Role in Central Legislature

Madan Mohan Malaviya was the most prominent leader of 20th century. He understood well that the social customs in Hindu society which were injurious to the community, would die hard. He opposed child marriage as it greatly effected the physique of the youths. He was against untouchability and suggested several reforms for the socio-economic upliftment of Harijans. Undoubtedly his role as a member of the legislature is unique in the annals of our freedom struggle. He was a fine orator and his powerful and comprehensive arguments in the legislature greatly influenced the British bureaucracy. He fought consistently for the basic rights of Indians which included education, adequate representation in services along with the British bureaucrats and last but not the least the demand for Swaraj. He was well-conversant with the culture and traditions of Hinduism. He had indeed comprehensive knowledge of Vedas, Upanishads, Ramayana, Mahabharat and other Hindu scriptures. He favoured the concept of charity, bit opined that charity should be given to a proper person for a right cause. The development of education was dear to his heart and for the collection of funds he never hesitated to contact the ‘smallest and the greatest’ man on earth.

He lamented that crores of rupees were given in charity every year, but the same was not always well spent. If that money could be diverted to education, that would help both the cause of education and of religion. In his opinion, providing a man with education and ‘means of livelihood,’ was the greatest dharma. ‘Dana’ or giving of alms was a sacred act. The recipient of the alm, therefore, must be pious man, for the objective of charity is not to make the recipient idle or a parasite. Giving of alms, thus, is a social phenomenon, and it must lead to some social good. To those who deposited ‘mantras’ or ‘Ramnaam’ in a religious bank, his advice was to offer them in ‘diksha’. To Malaviya, the dearest thing on earth was religion and that religion was the Sanatan Dharma. The essence of the religion according to the Mahabharata is that “one ought not to do that unto another which he would not like another to do unto him. One should do that unto another which he would wish that other to do unto him.” The essence or truth as enunciated by Veda Vyas in the Mahabharata is shared by all other religions. Malaviya was proud of belonging to a
Dharma which he held to be the oldest and the holiest religion on earth. He claimed never to have departed from the path laid down by the Shastras, and sincerely wished that his people “should go back to the purest dictates of the Shastras that we lived under in the old system, which was not half so bad as it is today.” Both the Shastras and the Karmakanda or rituals were dear to him. What, however, distinguished Malaviya from the orthodox was the fact that he claimed to have interpreted the Shastras in the light of both their letter as well as spirit.

The underlying spirit of Hinduism, according to Malaviya, is toleration, universal weal and respect for the founders prophets and sages of all religious. He was opposed to villication of the prophets or the avatars, just as he would not like his father, even if he had some werkness, to be vilified in his presence. Therefore, he pleaded that “though doctrines and tenets of religion might be discussed in a friendly way, no one ought to hold himself free to utter or criticise in a lighthearted way anything which would hurt the religious feelings of his fellowmen.” Malaviya believed that there could be no quarrel between truly religious men belonging to different faiths, as all living beings were the creation of the same God and the “ray divine shines equally in every man...”

He had an ardent faith in god and in Divine Governance of the Universe. He opined that the sanctity of the idols in temples must be maintained. The place of worship should he respected and its destruction was a sin. Indeed he was a practical man and preached action in all kinds of national activities. The action, according to him, should be untitutout any reward. Life he stated is duty which must be performed with sincerity.

Madan Mohan Malaviya not only preached the concept of non-violence, but he strictly professed it. He stated that non-offensive beasts should not be killed. He applied the principle of self-defence for activities like achieving independence for India. He held animal flesh to he poisonous and injurious to health and propagated against eating meat. He supported the use of vegetables and vegetarian diet. He always gave a note of dissent to the view that no sin was attached to animal sacrifice on religious festivals. He asserted emphatically that the animal sacrifice was neither religious nor essential nor desirable. Thus his opposition to animal sacrifice, including cow sacrifice, led him to support the movement for Prevention of Animal Sacrifice.

Malaviya felt worried over the slaughter of the cow and deeply hurt him seeing a cow in the butcher’s clutches. He always consisted the cow as national property. Very often he talked about the usefulness of cow as national property. Very often he talked about the usefulness of cow whom he linked with the development of
agriculture in our country. It provides us bullock for ploughing”, and milk, butter and various other products which are useful for our health. He propagated the idea of keeping the dry cones in the go shalas and always appealed to the Hindus to keep cones in their homes. During his life time he conversed with several Muslims and convinced them about the utility of cow and asked them to abstain from its slaughter. He always opined that the animal that gives us milk and butter should not be given to butchers because it had ceased to give milk in the same way as we do not discard our old mothers.

He propagated for the upliftment of the untouchables. He opined that their socio-economic status should be raised by affording them an honourable position in our society. According to him our Shastras were not the monoply of one class, even Sudras should not be denied to study them. They should be permitted to draw water from our wells. They should be allowed to enter the temples. Nobody, according to him, was untouchable by birth, our society was responsible for such a social condition for them. He emphasised the role of women in our society. He always opined that women should receive education like men so that they could play better role in the day-to-day functioning of their domestic life. He advised them to occupy themselves, specially spinning; maintain good health in order to participate in activities having deep linkage with Indian nationalism.

In early July an “untouchability conference” was held in Bangalore at which representatives from South India were present, a part of the country where the problem is most acute. Among the spectacular events was the visit paid to and the speech delivered by Pandit Madan Mohan Malaviya. It was a courageous speech, and one, filled with hope. The Pandit declared that a retrospect of the last twenty years would reveal the very changed attitude which had come over the country and the Hindu community regarding the Untouchables. The reasons were threefold, In his opinion “our missionary friends deserve all the credit in this connection for having laboured in this cause in many places in the country.” In the second place, the life and teaching of Mahatma Gandhi had a remarkable influence on the removal of untouchability. In the third place, a revolutionary change had taken place “in the mental attitude of the thoughtful classes throughout India.” Pandit Madan Mohan is perfectly right in his estimate of the influences at work, but in our opinion he overlooked in his speech the influence of the Hindu social reformer himself whose activities, though less spectacular than Mahatma Gandhi and inferior in amplitude of Christian Missions, achieved a success in the intellectual and moral plane which must never be forgotten. We would refer to the work of Ranade, and in our own time to Mr. K. Natarajan, who for over thirty years has carried aloft the banner of freedom of the depressed classes.
SEDITIOUS MEETINGS ACT

At a meeting of the Imperial Legislative Council, held on Saturday, the 6th August, 1910, the Hon. Mr. Jenkins introduced the Bill to provide for the continuance of the Seditious meetings Act, 1907. The Hon. Pandit opposed the motion and spoke as follows:

My Lord, the measure before the Council is of exceptional importance and perhaps it is due both to the Government and to the public, a portion of whom at least I claim to represent, to state the reasons why I think it my duty to oppose the motion that the Act for the Prevention of Seditious Meetings should be continued for another five months. My Lord, after the many able and elaborate speeches that have been made against the motion, it will not be necessary for me to take up much of the time of the Council. But I must complain at the outset of the action of the Hon’ble Member who has moved for leave to introduce the Bill in having thrown the burden of making out a case for not continuing this Act upon the non-official Members. My Lord, I understand that it has been the rule in respect of all legislative business which comes before the government of India, that the Hon’ble Member who introduces Bill should state clearly the reasons upon which his motion is based, and should set out before the Council the facts and circumstances which would enable Members, non-official as well as official, to decide whether to vote in favour of the Bill or against it. The Hon’ble Member has told us very briefly that all that the Bill aimed at was the continuance of the Seditious Meetings Act for only five months. He has also told us that the Local Governments have unanimously demanded it. So far as he was concerned, he was no doubt free, as he was willing to surrender his judgment to the judgments of the Local Governments, particularly of one which is presided over by a gentlemen of the experience and large views of Sir Edward Baker. But he seemed to forget that there were other Members in the Council who were not in the confidence of these Local Governments as he evidently happens to be, who did not know what the circumstances were which had led Sir Edward Baker and other Local Governors to ask for a continuance of this Act. My Lord, there is certain responsibility resting upon the non-official Members. It is also given to us to think, and we have to satisfy the still small voice that even we feel within us that there is some justification for supporting a motion to saddle the Statute-book of the country with a measure which was described by Sir Harvey Adamson, as many speakers have reminded the Council, as a repressive measure of considerable potency. This exceptional places, has now been on the Statute-book for nearly three years. The Government of India when they passed it almost offered apologies fro introducing it, and for asking that it should be continued for three
years—such was the state of the country at the time. ‘Sir Harvey Adamson repeatedly said that the measure was intended for exceptional times and exceptional circumstances only, and he took the greatest care to point out that in order that the measure might lack the element of permanency, the life of every notification which was to be issued by a Local Government to declare an area to be a proclaimed area was confined to a period of six months.

My Lord, the assurances given by Sir Harvey Adamson and the remarks which fell from Your Excellency in concluding the debate, had led the people to believe that unless some very special circumstances which would justify the continuance of that measure were shown to exist, it would be dead on the 31st of October, 1910. It was with much surprise and regret therefore that we learnt that, while the Government was at Simla, a Bill would be introduced to give a new life to this repressive measure even before it is dead. I submit my Lord, that in the circumstances of the case it lay heavily upon the Hon’ble the Home Member to place before the Council facts and circumstances which would enable the non-official Members to decide whether they should give their support to the measure of oppose it. I may be permitted to say, and I am sure Your Excellency will accept the statement, that it is not a pleasure to non-official Members to oppose Government measures. We feel the very reverse of pleasure in opposing them. But we feel, my Lord, that we are here to express opinions which we can justify first to ourselves and then to the public. We feel that we are to be judged not by this Council only but also by the much larger and far more important body of our countrymen who are keenly watching the conduct of non-official Members as well as that of Members of the Government in dealing with any legislation which affects them.³

Now, my Lord, we might all of us agree in the view that when the circumstances which gave rise to this legislation ceased to exist, this measure should have been allowed to die a natural death. Let us see therefore what those circumstances were and whether they exist in the country to-day. When the Regulation of Meetings Ordinance of 1907, which was a prototype of the Act which is now under consideration, was issued, it was stated in the Statement of Objects and Reasons which accompanied it that the ‘acute disorder’ which prevailed in the Punjab and in parts of Eastern Bengal had led to the passing of the Ordinance. My Lord, that acute disorder had almost died before that Ordinance was issued; it certainly did not exist when in November, 1907, the Government decided to pass the present Act. But even assuming that there were circumstances in 1907 which justified the passing of the Act, or at any rate satisfied the members of the Government that it was necessary in the interests of good government, in the interests of he
preservation of the public peace that a strong measure like that should be continued or be placed on the Statute-book, the Hon'ble Member who has put forward the motion under consideration before the Council was bound to satisfy this Council that these circumstances or conditions similar to them exist to-day when he seeks to give a new life to the measure. When piloting the measure thought the Council the Hon'ble Sir Harvey Adamson said that he had no desire to disguise the fact that the measure was one of considerable potency. He justified it however on the ground that in his opinion in the then condition of India such a measure was necessary. My Lord, what are the conditions which exist now? Do they make even the faintest approach to the conditions which existed in 1907? Sir Harvey Adamson complained at that time that the scheme of constitutional reforms which the Government had formulated had not brought about such a change in the public mind as had been expected, and that the Government felt that they had to deal with a section of irreconcilables. But we know that the scheme of reforms originally put forward has, after undergoing many important changes, been carried out since; and notwithstanding the fact that there have been some serious complaints about the regulations framed under the new Councils Act, no one can deny that the reforms as a whole have been received with a feeling of gratitude and have greatly improved the political situation. I believe that there has been a consensus of official and non-official opinion that the reforms carried out have brought about a marked change for the better in the attitude of the general public towards the Government. Is that change to count for nothing in determining whether a repressive measure should be allowed to die its natural death or should be kept alive by fresh legislation?

We have been told that the Local Governments have asked for the Act. With due respect to the Local Governments we cannot blindly substitute the judgments of Local Governments for our own. My Lord, it is difficult for us to understand why while all that is open and visible to the public eye indicates an absence of those conditions in the country which should justify the reenacting of a repressive measure like the one before us while it is undeniable that there is a world of difference between the conditions which obtain in some Provinces and those which prevail in others, all the Local Governments are unanimous in recommending that such a measure should be brought on the Statute-book for the whole of the vast Indian Empire.4

My Lord, the political situation in India was carefully summed up not long ago in the letter which the Government of India addressed on the 14th March last to the Government of Bengal and to the other Local Governments. In that letter Your Lordship in Council was pleased to recognise that nowhere in India was any
considerable proportion of the population imbued with the spirit of disaffection towards the British rule; that there was a party, small in numbers, though of considerable influence, in the opinion of the Government, which was opposed to the continuance of British rule; that among this small party also there was a class which was opposed to resort to violence; that the other class which advocated and practised the methods of terrorism consisted 'for the most part of youths who are still at school or College, and of young men who have not long passed that period of their life.' The letter went on to say that these active revolutionaries were most prominent in parts of Bengal and Eastern Bengal and Bombay; that their movement had spread to the Central Provinces and Berar and to the Punjab; but that it had made little headway in Madras and in the United Provinces; and that the Government of India had received no information of its existence in Burma and in the North-West Frontier Province. That being so, I appeal to Your Lordship, I appeal to every Member of the Council, to judge what change has been brought about since March last which should justify the saddling of my Province, the United Provinces, or of Madras, or of Burma or the North-West Frontier Province with this repressive measure. My Lord, one event has no doubt happened, and that a very sad one too, namely, the death of our beloved King-Emperor, But the demonstrations of grief which that event called forth should have satisfied even the most sceptical mind that the heart of the people is sound; that they mourned the loss of the King-Emperor with as much sincerity as their fellow-subjects in any other parts of the Empire; that they would not have done so if they did not appreciate the British connection and did not want the British rule to continue. What else, my Lord, could be the meaning of the great demonstration that took place in Calcutta, where a hundred thousand Hindus walked a long distance in a burning sun, bare-headed and here-footed, in order to give united and public expression to their grief? My Lord, there have been manifestations of similar grief all over the country and there are movements going on at present in all Provinces to raise suitable memorials to the revered memory of Edward the Peacemaker. With these evidences of a strengthening of the feeling of loyal allegiance so the Crown that has long existed in the minds of the people, is this the time for the Governmental of India and for the Local Governments to ask for a continuance of a repressive measure, the life of which is to expire by efflux of time in October next? One should have thought, my Lord, that the Government would at such a time have welcomed the removal by natural death of a measure which it has seldom, if ever, found it necessary to use, but which must always be a source of irritation and complaint to the great body of the loyal and law-abiding population of the country, particularly as there is nothing special in the existing circumstances which would justify an opposite course.
It may be said, my Lord, that the Government cannot ignore the existence of the band of terrorists and anarchists. Your Lordship was pleased, in that same letter to which I have referred, to deal also with the case of these misguided enemies of their country and of its Government. I need not repeat what several other Members have said before me, that every sensible man who has the interests of this country at heart must deeply deplore all anarchical outrages and all unconstitutional action. But it cannot be said with any reason that the prevention of public meetings of twenty persons and more will exercise any restraining influence upon evil conspiracies, on the action of those who hatch their plots in secret, and who must, by the very nature of things, always endeavour to carry out their diabolical designs without all avoidable publicity. It is important to remember in this connection that the existence of the Act in question has not evidently hampered terrorists in their action during the last three years. This Act cannot therefore be claimed to be a remedy for that disease.

Your Lordship’s Government was pleased in the letter of March last not only to analyse the political situation but also to suggest some suitable remedies, if I may say so, with the eye of a statesman. The Government expressed its belief that the seditious movement is in the main due to ignorance and misapprehension of the natural consequences of British rule in India; that thought there existed in the ranks of those who were hostile to that rule a residue of implacable hatred of all alien intrusion, all the information which has been placed before the Governor-General-in-Council supports the view that the majority of the advocates of nationalism have been misled by shallow arguments and prejudiced statements.’ The obvious remedy for this state of things was that the other side of the case should be put before these young men. Your Excellency therefore wisely called upon all officers of Government, and indeed all supporters of law and order, ‘to do his best, each in his own sphere, to combat misrepresentation and to remove misapprehension regarding the character and results of British rule.’ The officers of the Education Department were rightly asked to check the spread of seditious views among their wards by sympathetic discussion and kindly guidance; the attention of all District officers was directed to the necessity of taking leading men in each distrait into their confidence, and of cultivating a courteous and considerate demeanour towards all with whom they are brought in contact. The concluding portion of the letter stated:—

“'The Governor-General-in-Council believes that these is every reason to expect success for a policy on the lines described in the foregoing paragraphs. There is much ignorance and misunderstanding on the subject of British rule in India,
and thence has arisen a spirit of disaffection. That spirit has not spread far, and the wrong impressions on which it rests are capable of removal by conciliatory discussion and earnest remonstrance. Many supporters of this so-called nationalist programme have taken alarm at the development of what they regarded as a permissible political movement into the fanatical outrages of the terrorist section. The moment is favourable for detaching them from the party of disaffection and for convincing all but the most extreme of the danger to the general welfare of persistent attacks upon the foundations of the established Government. The great body of the people are entirely loyal and prepared to join with the officers of Government in this mission against disaffection.’

I submit, my Lord, that that was a clear and statesmanlike pronouncement on the policy which the Government should pursue at the present time. It supplied the true remedy for the disease from which the country has in parts suffered and is unfortunately still suffering. But these methods of conciliation require that a free and public discussion of grievances and views should be encouraged rather than discouraged, cases of any serious abuse of the liberty of speech or meeting being left to be punished by the ordinary laws of the land. At any rate the policy of sympathetic guidance and conciliation which the Government of India deliberately decided upon but a few months ago will be to a large extent stultified if this fetter on the freedom of speech and action is continued, if this repressive measure is given a fresh lease of life. This being my view of the situation, I submit, with great respect, that the Government should not go on with the proposed legislation. I fully realise how vain it would be to hope that the Hon’ble Member in charge of the Bill will drop the motion. But, my Lord, I consider it my duty to say that it is very unfortunate that he should not be able to do so. There is nothing more important at this juncture for the good government of this country than that there should be a feeling abroad among the people that the Government are willing more than ever to listen with sympathy to the representations of Indians, to give due consideration to the wishes and opinions of representative Indians, who are quite as much anxious to uphold law and order, as being the sine qua non of peaceful progress, as any official member can be. Your Lordship has seen that there is a large body of unofficial opinion almost begging that the Government should not proceed with this measure. In these circumstances, unless the Hon’ble Member can lay before the Council the opinions of the Local Governments that he has received and relied on, unless he can disclose facts and circumstances which show that there is a danger that, if meetings are allowed to be held freely as they used to be held before this Act was passed, this circumstance will tend to disturb the public tranquillity or lead
to some other crime which cannot be dealt with by the existing enactments, I submit, it cannot but be deplored that the Bill should be proceeded with and passed.\textsuperscript{5}

I do not wish to dwell at length upon the existence of other provisions in the law which place ample power in the hands of the Government in suppress meetings which are likely to promote sedition or to lead to a disturbance of the public tranquillity. Some speakers who have spoken before me, including the Hon’ble Mr. Madge, have said that the existing law is not sufficient. My Lord, it is not necessary for me to enter into a discussion with these gentlemen as to whether that is so or otherwise. My lawyer friends have presented the correct view of the situation. Besides, an ounce of fact is better than a ton of argument. The Council has had a few such facts placed before it, facts which go to show that meetings of 50,000 persons and more in Calcutta, and other large meetings in Nagpur and Eastern Bengal, have been dispersed quietly under section 144 of the Criminal Procedure Code. It may be said that if it is a fact that both in that section and in the section relating to unlawful assemblies there is ample power given to the Executive to disperse any assembly which it considers to be objectionable, then why should we object to a measure of this character, which merely gives the same power to Government which it already possesses under other Acts? The reason for this is this. We submit that while the powers which the Government possesses under the other Acts are amply sufficient to deal with every individual case or cases of the abuse of the right of meeting that may arise, the conferring of this general power of proclaiming an area, by which the voice of the whole population there may be silenced, is most dangerous and unjust. My Lord, what is it that may happen under such an Act? As some of my friends have pointed out, some mischievous miscreant or some misguided young man talks a little nonsense in a place, the police send up long reports of danger to the state or to the public peace, and the whole district is proclaimed. I do not say that the Lieutenant Governors and Governors of Provinces do not fully weigh the situation; but they are after all human, and therefore liable to err. They have to act upon the reports of the Police or of the Criminal Investigation Department. And we have had sufficient instances of the abuse of the powers given under the Act.

We have seen how far the faults, more imaginary than real, of a few men or a small coterie of men, the population of a whole district, the great bulk of whom must, as the letter quotes before has told us, be regarded as undoubtedly loyal to the Government, have been deprived of the right, which they enjoy under the British Government, of free public meeting and of giving free expression to their
opinions and their sentiments, to their grievances and desires in relation to public questions which affect or interest them. It cannot but be regarded as a serious public grievance that, for the misconduct of a few individuals, the whole community in a locality should be prevented from freely exercising a privilege which they have never abused.

My Lord, not only has no necessity been shown for the measure before us, but there is also the fear, as my friend the Hon’ble Mr. Gokhale has pointed out, that a repressive measure may itself, by being abused in its working, lead to promoting the evil which it was intended to cure. The Seditious Meetings Act and the Press Act have both already given illustrations of the truth of the old adage that the sight of means to do ill-deeds often makes ill-deeds done. Look for instances at the action of the authorities in Eastern Bengal in suppressing three District Conferences and the meeting which sought to help the depressed classes. I venture to doubt if the said Conferences or the said meeting would have been stopped if the Seditious Meetings Act had not been in existence. Look again at the action taken in several places under the Press Act in contravention of the pledge given by the Government when it was going through the Council, and think of the irritation which the abuse of its provisions must cause in the public mind. So long as the Government will keep these two measures on the Statute-book, I regret to say, but I feel it my duty to say it, so long will all efforts to conciliate public opinion generally be beset with unnecessary difficulties, will continue to be unnecessarily difficult of accomplishment.

I do not wish to detain the Council any longer. But I cannot help referring in this connection to the action taken under the Press Act with regard to Mr. Mackarness’ pamphlet. I know that several Local Governments have thought it wise to suppress that pamphlet. I have no doubt that they believe that they have acted rightly in the matter. But with due deference to these Governments, I venture to think that if the new Press Act had not given them the indefinitely wide powers which it has given them, not one of them would have ever thought of suppressing the pamphlet. None of them perhaps would even now think of prosecuting Mr. Mackarness for it. The pamphlet might not have done full justice to the efforts of the Government to improve the Police. But what did it aim at except a suppression of the evil practice which it exposed? It has been said, my Lord, that the Government of India have been denouncing the practice of torturing accused persons with a view to extort confessions from them at least ever since they enacted the Indian Penal Code, which has laid down that any person who would so put people to torture would be liable to be punished with imprisonment which may extend to seven years. But the
existence of such a provision has not evidently proved to be a sufficient deterrent, and in view of the facts brought to light in some recent cases, it was clearly necessary in the public interests to draw public attention to the evil with a view to have special measures taken to effectually discourage it.

His Excellency the President:—I am afraid that I must interrupt the Hon’ble Member. Mr. Mackarness pamphlet has got nothing whatever to do with the present discussion.

The Hon’ble Pandit Madan Mohan Malaviya:—I bow to your Lordship’s ruling. I wished to point out how easily a repressive measure may be abused, and may give rise to great irritation, when the object of the Government is that cause for irritation should not be given.

I will now conclude. I think I have said enough to show that no justification has been made for proposing an extension of the life of the Seditious Meetings Act; that the power which the Government possess under

THE INDIAN CRIMINAL LAW AMENDMENT (REPEALING) BILL

Pandit Madan Mohan Malaviya: Sir, I rise to offer my support to the motion that the Criminal Law Amendment Act of 1908 be repealed. The Honourable the Home Member has told us all the reasons he could urge against the motion. He has told us that the welfare of the people is the supreme law. I do not think anybody will take exception to that. He has also told us that this particular law was introduced in 1908 because of the conditions which then existed in Bengal. We are not concerned with those conditions now. He has reminded us that the last Assembly turned down a proposal which sought to recommend the repeal of this very Act in 1923, and he said that that meant that the Assembly affirmed the necessity of keeping this law alive at the time they did so. Lastly the main argument which he advanced for keeping up this law, for continuing this law on the Statute-book was the incidents which took place in Bengal during the last 12 months. I am not aware that this Criminal Law Amendment Act. Part II, has been used against any associations in Bengal during the last 12 months. I asked my Honourable friend for information on this point and the Honourable the Home Member has not given any information that it has been so used. It comes to this then, that there have been a certain number of dacoities in Bengal during the last 12 months. Does that give any justification for continuing this particular law on the Statute-book? Have those dacoities been dealt with under the ordinary law? My Honourable friend has not told us that the ordinary law was not applied in these cases. He has not told us that this particular law was put into use in order to prevent the formation of dangerous associations or for the purposes of breaking them. I take it that dacoities have taken
place in Bengal not only during the last 12 months but they have taken place on other occasions also. Occasionally dacoities do take place in different parts of the country but the occurrence of these dacoities does not afford my justification for continuing this law on the Statute-book. The position then is this, that except in Bengal except for the incidents relating to Bengal which the Honourable the Home Member has mentioned he has not told us of any disturbed condition .......... the motion of Dr. Gour. On the contrary he remembers and the ... remembers, that the Act in question was passed in 1908 under the special conditions which then prevailed. That was the period which on against the partition of Bengal. There was a strong agitation going on against the partition of Bengal with the desire of having the partition undone. The Act was passed in 1908. His Majesty the King-Emperor honoured India with a visit in 1911 and he was pleased to undo the partition. The two Bengalis were reunited. Anarchieal and revolutionary crime very much disappeared, if it did not entirely disappear in Bengal. The years that followed did not witness any such organised and dangerous associations as the Act of 1903 was contemplated to deal with. We had peaceful times during the many years of the war. It is a remarkable fact that during the many years of the war. It is a remarkable fact that during the many years of the war there was very little crime, anarchical or revolutionary, in this country. That was a circumstance which was noted by Government and by non-official public men. Three years after the close of the war, when His Royal Highness the Prince of Wales visited India, in November 1921, the Government of Bengal, the Government of United Provinces, the Government of Bihar and the Government of the Punjab extended Part II of the Act of 1908 to their respective provinces. We know the unfortunate occurrence that took place in Bombay on the arrival of His Royal Highness the Prince of Wales. These occurrences did not take place in Bengal, but while the Bombay Government kept its head cool even after what had occurred after the arrival of the Prince, the Bengal Government went into a panic and extended the Act in question to Bengal. It declared Congress Volunteers an unlawful association. As a protest Mr. C. R. Das and about a thousand other gentlemen immediately declared themselves as Congress Volunteers.....

RECOMMENDATIONS OF THE LEE COMMISSION

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): The debate has been long and has been unique in the history of this Assembly, and at this late hour I shall endeavour to put the few points that I have to as briefly as I can. There are certain points upon which I think opinion should be unanimous. After the appeal which Mr. Hudson has made, I shall ask him
and other members of the Civil Services and my other European friends to try to realise the position of us, Indians. I will ask him and other members of the European Services and non-official Europeans to try to get into our skin and to realise the position we are in. I will ask them not to be led away by the impression that we have come determined to vote against the Resolution of the Honourable the Home Member and to carry the amendment of Pandit Motilal Nehru irrespective of any consideration of what is right and just. Let me assure them that we have given the matter the fullest consideration and let me assure them that we have listened with attention and respect to every argument that has been put before the Assembly. Nothing would give us greater pleasure and sincerer satisfaction than that we should agree with our European fellow subjects in the Assembly.8

Pandit Madan Mohan Malaviya: Now Sir, my Honourable friends, my European friends, know that for decades past we Indians have been complaining that the salaries given to the Indian Civil servants and to the higher European Services in the country were extravagantly high. At the end of nearly fifty years the Commission which was appointed in 1912 proposed increases in that salary. The Commission reported in 1914 but the report was dealt with and final orders were passed on it in 1919-20. The salaries were increased, increased we were told at the time to the satisfaction of all the members or most of the members of the Services. My Honourable friend, the Deputy President, who is now presiding over our deliberations, pointed out yesterday that taking into consideration, the six years that had elapsed, the Secretary of State and the Government of India made additions to the proposals of the Islington Commission in order that the salaries should be proportionately increased in view of the rise in prices which had taken place between 1914 and 1920. He told us that nearly a crore and 15 lakhs were added to the total of the increasers given. Now Sir, he also told us that since 1920 there has been a decline in the prices. That point stands uncontroverted.

The Honourable Sir Basil Blackett: I rise to a point of explanation, Sir. I pointed out to you, Sir—the Honourable Pandit was perhaps not listening—that the mistake was named by you of taking the year 1920. The year 1919 was the year in which the increased or revised salaries were given and there has been a considerable rise in prices since then.

These were to tow grounds mentioned. It was admitted that the salaries had been raised sufficiently high, but it was said that they were such that because of the fall of the rupee one had to practice strict economy in order to get on satisfactorily. Now it is in this position that demands have been put forward by the Services for further increases to the salaries in the shape of various allowances and passages,
etc. I ask, Sir, Members of this House, including my friends on the Government Bench, whether in such a state of things the only consideration to be put before the Assembly and the Government in this country and in England is the need, the greater need, of the Civil Services, or is the condition of the people also a factor to be taken into consideration? I ask the House, Sir, to bear in mind that during the last three years, after the close of the war, additional taxation to the extent of 41 crores has been put upon the people of this country. I ask the House to bear in mind that this taxation has pressed very hard upon the people. It has affected the general prosperity of trade and industry in this country. Business has been slack; there is a long and loud complaint throughout the country that the condition of the people has become very much worse than what it was during the days of the war. In such a state of things, Sir, when the Government have found it necessary to add 41 crores of additional taxation to what existed three years ago, is it conceivable that in any other country, in any Parliament which represents the people and is solicitous primarily of the welfare of the people, and after it and subject to it of the welfare of the Services, is it conceivable that proposals for further increasing salaries or giving allowances to the extent to which it is now proposed, would be put forward by any responsible Government? I mean no offence and I hope no offence will be taken, but I ask my Honourable friends on the Government Benches and I ask my European friends to consider the two things together. Undoubtedly the Services may find it hard to meet their requirements without strict economy, some of the members of the Services may be labouring under real hardships; when so many European friends and Members of the Government reiterate that members of the Services are suffering hardships, it is no pleasure to us to contradict their statement. But, Sir, the fall of the rupee is not a new event in the history of British Indian administration. For the last seventy years and more members of the Civil Service as well as the people of India have had painful knowledge of the fact that a fall in the value of the rupee inflicts a great loss upon India, both upon the people, sometimes upon the Services. The Services have on the whole been remunerated for the losses inflicted upon them for a long time past by the payment of exchange compensation allowance. When its abolition was decided upon, they were given substantial additions to their salaries. Now that being the position, I ask the House to consider whether, in view of the increases given in 1919-20, in view of the general poverty of the people of this country, in view of the initial high salaries paid to the Indian Civil Service, and in view of the fact that 41 crores of additional taxation has recently been put upon the people, and that there is no prospect of reducing it for the present: in view also of the fact that the provincial Governments are being starved in all Departments which most vitally affect the interests of the people, I
ask, Sir, is it right of my European friends, my friends, my brethren of the Indian Civil Service, to press their claims for increases to salaries and allowances in the manner in which it is being done? And if those claims are real and if it is so very necessary to press them is it wrong of us who come here by the suffrages of the people to ask that evidence should be placed before us to support them. There is such a thing as a small voice within us human beings who are in this Assembly, and that voice has to be satisfied particularly when we are dealing with the interests of other people.

I am concerned with the living present. It is not for me to peep into the future and to shape my conduct at this moment by a consideration of what judgment may be passed by my fellow-subjects in England or in this country upon our action. We have a very clear issue before us. Have we got any evidence before this House to support the view that in spite of the additions of salaries given in 1919-1920, there is justification for the further increases which are asked for? Such evidence has not been placed before us. One gentleman said, and I may join with Dr. Datta in congratulating him on his fine speech, though I do not agree with him in many points,—Colonel Crawford told us that Pandit Motilal Nehru would not place his domestic affairs before any Committee and he should not expect European Members of the Service to place evidence relating to their domestic affairs before this House. I am sure if Pandit Motilal Nehru wanted the House to increase the emoluments which he might be getting as the Legal Adviser of the Government of India or in any other capacity, on grounds similar to those which have been urged in the case under consideration, he would certainly have to submit facts to support his case to the Committee which might be appointed to go into the matter. No one would like to peep into....

**Pandit Motilal Nehru:** I would double my fees instead of submitting my accounts.

**Pandit Madan Mohan Malaviya:** We have no wish to peep into the private affairs of any of our fellow-subjects. But when they ask for increases in salaries, or allowances on the grounds of difficulties in making the two ends meet, when they present a budget in which they show the number of servants they employ and the salaries which they have to give to these servants, when they show what amount they have to spend over the education of their children and so on, they must submit evidence in support of their case to those who are required to vote the increases asked for. Of course it is open to the Government as it is constituted to accept the recommendations of the Lee Commission. The Secretary of State has got powers under which he can do almost anything he likes in relation to the finances of India.
It is very kind courtesy that he has asked us to express an opinion on the recommendations of the Commission. He can overrule us. But if he will overrule us, he will be acting upon his own responsibility. He may be satisfied upon the evidence that he has looked into or he may look into that the claims of the Services are just and reasonable, and that, even in the present condition of the people of Indian the recommendations of the Commission should be accepted. But we are not given the opportunity to be so satisfied. We are not put in a position to know the facts and to base our judgment upon them. In this situation what do we urge? What we urge is not that we should turn a deaf ear to all representations regarding increases in salaries but that we should act as any sensible private individual would. Suppose there is a private individual whose income is limited, even as a Member of the Government of India, to Rs. 6,666 a month. He finds that he has got several servants in his employ and that he cannot, owing to his limited means, keep all these servants satisfied. What will he decide? He well decide that instead of keeping all the servants satisfied. What will he decide? He will decide that instead of keeping all the servants dissatisfied he should give notice to two of for the consideration of the Government. What we say is this. If you are so thoroughly satisfied that the Services need some further relief, then act fairly by the Services and by the people, and earn the gratitude of both. Agree to stop further recruitment in England in the future. What is the good of going on adding to the number of discontented men in the Services? What is the good of adding to the volume of discontent that must prevail in this country if you give these increases over the heads of the people in spite of the opposition of the representatives of the people? Clearly, you and we ought to agree that justice should be done to the existing members of the Services. I think from all that has been said every Member of this House is satisfied that we are prepared to consider any legitimate grievances which any member of the Services may have. These members are our fellow-subjects and our brethren. I do not wish to speak of them as servants, though we all are servants of the public. I do not wish that there should be the smallest feeling in the mind of any member of the Civil Service that it is a pleasure to us to criticise them or to oppose their claims. We value the work, that they have done. We appreciate it. We honour them for their work, though we regret also there is another side of the picture to which we have to draw their attention. But we agree that if they have a just grievance, that grievance should be considered in the fairest possible manner.

We do not want to create a further super, class in the ruling class which has existed so long in this country. We want that members of the Indian Civil Service should come into the service by virtue of their merit and not as Europeans or
Indians. That is another reason why we object to these proposals of the Commission.

This was the state of things in England in 1849. On the recommendation of Sir Charles Trevelyan and Sir Stafford Northcote the Civil Service Commission was organised, and it is only since then that the English people have had the benefit of begin served by an excellent Civil Service. The Civil Service of India was constituted a few years later; and we know that unless a Civil Service Commission like that is constituted, and the Service properly organised and controlled, we cannot expect the Service to be honest, efficient, and impartial. We know that in the days of Clive the servants of the Company were not of the type of which Englishmen could be proud, and we know that their emoluments were fixed at high figures in order to fortify them against temptation and to enable them to act with a sense of decorum and to build up honourable traditions of the Service. The present Service is the result of sixty years of regulation. We honour it for its incorruptibility. As the Honourable Sir Charles Innes put it, we want that the Services in India should be as honest, as efficient and as incorruptible as the present Civil Service is, if not even better. (A Voice: “But are they incorruptible?”) There may be exceptions, but exceptions should not be noticed, when the bulk of the Service is, undoubtedly, honest, efficient and incorruptible. We desire, Sir, to develop such a Service and we feel that if we stop further recruitment in England we shall be able to build up such a Service. If we do not do so, we are also exposed to a new danger. The recommendations of the Lee Commission distinctly provide that if certain subjects, at present reserved, are transferred in future to Ministers, a member of the Civil Service who is serving in the reserved field may retire on a proportionate pension. Now, Sir, this possibility has come into existence in the past;—suppose Parliament should see the wisdom and justice of introducing provincial autonomy within the next twelve months or two years in this country—just think how many retirements may possibly take place. And if at the same time there is responsibility introduced into the Central Government, as we, Indians, earnestly, desire it should be introduced and as we hope it will be introduced, then imagine how many retirements there might be. And if many members of the Civil Service should in those circumstances suddenly retire from the Service shall we not be left in the lurch to find men to take their places? It will not be at our initiative that they will retire, but suppose they are allowed the privilege of retiring in those conditions and suppose they do retire, we shall then certainly be left in the lurch. Therefore let us look facts straight in the face. The facts are that the introduction of responsible government, even to the extent to which it has been carried out in India, has altered the aspect of the Services. There
are Englishmen who are willing to reconcile themselves to the new state of things. We honour them; we are grateful to them. There are other Englishmen who do not find it compatible with their temperaments or their ideas to continue to work under the new conditions. We do not quarrel with them. They are entitled to hold those opinions. But if they want to retire, we do not want to be exposed to the situation that after we have paid for their services all these years, they should leave us when the country may be most in need of their services. For this reason also is our proposal for stopping recruitment in England put before the Government. I beg the Government to consider it seriously. Let them not be under any misapprehension that by stopping recruitment in England there will be a disaster brought on this country. My Honourable friend, Mr. Wilson asked that there should be a stable Government. Certainly there will be a stable Government. The Honourable Sir Charles Innes said that the one thing which he and his friends wanted really to hand over to India was a strong, efficient, incorruptible Service when the time came to hand over the power to Indians. At least that is how I understood him. Now, Sir, we are at one with these Honourable Members. We also want a stable Government. Will these friends allow me to say without meaning any disrespect, that our anxiety for a stable Government certainly not less than that of either my esteemed friend, Mr. Willson or of the Honourable Sir Charles Innes. We have a deeper stake, if I may say so, in the Country, and we are not altogether devoid of commonsense that we should like to disturb a stable Government without having the power to establish stability and carry it on. Let there also be no apprehension that any vested interests will suffer. My friend, Mr. Wilson, spoke of British vested interests. I know them, we have no quarrel with them; I assure my friend that no vested interest will suffer if my friends will also be just to us and let us have an opportunity of promoting our own interests at the same time. We know that the Indian Civil Service has done a good deal; I agree with my other friends who have spoken before me about the highly meritorious work done by that Service. I acknowledge with gratitude their work in the field of education—though we wanted more and wider education; I acknowledge the general high standard of justice which they have established; I acknowledge the many other institutions of a beneficial character which they have brought into existence. I acknowledge with gratitude what has been done in the Punjab in the field of irrigation. But at the same time let my friends not misunderstand us if we also point out to them that we have laboured under certain serious disadvantages because of the preponderance of our English fellow-subjects in the Civil Service. While we feel grateful to them for what they have done, we feel that a great deal more would have been done if Indians had been associated in a much larger measure in the Services.
For forty years we have pleaded, implored the Government to introduce universal primary education. The Government have not listened to our request. In January 1912 when His Majesty the King-Emperor was in India he expressed his desire that there should be a net-work of schools and colleges spread over the whole of the country, and he said that it was by education alone that the condition of his subjects could be lifted. A few months later in the same year, my dear departed brother, Gopal Krishna Gokhale, brought forward a Bill of a permissive character to allow compulsory primary education to be introduced in certain selected areas. Unfortunately the members of the Civil Service along with others opposed it, and the Bill was not passed. Years have gone by; crores upon crores of rupees have been found for the military requirements of the country; crores of rupees have been found for everything which the Government decided to do; but education has not yet been brought home to the people to one-fourth, or one-fifth or even one-sixth of the extent to which it ought to be done. I submit there should be a little searching of heart among my friends of the Indian Civil Service to see if they are not responsible for the present deplorable state of things, when they speak of communal differences. I submit, Sir, that, if the right kind of education had been provided, even my Honourable friend, Mr. Abul Kasem, who have looked at the question before us in a different spirit and would have spoken in a different spirit. It is a matter of severe distress of mind to us Indians—I cannot believe that it can be a matter of satisfaction to any sober-minded member of the Indian Civil Service,—that after so many decades of the existence of such a fine service in this country, an Indian of the education of my friend, Mr. Abul Kasem, should still not be able to take the correct view in regard to national questions.

I recognise that some schools have been opened in every province for the depressed classes. I recognise that some encouragement has been given to them. I express gratitude for that which has been done. But I say, Sir, with great confidence and deliberation and the problem of the depressed classes would be solved if Government would set apart a few crores of rupees every year in order to promote education among them. A member of the depressed class who has read up to the Entrance examination comes and site with the sons of the most orthodox Hindu in the Hindu University of Benares and in Hindu assemblies. The question of untouchability is a question to a large extent of education and economic condition, and I say with great regret that my friends of the Civil Service have not done for the depressed class all that it was possible for them to do. We want an opportunity to do so. The Assembly is aware, Sir, that at this moment a very strong effort is being made in all parts of the country, under the inspiration of my esteemed
brother, Mahatma Gandhi, to lift up the depressed classes. A great deal has been done and I expect that in twelve months or so we shall have solved the problem of the depressed classes by universal education for all people in India that will improve the depressed classes also. And I suggest conscription, or military training, for all who wish to take it. I guarantee, Sir that there will not be a Hindu of the orthodox type who will not sit with a member of the depressed classes as a brother and a fellow-citizen if he has been educated. I submit that at least the responsibility for these shortcomings which exist at this present moment in the administration of this country should not be thrown upon our shoulders only, that it should be recognised that we have not had the opportunity or the power to remove them. We have tried to do so.\textsuperscript{10} We have passed Resolutions year after year and we have put them before the Government. Government have not done their part. Now we want that we should have our innings. Our friends have had a very long innings. I ask in fairness that they should play the game, that they should like true sportsmen concede that we should now be put in power and that we should be trusted and tried. If we fail, it will be open to Parliament, while our relations last as they are at present, to withdraw the powers that have been conceded. No one has suggested that India should become separated from ..... We are asking for responsible government under the Crown. We want Dominion Status and not the status of a separate Commonwealth, or a separate State. We do not want that any single member of the Indian Civil Service at present working in the Service should retire. We do not contemplate that there should be no Englishmen left in the Services as soon as the recruitment is stopped. If the recruitment is stopped all the present members of the Services will continue in office and we are sincere when we say that we should take in Europeans whose services we may require in future on short-time contracts. For a long time, for nearly 150 years, the Englishman and the Indian have lived together in this country. We are not anxious to separate from the Englishmen in this country and part company with them; but we are anxious that Englishmen should treat us Indians as equal fellow-subjects, and let me assure them that if they will do so there will be no occasion for them to complain. This is the position.\textsuperscript{11}

**GRANT OF FULL SELF-GOVERNING DOMINION STATUS TO INDIA**

\textbf{Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural):} Sir, I rise to offer my cordial support to the amendment moved by my Honourable friend, Pandit Motilal Nehru. The Resolution which has been proposed by my friend, Diwan Bahadur Rangachariar, asks the House that it should recommend to the Governor General-in-Council to take steps to secure full Dominion status to India at an early date by a revision of the Statute of 1919. The
amendment supports that view, but desires to add that, in order that that purpose may be achieved, Government should be pleased to invite a conference, a representative conference, and the object of the conference should be to prepare the ground for a revision of the Statute. Sir, that the country has been demanding an advance towards Dominion status is a fact which is known to us all Indians, but the Honourable, the Home Member did not think it was so, at least he tried to make us believe, to make the House believe, that this demand for Dominion status was a rather later thought. He scanned the speeches of the Mover, referred to those speeches made on earlier occasions, he referred to evidence given by various gentlemen before the Joint Parliamentary Committee and to the Resolutions passed by the National Congress from year to year, and he showed that full responsible government, was not what Indians had asked for, much less the Dominion form of self-government. (The Honourable Sir Malcolm Hailey: "Asked for at once.") Asked for at once. Now, Sir, the Honourable the Home Member is mistaken. He seemed to think from the manner in which he spoke of the question and of the difficulties which surrounded it, that India was a primitive country the tutorship of England learnt about civilised administration, and that Indians therefore required to be taken from stage to stage in the art of self-government. The Honourable the Home Member referred to the Preamble of the Statute which lays down that progress towards responsible government has to be made stage by stage. I wish, Sir, at the outset to say that the question of giving a constitution to a country is a question of statesmanship and the Honourable the Home Member suffered—I say it with great respect to him—from the fact that he had all his life been associated in the day to day administration of the country and that naturally—not unnaturally—his views have been largely affected by that association as a permanent official in this country. In order that he should be able to appreciate the point of view which we urge, in order that he should be able to advise the Government, to be the mouthpiece of the Government, on an important question of constitutional advance like this, he would need to refer to the ancient civilisation which has been handed down in India and I would, in order that this memory might be refreshed draw attention to only a few facts which show what the condition of India was before the English, Government assumed the administration in this country.

That would remind the learned Home Member that India has inherited a civilisation and it is merely by a stroke of misfortune that she lost the right of governing herself when the British came into this country. The Muhammadans and the Hindus had settled down to government and administration and, if it were not for the advent of the British to-day, Hindu and Muhammadan rule would have been
going on in India. Even now, one-third of India is under Indian rule and I do not think that even the Home Member would say that that portion of India in being worse governed than British India is. In some respects it may be that British India has some advantages. In other respects Indian India has advantages which are unknown to residents of British India. (The Honourable Sir Malcolm Hailey "No Reforms.") No Reforms. I will come to that. I will at once answer that. The British Government who have been responsible for the training of our Indian Princes have not done their duty faithfully by them. If they had trained them in the right way, there would have been more Princes of the type of His Highness the Maharaja Gaekwar of Baroda and His Highness the Maharaja of Mysore and there would have been representative institutions in every Indian State by this time.\textsuperscript{12}

Now, Sir, the Honourable the Home Member referred to the Preamble of the Statute of 1919, and he pointed out that what is now asked for is opposed to the Statute. Now, I submit that this is a very poor argument to advance. We know that it is opposed to the Statute. We do not like to go on under the Statute. We never accepted the Statute as it was, many of us did not. He said the Mover was among those who did accept, but the Mover did not constitute the whole of India. There was a large body of public opinion which regarded the Reforms as inadequate and unsatisfactory. The Honourable the Home Member did the honour of quoting me also among those who said that they would be content, it even a period of 20 years would be fixed for the establishment of full responsible government. Now, Sir, it is a very unfair thing to quote one sentence from a paragraph and base an argument upon it.

That was what I said and still think that from the day the British Government declare full responsible government established in India it will take us 20 years to train all the officers we want to officer the Indian Army. That means, Sir, that the cardinal step, the important step, should be taken, namely, the declaration that full responsibly government is established in India, subject to the period which must elapse in order to prepare the military service to carry on the burden which the declaration will enforce upon the country. This is not the first time that we ask for this since the Reforms were published. Ever since 1885, the Indian National Congress has been asking for the establishment of self-government in this country. When this Act was passed many of us were not satisfied. Many of us urged that there should be responsibility introduced in the Central Government in India; but it was not so introduced. Many of us id put all the arguments that we could before Mr. Montagu and Lord Chelmsford and many of our friends gave evidence before the Joint Parliamentary Committee, but the House of Commons and the British
Government, upon the advice of the Government of India, were so obstinate that we could not get them to accede to our request. I therefore pointed out in the pamphlet which I published on the publication of the Montagu-Chelmsford report, were they said that they would limit the Reforms to the Provincial Governments:

Now, Sir, there were many others who expressed the same view. We were not satisfied with the non-introduction of an element of responsibility in the Government of India. At the Congress at Amritsar in 1919 it was with great difficulty that Mahatma Gandhi and I and some others could induce our friends, Mr. Tilak, Mr. Das and Lala Lajpat Rai and others to accept the Reforms for the time being. Even then we said that, while we should accept the Reforms so far as they went we should endeavour from that day onward to try to have responsibility introduced in the Government of India. Sir, the three years that have passed have added much to our experience and wisdom. Even if no demand had been made for the establishment of full Dominion status at that time, there is abundant reason in the history of the last three years for the said Reform being introduced. And what is that history? In the first instance, law and order were reserved to the Government of India and to the Provincial Governments. How has law and order been administered? I have got heaps of files with me here which give the list of persons who were imprisoned under the Criminal Law Amendment Act, or imprisoned or prosecuted under section 144 of the Code of Criminal Procedure, and they were persons who were as Honourable as any Members sitting in this House and they were imprisoned for no other reason than that they held opinions which were not acceptable to the Government. Law and order was never mismanaged during any time of British administration as it was during the last two years. That is one experience which we have gained. I am afraid time will not permit me to read even the general summary of the reports of these prosecutions, which are a disgrace upon the British administration of this country. The facts are very well known to the Members of this House and the country also knows them full well. The experience that we have gained in respect to law and order is that it should not be left to be administered by an irresponsible Government.13

The second thing that we have learnt from experience is the utter unwillingness of the Government of India to act in the spirit in which the Act was passed. The Government of India have made no progress in the many direction in which progress should have been made, if they meant only to give effect to the policy which was embodied in the Statute of 1919. In England, finance has been well administered after the war Taxation has been reduced. The national debt has been reduced. Industries have been fostered. What is the picture that we have to look
at here? Forty-one crores of new taxation have been added since the Reforms were
introduced. Since 1913-14 53 crores of new taxation have been starved. Sanitation
has received no sustaining support General progress has been arrested. Ministers
have been appointed to portfolios, but they have been wasting their time in sorrow
because they have not the wherewithal to promote the Reforms with. The country
has gone back; it has not progressed. The Government were expected to show that
they would adopt the policy of responsible government, but they have taken no step
worth the name to Indianise the services. A certain number of persons have begun
to be examined in this country. Not a single college has been created where
members for the Civil Service might be trained. In regard to the military, even the
needs of the situation have not been recognised. The military, even the needs of the
situation have not been recognised. The military expenditure was 27 crores in the
year 1913-14. In 1922-23 it stood at 64 crores and 47 lakhs. We have urged for a
long time past that expenditure, both civil and military, should be reduced. We have
found that these three years have gone, and they have added enormously to the
burdens which the poor people of this country have to bear. This is in regard to
finance. Banking has not been developed. In a country like Japan in the course of
20 years they have built up a system of banking by which their national trade has
been promoted to an enormous extent. Here the banking facilities are still poor.

That was what I said and still think that from the day the British Government
declare full responsible government established in India it will take us 20 years to
train all the officers we want to officer the Indian Army. That means, Sir that the
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it was not so introduced. Many of us did put all the arguments that we could before
Mr. Montagu and Lord Chelmsford and many of our friends gave evidence before
the Joint Parliamentary Committee, but the House of Commons and the British
Government, upon the advice of the Government of India, were so obstinate that we
could not get them to accede to our request.14

Pandit Madan Mohan Malaviya: Sir, I am thankful to the Honorable the Home Member for having unearthed that passage and placed it before the House.
I also have told the House that encouragement was given by one of his predecessors in office to some of my Muhammadan countrymen to wait in deputation upon the Government of India and to ask for those very concessions, the granting of which was the subject of my complaint and the granting of which by the Government of India the Home Member now reminds me of. It was the Government of India’s encouragement to some Muhammadan Members that created the trouble for us. But, notwithstanding that, we were able in 1916 to settle our differences among ourselves and I guarantee—I speak with confidence—that we shall yet again settle our differences among ourselves, Hindus, Muhammadans, Christians and Parsees.

Now, Sir, the next point to which reference was made by my friend was the question of the Army. He says “After all that you have said and done, what about the Army? So long as you are not able to defend your country, how can you have full responsible government?” I myself said in the passage to which I referred that full responsible government will be established in India when we are able to take charge of the entire administration of the army, and in order that we should be able to do so, those who wield the power just now must allow us the opportunity to train ourselves for the work. How have the Government treated us in the matter? Since 1885, when the first Indian National Congress met, we have been agitating, urging, petitioning that the Government should admit Indians to the ranks of the army.

This is about the quality of the Indian soldiers, I ask every honest Englishman to put himself the question “Have Indians been trained for the defence of their country? Have the pledges given by the Parliament and the English Sovereign to India that her sons would be admitted to all offices and all ranks irrespective of any distinction of race or creed been carried out in practice?” Would it not have been possible for us to see the spectacle of the entire Indian Army officered by Indians and able to take charge of the defence of the country? You have kept us out most unfairly from the ranks of the Army. You have jealously guarded the doors of the Army against us. You have not admitted us to several branches of the Army. You have not admitted us even as officers in the Army in the ordinary ranks. And now you turn round and say, “You want responsible government; you are not prepared for it.” I ask Englishmen to be fair and to be true to themselves in answering the question and to acknowledge that they have not treated us fairly. And yet what are we prepared to do? Give India full Dominion Status to-morrow and leave us to take charge of all the affairs. We shall not argue the matter with you. You fix a time and say that you want to remove all your officers and all your soldiers in the course of such time as you may think fair, and I guarantee that we shall arrange to keep up the defence of India even as it is kept up today at much less cost.
GRIEVANCES OF SIKH COMMUNITY

Pandit Madan Mohan Malaviya: (Allahabad and Jhansi Divisions: Non-Muhammadan 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 the 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 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 ....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 hare 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 worn 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 has 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 of wearing kirpan or manufacturing them. Among them I need mention only one Sardar Kharak Singh, a fine man, an honourable men, 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, Sardar Khazan Singh, was similarly treated, punished and imprisoned. This want 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.16

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 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.17

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 Gurudwaras. 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 communiques 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 Sikhs 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 Sevres, when the Hindus stood in a body with their Muhammadan finds 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 the 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 not-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.

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 the 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 in 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 nonviolence, men 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 ......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 here 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 Governments 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 ranking 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.\textsuperscript{18}

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 of 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 1,300 men were wounded and 5,700 men were imprisoned: and the last thing is the second Jallianwala Bagh at Jallian, where a crowd of 500 men pledged to non-violence and others who had gone there with them were fired upon. Is 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 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.  

THE SIKH GURUDWARAS (SUPPLEMENTARY) BILL

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Division: Non-Muhammadan Rural): Sir, I have great pleasure in supporting the motion made by the Honourable the Home Member which is now before the House. I congratulate the Government of India and the Government of the Punjab, and particularly His Excellency Sir Malcolm Hailey on the passing of the Gurdwara Act, and I also congratulate my Sikh friends who have been fighting for Gurdwara reform since 1920. Now, Sir, during these five years, there were three attempts made to pass a Gurdwara Act. The first attempt was made in 1921, when the Government passed a certain measure, but finding that it did not satisfy Sikh opinion, they dropped it. The second was in 1922, when the Government passed a Gurdwara Act in the teeth of the opposition of the Sikh and Hindu members, and the Act remained a dead letter. Sir Malcolm Hailey saw the wisdom of accepting the main principles for which the Sikhs contended. He saw the wisdom, in spite of some of his previous
utterances, of yielding to Sikh public opinion in the matter of the religious reform and management of Sikh Gurdwaras, and he most certainly deserves our congratulation upon the course which he has pursued. The Sikhs have had to carry on a terrible struggle during the last five years to achieve the result which they have now achieved. It is true that some of them have expressed the opinion that the Bill has a few shortcomings. It is also true that there are others like my friend on my left, Baba Ujagar Singh Bedi, who are not satisfied with all the provisions that have been embodied in the Bill. But as my Honourable friend Baba Ujagar Singh Bedi has said, all is well that ends well, and the fact that the Sikh, Hindu and Mussalman Members of the Punjab Legislative Council unanimously accorded their support to the Bill is a fact which has its own importance. Therefore, Sir, I heartily join with my friends in congratulating His Excellency Sir Malcolm Hailey upon the wisdom which he has shown in accepting the Bill and in seeing it through the Council.

Therefore, so far as the promise to obey the law is concerned, which if the first condition laid down by His Excellency Sir Malcolm Hailey, you have got it in the resolution passed by the leaders. They have appealed to the Panth to work out the Act wholeheartedly. I submit, Sir, that that secures the main part, the substantial part, of the conditions which the Government laid down. When you have got a unanimous resolution of the leaders appealing to the Panth to work out the Act wholeheartedly, I submit that that condition has been fulfilled.

I say, Sir, to the Government, let not the camaraderie which has grown up among the Sikhs and our British fellow subjects not merely during four years of war but for decades, for more than a century, end where it stands at present. Here is a case in which the Sikhs, owing to their desire to obtain control over their religious endowments, have carried on an agitation for years; they have made great sacrifices; thousands of their men have gone to jail; thousands have suffered in many other ways. At the end of four years the Government have recognised the justice and wisdom of acceding to the principal demands for which they have been fighting. When the Gurdwara Act was passed, one would have expected that all the grateful recollection of the camaraderie between the Sikhs and the English would enable the Government to declare that there was an end to all the differences between them and the sikhs, that all those prisoners who are now undergoing imprisonment and have not been guilty of any violence or incitement to violence, would be released, and that the case which has been dragging its miserable length for the last two years, during which period the flower of the Sikh community have been confined to the Lahore Jail would be ended. That was what was expected. That is what we still expect of the Government. The Government have a great opportunity of showing
that their friendship is real, that their declaration of a desire to restore normal and friendly relations with the Sikhs if real, and I submit, Sir, that this opportunity should be utilised. I again thank the Government, I congratulate them, on having acceded to the demands of the Sikhs to the extent they have. But let them recognise that until these leaders are released, the Act will not have a fair trial and that the atmosphere in the Sikh community will not come back to normal. That would not be a desirable state of things. The Government will lose nothing by being generous. The Government have before them the resolution passed unanimously by the leaders that will work the Act wholeheartedly. Let them accept it as a sufficient assurance on the part of these leaders that they mean to give their best support to the Act, and remembering all the camaraderie they have had with the Sikhs, let them not seek to humiliate their leaders by insisting upon their giving an undertaking that they will not behave as criminals. Let the Government treat them as gentlemen and they will find that they are true gentlemen, and in that case the Government will have achieved an object on which they might well be congratulated. If, on the other hand, the release does not come about, if the trial drags on its length, what will be the result? I have appeared in this case for some of the gentlemen who are being prosecuted. As I have said between 400 to 500 witnesses have been examined. The case has gone on for two years. These men have practically suffered imprisonment for 2 years. They may suffer imprisonment for another year. They may be kept in prison for another five years. But I know them. I can say that they will not give that undertaking which they consider will be humiliating to them. And what is the task, in such a position, of a friend, of a true friend, who recognises that it is a friend whom he asks to give such an assurance, who has been a comrade in the field, has been a loyal and steadfast supporter of the Government? I say, the duty of such a friend is to say, "Very will, I thought you would not take it amiss, but if you do not like to give the undertaking which you have been asked to give, we accept the assurance which your public declaration, your past deeds, which your history, which the past history of your community, gives, us; we release you and we wish you and ourselves to be once again friends, comrades, fellow-subjects working for the good of the Empire, working for the honour of the King-Emperor and for the good of the Empire, working for the honour of the King-Emperor and for the good of this ancient land." If the Government will adopt such an attitude, there will be a feeling of satisfaction throughout the country, not merely among the Sikhs, but throughout the country among all classes and communities which inhabit this land, and it will redound entirely to the credit of the Government. I make a strong and earnest appeal to the Honourable the Home Member to represent this matter to the Government in its proper light, and
to see that the passing of the Gurdwara Act bears its expected fruit, that it is not made fruitless like its predecessor, and that the relations between the Government and the Sikhs are again restored to their normal condition, redounding entirely to the credit of the Government.22

EXTENSION OF REFORMS OF NWFP

Pandit Madan Mohan Malaviya : I may also tell Sir Abdul Qaiyum that I have been told that Colonel Bruce was also present, and he said that the Hindus were also the subjects of the British Government and that such a suggestion should not have been made. Now, Sir, I mention these unfortunate facts with great regret but it is necessary to know the state of feelings that exists in the Frontier Province. It has been repeatedly said that there is a party of Mussalmans in the Frontier Province which is distinctly of opinion that Hindus and Sikhs should go out of the Province. I shall be very happy, as I have said, to know that these allegations are wrong, and if they are I shall most sincerely apologise to the House and to my Honourable friend for having referred to this matter.23

Sir, I have invited the attention of the House to the fact that during the last 15 years there has been a series of fires and loot in the Frontier Province, and that the Hindus have been the victims in all these cases. But I do not mean to say that that is a ground for refusing to introduce self-government or reforms in that Province. I do not mean to say that that is a ground which disqualifies the people for all time from having self-government.24

The Honourable the Chief Commissioner then went on to refresh another complaint of the Muhammadans. The Muslim Deputation had complained that 30 per cent, of the police had been reenited from among the Hindus and Sikhs. That was after the Kohat riots. In the Kohat riots it was found that because the police was mainly Muhammadans and be cause the Frontier Consiabulary was also Muhammadan, therefore the Hindus and Sikhs were not sufficiently protected. The Hindus did not want to return to Kohat until the Government gave them safeguards against their being again exposed to the same danger, and one of the safeguards they asked for was that for some time at any rate until normal conditions were established, the Government should appoint 50 per cent, of the police from among the Sikhs and Hindus. The Government agreed to appoint 30 per cent, in the towns and cantonments, but my Mohammedan friends complained of it. The showed much concern about this matter as will be clear from the Chief Commissioner’s reply. He said:

“Your concern at the increase of Hindu recruitment to the police is probably due
to the misrepresentation of the orders issued which I have seen in some Muhammadan journals. The orders were to the effect that 30 per cent, of the Hindus in towns and cantonments should be Hindus and Sikhs. This is little if at all in excess of proportion of the population in towns.”

Now, Sir I have drawn attention to this expression of opinion of the Chief Commissioner to show that he too feels oppressed by the presence of an intense communal feeling in the frontier province. The facts to which I have drawn the attention of the House are important. It cannot be denied that from time to time local Muslims have attacked the Hindus as a whole, that in the loot to which I have referred it was not Muhammadan houses that were plundered but Hindu houses, and that even among educated Muslims an influential party is unfortunately unfriendly to Hindus and Sikhs. In this state of things, it is for the Assembly and the Government to consider what is the right course to adopt. I am not, as I have said, opposed to reforms, altogether, but I submit that the Resolution before us which asks that Reforms which obtain in other parts of India should be introduced now in the Frontier Province is premature. I submit that the best course to adopt is, that when the time comes, as I hope it soon will, for considering the question of further reforms in India as a whole the facts relating to the Frontier Province should be fully examined and the Commission should be asked to recommend in what form and to what extent self-government should be established in the Province.

Now, Sir, on the second point, and it is not of less importance, it has to be remembered that the Frontier Province is a place which has to be specially guarded if India has to be properly defended. Therefore whatever measure of reforms is introduced,—and I repeat again that I am not opposed to the introduction of self-government in some form or other in the Frontier Province,—but whatever measure is proposed to be introduced should be carefully considered. I wish that the representatives of the Government and Hindu and Muhammadan leaders should sit together and consider the various points and find out and recommend what the reality of the situation demands. It is no good simply decrying a particular view because it does not agree with your view. The facts have to be examined, and if the Government and the leaders of public opinion as represented in this House will sit together and find out what is the best way ion which our Muhammadan fellow-subjects could be given every opportunity for self-development and the interests of our Hindu fellow subjects could also be adequately safeguarded, it would be entirely satisfactory and should meet the wishes of all parties.25
To say offhand, on a discussion of a Resolution of this nature, that the present scheme of Reforms should be extended to a province of the importance of the North-West Frontier Province is, I submit with great respect, not the correct way. The opposition which I make is not to the principle of he extension. The opposition which I offer is not prompted by the mere fact that the Hindus are in a minority there. I do not say that Reforms should not be introduced there for that reason. I have never suggested that and will never suggest it. I earnestly hope and pray that communal differences will subside. I myself believe that right thing for the Hindus and Muhammadans to do is to forget and bury communal quarrels, to discard communal selfishness and prejudice, and to live the larger, nobler life of citizens. I am pleading for that life. I consider that it is the duty of Hindus as well as Muhammadans and Government official to see that the idea of citizenship develops among all our people. I should be happy if some at least of our time should be employed in devising measures which will promote ideas of citizenship throughout the land. We have to work to establish that the Hindus, even when he is in a minority of only 6 per cent, in a population, should feel secure that his honour and liberty and property are safe in the keeping of his fellow-citizens among the Mussalmans, and the Mussalman should feel that his honour and liberty and property are safe in the keeping of the Hindus where they are in a majority.

To come back to the Resolution, I submit, Sir, that the question has to be considered from the point of view of local conditions and the importance of the Province of the Empire. All I have drawn attention to is meant to show that the question deserves to be studied very carefully. I am very sorry to have had to refer to matters which I knew would be unpleasant and disliked. The House is right in not wishing to hear disagreeable things, but I had a duty to perform. When an important question like the one before us is being discussed, it is our duty even at the risk of being misunderstood to bring facts to the notice of the House and of the Government which have to be considered and which have to be provided for. That does not mean opposition to Reforms. It means that all the conditions of the locality should be examined....

**Mr. President** : Order, order. The Honourable Pandit must realise that the Chair has allowed him more than double his time.

**Nawab Sir Sahibzada Abdul Qaiyum** : If you will permit me, Sir, I will say that the Honourable Member is arguing the Government point of view that the Indians must first settle their disputes among themselves before they can expect any further Reforms.
Mr. President: The Honourable Member is giving an opportunity to the Honourable Pandit to continue. Does he wish that the Pandit should continue?

Nawab Sir Sahibzada Abdul Qaiyum: That is not my concern, Sir. It is somebody else's concern.

Pandit Madan Mohan Malaviya: I will conclude, Sir. I beg every Member of this House not to allow any prejudice to grow in his mind by the mention of the unpleasant events to which I have referred. I have referred. I have been very reluctant to mention them, but I have thought it my duty to do so only in order that the gravity of the question before us should be realised. I am opposed to the Resolution as it stands, but I am most anxious that the question of the extension of reforms to the North-West Frontier Province or the question of what form of Government should be established there, which would give the people the fullest measure of freedom to grow and to develop, should be taken up when the Reform Commission comes and should be settled after a dispassionate examination, in which the interests of all parties living in that province and of India as a whole should be considered.26

DEPRESSED CLASSES

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I have very great pleasure in offering my support to the Resolution which is before the House. It is a matter for regret and reproach to the Government and to the country that such a Resolution should have to be brought forward at this advanced period of the history of the world. It is a matter for reproach to both of us, and I wish that we should each, in criticising the other, frankly recognize our share of the responsibility. It is undoubtedly true that for a long time past the depressed classes, as they are called, have been living under conditions which are very depressing indeed. The social customs and rules as they have been understood, or wrongly understood among a section of us Hindus, have largely been responsible for it in the past. But, Sir, as more that one speaker has pointed out, Hindu public opinion has undergone a very great change on these questions, and today it is a matter for sincere satisfaction to Hindus that a large number of their public men of all classes, and among them a large number of Brahmins, are working for the amelioration of the depressed classes. There are many societies and missions working in which the higher classes of Hindus, as they are called, have been taking an active and prominent part to ameliorate the condition of the depressed classes. My Friend Lala Lajpat Rai has referred to these efforts, and mentioned the name of one large-hearted donor, Babu Jugal Kishore Birla, eldest brother of our colleague, Babu Ghanshyamdas Birla. He alone has been
spending between Rs. 20,000 and Rs. 25,000 every month for ameliorating the condition of the depressed classes.  

Mr. H. G. Cocke (Bombay: European): Is it Government?

Pandit Madan Mohan Malaviya: I am speaking of what Babu Jugal Kishore Birla, brother of our friend Babu Ghanshyamdas Birla, has been spending for the last five years for the amelioration of the condition of the depressed classes. There are numerous other individuals and societies which have been working in the same direction, and I am happy to be able to say that Hindu public opinion has undergone a very great change. The House has heard from Pandit Thakurdas Bhargava what that change means. There are thousands of men in the higher belonging to one of the depressed classes and another brother of the higher classes.

Many of us have long recognised that this question of the amelioration of the condition of the depressed classes is largely a question of education. I can say that this has been recognised by every sensible man who has looked at this question. The other day I quoted from a speech which I delivered in 1916 in the Imperial Legislative Council in which I said that:

“the question of the elevation of the depressed classes depends largely, almost wholly, may I say, depends wholly upon education. That is the one solvent which will solve this problem and most certainly do I wish and pray that the Government will do as much more as it can towards the spread of education among these classes. I also urged that the schools of the Government and of the community should be open to the children of the depressed classes as much as to any other children.”

I draw attention to these facts to show that, while the Government of India as a whole and many officials of the Government of India individually, repeatedly expressed deep sympathy with the cause of the education of the people, and while the Government of India’s records are full of Resolutions recognising that it was their duty to extends it and expressing their desire that it should be extended, as a matter of fact the Government of India did very little to promote general mass education. And what is worse, when, as I have said, a Resolution was brought forward in 1910, by Mr. Gokhale in the Governor General’s Council, the Home Member at the time, Sir Harvey Adamson, opposed the Resolution. A year later Mr. Gokhale brought forward his Bill for permitting compulsory and free primary education to be introduced in certain areas. It is sad to recall that Government opposed that Bill also. Mr. Gokhale’s Resolution of 1910 was withdrawn, but when the motion that his Bill of 1911 be referred to a Select Committee was brought forward the Government members voted against it and with them voted those who
considered it their duty to vote with the Government. It is painful to recall how that modest Bill which sought only to give permission to certain Local Boards under certain conditions to make elementary education free and compulsory was defeated by the votes of the Government. Only 13 of us—humble representatives of the people—voted for the motion to refer the Bill to a Select Committee, and 38 persons—at the head of whose list stood His Honour the Lieutenant Governor of Bengal—and which included all the officials, and I am sorry to say certain Indian members, voted against the motion, and killed the Bill. Now that was in 1912. In 1918, my friend Rai Bahadur B. N. Sarma brought forward a Resolution in this House urging that this Council recommends to the Governor General in Council that one of the post-war reforms should be the introduction throughout British India of free and compulsory primary education immediately after the war. That Resolution again was opposed by the Government. Sir Sankaran Nair was then the Member in charge of Education, and he opposed the Resolution on behalf of the Government, and from the voting on it you will find unfortunately again that there were only 12 of us non-official Indians who voted for the motion, and that there were 43 members and supporters of the Government who voted against it. What was the motion? It was simply this that the Council recommend to the Governor General that one of the post-war reforms should be the introduction throughout British India of free and compulsory primary education, and yet it was opposed by the Government.  

I know, Sir that "Education" is a transferred subject, but I say to the Government of India that they ought to recognise that they have a great responsibility in this matter, that they ought to recognise that they have failed up to this time to do their duty by the depressed classes, and as an index of their desire to make up for it they should accept the Resolution which has been moved with some of the amendments that maybe agreed upon, and that they should send out a circular to all the Local Governments drawing their attention to the crying necessity of a great deal more being done to give these depressed classes better remuneration as well as the education that they need than is being done now. The Government have a solemn responsibility in this matter. That responsibility cannot be discharged by a mere recital of the small progress that has been made in the matter of education. I do not blame the Education Secretary. He has done what he could to describe the situation, and he has described it well.

**Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I entirely agree with those Honorable members who have expressed the opinion that no more committees are wanted in this connection. I feel
with my Honourable friends who have spoken about the Skeen Committee, that the recommendations of that Committee are quite clear, and that it is a matter of great regret that the Government of India have not seen their way to give effect to them. I do not agree with the view that the system of education which obtains in this country should be condemned in such an absolute fashion. I think the Sandhurst Committee did not condemn it to the extent that the remarks of some Members would indicate, but if they did, the Honourable the Secretary to the Department of Education has rightly drawn attention to a later report, the Report of the Hartog Committee, which has pointed out how much progress has been made in the direction of promoting character building in our schools and colleges and Universities during a much longer period, for while I am myself a severe critic of the system of education in many respects, I feel that it does not lie with any Honourable Member to say that the system of education which has prevailed in this country has not helped to build up character. I ask any man to look around the country and to say who are the people who are carrying on the administration of this country. The vast bulk of the men who are carrying on the administration in the executive departments, in the judicial departments, and in the revenue and other departments, are Indians. These Indians are men of character. It has been demonstrated and thoroughly established that they are men of character.

"The judicial service is very pure service; cases of corruption are rare exceptions, and not the rule. The executive service is also, as a whole a pure service; exceptions are very few. I claim that we Indians have that character is not mainly the result of the present system of English education. I think any one who has studied history knows that Hindus and Mussalmans have inherited great civilizations, and that these civilizations have been responsible for producing men of character among us. In that light I do not think that there is any occasion to say that suitable Indians for the Army will not be found in sufficient numbers unless you start schools like those the Dehradun and Jhelum. Character-training has been going on in all our educational institutions and it has developed steadily during the last few decades. Nor is it necessary, as some people think, to have public schools in this country of the type they have in England before you can train Indians as officers for the Army. It is not correct to say that the English public school system, thought it is a very valuable one and I appreciate it highly, is a sine qua non for training character among our young men. In their Report the Skeen Committee say:

"While we recognise that the Indian boy has not the same advantage as the British boy who is educated and trained up under the public school system and is therefore deficient in certain matters to which reference has already been
made, yet at the same time it cannot be forgotten that in countries like France, the United States and Canada there are with a few exceptions no public schools of the English model, but nevertheless they have been able to produce officer of great character who possessed great powers of leadership.”

Mr. G. M. Young: On a point of personal explanation, Sir. I never referred to the recommendations as a whole; I referred to this particular recommendation only.

Pandit Madan Mohan Malaviya: I accept the statement of the Army Secretary; but his remarks gave the idea that he spoke of the general recommendations of the Committee and Mr. Jinnah’s remarks on that point confirmed me in that view.

Now, Sir, I ask that the Government of India should make up their minds to give effect to the recommendations of the Skeen Committee Let them take up the recommendations point by point, and let them tell this Assembly from time to time in what respect they have given effect to these recommendations, and tell us of the progress that is made.

SLAUGHTER OF MILK COWS

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I am sorry, but I am not surprised at the reply which the Honourable the Secretary of the Department of Education, Health and Lands has given on the Resolution. I also feel that it is useless to try to commend this Resolution to the House at this moment, but the Resolution having been brought before the Assembly. I feel it my duty to draw the attention of Honourable Members to a few aspects of the question. In the first place I wish to ask every Member of the House, whatever his creed, whatever the community he may belong to, to think what we all human beings owe to the cow. I suppose most Members, if not all, use cow’s milk—at any rate with the tea—that they take in the morning and evening...

Dr. A. Suhrawardy (Burdwan and Presidency Divisions: Muhammadan Rural): Mahatma Gandhi takes goat’s milk.

Pandit Madan Mohan Malaviya: I wonder if Dr. Suhrawardy taking goat’s milk; but whether he does so or not, I wish my remarks to appeal to the goat as well as to the cow. I wish Members when they take milks whether goat’s milk or cow’s milk, to remember that there is such a thing as gratitude to those who confer benefits on them, and I wish them to think of the gratitude which mankind owns to the cow, even more than to the goat though it owes it to the goat also; and I wish Members to consider whether it is right that the dear animal which helps mankind to substitute from the mother’s milk, from the time that it ceases to get it, its own
milk, and to live by and flourish on it, until the last days of our existence—to consider whether apart from any religious consideration, such an animal does not deserve our grateful sympathy. I know that during the days of the Ramzan, after the days fasting, my Muslim friends love nothing better in the evening than to take cow’s milk, and I know that no European can fail to admit what a blessing cow’s milk is, whether taken along with his tea or in other ways. I think therefore that it is the duty of every man, of every country and of every clime, to protect the cow, to protect in fact all animals which give us milk, but more especially the cow which stands at the head of the dear animals which supply milk to mankind; and I do appeal to everybody to look at this problem in this light.\textsuperscript{33}

Looked at in this light, the problem assumes a very much higher aspect than it wore in the remarks to which we have listened. We all know what reverence we pay to the mother because she brought us up on her breast, because she supported us by her milk; and the cow supplies her milk to us throughout our lives which the mother ceases to supply after some time. Therefore I submit in all humility and in all love, without any other religious feeling, than the feeling which should pervade us all, the common feeling of loving God’s creatures, particularly those who do us good, that we should save the cow from being killed. That is the first aspect.\textsuperscript{34}

The second aspect of it is the economic aspect. Is there an animal living in this wide land of India to whom man is more gratefully indebted than the cow? You have heard of the milkers: you have heard of the draft cattle which the cow gives to the country. Where would India have been if the cow did not exist in India? The economic aspect of the question deserves more consideration than it has yet received either from the Government of India or from the agricultural population. Figures are easily stated and can be made to produce a certain effect; but I put two very simple questions. What has my Honourable friend opposite to say to the statement of Chaudhuri Mukhtar Singh that milk is dearer in Bombay and in Calcutta than it is in London? Is milk available to the people of India in the same extent to which it was twenty years ago? Have the Government taken note of the heavy mortality of children in Calcutta and Bombay? Have they also noted that in Eastern Bengal, among the Muslim population, the mortality of children is even greater than among the Hindus in that part of the country? Have they ever pondered over the question as to how much of this heavy child mortality is ascribable to the want of cheap pure milk? Can there be any answer to this question that milk has become very much dearer than it was twenty years ago, and that it has become very difficult for people to get pure milk even in the larger cities?\textsuperscript{35}
Mr. A. H. Ghuznavi (Dacca Division: Muhammadan Rural): Why milk only? Everything is becoming dearer.

Pandit Madan Mohan Malaviya: Have the Government got any answer to give on that point? A military gentlemen—I regret I do not remember his name—who gave evidence before the Royal Commission on Agriculture, stated that for meat there was a substitute in the shape of pulses, but that for milk there was no substitute. That was the evidence of an English military gentleman before the Royal Commission on the Agriculture.

I will mention one simple instance. There is a goshala at Benares. The brahmachari who works it showed me a cow which was going to be sold to a butcher for four rupees. It was a small blind cow. The brahmachari purchased her and took her to the goshala at Rameshar in Benares; he told me that this cow had been with him for some years and had given three calves; two of them had become breeding bulls—one of them a small bull whom I saw fighting a very big bull in that goshala; and a cow which was giving a plentiful supply of milk. Now, put four rupees on one scale; and on the other, three calves, of whom two were bulls and one a cow at the time I saw them—perhaps there are three more by this time—and all the milk they have given and all the draught power and all the ploughing service which has been obtained from them. Can there be a greater, more tremendous, a more criminal waste of the great gift which God has blessed man with, than that such a cow should be sent to the slaughter house? I hope this aspect of the question at least might appeal to many Members to whom the first part of my submission may not. But looking at the question from both points of view, the humane and the economic it is a matter for serious consideration whether steps should not be taken to prevent the slaughtering of at least the cows mentioned in the Resolution. So far as I am concerned, I wish no cattle to be slaughtered, no cows, no goats, no sheep to be slaughtered. God in His bounty has given us plenty to eat, the daintiest of cereals and the most delicious of fruits, and at the same time plenty of milk to drink in addition. Gratitude to God demands that no creature of God shall destroy another creature of God either for pleasure or for profit. Let me support what I have said by the words of a great poet. Wordsworth was going through a village when he saw a well with an epitaph put upon it. His shepherded guide told him that a knight errant was chasing a deer, and that to save its life the deer, after running a long distance, jumped into the well and died. The knight was chastened, and repenting of the wrong he had done, he put on the epitaph which was there.
REFERENCES

1. He advocated for the welfare of the cow and opposed its killing by a butcher.

2. In the Central Assembly Malaviya fought for the upliftment of the untouchables. He blamed the Hindu society for their wretched social and economic condition.

3. See the Seditious Meetings Act in the Imperial Legislative Debates, August 1910.

4. Ibid.

5. Ibid.


7. Ibid.


9. Ibid.

10. Ibid.

11. Ibid.

12. Debate on grant of full self-governing Dominion Status to India; See Debates, Legislative Assembly, 1924; Vol. IV, pp. 521 ff.

13. Ibid.

14. Ibid.

15. Ibid.


17. Ibid.

18. Ibid.

19. Ibid.

20. Ibid.

21. Ibid.

22. Ibid.


24. Ibid.

25. Ibid.

26. Ibid.

28. Ibid.

29. Ibid.

30. Ibid.


32. Ibid.

33. Slaughter of milk cows; it was vehemently opposed by Malaviya; See Debates, Legislative Assembly, 1930, Vol. I, pp. 211 ff.

34. Ibid.

35. Ibid.