

MAHARASHTRA SPECIAL PUBLIC SECURITY BILL 2024: GOVERNANCE

NEWS: What is Maharashtra's new security Bill? | Explained

WHAT'S IN THE NEWS?

Maharashtra's new Special Public Security Bill aims to curb "urban Naxalism" by allowing the government to declare organisations unlawful and impose indefinite bans, but it has drawn criticism for vague definitions, lack of judicial oversight, and potential misuse.

Civil rights groups warn that it may suppress dissent and duplicate existing laws like UAPA, undermining constitutional freedoms.

Maharashtra Special Public Security Bill, 2024

Context

- Recently, Maharashtra passed the **Special Public Security Bill** to address 'urban Naxalism', aiming to curb extremist activity in urban areas.
- However, it has been **criticised for vague definitions**, potential for misuse, and excessive executive power.

Key Provisions of the Bill

- **Targeting Frontal Organisations of Naxal Groups**
The Bill claims to address the **urban support networks** of Naxalism—individuals and organisations providing **logistical help and shelter** to armed groups.
- **Power to Declare Organisations as 'Unlawful'**
The government can **unilaterally declare any organisation as unlawful** if it suspects a threat to public security, **without requiring evidence of violence**.
- **Indefinite Ban Allowed**
The law allows **indefinite extensions of bans** on organisations, with **no mandated time limit or periodic review**—raising concern over misuse.
- **Restricted Judicial Oversight**
The jurisdiction of **lower courts is removed**, making legal recourse difficult for those accused under the Act.
- **Good Faith Protection to Officials**
Full **legal immunity is granted** to State officials for actions taken "in good faith", potentially shielding wrongful actions from accountability.
- **Precedents from Other States**
Similar laws exist in **Chhattisgarh, Telangana, Andhra Pradesh, and Odisha**, although critics note these were introduced **before the national UAPA became stringent**.

What is Urban Naxalism?

- **Definition**
Refers to **urban-based individuals or groups** who support the Naxalite ideology through **activism, propaganda, legal aid, or media narratives**.
- **Origin of the Term**
Coined around **2018**, during the **Elgaar Parishad case** in Maharashtra. It described **liberals, academics, and activists** accused of links with Maoist groups after the **Bhima Koregaon violence**.

Origin of Naxalism in India

- **Etymology**
The term 'Naxalism' comes from **Naxalbari village in West Bengal**, where the movement began in **1967**.
- **Historical Roots**
Initiated as a **radical splinter** from the Communist Party of India (Marxist), led by **Charu Majumdar, Kanu Sanyal, and Jagan Santhal**. It aimed to **overthrow feudal land relations** through armed struggle.
- **Geographic Spread**
From Bengal, the Naxalite movement spread to **Chhattisgarh, Odisha, Andhra Pradesh, and Jharkhand**, primarily in **underdeveloped tribal regions**.

Key Terms & Legal Concepts

- **Unlawful Activity**
Any act (spoken, written, symbolic) that **threatens public order** or creates unrest.
 - *Example:* Spreading false, inciteful messages via **WhatsApp or social media**.
 - *Legal Basis:* **Section 150 of the Bharatiya Nyaya Sanhita (BNS), 2023** – for concealing intent to wage war against the state.
- **Frontal Organisations**
Non-violent or legal bodies that are **allegedly linked** to banned outfits and provide **ideological, financial, or logistical support**.
 - *Issue:* **No clear legal definition** in Indian law, making the term prone to **arbitrary misuse**.
- **Public Order**
A state of **peace and lawful conduct** in society ensuring safety and harmony.
 - *Constitutional Provision:* **Article 19(2)** allows the State to impose restrictions on speech in the interest of public order.

Criticism of the Provisions

- **Vague Definitions**
Terms like '*unlawful activity*' and '*public order*' are **ambiguous**, enabling **subjective and selective interpretation** by authorities.
- **Lack of Lower Court Access**
Excluding lower courts limits **affordable and accessible legal remedies** for common citizens.

- **No Sunset Clause on Bans**
Unlimited ban duration on organisations with **no requirement for periodic judicial review** can lead to permanent suppression.
- **Immunity Weakens Accountability**
Blanket protection to officials for actions done in “good faith” may **encourage misuse and undermine transparency**.
- **Suppression of Free Speech and Dissent**
Risk of criminalising **legitimate activism, criticism, and protest**, infringing on **Article 19 rights**.

Way Forward

- **Leverage Existing National Laws**
Instead of creating overlapping state laws, enforce **UAPA and BNS provisions** using existing **institutional frameworks** like NIA and state police.
- **Ensure Judicial Safeguards**
Restore the **jurisdiction of lower courts** and introduce **mandatory periodic reviews** for bans to ensure fairness.
- **Promote Wider Public Consultation**
Draft and amend such laws only after **engaging civil society, legal experts, and human rights advocates**.
- **Precise Legal Drafting**
Clearly define key terms such as ‘**frontal organisations**’, ‘unlawful activity’, and ‘public order’ to **avoid arbitrary action**.

Conclusion

While the Bill is positioned as a **tool for enhancing public security**, its **broad scope, lack of clarity, and weak safeguards** raise serious concerns about the **erosion of constitutional freedoms**, particularly the **right to dissent and protest**.

Source: <https://www.thehindu.com/news/national/maharashtra/what-is-maharashtras-new-security-bill-explained/article69866622.ece>