

BRIHANMUMBAI UNION OF JOURNALISTS

23-25 Prospect Chambers Annexe, Fort, Mumbai 400 001

To
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**Sub: Objections and submissions regarding The Maharashtra
Special Public Security Bill, 2024 (Assembly Bill No. 33 of 2024)**

Sir,

The Brihanmumbai Union of Journalists (BUJ) registers our strong objections to the proposed Maharashtra Special Public Security Bill, 2024, introduced in the State Assembly on December 18, 2024. We demand that the Bill be withdrawn forthwith.

In response to the invitation by the Maharashtra Government to submit our objections and suggestions to the Bill, we wish to state that we are extremely concerned about the implications of this Bill for the right of journalists to practice our profession and to report on important issues of the day without fear or favour.

As it is, journalists in Maharashtra face a precarious existence. Apart from facing retrenchments and insecurity in working conditions, some are killed or thrown behind bars for their investigative work. The Maharashtra government's plan to set up a media monitoring centre, at an astronomical cost of Rs Ten Crore to check negative news, is also alarming. We believe this will result in policing and censoring our work.

The following are our Objections to The Maharashtra Special Public Security Bill, 2024:

1. We believe that the Maharashtra Special Public Security Bill, 2024 will adversely affect the civil liberties and rights to the freedom of speech and expression, association and assembly and the right to privacy of all citizens of Maharashtra.

2. The Bill has sweeping provisions and grants draconian powers to the government to ban organisations and seize property of suspects merely on the accusation that they belong to organisations that are deemed to indulge in “unlawful activity”.

3. While introducing the Bill in the State Legislature, Chief Minister Devendra Fadnavis said that it would tackle Naxalism in rural areas and frontal organisations in urban areas “which work towards creating distrust about the country and its institutions.”

However, these are sweeping statements and terms like “distrust” or “urban naxals” or even “unlawful activity”, which is used in the Bill, has no legal definition. Besides, these are very subjective terms and open to misinterpretation. Citizens who raise legitimate questions or speak out to oppose any state policy may find themselves charged with unlawful activities and criminalised.

4. We are apprehensive that, as responsible journalists in the pursuit of our professional duties, we will not be able to even question the application of these terms to citizens who may question or express dissent against the government.

5. According to the Bill, an unlawful activity is *“any action taken by an individual or organisation whether by committing an act or by words either spoken or written or by signs or by visible representation or otherwise”*.

This definition of an “unlawful activity” is sweeping, over-broad and extremely dangerous. It would include any form of expression - from spoken words, online messages or articles, artworks, demonstrations etc. Not just the written word, but cartoons, videos, films and even photographs can be deemed to be unlawful.

Even if journalists report on or express our opinions about any issue, we may be charged with unlawful activities. The very expression of dissent or critique of the government, in any form or manner, will be outlawed.

6. Moreover, the definition of an ‘unlawful activity’ includes such ‘action’ that can constitute a danger or ‘menace’ to public order, peace and tranquility and ‘of encouraging or preaching disobedience to established law and its institutions.’ This is arbitrary and will have a chilling effect on journalists who express legitimate and bona fide critiques of policies or events.

7. The Bill defines an “organisation” as *‘any combination, body or group of persons, whether known by any distinctive name or not, and whether registered under any relevant law or not, and whether governed by any written constitution or not’*.

This provision will affect any group of people who come together for any purpose, such as our own organisations or even an informal gathering of residents to take up civic issues. It is absurd to criminalise such groups. Will our reporting or writing on their activities result in penal action? At this rate, no one will be willing to speak to the media or even identify themselves as part of a group, a perilous proposition in a democracy.

8. The Bill gives the government the power to declare any organisation as “unlawful”, without providing any mechanism for public scrutiny of this action. Moreover, the notification does not even require the grounds for action to be stated. The Advisory Board, proposed to be set up ostensibly to review the notification, is clearly a token.

Thus, in the absence of transparency, even the media, which is expected to act as the Fourth Estate in a democracy, cannot review or scrutinise the government.

9. The Bill grants powers to a District Magistrate or Commissioner of Police or any officer authorized by them, to notify a particular area or building allegedly used for “unlawful activities”. These authorities can then take possession of the property and evict occupants.

Already, despite Supreme Court orders against “bulldozer justice”, police and civic administration in Malwan have demolished the house of a minor charged with raising allegedly anti-national slogans.

10. The Bill’s Statement of Objects and Reasons, refers to similar legislation in the States of Chhattisgarh, Telangana, Andhra Pradesh and Odisha for the prevention of “unlawful activities”. But, in multiple media reports, it has been amply established that these draconian laws fail to tackle allegedly unlawful activities.

Instead, there is clear evidence of how dissent is criminalised and journalists who bear witness to the government’s repressive measures in conflict areas are charged and arrested under these laws. This is clearly part of a larger “killing the messenger” syndrome.

It is truly a cruel irony of history that citizens of Maharashtra, a premier state in India with a long and illustrious history of social reform and dissent ranging from the Bhakti saints to Phule, Shahu Maharaj and Ambedkar , should be subjected to such unwarranted and ill-advised predations from the state.

In sum, we believe and assert that the provisions of The Maharashtra Special Public Security Bill, 2024, are unconstitutional, over broad, arbitrary and inherently allow for misuse.

We reject the proposed Bill outright and call upon the state government to declare and establish its commitment to Maharashtra's democratic ethos and progressive character by withdrawing **The Maharashtra Special Public Security Bill, 2024 (Assembly Bill No. 33 of 2024)**.

Sd/-

I K Jain

General Secretary

BUJ