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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. 212-L.—25th February, 2016.—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 which accompanies it, in the *Kolkata Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

Bill No. 2 of 2016

**THE WEST BENGAL CORRECTIONAL SERVICES
(AMENDMENT) BILL, 2016.**

**A
BILL**

to amend the West Bengal Correctional Services Act, 1992.

WHEREAS it is expedient to amend the West Bengal Correctional Services Act, 1992, for the purposes and in the manner hereinafter appearing;

West Ben. Act
XXXII of 1992.

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

Short title and
commencement.

1. (1) This Act may be called the West Bengal Correctional Services (Amendment) Act, 2016.

(2) It shall come into force on such date, as the State Government may, by notification on the *Official Gazette*, appoint.

*The West Bengal Correctional Services (Amendment) Bill 2016.**(Clauses 2-6.)*

Amendment of
section 2 of West
Ben. Act XXXII
of 1992.

2. In section 2 of the West Bengal Correctional Services Act, 1992 (hereinafter referred to as the principal Act),—

(1) after clause (a), the following clause shall be inserted:—

‘(aa) “biometric” means measurement and analysis of human body characteristics, such as DNA, fingerprints, eye retinas and irises, voice patterns and hand measurements by which a man or woman may be uniquely identified;’;

(2) in clause (c), for the words “for the time being in force”, the words, figures and letters “for the time being in force and includes any place declared by the State Government as prison under item (i) of clause (b) of section 266 of the Code of Criminal Procedure, 1973,” shall be substituted;

2 of 1974.

(3) after clause (o), the following clause shall be inserted:—

“(p) words and expressions used and not defined in this Act but defined in the Indian Penal Code, 1860, or in the Code of Criminal Procedure, 1973, shall have the same meanings as respectively assigned to them in those Codes.”.

45 of 1860.

Amendment of
section 4.

3. For clause (a) of section 4 of the principal Act, the following clause shall be substituted:—

“(a) to keep in custody the prisoners committed to it under any writ, warrant or an order of any court or other competent authority and to implement the order or sentences in respect of the prisoners passed by any court or other competent authority;”.

Amendment of
section 18.

4. After sub-section (2) of section 18 of the principal Act, the following sub-section shall be inserted:—

“(2A) Every prisoner or person received in a correctional home for detention under sub-section (1), shall undergo such physical and biometric identification measurements as may be directed by the State Government and the procedure for recording, preserving and sharing of such measurements shall be in the manner as may be notified by the State Government.”.

Amendment of
section 69.

5. In section 69 of the principal Act,—

(1) in sub-section (1),—

(a) for the words “attained the age of five years”, the words “attained the age of six years” shall be substituted;

(b) for the words “attains age five years”, the words “attains the age of six years” shall be substituted;

(2) in sub-section (2), for the words “attains the age of five years”, the words “attains the age of six years” shall be substituted.

Amendment of
section 88.

6. In section 88 of the principal Act,—

(1) for sub-section (2), the following sub-section shall be substituted:—

“(2) The open correctional homes established under sub-section (1), shall be classified as ‘A’ type, ‘B’ type and ‘C’ type correctional homes in accordance with the provisions of sub-section (3).”;

*The West Bengal Correctional Services (Amendment) Bill 2016.**(Clause 7.)*

(2) for sub-section (3), the following sub-section shall be substituted:—

“(3) The classification of open correctional homes as ‘A’ type, ‘B’ type or ‘C’ type, and their operation, shall be such as may be notified by the State Government.”.

Amendment of
section 91.

7. In clause (c) of sub-section (1) of section 91 of the principal Act, for the words and figure “for selling of goods produced by him and to come back within 7 p.m.”, the words “for selling of goods produced by him” shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

It is considered necessary and expedient to amend the West Bengal Correctional Services Act, 1992, by way of—

- (a) inserting new clause (aa) with a view to defining the word “biometric”;
- (b) substituting sub-section (a) of section 4 for making statutory provisions relating to certain other functions of correctional homes such as implementing the sentences passed by the court or authority, after care services, court production in certain cases, transit and other means of execution of sentences a prison apart from normal function of keeping prisoner in custody;
- (c) inserting new sub-section after sub-section (2) of section 18 in order to identify a prisoner by biometric method, for reducing human errors in identifying a prisoner as well as finding particulars of a prisoner;
- (d) amending section 69 in order to allowing a female prisoner who is arrested in a criminal charge and has a child to retain the child with herself till the child attains the age of six years instead of five years;
- (e) amending sections 88 and 91 for efficient and fruitful functioning of the open correctional homes to enable the inmates to live in and return to the society as reformed and responsible citizens.

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

3. There is no financial implication involved in the Bill.

KOLKATA,
The 24th February, 2016.

HAIDER AZIZ SAFWI,
Member-in-charge.

By order of the Governor.

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