West Bengal Passes Public Safety and Public Order Bills

Prelims: *Current events of national and international importance | Polity and Governance*

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

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