

**Office of Shaktisinh Gohil**  
**National Spokesperson, AICC & MLA, Abdasa**

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Press Note

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**GUJCOC A Politically Motivated Legislation**

Gujarat Control of Organised Crime Bill is again in news. The way it was passed by Gujarat Assembly without paying any heed to the suggestions for change in the earlier Bill. The action of the Gujarat government makes it clear that it is not interested in dealing with the problem of terrorism. It wants to play politics on such a sensitive issue.

Political motive of the controversy over the Bill is clear from the way the Bill is being used by Gujarat government. Initially BJP led Gujarat government had sent the draft of Gujarat Control of Organised Crime Bill on December 26, 2001. The centre had BJP government. But the draft bill was returned to Gujarat with recommendations for change in it.

On March 26, 2003, the Bill was passed by Gujarat Assembly. Delhi had BJP government and Gujarat had BJP appointed Governor Sundar Singh Bhandari. Instead of approving it, the Governor preferred to send it to the President of India for approval under the provisions of Article 200 and Article 201.

After sitting over it for months, the then Home Minister L K Advani of BJP returned it to the State on March 8, 2004. In the meantime, government changed at the centre and Gujarat once again passed the Bill, on June 2, 2004. It was done in the absence of Opposition Congress which was suspended from the House. The Bill was not cleared even by the BJP government at the centre. It was just because it violated the basic tenet of the Constitution that no state law should be in contradiction to the provisions of any central law and it should also not be similar to any repealed law. With this view, central cabinet suggested three minor changes in the Bill and sent it to the President of India who in turn sent it to Gujarat to effect the changes.

One of these changes was related to the Evidence Act. We already have a provision to make sure that an accused does not turn hostile. Under the section 25 of the Evidence Act a statement before a Magistrate can be used against an accused as evidence. If this power is provided to police, there are all chances of its being misused by police forcing an accused make statement under duress. GUJCOC has such powers for police under its section 16. The President had asked Gujarat to

drop section 16. Since this provision already exists in the Evidence Act, it does not affect the real situation.

Through second suggestion the President has asked Gujarat government to replace the word shall by word may in the Section 20(2) which does not affect the provisions of the GUJCOC. Another insignificant change has been suggested in Section 20(4). This is to bring this provision in conformity with the Unlawful Activity (Prevention) Act 2008. The basic idea of all these changes was to make the provision of GUJCOC conform the existing central laws. Had Gujarat government made these changes, GUJCOC would have become legal entity. Instead, Home Minister preferred to send the Bill without any change and made political statements in Gujarat assembly. This shows that Gujarat government is interested only in using it for ulterior political gain.

Gujarat government is drawing parallels between GUJCOC and MACOCO to make it a case of injustice to Gujarat. But the fact is that when MACOCO came into force there was no Unlawful Activity (Prevention) Act 2008. Today Unlawful Activity (Prevention) Act 2004 is more powerful than the GUJCOC and so there is no need for GUJCOC. Unfortunately, Gujarat government wants to play politics by making GUJCOC an issue instead of dealing with criminal activities earnestly.

Gujarat Chief Minister has been repeatedly claiming that GUJCOC was a powerful legal weapon against terrorism, but the fact is that the draft never had the word terrorism. The word has been added after seven years of the original draft that too after severe criticism by the Opposition.

In the present situation it is obvious that the President will not give her assent to the fresh GUJCOC Bill and Gujarat government would continue to raise political bogey over it.

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To,  
The Editor,

Request to kindly publish this press note in your esteemed newspaper.



(Sunil Rami)  
Personal Assistant