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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 444-L.—20th May, 2016.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act IV of 2016

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

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Kolkata Gazette*,
Extraordinary, of the 20th May, 2016.]

An Act 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) Act, 2016.**(Sections 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) Act, 2016.**(Section 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.

By order of the Governor,

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