

The



Kolkata Gazette

Extraordinary
Published by Authority

ASADHA 11]

MONDAY, JULY 2, 2018

[SAKA 1940]

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. 1001-L.— 2nd July, 2018.—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. 13 of 2018

**THE WEST BENGAL CORRECTIONAL SERVICES
(AMENDMENT) BILL, 2018.**

**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-ninth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal Correctional Services (Amendment) Act, 2018.

*The West Bengal Correctional Services
(Amendment) Bill, 2018.*

(Clauses 2-4.)

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

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

‘(oa) “wireless communication device” includes mobile phone, wi-fi for personal computer, tablet, personal computer, computer, laptop, palmtop and their use for communication like verbal, internet, General Packet Radio Service (GPRS), e-mail, Short Message Service (SMS), Multimedia Message Service (MMS) or any such device which is available for similar purposes;’.

Amendment of
section 81.

3. After section 81 of the principal Act, the following section shall be inserted:—

“Prohibition of
possession of
wireless
communication
device and
punishment
thereof.

81A. (1) Notwithstanding anything contained elsewhere in the Act, if any prisoner in a correctional home is found guilty of possessing, operating or using any wireless communication device or its components like SIM card, memory card, battery or charger or any other component of such device or if the prisoner wilfully participates or connives entry into or dispatch from the correctional home or instigates the supply thereof, he shall be punished with imprisonment for a period which may extend to three years or with fine or with both.

(2) The offence committed under sub-section (1), shall be cognizable and shall be triable by the court of the Magistrate of first class.

(3) If the prisoner is found using the wireless communication device for attempting, abetting, conspiring or committing an offence inside or outside the correctional home and as a consequence thereof an offence is committed, he shall be punished with imprisonment provided in the Indian Penal Code, 1860, for the offence so committed.

45 of 1860.

(4) The prisoner shall undergo the sentence awarded under sub-section (1) or sub-section (2) after the completion of the sentence already undergoing.”.

Amendment of
section 83.

4. In sub-section (3) of section 83 of the principal Act, for the words “or of any prohibited article”, the words “or of any prohibited article or of any wireless communication device” shall be substituted.

*The West Bengal Correctional Services
(Amendment) Bill, 2018.*

STATEMENT OF OBJECTS AND REASONS.

It has been felt necessary to curb the menace of uncontrolled usage of cell phones in the correctional homes by the prisoners. For this purpose, it is considered necessary to make amendments in the West Bengal Correctional Services Act, 1992 (West Ben. Act XXXII of 1992) (hereinafter referred to as the said Act), by way of—

- (a) inserting a new clause after clause (o) of section 2 for the purpose of defining the expression “wireless communication device”;
- (b) inserting a new section after section 81 for the purpose of making enabling penal provision relating to prohibition of possession of wireless communication device and punishment thereof;
- (c) substituting the expression “or of any prohibited article” with the expression “or of any prohibited article or of any wireless communication device” for the purpose of making liable to the officers employed in correctional home for the said offence.

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

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

KOLKATA,
The 27th June, 2018.

UJJAL BISWAS,
Member-in-Charge.

By order of the Governor,
SANDIP KUMAR RAY CHAUDHURI,
*Secy. to the Govt. of West Bengal,
Law Department.*