

West Bengal Passes Public Safety and Public Order Bills

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Why in News?

Recently, West Bengal Legislative Assembly has passed 2 controversial legislations.

West Bengal Public Safety and Control of Anti-Social Activities Bill, 2026

- **Preventive Detention** - Authorities (such as District Magistrates or Police Commissioners) can detain individuals deemed desperate and dangerous to the community.
- **Nature** - It is about pre-emptive action against individuals to maintain public safety.
- Similar in structure to laws like the National Security Act.

West Bengal Maintenance of Public Order (Amendment) Bill, 2026

- **Provision** - Mandates compensation for damage to public or private property during disturbances.
- **Nature** - It is about post-incident responsibility, ensuring those who cause damage pay for it.

Key Provisions

- **Preventive Detention** - Detention up to 1 year without trial, for those generally reputed to be desperate and dangerous.
- District Magistrates/Commissioners of Police may issue detention orders valid for 15 days to continue beyond 15 days, the State Government must approve it.
- **Grounds of detention** - If a person is detained, the authorities must inform them of the reasons within 5 days.
- Disclosure of full details can be withheld if revealing them would harm

public order, safety, or national security.

- **Advisory Board** - Preventive detention beyond 3 months requires review by an Advisory Board (as per Article 22) and the board must review cases within 3 weeks.
 - **Composition** - Chaired by a current/former High Court judge + two members qualified to be High Court judges.
 - **Binding Decision** - If the Board says detention is unjustified, the person must be released.
- **Legal Representation** - Section 10(4), restricts detainees from being represented by lawyers before the Advisory Board.
 - **Exception** - Only in rare cases, and reasons must be recorded in writing.
 - **Implication** - Limits detainees' ability to defend themselves, raising concerns about fairness.
- **Externment Clause** - Authorities can ban re-entry of detainees into specified areas for up to 1 year, to prevent repeat disturbances in sensitive areas.
- Similar provisions exist in Maharashtra and Gujarat laws.
- **Compensation for Damage** - Individuals convicted of damaging public/private property must pay compensation.

References

1. [The Hindu | West Bengal Assembly Bill](#)
2. [NDTV | West Bengal Assembly Bill](#)