

Kuka Martyrs Too Were Freedom Fighters

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How do we all treat the martyrs who fell for the honour of the motherland? Let us see: Here I shall narrate some of the steps which had been taken and/or omitted at the official level, which is the subject matter of this write up.

On the positive side, Government of India published Martyrs' Who's Who – Volumes 1 and 2 in September 1969 and May 1972 respectively. Most of the Kuka martyrs of 1872 fame are included therein. Small details of each of them, not necessarily true, are mentioned in each case.

As for the recognition at individual level, it was in 1972, at the time of Silver Jubilee Celebrations of India's Independence that 'Tamar Patras' were awarded to certain freedom fighters who were then alive. Also a 'pension scheme' was started which was liberalised in 1980 and was named 'Swatantra Sainik Samman Pension Scheme'. At the end of the scheme brochure, a list is appended titled "List of Movements/Mutinies", etc., recognised by the central government for the purpose of grant of "Samman Pension". It is worthwhile to refer to the provision Movements/Mutinies, etc., recognised in the brochure; Apart from the mainstream of liberation struggle, the Movements/Mutinies, etc., which were directed against the British, with freedom of the country as its ultimate goal, are treated as National Freedom Struggle unless any movement (s) is specifically decided as not qualifying for the grant of "Samman Pension". Here the mainstream represents Indian National Congress which stands automatically recognised that too as the "mainstream" while other movements required a specific inclusion in the category of a recognised movement.

It was in 1996-97 that I saw this brochure. Sine my main field of research then was *Ghadar* movement, I noted that at serial No. 12, there was mentioned "*Chaddar*" movement and a similar entry was there in Hindi version of the scheme as well.

Ultimately, I filed a writ petition in Punjab and Haryana High Court in May 2001 in respect of recognition of *Ghadar* movement. Government of India admitted that 'CHADDAR movement' was in fact 'Ghadar movement' and this was due only to a typographical

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error. While pursuing this case, I got hold on an official document of June 1981 filed by the Government of India. As per this writing, the Advisory Committee of Home Ministry, under the Chairmanship of (then) Home Minister (Late) Giani Zial Singh recommended that the Kuka Movement, 'Holewell Monument Removal' should be accepted as a part of the national freedom struggle.

But whereas the Holewell Movement was included in the relevant list and finds place at serial No. 4, Kuka Movement still remained excluded. So on 04.06.2003, I sent a representation to Government of India to rectify the omission. On receiving no response, I filed a PIL (Public Interest Litigation) civil write petition in December 2003 in Punjab and Haryana High Court, in my private capacity appearing in the court not as an Advocate (in uniform) but as a private person.

As usually happens, the Hon'ble High Court was pleased to issue a notice of motion of the other party what was required to file reply (called written statement) within a specified date.

The Government of India took the stand that it was not prepared to include Kuka Movement in the relevant list primarily on two grounds:

- 1) That it was a religious movement and cannot be equated with the Holewell Movement Conducted by Shri Subash Chandra Bose (popularly known as Neta Ji) which has met with the recognition of the "Swantantra Sainik Samman Pension Scheme 1980."
- 2) Secondly... "it is submitted that no freedom fighter or his widow/unmarried daughters, concerning the Kuka (Namdhari) Movement can be expected to be alive after a lapse of more than a century and as per available record, no person from Punjab state has claimed pension on the basis of the said movement."

(Note: As per the scheme, only the freedom fighter, or if he is dead, his widow, unmarried/unemployed daughter or his parents are entitled to the pension.)

On receiving the above document, I filed a rejoinder in the Court (Called REPLICATION).

- 1) That the first reason invoked by the Government of India for the said non-recognition was that Kuka Movement was of a religious nature. But the Official records disprove this. Because:

- a) A letter dated 31.12.1867 from London Government to Indian Government underlines the 'ulterior political objects of dangerous character of Kukas.'
- b) Attempts to raise Kuka Regiments in Kashmir and Nepal.
- c) After blowing away 66 Kukas on 17-18 January 1872, the D.C. Ludhiana Mr. Cowan reported that the rebellion, which might have attained larger dimension, was nipped in the bud.
- d) Deportation of Baba Ram Singh and other Kuka leaders as State Prisoners under regulation III of 1818.
- e) Police surveillance of Kuka Head Quarters of Bhaini Alla (Dist. Ludhiana) From 1878 to 1922 to such an extent that file No. 23 Police proceedings deals exclusively with the intrusion therein of a Monkey!
- f) Inclusion of avowedly religion oriented movements in the scheme such as Khilafat Movement, Mopla Rebellion, Arya Samaj Movement of Hyderabad and Sikh Gurdwara Reform Movements.

And

- g) Listing of Kuka Martyrs in the WHO's WHO of Indian Martyrs Vol. I and Vol. II (1972) published by Government of India.
- 2) That the Government of India had refused to recognise Kuka Martyrs of 1872 as freedom fighters secondly because none of them or their parents/widow or unmarried daughter could be expected to be alive in 1983 to benefit from such a recognition.

This amounted to penalizing the surviving kin of the martyrs for the sacrifices of their ancestors who were too much in a hurry to get rid of slavery.

Viewed in historical context of 1872, those like Maharajas of Patiala, Nabha, Jind and Malerkotla, who provided troops and cannons to blow away these 66 Kukas with their help in open ground of Malerkotla on 17-18 January 1872, were the gainers both during British Rule and post independence. It is so since they and their surviving kin continue to enjoy the rewards like *jagirs* in plenty given in consideration of the said betrayal.

To cite a judgement of Supreme Court in Mukand Lal Bhandari Case: "What is more, if the scheme has been introduced with the genuine desire to assist and honour those who had given the best part of their life for the country, it ill behoves the Government to raise pleas of limitation against such claims. In fact, the

Government, if it is possible for them to do so, should find out the freedom fighters or their dependents and approach them with the pension instead of requiring them to make applications for the same. That would be the true spirit of working out such schemes.”

But the Government of India took the stand that the decision by the Advisory Committee dated 12 Jan 1983 to recommend the inclusion of Kuka Movement in the list of recognised movement list was based on the assumption that the movement was not just religious but was also political in nature. However, This has not been agreed to by Ministry of Finance on the ground that at present no living member of the movement will be available and the movement was of religious nature. The Ministry of Home Affairs also supports the views of the Ministry of Finance.

At the end of the day, the Ministry of Home Affairs finally realised its folly and agreed to extend recognition to the movement vide its letter No. 8/12/2008-F.F(P) Dated 13 Dec. 2008.
