole of British India.

(3) The local Government may, by notification in the local official gazette, direct that it shall come into force in the whole or any part of the province from such date as it may specify in its notification.

Re-opening of Transactions.

2. (1) Where, in any proceeding, *ex parte* or otherwise, for the recovery of a loan whether of money or of grain made after the commencement of this Act or for the enforcement of this Act, or for the enforcement of any agreement or security made or taken after the commencement of this Act, in respect of any such loan made either before or after the commencement of this Act, the court is satisfied by evidence that the return to be made over and above what was actually lent, whether the same is charged or sought to be recovered specifically by way of interest or otherwise, is excessive and that the transaction was as between the parties thereto substantially unfair, the court may re-open the transaction and take an account between the parties and may, notwithstanding any statement or settlement of account or any agreement purporting to close previous dealings, and to create a new obligation, re-open any account already taken between them and relieve the debtor of all liability in respect of such excess, and if any such excess has been paid or returned or allowed in account, the court may order the creditor to repay any sum which the court considers to be repayable in respect thereof, and may set aside either wholly or in part or revise or alter any security given or agreement made in respect of any such loan, and if the creditor has parted with the security, may order him to indemnify the debtor in such manner and to such extent as the court may deem just.

(2) (a) In this section 'excessive' means in excess of that which the court deems to be reasonable having regard to the risk incurred as it appeared or must be taken to have appeared to the creditor at the date of the loan and to the ordinary rate prevailing in the locality for loans of like character.

(b) In considering whether a return is excessive under this section the court shall take into account any sums charged or paid for expenses, inquiries, fines, bonuses, premia, renewals or any other charges, and if compound interest is charged, the periods at which it is calculated and the total advantage which the creditor may reasonably be taken to have expected from the transaction.

(c) In considering the question of risk the court shall take into account the presence or absence of security and the value thereof, if any, the financial condition of the debtor and the result of any previous money transactions of the debtor so far as the same were known or must be taken to have been known to the creditor.

(d) In considering whether a transaction was substantially unfair the court shall take into account all circumstances materially affecting the relations of the parties at the time of the loan or tending to show that the transaction was unfair, including the necessities or supposed necessities

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the debtor at the time of the loan so far as the same were known or must be taken to have been known to the creditor and the rate of interest charged.

(3) On any application relating to the admission or amount of a proof for money lent in any insolvency proceedings, the court may exercise the like powers as may be exercised under this section when proceedings are taken for the recovery of a money loan.

(4) This section shall apply to any proceeding whatever its form may be, if such proceeding is substantially one for the recovery of a loan of money or grain or for the enforcement of any agreement or security in respect of any such loan.

(5) Nothing in this section shall affect the rights of any *bona fide* transferee or holder for a value without notice.

(6) Nothing in this section shall be construed as derogating from the existing powers or jurisdiction of any court.

Objects and Reasons.

The object of this Bill is to prevent the Civil Courts being used for the purpose of enforcing harsh and unconscionable loans carrying interest at usurious rates. This subject has engaged the attention of the Government of India frequently in the past and in 1899 sections 16 and 19 of the Indian Contract Act 1872, were amended so as to enunciate more clearly the principle on which a contract can be avoided on the ground of undue influence.

Those amendments had the effect of conferring on the courts in India equitable jurisdiction in cases relating to usurious contracts in which the element of undue influence is established, but where undue influence cannot be established the result has been to emphasize the rigidity of section 2 of the Usury Laws Repeal Act (XXVIII of 1855), however exorbitant the demand, and however unconscionable the bargain.

Further there has been a tendency on the part of the courts to place upon the word 'unconscionable' in section 16 of the Indian Contract Act the technical meaning which it has acquired in English equity, and consequently to limit their own powers of interference.

Lastly the particular transaction before the court is often merely one of a series and unless there is power to go behind it and examine antecedent agreements and attendant circumstances there is little hope of the courts being able to come to an equitable decision.

The remedy proposed by this Bill is to empower the courts on the lines of section 1 of the Money Lenders Act, 1900 (63 & 64 Vict. c. 51) to re-open transactions by way of money or grain loans in cases where the court is satisfied (1) that the interest or other return is excessive and (2) that the transaction is substantially unfair, and after investigation of the circumstances both attendant and antecedent, to revise the transaction between the parties and if necessary to reduce the amount payable to such sum as the court, having regard to the risk and all the circumstances of the case, may decide to be reasonable. The local Governments have been consulted and legislation in this direction has commanded almost universal approval. Provision has been made to cover the case of loans of grain as well as of money, as loans in kind are often made on very oppressive terms. As there may be urban or rural areas where the proposed law is deemed unnecessary it has been provided that the Act shall not come into force in any Province or part of a Province except by notification.

The 28th August, 1917.

W. H. VINCENT.

CORRESPONDENCE.

[We do not hold ourselves responsible for the facts and opinions stated by our correspondents.]

MUNICIPAL ACTIVITIES IN PATNA.

To the Editor, "Behar Herald."

Bankipur.

Sir,

The present activities towards the Municipal improvements of the Patna City, though not always up to the mark, or quite in the right direction are still gratifying. Like the faltering steps of the child learning to walk, they indicate the germ of life and power that may eventually grow into fullness and perfection. But unless we find an equally vigorous attempt to make up the shortcomings the doubt and suspicion that we shall have to put up with a crippled and inefficient organism cannot leave our minds. First of all the progress of the waterworks augurs well. But the hydrants set up on the Patna Dinapur Road (or what is generally called the Bankipur main road) do not appear to be sufficient either in number or size to meet the demands of the public. The thin spout is sure to keep a person wishing to have a *ghaila* of water at the hydrant for a long time and will result in a good gathering around it. This may become a source of hindrance to the traffic and may also lead to frequent accidents. The road already appears to be too narrow for the increased traffic and such gatherings surely will make the congestion more serious. Among the latest Municipal measures however the public latrine scheme appears to be the biggest question

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at present. We do not think the scheme as it stands now is a happy one. We do not think there is any such necessity of public latrines that we should just now go in for them when so many much more important things (e. g. better arrangements for water, light, drains, roads etc.) are standing over. But we are considering the scheme as it stands. From our experience of the present Patna latrines, we can say that they are not at all inoffensive when close by and no body would like a cluster of them (consisting of 10 or 12 seats) growing up about his house. Moreover Indians have certain peculiar ideas with regard to privies. Most of us cannot tolerate a privy so close to ourselves as Europeans can. There ought to be no public latrines until there is a tap of pure water beside each latrine. Even if the privies are washed once or twice every day still they will remain quite foul and offensive. Even in Calcutta and elsewhere where the urinals are flushed every five minutes a strong stench very often issues from them. We cannot conceive that with the hand removal system and the present class of troublesome mehtars the latrines can be kept inoffensive. Cannot the scheme be postponed till adequate arrangement for water supply is made and the water-carriage system introduced. At least it is always wiser to feel our way than to introduce a sweeping change for the present. Cannot only a few additional public latrines be erected at isolated sites beyond the inhabited portion of the town to see the result? The addition of a night soil depot (a place for the carts to be filled with night soil from the buckets) to each latrine is the most objectionable part of it. It is a well known characteristic of filth that the more it is disturbed the more offensive it becomes. The process of filling the carts aforesaid is sure to become a great source of nuisance for a considerable distance around. Even if the latrine scheme materialises we would earnestly request the authors thereof to detach the depot portion of it and remove it beyond the inhabited portion of the town. The town throughout is of a very small breadth; and if the depot scheme has been formed to save the time of the mehtars it would not make much difference if our suggestion is accepted. At least the little additional time and labour will be quite worth while considering the comfort and convenience of the public effected. Of course there may be such depots in the latrines erected in the jallas beyond the inhabited portions of the town. We hope the ideas and susceptibilities of the public will be fully considered about the matter and the scheme amended accordingly. No false idea of prestige should be allowed to stand in the way. By further consulting and considering the opinions of the public the health officer will only add to his popularity and usefulness. In fact we do not believe that any same man, not to speak of the cultured men who are the authors of the scheme, can throw anything like *zid* into the matter.

Yours &c.
CITIZEN.

ADVERTISEMENTS.

POSTS AND TELEGRAPHS. (Telegraphs.)

Applications are invited from retired Telegraph Masters and Telegraphists for appointment as temporary Telegraphists in Departmental Telegraph offices in Bihar and Orissa Circle.

Applicants must state their present age, office where last employed, pay drawn at the time of retirement and cause of retirement or discharge from the last appointment.

The selected men will be employed at Rs. 2/- or Rs. 1/8 per diem according to their present rate of signalling subject to the condition that their remuneration may not increase the difference between their pay at the time of retirement and the amount of their pension.

Applications should be addressed to the Postmaster-General, Bihar and Orissa Circle, Gulzarbagh.

EAST INDIAN RAILWAY.

NOTICE.

Pitripukh Mela at Gya.

Pilgrims intending to travel by rail to attend the Pitripukh Mela at Gya are advised in their own interests to refrain from doing so. During the period the Mela is held, *viz.*, from 1st October to 16th October 1917, the East Indian Railway will be required to carry large quantities of urgent Coal, Military and Government traffic, and it will not therefore be possible to run Special Mela trains for the convenience of pilgrims.

As the regular Passenger Train services have had to be curtailed to make room for Goods trains carrying urgent Coal and Goods traffic the Passenger trains now running will not have accommodation for pilgrims travelling in large numbers, and Pilgrims are warned that if they journey by rail to this Mela they are liable to suffer serious detentions waiting for trains.

GENL. TRAF. MNRS. } By order,
OFFICE, } C. M. PEARCE.
Calcutta 17th Sept. }
2-2 1917. } General Traffic Manager.

EAST INDIAN RAILWAY.

NOTICE.

Durga Pujah Holidays 1917.

In view of the restricted train services, it is notified that no concession in fares will be given over this railway during the ensuing Durga Pujah Holidays.

GENL. TRAF. MNR'S } By order,
OFFICE, } C. M. PEARCE,
Calcutta, dated 22nd }
Sept. 1917. } General Traffic Manager.