**Bonded labour`**

BY A . G. N O O R A N I | 1/11/2020

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| PILOO Mody and Zulfikar Ali Bhutto were close buddies since their days at Berkeley.Piloo famously coined an expression for which prime minister Indira Gandhi never forgave him. He called her MPs `bonded labour`. It hurt because just then the country was in an uproar over the centuries-old abuse of bondedlabourbyfeudals,especiallyinthe north. Piloo was alluding to the servitude to which she had reduced her party.Prime Minister Narendra Modi has gone one better. He has institutionalised his party men`s servitude. They cannot open their mouths not even to comment on the weather without praising him to the skies.But there is another sense in which he practices the policy of making people his bondsmen. It is by bullying them to sign the bonds prescribed by colonial law the Indian Code of Criminal Procedure, 1898.This is the policy pursued in Kashmir today.Therein lies a history glorious but, in most parts, sordid.The code of 1898 has an entire Chapter VIII entitled `Security for Keeping the Peace and for Good Behaviour` that is, behaviour approved by and acceptable to the British colonial rulers. After 1947, their successors in power took over this law and made it even more repressive. Section 108 of the code is substantially as follows: `When an executive magistrate receives information that there is within his local jurisdiction any person who, within or without such jurisdiction, (i) either orally or in writing or in any other manner, intentionally disseminates or attempts to disseminate or abets the dissemination of, -(a) any matter the publication of which is punishable under Section 124-A Sedition of the Indian Penal Code ... and the magistrate is ofopinion thatthereis sufhcientgroundfor proceeding, the magistr ate may, in the m anner hereinaf ter provided, require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for his good behaviour for such period, not exceeding one year, as the magistrate thinks fit.` The requirement of notice is of ten ignored.During the emergency of 1975 to 1977, prime minister Indira Gandhi took full advantage of the Indian Code of Criminal Procedure`s Section 108 to intimidate dissenters. Socialists, communists and writers refused to sign the bonds.The most willing signatories were members of the Rashtriya Swayamsevak Sangh and its political wing the Jan Sangh. Its offspring is the Bharatiya Janata Party to which Modi & Co belong. In prison, members of the RSS wrote letters of abject apology and signed the bonds prescribed to secure their release from imprisonment.The text of the prescribed `instrument of surrender` read thus: `Shri... Detenu Class I... prisoner agrees on affidavit that in case of my release I shall not do anything which is detrimental to internal security and public peace. Similarly, I shall not do anything which would hamper the distribution of essential goods. So also I shall not participate in any illegal activities. I shall not indulge in any activities which is prejudicial to the present emergency`. The law did not require affidavits; ie statements on oath.The government`s draft did.Now, nearly half a century later, the policy of using the 1898 bonds to crush dissent isbeing systematicallyfollowedinKashmir.Leaders at the top refused to sign and were eliminated. The BJP`s aim is to build up a cadre anew from the bottom and change the entire political life of Kashmir. It will not work. The policy will simply f all on the f aces ofitscynicalarchitects.There is, however, a neglected and glorious chapter in the bonds episode. It con-cerns Quaid-i-Azam Mohammad Ali Jinnah and his friend Lokmanya Bal Gangadhar Tilak.Only a few years after Tilak`s return to India from Mandalay, the deputy inspectorgeneral of police of the criminal investigation department, J.A.Guider, moved the district magistrate of Poona on July 22,1916, alleging that Tilak,`having previous convictions on charges of sedition` was once again, `orally disseminating` the crime. He cited three speeches one delivered at Belgaum on May 1, 1916, and the other two at Ahmednagar, on May 31 and June 1 of that year.To silence Tilak, it was decided to impose on him a bond for a sum of Rs20,000, with two sureties each in the sum of Rs10,000, for his `good behaviour` for a period of one year. This proceedings under Section 108 of the Code of Criminal Procedure, 1898, while less than a prosecution, was no less humiliating. Tilak was served with the notice on July 23, just as he was entertaining friends who had called on him to congratulate him on his 61st birthday.Jinnah fought ferociously for Tilak, not sparing the English prosecutor Bimming.He won the case. The bonds were cancelled.Jinnah turned around, and warmly shook hands with Tilak.  The writer is an author and a lawyer based in Mumbai.  |