

ANOTHER WEAPON IN THE ARSENAL

A critique of The West Bengal Public Safety and Control of
Anti-Social Activities Act, 2026 and The West Bengal
Maintenance of Public Order (Amendment) Act, 2026



People's Union for Democratic Rights (PUDR)
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Another Weapon in the Arsenal:

A critique of The West Bengal Public Safety and Control of Anti-Social Activities Act, 2026 & The West Bengal Maintenance of Public Order (Amendment) Act, 2026

Less than two months into its first-ever government in West Bengal, the BJP government tabled two Bills in the Assembly, on 29th June 2026. It [claimed](#) that existing laws were inadequate to deal with the prevailing TMC driven ‘jungle raj’ and a ‘goonda culture’ in the state. Instead of presenting an empirical record for substantiating what was inadequate in the law-and-order apparatus, the government relied on a litany of past episodes of unrest and violence under the TMC and the CPM regimes. Disregarding every objection raised from the opposition benches, the government passed the West Bengal Public Safety and Control of Anti-Social Activities Act, 2026 and the West Bengal Maintenance of Public Order (Amendment) Act, 2026 on the same day. Both Acts came into force on 13th July 2026 with the [Chief Minister avowing](#) that violence or disruption of public order in the name of protests will not be tolerated. The Chief Minister’s statement read along with what the two Acts authorise, reveals the actual intent behind them.

These laws, in their very design, achieve the conflation of the ‘goonda’- the everyday street-criminal figure- with a protestor blocking a road, a trade unionist calling a strike, the journalist reporting on abuse, or a community leader organising against an eviction. Strikingly, the ‘Statement of Object and Reason’ of the West Bengal Public Safety and Control of Anti-Social Activities Act, 2026, obtrusively states that ‘certain sections of the society are engaging in anti-social activities’, ‘posing a threat to the bonafide citizens of the state’ with the law brought in to combat their ‘nefarious activities’. The intent of the law is stated loud- to identify ‘certain sections’ who can be placed outside the category of the bonafide citizens, to render their activities as ‘nefarious’. The constitutionality of the Act has already been challenged in the Calcutta High Court.

The expansion of police powers through this law happens not through invention but through fresh assembly of old provisions with diluted safeguards and bypassing of judicial processes. The law does not invent anything wholly new. Provisions related to externment, preventive detention, search and seizure, harbouring offences, have each existed separately in different statutes in India for decades- in the National Security Act, in a number of state legislated Goonda Acts going back to Bengal's own colonial-era 1923 statute, and in West Bengal's own 1972 Public Order Act, itself already amended twice in the last decade. What is new is that the WB Public Safety and Control of Anti-Social Activities Act, 2026 now houses externment, preventive detention, independent search and seizure, and a harbouring and concealment offence within a single statute. Additionally, the accompanying 2026 amendment to the 1972 Public Order Act adds a Claims Commission- modelled on similar laws recently enacted by BJP governments in states like Uttar Pradesh and Uttarakhand- empowered to attach and sell

property to recover compensation for unrest, extending liability well beyond those who caused any damage to organisers and mere supporters of an assembly.

This short report by PUDR examines the provisions of the West Bengal Public Safety and Control of Anti-Social Activities Act, 2026 (hereinafter the WB Goonda Act), along with the 2026 Amendment to the Public Order Act, through the lens of constitutional rights and democratic freedoms. It argues that these two Acts stand in contradiction to these guarantees.

Section I: The historical lineage of the West Bengal Public Safety and Control of Anti-Social Activities Act, 2026

Behind the technical nomenclature of public safety, this Act, in substance, is a new Goonda Act, versions of which have been enacted variously by other states. The origin of all Goonda Acts is a colonial-era, and interestingly another Bengal legislation called [The Goondas Act, 1923](#). It was enacted for the control of ‘Goondas residing in, or frequenting Calcutta/its neighbourhood’ and had provisions for their externment or banishment from the territory. The word Goonda was left undefined in the Act, which simply stated that a ‘goonda includes a hooligan or a rough’ (S.2(4)). Under this Act, if the Commissioner of Police/District Magistrate was satisfied that a person was a ‘goonda’ committing/about to commit, or assisting or abetting the commission of- (i) a non-bailable offence against person or property, (ii) the offence of criminal intimidation, or (iii) an offence involving a breach of the peace likely to cause alarm to the inhabitants, would report to the State Government (S.3). The State Government would then place this report before a panel of advising judges (S.5), and if their opinion favoured action, the State Government could order the person's removal from the province for a specified period (S. 6).

This law was replicated elsewhere. The Central Provinces and Berar Goondas Act, brought in 1946, was struck down by the [Supreme Court in 1960 in the State of Madhya Pradesh And Another vs Baldeo Prasad](#), stating that a lack of ‘proper definition or otherwise when and under what circumstances a person can be called a goonda’ has left the Act to ‘unguided and unfettered discretion of the authority concerned to treat any citizen as a goonda’. Following a gap of a decade, [UP became the first state in 1970](#) to enact a revised Goonda Act, called the [Uttar Pradesh Control of Goondas Act](#), now with a definition of Goonda. The definition, however, was wide-reaching and vague enough to include all possible political activities in the name of breach of public peace, tabled along with a range of other offences. A goonda was any person who habitually commits offences against specific chapters of IPC related to public tranquillity, the body, or property; engages in ‘eve-teasing’, ‘touting’, or ‘house-grabbing’; has three or more convictions under the Excise, Gambling, or Arms Acts; is involved in cattle smuggling, human trafficking, or illegal money-lending; or is ‘generally reputed to be desperate and dangerous to the community’ (S.2(b)). The UP Act served as a model for similar enactments in other states such as [Rajasthan](#) (1975) and [Punjab](#) (1976), with minimum state-specific variation in the definition of Goonda. Each of these Acts served as externment laws.

In the 1980s, however, the pattern of enactment of state-specific public safety acts shifted from externment to preventive detention, following the enactment of the [National Security Act \(NSA\) 1980](#), at the central level. State-level preventive detention laws existed before the 1980s as well; West Bengal itself under the President's Rule enacted a state-specific preventive detention law called the [West Bengal Prevention of Violence Act](#), in 1970, in the wake of the Naxalbari movement. The law ceased to exist later once the president's Rule was withdrawn. Jammu and Kashmir enacted the [Jammu & Kashmir Public Safety Act](#) (J&K PSA) in 1978, which legislated provision for preventive detention up to two years on grounds of public order and security threats from any individual, as well as preventing the person from engaging in timber smuggling. In 1980, when NSA was enacted, it removed all other considerations and made grounds for preventive detention general to public order and security threats.

The state laws that were created after NSA, however, extended provisions for preventive detention to law and order considerations in addition to public order and security threats. Tamil Nadu was among the first to enact a state-specific version of the NSA called the [Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Goondas, Immoral Traffic Offenders and Slum- Grabbers Act](#), 1982. Gujarat followed with the [Gujarat Prevention Of Anti-Social Activities Act](#), 1985, which provided for preventive detention of boot-leggers, dangerous persons, drug offenders, immoral traffic offenders property grabbers, cyber offenders, money lending offenders and sexual offenders. The earlier definition of a goonda was subsumed under 'dangerous persons' in this Act. Many states replicated these preventive detention Acts such as [Karnataka](#) (1985) and [Andhra Pradesh](#) (1986). Importantly, none of these preventive detention Acts of various states had provisions for externment, nor did they have specific powers related to search, seizure or custody of property. They contained a specific provision (borrowing from NSA) that if a person against whom a detention order has been passed absconds, the DM/Commissioner was empowered to attach and sell the absconder's property (S.8 of Gujarat Act, S. 7 in all other states).

This history demonstrates **two broad patterns** among the Goonda Acts, i.e., either these laws provided for externment of persons or for preventive detention, with powers of attachment and sale of properties of absconders (see, Table 1). **The West Bengal Act, 2026 or the WB Goonda Act**, is unique as it **converges these histories and adds more police powers to the law**. It provides for **both externment and detention**, as well as for **search, seizure and custody of property**. This violates the guarantee under Article 14 of the Indian Constitution of non-arbitrariness, and also the freedom of assembly, organization and protests provided under Article 19 and due process guarantees created under Article 21, as the next section will discuss.

The scope of the WB Act is far wider.

Table 1: Various models of the Goonda Acts across states

Laws providing for <i>Externment only</i>	Laws providing for <i>Preventive Detention only</i> with powers of attachment and sale of the property of absconder	Law providing for Externment + Preventive Detention + attachment and sale of the property of absconder + Search/Seizure/Custody of property + offences related to harbouring
Modelled on original Goondas Act 1923	Jammu and Kashmir PSA, 1978 as the precursor. Modelled on NSA 1980	Modelled on a combination of the previous two + certain sections of UAPA
UP (1970) Rajasthan (1975) Punjab (1976)	TN (1982) Gujarat (1985) Karnataka (1985) AP (1986)	West Bengal (2026)

Section II: West Bengal Goonda Act 2026 and the Amendment to Public Order Act 2026- the recalibration of a police state

West Bengal Maintenance of Public Order (Amendment) Act, 2026:

Alongside the Goonda Act of 1923, West Bengal has maintained a separate line of ‘public order’ legislation since 1950, when the West Bengal Security Act first conferred these powers on the state government. That Act was refurbished in 1972 as the [West Bengal Maintenance of Public Order Act](#). In its original form the 1972 Act was aimed at preventing illegal acquisition, possession or use of arms and suppressing ‘subversive acts’ defined most widely to cover all possible acts endangering public safety and tranquillity (S. 2g). The Act empowers the State Government to declare ‘protected places’ and restrict unauthorised entry into them, with search and removal powers over violators (Chapter II). It provides the state government with requisitioning power (S. 16), wherein it could requisition any movable or immovable property considered necessary for suppressing ‘subversive acts’ or maintaining essential supplies/services, subject to a compensation scheme (arbitration by a District Judge for immovable property, appeal to the High Court above a threshold, and compensation for damage during the requisition period).

This Act has been amended three times- in 2017, 2023, and now in 2026, with each amendment adding a further layer to the state's power to extract compensation for property loss. The 2017 amendment inserted a new offence of ‘mischief’ (S. 15A), borrowing from S.

425 IPC, which criminalizes ordinary property destruction or causing property loss during an unlawful assembly under Section 141 IPC.

Notably, this amendment created a collective financial liability, i.e., if the State Government is satisfied that the inhabitants of an area were concerned in, abetting, instigating, or harbouring those responsible for the offence of mischief, or failed to assist in apprehending them, it could impose a collective compensation on the entire community, apportioned among its inhabitants. In practice, this means that property damage during routine neighbourhood tension, or whenever Section 141 IPC is invoked (which happens frequently), can expose an entire locality to collective fine based on only a governmental enquiry, rather than a judicial finding of individual guilt. It could potentially include even family property of those merely accused of harbouring the persons responsible, not just the persons directly involved.

The 2023 amendment added a second, more targeted tool, operating not through the mischief offence but through an expanded definition of ‘subversive act’ which included acquiring property merely ‘suspected’ of being stolen, or of having been acquired through unlawful means (amendment to S. 2). Such a property could now be attached by the government for up to 180 days, and could be frozen permanently if a Jurisdictional Court or Magistrate approves it, and be sold at public auction to fund compensation for the ‘victim’, including the State itself defined as a ‘victim’ (S. 20A). All of this can proceed on suspicion alone, well short of any conviction.

The 2026 amendment adds a provision setting up a ‘Claims Commission’- a body constituted of state executive officers, such as additional district magistrate - before which a claims petition can be filed by the state authority in charge of a property damaged in the course of a protest, riot, public commotion, unlawful assembly or any matter affecting public order, seeking to **impose financial liability on persons alleged to be involved in the damage** (S. 15A). This liability may extend not only to those directly involved in the act of violence, but **also to organisers, instigators, abettors, sponsors** (S. 15H) and those who harboured the perpetrators (S. 15O), thereby implicating supporters of every kind. **All of this can be done without any criminal liability first being fixed through a determination of actual guilt in a criminal trial.** The decision of the Commission, more importantly, cannot be challenged before any court (S. 15P).

Powers of this kind related to attachment, adjudication, and recovery of property outside the ordinary civil court process are not unprecedented in Indian law. The [Prevention of Money Laundering Act, 2002 \(PMLA\)](#) vests analogous powers to the Enforcement Directorate and bars civil court jurisdiction over matters within its scope, and permits attachment even before trial concludes. But PMLA makes final confiscation contingent on the underlying criminal conviction becoming final, and by allowing for an appeal- first to the Appellate Tribunal, and then to the High Court on questions of law or fact. BNSS Section 107 also provides for similar powers but remains subject to the normal judiciary appeal process.

The WB Public Order Amendment Act 2026, **dispenses with all these safeguards**. The Claims Commission's decision cannot be reviewed or challenged. This kind of bypassing of judicial process goes further than the executive-heavy scheme under PMLA, which at least in design, has judicial oversight (see Table 2).

Table 2: PMLA 2002 and WB Public Order Amendment Act, 2026

Taking over the accused's property	PMLA	WB PO Amendment Act, 2026
Link to criminal trial	Attachment/confiscation becomes final only after conviction by a court (S.8 (3)(b))	Claims Commission imposes financial liability and makes it payable upon the accused independent of conviction/acquittal (S. 15 S)
Return of property on acquittal	Attachment/retention of property ceases to have effect if the accused is acquitted (S. 8(5))	No equivalent provisions
Appeal to judiciary	First appeal to Tribunal with further appeals to High Court	No provision for any judicial appeal

The Claims Commission in the 2026 Amendment to the WB Maintenance of Public Order Act is actually **modelled on recent laws enacted by the BJP led government in states** such as [Uttar Pradesh](#) in 2020, [Haryana](#) in 2021 and [Uttarakhand](#) in 2024. These property-damage-recovery laws go back to older laws like [Karnataka's 1981 Act](#) that permitted the government to fine an entire community for damage to property. But the newer laws work differently. They follow the Supreme Court's guidelines in the case of [In Re:Destruction Of Public &Pvt. Prop vs State Of A.P. & Ors, 2009](#), which itself calls for strict liability to be imposed on actual perpetrators as well as organizers of protests etc. in which property is damaged and provides for award of compensation. The Supreme Court, however, stated that liability was to be decided by the High Court and the claims commissioner will be a retired or sitting high Court or District judge, and not an executive officer. However, the laws that were brought in these BJP ruled states under the aegis of the SC guidelines, bypass the judicial safeguards altogether. Under these, an executive tribunal decides who pays, and the accused doesn't need to be convicted first. There is no appeal against the award, and the government can attach and sell the person's property to recover the money. Following the same script and now that BJP is in power there, West Bengal's 2026 Amendment brings this same model to the state, compounding it with other undemocratic features.

Read together, these features have a clear chilling effect on the Fundamental Right to Freedom of peaceful assembly, protest and organization provided under Article 19. By exposing organisers etc. to potentially ruinous financial liability, determined by an executive body, with no judicial appeal available, the amendment deters people from joining or organising protests

and assemblies altogether, since merely being present or lending support could translate into personal financial burden regardless of one's own conduct. The abuse of such laws was already visible in [UP itself when during the 2019 anti-CAA protests](#), the state resorted to measures such as publicly naming, shaming, and threatening to seize the property of alleged protesters through illegal hoardings, which the Allahabad High Court struck down as violative of Article 21 and that there was no law to back the government's actions. The UP government subsequently hastily enacted the 2020 law giving itself a legal cover. This history is a cautionary sign for how such laws can be turned against dissent and freedoms under Article 19. The result of such laws is a mechanism capable of imposing wrongful and disproportionate liability on persons with no court being empowered to review whether the underlying finding of liability was justified in the first place.

West Bengal Public Safety and Control of Anti-Social Activities Act/ WB Goonda Act 2026:

With such a law already in place, the 2026 West Bengal Public Safety and Control of Anti-Social Activities Act- the **WB Goonda Act 2026**, on the one hand, **replicates powers already provided for** by criminalising acts in the name of public order, and the seizure and attachment of property. **It further creates two new provisions relating to externment** mirroring the 1923 Bengal Act, **and preventive detention** mirroring the NSA, already in force in West Bengal, which empowers the state government (in addition to the central government) to pass orders of detention.

Table 3: What does the WB Goonda Act, 2026 do?

Sections	Powers and Procedures
S.2	Defines a 'goonda' who can be detained or externed to be prevented from carrying out an anti-social activity for up to a year
S.3	State Govt orders detention based on subjective satisfaction that someone is a 'goonda' who should be prevented from committing an anti-social activity. Order of detention may also be passed by District Magistrate or Commissioner of Police, which will remain in force for a period of 15 days (excluding public holidays) within which the approval from the state government may be obtained.
S.5	Detention in Correctional Homes
S.6	If a person against whom a detention order is passed absconds, their property can be attached, and they can be imprisoned for up to two years with or without fine
S.7	Grounds of detention to be provided within 5 days but can be withheld on public interest and security or to protect confidentiality of source

S.8- S.10	Advisory Board (current or former HC judge + 2 members) set up within three weeks of detention which reviews the detention order within nine weeks of detention, detainee can write a representation to the Board but no lawyer allowed to represent the detainee before the Board
S.13	Fresh orders of detention can be made on revocation of the previous order but no outer limit of detention is provided for a fresh order.
S.15	A person can be externed (ordered to leave an area) for up to a year, or report movement. Appeal against externment can be made only to the state government, no Advisory Board is constituted for externment for a year. Breach of an order can lead to up to three years of imprisonment
S.16	Harbouring/concealing a person against whom a detention or externment order has been made can lead to up to two years of imprisonment, with no spousal exception
S.17	Police can enter, search, and seize anything with 'reason to believe' that it is linked to anti-social activity. No requirement of reason to be recorded in writing. Property seized may be disposed of by the state government
S. 18	All acts of state officers under the Act are protected under a good-faith clause

- 1. Definitional ambiguities:** The WB Goonda Act, 2026 works broadly with two definitional categories- 'anti-social activity' and 'goonda'- defined in their widest import (see Table 4). Both these categories are defined in relation to one another. Commission/facilitation of an anti-social activity is what makes an individual a 'goonda' and a 'goonda' is an individual who commits/facilitates an 'anti-social activity', who can be externed or detained preventively for a year in order to be 'prevented' from committing an anti-social activity.

Table 4: Casting the net wide through the WB Goonda 2026 Act

Criminal categories	Wide definition	Possible Reach	Consequence
Anti-social activity (S.2(a))	Anti-social acting in any manner which causes, or is likely to cause, directly or indirectly- (i) alarm, danger, fear or insecurity among the general public or any section	Any dissenting activity, or any activity found undesirable by the state can be penalised, for	Detention or externment up to a year. On expiry of the previous order of detention/externment,

	thereof; (ii) grave or widespread danger to life, person or property; (iii) disturbance of public order or public tranquillity; (iv) obstruction to the lawful exercise of any right or to any lawful business, trade, profession or occupation; (v) unlawful dispossession of any person from any movable or immovable property; (vi) substantial loss or damage to public or private property; or (vii) any illegal activity relating to mining, quarrying, sand extraction, forest produce or wildlife which cause substantial loss to the public exchequer	example, an investigative report or a claim related to a government policy can be read as ‘creating fear or insecurity among the general public’. Calling a strike or blocking a highway in protest can be read as obstructing ‘lawful business, trade or occupation’.	fresh order can be passed again.
Goonda (S.2(d))	‘Goonda’ means a person who- (i) either by himself or as a member or leader of a group, gang or syndicate habitually commits, attempts to commit, abets, promotes, finances or facilitates anti-social activities; or (ii) has been charge-sheeted for an offence punishable under section 111 (organized crime) or section 112 (petty organized crime) of the BNS, 2023; or (iii) commits, attempts to commit, abets, promotes, finances or facilitates any offence punishable under- (A) the Arms Act, 1959; (B) the Narcotic Drugs and Psychotropic Substances Act, 1985; (C) the Immoral Traffic (Prevention) Act, 1956; (D) the	Those habitually involved in activities of organized strikes, demonstrations, protests. Includes reputation-based identification, could implicate anybody since it does not require any definitional criteria	Detention or externment up to a year for committing an anti-social activity

	Explosive Substances Act, 1908; or (iv) is generally reputed to be desperate and dangerous to the community.		
Harbouring or concealing (S.16)	Whoever, knowing or having reason to believe that an order has been made against any person under section 3 (order of detention for anti-social activity) or section 15 (order of externment for goonda), harbours or conceals such person.	Family members continuing to live in the same house can be implicated for the crime of harbouring or concealing, unlike laws like UAPA which at least exclude spouses from liability for 'harbouring' etc.	Imprisonment for a term which may extend to two years, and shall also be liable to fine

- 2. Guilt based on prior accusation and reputation:** In a rare and arguably unprecedented provision, the law makes a mere charge-sheet, and not a conviction, the basis for defining a 'goonda'. A person who has been charge-sheeted for an offence punishable under section 111 or section 112 of BNS qualifies as a goonda on that basis alone. **This means a single accusation, one that has never been proven or tested at trial, becomes a sufficient ground for a year-long deprivation of liberty through detention or externment.** Additionally, since the Act permits preventive detention and externment on the basis of past charge-sheets alone, it opens the door to a person being penalised twice over for the same conduct- once through preventive detention/externment, and again if a conviction follows in any of those cases. This provision carries the logic of double jeopardy within it, hence is unconstitutional. And in cases where convictions don't take place, the basis of preventive detention/externment is rendered infructuous but only after someone has suffered it.

Under the BNS, by contrast, any actual punishment requires a conviction based on judicial trial. The WB Goonda Act, however, secures punishment in the form of externment and detention by inverting this logic entirely. What an ordinary criminal law cannot secure without trial is achieved here pre-emptively, through detention or banishment from public life for up to a year, based solely on the fact that a person has, at some point, merely been accused of an offence. Recently, the Supreme Court in January 2026, in the case of [Roshini Devi vs The State Of Telangana](#), struck down a preventive detention order passed on the basis of three past cases under various sections of NDPS, citing the accused as a public order concern. On a similar logic, the basis of declaring someone a goonda for the purposes of externment or detention based on past charges, is contrary to the Supreme Court's decision.

It's worth noting that the state Goonda Acts of the 1970s (such as the UP and Rajasthan Acts, on which the WB Goonda Act is modelled) while providing for externment, also provided for a right to counsel so that the accused could defend themselves against an externment order. The **WB Act explicitly takes away this right from the accused**. There is no judicial review of the externment provisions and the only appellate authority is the state government which passed the order of externment in the first place- a classic case of being a judge in one's own case.

Additionally, the law allows a goonda to be defined **based on general reputation of being 'desperate and dangerous to the community'**, which requires no accusation at all, making reputation, not any judicial determination of the criminality of the act actually committed, the operative basis for deprivation of liberties. It effectively allows the police to implicate anybody and makes political targeting permissible in the letter of the law itself. Besides an obvious violation of constitutional right to personal liberty and freedom of movement, the reputation-based determination of legal action, also infringes upon a person's right to reputation.

3. **Further erosion of due process in securing detention:** The **WB Goonda Act replicates the NSA's core architecture and in doing so reproduces the deprivations and due-process violations already inherent in NSA**, i.e., detention without trial for up to a year, with no formal charge being brought against the person; non-disclosure of grounds of arrest for days; the removal of any right to be represented by a legal practitioner; order of detention being valid even if some of its grounds are vague; among others. Many of these provisions are part of the constitutional scheme itself, wherein Article 22(3)-(7) carves out preventive detention as an exception to the ordinary rule of law guarantees of Article 22(1)-(2), which has shielded the NSA from being struck down as unconstitutional despite clear violations of due process. Similarly, the WB Act allows for detention by state officials for up to 15 days even without the approval of the state government.

While the provisions of NSA are themselves egregious given that they ensure detention up to a year merely based on suspicion, the **WB Goonda Act goes a step further as it does not merely inherit the NSA's constitutionally-sanctioned deprivations, but enhances the detention regime** (see Table 5). Under the WB Goonda Act, the Advisory Board has nine weeks to decide on the detention compared to seven weeks ordinarily provided under NSA, which means that a sweeping nine weeks of detention is possible even if the Advisory Board is to nullify the detention order later. Under NSA, the fresh detention order once the previous one is revoked, can extend to a maximum of 12 months, while the WB Goonda Act omits the clause on the capping of the fresh detention period, after the revocation of the original detention order. This is a deliberate gaping hole which can potentially lead to prolonged detention. The penalty for absconding once a detention order has been passed is one year of imprisonment with or without fine under NSA, which increases to two years with or without fine under

WB Goonda Act. Unlike NSA, where only a single offence related to absconding is made cognizable, under the WB Act, every offence is a cognizable and non-bailable offence. Beyond these comparisons is the fact that WB Act also adds layers of coercive powers through externment, a standalone harbouring offence, and an independent search-seizure-disposal of property clause, which are not there in the NSA. The other preventive detention laws passed in the states in the 1980s such as Gujarat, Karnataka, AP, etc. included a **non-obstante bar on the parallel use of NSA**. It meant that NSA could not be used for preventive detention of categories of persons identified under the state laws. The WB Act does away with the clause making someone vulnerable to preventive detention as a security threat under NSA and equally as a public safety threat as a ‘goonda’ under the WB Act.

Table 5: NSA and WB Goonda Act- increasing ambit and coercive reach

Power/Offence	NSA	WB Act
Penalty for absconding a detention order	1 year imprisonment with/without fine	2 years imprisonment with/without fine
Time Window for Advisory Board to decide on detention	7 weeks ordinarily	9 weeks
Capping of fresh detention orders after revocation of the original one	12 months	No outer limit mentioned
Externment/ reporting of movement	No powers	Up to 1 year, no judicial review of the decision
Harbour/conceal	No powers	Imprisonment up to 2 years
Search-seizure-disposal of property	No powers	State official entitled

Conclusion

The two laws put together do not construct a new coercive structure, instead, work as a catch-all structure in the truest sense. The WB 2026 Goonda Act reaches back across a century of Indian statutes, to appropriate coercive powers so far kept segregated under different legislation, and combines them in a manner that is sinister. Detention modelled on the NSA, externment modelled on Bengal's own 1923 Act, harbouring-related offence, and search, seizure and attachment powers drawn from the anti-terror law UAPA and the special public safety acts of the various states such as Chhattisgarh and Maharashtra, make it a complete package of repressive apparatuses. This report has demonstrated how the scheming combination of provisions results in a kind of fusion which is far more totalising than any of its predecessor state statutes. This fusion is made possible by definitions such as ‘anti-social activity’ and ‘goonda’- broad and circular enough to sweep in ordinary protest, criticism, and dissent alongside genuine criminality, hence a classic case of an overbroad law, which alone should be enough to challenge its constitutional validity. And perhaps as the single most fresh

repressive technique, it makes past accusations a basis for detention as it makes prior charge-sheet in which an accused has been implicated, rather than a conviction, one of the ways of being identified as a goonda. It is compounded by the absence of some of the safeguards that previous statutes retained- no cap on successive detention orders, no independent appellate body for externment, no requirement that a search be justified in writing. In a political context, where dissenting voices are constantly under threat the apprehension is real that the Act will be used arbitrarily against individuals and groups that are targets of popular prejudice, entirely unsubstantiated by evidence.

The 2026 amendment to the Public Order Act on the other hand, following from the recently enacted property-damage-compensation laws passed by BJP ruled states in the last decade, allows property to be attached and auctioned on suspicion alone. Financial liability for unrest is assigned to organisers and mere supporters through a Commission whose findings cannot be challenged in a court. Property attached or auctioned is rarely just an asset, it is often a family's home, its only land, or the tools of its livelihood, and its loss can outlast any sentence served or order revoked. Once seized on mere suspicion and sold before guilt is ever established, it leaves entire households to bear a punishment that no court has awarded.

The two enactments together give the West Bengal government a coercive apparatus that reaches further into ordinary civic and political life. The end result is a regime capable of proscribing a person not merely through deprivation of liberty, such as detention, externment or imprisonment, but also through the implication of their family and property in a manner that entire households, and potentially entire communities identified as politically inconvenient, can find their lives upended even without a conviction through a judicial trial.

Additionally, the inclusion of provisions that directly impact the fundamental freedoms in a Goonda Act serves a subliminal purpose. Detention under the NSA is still acknowledged as a political charge, where a person held under the NSA, in the public imagination still figures as a political actor. Being branded a 'goonda' by contrast, carries no such political recognition. It is a term of ordinary criminal delegitimization that strips its target of any standing as a political actor before the question of guilt is even reached. A protestor, an organiser, or a journalist detained under this Act is not likely to be viewed as someone the state disagrees with, or targets, but as someone the public should simply regard as a criminal. This is what makes the 'goonda' label especially suited to converting political dissent into a matter of ordinary law and order.

PUDR demands:

The repeal of the West Bengal Public Safety and Control of Anti-Social Activities Act, 2026, and the West Bengal Maintenance of Public Order (Amendment) Act, 2026.