

**THE  
LEGISLATIVE ASSEMBLY DEBATES**

**(Official Report)**

---

**FIRST SESSION**

**OF THE**

**SECOND LEGISLATIVE ASSEMBLY, 1924**



**SIMLA  
GOVERNMENT OF INDIA PRESS  
1924**

# CONTENTS.

VOLUME IV, PART II—19th February, 1924 to 12th March, 1924.

	PAGES.
<b>Tuesday, 19th February, 1924—</b>	
Question and Answer ... ..	771
The Indian Penal Code (Amendment) Bill—Report of Select Committee Presented ... ..	771
Resolution <i>re</i> Muhammadan Representation—Debate Adjourned <i>sine die</i> ... ..	772-786
Resolution <i>re</i> Constitution of High Courts—Withdrawn ... ..	786-790
Resolution <i>re</i> the Return to India of Mr. B. G. Horniman—Adopted ... ..	791-816
<b>Wednesday, 20th February, 1924—</b>	
Committee on Public Petitions ... ..	817
Statement laid on the Table ... ..	817-821
Election of a Panel for the Advisory Publicity Committee ... ..	822
Demand for Supplementary Grants ... ..	822-863
<b>Thursday, 21st February, 1924—</b>	
Questions and Answers ... ..	865-867
Unstarred Questions and Answers ... ..	867-870
Statement of Business ... ..	871
The Code of Criminal Procedure (Amendment) Bill—Introduced ... ..	871-873
The Indian Registration (Amendment) Bill—Introduced ... ..	873-875
The Indian Penal Code (Amendment) Bill—Introduced ... ..	875
The Indian Evidence (Amendment) Bill—Leave to introduce refused ... ..	875-878
The Hindu Religious and Charitable Trusts Bill—Introduced... ..	879
<b>Monday, 25th February, 1924—</b>	
Member Sworn ... ..	881
Questions and Answers ... ..	881-922
Unstarred questions and answers ... ..	922
Motion for Adjournment—Leave refused ... ..	922-926
The Sea Customs (Amendment) Bill—Introduced ... ..	926-927
The Indian Coinage (Amendment) Bill—Passed as amended... ..	927-939
The Central Board of Revenue Bill—Passed as amended ... ..	940
Amendment of Standing Orders—Referred to a Select Committee ... ..	940-941
Election of a Panel of the Standing Committee to advise on questions relating to Emigration ... ..	941
<b>Tuesday, 26th February, 1924—</b>	
Member Sworn ... ..	943
Questions and Answers ... ..	943-948
Amendment of Standing Orders—Nominations for the Select Committee ... ..	949
The Indian Tariff (Amendment) Bill—Report of Select Committee presented ... ..	949

CONTENTS—*contd.*

	PAGES.
<b>Tuesday, 26th February, 1924—</b>	
Resolution <i>re</i> the Grievances of the Sikh Community—Adopt- ed, as amended ... ..	949-992
Resolution <i>re</i> the Release of Sardar Kharak Singh—Adopted	992-1001
Resolution <i>re</i> the Release of Maulana Hasrat Mohani—Adopt- ed, as amended ... ..	1001-1015
<b>Wednesday, 27th February, 1924—</b>	
Questions and Answers ... ..	1017-1018
Election to the Panel of the Advisory Publicity Committee ...	1018
The Code of Civil Procedure (Amendment) Bill—Introduced...	1018-1019
The Repealing and Amending Bill—Introduced ... ..	1019
The Indian Penal Code (Amendment) Bill—Passed as amend- ed ... ..	1019-1043
<b>Thursday, 28th February, 1924—</b>	
Question and Answer ... ..	1045
Unstarred Question and Answer ... ..	1046
The Indian Penal Code (Amendment) Bill—(Amendment of section 375)—Referred to Select Committee ... ..	1046-1056
The Hindu Religious and Charitable Trusts Bill—Motion to circulate for opinions adopted ... ..	1056-1060
The Adoption (Registration) Bill—Leave to introduce refused	1060-1063
The Indian Registration (Amendment) Bill—Introduced ...	1063-1065
The Hindu Coparcener's Liability Bill—Introduced ... ..	1065-1067
<b>Friday, 29th February, 1924—</b>	
Budget for 1924-25 ... ..	1069-1095
The Indian Finance Bill—Motion for leave to introduce adopt- ed ... ..	1096
<b>Saturday, 1st March, 1924—</b>	
Member Sworn ... ..	1097
Questions and Answers ... ..	1097-1117
Unstarred Questions and Answers ... ..	1117-1118
Message from the Council of State ... ..	1118
Amendment of Standing Orders—Election of the Select Com- mittee ... ..	1119
The Indian Finance Bill—Introduced ... ..	1119
The Repealing and Amending Bill—Passed ... ..	1119
<b>Monday, 3rd March, 1924—</b>	
Member Sworn ... ..	1121
Questions and Answers ... ..	1121-1139
Resolution <i>re</i> the Separation of Railway Finance from General Finance—Discussion postponed ... ..	1139-1142
<b>Wednesday, 5th March, 1924—</b>	
Member Sworn ... ..	1143
General Discussion on the Budget ... ..	1143-1206
<b>Thursday, 6th March, 1924—</b>	
The Indian Income-tax (Amendment) Bill—Date for presenta- tion of Select Committee's Report extended and Mr. M. A. Jinnah nominated to the Select Committee ... ..	1207
General Discussion on the Budget ... ..	1207-1272

CONTENTS—*contd.*

	PAGES.
<b>Saturday, 8th March, 1924—</b>	
Questions and Answers ... ..	1273-1306
Special Session of the Assembly in Simla ... ..	1307
Unstarred Questions and Answers ... ..	1307-1315
Motion for Adjournment—Disallowed ... ..	1315
Messages from the Council of State ... ..	1315
Resolution <i>re</i> Separation of Railway Finance from General Finance—Consideration Adjourned ... ..	1316-1318
The Indian Tariff (Amendment) Bill—Passed ... ..	1318-1319
The Sea Customs (Amendment) Bill—Passed ... ..	1319
The Criminal Tribes Bill—Passed ... ..	1319-1320
The Indian Tolls Bill—Motion for taking into consideration negatived ... ..	1320-1326
The Code of Civil Procedure (Amendment) Bill—Referred to a Select Committee ... ..	1326-1327
Resolution <i>re</i> The Ratification of the International Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications—Adopted as Amended ... ..	1327-1338
<b>Monday, 10th March, 1924—</b>	
Members Sworn ... ..	1339
Questions and Answers ... ..	1339-1371
Unstarred Question and Answer ... ..	1371
Question <i>re</i> Cabinet Committee to consider Indian Affairs ... ..	1372-1375
The Indian Criminal Law Amendment Bill—Date for presentation of Select Committee's Report extended ... ..	1375
The Indian Income-tax (Amendment) Bill—Report of Select Committee presented ... ..	1376
Salary of the President of the Legislative Assembly ... ..	1376
The Budget—List of Demands ... ..	1376-1430
<b>Tuesday, 11th March, 1924—</b>	
Death of Mr. G. M. Bhurgri ... ..	1431-1434
Questions and Answers ... ..	1434-1443
Statement of the Position of the National Party in regard to the Demands for Grants ... ..	1443-1444
The Budget—List of Demands— <i>contd.</i> ... ..	1445-1518
<b>Wednesday, 12th March, 1924—</b>	
Message from the Council of State ... ..	1519
Report of the Select Committee on Standing Orders—Presented ... ..	1519
The Budget—List of Demands— <i>contd.</i> ... ..	1519-1605



# LEGISLATIVE ASSEMBLY.

*Tuesday, 26th February, 1924.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

## MEMBER SWORN.

Mr. M. K. Acharya, M.L.A. (South Arcot *cum* Chingleput: Non-Muhammadan Rural).

## QUESTIONS AND ANSWERS.

### WAGON ALLOTMENTS FOR COAL IN THE ADRA DISTRICT.

510. **\*Mr. Devaki Prasad Sinha:** (a) Are the Government aware that on the B. N. Railway, the collieries within the Adra district have to suffer great hardship owing to the wagons allotted to them being not made actually available by reason of what is stated as "pilot limitations" and that undue restriction is exercised by the B. N. Railway authorities in the routing of coal traffic?

(b) Are the Government aware that the colliery proprietors in the Adra district are greatly dissatisfied with the administration of the Coal Manager, Adra? Is it a fact that a member of the staff of the Coal Manager is either directly or indirectly interested in one of the local collieries and a firm of local merchants?

(c) Should the reply to (a) and (b) be in the affirmative, are the Government prepared to take steps to remedy matters in this connection?

**The Honourable Sir Charles Innes:** Inquiry is being made and the result will be communicated to the Honourable Member in due course.

### THE BURDWAN POSTAL ASSOCIATION.

511. **\*Mr. Amar Nath Dutt:** Will the Government be pleased to state, what action, if any, has been taken on the Resolutions of a meeting of the Burdwan Postal Association held on the 23rd January 1921, a copy of which was forwarded to the Honourable Member in charge of the Department of Commerce and which was acknowledged by the Director General of Posts and Telegraphs, in his letter No. 10-S. E. S., dated Simla, the 4th April 1921?

**Mr. G. R. Clarke:** The information asked for by the Honourable Member is not available at present but will be supplied to him as soon as possible.

## PROMOTION OF POSTAL EMPLOYEES.

512. **\*Mr. Amar Nath Dutt:** (a) Will the Government be pleased to state whether in recent appointments in the selection grade of Rs. 175—225, in the mofussil towns of the Bengal Circle, only Inspectors of Post Offices have been appointed? If so, will the Government be pleased to state why the recommendations of the Postal Inquiry Committee have been ignored?

(b) Will the Government be pleased to state whether in recent appointments to the selection grade of Rs. 175—225, during the last 4 years, and since the introduction of a time scale, any Deputy Postmaster or Sub-Postmaster has been permanently appointed to the selection grade in the mofussil towns of Bengal? If not, will the Government be pleased to state the reasons for the same?

(c) Will the Government be pleased to state the proportionate number of Inspectors and Head Clerks to Superintendents of Post Offices and that of the Deputy Postmasters and Sub-Postmasters in the selection grade of Rs. 175—225 and upwards in the Bengal Circle outside the Calcutta G. P. O.?

(d) Will the Government be pleased to state whether they intend to fix a proportion of the various classes of officers for promotion to the selection grade of Rs. 175—225?

**Mr. G. R. Clarke:** (a) Since April last there have been 6 vacancies in the selection grade of Rs. 175—225 in mofussil towns in the Bengal and Assam Circle and these have been filled by the promotion of the 6 most senior officials eligible for the appointments who happened to be Inspectors of Post Offices. No recommendation of the Postal Inquiry Committee has been ignored.

(b) 9 Sub-Postmasters, 2 Deputy Postmasters and 2 Assistant Postmasters have been promoted to the Rs. 175—225 grade in mofussil towns of the Bengal and Assam Circle since the 1st December 1919.

(c) and (d). Inspectors of Post Offices and Head Clerks to Superintendents of Post Offices who are on a time-scale of 100—175 and officials in the selection grade of 145—170 are all considered for promotion to the selection grade of Rs. 175—225 according to seniority. No question therefore arises as to the proportion of officials of each of the two classes in the selection grade of Rs. 175—225.

## PAY OF POSTAL SUBORDINATES.

513. **\*Mr. Amar Nath Dutt:** (a) Have the Government received any petition from some of the district Postal Associations in Bengal, urging immediate action in the scale of pay, as formulated under the minimum demand and passed by the several all-India Postal Conferences? If so, what action do they propose to take on the same?

(b) Will the Government be pleased to state whether they intend to equalise the pay and prospects of the subordinate staff of the Postal Department with that of the Telegraph Department?

**The Honourable Mr. A. C. Chatterjee:** (a) Telegrams on the subject have been received from several Postal Associations in Bengal and elsewhere. Government are of opinion that there is no justification for increasing the existing rates of pay for Postal subordinates, which were sanctioned at a time when the cost of living was higher than it is at present.

(b) If, as is presumed, the inquiry relates to Postal signallers and telegraphists in the Telegraph Branch, the reply is in the negative. In this

connection, the Honourable Member's attention is invited to the reply† given by Colonel Sir S. D'A. Crookshank on the 26th September 1921 to part (b) of Mr. B. H. Jatkar's question No. 41.

RAISING OF THE STATUS OF THE BURDWAN POST OFFICE.

514. **\*Mr. Amar Nath Dutt:** Will the Government be pleased to state whether they intend to raise Burdwan to a first class Post Office?

**Mr. G. R. Clarke:** I have received no proposal to raise the status of the Burdwan Post Office. If any such proposal is received, it will be duly considered.

HEAD POST OFFICES IN BENGAL.

515. **\*Mr. Amar Nath Dutt:** Will the Government be pleased to state what steps have been taken to raise some head post offices in the Bengal circle to the selection grade offices as promised in reply to a question on the same subject in the last Assembly?

**Mr. G. R. Clarke:** All the head post offices in the Bengal and Assam Circle are in charge of officials who are either in the selection grades or in higher grades.

REDUCTION OF THE POSTAL STAFF.

516. **\*Mr. Amar Nath Dutt:** (a) Will the Government be pleased to state the amount of saving on account of the reduction of the delivery staff of Post Offices in 1923?

(b) Will the Government be pleased to state whether there has been any reduction in the superior service staff, such as Superintendents and other administrative officers of the Postal Department? If not, will the Government be pleased to state, whether they intend to make such reduction, in view of the recommendations of the Incheape Committee and curtailment of the inspection work of the Superintendents of Post Offices?

**Mr. G. R. Clarke:** (a) Rs. 1,46,000. This saving has been effected by reducing the number of deliveries.

(b) 1 out of the 6 appointments of Assistant Director General and 1 out of the 14 appointments of Deputy Postmaster-General have been kept vacant. No reduction of the staff of Superintendents of Post Offices is possible. If their inspection work had not been curtailed, an increase in the number of Superintendents would have been necessary.

LEVY ON VILLAGERS FOR POST OFFICES IN THEIR VILLAGES.

517. **\*Mr. Amar Nath Dutt:** Will the Government be pleased to state whether any local contributions have been asked for from some of the Post Offices in the district of Burdwan, in spite of the fact, that they are not working at a loss? Will the Government be pleased to state whether they propose to discontinue such levy on villagers for post offices in their villages?

**Mr. G. R. Clarke:** A contribution was asked for from the villagers in the case of a single post office in the Burdwan District. The office was on an experimental footing, and was, according to the standards of the Department, unremunerative. Upon further consideration it has been decided to retain this post office, without any contribution from the villagers.

† Vide pages 993-994 of L. A. Debates, Vol. II.

### OPENING OF NEW POST OFFICES.

518. **\*Mr. Amar Nath Dutt:** Will the Government be pleased to state whether they propose to establish a post office in a central place in each Union Board in Bengal?

**Mr. G. R. Clarke:** The policy of the Department is to open new post offices which are likely to be self-supporting within a reasonable period, but the extent to which the Department can open each year necessarily depends on the amount of the grant that can be provided for the purpose.

### THE SANTRAGACHI-VISHNUPUR CHORD RAILWAY.

519. **\*Mr. Amar Nath Dutt:** Will the Government be pleased to state what steps, if any, are being taken for the construction of the Santragachi-Vishnupur branch of the B. N. Railway?

**The Honourable Sir Charles Innes:** As the traffic prospects of the proposed Vishnupur-Santragachi Chord Railway do not at present indicate that the construction of the line would be profitable, it has been decided to postpone further consideration of the project until the flow of trade and the development of suburban passenger traffic necessitate its re-examination.

### EXTENSION OF THE BANKURA-DAMODAR RIVER RAILWAY.

520. **\*Mr. Amar Nath Dutt:** (a) Do the Government propose to take steps to have the Bankura-Damodar River Railway extended up to Burdwan on the north and Arambagh on the south?

(b) Are the Government aware that the communication between the trans-Damodar area and the district town of Burdwan becomes impossible during the rainy season? Are the Government aware that officers are allowed T. A. for the journey to this area *via* Bankura, a distance of more than 200 miles by rail, to traverse a distance of 10 miles only, owing to difficulty of passage? If so, will the Government be pleased to state whether they propose to take immediate steps for the extension of the Bankura-Damodar River Railway from Sehara to Burdwan?

**The Honourable Sir Charles Innes:** (a) The reply is in the negative.

(b) Government have no information with regard to the first two parts of this question. With regard to the last part Government have no information to show that there is an urgent need for the extension from Sehara to Burdwan, and therefore do not contemplate taking up the consideration of this project.

### PLATFORMS AND OVERBRIDGES AT STATIONS ON THE BURDWAN-HOWRAH CHORD SECTION.

521. **\*Mr. Amar Nath Dutt:** (a) Will the Government be pleased to state if they are aware of the risk and inconvenience to the passengers at Railway stations on the Burdwan-Howrah chord section of the E. I. Railway for want of raised platforms and overbridges? If so, do the Government propose to take steps for remedying the same?

(b) Will the Government be pleased to state, whether they propose to erect goods sheds at all stations on the Burdwan-Howrah chord line of the E. I. Railway?

**The Honourable Sir Charles Innes:** (a) Government are not aware of any undue risk and inconvenience referred to. The policy is to leave it to the discretion of Railway Administrations to provide high-level platforms and overbridges at Stations where the passenger traffic justifies their provision.

(b) The provision of goods sheds is also a matter which is left to the discretion of Railway Administration, where goods traffic justifies such provision.

DESIGNATION NON-MUHAMMADAN TO INDICATE CERTAIN CONSTITUENCIES.

522. **\*Mr. Amar Nath Dutt:** Are the Government aware that the designation "Non-Muhammadan" to indicate constituencies of the Provincial and Indian Legislatures is repulsive to the people professing the Hindu, Jaina, Sikh and other faiths constituting the general constituencies, and do the Government propose to substitute a better designation than the one now adopted?

**The Honourable Sir Malcolm Hailey:** I am afraid that we are at present unable to suggest a better term.

**Mr. Amar Nath Dutt:** I would suggest, Sir, "Indian General Constituency."

REFRESHMENTS FOR INDIANS ON THE B. N. RAILWAY.

523. **\*Mr. Amar Nath Dutt:** Are the Government aware that the refreshments for Indians on the B. N. Railway, especially at Adra, are hardly fit for human consumption and dearer than ordinary prices for which the same can be had in the bazar? If so, do the Government propose to take any steps to remedy the grievances of the passengers on the B. N. Railway?

**The Honourable Sir Charles Innes:** Government are not aware that the facts are as stated in the Honourable Member's question but the matter will be brought to the notice of the Agent.

CONTROL OF THE PROVINCIAL RESERVED SUBJECT OF LAND REVENUE.

524. **\*Mr. A. Rangaswami Iyengar:** Will the Government be pleased to state, with reference to their answer to my unstarred question No. 56 of the 5th February, what is the extent of the direction and control exercised by the Secretary of State and the Government of India respectively over the Provincial Reserved Subject of Land Revenue in respect, (i) of legislative, and (ii) of administrative measures dealing with the assessment, levy and collection thereof; and with the expenditure on the establishments, superior and subordinate, in relation thereto?

**Mr. M. S. D. Butler:** The exercise of general powers of direction and control is a matter for the discretion of the authority in which such powers are vested, and it is hardly possible in reply to a question to define the extent to which such powers are utilised. Broadly speaking, control is exercised over the general and recognised principles of assessment and no departure therefrom can be made by a Local Government without sanction. Control is also exercised with regard to the period for which settlements may be sanctioned. So far as expenditure on establishments is concerned, I would refer the Honourable Member to the reply already given by the Honourable the Finance Member.

**Diwan Bahadur M. Ramachandra Rao:** May I ask the Honourable Member whether the Secretary of State has framed any definite rules for the guidance of the Government of India with regard to the exercise of this control over Provincial Reserved Subjects?

**Mr. M. S. D. Butler:** No, Sir, there are no definite rules so far as I am aware.

**Diwan Bahadur M. Ramachandra Rao:** Are there any rules on the subject? No rules have been framed at all?

**Mr. M. S. D. Butler:** No.

**Mr. A. Rangaswami Iyengar:** Will the Honourable Member be pleased to say, Sir, whether the Secretary of State exercises his power of direction and control over the policy of the Provincial Government in regard to land revenue?

**Mr. M. S. D. Butler:** There is an ultimate power of control vesting in the Secretary of State in every matter.

**Mr. A. Rangaswami Iyengar:** I desire, Sir, to know whether the Secretary of State at present exercises control over the policy which the Provincial Governments may adopt in regard to land revenue legislation.

**The Honourable Sir Narasimha Sarma:** No particular question has arisen, but there are, I believe, rules under which the Secretary of State may, if he wishes, exercise control.

**Mr. A. Rangaswami Iyengar:** Will the Honourable Member be pleased to lay the rules on the table of the House?

**The Honourable Sir Narasimha Sarma:** The matter will be considered.

#### CONVENTION WITH REGARD TO THE RESIGNATION OF MINISTERS.

525. **\*Mr. A. Rangaswami Iyengar:** (i) Has the attention of the Government been drawn to the Press Communiqués issued in some of the Provinces that the Governors thereof had decided to establish the convention that Ministers should tender their resignations on the conclusion of a general election and that Ministers had tendered their resignations and many of them were re-appointed?

(ii) Whether the procedure by which such action was taken in the Provinces was one suggested to them informally by the Reforms Office in 1920, or by the Governor General in Council with the object of assisting Provincial Governors in establishing "Constitutional Conventions?"

(iii) If so, whether they are included in the "Specimen rules informally forwarded by the Reforms Office in 1920" or whether they were sent to Provincial Governors or Governments subsequently, and, if so, whether the Government will explain the circumstances that necessitated the step?

**The Honourable Sir Malcolm Hailey:** (i) Government have seen one such Press Communiqué as is referred to by the Honourable Member. It was issued in Madras.

(ii) No.

(iii) The suggestion was not contained in the specimen rules of 1920, nor was it sent to the Provincial Governors by the Government of India subsequently.

## AMENDMENT OF STANDING ORDERS.

### NOMINATIONS FOR THE SELECT COMMITTEE.

**Mr. President:** I have to announce that nominations for the Select Committee on the amendment of Standing Orders will be received up to 3 P.M. on Thursday, the 28th instant, and the election, if necessary, will be held in this Chamber on Saturday, the 1st March. Under Standing Order 56 (2) the Committee will be composed of the President, the Deputy President and seven members elected by the single transferable vote.

---

### THE INDIAN TARIFF (AMENDMENT) BILL.

**The Honourable Sir Charles Innes** (Commerce Member): Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Indian Tariff Act, 1894, for certain purposes.

---

### RESOLUTION *RE* THE GRIEVANCES OF THE SIKH COMMUNITY.

**Sardar Gulab Singh** (West Punjab: Sikh): Sir, the Resolution that I want to move and that stands in my name reads thus:

"This Assembly recommends to the Governor General in Council that a Committee consisting of two-thirds non-official elected Members of both the Houses of the Indian Legislature and one-third officials be appointed to inquire into the grievances of the Sikh community and to report on the Akali movement."

Sir, it is not with the idea of making a speech that I move the Resolution which stands in my name: it is one of the gravest concern to the very existence of our community. It is well known to you all that the Sikhs are a sect in the Punjab whose religious fervour is beyond dispute. From the time of Guru Nanak we are by religious training non-violent. It was in the days of Mogul rule that persecution was begun against the Sikhs. One Mogul General in the reign of Aurungzeb went to each of the Sikh prisoners with the Koran in one hand and with a sword in the other and asked each one whether he would like to give up his life or be converted to Muhammadanism, and every one of them preferred death rather than give up their religion. There can be no better testimony to religious fervour and the spirit of non-violence than the above. From the very beginning the Sikh religion was based on democratic principles and the Sikh temples or Gurdwaras were in charge of the Sangat, which, in their turn, used to be in charge of a leader elected by the Sangat. In old days these leaders used to be called Manjis. Gradually, these assemblies and congregations came to be unified through the influence of the Gurus, and after Guru Gobind Singh the Sikhs ceased to have any personal Guru and the Panth thereafter used to be taken as their Guru. From this democratic form the lust for worldly power later on crept into the community which culminated during the reign of Maharaja Ranjit Singh, who endowed the Gurdwaras with big jagirs.

With the advent of British rule the old relations between the Panth and the control of Gurdwaras were entirely upset. The local executive and financial officers began to encroach upon the rights and privileges of the Sangat in electing a Mahant, who, thereafter, being freed from the public control, began to usurp the properties of the Gurdwaras and by virtue of

[Sardar Gulab Singh.]

the riches so obtained began to lead a degenerated and debauched life and to desecrate the holy Gurdwaras. I submit, Sir, that it was the British Government which, directly or indirectly through the influence of their subordinates, allowed the corrupt Mahants to be the masters of the Gurdwaras.

There were several cases in which the Sikhs could not get relief from the law courts to oust the debauched Mahants, who have in certain cases renounced Sikhism and publicly led corrupt lives with the aid of the Gurdwara funds; one of such glaring cases of injustice is the case against the Mahant of Babe-di-Beri at Sialkot. The civil suits went on for generations, costing a huge amount of money and energy of the public but with no result.

There was then nothing left to the Sikhs but to reform their temples by the pressure of public opinion as well as by suffering. The objects of the reformers may be summarised as follows:

1. To reform their temples and bring them under the Panthic control as they had been even during the times of the Gurus as well as during the Sikh rule.
2. To observe their religious rites and ceremonies unmolested and uninterfered with.
3. To remove the disabilities that are hampering their growth, development and organization as a community, as sanctioned by their Gurus.

The first struggle with the Government began in 1920, when on the august announcement of the Sri Akal Takht, a general gathering representing the different sections of the Sikh community was convened on the 15th November of that same year. In that meeting it was decided to form a representative Committee to manage the Golden Temple and several other shrines of the Province. But before the Committee actually came into existence the Government, being apprehensive of the control of the temples slipping away from their grasp, summoned His Highness the Maharaja of Patiala to devise means as to the best means of keeping up the Government control. In order to avoid the temples and shrines falling into the hands of the real representatives of the Sikh community, the Government nominated 36 Sikhs to form a committee to control the management of the Golden Temple at Amritsar. But as these nominated persons had not the confidence of the community at large, the Sikhs in their meeting of the 15th November 1920 appointed a committee of 175 persons representing the different sects and communities of the Sikhs. But, Sir, it will not be out of place to mention that the Sikhs out of liberality of their views and with a view to avoid a clash with the Government, included amongst the members of the managing committee so elected the 36 persons previously nominated by the Government. But the Government of the Punjab, feeling that their prestige was at stake, refused to recognise the elected body as the legal managing committee and tried in various ways to put obstacles in the way of the management of the temple and to bring in dissensions and discord amongst the Sikhs. As a result of this struggle the Government took away the keys of the Golden Temple from the President of the Committee. This brought forth an agitation in the Punjab never heard of before. In order to suppress this agitation, Government went on with wholesale arrests. But, seeing that persecution was



of no avail against a determined sect, Government, towards the beginning of November 1921, released the prisoners. But in the spring of 1922 Government tried to force legislation regarding Gurdwaras, which was very unpopular amongst the Sikhs and the Government, in order to avoid agitation against the Bill, arranged wholesale arrests of the Sikhs in 18 selected districts. But with it the agitation became stronger and stronger and the Government had to drop the Bill. In this way several times the Bill was introduced but ultimately was dropped. May I ask the Government whether the Sikhs were to blame for non-violence in all these instances or is the Government to be blamed for this sort of violence and repression, in order to thrust a piece of legislation on an unwilling people? I submit, Sir, it was the irresponsible executive who gradually have brought the Sikhs to their present straits.

Here I may remind my Honourable Colleagues to remember that the Gurdwaras are more precious to the Sikhs than even Swaraj. Sir, the way in which this struggle is being continued by the religious reformers and the sacrifices and sufferings of those innocent people far outstrip the martyrs of Europe in the middle ages. In order to explain the position more clearly, I may quote three specific instances. The Gurdwara at Tarn Taran became a hot-bed of all sorts of indecency. Pilgrims were forbidden to chant hymns, women's modesty was outraged and girls were harassed. A *Jatha* of Akalis went there in January 1921 to ask the Mahant to mend his ways and come to terms with the committee elected by the Panth. The Mahant attacked the Akalis. The Sikhs kept the vow and spirit of non-violence and won the first battle which resulted in the affiliation of the shrine to the Shiromani Gurdwara Prabandhak Committee.

Next comes the Nankana Sahib tragedy. It is the birth place of Guru Nanak and as such the shrine and the Gurdwara were dearer and more loved than life itself. Mahant Narain Das, in charge of the shrine, gave himself up to a life of dissipation and debauchery and brought the Gurdwara into discredit. Once a girl and on another occasion six ladies were raped and I think, Sir, no sane blood can brook it calmly and patiently. It is only a foreign Government run by irresponsible executive officers that can tolerate such crimes and fight for the continuance of such desecration. Sir, when the Prabandhak Committee protested against such heinous crimes the Mahant fell upon the Akalis and molested them with hired ruffians armed with sticks, swords and guns. As a result many expired and many were wounded. The Mahant himself took the lead and shot right and left, and ordered the men to be *burned* alive. I submit, Sir, through such a cold-blooded massacre of 150 souls the second battle was won by strict adherence to non-violence. Hardly a few months passed after the tragedy and the Government changed their angle of vision, owing probably to the personal pique of some officials, and resorted to wholesale repression and arrests. It culminated in the re-instating of the discredited Mahants.

The *third* is the famous Guru Ka Bagh affair. In 1922, the Mahant of the shrine made a compromise with the Committee, but, being emboldened by the persecutions and arrests, went back on his pledges. Further, he implored the help of the police and with its aid brought lawlessness in the name of law and order. In spite of the barbarities and atrocities the Akalis remained non-violent as ever. My Colleagues will be surprised to hear that there were 1,800 cases of fractures, dislocations and contusions which were treated in the hospitals. The number of the

[Sardar Gulab Singh.]

arrests amounted to nearly 5,700. To take it to its climax, the Government launched on a campaign of attaching the properties of suspects in order to terrorise them. Here also the Akalis came out successful. In order to bring this movement to discredit, malicious fabrications were circulated to set one community against the other. As a result, members of the Khilafat and the Congress Committees held a thorough inquiry and declared these fabrications to be utter lies.

The last one, I think, Sir, is the present Jaito affair on which I need not dilate, as it is so very well known to the House. Here also false reports are being circulated that the *Jathas* began the firing on which the Administrator was compelled to order firing. But, I may assure the House that the men who in so many cases and under such provocative circumstances remained non-violent can never take to violence. Sir, it is with this idea in my mind and in order to dispel the doubts and grievances of our whole community, that I suggest that a Committee be formed for inquiring into all the grievances from which the whole community is suffering. Sir, may I ask the Government whether they want to see a contented or a discontented *Punjab*. Government should not so soon forget that it was through the bravery and gallantry of the Sikhs that the battles in Europe and Mesopotamia were won. Are the Government prepared to arrogate to themselves the stigma of ungratefulness? I hope not.

Now the issue is that the Shiromani Gurdwara Prabandhak Committee and the Akali Dal are not political or revolutionary bodies. They have never asked for Swaraj and have never placed before themselves any political objective. They have never demanded even the release of political prisoners. And yet in each single conflict the Government have been dubbing their activities as political and revolutionary, although in each case at the time of settlement they have had to admit the religious character of their work. Even talking about the keys of the Golden Temple was judicially declared to be political, and hundreds of Sikhs were convicted for merely holding meetings or talking on the subject; while the Government officials themselves were free to hold public meetings to discuss the very matter. And yet when peace was made the Government were pleased to declare about the same Shiromani Gurdwara Prabandhak Committee that it was a body "representing a large section of Sikh religious opinion on the subject of Gurdwaras," and they asked the local officials to consult the Shiromani Gurdwara Prabandhak Committee or its local representatives in dealing with disputes over the management of Gurdwaras and to give to their views "the attention due to the representations of a large section of Sikh religious sentiment." In the struggle about Guru Ka Bagh, all sections of the community were deeply moved, so far that retired military soldiers, whose loyalty could not be doubted, and even Sikh Sadhus who never think of politics, felt it their religious duty to go and get arrested or beaten at Guru Ka Bagh. But the Government went on drumming that it was a political affair. In the end when the Government realized their untenable position, they managed to withdraw from Guru Ka Bagh, and later on released the thousands of Akalis arrested on the merit of the religious and humanitarian service rendered by the Shiromani Gurdwara Prabandhak Committee at the request of the Deputy Commissioner, Amritsar, during the Hindu-Muhammadan riots of April 1923. The Government have themselves handed over to the Shiromani Gurdwara Prabandhak Committee the

premier group of Gurdwaras at Amritsar and Tarn Taran, that is, the Golden Temple and affiliated Gurdwaras. The Commissioner of Lahore made over the great temple of Nankana Sahib to the Shiromani Gurdwara Prabandhak Committee. Many other Gurdwaras have been handed over to the Shiromani Gurdwara Prabandhak Committee by their incumbents in the presence and with the approval of Government officials. Even the High Court of Calcutta passed an order appointing the Shiromani Gurdwara Prabandhak Committee as the trustee of the important Gurdwara of Bari Sangat at Calcutta. These Gurdwaras would not have been transferred to the Shiromani Gurdwara Prabandhak Committee with official assistance if the Government had not recognized the Shiromani Gurdwara Prabandhak Committee as a religious and representative body of the Sikhs.

The greatest proof of this recognition is the fact that in the Gurdwara Act, proposed and passed by the Punjab Government in November 1922 solely by its official majority in the Legislative Council, the Shiromani Gurdwara Prabandhak Committee is given the right of appointing one of three Commissioners to adjudicate upon Gurdwara disputes. That the whole community considers the Shiromani Gurdwara Prabandhak Committee as its representative is evident from the fact that in the last elections almost all the Sikh seats in the Punjab Council and Legislative Assembly have been captured by candidates supported by the Shiromani Gurdwara Prabandhak Committee.

Now in the Nabha affair, as the Shiromani Gurdwara Prabandhak Committee has voiced forth the deep and universal indignation of the Sikh Community and the Government, on account of their own blunder, have found themselves in an uncomfortable position, the Government have again brought out their favourite weapon of defaming the Shiromani Gurdwara Prabandhak Committee as a revolutionary body and, swallowing all their previous declarations and tacit confessions about the religious and representative character of the Shiromani Gurdwara Prabandhak Committee, have declared it to be an unlawful association.

Just as the Government have suffered from spasms of belief about the religious or political character of the Shiromani Gurdwara Prabandhak Committee, according as it has been found convenient, so have they been banning or allowing the wearing of *kirpans* (swords) by the Sikhs on different occasions. The law as it exists exempts the *kirpan* from all sorts of restrictions with regard to its manufacture, sale or wearing by Sikhs, or with regard to its size, shape, or measurement. In a notification issued in March 1920, the Government recognized that the *kirpan* and sword are identical. In spite of all this, in times of repression during the present movement, the Government have been prosecuting the Sikhs for wearing and manufacturing the *kirpan*; while at other times they have left the Sikhs free to wear this religious symbol, and even courts have upheld this right.

What the Shiromani Gurdwara Prabandhak Committee and the Sikhs have all along wanted is a law that would ensure the control and management of all historical Gurdwaras by and under the direction of a central representative body of Sikhs. It is significant that the present Shiromani Gurdwara Prabandhak Committee, which has been declared unlawful, in its very first meeting after the new election of 1928 passed a resolution reiterating the demand for such a law and declared its intention to work it when passed. The Government have persistently refused to concede this point of a central body controlling all Gurdwaras and therefore there has been no settlement.

[Sardar Gulab Singh.]

The second demand of the Sikh community is that the *kirpan*, which is already *de jure* free, should be made *de facto* free, and, if the Government think that the law is something else, then let the law be amended according to the Sikh religious principles concerning the *kirpan*.

As for the Jaito affair, Sir, the Sikhs cannot tolerate any interference with their right of religious liberty and free worship. All restrictions about access to and worship in the Gurdwara at Jaito should be immediately removed. As for the Nabha affair, Sir, the position of the Gurdwara Prabandhak Committee has all along been very clear and simple. The Sikhs believe that the severance of the Maharaja from the administration of the State was not voluntary, but was brought about by intimidation and intrigue, in order to deal a side blow to the Gurdwara reform movement. The Gurdwara Prabandhak Committee has declared from the beginning that it is up to the Government either to convince the Sikh community that this severance was voluntary, or right the wrong done. In the circumstances, Sir, I would appeal to the whole House, irrespective of the fact that they are Hindus or Muhammadans, Brahmins or non-Brahmins, Parsis or Jews, Government or non-official Members, to give the Resolution a cordial support, so that a calmer atmosphere may prevail in the Punjab.

I move my Resolution.

**Maulvi Abul Kasem** (Bengal: Nominated Non-Official): Sir, I rise to enter my emphatic protest against the opening remarks of Sardar Gulab Singh. He began by saying that in order to prove that the Sikhs were a non-violent people—I do not deny that fact but he wanted to prove that by stating that the Muhammadan Rulers of the Punjab came to them with the sword in one hand and the Koran in the other. That is one of those mischievous fictions . . .

**Sardar Gulab Singh:** A Muhammadan General.

**Maulvi Abul Kasem:** General or the people—that is one of those mischievous fictions created and invented by proselytising enthusiasts to discredit Islam and the Muhammadans, and I think that my sitting silent after that remark might have been misconstrued, so I want to enter an emphatic protest against it. I do not want to enter into the merits of the Resolution and I do not want to say anything about it. I hope my friend over there will withdraw that remark.

**Sardar Gulab Singh:** No, Sir. I can assure the Honourable gentleman that the books from which I have taken that remark are historical books, so I am not going to withdraw it.

**Maulvi Abul Kasem:** History is also sometimes based on fiction. If the Muhammadans had been so inclined, there would have been very few Hindus or Sikhs left in the country after the Muhammadans came.

**Mr. Abdul Haye** (East Punjab: Muhammadan): I associate myself, Sir, with what my Honourable friend, Maulvi Abul Kasem, has said. Really it is a matter of extreme regret for us Muhammadans to hear what my Honourable friend, Sardar Gulab Singh, has said. As a Muhammadan, I can assure this Honourable House that this is nothing but a pure concoction, because my scripture, the Koran, says that in the matter of religion there is no compulsion. I am of the view that this is nothing but a fiction but, even if some over-anxious proselytiser went to the extent of saying that he would convert the people with the sword, I want to say, Sir, that he acted in a

most un-Muslim like manner. (Hear, hear). Sir, we are here to advance the cause of Hindu-Muslim unity, of which I am a strong supporter, and all that I want is that my Honourable friend, Sardar Gulab Singh, should also be its supporter. Surely, Sir, the cause of Hindu-Muslim unity cannot be advanced by making such references as he has chosen to make. Even if it were a historical fact, it would have been far better for him, Sir, to have omitted this reference in his speech, and, now, Sir, it would be nothing but gallantry on his part if he again rises to his feet and withdraws those words that have wounded the religious feelings of one of the most important communities in India.

**Sardar Gulab Singh:** I am sorry, Sir, that my remarks have been misconstrued. I had no mind to reflect on the Muhammadan religion.

**Khan Bahadur Sarfaraz Hussain Khan** (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, I entirely endorse the feelings of my Honourable friend, Maulvi Abul Kasem.

(Voices: "It is finished: he has withdrawn it.")

**Mr. President:** Will the Honourable Member resume his seat. I cannot allow this to degenerate into a discussion of any Muhammadan question. This is a Sikh Resolution.

**Mr. H. Calvert** (Punjab: Nominated Official): Sir, the whole difficulty which my distinguished friend, Sardar Gulab Singh, has referred to is one which, without any shadow of doubt whatever, has caused all of us, who are proud of being Punjabis; very extreme pain during the last few years, and we all of us, Sir, whether we are Christians or Muhammadans, feel very deep sympathy indeed with the Sikhs in their present trouble. I have, Sir, for 25 years lived among them, worked among them, worked under them, and worked over them. I have Sikhs on my staff, I have Sikh colleagues, I have many thousands of Sikh members in my societies, and no one who has worked in intimate touch with them, as I have done, can help but feel the very deepest sympathy with them in the trouble into which they have drifted. Sir, it is unfortunate that the history of the Sikhs is rather a troubled history. In the troublous times in which Sikhism was founded, things were done which perhaps are best now forgotten, but unfortunately the Sikhs always have been a minority in the Punjab, and, Sir, it perhaps is only natural that minorities should be somewhat pugnacious. Now, Sir, I do not wish to go over, point by point, the various statements made by the Honourable Member from Lyallpur. I do not think he has done justice to the Punjab Government. I do not think he has given a strictly accurate account of the efforts of that Government, the really sincere efforts of that Government, to find a solution for this severe problem. The trouble, so far as I can see, arises from the fact that, within the Sikhs themselves, there are many sects, and the beginning of this trouble is really an internal dispute between the followers of the earlier Gurus and the followers of the later Gurus. The shrines are largely controlled by Udasis who are regarded by the Sikhs as Hindus, inasmuch as they are not baptised according to Sikh rites, but, after all, in a country where religious liberty is maintained, every one is perfectly free to follow the religion he desires, and the attempt made by certain sects of Sikhs to take possession of shrines in the legal possession of others has had to be resisted. The Punjab Government has recognised extreme difficulty, because it so happens that a large number of these Holy Places were founded by the followers of the earlier Gurus and they remain in the possession of the followers of the earlier Gurus who have never acknowledged the later Gurus, and the

[Mr. H. Calvert.]

main dispute is that, while about 90 per cent. of the Sikh population are followers of the tenth Guru, and a small minority are followers of the first Guru, this small minority are in possession of many of the Holy Places. That, Sir, is the rock on which all attempts to discover a solution of this difficulty have been wrecked. Both sides can plead religious liberty, and the Punjab Government has failed to find a way of reconciling these two Sikh sects. Now, Sir, one of the biggest difficulties which we have met with in trying to find a solution is to find a representative of the Sikhs. There are in the Punjab three bodies which claim to represent the Sikhs. The first and the oldest is called the Singh Sabha, the second is the Tat Khalsa which founded the Chief Khalsa Diwan, and, lastly, there has been started the Shiromani Gurdwara Prabandhak Committee. The Punjab Government is faced with the difficulty of finding out which of these three bodies represents the Sikhs. The Singh Sabha is more or less weak comparatively. The Tat Khalsa is getting numerically stronger and the Shiromani Gurdwara Prabandhak Committee has come in with tremendous energy and absorbed public attention. But, Sir, a Government which desires to show perfect equality of treatment to all classes cannot accede to the wishes of the most vociferous class. It must also defend the rights of those who are quite prepared to abide by the law and go to the law. I do not think, Sir, any object will be gained by traversing the statements of my Honourable friend which I think are inaccurate, because I think the main Resolution is a broader one and it will not depend on whether the Punjab Government did or did not do right in this or that particular item of recent history. Within the Sikhs themselves they have yet further trouble. During the war, a very large number of Sikhs of certain classes rose to high positions based on their distinguished record in the great struggle. These have received titles of the rank of Captain, Lieutenant, and so on. When they come back to their villages and wish to go to their own shrines and do religious observances, they are forbidden entry. That is a purely internal question of the Sikhs which no Government can possibly deal with and yet an internal question between the Mazhbi and Ramdasia Sikhs on the one hand and the Shiromani Gurdwara Prabandhak Committee Sikhs on the other is being hurled at Government as if Government somehow was at the root of this treatment of a certain class of Sikhs. I lay stress on this point, Sir, to try and give Honourable Members some idea of the causes of the failure of the Punjab Government to arrive at a satisfactory settlement. The difficulty is to find a representative of the Sikhs and to find a settlement which will be acceptable to all the Sikhs. It is very easy indeed to find a settlement agreeable to the Shiromani Gurdwara Prabandhak Committee or to find one agreeable perhaps to other portions of the Sikh community, but it has proved impossible to find one acceptable to all the Sikhs, because, Sir, as my Honourable friend pointed out, the Sikhs are incurably democratic. They will not acknowledge any leader. Any person who appears as leader to-day, if he is accepted by Government as leader, is promptly opposed to-morrow by some one else as leader.

Now, Sir, I think this Resolution is one which should have been moved in the Punjab Legislative Council. It concerns almost entirely the Punjab Government and I feel sure that, if it was moved there, it will receive the utmost sympathy from all the Members of that Council. I feel sure that all the Members of the Punjab Legislative Council are

anxious to arrive at some solution of this question, and I feel sure that the Government of Punjab also is most anxious to welcome any suggestions for a satisfactory solution, and I wish my Honourable friend could see his way to withdraw this motion from this Assembly and ask his friends in the Punjab Legislative Council to move it there and to try and secure a committee he desires within the Punjab itself. I do not think, Sir, any object can be gained by appealing to gentlemen from other provinces whose knowledge of the very difficult and complicated history of the Sikhs is perhaps somewhat inadequate, or by carrying on a debate in this Assembly where again the matter might be regarded as political or religious or, as happened just now, involving disputes between the Sikhs and other communities rather than merely a dispute between different portions of the Sikh community itself. In view of these great difficulties, I should like my Honourable friend to consider the advisability of withdrawing this Resolution.

**Sardar Kartar Singh** (East Punjab: Sikh): Sir, the Honourable Mr. Calvert has said that there is some difficulty in finding out a representative among the Sikhs. I submit that that is wrong. The Shiromani Gurdwara Prabandhak Committee is a representative body of the Sikhs. No doubt the Sikhs are democratic people, but they recognise the Shiromani Gurdwara Prabandhak Committee as their representative body. If the Government want to settle any troubles, they can easily settle them with this Committee. Then the Honourable Member said that there was no leader among the Sikhs and that they did not know with whom to settle. That is a lame excuse. If the Government want to settle the matters, they can do so. If they do not want to settle, then they can bring forward these excuses.

Then, Sir, as regards *kirpans* there is a real trouble. The Arms Act lays down that the *kirpans* worn or possessed by the Sikhs are free from all sorts of restrictions and prohibitions contained in the Act. But still we find that Sikhs wearing *kirpans* are prosecuted. When the Government start on a policy of repression, then these gentlemen are prosecuted and when the Government are a bit lenient, they do not prosecute them. I do not understand how the law changes within a few months. Sometimes they do prosecute them and sometimes they do not. Sometimes they declare that the Sikhs are entitled to wear swords even. They have issued *communiqués* saying that, if a Sikh wears a sword or a *kirpan*, he will not be prosecuted. But at other times they prosecute a Sikh wearing a long *kirpan*. Is that not a genuine grievance? Have the Punjab Government done anything to remove that grievance? Have the Punjab Government applied to the Government of India to amend the Act if the Punjab Government think that the law is something else and that it is not in accord with the religious principles of the Sikhs. The best way for the Punjab Government would have been to have the law amended if they wanted to have that grievance of the Sikhs settled. I submit, Sir, that a question was asked in the Punjab Legislative Council and the Government themselves were very doubtful. Sardar Sundar Singh in reply to a question said that the Government themselves were doubtful whether the manufacturing of *kirpans* was prohibited or not and whether a license was required or not. They themselves are doubtful and still they are prosecuting persons for manufacturing *kirpans*. When they themselves are doubtful, why not settle it? Why did they not pass any law on the subject?

I submit that there are real genuine grievances of the Sikhs which the Punjab Government have done nothing to redress. It is not difficult to find out what those grievances are and to trace the causes of the discontent.



[Sardar Kartar Singh.]

among the Sikhs. I submit, Sir, that Government are directly responsible for them. The Sikhs enlisted in large numbers to save the British from the hands of the Germans. They fought bravely and wherever there has been hard fighting to be done, Sikhs were found in the forefront maintaining their reputation for steadfast fidelity and a dauntless spirit. The British Government, with the help of the Indian armies and especially of the Sikhs, were successful in beating and defeating the Germans. The Sikhs naturally expected that the Government would reward them for their services, but they were rewarded with the Rowlatt Act, and, when meetings of protest were held against the passing of the Rowlatt Act on the sacred *Baisakhi* day in the town of their Gurus at Amritsar, they got the reward in the shape of bullets from General Dyer at Jallianwala Bagh. No one can forget the Jallianwala Bagh massacre in which the Sikhs paid a very heavy toll. It was a fair of the Sikhs on that day and many villagers, many Sikhs, went there simply to pay their homage to the Golden Temple. They attended the meeting and these innocent men who did not know what was happening there were shot down.

The stopping of the Hansali aqueduct at Amritsar, the tragedy of the *Komagata Maru*, the shooting of innocent Sikhs at Budge Budge, indiscriminate arrests and internments of Canada-returned Sikhs, the Jallianwala Bagh massacre, the brutal treatment of Sikh prisoners in jail, the beating of the Sikhs at Guru Ka Bagh, the beating of the Guru Ka Bagh released prisoners by the police and the military at Rawalpindi railway station, the wholesale and indiscriminate arrests of about 1,700 Akalis in the month of March, 1922, the snatching of the keys of the Golden Temple from the President of the Shiromani Gurdwara Prabandhak Committee, the imprisonment of about 200 persons who had protested against the illegal action of the Government, the interruption of Akhand Panth at Gangsar, and to crown all, the ruthless massacre of several Sikhs at Jaito, are all valid grievances of the Sikhs. Sir, the chief grievance of the Sikhs is the unsympathetic attitude of the Government towards the Gurdwara movement. Otherwise, there would have been no trouble.

The Gurdwaras were originally under the direct control of the Gurus or their agents. The Gurdwara is dearer to the Sikhs than anything else in the world. It is the house of their own Gurus and it is a place where they are entitled to go whenever they like. After Guru Gobind Singh, the tenth Guru, the Panth, that is, the whole Sikh community, was recognised as the representative of the Guru on earth and the control of the Gurdwaras passed into the hands of the Panth. In the time of the Sikh rule the Gurdwaras were controlled by the Panth through the local *Sangats*. The management of the Golden Temple, Amritsar, was in the hands of a committee of Sardars drawn from all parts of the country, and its President was Maharaja Ranjit Singh himself. The Mahants or *Granthis* of the Gurdwaras were always appointed or removed by local *Sangats* and the property attached to the Gurdwaras was considered to be the property of the respective Gurdwaras. The Mahants were mere managers who met their personal expenditure out of the income, but they could not alienate the property. The first charge on income was the maintenance of service, free kitchen and other institutions of the Gurdwaras.

With the advent of the British rule the old relations between the Panth and the Mahants were entirely upset. The Mahants, who were practi-



cally servants of the Panth, became virtually the proprietors of the temples. At the time of the appointment of a new Mahant the old form of convening the Sangat was kept up. But in reality the functions of the Sangat were encroached upon by local officials. Being no longer responsible to the community, the Mahants began to appropriate the income of the Gurdwaras to their own use and began to sell the property belonging to the Gurdwaras. Irresponsibility and wealth inevitably resulted in immorality, and the places of worship became the haunts of evil men. The ritual also became corrupt.

The Golden Temple at Amritsar and important Gurdwaras affiliated to it were directly controlled by Government. The Sikhs, seeing that there was a great deal of mismanagement of the Gurdwara property and that many Mahants were leading evil lives, thought of reforming the temples. They went to law courts, but the defective laws, coupled with the unsympathetic attitude of the Government, gave little chance of success. Some cases like those of Babe-de-Beri and Bawali Sahib were fought in law courts for a long time, for two or three generations, without any result.

In spite of the persistent demands of the Sikh community, the Government did not hand over control and management of the Golden Temple to the Sikhs which it could easily do, and since 1905 the Sikhs have been clamouring for the Panthic control of the historical Gurdwaras. But was it difficult for the Punjab Government to hand over the control of the Golden Temple to the Sikhs? Could they not find a representative body of Sikhs who could control that Gurdwara, the premier Gurdwara in the Punjab?

In November, 1920, the Shiromani Gurdwara Prabandhak Committee was organised on an elective basis. The Government then handed over the control of the Gurdwaras at Amritsar to the Shiromani Gurdwara Prabandhak Committee.

In February, 1921, the horrible tragedy of Nankana Sahib took place and about 150 Sikhs were ruthlessly murdered and burnt, and some were burnt alive. And this mighty Government, knowing full well that Narain Dass was collecting arms and ammunition to kill the Sikhs, took no steps to stop the catastrophe. Instead of sympathising with the Sikhs the Government began to arrest several leading Sikhs on extremely frivolous and baseless charges. Hundreds of Akalis were arrested and imprisoned. The discredited Mahants were restored in the temple.

The callous disregard of the Sikh rights, the relentless persecution of the Sikhs, the reckless flouting of public opinion and arbitrary interference with the Gurdwaras and the *kirpan* were very keenly felt by all the Sikhs.

The Government in 1921 snatched the keys of the Golden Temple from the President of the Shiromani Committee. This action of the Government was very keenly resented. There was a great uproar and those who protested were flung into jail. After about 200 persons were imprisoned, the Government restored the keys and released the prisoners on the 11th January, 1922. The Government, Sir, although they recognised they had done a wrong act, thought that by the release of these prisoners and the handing over of the keys of the Golden Temple, they had been defeated, and so took it as a lowering of their prestige. Hardly two months had elapsed when by a well-arranged coup about 1,700 Sikhs were arrested in 13 selected districts of the Punjab. It is remarkable that Government always brought the Gurdwara Bill simultaneously with an attempt to crush

[Sardar Kartar Singh.]

the Gurdwara movement as if to overawe the Sikhs into accepting an unsatisfactory measure. In July, 1922, the Shiromani Gurdwara Prabandhak Committee refused to consider the Bill as long as hundreds of Akalis were kept in jail.

Then came the Guru Ka Bagh affair. That must be fresh in the minds of Honourable Members of this House and many of them have, I believe, actually witnessed what happened there. The struggle at Guru Ka Bagh began with the arrest of five Akalis belonging to the Gurdwara for cutting wood for the Gurdwara kitchen from a grove of *kikar* trees which belonged to the Gurdwara. The Government forgot that the Sikhs had been cutting wood from the grove of *kikar* trees ever since they came into possession of the Gurdwara by a compromise with the Mahant. The property of the Gurdwara was only a trust property meant only for the maintenance of the Gurdwara and its institutions like a free kitchen and it cannot be used for any other purpose. The Government's position was therefore false in starting criminal proceedings against those in control of the Gurdwara. The Government was bent upon crushing the Akali movement and this is evident from the fact that, when, at the outset, the Mahant was ready to make a compromise, it was the Deputy Commissioner who prevented the settlement. The Akalis were mercilessly beaten by the police under the orders of the Government and, when the Government was tired of beating the Akalis, they gave up beating and resorted to making arrests. The numbers of arrests had reached the appalling figure of 5,605, when the Government stopped further arrests and got out of an awkward position through the intervention of Sir Ganga Ram. The Government felt their mistake in supporting the action of the Deputy Commissioner, but they had been earnestly advised this time not to yield openly as they had done previously. Therefore, though convinced of the futility of keeping the Akalis in jail even after the Punjab Council had passed a Resolution for their release, they persisted in keeping them incarcerated until very shabbily they ordered their release on the merit of the help afforded to the Government by the Shiromani Committee in maintaining peace between Hindus and Muhammadans in Amritsar in April, 1923. The atmosphere was again becoming calm and there was a good prospect of peace between the Government and the Sikhs. But the Government again plunged the Sikh community into a turmoil of agitation by deposing the Maharaja of Nabha. The Sikh community thought that it was a blow aimed at their organisation and a side attack on the Reform movement of which the Shiromani Gurdwara Prabandhak Committee is the custodian and with one voice urged upon the Committee to take up the matter and get the wrong righted by all peaceful and legitimate means. The Committee took up the matter and had as yet done nothing except publishing the true facts about the so-called abdication of the Maharaja and asking the Viceroy to refute those facts, when the Government started a new hunt of the Sikhs. The Government felt that their inability to controvert the facts given out by the Committee had shaken the ground from underneath their feet and they so lost their head, so that, instead of reasonably meeting the voice of protest, they began to suppress all expressions of sympathy even by the subjects of the exiled Maharaja. Sikhs were arrested for making speeches and taking out processions in sympathy with the Maharaja on the preposterous charge of disobeying that very Maharaja's standing orders. When arrests were made in a *diwan* held at Jaito in the Nabha State, the Sikhs assembled sat

down to do nothing else but to recite the Holy Granth night and day and pray for the Maharaja. But this also they were not allowed. The place of meeting and the Gurdwara were both blockaded and no food or water was allowed to go in. The Sikhs began to starve and, as they were obliged to ease themselves close to where they sat, insanitary conditions began to prevail and many fell sick. In this condition the continuous reading of the Holy Granth became impossible outside the Gurdwara and they asked the Sikhs in the Gurdwara to start the Akhand Path inside. This was on the 14th September, 1923. The officials, who were determined not to allow even holy reading and praying for the Maharaja, came with a military force and arrested the whole congregation assembled round the Holy Granth outside the Gurdwara. Then the armed soldiers in uniform were taken into the Gurdwara itself where the Sikhs sat listening to the Akhand Path. The whole congregation including the reciters and the attendants were arrested and what was an unprecedented sacrilege the Granthi actually reciting at the moment was caught hold of by his arms and dragged away and arrested. This interference with the sacred reading was a grave desecration according to the Sikh religion. This interruption was admitted even by the Associated Press telegram, published in the "Tribune" of September 19th, 1923. Later on, when a storm of indignation burst out in the Sikh community, the Nabha officials concerned in the sacrilege tried to explain it away by giving out that the reading was continued up to a finish. Even if this be accepted as true, it is no defence, because the act of worship of that particular Sikh congregation was interrupted and improperly ended when the listeners and the reciters who had begun the ceremony were forcibly removed and the closing prayer, which is an essential part of the ceremony, was not made as they would have made it. I may say one thing here, when the Akhand Path ceremony is taking place, nobody can give any lecture or make a speech. There was no occasion for disturbing the reciting. It was altogether wrong on their part. The news of this desecration spread like wild-fire and the very next morning a party of Sikhs gathered from the neighbourhood to go and restart the Akhand Path. But they were not allowed to go. From 14th September, the day of the desecration, the prohibition was made absolutely rigid. Sikh pilgrims from all quarters began to pour in to assert their religious right of freely visiting the Gurdwara and performing the Akhand Path and other acts of worship. All those who went were arrested and beaten and humiliated. After some time the Government officials began to offer to the daily arriving batches of Sikh pilgrims that they could be allowed a temporary access to the Gurdwara on the condition that they would agree to go back immediately after merely doing obeisance to the Holy Granth in the Gurdwara. To this the Sikhs could never agree, as it would mean conceding the elementary right of religious liberty and free worship. Nearly six months have gone by and more than 5,000 Sikh pilgrims have walked to Jaito and been arrested. A Jatha of 500 people were not allowed to go and perform their worship at the Gurdwara. Though they remained non-violent, they were fired on and many persons were killed. I submit, Sir, that this ruthless massacre is unprecedented.

**Mr. President:** I must ask the Honourable Member to bring his remarks to a close.

**Sardar Kartar Singh:** My submission is that these are the legitimate grievances of the Sikhs and, if the Government are prepared to redress

[Sardar Kartar Singh.]

those grievances, this is the best time for the Government. The Government should not put the community to trouble and interfere with their religious rights and Government should make the Sikhs feel that their religion is free from interference. The best way to solve the difficulty is to appoint a Committee of independent impartial persons, in whom the public may have confidence, to inquire into the grievances of the Sikhs and to find out the causes of discontent and to suggest measures for their redress. Sir, no Committee appointed would be of any use unless it commands the confidence of the Sikhs. For this purpose I have an amendment to move. The Committee suggested by me would command the confidence of the public. I move that in place of the original Resolution the following amendment be adopted:

"This Assembly recommends to the Governor General in Council that a Committee consisting of Pandit Madan Mohan Malaviya, Colonel Sir Henry Stanyon, Pandit Motilal Nehru, Dr. H. S. Gour, Mr. B. Venkatapathiraju, Mr. R. K. Shanmukham Chetty, Maulvi Muhammad Yakub and Sardar Gulab Singh with two officials to be nominated by the Government be appointed to inquire into the grievances of the Sikh community and make recommendations at an early date to remove the present *impasse* between the Government and the Sikh community."

**Dr. H. S. Gour** (Central Provinces Hindi Divisions: Non-Muhamadan): Sir, I beg to move the following amendment:

"This Assembly recommends to the Governor General in Council . . ."

**Mr. President:** One amendment at a time is enough.

**Dr. H. S. Gour:** Sir, there can be no doubt that the Sikh community have a grievance. That is stated by the Honourable Mover of the Resolution and admitted by Mr. Calvert, an official from the Punjab. The Honourable Mover of the Resolution has pointed out that the Sikhs have complaints which extend over a period of years and that these complaints have been accumulating and are becoming daily more and more aggravated in intensity and force. The Honourable Mr. Calvert has admitted that the Punjab Government have failed to find a satisfactory solution to the Sikh discontent. That is an admission which justifies the Honourable Mover's appeal to this House to appoint a Committee to inquire into the causes of the Sikh discontent and to suggest remedies for its removal. Within the last few days Honourable Members of this House have been besieged with a large quantity of literature on the subject. I have myself talked to a very large number of Sikh friends and they assure me that the real cause of discontent amongst the Sikh community in the Punjab is the religious and political reform movement, which the orthodox community in enjoyment of their privileges and power stoutly resist and oppose and the reformers complain that these orthodox people are supported by the Local Government. Now, Sir, we are not here concerned with the question as to who is right or who is wrong, because if we knew this there would be no occasion to ask this House to appoint a Committee to inquire. The very fact that the Honourable Mover of this Resolution wants this House to appoint a committee to investigate postulates that the causes which the one party assert and which the other deny are neither admitted by the one side nor the other and must be submitted to the arbitrament of an independent and impartial tribunal. That is a part of the case which I submit; neither my Sikh friends nor the Honourable Mr. Calvert can controvert, because he has admitted that it is a case for inquiry but a case which must be laid before the local Council in the Punjab. But in the very same breath in which he makes

the suggestion he confesses to the inability of the Punjab Government to find a solution.

**Mr. H. Calvert:** I said a solution satisfactory to all sects of the Sikhs

**Dr. H. S. Gour:** No solution is possible unless it satisfies the majority of the people affected by it.

**Mr. H. Calvert:** All.

**Dr. H. S. Gour:** If my Honourable friend, Mr. Calvert, is an idealist and is looking for a solution which will satisfy all persons and all communities he is striving at an ideal which in this mundane world is impossible of realization. What we can find is a solution which will appeal to reasonable men, which will satisfy the grievances of the majority, and if a few malcontents remain, they are people who must submit to the reasonable solution which the independent Committee of inquiry will find and by which the bulk of the community will be guided and bound. That is all that a Committee can do; that is all that the Committee is expected to do. Beyond that if any Committee aspires to achieve a result, it is striving for an impossibility.

Now, Sir, the causes which the Honourable Mover of this Resolution has set out as leading to the discontent amongst our fellow subjects in the Punjab are widely different to the causes ascribed by the Honourable Mr. Calvert. The Honourable Mover of the Resolution complains that there are four root causes which have led up to the present unsatisfactory situation in the Punjab. The first and foremost relates to the Gurdwaras which the reforming Akalis wish to manage for the purpose for which they were primarily intended. (Mr. H. Calvert: "No.") The other side say: "No: if you have any rights establish them in a court of law. From time immemorial these Gurdwaras have been in the possession of persons who are in their present occupation, and you shall not molest them or disturb their possession." That is a plausible view. The other side complain that these Gurdwaras are in the nature of a public trust and belong to the community who have the right of supervision and control which they wish to assert. That is the case of the Akalis. Turning, Sir, to the question of the kirpan, I submit that it is a comparatively minor question.

The third cause concerns the deposition of the Maharaja of Nabha. I do not wish to go into that question beyond simply finding in it a cause which the Akalis regard as one which has tended to exacerbate their feelings. They say that the Maharaja of Nabha was the Akali leader and he has been sacrificed on that ground. The Government say, his administration was such that the Government of India, representing the paramount power, could no longer tolerate it. These are the two views; the views of the Akalis and the views of the Government. We do not know who is right and who is wrong, but the fact remains that the matter has not yet been examined by an impartial and independent Committee of inquiry.

The Akalis desire that an independent Committee should investigate these causes and suggest remedies for their redress by the Central Government. The Honourable Mr. Calvert would have all these questions investigated by a local Committee appointed by the Punjab Government. He has already said that the Punjab Government has not been able to find a satisfactory solution, and I would therefore suggest that it is perhaps time that in the calm and placid atmosphere of the Central Legislature (The Honourable Sir Malcolm Hailey: "Hear, hear"), unbiassed and unprejudiced (A Voice: "unfettered") by local feelings, prepossessions and

[Dr. H. S. Gour.]

prejudices, a solution satisfactory to all parties might be found; and I therefore support the principle underlying the Resolution of the Honourable Mover. But I would suggest, Sir, that his Resolution is much too detailed and does not give sufficient latitude to the Government to appoint a suitable Committee; and, if you will permit me, Sir, I would therefore ask him to accept my amendment and make it his own, and that that amendment be carried, so that Government may be in a position to appoint an independent Committee of inquiry to investigate into the causes of Sikh discontent. I therefore move my amendment, which runs as follows:

"This Assembly recommends to the Governor General in Council to be so pleased as to appoint a Committee consisting of official and non-official Members of the House to inquire into the causes of discontent prevailing among the Sikh community and to report on what measures should be adopted to remove the same."

**Raja Raghunandan Prasad Singh** (Bihar and Orissa: Landholders): Sir, I rise to support the amendment proposed by the Honourable Member (Dr. Gour).

There is a great excitement prevailing in the Punjab over the Akali movement and, in view of the recent deplorable occurrence at Jaito, a grave situation has arisen. To prevent the matter getting worse and to allay the public feeling, I would appeal to the Government to accept the proposal for the appointment of a mixed Committee of officials and non-officials to investigate the whole matter and report what measures should be taken to restore peace in that unfortunate province. Conflicting reports are appearing about the happenings there and it is not definitely known what are the grievances of the Sikhs and whether they are reasonable or otherwise. A thorough inquiry into the causes of the deplorable state of affairs through a fully representative Committee is necessary in the interests of peaceful administration, and I doubt not the Government will see their way to adopt the proposal. With these few words I beg to support the amendment moved by my Honourable friend.

**Mr. Bipin Chandra Pal** (Calcutta: Non-Muhammadan Urban): Those of us, Sir, who come from the other provinces may possibly find themselves in a somewhat difficult position. I for one do so find myself. We have been exercised for the last two or three years over these happenings in the Punjab. We have read from day to day of the sufferings bravely faced, unflinchingly borne, by large numbers of this brave community. During these last three years our Sikh friends in the Punjab have proved that they can be as courageous in wielding the peaceful weapons of passive resistance as they have been reckless in wielding the murderous weapons of active resistance during the war. The attitude of the Sikh community has won universal admiration. My friend, the Honourable Member for Lyallpur. . . . (Voices: "No, the Honourable Member for the Punjab; that is a better name.") Yes, "the Honourable Member for the Punjab" is a better name. I accept that correction because, in regard to this matter, I take it, Sir, that Sardar Gulab Singh stands not only for his own community but for every Indian community in the Punjab, and I may say that, so far as this matter goes, he stands for all the communities of India. Sardar Gulab Singh has tried to point out that their quarrel is not a political quarrel. They do not want Swaraj, I am sorry to hear that (A Voice: "No, no"), but all the same, when we get it, they will have it (A Voice: "He will share when you get it"). He disclaims, on behalf of the Gurdwara Prabandhak Committee, all political motives. If the Punjab Government

had their say, they too would also equally disclaim all political motives. The Honourable Mover, Sardar Gulab Singh, says that "we are out to defend our just rights; we are out to reform our religious institutions". The Government of the Punjab will similarly say, "we are here to preserve law and order, we are here to preserve the man who is in possession of a property in the enjoyment of that property. We are here dealing, not from any political motives, with this Sikh movement, but we are dealing with it with a view to secure to the Mahants who are in possession"—and they say in civilization that possession is nine points of the law,—“that those who are in possession must be protected by the authority of the law and the Government”.

**Sardar Gulab Singh:** Sir, I never said that I do not want Swaraj; I simply said that religion to a Sikh is of course more precious than Swaraj.

**Mr. Bipin Chandra Pal:** What I was trying to invite the attention of the House to is this, namely, that on the one side the Akali leader says, "it is not a political movement". On the other side Government also say, "it has nothing to do with politics". But, Sir, I am not prepared to take the surface value of things. Behind this movement there is—I admit and I appreciate it—there is, if not a political motive, a tremendous political force; and on the other hand, behind the plea of the Government also there is and has always been an unacknowledged political motive. From the very first the Government tried to regulate and control the centres of religious activity. From the very first Government tried to capture the influence that radiates from these Gurdwaras in the Punjab. Can the Government deny that they tried to use the Gurdwaras for purposes of recruitment in the earlier days of their hold in the Punjab? (*The Honourable Sir Malcolm Hailey:* "Certainly".) Is that not true? (*The Honourable Sir Malcolm Hailey:* "Certainly not".) All right, it is a question of interpretation. Now, I will leave my friend to his own interpretation of history; I stick to my own interpretation of it. Now these things are well known in other parts of the world. Political power has always tried to keep itself in power by handling religious institutions and religious authority and religious power. It was so in Europe before the Reformation. It was only after there was a complete separation between the Church and the State that we found the Church going its own way and the State working its own ends by legitimate political weapons. But here I have a suspicion, Sir, that on both sides there is a political inspiration, if not a political motive. Besides that, we cannot be indifferent to the political effects of this Akali movement in the Punjab. There are people outside the Punjab who sympathise with the bold stand that the Akalis have taken, simply because they appreciate any courageous stand against the autocracy or the bureaucracy of the present government of the country. That is the situation, and I ask the Government Benches to take note of that situation. I do not say it is right; I do not say it is wrong. Facts are neither right nor wrong. The fact is a fact and this is the bed-rock fact of this whole situation that is stirring troubles in the Punjab, the sacrifices in the Punjab, the martyrdom in the Punjab, the shooting in the Punjab and the beating in the Punjab. All these things are stirring the whole of the politically minded classes in India to its depths and I think the Government would do well to take note of it. I do not hold out a threat; we have not the means of carrying out any threat and I do not believe in bluffing the greatest bluffers in history and in the world. I do not hold out a threat but I state what we all feel to be a fact. And what is the remedy? We have trusted the Punjab Government for these three years to



[Mr. Bipin Chandra Pal.]

deal with this situation. If they had been able to deal with it, there would have been no cause to bring this matter up before this Central Legislative Assembly. The Punjab Government have failed; through lack of statesmanship it may be, through lack of strength it may be, owing to their own peculiar provincial difficulties it may be, but the fact is there that they have failed to solve this problem. What, then, is the remedy? Shall we allow this problem to go on in the way that it has been going on? Shall we allow the Sikhs to suffer and by their suffering bring down the prestige and the authority of the Government in the Punjab to its present low level? Shall we suffer the Punjab Government to carry on the struggle with all the weapons and instruments that they have in their possession and create a situation not only in the Punjab but outside in the whole of India which none of us here want? That is the whole problem. And the remedy seems to me, Sir, to lie in the very modest proposal which has been presented by Sardar Gulab Singh. I need not enter into the details. Let us have an independent inquiry. Let us see if the heads of the Punjab Government and the heads of the Central Government here, joined to the heads of the Assembly may not be able to find a satisfactory solution to this very complex, very irritating, very dangerous problem; and in this view, Sir, I support Sardar Gulab Singh's motion. Whether it is to be a Committee of which two-thirds are non-official elected members and one-third Government officials, or whether it is to be half and half, or whatever it is, with regard to that matter, I agree with my friend, Dr. Gour. I think, if the Government will kindly accept some such proposal, it would give us an opportunity of directly inquiring into this matter, give us an opportunity of seeing things for ourselves in your company—you will be our showmen, we know in all the Committees that it is the Government Benches who are the showmen. But let us have an opportunity of seeing this thing ourselves, looking into all the documents ourselves, examining witnesses ourselves, and declaring to the whole of India and to the whole of the world what is the state of things in the Punjab and how this thing, if it can be remedied at all, should be remedied.

**Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions: Non-Muhammadian Rural): Sir, I offer my cordial support to the proposal which has been put forward by Sardar Gulab Singh. He has fully explained how the situation—the present situation—has arisen in which it has become necessary for him to put forward the motion that he has placed before the House. I would like briefly to draw attention to some of the salient features of that situation. The Sikhs as a body are known to have been among the most loyal subjects of His Majesty the King-Emperor. Their loyalty has been acknowledged on numerous occasions. Their valour has been admired and respected and memorials to that valour have been erected by subscriptions raised by Europeans as well as Indians. In the last war 125,000 of them were recruited to fight the King's battles in the East, the Far East and in the fields of Europe. That such a community should have such a grievance, so many grievances, as have been brought to the notice of this Assembly by Sardar Gulab Singh, is a tragedy. But it is a tragedy; the fact has to be recognised; and how has that tragedy been brought about? Sardar Gulab Singh has told us that shortly after the war the attitude of the Government of the Punjab altered towards the Sikh community as well as towards the rest of the Indian community. I do not want to go over the grounds which were common to the community as a whole. During the war the Government



of the Punjab patted the community, encouraged them, coaxed them, flattered them, to get as many recruits as they could for fighting the King's battles. As soon as the armistice was signed, the attitude of that Government changed, as also did the attitude of the Government of India. But I will not deal with all the incidents which arose out of that attitude. I will strictly confine myself to the questions which particularly related to the Sikh community and I will start from the time when the Sikhs organised themselves into a Gurdwara Prabandhak Committee to reform their Gurdwaras, their sacred places. They organised themselves as a body, they registered themselves as a society. Shortly after they had so registered themselves, one of the first things which happened was the *kirpan* affair. Everybody here understands that a *kirpan* is a sword worn by the Sikhs. It may be exactly like a full sword or it may be a small sword, but a *kirpan* means a sword and it has been so worn. It has been worn by Sikhs during all the time that we know of. It is an emblem of their religion. While the Government of India rewarded the rest of India, or rather acknowledged that it was just to remove the grievance of the whole of India in the matter of wearing swords, while it ruled that a license would no longer be required for wearing swords, throughout the rest of India, they had not the gratitude, they had not the fairness, to declare that the people of the Punjab would also be free from that license. They continued the rule which required that a license should be obtained for a sword in the Punjab, as if that was the reward for all the bravery which the people of the Punjab had shown during the war and in previous years. But the Sikhs did not ask for freedom to carry full swords. They wore the *kirpan* and the Government began to quarrel with them. The Government have nowhere laid down what the measure of a *kirpan* should be; and yet the Government began to prosecute the Sikhs, because the *kirpan*, according to the ideas of some officers of the Government, was a bit longer than they thought it should be. It was a mere imagination, a mere fancy, a mere whim. Nowhere was any law laid down which defined the measure of the *kirpan*, and it is incredible but it is a fact that hundreds of respectable Sikhs, men of position, men of character as high as that of anybody in the land, were persecuted, prosecuted, put into prisons for wearing *kirpans* or manufacturing them. Among them I need mention only one Sardar Kharak Singh, a fine man, an honourable man, who was given one year's imprisonment for manufacturing *kirpans* which Sikhs were held to be free to wear. Another, a retired officer of Government, Sirdar Khazan Singh, was similarly treated, punished and imprisoned. This went on for some time. The Government found out their mistake and dropped the *kirpan* affair, but not until a great amount of suffering, unjust and unjustifiable suffering, had been inflicted upon a number of very fine men of the Sikh community.

Then came the keys affair. The Government interfered with the management of the Golden Temple. It used to appoint the manager, and it would not allow the Sikh community to exercise the control which they were entitled to exercise in the management of the Temple. The trouble—or what shall I call it by, it was neither a struggle nor a fight, but it was a miserable mismanagement of the affair—went on for some time. And after prosecuting Sikhs, persecuting Sikhs, because they held meetings to condemn the action of the Government in appointing their own man to manage the Temple, and after sending several hundreds of persons to jail over the keys affair, the Government discovered their

[Pandit Madan Mohan Malaviya.]

mistake. They let off those persons whom they had imprisoned and invited the Sikhs to accept the keys. The Sikhs would not accept the keys unless the Government released the gentlemen who had been sent to jail over them. The Government held back for a time, but eventually ungracefully yielded and handed over the keys to the same gentlemen who had been imprisoned for having led the agitation over the delivery of the keys to the Sikh community.

Then came a third trouble. After the keys affair, there was the Guru Ka Bagh business. The Mahants are a well known set of persons among the Sikhs who were in charge of Gurdwaras. There are some among them who are of very good character, but not all of them are of good character, and the Sikhs object to these men remaining in charge of Gurdwaras. Their intention was to make arrangements with the Mahants, to give them allowances, to allow them to pass their lives as handsomely as they could, and yet to free the Gurdwaras from their mismanagement and control. The Sikhs entered into an arrangement with the Mahant at Guru Ka Bagh, but an officious official at Amritsar could not bear the thought of it. He created trouble and five Sikhs were punished because they had cut some trees in the Guru Ka Bagh, which, they held, belonged to the Gurdwara. 5,700 persons were arrested and imprisoned and treated most brutally, as I myself saw when I was present at the Guru Ka Bagh on two occasions. They were treated as no human being should have been treated by any man who claimed to be human, or claimed to be a gentleman. And yet that was done in the presence of several officers of Government. The thing went on. 1,300 persons were disgracefully wounded and about 5,700 persons were imprisoned. Eventually a friend of the Government and of the Sikhs, who could not bear the sight of it, came to the rescue of Government. He obtained a lease of the disputed land and made it over to the Gurdwara Prabandhak Committee. We thought that that was the end of the unpleasant and unhappy trouble between the Government and the Sikhs. Unfortunately there was a riot between Hindus and Muhammadans in Amritsar. It was a small riot. The Sikhs came forward to stand between those who were fighting, between the few men that were fighting, and restored order. The Government once more appreciated the contribution of the Sikhs to the maintenance of law and order. They released the men who were in jail, and one could have imagined then, at any rate, that there would be no more of these unwise prosecutions of Sikhs. But it was not to be.

Shortly after, or some time after, the Maharaja of Nabha was deposed or made to sever his connection with his State. It was said on behalf of the Government that he had voluntarily abdicated. The Sikhs challenged this statement. The Gurdwara Prabandhak Committee is a body which the Government have recognised to be representative of a large section of Sikh religious opinion. Mr. Calvert is wrong, utterly wrong, and his remarks have been entirely misleading, when he said that the Sikhs have no leaders, and that the Government do not know with whom they should deal. The Government have in their communiqués acknowledged that the Gurdwara Prabandhak Committee is representative of a large section of Sikh religious opinion and they have instructed their local officers to consult the Gurdwara Prabandhak Committee in all matters which may arise relating to Gurdwaras.

This Gurdwara Prabandhak Committee, as the representative of Sikh religious opinion, naturally felt sympathy with the Maharaja who is one of the three important Sikh Princes in the Phulkian States. The facts which were published did not satisfy the Committee that the Maharaja had been properly dealt with. They passed a Resolution condemning the action of the Government and asking the Government to publish the facts which would justify the separation of the Maharaja from his State. They did not ask for anything more. They merely passed a Resolution on the 5th and 6th of August last in which they asked that the Government should publish such facts as would satisfy the Sikh community that the Maharaja had really voluntarily abdicated his throne. The Government did not accept the challenge. But what did the Sikhs do? Finding that the Government would not make a response, the Sikhs decided that on the 9th September they should observe a Nabha Day. There were processions and *diwans* were held all over the country to express their sympathy with the Maharaja and to express their indignation at the action of the Government. The Government did not find fault with my Muhammadan countrymen when they raised a protest against the Khilafat arrangement which had been arrived at by the Treaty of Sèvres, when the Hindus stood in a body with their Muhammadan friends to support the demand regarding the Khilafat. I cannot conceive why any Government should be angry with the Sikhs because they wished to express their dissatisfaction at the arrangement which the Government had arrived at with the Maharaja. A *diwan* was held on the 12th September in the Gurdwara at Jaito in the Nabha State. Between the 12th and the 14th of September the *diwan* sat there with the permission of the Nabha authorities. They had obtained permission to go on, but while their work was unfinished, while the reading of the holy Sikh Granth was still in progress, some of these little Dogberrys, clothed with brief authority, came on the scene and disturbed the reading of the Granth Sahib. Troops were brought in and they dragged the Granthi from inside the temple. The Sikhs naturally felt it as a great insult that a man who had begun to read the sacred book should be dragged outside; they felt it as a great insult that, while they were engaged in reading the Granth, anybody should come in and interfere with them. Naturally it gave rise to a feeling of indignation. The people in the vicinity gathered and vowed that they would go on to complete the reading of the Granth Sahib which had been so rudely and so unjustifiably disturbed. They began to go in numbers—eleven at first and later on—when the Gurdwara Prabandhak Committee wisely took over the control of this matter into its own hands lest there might be any trouble—25 persons every day vowed to non-violence;—yes, some Honourable Members may smile and laugh, but they little know what the consequences would have been if the Prabandhak Committee, under the inspiration of Mahatma Gandhi and according to the teaching of the Gurus, had not exercised an immense control over the Sikhs in the matter of non-violence. Now, Sir, the Sikhs naturally felt aggrieved, and batches of 25 of them began to go from the 14th September or about that date, and they have continued to go in the number of 25. All these months they have gone every day to the Gurdwara in that number. They have been caught hold of at the Jaito station. They have not been permitted to go to the Gurdwara, even though they declared that their whole object was to complete the reading of the Granth Sahib and to do nothing more than what their religion permits them to do. Four thousand and more of such men were in this way arrested, taken a long distance to some station—Bowal perhaps—or something like that, there let off and forced to walk back two or three hundred miles to their homes. This has been the treatment meted out to these 4,000 and more Sikhs for

[Pandit Madan Mohan Malaviya.]

the last few months. Is the Government unaware of the details which have been published from time to time? Has any violence been resorted to by any of these *Jathas*? No. But finding that the Government was callous, was unmoved, the Gurdwara Prabandhak Committee decided to send a *Jatha* of five hundred men on the 21st of this month to Jaito. The fact was announced; it was published in the papers; the Government knew of it; and how did the Government meet it? The Government published a notification that it would allow fifty persons to go to the Gurdwara to do Akhand Path or the reading of the Sacred Book, but they must promise in writing that they would leave the Gurdwara as soon as they had finished the reading. I cannot understand under what law or reasoning anybody, any Government can say that the number of persons who will exercise a religious right shall be restricted to fifty. If it was recognised that fifty men had a right to go there, by what law or commonsense could the Government say that fifty-one men should not go or that five hundred should not go? When the Government recognised that it was the right of the Sikhs to go to that Gurdwara to do the reading, by what law could the Government say that they must leave that place as soon as they had finished that reading? So long as they did not commit any offence against the law, so long as they were not guilty of any violence or any unlawful act, why could not the Government leave them free to read their Sacred Book and remain there in the happy atmosphere of the Gurdwara? But the Government lacked wisdom and so they insisted upon these conditions. When this matter was published in the papers Professor Jodh Singh of Amritsar wrote a letter to Sir John Maynard, a copy of which he has been good enough to give me and to authorise me to use if I liked; it is dated the 13th January 1924 and runs as follows:

"I confess I have no right to write these lines, but my only excuse is that I do not want to see the gulf between the Government and the Sikh community widened. I have read in the papers of the decision about the Akhand Path at Gangsar, Jaito. To allow a religious ceremony to be performed and to limit the number of persons who could attend it would create a real religious grievance. If the Akhand Path is to be performed, free access must be given to all who have a mind to attend it, and the Path should be allowed to go on for as long a time as the Sikhs wish. The Government has got every right to deal according to law and justice with people who transgress the limits of law in their political propaganda, but in my humble opinion it should enunciate no rules that would have the appearance of obstructing religious performances."

This was handed over to Sir John Maynard on the 14th of January by Professor Jodh Singh, who has himself told me this fact. Now, Sir, Government were aware that the Sikh Panth did not accept this decision to have a restricted right of going to the Gurdwara and to perform their Path under the conditions laid down by the authorities there. Had not the Government of India time enough to consider the matter? How did they meet the situation? They met it with an obstinate and unjustifiable attitude; they met it by permitting the Nabha Administrator to gather forces there, to collect Lewis guns, to collect cavalry and infantry and other troops in order to resist the men seeking to go to the Gurdwara. Sir, the details which I sought to elicit yesterday have not yet been published; I am waiting for them; but I have been informed by men who were on the spot that the whole scene was most disgraceful for any civilised Government to think of. Men who were unarmed, men who were vowed to non-violence, men who had during the many months they had been going to the Gurdwara not been guilty of one single act of violence, men who had proved that they could, as was said by my friend, the last speaker, be as

courageous in bearing suffering as they were courageous in fighting the enemies of His Majesty, such men were there, unarmed, non-violent, intending to do nothing but to enter the sacred place and read the book which they hold to be the most sacred of books in the world. These men were fired on. The first communiqué that was published said that the firing began on the side of those who went there. That from all that I have heard I believe to be a lie, and I believe that when the fullest investigation is made this will be found to be a lie. There were no fire-arms with the *Jatha*; there were no fire-arms even with the crowd. No one has said that any Government man was injured. While all the troops were there and all the armed forces were there, nobody was able to see any man with any arms that might have justified the view put forward. At first it was said that none of the *Jatha* men were killed; now it has been stated that four of the *Jatha* men have been killed. The report that I have received from

men who were there tells me that at least 21 of the *Jatha* men were killed and 150 wounded, and I am further informed that altogether between 100 and 150 were killed on the spot, that some of them were burnt, some were buried and others removed to unknown destinations. Now, Sir, that such a tragedy should happen is a matter deeply to be deplored by every sensible and right-minded man. And what does this Resolution demand? It merely demands that there should be a sifting inquiry, an immediate inquiry, into this affair. The Government of the Punjab have shown their utter incapacity to deal with the Sikh situation in the Punjab, and the Government of India, I regret to say, have shown a similar want of competency in dealing with the situation. Here are the Government of India directly responsible for what has happened at Jaito. This is shown by the statement made by the Honourable the Home Member that the Administrator at Nabha came to Delhi to receive instructions regarding what might happen there. What were the instructions given to him? Were they to fire upon an unarmed crowd, to open fire upon these unoffending men and women who went there? Does the House know that with this *Jatha* there were about 50 women going in order to give water to the men and to administer to them such other relief as might be necessary? One child was shot dead in the arms of its mother who, leaving the child on the road-side and making a bow to the corpse, went along to join the *Jatha* in order that she might not leave her brethren who were going to the Gurdwara. One other woman was hurt, I am told,—I myself do not know, I cannot vouch for it. I mention it in order that an inquiry may be made immediately. I am told that many of the women that were left behind were badly treated.

Is this a state of things to be tolerated? Is this a state of things to be allowed to go on? We first had the Nankana tragedy to which my friend Sardar Gulab Singh referred. I am sorry to inform this House that before the Nankana tragedy took place on or about the 20th February 1921, on the 6th of January or about a month before that time, Lala Ganpat Rai, Barrister-at-law of Lahore, went over to the Commissioner and the Deputy Commissioner of the place where Nankana is situated and asked that the Government should send a police force, because the Mahant was afraid that he might be attacked. No action was taken. The police was not sent. The responsibility therefore for what took place there does not lie merely upon the Mahant; it lies upon the Government also.

Then you have the Guru-Ka-Bagh tragedy where 1,800 men were wounded and 5,700 men were imprisoned; and the last thing is the second Jallianwala Bagh at Jaito, where a crowd of 500 men pledged to non-violence and others who had gone there with them were fired upon. Is

[Pandit Madan Mohan Malaviya.]

there a part of the world in the British Empire where such events would not rouse the deepest indignation, where they would not be met with a demand for the severest punishment of those who were responsible for the wanton destruction of the lives of so many of His Majesty's subjects? And what were the Sikhs doing? What did they ask for? They did not ask that they should be put in possession of this Gurdwara to the exclusion of other persons. They merely asked that they should be allowed to go there to read the Granth Sahib and to return from there when they had finished reading their sacred book. Even if the crowd was three times as large as it was, unless the members of the crowd resorted to violence, unless the situation became dangerous, where was the justification in law, in common sense, for any officer of Government, for any man, to order to open fire upon an unoffending crowd? And, who were the men who were present? I am told that Mr. Johnstone was there, and I am told that Mr. Gregson, Superintendent of Police, was there. Colonel Minchin was there; Colonel Coldstream, Deputy Commissioner of Ferozepore, was there; also an English military officer who was, I am told, firing a Lewis gun. These are the men who were there. I do not know whether it was a Lewis gun or a machine gun that they were firing, I do not know it, I cannot vouch for it. I am putting these facts before the House in order that, if my statement is incorrect, it may be corrected. I only wish to draw the attention of the House to the seriousness of the situation. There were some Nabha officials too. That, in the presence of so many English officers, civil and military, a crowd which was unarmed, a crowd which had not resorted to any violence, which, if it did resort to violence, could at any moment be put down with the armed troops that were available to the Government, that such a crowd should be fired upon is a matter of the deepest condemnation for the administration which is responsible for it, and, that being so, I ask, Sir, that the House should accept the motion of Sardar Gulab Singh, with such modification as may commend itself to this House—personally to me the proposal seems to be quite just—but with such modification as the House may think fit, and lay it down that the inquiry should extend over the entire period from the time when the Gurdwara movement was started until that fateful, sad, day when so many of our fellow subjects, unoffending and inoffensive, fell victims to the want of sense and to the brutality of those who were on the spot and of those who had guided their policy.

**Sir Gordon Fraser** (Madras: European): Sir, it is with great diffidence that I rise to speak on this Resolution as I am entirely ignorant of the merits of the case and I think that is the position of a great number of Honourable Members present. There appear, however, to be very serious grievances. There must be such grievances to have occasioned the amount of unrest we have in the Punjab, and under the circumstances I think an investigation—it is my personal opinion—an investigation is called for. If there is no foundation for these grievances, there is all the more reason in my opinion, for an investigation. Also, after listening to what I would call the unbelievable accusations of the Honourable Pandit Madan Mohan Malaviya (*Voices*: "All facts"), I think that it is up to Government to hold an investigation. I do not approve of the Committees as suggested by the Resolution and by the amendments. I think, under the circumstances, a Committee more in the line of a Judicial Committee is called for, to take evidence and hear witnesses, and I would suggest a Committee appointed from the High Courts, say, a small Committee of three Judges, one from each province.

**Pandit Shamial Nehru** (Meerut Division: Non-Muhammadan Rural): On a point of order, Sir. Is the Honourable gentleman entitled to move an amendment now?

**Mr. President:** Order, order. I keep the House in order.

**Sir Gordon Fraser:** What I would like to see is Government appointing a Committee of three Judges—three or five, it is immaterial—taken from the High Courts of India, say one from each province, with a very wide latitude to go very fully into the whole question and decide what justification or truth there is in these accusations that have been put forward and also in the grievances that have been put forward by the Honourable Mover of the Resolution. Grievances it seems to me there must be to have brought about so much unrest. My friend, the Honourable Mr. Calvert, suggested that it was a matter more for the Punjab Government, as it was a domestic dispute between the different sects of the Sikh community. That is quite sound but, as the position is at present, the Government have been brought into it so much that I think it is for this House to decide on a Committee. I have made several attempts to get authentic information as to the rights or the merits of the case but without any success, and I think it is up to Government to hold an inquiry, as I said before, to decide whether there are any grounds for these accusations and also whether there are any grounds for the grievances put forward. I would very much prefer to see a Judicial Committee appointed than a Committee according to the Resolution and the amendments consisting of officials and non-officials of the House as no one can possibly question the impartiality or the integrity of any Judge, whether European or Indian taken from any of the High Courts of India.

**Mr. Narain Dass** (Agra Division: Non-Muhammadan Rural): Sir, I would like to say a few words in support of the amendment moved by Sardar Kartar Singh. It is an amendment which is definite. It specifies the personnel of the Committee of inquiry. If the Committee is at all going to give any satisfaction, I think it ought to consist of persons who enjoy the confidence of the people. It is not a matter of mere adjudication. It is not a question whether people have confidence in the High Court Judges or not. It is not a case which is going to be decided by the Judges of the High Court. It is a broad and wide issue. It is a question of the maintenance of law and order. When the maintenance of law and order is so much talked about, is it meant that we Indians are a lawless people? I will try to point out, that so far as the verdict of history goes, so far as the verdict of impartial people goes, we have the great fortune of being pronounced to be the most law-abiding and the most orderly people in the world. Why is it then, Sir, that a sort of insanity has taken possession of the people of this country that they disregard altogether law and order? It is not in the nature of the people of India to disregard law and order. I would say that there is something wrong—intrinsically wrong, materially wrong—in the maintenance of law and order. Law is not being maintained, order is not being maintained, with any honest purpose. It is being distorted, it is being subjugated to unfair political ends. That is why the most law-abiding people in the world cannot bear such a flagrant exhibition of the maintenance of law and order. Sir, there is one thing that ought to be taken note of. In every Indian State there are people of different professions and religions living side by side. Why is it then that in British India alone there are so many conflicts and so many misunderstandings? Why is it that in the biggest of Indian



[Mr. Narain Dass.]

States, there is so much more of peace and order and happiness? Why is it that in civilised British India alone, where we have got the benefit of the so-called disciplined and such law-abiding officers, there is such an absurd exhibition of lawlessness? I think that the "steel frame" has got something to do with it. It is not because our intelligence in British India has advanced backwards. It is not out of mere mischief that we have come to disrespect law and order. I should say, to be frank, that these mischiefs are fomented by men in power. And therefore, Sir, any Committee of inquiry, if it is to have the confidence of the people, if it is to have any value at all as a right solution of the question, must consist of persons whom no man in India can say that they do not enjoy the confidence of the people. I therefore would like to give my wholehearted support to the amendment moved by Sardar Kartar Singh.

**Shaikh Mushir Hosain Kidwai** (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, I rise to support the Resolution as a Muslim. I do not care what happened centuries ago and what this General mentioned by Sardar Gulab Singh did or what he did not do. In the words of the immortal Hafiz:

*"Ma Qissai Sikandaro Dara na Khandi am  
Az ma bajuz hikayet e mehrowafa mapurs"*

—"I have not read the story of Alexander and Darius. Do not ask me of anything except of affection and faithfulness." As a Mussalman to me human brotherhood, even if the members of the fraternity live Poles apart, is a living thing, and I do not think that in the whole of India to-day there is a single Mussalman who does not feel deeply for the sufferings of his fellow-countrymen, the Akalis. Unfortunately, the attitude of the Government has been quite worthy of its alien nature. They have not taken those steps which they should have taken to find out the real truth of the situation. They have been absolutely callous, and, if the rumours which are current these days in Delhi are true, they have been more than callous, they have been deliberately and horribly cruel. The rumours are that hundreds, if not thousands, have already been killed, their dead bodies have been burnt and women and children have also been murdered. It is no excuse that these things are said to have happened on a territory which does not belong to the British Government. It is the first and foremost duty of every Government to protect the lives of its citizens. As far as the lives of Englishmen are concerned, this Government are very scrupulous in protecting them, even to this extent, that they were ready to declare war upon a neighbouring Government, but where the lives of hundreds and thousands of Indians are concerned, they do not take any notice whatever. It is the Government which has left us no course except to believe these rumours. They have denied a discussion of the subject on the floor of this House. Members of this House who went to find out the truth have had to return unceremoniously, and the two Indian leaders who went there to examine the situation have been arrested. Under these circumstances we are compelled to believe what these rumours say. Sir, I would submit to the Government that the responsibility of what has happened and what is happening does not rest only with certain individual officers. It cannot be confined to the borders beyond British India. It goes direct to the Members of the Government, to the head of the Government, the ex-Lord Chief Justice of England, and I think that he and his Government are in duty bound to make urgent inquiries as to what are the real facts. Therefore, I support the Resolution.



**Mr. President:** I had hoped to be able to finish this Resolution this morning, but as I see that there are Honourable Members who wish to speak, I think, I shall have to carry it over the lunch adjournment.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock Mr. President in the Chair.

**Mr. G. Pilcher** (Bengal: European): My object in addressing the House is far from being to disturb what Dr. Gour has so felicitously described as our placid and harmonious atmosphere. But, Sir, the omissions, and, without any desire to cast aspersions, may I say the inconsistencies revealed by the speeches of some of the speakers who have already addressed the House are so striking that I feel impelled to apply myself to some at least of them and to bring the House back, if I can, to realities. I should like to say a word or two in criticism of the Honourable Pandit's speech. He has given descriptions of the scene at Jaito as he conceives it to have been. He has depicted a religious pilgrimage, 500 strong, arriving at a shrine where its members may have had every reason and desire to perform religious ceremonies. The Honourable Pandit made no mention at all, so far as I could gather, of the huge crowd described in the official communiqué as not less than 6,000 people armed with *chavis*, *lathis*, swords and even fire-arms. If he is to give descriptions of these proceedings, then let them be something like real descriptions of what actually occurred.

**Pandit Madan Mohan Malaviya:** I did refer to crowds and said that if they were several times more than what they were, it does not matter so long as they were unarmed. I do not believe the statement that they were armed with *chavis*. I want that matter to be inquired into.

**Mr. G. Pilcher:** That is a matter which it seemed to me I may fairly treat as an omission, but I should like to refer to the inconsistencies which appeared to be glaring in the Pandit's remarks. So far as I could gather the gravamen of his criticism of the Punjab Government's action at the time of the Nankana Sahib affair in 1921 was their complete failure to cope with things as they were, to realise the dangers of the situation and guard against them. The gravamen of his criticism of the affair at Jaito was exactly the opposite. There he reproached the Government—the Government of the State or the Indian authorities—on the ground that, although this vast assemblage had gone there, they took what they considered to be absolutely inevitable action, namely, to guard against future contingencies. If these great crowds are to march out of British India into an Indian State, the process has to end somewhere. If that goes on, you may ultimately have, it is quite conceivable, knowing all we do of the antecedents and the development of the Shiromani Gurdwara Prabandhak Committee—you may have some movement for converting these invasions into a *de facto* administration of an Indian State in opposition to the constituted authorities in this country. The Government's action seems to have been justified. It was inevitable and I should certainly feel inclined myself to criticise the Punjab Government on the ground that in 1921 they did not take effective action and not the Indian Government on the ground that in 1924 they took precipitate or excessive action.

[Mr. G. Pileher.]

Well, Sir, I want to go back if we can to the beginnings of this religious movement in the Punjab. The Punjab Government has been reproached by several speakers on the ground of their lack of sympathy with a great religious community striving to purge its religious institutions of admitted abuses. Sir, I deny absolutely that sympathy has been lacking in the Punjab Government's treatment of that religious movement. The Punjab Government's action may have been lacking in strength; it certainly has never been lacking under Sir Edward Maclagan and Sir John Maynard in sympathy and appreciation of the real move towards religious purification and sincerity that lay originally in this Gurdwara Prabandhak movement. Sir, before the terrible tragedy of Nankana Sahib occurred in February, 1921, there had been several minor incidents of a similar character though on a very much smaller scale. The Honourable Mover of the original Resolution referred to the happenings at Tarn Tarn which occurred in the January of that year. He prefaced his speech with the assertion that the Sikh community was, if I remember rightly, essentially non-violent and that this movement had never been tarnished by motives of violence and disorder. Now, at Tarn Tarn, which occurred before that terrible massacre by the Mahant at Nankana Sahib, there was a very serious altercation; the two parties came to blows and two persons were killed on each side. Before that affair of Tarn Tarn in January the Punjab Government had already begun to take the whole of this movement into very serious consideration. There had already been a committee mooted—a large committee consisting, I think, of 40 persons on each side—to grapple with this already serious movement for the seizure of the shrines by the reforming party. You will remember perhaps that Mr. King, the Commissioner of Lahore, speaking in the Punjab Council three days after that appalling tragedy which occurred in February 1921, alluded to the fact that in the previous November, had it not been for the action of Mr. Currie, the much criticised Deputy Commissioner at Nankana Sahib, there would have been a far more horrible affair than even the Nankana Sahib affair itself. The Government officials were active and extremely sympathetic. They were doing their utmost even in those early days to draw these two parties together. After that terrible tragedy occurred, the very first thing the Punjab Government did in the very early days of March 1921 was to introduce a Bill, the first of a series of seven or eight abortive measures which were prepared or introduced in the Punjab Council, the sole object of which was to bring the parties together and create an atmosphere of conciliation in which the Sikh religion could again develop on friendly lines. The Minister in charge of the Bill was Khan Bahadur Mian Fazl-i-Husain. The proposal under that Bill, as the House will perhaps recall, was for the creation of a Commission accepted by the Indian Government under section 80 of the Government of India Act. That Commission would have been composed of one British official and, I think, three Sikhs in the first instance, and its object would have been to scotch the whole movement once for all on the basis of a real agreement and a real understanding between the parties. It looked for a time as if the Bill was going through, for the Mian and the whole of his Government did their utmost to bring the parties to terms. Failure followed, and there was a long pause of 8 or 10 months before the next Bill was introduced. Now, during those 8 or 10 months, differences in the Sikh religion itself became revealed, and it was on the basis of those vital differences between the four or five sects of the Sikh religion, and

between those sects and the Hindus, that the hope of a settlement ultimately fell to pieces. The Hindu element was deeply disturbed at the time. There is no need to go into the whole of this controversy, but the Hindu objection which took shape at Hardwar and other different places, plus the insuperable divisions and animosities of those warring factions within the Sikh faith, made it impossible to get on to level ground. The ten months went by, and ultimately a second Bill was introduced. In August, 1922, the Sikh members approached the Honourable Mian and asked him to try again to introduce another Bill. During the whole of these ten months the Government worked hard, and the Honourable Khan Bahadur Mian Fazl-i-Husain actually produced his second Bill in September, 1922. A suggestion has been made in this House—it is difficult to categorize it as I think it should be categorized—that arrests were engineered at that time to assist in the success of the Mian's Bill. It is a perfectly preposterous suggestion to anyone who knows anything of what the Government of the Punjab were doing at the time. The Government worked hard and whole-heartedly, and I am perfectly certain that no one was more bitterly aggrieved and disappointed than the Mian himself that his second effort ended in total and dismal failure. Well, Sir, this failure was the sixth or seventh failure. Things began to drift. We had the deplorable business of Guru Ka Bagh, and in the following year we had another development. I think it appears to me almost a sinister comment on the course of this morning's debate that up to now no mention has been made in this House of the appalling murders committed under the aegis of the Babbar Akali movement. I think it is indisputable that had there been no Akali movement, there would have been no Babbar Akali movement. Those men operating in connection with the Babbar Akali movement call themselves Akalis, they too are working for the redemption of the Sikh faith from its abuses. I do not think they will go the length of the Akali leaders some of whom apparently declare that they have no political object at all. I may draw attention to the fact that, although a non-political intention has been attributed here to the Akalis at the time of the keys of the Golden Temple controversy, the then President of the S. G. P. C. declared his political objects openly and compared his own position to that of the President of the United States. He said in effect: "We are now to all intents and purposes a movement independent of British development in India; we can go as we please and we are going to." I draw attention to that because the Akali movement was declared to be a non-political movement this morning. Well, Sir, those efforts at conciliation went on steadily, and nothing was achieved—not, as I am certain as I am quite convinced—not through any lack of effort, not through any sinister or underground motive that has been imputed to British officials or the people working in the Punjab, but through the inherent incapacity, the unsuitability, of this religious discord for settlement by conciliation; the differences as between the Sikhs themselves appear to be almost past reconciliation. The Punjab Government seem to me to have been in duty bound—failing the success of one of these proposed Commissions which would have taken over the Gurdwaras; and the Commissions could not be appointed because the Sikhs would not go on to the Commissions—the Government were in duty bound to protect the vested interests of the Mahants in the shrines. Different proposals for a Commission were framed; in both cases, even when the Prabandhak Committee was offered an elected member on the Commission, they refused to work the proposal. It seems to me that the inherent difficulties hardly admit of a settlement

[Mr. G. Pilcher.]

by this process which it is now suggested that the Assembly itself should take in hand.

I would like to address myself for one moment to the constitutional aspect of the Assembly's intervention in this extraordinarily difficult controversy. The senior Punjab Officials have known the Punjab for 25 or 30 years. In the Punjab Council the Gurdwara Bill was introduced. It related to a subject under a transferred department. In that early debate not one single English member of the Punjab Council intervened. The object of the Punjab Government was to leave the settlement to Punjabis. They stood aside and every opportunity was given to make a success of the first legislative measure introduced in the Punjab Council under the reformed régime. The attempt failed. Now, to-day we have a proposal before us that the Assembly should rush in where the Punjab angels feared to tread. Constitutionally, I think there is a great deal to be said in criticism of this proposed action on the part of the Assembly. The whole of this Sikh trouble, or nearly the whole of it except where it impinges on a Native State, is in provincial territory. If the Assembly considers itself competent and entitled to involve itself in this particular trouble, I fail entirely to see what is to prevent it, as the months go on and troubles occur in other provinces, intervening there also. At the present moment the police are handling an extremely difficult position in Bengal. As this House well knows, Regulation III of 1818 has been enforced in the last six or eight months and—it has been stated on the authority of the Governor of that province,—there is now a very serious underground revolutionary movement in progress there. I cannot see, if the Assembly can constitute itself to-day the authority for inquiring into this Akali trouble in the Punjab, why it cannot independently appoint another Committee to clear up the Bengal trouble or any other provincial trouble, in the same way. If you are to have a Committee of the Legislative Assembly to inquire into matters which are happening in a province, it seems to me it is bound to reduce the field of the provincial Government's responsibility.

Then, Sir, from the Assembly's own point of view, what are the true functions of a Legislative Assembly? This is a proposal that a Committee of the Assembly shall be appointed to act as a conciliatory party in an extremely involved dispute which is going on in one of the provinces of India. Sir, it seems to me that the Assembly has got to stick to its last. Its real function is to prove to the world, to the Labour Government at Home, that it is capable of controlling, not only as a regular proceeding in its life but in the life of India, it is capable of controlling and holding answerable to it an executive and of acting with responsibility towards the electorate whose instrument the Assembly is intended to be. That task is quite large enough for any Legislative Assembly to perform and it is better that this Assembly should go on in the right way of progress in the direction of the full responsible government which it hopes ultimately to attain. To-day's proposal to appoint a Committee on the Punjab involves going off into a side track and it reminds me very much of the history of the early Assemblies of the French revolutionary period. You had there a great Assembly in 1789. It existed for a specific purpose, to enact laws which should constitute the basic legislation of France, on which France would rear the democratic régime. It went on for the best part of three years and it did everything except pass those laws which the

French people intended that it should pass. For instance, it wasted a whole day receiving a deputation from the human race which was headed by one Anacharsis Cloutz. Well, Sir, the French Assembly failed totally to achieve its real work. It seems to me that this motion to-day here will simply deflect us from what is the prime function of the Imperial Assembly. This is the Punjab's own trouble. In two or three months' time, at any rate, there will be an important change of régime there and presiding over the welfare of the Punjab will be one of the most capable of all the statesmen that India has at her disposal to-day. Surely, this is a very strong case for leaving matters as they are for three or four months and for allowing the Punjab in due course to settle for itself its own extremely involved crisis.

**Baba Ujagar Singh Bedi** (Punjab: Landholders): Sir, being a direct descendant of Baba Nanak, I follow his precept that:

*"jo tehn maran mukian, tinhan na marin ghum,  
ap nêre ghar jai ke per tinhan de chum."*

It means: "If a man gives you a blow, do not give him a blow in return, but go to his house and kiss his feet". Following this precept, I ignore and overlooked all the attacks and abuse that have been bestowed on my family by my Akali brethren and I am here to support the amendment that has been so ably moved by my Honourable friend, Dr. Gour. Sir, at the very outset I must congratulate the Gurdwara Prabandhak Committee that it has arrived at this definite conclusion to ask for a Committee to go through the grievances and to adjust some of the troubles that are existing in the Punjab now. I must also congratulate my countrymen for having thought it proper to intervene at this juncture and to extend their helping hand to their brethren in the Punjab. Sir, I must also explain the position and the situation and the history a little bit of Sikhism. There are four head branches of the great Sikhs, namely, Bedis, Sudhis, Bhallas and Trehans. From these four head branches there are two sects of their followers: one are the Nadis and the other are the Bindis. The Nadis are those who are the followers by their preaching and the Bindis are those who are born from their blood. Amongst the Bindis there are Bedis, Sudhis, Bhallas and Trehans and amongst Nadis there are various sects. The real definition of a Sikh is one who really follows the teaching of Baba Nanak. Again, there are two branches: one is called the Singhs and the others are known as Sikhs. The Singhs are those who keep hair and are baptised. I am not here to point out how many sects there are amongst the Sikhs, but I want to explain it just a little so that this honourable House may understand the real situation. Sir, I am not here to blame in any way any sect, or Akalis or anybody. But if any Committee is appointed I must say and entreat the responsible persons that they will give an opportunity to all sects and see that they are well represented and that their grievances heard, so that the minor community or the persons who constitute the small portions of the Sikh community may not be left out. And if we take into account the statement of my friends, Sardar Gulab Singh and Sardar Kartar Singh, the nominees of the Gurdwara Prabandhak Committee, that the demonstration of the Akalis is to take possession of all Gurdwaras and to have the free use of *kirpans*, then, Sir, there seems no necessity for constituting an Inquiry Committee, because their nominees have definitely pointed out the desire of the Akalis. The question remains therefore to find some solution to meet their desire. But, Sir, if the possession of all the

[Baba Ujagar Singh Bedi.]

Gurdwaras is given into their hands, it would mean that the other followers of Sikhism might be deprived of their religious functions. I just want to make the point clear. I may give the instance of Roman Catholics and Protestants. If you give the possession of the Roman Catholic Churches to the Protestants, will it not mean the eradication of the other sect of the followers of Christ? So, if there is to be any Committee of inquiry, they should look into the grievances of the other sects concerned. With these remarks I support the Resolution.

**The Honourable Sir Malcolm Halley** (Home Member): This Resolution has placed me in some difficulty—partly of a personal nature; for I should be unwilling to be forced into saying anything here which might be taken as displaying evidence of prejudice on my part in regard to an issue with which I may have to deal elsewhere. But the difficulty is indeed general, and extends to all who speak on the side of Government; no one could desire to be under any suspicion of showing a lack of sympathy with a community which has displayed in the past qualities for which we all have a sincere admiration. My own service, unlike that of Mr. Calvert who spoke so sympathetically this morning, has lain mostly in the Muhammadan districts of the Punjab, but that does not prevent my having a considerable acquaintance with the Sikhs and their problems, and many friends among them. And certainly it does not prevent me from having a sincere appreciation of the many sterling virtues which they possess, of the great loyalty and courage they have shown in their long and honourable association with the forces of the Crown, of the sacrifices that they made in the great war, of the spirit of enterprise which has sent them out to earn a livelihood in the most distant quarters of the world, of the adaptability which they have shown in taking up many new lines of industry throughout India, and of the grit and perseverance which they have exhibited not only in the cultivation of their own ancestral lands, but in bringing to fruition large areas in the Punjab colonies, in the development of which they have taken so large a part. All this one must admire. What is more, I think there can be nobody here who has not a real respect for their devotion to their religion. One may believe that in many manifestations of that devotion they have been mistaken. One may also believe that they have in their desire to gain their ends adopted in many cases methods not consonant with the principles of good citizenship. Nevertheless, in so far as these efforts have been directed genuinely with the aim of purifying and sustaining their religion, we must respect them. Now, Sir, in spite of that, I am opposed to this Resolution and for reasons much the same as have been given by Mr. Calvert and Mr. Pilcher. I wish to deal as shortly as possible with what has been said regarding the history of the troubles attending the Sikh situation in the Punjab; I could have neglected it, but for the fact that the attitude of the Punjab Government has been unjustly criticized and its real efforts to find a solution have been depreciated. I shall give no detailed history of the whole question, but purposely deal only with those aspects or incidents in which the attitude of Government has been called in question. I do not

3 P.M.

need to go far back. I only wish to remind the Assembly that the movement which has led to these troubles is in itself really of recent origin. In the long years which followed the annexation, it is common ground both with us and with the Prabandhak Committee's own writers that a period of religious apathy supervened. The spirit of Sikhism, as interpreted by the later Gurus, was indeed mainly kept alive by the

strict requisition of the ceremony of baptism in our own Sikh regiments; "in other ways", as a Prabandhak Committee writer says, "the Sikhs showed no life religious or national in them." Their religious buildings and shrines fell into the hands of men who in many cases neglected them; the community itself took no very great interest in them. It was not until the revival movements known as the Nirankari and Namdhari movements began in the eighties and nineties that the Sikh community at large began to take an interest in this question. It was perhaps partly under the influence of those movements that a certain number of cases came before the law courts in the late nineties and early part of this century (such as the Baba de Bir case of Siakot) in which the community was seeking to gain possession of shrines which they held to be badly managed. But these cases were mainly of local interest; the first case that was attended by any large popular demonstration of feeling was perhaps one in which I myself was a good deal concerned in 1914, namely, the Rakabganj Gurdwara, a Gurdwara no doubt well known to most Members of the Assembly here, for it is close to the new Government House at Delhi. I say in that connection only this, that whatever we did there was done under the advice and in full consultation with the Chief Khalsa Diwan, then the only representative body of Sikhs, that any land we acquired or steps we took with regard to the garden wall—for of course we never thought of dealing with the shrine itself—was done with the full consent of the Mahant. That case, however, did lead to a great deal of agitation throughout the Punjab. When we found that it was a matter in which public feeling was aroused, we stopped any further proceedings and since then the matter has been amicably settled between us. But the case illustrates admirably the nature of the difficulties which subsequently arose elsewhere. We dealt with a Mahant who was believed to be fully competent to dispose of lands attached to the shrine; the Chief Khalsa Diwan and the Phulkian Chief who had endowed the shrine had no objection; the agitation came from the new "reforming" Sikhs. Now, as Mr. Calvert has shown, most of the great shrines were in the possession of followers of the first Gurus, whereas the revival movement was largely under the influence of the followers of the later Gurus, who would not admit even the religious position of the Mahants (quite apart from any question of their character or management), and that indeed is the explanation of the whole situation. There has from the first been this difference, that the reforming party claimed to oust from possession of the shrines and endowments men who represented a regular line of succession from those who had been placed in charge by the founders and whose rights undoubtedly in many cases were good in law. It is not by any means true that the only reason for the desire to assume Panthic control was the mismanagement of the shrines or the evil life of the incumbents. Of the latter there were admittedly many cases, though I think that it must be confessed that the community was itself partly responsible owing to its own apathy in the past. But, when attention was once directed to this point, the Sikh community showed a sense of irritation at the delay in settling a number of cases instituted in the Courts, and claimed that the legal procedure which the law placed at their disposal was both expensive and dilatory. That in the first instance was the real cause of the trouble. Elsewhere, as Madras Members know, means for securing purity of temple management have been secured by a comprehensive change in the law; the reforming Sikhs, in their impatience both to oust those whose tenets they did not approve of and to secure better management, would not wait for this, and decided to adopt "direct action". I am excluding



[Sir Malcolm Hailey.]

for the moment any suggestion that there was a further political object, and dealing only with the religious disabilities to which the Mover referred. The very numerous cases in which "direct action" was taken will not perhaps be in the recollection of the House; but let me go through, very briefly, some of the incidents that the Mover referred to, and I think I can satisfy the House that in these cases it was not the Government which was in any way responsible for the trouble which arose, but the circumstances of the case itself. One of the earliest of these was at Taran Tarn in 1920; here there was a case in which two sections of the community, the *pujaris* and Akalis, came into open conflict. There were numerous injuries on each side and I think two deaths. Next he mentioned the case of Nankana. I know that the case at Nankana is one which has caused deep grief and natural resentment throughout the whole of the Sikh community, but what is the case against Government there? The case against Government, as stated by Pandit Madan Mohan Malaviya himself, is that they did not supply the Mahant with police or troops to protect him against the reforming Sikhs. It is not that Government protected the Mahant in improper use of his lands; they had some time before been recorded in the name of the institution instead of the Mahant. I am well aware that among a part of the community it is held to be a matter for criticism that the Mahant, who was guilty of this terrible tragedy, escaped the supreme sentence of the law. That, however, was no action of the executive Government; it was the High Court which reduced the sentence on appeal.

Then, I come to the Golden Temple case to which reference has been made by him. The Golden Temple had, in about 1859, by general agreement with the community, received at the hands of Government a Committee of management of which the head, who was of course a Sikh, was nominated by Government. For many years that Committee did good work, but after some time the Committee ceased to function actively and the manager practically controlled its affairs. Now, that was at a period when Sikhs took but little interest in their own shrines and in their endowments. Indeed, it is of course a matter of common knowledge that idols were not removed from the Golden Temple until 1905, and it was about the same time that according to the Prabandhak historians themselves a movement began to "nationalize the control of the Durbar Sahib". It did not however take a very definite form till the meeting of the Sikh League of 1919. In 1920 Government had announced that they were waiting until they could consult the members of the new elected Council on the subject, but that it was their intention after doing so to stand entirely aside from the management in future. Here again, the reforming Sikhs showed great impatience, and the local authorities in order to meet the agitation formed a provisional committee of nine Sikhs with the manager at their head. Finally late in that year Government appointed a Committee of thirty-six Sikhs, which was I think the actual origin of the Shiromani Prabandhak Committee. At that point strong political influence supervened; others besides Sikhs began to take a hand in the matter, and the Committee increased its own numbers to 175 including the original 36. Now, here you had a situation in which Government had by long prescription and with general consent some share in the management of the Golden Temple; they were at the general desire divesting themselves of that function; all they sought to do, and no more, was to put the management on a proper legal basis. They decided, after the Treasury

•



keys had for some time been in the possession of the nominee of the Committee, to resume them, but for what purpose? Not to interfere with the Golden temple in any way, but with the definite object that a friendly suit might be filed in order to establish in the Courts the proper possession of the keys and the responsibility for management. Their efforts to secure that friendly suit failed. No one could be found to whom the keys could be handed over, and they were returned to the original nominee of the Committee. Now that shows, I claim, no bad faith, no malice, no ill-will on the part of the Government. That so violent an agitation could be promoted against Government in such circumstances shows on the other hand unreasonable impatience and bias on the part of the reforming section of the Sikh community. Reference was next made to Guru Ka Bagh. Now, I suppose that everybody here deplores the incidents of Guru Ka Bagh, deplores the fact that so many persons were injured, deplores the fact that so many persons were imprisoned. But what was the origin of the affair? I must refer to it because a suggestion has been made which I wish to repudiate. The Mahant had handed over the shrine to the Committee but had not handed over the lands attached to the shrine—at all events he claimed that he had not done so—and he asked for protection for those lands. I have heard to-day that he only asked for protection for those lands because it was suggested to him by a local officer that he should do so. I should be glad to see that fact proved. So far it remains an assertion and no more.

**Pandit Madan Mohan Malaviya:** Has the Honourable Member gone through the record of the Guru Ka Bagh case and seen the evidence on that point?

**The Honourable Sir Malcolm Halley:** Certainly I have.

**Pandit Madan Mohan Malaviya:** Then I am sorry he has missed the place—I could show it to him.

**The Honourable Sir Malcolm Halley:** I shall be very glad if the Honourable Member could give me any judicial proof that the action of the Mahant was due entirely to the initiative of a district officer.

**Pandit Madan Mohan Malaviya:** Not entirely.

**The Honourable Sir Malcolm Halley:** Or at all to the initiative of a district officer.

**Pandit Madan Mohan Malaviya:** Can the Honourable Member also explain why the Mahant was not referred to a civil court? Why did the Government send down forces in order to beat away the people who wanted to go to that place?

**The Honourable Sir Malcolm Halley:** The Mahant was in actual possession, he had not surrendered the lands, but only the Gurdwara. When large numbers of people came to oust him and to take forcible possession of his land, it was the duty of Government to protect him in possession of that land. That has from the first been the case of Government. Now, it is true that large numbers of those people were beaten. Since the system of beating was subsequently recalled by the Government, after a personal visit by the Governor, I do not desire either to justify or further to refer to it. As regards the subsequent imprisonments, these were deliberately courted by people who decided that, instead of going to the civil courts, they would obtain possession of the land by this method. Even though Guru Ka Bagh may be an unfortunate and deplorable incident, it

[Sir Malcolm Hailey.]

does not show that Government in any way attempted to injure the religious or customary rights of the Sikhs; and it is disregard of those rights which forms the burden of the complaint of the Honourable Mover.

Now, I come to a further stage—a stage of which we have seen much in the last few months. Again, let me be clear; we are told that the Sikhs complain that Government have paid insufficient attention to their religious claims, and I am concerned only with this aspect of the case. The Maharaja of Nabha abdicated. It is quite unnecessary for my purpose to argue the question whether he abdicated of his own free will or under pressure. Everyone here knows the Government case about that. The facts simply were that there was a dispute, a long-standing dispute, between the Maharaja of Nabha and a neighbouring Prince; as a result of a judicial inquiry into that dispute, the Maharaja of Nabha finally abdicated. The Prabandhak Committee chose to take that as a cause of offence. They openly asserted that they desired to see him re-instated and that they would agitate for that purpose. It was in connection with that agitation that bodies of men, organised by them, went to Jaito. It has been said here that they went only for a religious purpose, that is to say, to offer worship in the local Gurdwara. But, however much may be said about that religious purpose, it is also undeniably true that at the same time the Committee was announcing their intention to work for the restoration of the Maharaja of Nabha, and was announcing that they would send *Jathas* to Jaito in connection with that purpose. The Nabha State was under our administration, and it was our duty in the circumstances to prevent political demonstrations there, directed towards the restoration of the Maharaja by large crowds arriving from British territory. We have always endeavoured to respect scrupulously any religious feeling, even though we may have reason to think that religious feeling is being exploited for political purposes. We did not seek in any way to interfere with the religious observances at the Gurdwara; all we did was to say that anybody going there must agree to confine himself to religious observances; that he must make no political demonstration and that when he had finished with his religious observance, he must go. Would anybody who went there in those daily *Jathas* accept that condition? No one. They were therefore sent back from the State. They were not prosecuted. They were simply sent back. For some months this went on, and finally it was announced that since a religious observance, the Akhand Path, had on one occasion, as was claimed, been interrupted by the State officials, therefore, it was the duty of the Akalis to perform that ceremony themselves; that they would organise from Amritsar a *Jatha* of 500 men vowed to perform the Akhand Path or, as they put it, to die in the attempt. I will not go into the question whether the original ceremony had been interrupted or not; our claim based on evidence of Sikh officials of repute is that it had never been interrupted; but the point is not of vital importance for the reason I am about to give. We once more took a perfectly consistent line. We announced that we would not interfere with their religious observance, but that we would not have large crowds of men arriving in Nabha territory for political demonstrations; we would not interfere with their *Jatha* marching through British territory, and when it arrived at Jaito, we would allow 50 men to perform this ceremony—I may say that for the purpose of the ceremony only 9 are necessary. The Administrator had full discretion to allow other members of the *Jatha* to attend the ceremony, in fifties at a time. I claim that this order was reasonable, and no offence to religion. It is true that the numbers were restricted. But, if you allow large

crowds into the State in order to take part in the first instance in a religious ceremony, you cannot subsequently maintain the condition which we had quite reasonably laid down that there should be no political demonstration. And remember, that from the first the Akali claim has been that their object was religious only and not political. That claim has been repeated here to-day. If we, therefore, claimed our right to prevent political demonstrations, then it was not a point in which they were entitled under the terms of their own declaration to raise objection.

(At this stage Pandit Madan Mohan Malaviya rose to speak.)

Sir, I am in possession of the House. If the Honourable Pandit wishes to render explanations afterwards, I should be very glad, after I have finished my narrative, to give him my place.

\* Those were the orders we laid down and I wish to make it clear now, lest there should be any misunderstanding on the subject, that those were the carefully considered orders of the Government of India. We did not leave the matter to the discretion of the Administrator. We told him that he must, if possible, avoid the use of force. He had, acting under directions, and with a display of patience which did him credit, successfully avoided the use of force all these four months. But we made it equally clear to the Administrator that, if violent attempts were made to break the cordon and to rush the police, then he must use such minimum force as was necessary to prevent it. We laid it down that, if, in reply to extreme violence, fire arms had to be used, their use should be very carefully controlled with a view to effect dispersal with as little injury as possible. The *Jatha* arrived. The matter will shortly form the subject of judicial proceedings; I do not wish to prejudice them, but since so much has been said on the subject on the floor of this House, I will give the facts as we have ascertained them. They were attended by a very large crowd, the exact number in thousands I do not pretend to give; accounts differ; I notice that some of the accounts which have been circulated from other sources give even larger numbers than we ourselves are prepared to vouch for; it certainly amounted to some thousands. They were armed with axes, spears, and we claim to be able to prove that they had a number of fire-arms. They came on in a dense mass. They were called upon to stop. Now, a peaceful and religious body, vowed to non-violence, if called upon to stop either rightly or wrongly, would, I think, ordinarily do so, if only to argue its rights and privileges, or to seek a modification of orders. They did not do so; there was no pretence of compliance or of negotiation. Armed as they were with lethal weapons, they charged a small body of officials who had gone out to attempt to stop them. Those officials went hurriedly back to where their police had been stationed. When the pursuing crowd was within six yards' distance, the police were ordered to fire three shots only. That did not stop them. They went off to the right and came in conflict with the troops. It is on record that they were headed by a man on a horse, waving a sword, who ordered the crowd to charge. It is also on record that they fired repeatedly on the troops. In the circumstances all that could be done was again to use fire, very carefully controlled. Finally, they were dispersed. I have had placed in my hands sheets which have been circulated yesterday giving an account of this incident. Some references have been made to-day to the information contained in these sheets. It is said that very large numbers—I admit that it was not alleged as true, but that it was only said that rumours existed to this effect—that very large numbers have been killed and wounded, some said hundreds and some said thousands. It was rumoured that

[Sir Malcolm Hailey.]

large numbers of bodies had been burnt, buried or taken away. It was stated in print that the crowd had been fired on with machine guns, that guns had been fired from the Fort, that women had been whipped and other acts of violence committed on them. Now, at present, such materials as we have consist only of official reports. I have endeavoured as far as possible to give publication to them. I have in my hand here a report drawn up by the military officer in charge. He himself was not responsible for the firing and I hope therefore that to this extent he may be regarded as unprejudiced. He states very definitely that no machine guns were used at all, the covers were not taken off. He states equally definitely that there was no firing from the Fort. That disposes of two of the allegations. Military medical officers were in charge of the work of collecting the killed and wounded; they give the numbers as fourteen killed and thirty-four wounded. That disposes of another allegation. I have here also an official telegram to which I myself attach confidence; I admit that it proceeds from the officer who was responsible but it is a definite official statement of fact. He says, regarding the whipping of women, "no one, male or female, was either whipped or lashed. Two women, Kishan Kaur and Tej Kaur were arrested by my orders. Five others had to be taken into custody as they refused to leave the male Akalis in spite of repeated efforts to persuade them to do so. Two of these subsequently asked to be allowed to go and were permitted to do so". He further refers to the question of medical aid. So far, he says, from hindering the attendance of the doctor with the *Jatha*, he was asked if he had full medical appliances and on his reply that he had not, these were supplied from the military stores. No man attending the wounded was cudgelled as alleged. That of course is confirmed by the published account of three private Indian doctors who came at their own initiative from Amritsar. No doubt the House has seen it. They visited the scene very soon afterwards and have certified that every attention was being given to the wounded. The majority of these have now been evacuated to Ferozepur. Now, Sir, I have briefly sketched the nature of the incidents at Jaito. I have shown that our information is that the *Jatha* and the large crowd accompanying it was armed with fire-arms, axes and spears. We have it on the report of the military authorities that very numerous shots were fired by it. There is no doubt whatever that it did attack the police and troops. There is equally no doubt that the action taken against it was very carefully controlled with a view to doing the minimum possible damage. There is no ground for the accusation that machine guns were used, that people were whipped or that no attention was paid to the wounded.

I have been obliged to enter into some account of these incidents as considerable reference was made to them. I must now return to the main theme, the necessity for an inquiry of the nature of that suggested in the Resolution. Mr. Pilcher has, I hope, successfully dispelled the suggestion that the Punjab Government have been either apathetic or unsympathetic in this matter. It must be remembered that, when trouble first began to arise about the Gurdwaras, they issued a Resolution convening a Committee to inquire into the whole affair. That Committee never took shape owing to the Nankana tragedy. But they did not relax their efforts. There were a continual series of conferences both with the Prabandhak Committee and other sections of Sikhs, and also with Hindus, for it must be realized that the latter were vitally concerned. As Mr. Pilcher has shown, they drafted and prepared a Bill after full consultation with all

parties. It unfortunately failed to satisfy the Members of the Punjab Legislative Council and had to be withdrawn; I must again point out that, while the Sikhs claimed that it gave insufficient powers, many Hindus asserted that it was objectionable from an opposite point of view. A continual series of negotiations continued for many months and a second Bill resulted. It must not be assumed that the Punjab Government were, as one speaker has said this morning, attempting to force a Bill on an unwilling community. That Bill was prepared by the Minister in charge in consultation with the leaders of opinion at the time, but owing to the events which occurred in the meanwhile, such as *Guru Ka Bagh*, they would not accept the Bill. They said that, if this had been offered before, they would have accepted it, but owing to their sacrifices—I am using their own words—in the meanwhile they now demanded something more. They would not join the Select Committee in order to explain what more it was they required. They would not debate it in the Legislative Council. They simply gave it a complete refusal. I would ask any Member who comes from the Madras Presidency and has some experience of the troubles connected with religious endowments there to look at the *Gurdwara Act*; he will acknowledge that it confers on the Sikh Commissioners powers infinitely more drastic than any powers given to the central or local Committees in Madras. Wherever there was a dispute about a shrine, it was to be notified, and the Commission would have power to assume charge of it. I do not see how any Government could have gone further to meet the community; and I am doubtful if many other Governments would have felt justified in going so far.

Once more, I recall to the House the nature of the troubles for a solution of which this Committee of our Legislature is suggested. Again and again it has been said to-day, by those who support the proposal for a Committee, that they are of a religious nature. The Mover has denied that the bodies who are mainly concerned with this trouble are of a political nature; it is the essence of his case. They, according to him, only want a law to get complete control over all the shrines; and they want an alteration of the law relating to *kirpans*. Now, I think it is sufficiently obvious that, where you have a religious trouble of this nature, with a number of conflicting religious interests, then that is best settled in the area which must subsequently legislate for the trouble. What is required by the Sikhs at present is no change in the action of Government in regard to *Gurdwaras*, for that is not in dispute; what is required by them, and they have said so not once but many times, is a change in the law relating to religious endowments. It is not that Government is keeping them in any way from taking charge of these endowments. I believe that practically the whole, or at all events the greater part of them, are already in the hands of the *Prabandhak Committee*. All they want is a modification of the law in order to give them full and formal powers for the complete management of these *Gurdwaras*. If that is the real question at issue, and they have no political or other objective at stake, then I claim that the trouble must be settled in the Punjab itself by people who are conversant with it and have a direct stake in the issue. It is said, the Punjab has so far failed to provide a solution. But it is not for the want of effort, or of sympathy; it is because one section of those who are concerned refuses absolutely to concede anything to the other. I still hope that the matter may be settled in the Punjab itself and without calling in outside assistance. That is one matter. Another relates to the *kirpans*. Now, that again is hardly a matter for outside investigation, it is a local affair. As Pandit Madan

[Sir Malcolm Hailey.]

Mohan Malaviya said, we have not extended to the Punjab the free license to carry swords which prevails in some, though not in all other parts of India. The ordinary inhabitant of the Punjab cannot carry a sword, the Sikh can carry a *kirpan*. For the information of the House I may say that, although there has been some difference of practice from time to time in the matter, the practice of the Punjab Government now is to take action only against those persons who carry *kirpans* unsheathed, particularly if they march with them unsheathed in military formation or the like. The claim on the part of the Sikhs is that there should be no impediment to their full and free use of a *kirpan* of any size and in any manner that they choose. Is that, Sir, a question for investigation by a Committee of this Assembly? It is purely a matter of framing a suitable accommodation between the Punjab Government and the Sikhs and, I may add, the other communities in the Punjab. For my part, I deprecate the proposal that this Legislature should attempt itself to provide a solution for these religious difficulties in the Punjab which can only be ended by legislation in the Punjab Council. I do not think it is proper for one Legislature as such to advise another as to the action which it should take. I do not think that it would have been suitable, for instance, if owing to the tension existing in Madras on the subject of religious endowments, this Assembly had appointed a Committee to advise the Madras Minister (for this is a transferred subject) as to the legislation he should introduce in order to settle that problem. I am well aware that it has been suggested that this Committee should go much further than the attempt to find a solution of the outstanding difficulty between certain sections of Sikhs and Government; it has been proposed by Dr. Gour that it should inquire into the question of the abdication of the Maharaja of Nabha; it has been suggested by Pandit Madan Mohan Malaviya that it should review the whole course of the trouble arising in connection with the Gurdwaras. If so, it will not be a Committee that is intended merely to help the Sikhs to find a solution of their difficulties with Government; it is to be a Committee of Inquiry into the action taken by the Imperial Government in regard to one of the Indian States, and into the whole course of the action taken by the Punjab Government in regard to the Sikhs during the last four years. That is an entirely different objective from that of the Mover. What he desired and what we all desire, is to find some solution of the difficulties in which Government are placed with the Sikhs. It is not to be found by methods such as those to which I have just referred. I am well aware that difficulty is felt in this House owing to the fact that so far no authoritative version, if I may use the term employed to-day, has issued regarding the affairs at Jaito a few days ago. As is known, we immediately ordered a magisterial inquiry which is being conducted by a Sikh magistrate of considerable standing. I have been told that this is entirely inadequate. I must remind the House, however, that an affair of this nature must shortly be followed by judicial proceedings and it is desirable, as far as possible, not to prejudice those proceedings in advance. Nevertheless, we are considering what means we can adopt in order that a more authoritative version of the occurrences at Jaito may be issued to the public and one which will, if possible, command complete confidence. Then, again, with regard to the Punjab, I have deprecated the idea of a Committee such as that proposed in this Resolution; I deprecate it still; but we shall consider with the Punjab Government whether it is not possible to find some better machinery than appears to exist at present for enabling the Sikhs to state definitely their

claims and their grievances, and, if possible, to enable them to find a solution in co-operation with Government. At the moment I can say no more than that. That, Sir, is at present the whole of my case. Let me say, again, as I said before, that we have no feeling against the reforming section of the Sikhs and no bitterness. But it is only reasonable that we should ask that the Sikh community at large should recognise the position not only of Government but of other sections and communities in this matter. In an India which is rapidly rising to full nationhood, no one community can justly claim too great insistence on its own position or its own rights, and certainly there are other ways of preserving its religious and social institutions, than by those which run counter to the methods of good citizenship. I will say no more than that. It is no exacting claim on our part, and we do not make it entirely on our own behalf. If they will recognize this, then I do not think we should have to wait long for a return to happier conditions. We look back with pride on our long association with the Sikhs, an association happy in peace and glorious in war. We desire nothing better than to see once again that old feeling of confidence and of mutual trust that our predecessors knew. The hand of friendship never has been withdrawn; it is there to-day, if only they would grasp it. We want to see again the day when officers of our administration are honoured guests, as they used to be, in their Diwans; we want to see the day when the regimental officer who salutes the Granth Sahib, as he is bound to do when it is carried past, salutes it not as a duty, but because it is the emblem of the faith of a people bound to us in ties of friendship and unalloyed goodwill.

**Mr. Bipin Chandra Pal:** I want to ask, Sir, one question from the Honourable the Home Member. He has given the number of casualties among the *jatha* people. Does he know of any casualties on the other side?

**The Honourable Sir Malcolm Hailey:** The record so far obtained says one gun-shot wound.

**Pandit Shamlal Nehru:** Who is that man? Is he a military man?

**The Honourable Sir Malcolm Hailey:** He is one of the villagers.

**Pandit Shamlal Nehru:** The Honourable gentleman in his speech said that it was repeated firing from the crowd. Was that the only result from the repeated firing of the crowd?

**The Honourable Sir Malcolm Hailey:** The firing must have been very inaccurate (Laughter), but I will read what the military officer says on that subject:

"The Administrator called on the Akalis to halt and explained that failure to comply would necessitate orders to fire. The order to halt was utterly disregarded and the Administrator and officials had to double back hotly pursued. The Administrator reached the firing party and ordered the police to open fire with buckshot at ringleaders who were six yards away. At this stage some fire was opened from the Akali ranks, bullets passing close to the Administrator and several officials, one villager being wounded."

Later on he says:

"All my efforts to stop the Akalis were of no avail. I sounded a trumpet and warned them that fire might be opened. They were advancing in a dense mass led by a horseman with drawn sword who kept on shouting 'Charge'. During this period more fire came from the Akali ranks."



**Mr. S. Sadiq Hasan** (East Central Punjab: Muhammadan): May I ask, Sir, how it was that the villagers were allowed to stand by the Government police?

**The Honourable Sir Malcolm Hailey:** The villagers for some time have been attempting to prevent the Akali *Jathas* coming to Jaito. They themselves have suffered from the continual troubles involved, and, if our information is correct, they much resent the appearance of these *Jathas*. They themselves advanced, in the first place, in a number of some 1,500 to attempt to dissuade the *Jatha* of 500 from approaching further. The Administrator thought that they might come to blows with the *Jatha* and therefore withdrew them. That accounts for the presence of the villagers.

**Pandit Madan Mohan Malaviya:** May I ask a question? Were not these villagers especially invited by the British authorities in order to fight the *Jaths*?

**The Honourable Sir Malcolm Hailey:** My own information is that it was a spontaneous offer made not once but many times.

**Pandit Madan Mohan Malaviya:** Will the Honourable Member kindly explain why political demonstrations regarding the abdication of the Maharaja were discouraged by the Government of India? Why were the Government so much opposed to political demonstrations even if they extended to Jaito?

**The Honourable Sir Malcolm Hailey:** The Honourable Pandit asks me why political demonstrations were forbidden. I think it will be well understood that, when we have taken over temporarily the administration of a State, it would very seriously disturb the authority of that administration if large numbers of persons were allowed to come in from British territory and to demonstrate against the new régime. That is the position.

**Mr. Amar Nath Dutt** (Burdwan Division: Non-Muhammadan Rural): Sir, I rise to support the amendment of Sardar Kartar Singh which is, after all, a very modest demand, considering the grave situation, which has been brought about, by the flouting of the grievances of the Akalis, so long, by the Punjab Government. I am not going to enter into the details of the circumstances, which have given rise to the present situation, as we are all familiar with it, but I think it my duty to give utterance to the feelings of deep resentment, which the Indian nation feels, at the interference with the religious liberty of the Sikhs and I also wish to warn the Government against playing with fire.

Sir, it is not yet a century since this brave and warlike race lost its political independence, and the game played in Bengal and other provinces to suppress the rising tide of nationalism by coercion and repression will not succeed to keep down a movement amongst a warlike race, whose sole aim is the purification of the religious institutions of the Sikhs. I do not see any reason why the Government should not help the Sikhs in this, their laudable endeavour, unless they want to perpetuate their rule in the Punjab by setting class against class. The seeming success of a policy of divide and rule does not last long, when the same becomes manifest, as it must be, in the course of a few years.

Sir, we have had enough of official platitudes and cant, in these days, in the shape of official communiqués and declarations of policy, the value of which we have learnt to estimate at its true worth. The Government ought to know that there is a limit to human credulity and patience, and



we will be something less than men, if we can bring ourselves to believe all that the Government state and calmly accept the same, without entering our protest and telling them to their face, that we cannot believe them in the face of the testimony of our own public men and leaders to the contrary.

The grievances of the Akalis are true and real, and the Government has not only failed in its primary duty of protecting the religious liberty of the Sikhs, but has been guilty of crushing the same by the introduction of coercive and repressive measures at the point of the bayonet.

I may tell the Government that no amount of repression will be able to coerce the brave spirits of the Sikh race to a servile acceptance of their lot, as any casual reader of their history will tell you. Sir, I use no language of threat when I say that the race, which stood against Emperor Ferokh Shayar, in grim determination, to uphold the banner of their religious and political freedom, is not likely to accept the method of constitutional agitation as the only weapon, like us, Bengalees, whom seven centuries of foreign rule have reconciled to the beggarly politics of a subject race. Therefore, in the interests of peace and good government of India—and, shall I add, for the progressive realisation of responsible government—the Government should at once form a Committee of Inquiry of impartial men to inquire into the grievances of the Akalis, and find out means for redress of their legitimate grievances. Let not the bogey of prestige, or official sophistry or the classical policy of Machiavelli of ruling a foreign nation, stand in the way of bringing peace in this ill-fated land, whose destiny has passed into their hands. Therefore, in the interest of both the rulers and the ruled, in the interest of peace and good government, I ask for the appointment of an impartial Committee of Inquiry which will suggest means of redress of wrongs to which the Akalis have been subjected in the name of law and order—that Moloch at whose altar all our hopes and aspirations for political freedom have been sacrificed. With these remarks, I beg to support the motion.

**Mr. Mahmood Schamnad Sahib Bahadur** (West Coast and Nilgiris: Muhamnadan): I move that the question be now put.

The motion was adopted.

**Mr. President:** The original Resolution was:

"That this Assembly recommends to the Governor General in Council that a Committee consisting of two-thirds non-official elected Members of both the Houses of the Indian Legislature and one-third officials be appointed to inquire into the grievances of the Sikh community and to report on the Akali movement."

Since which an amendment has been moved:

"That the following be substituted for the original Resolution:

'This Assembly recommends to the Governor General in Council that a Committee consisting of Pandit Madan Mohan Malaviya, Colonel Sir Henry Stanyon, Pandit Motilal Nehru, Dr. H. S. Gour, Mr. B. Venkatapatiraju, Mr. R. K. Shanmukham Chetty, Maulvi Muhammad Yakub and Sardar Gulab Singh with two officials to be nominated by the Government be appointed to inquire into the grievances of the Sikh community and make recommendations at an early date to remove the present *impasse* between the Government and the Sikh community.'

The question is that this amendment be made . . . .

**Sardar Kartar Singh:** Sir, I withdraw my amendment in favour of Dr. Gour's amendment.

The amendment was, by leave of the Assembly, withdrawn.

**Mr. President:** The question is that the Resolution be adopted.

**Dr. H. S. Gour:** I think, Sir, my amendment to Sardar Gulab Singh's Resolution has still to be put.

**Mr. President:** I told the Honourable Member that he could not move a second amendment at that time. The closure has been applied. As an old Member, the Honourable Member might have known that in a case of this kind two amendments could not run together. In spite of that, I will permit the Honourable Member to move his amendment, but without a speech.

**Dr. H. S. Gour:** Sir, I move the amendment which stands in my name, which has already been read out to the House.

**Mr. President:** Further amendment moved:

"That the following be substituted for the original Resolution:

"This Assembly recommends to the Governor General in Council to be so pleased as to appoint a Committee consisting of official and non-official Members of the House to inquire into the causes of discontent prevailing among the Sikh community and to report on what measures should be adopted to remove the same."

The question is that that amendment be made.

The motion was adopted.

**Mr. President:** The question is that the Resolution, as amended, be adopted.

The motion was adopted.

## RESOLUTION RE THE RELEASE OF SARDAR KHARAK SINGH.

**Sardar Kartar Singh** (East Punjab: Sikh): Sir, I beg to move the Resolution that stands in my name. It reads thus:

"This Assembly recommends to the Governor General in Council that Sardar Kharak Singh be immediately and unconditionally released."

Sir, I am extremely grateful to you for giving me the opportunity to move this Resolution. My sole object in moving this Resolution is to bring to the notice of the Government the greatest wrong done to an innocent, venerable, old and respectable gentleman and to afford them an opportunity to right the wrong. Sardar Kharak Singh, as most of the Honourable Members of this House are aware, comes of a very respectable and leading Sikh family of the Sialkot district. His father, Sardar Hari Singh, and his elder brother, Sardar Sher Singh, were Rai Bahadurs and both his nephews got direct commissions in the Army. He himself is a B.A., LL.B., of the Punjab University and is held in great esteem by his community and countrymen. He was the President of the S. G. P. C., and also President of the Punjab Provincial Congress Committee. He possesses a loving heart and his religion, his community and his country are dearer to him than anything else in the world. He was leading a life of ease and comfort, when the disgraceful state of affairs in the management of most of the Gurdwaras and Sikh Shrines attracted his attention. He threw himself heart and soul into the Gurdwara reform movement. He

was elected President of the S. G. P. C. on the 27th August, 1921, and he worked most zealously for his religion and community. The high position which he held in his community as President of the S. G. P. C., a representative registered religious body of the Sikhs, and amongst his countrymen as President of the Punjab Provincial Congress Committee made him the target of oppression. Then, Sir, the trouble arose about the keys. He was the first man to protest against it and he was sent to gaol. Subsequently he was released and the keys were handed over to him. But the Government thought that their prestige had been lowered, and so again in March, when some of the Akalis were arrested, he was also arrested. It was on the 4th April, 1922, that Sardar Kharak Singh was arrested under a warrant on a charge under section 107, Criminal Procedure Code. On the 6th April, he was convicted for manufacturing *kirpans*, which all Sikhs can manufacture according to the present law. He was sentenced to one year's imprisonment. Then, again, on the 12th April, he was challaned and sentenced to three years' rigorous imprisonment under section 124-A. Then, in 1923, he was again convicted and was sentenced to nine months more. I desire to point out, Sir, that his conviction under the Arms Act is absolutely unjustifiable and it has no leg to stand upon. Similar cases were brought by the Government against other persons and those cases were withdrawn by the Government, and it was openly admitted by Sardar Sundar Singh in the Council that Government had withdrawn cases for a like offence against other persons. I therefore see no reason whatsoever why Sardar Kharak Singh should be sentenced to one year's imprisonment, when cases against other people for a similar offence have been withdrawn. That shows that, because he happened to be the President of the S. G. P. C. and, as all *jethadars* were convicted, he was also convicted. Then, take the case under section 124-A. That has absolutely no leg to stand upon. In that case, not a single impartial witness was produced. The whole case depends on the evidence of a police constable and that report does not disclose that Sardar Kharak Singh has committed any offence. What that man says is that Sardar Kharak Singh addressed a meeting of six or seven thousand people.

(At this stage Mr. Chairman—Mr. M. A. Jinnah—took the Chair.)

In that meeting he made a speech and he said: "Sikhs, Hindus and Mussalmans should unite and then the English will go away or  
4 P.M. remain as (and then occurs the word) *bardas*." I submit, Sir, that the translation of that word as "slaves" is absolutely wrong. That is a Persian word and is never used in the Punjab, and what Sardar Kharak Singh might have meant is that, if they want to live here they should live like *bardas*, that is like gentlemen and public servants, and not like masters. Now, Sir, is there anything wrong in that statement? Because Sardar Kharak Singh was a non-co-operator, he was not defended, otherwise the case had absolutely no leg to stand upon. And who were the other witnesses produced against him, Sir? They are all police officials and they do not state what he said. They say: "his meaning was this." The second witness says: "His meaning was that the English should not remain." He does not say what he actually stated and the same is the case with the other witnesses. So, I submit, Sir, that there was absolutely no case against him and his conviction was absolutely unjustified. Then I come to his trial in the Dera Gazi Khan jail. You will see, Sir, that under the special rules, he was entitled to have special concessions and he was entitled to have his own clothes. For about one year after his conviction he was allowed to have a black turban. During that time the Superintendent was a Muhammadan gentleman; the

[Sardar Kartar Singh.]

black turban did not offend him. But then came another gentleman, Major Gould, who took charge of the Dera Gazi Khan jail. No sooner did he come than he thought that Gandhi caps and black turbans were political symbols. Sardar Kharak Singh was ordered to take off that black turban and put on another, not black. He refused and the black turban was forcibly removed. Upon that, as a protest, he took off his clothes, and for that, Sir, for taking off his clothes, he was sentenced to nine months. Now, I submit, Sir, is a black turban a political symbol? Another gentleman, Mr. Muhammad Ismail, was given nine months for doing the same thing, because his Gandhi cap was forcibly removed. I submit, Sir, is this black turban a political symbol? Why did Government give such an order? I submit, Sir, there is absolutely no case against him. And then, Sir, I submit that all his convictions were unjustified. He has been in jail for the last two years; he has suffered a great deal; he has lost 12 seers in weight. He comes of a very respectable family and I submit, Sir, that he should be released by the Government. The Government should see their way to release him and should not keep him any longer in jail.

Sir, I move my Resolution.

**Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I support the Resolution which has been moved. The facts have been stated by my friend. I will repeat only some of them. The first offence under which Sardar Kharak Singh was tried was for the manufacture of *kirpans*. Now, *kirpans*, the Arms Act lays down, do not require a license in the case of Sikhs. He is a Sikh. If a *kirpan* does not require a license, there is no prohibition in law against the manufacture of *kirpans* by any Sikh. It is not said that he manufactured *kirpans* for anyone else, he manufactured *kirpans* for Sikhs, and, therefore, I entirely support the contention of my friend, Sardar Kartar Singh, that the conviction of Sardar Kharak Singh under the Arms Act was a bad one. He was given one year for it, but as if that was not bad enough, a few days after a charge was brought against him under section 124-A. The speech on which he was charged was reported in the charge as follows:

“The complaint of Marcus Gerard Wall, Superintendent of Police, Sialkot, respectfully sheweth:

That the accused on the 6th day of March, 1922, at Adamke, Police Station Daska, Sialkot District, in the course of a speech gave utterance to the following words or words to the following effect, namely:

“Our country is passing through a very critical stage. Sikhs, Hindus and Muslims are in trouble alike because the Gurdwaras and Khilafat are not free. What we mean is that these English people should remain in India no more. If they are to live here they might live as slaves (*bardas*) and not as our masters. Hindus, Muslims and Sikhs should unite in a *jatha* and in this way we would shortly win our object and these white-faced persons decamp away. In view of these things if these communities, that is, Hindus, Muslims and Sikhs, unite together and offer joint opposition, they would assuredly succeed very shortly.”

This is how the matter was stated in the complaint. But the person on whose authority this report was framed was examined and this constable, Muhammad Alam, said:

“I am naib court inspector in Tahsil Daska. On 6th March, 1922, I was put on duty at Adamke meeting. Sardar Kharak Singh, accused, made a speech at that meeting, which consisted of some 6,000 or 7,000 persons, Sikhs, Mussalmans and Hindus, of rural and urban places. Accused made mention of Government. He urged the Sikhs, Hindus and Mussalmans to unite and then the English will go away or remain as slaves.”

The word used was *bardas* on which I will say something later :

" I made notes in the meeting and shortly afterwards faired them out. (shown P.c.) This is the report which I wrote and it is correct. The words read out are those used by the accused. (Counsel reads out a passage of which the passage in the complaint is a translation). These are the actual words used by the accused. When I wrote the report these words were fresh in my memory."

This is the statement upon which the report was based. Now, Sir, you will notice and the Assembly will notice, that it is stated that in the speech accused made mention of Government. The constable does not reproduce the exact words. He says " He urged the Sikhs, Hindus and Mussalmans to unite"—that, I suppose, is no offence—" and then the English will go away or remain as *bardas*." *Barda* in Persian, as the Honourable the Mover of the proposition has stated, means a slave. But *bardas* and *bandas* are very slightly removed. If in a meeting where six to seven thousand people are assembled a speaker used the word "*bandas* " and if the reporter does not carefully follow him, he might put in "*bardas*". The word "*barda* ", as my friend has contended, is a word which I have not heard used in the Punjab nor do I think that my friends here will say that they have heard it used in the Punjab. It is a Persian word not at all in use and "*banda* " is used. Therefore, if we accept that the word "*bandas* " was used and not "*bardas* " the passage would read like this : " The speaker urged the Sikhs, Hindus and Mussalmans to unite and then the English will go away or remain as *bandas*." "*Banda* " means a server. "*Khuda Banda* " means a servant of God. A public servant is a *banda* of the public, and if the gentleman said that, " if we unite, the English will either go away or remain as *bandas* ", I submit that that is very likely what happened. It is a matter which is worth taking into account. But let us assume that the word used was "*barda* " and not "*banda* " and that the reporter correctly reported the exact word used. Then, I submit, the Assembly will judge of what his offence consisted. He says :

" We have fallen on evil times, the Khilafat and the Gurdwara are both in trouble. Let us be united and then the English will go away out of the country or remain here as slaves."

The word used is "*barda* " and it is used in the sense of slaves. But could it not be assumed that what the speaker meant to say was that they would remain as public servants, because the Englishmen whom he was referring to were mostly public servants. This is a sentiment that has been given expression to not only by Sardar Kharak Singh but by numerous other people, namely, that the English should either leave the country or remain here as public servants, as fellow-subjects. In that view I submit, assuming that he did use the word "*barda*," it is capable of that interpretation which it is not too much to ask the House to put upon it, namely, that what the speaker meant to say was that they should either leave the country or remain here as fellow-subjects and public servants. This is all that has been urged against this gentleman and this is the whole of the speech or part of the speech upon which the case was supported against him under section 124A, and he was given a sentence of three years' rigorous imprisonment. He did not make his defence, a matter about which I am sorry I have not agreed with my friends, the non-co-operators. But, though I urged upon them that they should defend themselves, and if they had done so, probably many of these cases would not have seen the light of day. They have something to say on that point, namely, that they had found so many instances of a perversion of justice, a failure of

[Pandit Madan Mohan Malaviya.]

justice even when efforts had been made, as they were made in the Guru Ka Bugh affair, for a long continued defence, that they might well be excused if they had lost their faith—it is a matter of regret—if they had lost their faith in the law courts. But let us take the facts as they are. He did not defend himself. Therefore, the entire statements upon which he was convicted consisted of the statements of this witness which I have read and a few other witnesses who also were police servants. The one I have read was naib court inspector, Tahsil Daska. The second witness was Mohammad Ata Ullah, Sub-Inspector, Police Lines, who said:

"The report P. c. was translated by me as on P. a. and P. b. The translation is correct . . . ."

so that he was not present at the meeting. Mr. Wall, who appeared and who was the Superintendent of Police, said that he received orders from Government to institute a complaint against the accused and therefore he put in the complaint. He had no personal knowledge of the facts alleged against the accused. The fourth witness was head constable Mohammad Hayat. He said:

"I am in charge of the treasury at Daska. I am Anglo-Vernacular Middle passed. I have been ten years in the police force. On 6th March, 1922, there was a meeting at Adamke at which I was on duty: it was of 6,000—7,000 persons, Sikhs, Hindus and Mussalmans, urban and rural. S. Kharak Singh addressed the crowd: he sat on a chair. His meaning was . . . ."

I request Honourable Members of the Assembly to kindly note this statement:

"His meaning was that the English should not remain here and if they do they should remain as slaves (*bardas*)—and that the Hindus, Sikhs and Mussalmans should make a *jatha*. He gave an instance that the keys of the Gurdwaras had been asked for for some time from the English but were not granted. The Deputy Commissioner, Amritsar, was asked and he refused: so the Sikhs united and gave lectures against Government and many leaders were arrested including himself and in consequence the other Sikhs made more violent lectures and the English became annoyed (*nak men dam agya*): and at last were so pressed that they gave up both keys and leaders. If the Hindus, Sikhs and Mussalmans will unite in this way, this tyrannical Government (*Zalim hukumat*) will be very soon brought to an end. About the Gurdwaras, he said, they would take them; I do not remember what he said about their condition. Ch. Shah Mohammad, Dasondhi Shah, head constable, Mohammad Alam, naib court inspector, and I all took notes of the speeches made. Then on the spot after the meeting we compared our notes and Mohammad Alam faired out the report—as on P. c. (shown to witness and read by me Sd. H. Fyson). There was no difference in the pencil notes made by us. P. c. was shown to me at the time and represents what was said by accused."

The House will please note that there was no accusation brought against Sardar Kharak Singh on the allegation that he said that this Government was tyrannical (*Zalim hukumat*): no charge was brought against him on that. That means that the authorities who had to deal with the matter did not accept the statement of the police constable that Sardar Kharak Singh had used the word *Zalim hukumat*, tyrannical Government. Then he says that the speaker's meaning was that the English should not remain here and if they do, they should remain as *bardas*. I ask the Members of the House to consider in all fairness whether a serious case, a charge under section 124A, should have been brought against any person on such flimsy evidence, the evidence of one person who says that he heard it, and of one who says that his meaning was that the English should not remain here and if they do, they should remain as *bardas*, which may

be translated as slaves or as persons holding subordinate positions. This is the whole of the statement on which the charge has been based. There is also the evidence of Dasonghi Shah. He says:

"Sardar Kharak Singh was there and made a speech. His meaning was to non-co-operate with Government. The Government is a blind Government. All Hindus, Sikhs and Mussalmans should unite to get Swaraj and these people, the English, will then go away, by reason of the Indians uniting. If the white faces remain, they will remain as the slaves of the Indians."

Foot constable Muhammad Alam, naib court inspector, says:

"On 6th March, 1922, I was put on duty at Adamke meeting. S. Kharak Singh accused made a speech at that meeting which consisted of some 6,000 or 7,000 persons, Sikhs, Mussalmans and Hindus, of rural and urban places. Accused made mention of Government. He urged the Sikhs, Hindus and Mussalmans to unite and then the English will go away or remain as slaves. I made notes in the meeting and shortly afterwards faired them out."

Then there is the evidence of M. Ibrahim, city inspector of police, Sialkot. He says:

"I know accused Kharak Singh of Sialkot City. He is President of the Provincial Congress and of the Sikhs. I have often heard him speak. His theme is to urge people to make a *jatha* and expel Government. I have often heard him speak, say 10 or 15 times."

The charge is that he said that the people should unite and then the English will either leave the country or remain as slaves, as the translator puts it, or as persons holding positions in the service of the Indian people.

Now, Sir, I have placed the whole evidence, so far as I can see, before the House. It is not the evidence upon which a gentleman, who was the President of the Provincial Congress Committee of the Punjab, who was President of the Gurdwara Prabandak Committee which the Punjab Government recognised as a representative body of the Sikhs, a gentleman who is held in very high esteem by all Indians who know him, should have been convicted and yet Sardar Kharak Singh was sentenced on it to three years rigorous imprisonment, and this sentence was to run not concurrently with the sentence of one year passed upon him under the Arms Act but subsequent to it. In the judgment the learned Judge says:

"The accused in this case has not cross examined any of the witnesses and it may be taken as proved that the case has been duly authorised."

Then he quotes certain words and says:

"The case against the accused is that he addressed a very large meeting of some 6,000 or 7,000 persons consisting of villagers and towns people of the Sikh, Hindu and Mussalman religions at a public meeting at Adamke. The police officers of (so and so thana) were all there on duty. It appears that these officers made notes at the time which half an hour afterwards at the same spot they compared and verified and the report was drawn up by Muhammad Alim. This report is part of a report which contains all the speeches at that meeting. Muhammad Alim swears that the words in the report are the actual words used by the accused and were recorded at the time when they were fresh in the witnesses' memory. The words in the charge are only a part of the report and the rest of the speech refers to the Keys incident as stated by Muhammad Hayat. I find that there is no discrepancy between these witnesses' statements which can be held to be at all important. Daswandhi Shah says that three persons were taking notes while Muhammad Alim says that four persons were taking notes, but it is evident that these notes were taken at the time and were properly supervised by the Sub-Inspector of Police and I believe him to represent the correct version of what was said in the absence of any evidence to the contrary. M. Ibrahim Khan is the City Inspector, who says that the general tenor of the accused's speeches, of which he had made some dozen in the city, is that the Government ought to be ejected from the country."

[Pandit Madan Mohan Malaviya.]

That was not the charge upon which this gentleman was being tried, and yet a general statement like that is flung in:

"After the charge was framed the accused alleged that this is an irregular trial, that the Government being a party to the case should not have any connection either with the Presiding Officer or the witnesses and there he refused to defend the case. As regards this I can only say that the procedure is legal and has been prescribed by the law of the land. I have reason to believe that why no other witnesses are available is the prevailing unrest, in which it is extremely difficult to obtain unofficial evidence."

That shows that the Judge felt that he would not, if he could avoid it, proceed merely upon the evidence of these police witnesses. But he said, there was prevailing unrest and so it was difficult to obtain other evidence, and therefore he reconciled himself to relying upon this evidence. He goes on:

"I may add that the attitude of the accused in court and his remarks regarding the status and qualifications of Government officials quite bear out the spirit of the speeches which he is alleged to have made."

The Judge should not have been irritated or annoyed by these remarks. He was not trying Sardar Kharak Singh for what he said in the course of the trial:

"To come to the speech itself the charge is under Penal Code 124-A and the accused must be shown to have attempted to excite disaffection towards the Government established by law in British India. The accused began by stating that the country is in a very critical stage . . . ."

I suppose that will not be disputed.

" . . . and people of Indian religions are in trouble because their sacred places are not free. This is an introduction (as I regard it) made for the purpose of preparing the ground for the rousing up of hatred against the authorities."

There I join issue with the learned Judge:

"He goes on to say that his meaning is that the English people are not to remain in India and if they are to remain in India, they should live as slaves of the Indians and not their masters."

Can we not substitute fairly the word "servants" instead of "slaves," and, if we can substitute 'servants' in place of 'slaves,' would it be treason to say that those English people who remain here will either remain as friends or fellow-subjects or as servants of the people in the case of those remaining in the public services:

"and in order to achieve this object Hindus, Mussalmans and Sikhs should unite in a *jatha* and so cause white-faced persons to leave the country; if joint opposition is offered, success will be obtained. It is argued that reference to English people is a reference to the British rule in India . . . ."

He simply says "white-faced persons." He did not say anything about British rule in India:

" . . . and I take it that this is the ordinary interpretation which should be put upon the words used."

Why it is the ordinary interpretation I cannot understand:

"It is obvious that the allegation of the accused is that the Government are holding the Indians in slavery . . . ."



I do not see where he said that:

"... especially their religious places, and are a foreign Government which must be ejected."

Sir, when a speaker clearly says that if the English remain in India they should remain as servants of the people and not their masters, why must the Judge assume that he said that the Government must be ejected:

"It should be observed that union is advocated in order to cause the English people to leave the country or to become slaves of the Indians."

And is it a crime to say that those who remain here, those of the public services who remain here should remain as public servants?

"I think that these words amount to holding up the present Government established by law in India to hatred and contempt as a foreign Government which is tyrannising over the people of India and which must be expelled from the country. There is no criticism of individual acts of the Government and the words do not come within the exceptions provided under the section in Explanations 2 and 3. There is no defence offered against the charge and the accused has merely refused to recognize the authority of the Court. I accordingly convict the accused under Penal Code 124-A. As regards sentence the times are times of unrest and special measures have had to be taken by the Government for re-establishing law and order. The speech was recently made, and made by a man who is well educated and knows what he is doing."

This was made a few months before the Government of the Punjab had handed over the keys of the Durbar Sahib of the Golden Temple at Amritsar. Nor is this the first speech which the accused made:

"I accordingly sentence him to three years' rigorous imprisonment. This sentence is to take effect after the expiry of the sentence which the accused is already undergoing."

Now, Sir, that was on the 12th April, 1922. Sardar Kharak Singh remained in jail from the 12th April to the end of July and no trouble arose. He was treated as a special prisoner, and he and all others who were treated as political prisoners were permitted to wear their own clothes. From April to December, Sardar Kharak Singh and another Sikh wore their black turbans, which the Akali Sikhs generally wear. Thousands of people know that a black turban is largely worn by Akalis; it was not that he took that particular colour of turban as a special thing into the prison. Not at all. It was his usual head-dress; and there was another Muhammadan fellow-prisoner of his who wore a Gandhi cap. Up to December, nobody quarrelled with them for it. It was not treason to put on a black turban or to wear the Gandhi cap. Then, there was a change in the personnel of the Superintendent, and Major Gould, the Superintendent, who took charge there after that time, objected to the black turban and the white cap . . . .

**Mr. Chairman:** May I remind the Honourable Member that he is exceeding his time-limit?

**Pandit Madan Mohan Malaviya:** Thank you, Sir, may I try to finish it shortly. I will just read the text of the judgment, which will clear the matter. Then, in December, instructions were received by the Jail Superintendent that the black turban and the white Gandhi cap should not be permitted, that they were political symbols. They were not political symbols during the previous 8 months before the arrival of this particular

[Pandit Madan Mohan Malaviya.]

Superintendent; they then became political symbols, and an order was passed, a new order was passed in December. The judgment says:

"But one of the special concessions appertaining to the class of prisoners of Sardar Kharak Singh and Mr. Ismail and Sardar Jaswant Singh's class was that they were permitted to wear their own clothes. In December last orders were received from the Government prescribing the rules to be followed in connection with the treatment of special class prisoners. One of the rules prohibited the use of political symbols such as the Gandhi cap, which some of the special class prisoners had been wearing. It would appear from the jailor's statement in the case against Sardar Kharak Singh that the jailor tried to get these orders observed, but having failed to do so, he reported him, and then Major Gould, who took charge of the jail on the 1st January, 1923, decided to wait, and after consulting the Inspector General of Prisons he said that the wearing of political symbols should not be tolerated."

The orders of Government prohibiting the wearing of these caps and turbans were communicated to these gentlemen. They refused, naturally being self-respecting men, to remove the black turban or the white cap. Then these black turbans and white caps were forcibly removed from their heads. Anybody can imagine how wanton was this insult to these men who were political prisoners, who had been permitted for eight months to wear their own head-dress, who were permitted to wear all those clothes they liked, by asking them to remove their head-dresses and, when they refused to do so, by having them forcibly removed from their heads? They naturally resented it, and from that day they put aside all their clothes and began to live without any clothes except a little *kach* which Sardar Kharak Singh has worn ever since and he has not put on any other clothes. As I have said from that time up to this Sardar Kharak Singh has had no clothes on his body except a little *kach* except probably a rug which he uses, but I am not sure. This is the case. For having refused to remove his *pugree* a sentence of 9 months' further imprisonment—rigorous imprisonment—in addition to the terms of sentences which had already been passed upon him was inflicted upon him. Can madness go further? Can injustice go further? When the rules of the jail permitted these prisoners to wear their special clothes, where was the justification for this stupid order requiring these prisoners to remove their black *pugrees* or their white caps? Where was the justification for using force to remove these head-dresses from the bodies of these persons? Where was the justification for giving him nine months' further rigorous imprisonment for his refusal to remove the *pugree*? This is the position—one year under the Arms Act, where there is no law prohibiting the manufacture of *kirpans*, three years on a charge under section 124A when the evidence is, as I have urged before this House, of the flimsiest character upon which no dog should have been hanged, and nine months' rigorous imprisonment for showing that though they were in jail they were still gentlemen, better gentlemen than those who had been placed over them. I strongly support the recommendation which has been made in the proposition and I hope that this gentleman will be at once and immediately released.

**Maulvi Muhammad Yakub** (Rohilkhand and Kumaon Divisions: Muhammadan Rural): Sir, I beg to move that the Honourable the Home Member be asked to reply.

**The Honourable Sir Malcolm Halley** (Home Member): I quite appreciate the compliment, Sir, though I am not sure if it was really intended to be in my direction. I should have had some difficulty in dealing with

this case but for the very full account of the evidence which has been given by the Honourable Pandit Madan Mohan Malaviya. The fact is that, when we saw the Resolution, we asked for all the papers from the Punjab Government, but unfortunately some mistake was made and I have only just at this moment received the judgment in two of the cases relating to him. The third case I have not yet seen; but quite sufficient account of the evidence has been given by the Honourable Pandit. He has criticised the judgments at great length, but it must be remembered that here the accused has himself been largely responsible for he refused to defend himself, and refused to appeal when he was sentenced, and subsequently when convicted showed a disinclination to accept jail discipline. As regards the cases, I will deal with them in order. The first case is for manufacturing *kirpans*. Of course I am aware, as other Members of the Assembly who have studied the subject are aware, of the conflicting decisions which have been given from time to time by the courts regarding the right to manufacture *kirpans*; and I think that it is strange that, in view of the decisions that have been given, Sardar Kharak Singh did not himself go to the higher courts in regard to the decision in regard to this case. But as regards the conviction under section 124A, which is the more important, it is difficult for us here to reprove the case in the manner suggested by the analysis of the Honourable Pandit. I think it is in particular difficult for us to accept the Honourable Pandit's suggestion that the word used might have been "*banda*", and that this would have been meant in the sense of "public servant" and not "slave". I am not going to say that it would make a very great difference to the case if it did mean a public servant instead of a slave. But I would put it to the Honourable Pandit that no man addressing a village crowd and wishing to convey his intention that the English should stay here as public servants would use the word '*banda*' for that purpose; if he did, certainly his audience would not understand it. Now, Sir, as I have said, I have only just been enabled to study this case. I propose myself to ask for an opinion from the Punjab Government on the subject. I can give no guarantee of any kind beyond that. I will consult the Punjab Government, as to whether they have grounds for thinking that this gentleman should serve the whole of those three sentences or whether they would recommend that any portion of them should be remitted.

**Mr. Abdul Hays** (East Punjab: Muhammadan): I move, Sir, that the question be now put.

**Mr. Chairman:** The question is:

"That this Assembly recommends to the Governor General in Council that Sardar Kharak Singh be immediately and unconditionally released."

The motion was adopted.

## RESOLUTION RE THE RELEASE OF MAULANA HASRAT MOHANI.

**Mr. S. Sadiq Hasan** (East Central Punjab: Muhammadan): I rise to move the Resolution standing against my name. It reads:

"This Assembly respectfully recommends to the Governor General in Council to remit the remaining portion of the sentence of Maulana Hasrat Mohani and to order this release forthwith."

[Mr. S. Sadiq Hasan.]

I would like to say at the outset that I do not propose to go deep into the legal aspect of the case under consideration. That task I would leave for those of my Honourable friends who are practising lawyers and, therefore, better fitted to deal with it. It is enough for my purposes to say that the heart of every Indian is bleeding at the continued incarceration of one who is admittedly one of the noblest, and truest of India's sons. Maulana Hasrat Mohani is no ordinary criminal, he does not belong to any secret revolutionary society, he is a great patriot, a poet and a God-fearing religious man. His only sin is that he loves his country with a love as intense as that of Garibaldi and Mazzani. He has devoted his life to the service of his motherland, and is a staunch nationalist, a true disciple of that great founder of Indian nationalism, Lok Tilak. He has thrice been sent to prison, because he feels that the present form of Government must change and that the rule of bureaucracy which is incompatible with the dignity of the motherland must end. It hurts his feelings to see that his country, which was once the mighty Empire of Asoka and Akbar, the land of ancient and mediæval civilization and culture should be considered unfit for self-government. I do not subscribe to his unpractical ideal of complete independence which would land us in unfathomable waters. But is it strange, Sir, that, finding no adequate response from the Government after so many years of continuous agitation, and seeing the suffering caused to his unhappy countrymen in far-off lands who are left unprotected to the tender mercies of white races, who in the name of superior civilization oppress them, and also the wretched condition of the starving masses, he was driven to ask his countrymen to change their political creed? We must also remember the abnormal state of the Moslem mind during those days. The war against Turkey, the bulwark of Islam, and the disintegration of their Empire chiefly with the help of the Indian soldiers had caused soreness to all the hearts of the Moslems who had a spark of faith in them. The mind of every Moslem was agitated and disturbed and, seeing the helplessness of the subordinate Indian Government, was it strange if the Maulana thought that a change in the ideal of Swaraj from within the Empire to outside it was necessary both in the interests of his country and Islam? He did not advocate violence, though he said that under certain circumstances the Indians will be compelled to resort to it. His only object, as he ably put it in his defence, was to give the Government a clear warning that in case they adopted a policy of repression bloodshed was sure to ensue. For the expression of that view he was prosecuted under sections 121 and 124. The jury which tried him, unanimously found that he did not intend to create disaffection towards the Government established by law but merely gave expression to his ideas and thus found him not guilty under both the charges. The Sessions Judge, disagreeing with the verdict, referred the case under section 121 to the High Court which acquitted him, but under section 124 he sentenced Maulana to two years' rigorous imprisonment. The Maulana, considering a great injustice had been done to him, as a protest refused to do any work in the jail, and for this refusal to do any work, this man, chosen of the people as President of the All-India Muslim League, and the head of the United Provinces Congress, was subjected to the most abominable treatment. All his privileges were taken away. He could not write a letter or receive any interview. He was deprived of his remission to which he was entitled under the rules and, not content with this, he has been given separate

confinement and deprived of even pen and paper; and I may say all other privileges given to even the worst criminals are denied to him.

This does not end the tale of his sufferings. In the prison he was prosecuted for smuggling out the newspapers and bribing a warder with one rupee. His trial took place in jail where, as Mr. Kelkar ably put it, the whole atmosphere was tainted with the terror of jail discipline. The Maulana stoutly denied the charge of bribing and the prosecution in my opinion certainly failed to prove that a rupee was given to the jail warder as a reward for rendering the service required, yet the Magistrate convicted him and passed a sentence of two years' rigorous imprisonment for this offence alone. A Magistrate may do whatever he likes, but he cannot convince the country of the guilt of the Maulana. We cannot for a minute imagine that the Maulana, who has sacrificed his whole life for his country, could stoop so low as to bribe, and we quite believe that the warder was rendering service to the Maulana out of the great regard for him and the rupee he had received, as the Maulana said, was to get the change only with which perhaps the Maulana bought papers, denied to him by a civilized Government which was bent upon his mental starvation. In any case his position has not been lowered but rather enhanced, in our estimation, for he is suffering so much in order to secure liberty for his country.

I would not like to take the time of the Assembly by narrating the most humiliating treatment which the Maulana, as a helpless prisoner, is suffering at Yerwada Jail; his body may be ill-treated, but his high soaring spirit cannot be crushed. By giving such ignominious treatment to one of the noblest men in India, Government is daily losing the friendship of the people. Although there are a few at present who hold like the Maulana that India should have an ideal of complete independence, if Government persist in their repressive course, it will add many to their numbers and a minority to-day will become a majority to-morrow. Perhaps the Government in the pride of their strength will treat my warning with ridicule and contempt, but there is a higher power which watches and even stronger and prouder Governments have had their fall. As a loyal subject of His Majesty the King Emperor, who has taken the oath of allegiance, it is my duty to request the Government to pursue a policy of conciliation and remit the remaining portion of the sentence of Maulana Hasrat Mohani. I hope the Government will rise to the occasion and accept this Resolution of mine and by doing this graceful act they will not show their weakness but rather remove some of the bitterness from the hearts of the people.

**Mr. Abdul Hays** (East Punjab: Muhammadan): Sir, I rise to lend my whole-hearted support to the Resolution that has been so ably moved by my Honourable friend, Mr. Sadiq Hasan. I may tell you forthwith that I am not a friend of Maulana Hasrat Mohani and so my views can be taken as the views of a disinterested person. Sir, I have never met that gentleman in my life; but I know something of him. I have read his speeches and I have read a good deal of Maulana Hasrat Mohani's poems. Now, I tell you honestly that it will do you no good, that it will do no good to this country, that it will do no good to this Government, to keep Maulana Hasrat Mohani under incarceration any longer. In my college days I was a student of philosophy and I know that there are various theories of punishment; but the most favoured, the most universally recognised, theories are the deterrent theory and the reformatory theory. Now, Sir, I

[Mr. Abdul Haya.]

do not know what is your object in keeping in jail Maulana Hasrat Mohani. If your object is to deter other persons, then, I say, there should be no fear on that account. With the programme of non-violence before us, with Mahatma Gandhi as our leader, I assure you that you need have no fear. If you think that you can, by keeping this man in jail, reform him, then I am afraid you are mistaken. You have already been told that he has been three times in jail and I can only assure you that every time that he secures his release he leaves his prison with a sigh like the prisoner of Chillon. If your object is to segregate him from the rest of his countrymen so that he may exert no baneful influence upon others, then I should think that your object will not be served by keeping him in prison. The Superintendents, Assistant Superintendents, warders and the various other officers in jail, the majority of them being Indians, will come in contact with him almost every day. If you want to keep him away from us or if you want to remove him from amongst us, if you want that we should have nothing to do with him or that he should have nothing to do with us, then it will not do to keep him in jail. I suggest that he may be sent to Jaito in Nabha territory, for it is when our countrymen go there that we, here in the Assembly and outside the Assembly, have got nothing to do with them. I assure this House that, from the point of view of the official Benches, if you send him to Jaito, you will at least find one man there who will be in a fitter position to deal with him than my Honourable friend, Sir Malcolm Hailey or any of the officials here. Sir, it is open to you to say that he is a revolutionary; it is open to you to say that he is an anarchist; but we Indians, and for the matter of that we Muhammadans of India, know that he is our man; we know that he is the soldier who is fighting the battle of India's liberty. We refuse to recognise him as an anarchist. We refuse to believe that he has any such motives as have been attributed to him by the other side. It is open to you, Sir, to keep him in gaol for a longer period; it is open to you, when he regains his freedom, to send him to gaol a second time on some other pretext, and by so doing you can avoid the criticisms of the European Association as well as of the "Pioneer" and the "Civil and Military Gazette". The Anglo-Indian community might say that the Government is a strong Government, that it is not a weak-kneed Government. But, Sir, remember that, whatever may be the opinion of those Anglo-Indian papers, remember, if you keep him in gaol, the verdict of history will be against you. The time is fast approaching, Sir, when my children and your children will sit at their desks in schools, as we sit here in the Assembly, and learn their history. It will then be said, Sir, that India was under bondage, that India was being exploited, that India was being kept as a slave country by a handful of Europeans. Just at that moment this man, born in a middle class family, rose to the height of the occasion and put up a very tough fight for the freedom of his country. The time will come when memorials will be raised to the memory of Maulana Hasrat Mohani. Now, it is open to you, Sir, to make a choice between the two, whether you want the verdict of the "Civil and Military Gazette" to be against you or the verdict of history.

**Mr. C. Duraiswami Aiyanger** (Madras ceded districts and Chittoor: Non-Muhammadian Rural): Sir, I rise to move the amendment which I have sent up in connection with this Resolution. My amendment runs as follows:

"This Assembly respectfully recommends to the Governor General in Council that Maulana Hasrat Mohani be immediately and unconditionally released."

Sir, at the very outset you would find the distinction between the Resolution as sent by the Honourable Mr. Sadiq Hasan and my amendment. The original Resolution runs as follows:

"This Assembly respectfully recommends to the Governor General in Council to remit the remaining portion of the sentence of Maulana Hasrat Mohani and to order his release forthwith."

I am sure, Sir, the wording of the Resolution, as moved by the Honourable Mover of it, has been taken from section 401 of the Criminal Procedure Code, and he thought the word that he should use was the word 'remit' and not unconditional release. Sir, as the Resolution runs, even if the Honourable the Home Member is to accept it, he can say at once "I shall accept the Resolution, but I shall set up certain conditions like those which the Bombay Government have laid down in the case of Mr. Savarkar", conditions most humiliating, and yet conditions which Maulana Hasrat Mohani is not going to accept. Therefore, Sir, I have made it clear that this Assembly, when it recommends the release of Maulana Hasrat Mohani, must recommend it in such terms that, even if it is not granted, even if it is not accepted by the Government, it will do honour to this Assembly for having couched the Resolution in a language magnificent and appropriate to the great man. Sir, in moving Resolutions people sometimes start with a little bit of optimism, which is probably necessary to enthuse them, that it is likely to be carried. If it is carried but yet to be accepted, there my pessimism creeps in.

If this Resolution is moved by me even in the form in which I have moved it or the form in which the Honourable Mover 5 P.M. has moved it, I have not at present the slightest hope that it will meet with any graceful or magnanimous approval from the Government quarter. (*Pandit Madan Mohan Malaviya*: "Why do you think so?") Sir, however, the object of moving a Resolution like this in this Assembly is in my opinion to record a vote of confidence that the whole country has in the great men that are incarcerated when they are making such sacrifices for their country. Even if this Resolution is not carried out by the Government, it will be the record of the vote of confidence of this Assembly, this Assembly which represents the 350 millions in India; and, when recording its vote of confidence, it records the vote of confidence of the 350 millions in India as against the verdict of the bureaucracy, as against the verdict of a misdirected judge.

Sir, the Honourable Mover started with an announcement that he was not going to enter into the merits of the legal aspect of the case, but he has all the same gone too deep into the legal aspect. But I am not going to enter into the legal aspects of it for I conceive that in a case like this it may well be said that, when there is absolutely no defence made, no argument advanced before the judge, we ought not to criticise the judgment of the Court in whatever manner it may be. Sir, I do not therefore go into any criticism of the judgment passed by the judge in this case. But I put it on broader, on higher, on sublimer lines. Sir, this gentleman, this great man, Maulana Hasrat Mohani, comes before this Assembly for a second time. On the last occasion coupled with the universally honoured name of Mahatma Gandhi, Mr. T. V. Seshagiri Ayyar, who was then a Member of this Assembly, moved a Resolution here in these terms

"This Assembly recommends to the Governor General in Council that he may be pleased to set at liberty at an early date Mahatma Gandhi, Maulana Hasrat Mohani, Maulana Mohamed Ali, and others who were convicted at the Karachi trials."

[Mr. C. Duraiswami Aiyangar.]

Sir, the treatment that was accorded by the Honourable the Home Member on that occasion, when this Resolution came here, is very regrettable, not on account of his not accepting it, but because of the way in which he treated the subject. Sir, he took that as an occasion for using his benevolent sarcasm and virulent satire upon these great men, when they were far removed from him, when they were not before him to answer that, and I think, from the way in which he has treated the Resolution, I am led to think that he was bestowing no more seriousness upon that Resolution than he would probably bestow upon a game of ping pong. (*The Honourable Sir Malcolm Hailey*: "I do not play the game: it is not one of my vices.") Then I would correct it by saying as anyone would bestow upon a game of ping pong. In referring to him as Mr. Hasrat Mohani, the Honourable Sir Malcolm Hailey on that occasion said as follows:

"I use these titles instead of those which are bestowed on them in the Resolution, for there is some difficulty in ascertaining the exact titles which their followers bestow on the leaders of movements in this country. If I am right, Mr. Das at one time rose to the rank of Mahatma. At some dissatisfaction with his policy expressed by a section of his own following, he sank to the title of Srijut. He has now offended a further section of that once devoted band, and has descended to the title and status of Mister. Indeed, I fancy that there are some who in their wrath call him simply C. R. Das. I wish to avoid any offence to the non-co-operation warrant of precedence and I prefer to use throughout the sufficiently comprehensive title I have adopted."

Then, after these remarks, he left Maulana Hasrat Mohani to the portfolio of Mr. Gwynne. Sir, in passing this satire or benevolent sarcasm on these titles, I do not know what prompted him to discuss them at so much length, and it is not my purpose here to make any return satire upon the titles which the Government bestow—far be it from my intention because I have the highest regard for those who are occupying the front rank of this Assembly, I have too great a regard for them to feel inclined to say anything about this. I only submit that in dealing with Maulana Hasrat Mohani or Mahatma Gandhi or in an unwarranted reference to Deshabandhu Das on that occasion, I regret that this sarcasm should have been indulged in. Sir, these are titles—Mahatma or Lokamanya or Deshabandhu or Deshabhakta or Maulana—which flow from the hearts of the people. These are not titles which are bestowed by notification; these are not titles which are bestowed at a Darbar; these are not titles which carry a *sanad* with them; these are not titles which carry stars with them; these flow from the hearts of men, and you cannot prevent the masses, you cannot prevent the people, from bestowing out of their hearts the titles which are appropriate to the persons who have sacrificed their lives for them. Sir, titles given by a nation, titles given in the national language, are full and connotative. They are bestowed with the fulness of heart and in the fulness of language but not in abbreviated alphabets. Supposing I mention to you "B. M. S." Is it a title which you will recognise?

**Sir Gordon Fraser** (Madras: European): Is the Honourable Member in order in making a discourse on titles on this Resolution?

**Mr. Chairman**: The Resolution before the House is:

"This Assembly respectfully recommends to the Governor General in Council to remit the remaining portion of the sentence of Maulana Hasrat Mohani and to order his release forthwith."

The Honourable Member must confine himself to that Resolution.

**Mr. C. Duraiswami Aiyangar**: I accept the ruling of the Chair. I was only answering one remark about Maulana Hasrat Mohani himself which fell in this very Assembly on the last occasion. Sir, I would only complete



my sentence and stop there. If I say "B. M. S.", it would convey no meaning to you, but if I explain to you the fulness of it, if I tell you with the fulness of language, that fulness of reverence, that fulness of devotion which I bear to the person owning that title, to the great Son of God, (Jesus Christ), when I say that it means "Bright and Morning Star", does it not carry with it all its emotion and all its sublimity? Similarly, Sir, when a nation with the fulness of heart, with the fulness of devotion, with the fulness of reverence, calls a man by any particular name, I submit it is not a matter for comment anywhere.

Sir, I come now direct to the subject. The subject-matter of the amendment is that Maulana Hasrat Mohani be immediately and unconditionally released. Sir, you have heard from the Honourable Mover what were the charges against him. I would refer only shortly to the passages which have been picked out on the last occasion by Mr. Gwynne as the passages most objectionable in his propaganda or in his movement. Mr. Gwynne says:

"He (Mr. Hasrat Mohani) said: 'Let us define our goal as complete independence and widen our definition of our means so as to admit all shades of opinion, violent or non-violent. There are only two possible means of replacing one Government by another. One is destruction by the sword; the other by setting up a parallel Government.' He then goes on to admit that a collision between the two sets of institutions is inevitable, and when this collision takes place and the constitutional Government adopts a policy of repression, as it must necessarily do, then—and these are his words:

'The Muhammadan at least will give up his attitude of non-violence and will when faced with the barrel of a gun despatch his enemy to hell and will reply to martial law by resorting to guerilla war; that is, in the words of the Koran, 'Kill them wherever you see them.'"

These are the two passages which have been picked out as the most objectionable and the most offensive, in all the speeches which he had delivered on two occasions in the National Congress and on one occasion in the Muslim League. Sir, the passage speaks for itself. If it is dissociated from the context, if it is taken away or removed from the object and intention of the speaker, the language may seem at the outset to be objectionable. But one thing that is most prominent in the language used by him at the Indian National Congress and the Muslim League, the one idea that comes out as most prominent is that his definition of Swaraj, his goal of Swaraj, was absolute independence for India. He wanted to move it in the National Congress and the Muslim League and wanted to show that the ideal which must be before the Congress and of those who worked for the freedom of this country must be such an absolute Swaraj as would get independence for India. That I take it was the ideal which he put forward before the National Congress and the Muslim League. Sir, you will admit that the National Congress and the Muslim League are constitutional institutions where people can discuss what sort of freedom or what sort of government this country must have. There are ideas about Swaraj varying in degrees from provincial autonomy to complete independence. There are persons who hold that Swaraj consists in getting autonomy provincially and also in the Central Government. There are persons who hold that Swaraj means getting hold of the army and the control of the Indian States also. There are persons who hold that the forms which exist in the Colonies must be directly imported here. There are persons who hold that there must be a separate independent constitution for this country with an attachment or a connection or alliance between the British Government and this country. There are persons who hold that there must be absolute independence and this country must stand on a level with any other nation, be it America or any other nation. Sir, if there are so many grades of views regarding Swaraj,

[Mr. C. Duraiswami Aiyangar.]

which are held by people, and if you once agree that the Indian National Congress and the Muslim League are places where they should formulate all these views and discuss which is the best form suited for India, if a view like this is expressed by him in the Congress and the League and if the League and the Congress decide that that is not the form of government best suited for India, but that it is a form of full responsible government but within the Empire, then, Sir, if he submits to that decision and goes along with the Congress and the League, what is the fault with him in having expressed his view as a matter of debate or discussion in the Congress? On occasions like this, some other discussions also crop up. This Assembly may be aware that discussions have also arisen in the Congress as to whether the phrase "within the Empire" should be included in the creed and in the National Congress Resolutions or not. There are persons who want to exclude it on the ground that there must not be any commitment to a statement, and even if anybody in this country is of opinion that full responsible government must be obtained not within the Empire necessarily, such a view also must be formulated within the Congress; and to combine all these various parties together, to regulate them and to proceed upon a particular line, if all are brought together and discuss the various aspects of the thing, can it be taken as a piece of sedition? Can a man be found fault with and convicted for an expression of opinion like this on an occasion when they have particularly met there to discuss the various forms of government? I feel that, if you are not going to give liberty to persons to discuss the various forms of government that they think will be best for this country, if you do not give so much freedom of thought, so much freedom of expression, then it is not Maulana Hasrat Mohani that is in jail, but those who are outside the jail are really inside it.

Sir, I may also refer to one more point. If Government with the same wisdom and statesmanship which they exercised in the case of Mahatma Gandhi will be pleased to exercise their discretion in the case of Maulana Hasrat Mohani, then it will be graceful on both sides for the person who asks and for the person who gives. But, if on the other hand, you lay down any conditions, certainly he is not going to accept them. But, if without mentioning any conditions you say certain things which you think you ought to say, out of what you call prestige and under those qualified circumstances or statements you undertake to release Maulana Hasrat Mohani, and if thereby he is obliged to come out of jail, even against his will, then people will be doing him a disservice rather than a service. I consider a man, a thirsty man wandering in a desert where there is no water, to be in a less pitiable condition than a man who is brought near a fresh water pond and placed on a step near the water but with his mouth gagged and hands tied and unable to quench his thirst. The condition of the latter is more pitiable than the condition of the former. Sir, if you are going to put any humiliating conditions on the order of release, then I would rather like Hasrat Mohani to be in jail than come out. Therefore I heartily support the Resolution in the amended form\* in which I have it on the list and commend it to the acceptance of the House.

**Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions: Non-Muhanumadan Rural): Sir, I rise to support the Resolution which has

\* "That the following be substituted for the original Resolution:

"This Assembly respectfully recommends to the Governor General in Council that Maulana Hasrat Mohani be immediately and unconditionally released."

been placed before the Assembly. I have known Maulana Hasrat Mohani for many years. I have differed from him in some of his views, but I respect him for his honesty and straightforwardness. He is a man of independent views and expresses his views fearlessly. There is no question at this moment before this House regarding the political views which he has given expression to beyond those that were involved in the case that was brought against him. So far as that was concerned, the punishment inflicted upon Maulana Hasrat Mohani was two years' rigorous imprisonment. I understand that he has nearly served out this sentence. With reference to that sentence, I may say that the House will remember, and certainly the Home Member must have taken note of it, that the sentence which was passed upon Hasrat Mohani under section 124A was passed against the verdict of the jury. That is a circumstance which has to be borne in mind. But the second sentence was passed on a charge of having bribed a jail servant. From my personal knowledge of him, and without any bias or prejudice, I can safely assert that Hasrat Mohani is incapable of offering a bribe. Give every man his due. Try him for his political opinions if you think you must, but do not strike a man below the belt. And, though the Honourable the Home Member said that he did not play a particular game, I do hope, that he will play the game to-day and see that, in spite of his political opinions, this Maulana should not be allowed to remain in jail on a charge of bribery which I beg the House not to make much of. I know that I cannot ask this House to sit as an appellate court upon a judgment passed by a magistrate. I do not intend to do it. It is not my object to do so, but I do think that the House should know what was the charge against a man and what was the evidence by which it was supported, so that it may be able to form its opinion as to whether it would or would not recommend that the sentence on a particular gentleman should be remitted. And in that view, I repeat that I cannot believe that Maulana Hasrat Mohani really offered a bribe even in the jail. I will ask the House, and I will particularly ask the Home Member, to consider only that aspect of the case. The first offence we need not go into because I understand the sentence passed on the first charge has been nearly served out. I think I am right in that view as regards the sentence on the second charge, namely, bribery of a jail servant, I certainly think this is a case in which the Honourable the Home Member should find it easier to accept the recommendation which this Assembly will, I hope, unanimously make, namely, that Maulana Hasrat Mohani should be immediately released. I do not share the pessimism of my friend, Mr. Duraiswami Aiyangar. I do not see why he should presume that the Honourable the Home Member is not going to treat this question on its merits, fairly and squarely. Nor do I entertain any apprehension that the Honourable the Home Member contemplates imposing any conditions. If he should think it fit to recommend that Maulana Hasrat Mohani should be released, I do not see any reason to think that he will impose any conditions. At any rate until we have some indication that the Honourable the Home Member entertains any such view, I do not think it fair even to Maulana Hasrat Mohani to make a suggestion in that direction. With these words I commend the Resolution to the Honourable the Home Member and the House.

**The Honourable Sir Malcolm Halley** (Home Member): You will understand, Sir, and I am sure that after I have explained the reason, that you will also sympathise yourself with my initial difficulty in approaching this Resolution to-day. It lies in the fact that I have been warned that

[Sir Malcolm Hailey.]

the method previously adopted by me in choosing a title for the subject of the Resolution was not approved by Mr. Duraiswami Aiyangar. But time has its revenges and its ironies; and there is a pleasing irony in the fact that I should now be speaking to-day under the presidency of a gentleman who at the Nagpur Congress refused the demand of a number of his hearers that he should give to a distinguished Indian politician the title now demanded by Mr. Aiyangar for Mr. Hasrat Mohani. (Laughter.) I will not refer to that more. I am sure that I shall obtain your sympathy in my choice of a cognomen.

Now, for the subject of the Resolution. I, like Pandit Madan Mohan Malaviya, do not wish to re-try this case. For one thing the facts have been fully placed before the Assembly already; for another, the sentence under section 124A is about to expire, and indeed, had it not been that Mr. Hasrat Mohani refused to do any labour in jail and otherwise indulged in behaviour the result of which was that he earned no jail remissions, he would have been liberated already. I cannot of course agree with the account given by Mr. Duraiswami Aiyangar of his original trial; for it was not one of the cases in which the accused person did not defend himself. He defended himself at full length.

**Mr. O. Duraiswami Aiyangar:** If I remember aright, I think he only filed a statement. I speak subject to correction.

**The Honourable Sir Malcolm Hailey:** At all events, the case went subsequently before the High Court and we have the opinion of the High Court that what he said in the course of the speeches which formed the subject of the indictment amounted, in the opinion of the Judges of the High Court, to "gross sedition." I will be brief on this point. What he said was not confined to suggesting the independence of India. He indulged in language which I can only regard as extraordinary about the Moplah rebellion. He stated that the Moplahs were waging a defensive war for the sake of their religion against the English. He had the strongest objection to the fact that the Hindus not only failed to observe neutrality but aided the English in every possible way. That shows the mentality with which he approached the subject of India's independence and when he went on to add that there were only two ways of gaining his objective, you will see that he was not referring to constitutional or political independence at all. He said that one way was the destruction of Government by the sword, a second was to put up an alternative Government in its place, and the latter was what he preferred at the time. He therefore proposed to have his own army and his own police; and, as soon as he ascertained that the establishment of his parallel Government would not be successful by peaceful means, he would take to guerilla warfare, or, in the words of the Koran which have already been quoted, "kill them wherever you can." Now, I am sure, the House will readily agree with me that this is very different from the case we were discussing earlier in the afternoon; there can be no doubt whatever that there was a direct incitement to rebellion. However, his sentence for that offence has now been worked out; I am not going to lay stress on that. He is now in prison for disobeying jail regulations. You have already heard the charge; it was that he had corrupted a warder. Pandit Madan Mohan Malaviya says that he believes that Mr. Hasrat Mohani was quite incapable of such an action; he takes his stand on this and not on the evidence; he does not desire to re-try here, very rightly I think, the

evidence that was placed before the Magistrate. But I must warn the House that again we are not limited to the judgment of the Magistrate. The case went before a Sessions Judge and it went on revision to the High Court of Bombay. I hope that Mr. Duraiswami Aiyangar has too much respect for a High Court to suggest that this conviction can be anything but justified. I have the judgment here.

**Mr. C. Duraiswami Aiyangar:** I do not think I made any such statement. I said in cases like this when they are undefended and no arguments are advanced, it is not reasonable for this Assembly to go into the question of judgment. Therefore I said that I will not concern myself with the judgment or the merits of the judgment.

**The Honourable Sir Malcolm Hailey:** The case for which the sentence is now being served was fully argued; it then went upon appeal to the Sessions Court and it went up on revision to the High Court. The High Court dealt with it at some little length. They had no doubt whatever as to the facts. Now, it may be unpleasant for a prisoner who has been in jail for some time and who has earned no remissions such as other prisoners have earned, to find himself deprived of those amenities which he might have gained by another course of conduct; but he himself was responsible. I must emphasize this, lest it should be imagined that the jail authorities have been in any way hard or prejudiced against Mr. Hasrat Mohani. The Governor of Bombay visited the prison. He saw Mr. Hasrat Mohani, and he expressed a desire that, should he abide by the jail rules, there should be no difficulty shown in allowing him any reasonable amenities. It really therefore was only necessary for Mr. Hasrat Mohani to keep the most ordinary rules to earn his remissions, and it was quite unnecessary for him to attempt by bribing a warder to gain those particular amenities which he required. Let us be clear that we are not dealing now with the case of a political prisoner in prison for a political offence; we are dealing with the case of a man who was once imprisoned for a political offence but is now in jail for breaking jail regulations, and, I submit, in a somewhat aggravated manner. One may have sympathy—and very frequently does have sympathy—for a man who for conscience's sake goes to prison because he believes he can assist his country in no other way; but I do not believe that the breaking of jail regulations can be for the country's good. On the contrary, it is bound to work for the country's harm. His example spreads to other men in jail who are real criminals; not only so, but the corruption of the establishment undoubtedly means in the long run a breakdown of general jail discipline. My friends here will remember, I think, a letter that was once addressed to some of his friends by Mr. Lajpat Rai. He would not, I am sure, mind my quoting it in this connection. He deprecated the fact that, while so many men had for conscience's sake found it necessary to go to prison, many of them had set themselves to break prison rules:

"In many cases political prisoners had left nothing undone to provoke officials into an attitude of hostility; had abused the best and mildest of officials; had broken every rule and spoilt the discipline of jail life."

We know that this was done in many cases. We know at the same time that there were a large number of those who went to prison for conscientious reasons, but who thought it was also a matter of conscience to abide by jail regulations; and for myself I respect that feeling. I have little respect for a man who goes to prison for the sake of conscience, but

[Sir Malcolm Hailey.]

whose conscience permits him to break the ordinary regulations and even to attempt to corrupt the jail staff. There is double evil in this. We have later in the day a Resolution regarding the treatment of political prisoners. Now if that Resolution comes on, I shall be able to show that we have made a serious effort in the last two years, by the creation of the Special Class, to ameliorate the condition of political prisoners and to remove some of their hardships.

**Mr. M. V. Abhyankar** (Nagpur Division: Non-Muhammadan): Sir, I am a man who to a certain extent believes in luck, and . . .

**The Honourable Sir Malcolm Hailey:** Is this a point of order, Sir?

**Mr. M. V. Abhyankar:** I did not state I was raising a point of order. I thought the Honourable Member had finished. I am sorry.

**The Honourable Sir Malcolm Hailey:** As I said, I shall be able to show to the Assembly that we have done a great deal in the last two years to improve the condition of political prisoners by the creation of the Special Class. We are anxious to proceed further wherever possible on those lines, to make the rules uniform and to remove, in cases where it is justifiable to do so, any suspicion of harsh treatment. Can we continue to do this if our political prisoners set themselves to break jail rules and corrupt the establishment? I say we cannot, and that the harm done by Mr. Hasrat Mohani in this connection goes further perhaps than he himself thought; and I do not think in the circumstances that the House should show any sympathy with him, at all events so far as concerns his retention in jail for this particular offence.

**Rai Bahadur S. N. Singh** (Bihar and Orissa: Nominated Official): I move that the question be now put.

**Mr. M. V. Abhyankar:** Sir, I am one who believes to a certain extent in luck and I do think that the Resolution is being moved on a very lucky occasion, because the Resolution refers to one of the Presidents of the Muslim League and it is being moved to-day under the presidency of one of the Presidents of the same Muslim League. Under those circumstances I am sure that the Government is bound to accept this Resolution, which I am positive will be passed by this House. (Laughter.) The simple question that is raised by this Resolution is not one of law. I thought that this House was a legislative body and as such it ought to be above law. It ought to make law and it ought to unmake law. Unfortunately that is not so in this country. But that is a different matter altogether. The question is this: whether the Government are entitled to treat their political opponents in the manner in which they are being treated to-day in this country. I should like to ask the Honourable the Home Member if he would relish the same treatment at the hands of his political opponents if they desired and if they could inflict it on him. I am positive he would not. (Laughter.) Then the question is: Are the political prisoners in this Empire—I mean in other parts of this Empire—treated in the same way in which they are treated here? Was Sir Edward Carson, when he said that he would resist with the help of armed volunteers any question about the grant of Home Rule to Ireland, treated in the same way in which Maulana Hasrat Mohani is being treated to-day? He was not even prosecuted. It was said that the word 'if' in his speech barred his prosecution. I know it fully well. Then, Sir, I would ask my Honourable

friend, the Home Member, whether General Dyer, who was admitted by him on the floor of this House some time before as having received punishment worse than death, because it was said that compulsory retirement for a military officer was worse than that, whose offence stands no comparison—or I would say whose offence is a thousand and million times worse—was he even given the same treatment which Maulana Hasrat Mohani is being given to-day? Maulana Hasrat Mohani is said to have caused—I would say in the terms of the section—sedition. I will assume this. But what did General Dyer do? He actually killed—and it was admitted—he actually butchered people in the Jallianwala Bagh. What was the treatment that was accorded to him by this Government? And if that is the treatment accorded to General Dyer, I ask the Honourable the Home Member why should there be a different treatment in the case of Maulana Hasrat Mohani.

**Mr. Chairman:** We are not concerned with the case of General Dyer. The question before us is whether Maulana Hasrat Mohani should be released.

**Mr. M. V. Abhyankar:** I accept your ruling, Sir. My only point was whether people, assuming that they have offended against section 124A, should be treated in the manner in which they are being treated. The Honourable the Home Member said that he respects those who went into jail and accepted the jail regulations. But what came out of that respect? Were they released because they accepted the jail regulations? The respect was there, but there was no material gain or profit to the person who was obeying those regulations. The Honourable the Home Member said that Mr. Hasrat Mohani could not even obey the ordinary regulations of the jail. Yes, Sir. They may be very ordinary regulations of the jail because very few Europeans go to Indian jails. They would be very extraordinary regulations were they brought into force in England. I know English jail regulations and I also know English law and I know the punishment that is provided by the English law for the same offences for which punishment is provided by the Indian Penal Code.

The jails are different, the law is different, the treatment is different. You have submitted and you submit Maulana Hasrat Mohani to a treatment which no man of his capacity, which no man of his temperament—mind you, which no man who held that leadership in his community—could stand. It does not lie in your mouths to turn round and say that he did not submit to that regulation or he did not submit to that discipline. The Honourable the Home Member has said "Oh yes, he defended himself." He might have. He also further said that, had it not been for the offence that he committed against the jail regulations, Maulana Hasrat Mohani might have been out by now. I doubt that very much. It is perhaps because the term of sentence for the previous offence happens now to be on the verge of expiry that it is said perhaps he would have been out. God knows what he would have been doing to-day. The simple question that this Resolution raises and that this House has to decide upon is—Are your political leaders to be treated, and whether you will allow your political leaders to be treated, in the manner in which they are being treated to-day, like ordinary felons? People who ought to be the leaders or who are the leaders of society—people who want to lead their nation to liberty and freedom—whether this House will sit quiet while those people are rotting in jail and being put under regulations which are not fit even for an ordinary felon.



**Maulvi Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, I also rise to advocate the cause of a great patriot, a true nationalist, a noble son of the Motherland and, above all, an old and intimate friend. Sir, he is now being subjected to persecutions and sufferings the parallel of which is not to be found in the annals of British Rule in India. In my boyhood when I heard of the *Chah-e-Zindan* or the well of imprisonment, under the uncivilised government of old Afghanistan, I never believed it; but, if the information which I have received about the treatment which is given to Maulana Hasrat Mohani is true, it is no better than the *Chah-e-Zindan* of Afghanistan. What my information says, is that he is being shut up in a condemned cell for the whole of the twenty-four hours in which cell there is only a small opening for the light to come in, like the one which the old philosopher Newton made for his pet cat to come through. He is shut up there the whole day and night and he is not supplied even water to drink or light to offer his prayers before his God. I rise, Sir, to advocate the cause of this gentleman, but in doing so I do not propose at this stage to enter into the details of the case which resulted in the conviction of Maulana Hasrat Mohani. Nor is it advisable at this stage to approve or condemn the policy, and the political creed to which Maulana Hasrat Mohani belongs. What I propose and what I submit on this occasion is that when a similar Resolution was moved in this House last year, the Honourable Sir Malcolm Hailey in opposing the Resolution on behalf of Government said:

"Obviously Governments do not proceed to this measure until they are convinced of two things.—Firstly that the goodwill of the population will be gained for some important constitutional change which has long been in agitation, or secondly that agitation having died down it is then no longer necessary to retain in prison large numbers of people who have been found guilty of purely political offences and that they can safely be released without reference to this order."

Now, Sir, there can be no doubt that there is a strong desire to-day throughout the whole country that Maulana Hasrat Mohani should be released. The national voice of the people of India embodied in the incorporate voice of this House has shown itself in unmistakable terms, and I am sure that by releasing Maulana Hasrat Mohani the Government will earn the gratitude of the whole country.

As regards the other point, I submit, Sir, that it is also obvious that the storm of agitation and disorder arising out of the non-co-operation movement is now at its lowest ebb. I say that it is at its lowest ebb and I can prove it. The two stalwart and joint non-co-operators, Maulana Muhammad Ali and Maulana Shaukat Ali, have been for many months carrying on their propaganda with the same zeal as ever and they have been teaching their gospel with the same earnestness as ever, after they came out of jail; but not a single ruffle has appeared on the surface of the public life and not a single case of disorder can be traced on account of their re-appearance in active life. (Mr. M. V. Abhyankar: "Non-co-operation does not mean disorder, does it?") I do not say that. What I mean to say is that if Maulana Hasrat Mohani is being kept in jail, because there is danger of recurrence of disorder, then I submit there is no fear of disorder. I have known Maulana Hasrat Mohani for the last 25 years. We were together at the dear old college at Aligarh. No doubt he is a man of strong convictions; no doubt he is a man of great imagination and a wonderful poet. But I have never known him possessing the quality of inciting a mob to disorder; and under such circumstances, I submit, Sir, that there is no occasion whatsoever that he should remain in jail any longer. In winding up the very same debate to which I referred, the Honourable the Honne



Member said rather in a passionate tone: "Heaven knows that I wish to keep no man in prison a day longer than is required to justify the ends of justice or is sufficient to secure the peace and contentment of India". Now, Sir, there being no danger or fear of the recurrence of that widespread disorder which the Honourable the Home Member wanted to avoid, I do not think there is any reason why Maulana Hasrat Mohani should be kept in jail any longer. Sir, on the occasion of the inauguration of the reforms, His Royal Highness the Duke of Connaught appealed to all the British and all the Indians to forget and forgive. These were the words of His Royal Highness:

"I appeal to you all, British and Indians, to bury along with the dead past the mistakes and misunderstandings of the past, to forgive where you have to forgive and to join hands and to work together to realise the hopes that arise from to-day."

In my humble opinion, Sir, the reforms have been inaugurated this time with the opening of the sessions of the new Assembly, where the true and real representatives of the country have taken their seats; and a new era has been opened in the country. It therefore behoves us all to inaugurate its commencement by translating into action the heartfelt desire of the Duke of Connaught, a younger brother of Edward the Peace-Maker who did not like to celebrate his coronation until peace with South Africa was signed, and the only surviving son of Queen Victoria the Good, whose first act after assuming the direct control of the destinies of India, was to pass an order of general amnesty. Sir, the horrors and bloodshed of the Indian Mutiny of 1857 were much greater than the ordinary disturbances found in the country on account of the non-co-operation movement. But as soon as the Indian Mutiny was over, Lord Canning, the then Viceroy of India, passed an order of general amnesty and immortalised his name. Let us hope that now, that the storm is over, and the political surface of the country is calm and the horizon is bright, that our present Viceroy, His Excellency Lord Reading, will also immortalise his name by following in the footsteps of his illustrious predecessor the first Viceroy of India. And let us also hope that the Honourable the Home Member, on the eve of his assuming a nobler and higher office as Governor of the Punjab, will immortalise his name by accepting this Resolution. Sir, I strongly support the Resolution in the form in which it now stands as amended.

(Several Honourable Members moved that the question be put.)

**Mr. Chairman:** The question is:

"That the following be substituted for the original Resolution:

'This Assembly respectfully recommends to the Governor General in Council that Maulana Hasrat Mohani be immediately and unconditionally released.'

**Mr. S. Sadiq Hasan:** I accept the amendment, Sir.

The motion was adopted.

**Mr. Chairman:** The question is:

"That the following Resolution be adopted:

'This Assembly respectfully recommends to the Governor General in Council that Maulana Hasrat Mohani be immediately and unconditionally released.'

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 27th February, 1924.