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PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL**LAW DEPARTMENT****Legislative****NOTIFICATION**

No. 564-L.—24th June, 2026.—The Governor having been pleased to order, under rule 66 of the Rules of

Procedure and Conduct of Business in the West Bengal Legislative Assembly, the publication of the following Bill, together with the Statement of Objects and Reasons and the Financial Memorandum which accompany it, in the *Kolkata Gazette*, the Bill, the Statement of Objects and Reasons and the Financial Memorandum are accordingly hereby published for general information:—

Bill No. 13 of 2026**THE WEST BENGAL MAINTENANCE OF PUBLIC ORDER
(AMENDMENT) BILL, 2026.****A
BILL**

to amend the West Bengal Maintenance of Public Order Act, 1972.

WHEREAS it is expedient to amend the West Bengal Maintenance of Public Order Act, 1972, for the purposes and in the manner hereinafter appearing;

West Ben. Act IX
of 1972.

It is hereby enacted in the Seventy-seventh Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title, extent
and
commencement.

1. (1) This Act may be called the West Bengal Maintenance of Public Order (Amendment) Act, 2026.

(2) It extends to the whole of West Bengal.

(3) It shall come into force at once.

*The West Bengal Maintenance of Public Order
(Amendment) Bill, 2026.
(Clauses 2, 3.)*

Amendment of
section 2 of
West Ben. Act IX
of 1972.

2. In section 2 of the West Bengal Maintenance of Public Order Act, 1972 (hereinafter referred to as the principal Act),—

(i) clause (a) shall be renumbered as clause (a3) and before clause (a3), so renumbered, the following clauses shall be inserted:—

‘(a) “Claims Commissioner” means an officer not below the rank of Additional District Magistrate as designated by the State Government;

(a1) “Claims Commission” means a claims Commission constituted under this Act;

(a2) “Damage” means destruction, defacement, loss or impairment of value, caused by any act or omission by any person to another person or property thereof;’;

(ii) after clause (b), the following clause shall be inserted:—

‘(b1) “Mischief” shall have the same meaning as assigned in sub-section (1) of section 324 of the Bharatiya Nyaya Sanhita, 2023;’;

45 of 2023.

(iii) after clause (c), the following clause shall be inserted:—

‘(c1) “Person” shall have the same meaning as assigned in clause (26) of section 2 of the Bharatiya Nyaya Sanhita, 2023;

(iv) after clause (d), the following clause shall be inserted:—

‘(d1) “Private property” means any movable or immovable property, not being public property, which is owned by or in the lawful possession of any person, and includes property belonging to or held by any individual, company, firm, association of persons, society, trust, waqf or any other body of persons, whether incorporated or not;’;

(v) after clause (e), the following clause shall be inserted:—

‘(e1) “Public property” means any property, whether movable or immovable and includes any machinery which is owned by, or in the possession of, or under the control of :—

(I) Central Government; or

(II) the State Government; or

(III) any local authority; or

(IV) any corporation or a company as defined in the Companies Act, 2013, established by, or under, an Act of Parliament or a State Act; or

18 of 2013.

(V) any institution, concern or undertaking which the State Government may, by notification in the *Official Gazette*, specify in this behalf:

Provided that the State Government, shall not specify any other institution, concern or undertaking under this sub-clause unless such institution, concern or undertaking is financed wholly or substantially by funds provided directly or indirectly by the State Government or any other State Government or partially by the State Government and partially by the Central Government or any other State Government.’.

Substitution of
new Chapters for
Chapter IVA.

3. For Chapter IVA of the principal Act, the following Chapters shall be substituted: —

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

(Clause 3.)

“CHAPTER IVA

FILING OF CLAIM PETITION

Claim petitions in
respect of public
property.

15A. Where any damage to public property is caused as a result of an act of sabotage punishable under section 8 of this Act, or any act constituting mischief under the Bharatiya Nyaya Sanhita, 2023, or an offence under the Prevention of Damage to Public Property Act, 1984, committed in the course of any unlawful assembly, riot, public commotion, protest or other disturbance affecting public order, the authority or officer in charge of, or exercising control over, such property, including, in the case of a public sector undertaking, the Chief Executive or any officer duly authorised in this behalf, shall, without delay, submit to the District Magistrate or the Commissioner of Police, as the case may be, a report containing particulars of the damage and the estimated loss, together with such supporting documents as may be available.

45 of 2023.
3 of 1984.

On the basis of such report and the report of the concerned Deputy Superintendent of Police, as the case may be, or Assistant Commissioner of Police, based *inter alia* on the First Information Report and other material collected during enquiry, the District Magistrate or the Commissioner of Police shall, without delay, initiate proceedings by filing a claim petition before the Claims Commission for recovery of compensation:

Provided that such claim petition shall ordinarily be filed within three months from the date of occurrence of the damage.

Review and
monitoring of
claim
proceedings.

15B. The District Magistrate or the Commissioner of Police, as the case may be, shall periodically review all incidents involving damage to public property to ensure timely initiation of proceedings under section 15A and shall monitor the progress and effective conduct of claim petitions instituted under this Chapter. A consolidated quarterly report on the status of such cases, including incidents identified, claim petitions filed, compensation awarded and amounts recovered, shall be submitted to the State Government in such form and manner as may be prescribed.

Claim petitions in
respect of private
property.

15C. Where private property is damaged in the same incident in respect of which proceedings may be instituted under section 15A, the owner of such property, or any person in lawful possession thereof, or any person duly authorised by such owner or person, may institute a claim petition before the Claims Commission for compensation on the basis of such material as may be available, including any record or information obtained in the prescribed manner.

CHAPTER IVB

CONSTITUTION, FUNCTION AND POWERS OF CLAIMS
COMMISSION

Constitution of
Claims
Commissions.

15D. (1) The State Government may, by notification in the *Official Gazette*, constitute one or more Claims Commission for such area or areas as may be specified in the notification for the purpose of adjudicating claims for compensation in respect of damage to any public property or private property, or both, and for performing the functions assigned to such Commissions under this Chapter.

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

(Clause 3.)

(2) A Claims Commission shall consist of such number of Members as the State Government may deem fit to appoint and, where a Claims Commission consists of two or more Members, one of them shall be appointed as the Chairperson.

(3) No person shall be qualified for appointment as the Chairperson or a Member of a Claims Commission unless he possesses the following qualifications, namely:—

- (a) in the case of the Chairperson, he has been a District Judge; and
- (b) in the case of a Member, he is an officer of the State Government not below the rank of Deputy Secretary.

(4) Where two or more Claims Commissions are constituted for any area, the State Government may, by general or special order, regulate the distribution of business among such Commissions.

Functions and
powers of the
Claims
Commission.

15E. (1) It shall be the duty of the Claims Commission to inquire into and determine the extent of damage caused to any public property or private property in relation to claims made under this Act and to award such compensation as it deems just and proper.

(2) The Claims Commission may, if it considers it necessary, appoint a Claims Commissioner to estimate the damage, investigate the liability of the persons concerned and assist the Commission in the conduct of the inquiry.

(3) The Claims Commission may, for the purposes of assessment and valuation of damage, engage one or more Assessors (including Valuers), possessing such technical or professional qualifications as may be prescribed, from a panel prepared, maintained or approved by the State Government, and may utilise such Assessors on a district-wise basis, as may be required, to assist the Commission in determining the extent of loss or damage:

Provided that where such panel is not available or where the Commission considers it necessary in the interest of expeditious disposal of the claim, it may engage any suitably qualified person, including officers of Government departments or local authorities, having relevant technical expertise.

(4) The remuneration payable to the Claims Commissioner and the Assessors engaged under sub-sections (2) and (3) shall be such as may be determined by the State Government.

(5) The Claims Commissioner and the Assessors may, with the prior approval of the Claims Commission, require the production of any video recording, photograph, electronic record or other relevant material from public or private sources for the purpose of assessing the extent of damage and establishing the nexus between the incident and the persons responsible therefor.

(6) The Claims Commissioner shall submit his report to the Claims Commission within a period of thirty days from the date of his appointment or within such extended period as the Claims Commission may, for reasons to be recorded in writing, allow.

(7) After considering the report of the Claims Commissioner, if any, and after giving the parties a reasonable opportunity of being heard, the Claims Commission shall determine the liability and pass such award as it deems fit.

(8) The Claims Commission may, subject to the provisions of this Act and the rules made thereunder, follow such summary procedure as it considers appropriate.

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

(Clause 3.)

(9) The Claims Commission shall have, for the purposes of discharging its functions under this Act, all the powers of a Civil Court under the Code of Civil Procedure, 1908, in respect of taking evidence on oath, enforcing the attendance of witnesses, compelling the discovery and production of documents and material objects, issuing commissions and such other matters as may be prescribed. 5 of 1908.

(10) The Claims Commission shall be deemed to be a Civil Court for the purposes of section 215 and Chapter XXVI of the Bharatiya Nagarik Suraksha Sanhita, 2023. 46 of 2023.

Application for
compensation.

15F. Every claim petition for compensation under this Chapter shall be filed before the Claims Commission in such form and manner and accompanied by such fee as may be prescribed:

Provided that a claim petition may be presented by the claimant personally or by an agent duly authorised in writing in this behalf.

Limitation.

15G. Every claim petition shall ordinarily be filed within three years from the date of occurrence of the incident:

Provided that the Claims Commission may, for sufficient cause shown, entertain a claim petition after the expiry of the said period.

Respondents.

15H. (1) In a claim petition, the claimant shall implead as respondents all persons who, to the best of his knowledge, are responsible for the damage, including persons who committed, instigated, incited, abetted, organised or sponsored the acts giving rise to the claim, and any person named in the police report or identified during the inquiry.

(2) The Claims Commission shall send to each respondent a copy of the claim petition together with a notice specifying the date on which the claim petition shall be heard.

(3) The respondent shall, on or before the first date of hearing or within such further time as the Claims Commission may allow, but not exceeding thirty days from the date of service of notice, file a written statement dealing with the allegations made in the claim petition.

(4) Where any respondent fails to appear despite due service of notice, the Claims Commission may proceed ex parte against such respondent.

(5) The Claims Commission may, for reasons to be recorded in writing, order interim attachment of such movable or immovable property of the respondent as may be necessary to secure the claim.

Procedure and
evidence.

15I. The Claims Commission shall decide the claim in accordance with the principles of natural justice and may receive evidence on oath and summon any witness or document necessary for the just determination of the claim:

Provided that in respect of any matter relating to procedure before the Claims Commission for which no provision is made in this Chapter or the rules made thereunder, the provisions of the Code of Civil Procedure, 1908 shall apply, so far as may be, to such proceedings. 5 of 1908.

Local inspection.

15J. The Claims Commission may, at any stage of the proceedings and after due notice to the parties, inspect the site of the incident or any other place, property or thing which, in its opinion, is necessary for the proper adjudication of the claim.

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

(Clause 3.)

Adjournments.

15K. The Claims Commission may, for reasons to be recorded in writing, adjourn the hearing from time to time:

Provided that no party shall ordinarily be granted more than three adjournments:

Provided further that the Claims Commission shall decide every claim petition as expeditiously as possible and, in any case, within one year from the date of framing of issues.

Appearance
through legal
practitioner.

15L. The Claims Commission may permit any party to appear and be represented by a legal practitioner.

Award of
compensation.

15M. (1) The Claims Commission shall record its findings on each issue and the reasons therefor and shall make an award specifying—

- (a) the amount of compensation payable;
- (b) the person or persons liable, whether jointly or severally; and
- (c) the person or persons to whom the compensation shall be paid:

Provided that the Claims Commission may, for reasons to be recorded in writing, award “exemplary damages” not exceeding twice the amount of compensation liable to be paid:

Provided further that in the case of a claim relating to damage to private property, any amount already paid to the claimant by the State Government, the Central Government, an insurer or any other agency in respect of the same loss shall be adjusted against the amount awarded:

Provided also that compensation for damage to property shall not be less than the market value of the property on the date of the incident.

(2) Where compensation is awarded to two or more persons, the Claims Commission shall specify the amount payable to each such person.

(3) The Claims Commission may, for reasons to be recorded in writing, order attachment of such movable or immovable property of the respondent as may be necessary to secure recovery of the amount awarded and may issue such further directions, including intimation to the appropriate revenue or registering authorities, as may be necessary for effective execution of the award.

(4) The Claims Commission may make such orders regarding costs and expenses as it deems fit.

(5) Every person liable under the award shall deposit the amount awarded within thirty days from the date of the award or within such further time as the Claims Commission may allow.

Award of interest.

15N. Where a claim is allowed, the Claims Commission may direct that, in addition to the amount of compensation, simple interest shall be paid at such rate and from such date, not earlier than the date of filing of the claim petition, as it may specify.

Principles for
assessment of
liability.

15O. (1) The principle of strict liability shall apply once the nexus between the incident and the damage to property is established.

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

(Clause 3.)

(2) Liability may be imposed upon the actual perpetrators and upon persons who instigated, incited, abetted, organised, sponsored or harboured the perpetrators of the acts giving rise to the damage.

(3) Damages may include—

- (a) damage to public property;
- (b) damage to private property; and
- (c) the cost reasonably incurred by the authorities in taking preventive, protective and remedial measures in connection with the incident.

Finality of award. **15P.** Every award passed by the Claims Commission shall be final, and no appeal shall lie against such award before any court.

Recovery of amount. **15Q.** Where any amount is due under an award, the Claims Commission may issue a certificate to the Collector, who shall recover the same as an arrear of land revenue; and for this purpose, the amount shall be deemed to be a public demand within the meaning of the Bengal Public Demands Recovery Act, 1913, and the provisions of the said Act shall apply accordingly.

Ben. Act III of
1913.

Bar of jurisdiction of Civil Courts. **15R.** Where a Claims Commission has been constituted for any area, no Civil Court shall have jurisdiction to entertain any matter which the Claims Commission is empowered to determine under this Chapter, and no injunction shall be granted by any Civil Court in respect of any action taken or proposed to be taken under this Chapter.

Proceedings independent of criminal cases. **15S.** The institution or pendency of any criminal proceeding arising out of the same incident shall not bar or otherwise affect proceedings under this Chapter.

Transfer of pending proceedings. **15T.** All proceedings initiated under sections 15A, 15B and 15C of this Act and pending immediately before the commencement of this Act shall stand transferred to the Claims Commission having jurisdiction under Chapter IVA and shall be dealt with from the stage at which they stood on the date of such transfer, as if they had been instituted under this Act.”.

STATEMENT OF OBJECTS AND REASONS.

Consequent upon certain acts of arson, vandalism and damage of properties in the state of West Bengal resorted to by anti-social elements to destabilise the peaceful environment of the state, it has been considered necessary and expedient to amend the West Bengal Maintenance of Public Order Act, 1972 (West Ben. Act IX of 1972) to impose a payment of compensation on the person/persons committing such offence, to the extent of damage caused to the property and to constitute a Claims Commission for the purpose of adjudicating the claims for compensation in respect of such damage to any public or private property or both and for providing a mechanism to entitle the owner of such private property to file petition before the Claims Commission for determination of compensation for the loss or damage sustained by such act.

2. The Bill has been framed with the above objects in view.

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

FINANCIAL MEMORANDUM.

There is financial implication involved in giving effect to the provisions of this Bill. Necessary budgetary provision shall be made in consultation with the Finance Department to this effect.

KOLKATA,
The 24th June, 2026.

SUVENDU ADHIKARI,
Member-in-charge.

By order of the Governor,

SUBHRADIP MITRA,
*Pr. Secy. to the Govt. of West Bengal,
Law Department.*