

WEST BENGAL HUMAN RIGHTS COMMISSION

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Eastern and Central Region Consultation for Third Universal Periodic Review

Brief Description of the Issues dealt by the
West Bengal Human Rights Commission
from the period 2012-13 to 2014-15

Years	Complain ts Received	Admitted Cases	Rejected Cases	Custodial Deaths			No. of Recomm- endation cases	No. of points in the Recomm- endations
				P.C	J.C	Total		
2012-13	9415	3803	5612	3	81	84	32	75
2013-14	9998	2905	7093	8	89	97	14	33
2014-15	7154	1342	5812	7	90	97	12	34

2012-13

During this period **32 recommendations** were passed by the Commission. Among the various types of cases dealt with by the Commission, one of the cases was a **recommendation for State Amendment of Sec. 354 of IPC**. In the said case the Commission took cognizance of the unfortunate trend in escalation of a number of offences against women in West Bengal as reported in the media. The statistics in respect of crime against women under Sec. 354 IPC in West Bengal as published by NCRB, New Delhi was taken into consideration. The report showed a huge rise in such cases in the year 2011 since 1990. The Commission considering the State Amendment of Sec. 354 IPC made by the state of Andhra Pradesh and Orissa mandating higher punishment and making the offence non-bailable and also considering the 84th Report (1980) and 156th Report (1997) of the law Commission of India, which recommended regarding the said Law, by words "commit sexual assault on her" and also recommended enhancing the sentence from 2 years to 5 years..... made the following recommendation:

[In exercise of its power under Sec. 12 (d) of the Protection of Human Rights Act, 1993 the Commission recommends that the State Government may amend the provision of Section 354 of Indian Penal Code and the first schedule of the Code of Criminal Procedure 1973 as follows:

“For Section 354, the following section shall be substituted, namely –
 Sec. 354 Cr.PC. - Assault or criminal force to woman with intent to outrage her modesty. – Whoever assaults or uses criminal force to any woman intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment of either description for a term which may be less than five years.

In the First Schedule to the Code of Criminal Procedure, 1973 in the entry under column 5 relating to section 354 of the Indian Penal Code 1880 for the word ‘bailable’ the word ‘non-bailable’ shall be substituted.”

The Commission feels that such amendments will result in effective implementation of the protection of human rights of women.

The Commission is also of the opinion that by carrying out the aforesaid amendments the State Government will pay befitting tributes to the memory and teachings of Rabindra Nath Tagore and Swami Vivekananda who sesquicentennial celebrations are now observed all over the world.]

The whole recommendation is also given below:

WEST BENGAL HUMAN RIGHTS COMMISSION
 File No. 81/WBHRC/COM/2012-13

P r e s e n t

1. Mr. Justice Asok Kumar Ganguly - Chairperson
2. Mr. Justice N.C. Sil - Member
3. Mr. S.N. Roy - Member

- (1) The Commission notices that unfortunately the recent trend is of escalation of the number of offences against women in West Bengal which is widely reported in the print and electronic media. The statistics about crime against women under Section 354

IPC in West Bengal as published by NCRB, New Delhi demonstrate it clearly. The relevant figures are :

Statistics of Molestation Cases (U/S 354 IPC)

Year West Bengal
(including Kolkata)

2011	3320
2010	2465
2009	1942
2008	2396
2007	2281
2006	1837
2005	1572
2004	1566
2003	1186
2002	964
2001	954
2000	1057
1999	1200
1998	1243
1997	1277
1996	1486
1995	1314
1994	1295
1993	1074
1992	384
1991	353
1990	357

Source: Crime in India, published by NCRB, New Delhi

(2) It is clear from those figures that from 1990, crime against women has gone up ten times. This is alarming.

(3) The Commission is aware that Bengal has a glorious tradition of protecting women's honour and dignity. The social movement against the burning of Sati and in favour of remarriage of widows started in Bengal much before our Constitution enshrined individual dignity as one of its core values. Such social movements in Bengal led to better protection of women's right all over the country.

(4) Section 354 of the IPC which deals with assault or use of criminal force on a woman with intent to outrage her modesty is an offence

punishable with two years of imprisonment of either description or fine or both. The offence is cognizable but is bailable under the First Schedule to the Cr.P.C.

(5) The Commission is of the opinion that this spate of violence against women in recent times calls for a review of present state of law in Section 354 IPC as the same is not an effective deterrent in respect of offence against women. The Commission feels so for the following reasons :

(a) Considering the state of Law in Section 354 IPC, State of Andhra Pradesh and the State of Orissa have already introduced , in 1991 and 1995 respectively, state amendments to Section 354 IPC and to first schedule of the Code of Criminal Procedure 1973 thereby mandating higher punishment and making the offence non-bailable. The texts of the same amendments are enclosed and marked „A“ and „B“.

(b) The Commission firmly is of the view that the State of West Bengal, having regard to its glorious tradition of protecting women's honour, should bring about, amendments to make Section 354 of IPC more compatible with Human Rights norms.

(c) The Law Commission of India in its 84 th Report (1980) and 156 th report (1997) recommended redrafting of the said law by adding words "to commit sexual assault on her" to the definition of the offence of outraging of modesty and recommended enhancing the sentence from two years to five years.

(d) The recommendations of the Law Commission in its 156 Th report (1997) about amending Section 354 IPC are as under :

Section 354. Assault or criminal force to woman with intent to outrage her modesty. - whoever assaults or uses criminal force to any woman, intending to outrage her modesty or to commit sexual assault to her or knowing it to be likely that he will thereby outrage her modesty or commit sexual assault to her, shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine.

(e) In England for the almost similar offence of "indecent assault" under Section 14 of Sexual offences Act.1956, the punishment is two years. Glanville Williams, the noted jurist in his Text book of Criminal Law (Section Edition) criticized the inadequacy of this provision as follows:

" By the Sexual offences Act.Sec.14(1) and Section (2) as amended, an indecent assault" by any person (man or woman) on a woman is an indictable offence and is punishable with two years imprisonment (be raised to five years) if the offence is committed against a girl under thirteen
The maximum is fully adequate for consensual acts but inadequate for free sexual assaults when the act is of a serious kind and the offender presents a considerable danger to the public".

(f) In our country also in many cases where „rape“ as defined under Section 375 IPC is not proved, but sexual assault or outraging of modesty is proved, the Court, even if it convicts the perpetrator under Section 354 of IPC has to let him off with a very minor punishment. This is causing a great social imbalance and injustice to the victim.

6. Therefore, the Commission, in view of compelling reasons, discussed above, recommends as follows :-In exercise of its power under Sec. 12(d) of the Protection of Human Rights Act, 1993 the Commission recommends that the State Government may amend the provision of Section 354 of Indian Penal Code and the first schedule of the Code of Criminal Procedure 1973 as follows:

"For section 354, the following section shall be substituted, namely –

354. Assault or criminal force to woman with intent to outrage her modesty. – Whoever assaults or uses criminal force to any woman intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment of either description for a term which may be less than five years.

In the First Schedule to the Code of Criminal Procedure, 1973 in the entry under column 5 relating to section 354 of the Indian Penal Code 1880 for the word „bailable“ the word „nonbailable“ shall be substituted.”

7. The Commission feels that such amendments will result in effective implementation of the protection of human rights of women.

8. The Commission is also of the opinion that by carrying out the aforesaid amendments the State Government will pay befitting tributes to the memory and teachings of Rabindra Nath Tagore and Swami Vivekananda whose sesquicentennial celebrations are now observed all over the world.

sd/- (S.N. Roy) Member	sd/- (Justice N.C. Sil) Member	sd/- (Asok Kumar Ganguly) Chairperson
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Dated : Kolkata, the 20th April, 2012

Appendix „A“

Amendment by the State of Andhra Pradesh vide Andhra Pradesh Act 6 of 1991.

354. Assault or criminal force to woman with intent to outrage her modesty. – Whoever assaults or uses criminal force to any woman intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years and shall also be liable to fine.

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment of either description for a term which may be less than five years but which shall not be less than two years.

Appendix „B“

Amendment by the State of Orissa vide Orissa Act 6 1995, Sec. 3 (w.e.f. 10-3-1995)

In the First Schedule to the Code of Criminal Procedure, 1973 in the entry under column 5 relating to section 354 of the Indian Penal Code 1880 for the word „bailable“ the word „non bailable“ shall be substituted.

Comments of the State Government will be uploaded as and when received.

Sd/- (20/04/2012)
(J. Sundara Sekhar)
Secretary & CEO

Various types of cases were dealt with by the Commission including cases of illegal detention, police inaction, abuse of power by authorities and various departments like Health, Pension, etc.

Suo-motu cognizance on media reports were also taken by the Commission other than dealing with **9415 petitions of complaints** filed before the Commission.

Cases of medical negligence, visit of Correctional Homes, Detention Homes and giving recommendation for their improvement was passed by the Commission.

Several cases of missing persons and investigation of those cases for recovery of the missing persons was regularly monitored by the Commission.

The Commission also took up the writ petition which were transferred to the Commission by the Hon'ble Calcutta High Court vide Order dated 07.09.2012 being W.P. No. 14949 (W) of 2010 (Mahasweta Devi & another vs. State of West Bengal and others). In view of the Hon'ble High Court's Order, West Bengal Human Rights Commission conducted necessary enquiry and recommended several guidelines for the process of removal of corpses/dead bodies from the site of encounter vide Recommendation dated 20.12.12.

The whole recommendation is given below:-

**WEST BENGAL HUMAN RIGHTS COMMISSION
BHABANI BHAVAN, ALIPORE, KOLKATA-27**

File No. 1331/WBHRC/COM/2012-13

P r e s e n t

1. Mr. Justice Asok Kumar Ganguly - Chairperson
2. Mr. Justice N. C. Sil - Member
3. Shri S. N. Roy - Member

In terms of the Hon'ble Calcutta High Court's order dated 7.9.2012 in W.P. No. 14949(W) of 2010 (Mahesweta Devi & Anothers. -Vs. - State of West Bengal & Ors.), the Hon'ble Court has been pleased to transfer the said Writ Petition to the West Bengal Human Rights for conducting necessary enquiry and for submitting the recommendations to the State of West Bengal, so that the security forces / Police authorities will have guidelines in handling of dead bodies of victims in deaths caused by police encounters.

The Commission considered the matter and took the evidence of Shri Naparajit Mukherjee, IPS, Director General & I.G.P., West Bengal in order to take his suggestions. The Director General & I.G.P., West Bengal in his statement dated 29.11.2012 has indicated the standard operating procedure for removal of corpses.

After due deliberations and consideration of the material on records, the Commission recommends the following guidelines for the process of removal of Corpses / dead bodies from the site of encounter, etc. :-

1. The dead bodies should be treated in a dignified manner relating to the carrying of dead body and cremation thereafter.
2. The concerned police authority while retrieving/ carrying the dead bodies from the site of encounters should arrange mortuary van / trucks / vans, for the transportation of the corpse(s).
3. Where the place of occurrence is not accessible by road, it is difficult to remove the corpses / dead bodies by vehicles. In such cases, arrangement should be made to carry the dead bodies manually.
4. The dead body should be wrapped in a waterproof sheets or plastic sheets.

The duly marked plastic sheets / bags should be arranged,

5. Utmost care and sensitivity should be displayed to pay respect for the bodies so that the treatment meted out to them should be in tune with the standards of civilized society consistent with the Human Rights of the deceased.

The State Government is requested to inform this Commission about the action taken on the basis of the recommendations within a period of two months from the date of communication.

sd/-
(S.N. Roy)
Member

sd/-
(Justice N.C. Sil)
Member

sd/-
(Asok Kumar Ganguly)
Chairperson

Dated: Kolkata, 20th December, 2012.

Comments of the State Government will be uploaded as and when received.

Sd/- (20/12/2012)
(J. Sundara Sekhar)
Secretary & CEO

Another recommendation was passed by the Commission in respect of one intimation given to the Commission by Sri Shyamal Sikdar claiming himself to be the General Secretary, CPDR, W.B. intimating the Commission that 11 persons had been appointed by him under Article 12 (i) of Protection of Human Rights Act of 1993 giving different designations of their posts. The Commission took suo-motu cognizance, conducted an enquiry and passed the following recommendation:-

**WEST BENGAL HUMAN RIGHTS COMMISSION
BHABANI BHAVAN, ALIPORE, KOLKATA-27**

File No. 423/WBHRC/Com/2009-2010

P r e s e n t

1. Mr. Justice Asok Kumar Ganguly - Chairperson
2. Mr. Justice N. C. Sil - Member
3. Mr. S. N. Roy - Member

It appears that one Shyamal Sikdar claiming himself to be a General Secretary, CPDR, West Bengal had sent one intimation to this Commission appointing as many as 11 (eleven) persons under "Article 12(i)" of Protection of Human Rights Act, 1993 giving different designations of their posts. The record shows that on receipt of the said petition, the Commission took cognizance and passed an order dated 15.09.2009 directing the Superintendent of Police, Howrah to cause an immediate enquiry and submit report to the Commission within 2(two) weeks from the date of communication of the order.

2. The matter was enquired by the Dy.S.P.(Town/South), Howrah which was forwarded by the Superintendent of Police, Howrah to the Commission and it appears therefrom that Shayamal Sikdar, the petitioner was expelled from the CPDR 8 years ago and the committee formed by him had no existence.

3. The report, however, goes to show that Shyamal Sikdar intervened into a civil dispute of the Housing Complex owner giving assurance to solve the problem.

4. On receipt of the report, Shri Biswajit Ghosh, Addl. Dy. D.C., Belgharia was asked to depose before this Commission and it appears from his evidence that during enquiry Shyamal Sikdar could not be traced out nor did he take any attempt to enquire about his whereabouts. It is admitted by him that none of the alleged office bearers of the so-called CPDR was examined by him. It is further admitted by him that no case was instituted at the P.S. against Shyamal Sikdar. In view of the intimation sent in a purported letterhead "COMMITTEE FOR PROTECTION OF DEMOCARATIC RIGHTS (C.P.D.R.), WEST BENGAL", the witness was asked some questions and there is an

observation of this Commission as regards the demeanor of the witness which reads as under :-

“The witness keeps silent and mum to each and every question put to him as to why the enquiry was perfunctory and also as to why the 11 persons who are alleged to have been appointed by Shyamal Sikdar were not examined during enquiry. The witness also keeps mum when there was such inordinate delay of about one and a half years in submitting the report to this Commission.”

5. In this connection we would like to mention our observations in the initial order dated 15.09.2009 passed in this file wherein it was mentioned that in the letter of Shyamal Sikdar he appointed several office bearers giving different designations “under Article 12(i) of Protection of Human Rights Act, 1993” and a copy of the said letter was sent to this Superintendent of Police, Howrah and also to the Inspector-in-Charge, Sibpur P.S. There is no Article as “12(i) of Human Rights Act, 1993” empowering any NGO to give any appointment to anybody. Section 12 of the Protection of Human Rights Act deals with the functions of the State and National Human Rights Commissions and there is absolutely no authority of any NGO to deal with such Section giving appointment to any person.

6. The above aspect was overlooked by the D.S.P. Biswajit Ghosh who enquired into the matter and submitted his report to the Superintendent of Police, Howrah. No action was admittedly taken by the Inspector-in-charge of Sibpur P.S. and the Dy.S.P.(Town), Howrah was totally silent in this regard in his report. From the observations of this Commission as regards the demeanor of Biswajit Ghosh it is clear that he had absolutely no answer to the questions that the enquiry report was perfunctory and as to why those alleged 11 persons appointed by Shyamal Sikdar were not examined and also that there was inordinate delay in submitting the report.

7. In view of all above, what has been discussed in the foregoing lines, it is clear that the then Dy. S.P., Howrah Biswajit Ghosh had not discharged his duties properly and as such this Commission recommends that:-

(a) an appropriate caution be given to Shri Biswajit Ghosh to be chary in future so that no perfunctory report is sent by him to the Commission.

8. The Government should intimate the Commission within a period of two months as to the action taken or proposed to be taken in this regard.

sd/-
(S.N. Roy)
Member

sd/-
(Justice N.C. Sil)
Member

sd/-
(Justice Asok Kumar Gan guly)
Chairperson

Dated : Kolkata, 13th July, 2012

2013-14

During this period **14 recommendations** were passed by the Commission. In all **9998 petitions of complaints** were dealt with by the Commission and several visits to Correctional Home, State Welfare Homes were taken up by the Commission. Legal awareness camps were held on regular basis in all districts of West Bengal and also in Correctional Homes. Cases of custodial deaths, police torture, human trafficking, mal practices by quack doctors and cases referred by NHRC were also dealt with by the Commission.

A socio-economic research study of Bidi workers in Jangipur sub division in Murshidabad district of West Bengal was conducted at the instance and the guidance of the Commission. The said recommendation is given below:-

(7)

761/W.B.H.R.C./Com/14-15
Case No. 7/14-15

WEST BENGAL HUMAN RIGHTS COMMISSION

Present

Date : 24/11/2014

1. Mr. Naparajit Mukherjee - Acting Chairperson
2. Mr. M.S. Dwivedy - Member

A socio-economic research oriented study of Bidi workers in Jangipur Subdivision of Murshidabad District of West Bengal conducted by Shri Annappa-E, IPS, Supdt. of Police, W.B.H.R.C., Inspector, Shri B. Roy and Inspector, Shri T.C. Pal both of W.B.H.R.C. at the instance and guidance of the Commission.

The area chosen for the study was certain villages under Suti P.S. and Dhulian Municipality area which falls under Samserganj P.S. The study was conducted on (a) the economic condition, (b) general health and medical facilities, (c) social and educational condition, (d) general living condition and (e) utilisation of child labour in Bidi industry. Thereafter, certain recommendations have been given by the research officers.

Summary of the findings and recommendations are as follows :-

- (i) In the village of Khiderpur Dighi, P.S.Suti it was found that average production per family (consisting six members) is 1500 pcs. per day and wages for production of 1000 pcs. of Bidi is only Rs.100/- much below the minimum wage. Ninety per cent of the household including children and women folk are involved in Bidi rolling. Same situation exist in Dhulian Municipality area.
- (ii) There are three types of Bidi workers viz. Type-I consisting of family of six persons average income Rs.150/- per day per family. The main task of type-I Bidi workers are to roll the Bidis which are given by the agents of various factories locally known as "Munsi". These people have I.D and Provident Fund Cards. If a Bidi Sramik

engaged in packaging and labelling of finished products and are engaged by commission labour agent earning Rs.186/- to Rs.195/- for packaging and labelling of one lac Bidis. They enjoy P.F., Bonus facilities but in some Bidi Factories children are engaged for this type of work violating the provisions against child labour.

(iii) The general health condition is very poor as they have to handle tobacco flakes and tobacco dust thereby damaging the lung condition especially of children and women. There is no separate E.S.I. hospital at Aurangabad for the benefit of Bidi workers although Pataka Bidi Works has started a charitable hospital at Aurangabad. One E.S.I. hospital at Dhulian caters to all labourers of different industries including Bidi. At Tarapur and Nimita (Jangipur Subdivision) Govt. of India established a hospital under Health and Family Welfare Ministry. But there is lack of medical officers and facilities. Hospitals are immediately required for such works.

(iv) For improving the educational facilities there is need for motivating children especially the girl child as they drop out frequently and are married off at the tender age of 16 into Bidi workers family, to provide extra "man power" for Bidi rolling thereby enhancing the income of that family. Similarly, children being employed in Bidi industries are deprived of education.

(v) There is lack of adequate drinking water and they have to depend on tube wells. For washing and other daily needs they have to depend on dirty pond water thereby leading to water borne diseases.

There is one scheme of Labour Department, Govt. of West Bengal vide Labour Department's Resolution No.658-LW/25-02/07 dt.23.08.07 for providing uniform grant of Rs.2500/- per family for electrification of their house. Central Government provide Rs.40,000/- for construction of their house Indira Awas Yojana. A review of implementation of the scheme is required as Bidi workers claim that they are not getting adequate benefits out of such welfare schemes.

2. Extension of non formal education/adult education to the school dropouts and others.
3. Social Security Schemes for education of girl child like Kanyashree Project etc.
4. Access to credit like bank credit and co-operative society credit to the workers/rollers for betterment of livelihood and for alternative employment.
5. To extend the coverage of E.P.F. to all workers/rollers.
6. National Old Age Pension Scheme may be extended to bidi workers with liberalized conditions.
7. To stop child labour, one time lump sum grant may be provided for school fees, uniform etc. to the children of bidi worker families.
8. Increasing health care awareness and free medical check-up camps for bidi workers/rollers at the village level.
9. Establishment of bidi workers co-operative to reduce role of middlemen in bidi industry.
10. Consideration of diversification of employment opportunities as the anti tobacco campaign is going on to ban use of tobacco and tobacco product etc. like employment in food processing industry, goat farming, horticulture and floriculture etc.
11. Strict implementation of Minimum Wages Act.
12. Strict Rules to control harassment and rejection of bidi by contractors/middlemen etc.
13. Formation of S.H.G. for bidi rollers/workers.


(Naparajit Mukherjee)
Acting Chairperson

2014-15

During this period **12 recommendations** were passed by the Commission. In all **7154 petitions of complaints** were dealt with by the Commission. During this period the Commission also dealt with rights of the disabled persons. In one such case Kumari Sargam Chhetri, a student of Loreto College, Kolkata having vision problem was facing harassment in the college by the Principal of the college. The matter was taken up by the Commission and the Human Rights of the student was restored. A copy of the report is given below:-

FILE NO. 1062/WBHRC/COM/2014-2015

COMPLAINT OF SHRI MADHAV CHHETTRI, FATHER OF KUM. SARGAM CHHETTRI, A STUDENT OF LORETO COLLEGE, KOLKATA

On 18.02.15, a complaint was filed by Sri Madhav Chhettri, father of Kum. Sargam Chhettri, (a student of B.A. First Year with Hons. in Education) stating as follows:-

“That Loreto College kindly admitted my daughter knowing fully well about her vision problem. But after one month of her admission the college authorities started pressurizing her for taking a writer for appearing in college as well as in university exams. Also please note that she has attained this stage of her life with vision problem and she did not take the help of a writer in the previous two board exams.

The Principal of the college did not allow her to sit in the Selection Test held on 16.02.2015 as no writer was with her. I personally met the Principal and gave her a letter (a Xerox copy of the letter is enclosed) and only then the Principal allowed her to sit in the exam test.

The head of the ophthalmic dept. of Calcutta National Medical College gave a certificate in his personal writing pad that writer is not required for my daughter. A Xerox copy of the certificate is also enclosed herewith. Your kind action is earnestly requested in this matter.”

The Commission taking cognizance of the case noted as follows:-

“The doctor’s certificate does not prescribe a writer. Decision whether to take a writer or not is a basic human right which can be exercised only by the student when required. Call for a report from the

Principal Secretary, Higher Education Department by 25.03.2015.”

Shri Vivek Kumar, IAS, Principal Secretary, Govt. of West Bengal filed his report before the Commission on 18.03.2015 wherein it has been stated – “the Principal of Loreto College, Kolkata has submitted report to this Department dated 12th March, 2015, in which the Principal has categorically said that “using a writer for a student with visual disability is the prerogative of the student and the college has always supported the student in all possible ways so that the student fares well in her examination. Refusal of assistance of such a writer by the student is the decision the student for which the College can at no point of time be responsible. Whatever was stated to the student and / or her parent was in the form of suggestion for the betterment of the student which has now been made to look like an adverse act of the College in the letter of complaint of the parent. The College has at at no point of time disallowed and/ or stopped the student from appearing in any examination. In fact, we have allowed her extra time keeping in mind her disability. I hope the above explanation is satisfactory and I once more reiterate that the College at no point of time has forced the student to use a writer but has only suggested to her to use a writer for her betterment and welfare.”

The student Kumari Sargam Chhettri and her parent were called to the Department for a hearing. It is learnt from them that Kumari Sargam Chhettri has congenital eye-related problems and she has undergone surgery in both eyes seven times since her birth. Now she has vision only in her right eye and that she reads books / papers, etc. from a distance of 3 inches. However, she does not feel comfortable in taking help of a writer for writing the examination. She has passed both ICSE (class X) and ISC (XII) with good marks without having a writer and she wants to write examination papers including University examination all by herself. Her father Shri Madhav Chhettri has submitted an appeal in writing wherein he has said that her daughter is not willing to take a writer and their appeal is that the situation should normalize fast.”

A copy of the report sent by the Principal of Loreto College, Kolkata dated 12th March, 2015 was enclosed with the report. In the report dated 12th March, 2015 as submitted by Sr. Christine Coutinho, Principal, Loreto College, Kolkata has stated as follows: -

- The College was aware of the visual disability of Sargam Chhettri at the time of admission. She was given admission along with another student with similar disability in July 2014 in B.A. Education Honours. In the light of this, special mentoring was arranged for both the students by

the College. These sessions were taken thrice a week by a Loretor Sister and personal attention was given to both the students.

- After the correction of the answer papers of the Mid-Term Examination held from October 31, 2014 to November 8, 2014, the parents of both students were called to the college. Sargam Chhetri and her parents came to the College in December 2014 as her performance in the examination could have been better. A writer was recommended as the student is intelligent and, in the opinion of the College, a writer would help the student fare better and realise her potential. This was done in the normal course of activities undertaken by the College.
- No communication from the student nor the parent was received by the College after the meeting held in December 2014 (suggesting a writer) – neither in writing nor verbally. This silence was maintained by the student and parent till the 1st day of the Selection Examination (February 16, 2015).
- The student started writing the Selection Examination on February 16, 2015 without a writer which caused confusion. Due to no communication being received from the student nor her parent, a clarification was sought from the parent on February 16, 2015. The father came to the office on February 16, 2015 and misbehaved with the college authorities leaving no place for any discussion. It is pertinent to mention here that keeping in mind the difficulty the student might face without a writer, she was given extra time to complete the examination (the answer script is the College).
- The father and daughter gave an undertaking on February 16, 2015 that no writer would be needed by the student for any examination. The student has not been approached regarding a writer since then. All Selection Examinations have been taken by the student without a writer.
- A copy of the doctor's certificate dated January 20, 2015 was first seen by the College when sent as a scanned copy by e-mail on March 09, 2015 by Mr. Subhra Dey. A hard copy had not been received by the College prior to his date; it was sent from the office of the DPI on March 09, 2015 and by the Additional Secretary, Govt. of West Bengal, by fax on March 11, 2015. It is unfortunate that neither the student nor the parent handed a copy of the said medical certificate to the college prior to the commencement of the Selection Examination, i.e February 16, 2015.
- Using a writer for a student with visual disability is the prerogative of the student and the College has always supported the student in all possible ways so that the student fares well in her examination. Refusal of assistance of such a writer by the student is the decision of the student for which the College

can at no point of time be responsible. Whatever was stated to the student and / or her parent was in the form of suggestion for the betterment of the student which has now been made to look like an adverse act of the College in the letter of complaint of the parent. The College has at no point of time disallowed and / or stopped the student from appearing in any examination. In fact, we have allowed her extra time keeping in mind her disability.

I hope the above explanation is satisfactory and I once more reiterate that the College at no point of time has forced the student to use a writer but has only suggested to her to use a writer for her betterment and welfare.

The Commission being satisfied with the report has sent a letter of appreciation to Sri Vivek Kumar for his good work and sensitive response in a case of this nature.

Accordingly, the Commission has been pleased to file this matter at this stage.

Sd/-
Shampa Dutt (Paul)
Registrar,
WBHRC

On 17th April, 2015 the NHRC organized a national conference on "Eradication of leprosy" in New Delhi. Hon'ble Chairperson (Acting) of West Bengal Human Rights Commission, Shri Napanarajit Mukherjee attended the said conference and sent the following note paper to the State Govt. calling for a report from the concerned department.

Date: 20. 04. 2015

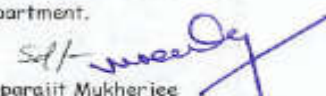
On Friday, the 17th April, 2015, the National Human Rights Commission organized a National Conference on Leprosy on 'Eradication of Leprosy' in New Delhi. The background note paper is enclosed.


1. The National Human Rights Commission emphasized that all the State Human Rights Commission should seek a report from the Government about the implementation of suggestions and recommendations formulated by NHRC during the similar conference held on September 18, 2012. The formulations and recommendations are enclosed as Annexure to the Background Note of N.H.R.C.
2. To summarize, the NHRC in its conference of 2012, suggested that a wide circulation to the principles and guidelines prepared by the Human Rights Council, should be given utmost priority for eradication and discrimination being faced by persons affected by leprosy.
3. It was further emphasized that discriminatory legal provisions like that Hindu Marriage Act, Leprosy Act etc., should be done away by both Central and State Government.

The leprosy affected persons should be given equal civil, political, economic, social and cultural rights. It also suggested that a review be made of the criteria of minimum requirement of 40% disability under the PWD Act, 1995 for persons affected by leprosy to obtain disability certificate.

4. Further, important suggestions were like wide spread awareness programme through FM Radio, street place posture, advertisement in News paper etc. An important suggestion was to dismantle leprosy colonies so that the leprosy affected persons should live a normal life, efforts be made to settle such person in mainstream by allocating lands and housing and also give them pension.
5. Employment in government Sector can be provided as is done in Karnataka where about 130 Group 'D' employees among the leprosy person have been recruited.

In view of the above, a report may kindly be called for from the Principal Secretary, Health and Family Welfare Department and copy of the same may kindly be given to the Addl. Chief Secretary, Home Department for certain actions pertaining to the Home Department.


Noparajit Mukherjee
(Chairman/Action)


17/4/15

Cases of kidney rackets, sexual harassment and prison reforms were also taken up by the Commission.

The Commission by a recommendation dated 17.02.2015 passed the following recommendations in respect of the provisions of the Transplantation of Human Organs Act of 1994. A copy of the said recommendation is given below:-

WEST BENGAL HUMAN RIGHTS COMMISSION

File No. 03/WBHRC/IW/14-15 531/WBHRC/COM/14-15

The Transplantation of Human Organs Act 1994, stands amended by the Transplantation of Human Organs (Amendment) Act 2011 (16 of 2011) and after amendment the title of Act is "The Transplantation of Human Organs and Tissues Act, 1994."

Section 13 of Transplantation of Human Organs Act, 1994 under chapter IV with the heading „Appropriate Authority“ has undergone a radical change by insertion of new sections, i.e., section 13A, 13B, 13C, 13D. The most important feature of this amendment of section 13 is enhancement of the powers of Appropriate Authority. Section 13B vests the power of a civil court trying a suit under the court of civil proceeding in summoning any person and production of any document and issuance of such warrant in the Appropriate Authority.

The Transplantation of Human Organs and Tissues Act, 1994, as amended in 2011 shall come into force in our state from the date of its adoption which is under the active consideration of the Government.

The West Bengal Human Rights Commission has, therefore, examined the legal and factual aspects of one case of kidney donation and transplantation arising from the petition filed on 04. 09.2014 by one Satinath Pal, donor of kidney, according to the provisions of the Act, "The transplantation of Human Organs Act, 1994."

Brief fact of the case as disclosed in the petition filed by the petitioner, Satinath Pal, who is also a donor of kidney, is that he suffered loss in his business of selling clothes to the tune of Rupees 1,50,000. On 08.12.2009, he came across an advertisement published in Bartaman Newspaper that Shri N. C. Bhattacharya, a resident of 1/1, Bye Lane, P.O. Mahesh, P.S. Sreerampur, Dist Hooghly, wants transplantation of left kidney of his son, Shri Subha Ranjan Bhattacharya. The petitioner, Satinath Pal, who was in dire need of money, contacted Shri N. C. Bhattacharya and a deal of donation of kidney in lieu of Rupees 3,00,000 was struck. The transplantation of kidney took place successfully in Belle Vue clinic but Shri Bhattacharya did not pay the full amount. As such the petitioner approached I.C. Sreerampur, P.S. Shri Tathagata Pandey, who intervened and as a result he got Rupees 50,000 from Shri N. C. Bhattacharya in favour of the petitioner. The petitioner, Satinath Pal, by filing a petition has approached the West Bengal Human Rights Commission, for realization of payment of the remaining amount, which is Rs. 2,20,000/- according to him.

On the order of the Commission an enquiry was conducted by the ADG, Investigation wing of the WBHRC, which revealed that Shri Satinath Pal (donor) is non relation of Shri Subha Ranjan Bhattacharya, the recipient of the kidney. The donoation of the kidney has arisen from the financial transaction in gross violation of THO Act, 1994. Further the I.C. Sreerampur, beyond his jurisdiction acted for recovery of some amount of illegal transaction.

This is a case of non-related organ donor and recipient. In such a case the reasons of affection or attachment towards the recipient or any other special reasons must be explicitly shown and before removal or transplantation of organ proper approval from the Authorization Committee must have been obtained. (Section 9(3) TOH Act).

Shri T. N. Bhattacharya, General Manager, Administration of Belle Vue Clinic, wrote to the Director of Medical Education and Chairman of Authorisation Committee and Ex-Officio, Secretary, Department of Health and Family Welfare, Govt. of West Bengal, vide his letter No. Nil dated 21.11.09 for according approval for transplantation of kidney. But the administration of Belle Vue Clinic failed to produce authorization order issued by the Authorization Committee.

The supply of human organs on payment and publishing advertisement inviting members of public to supply organs, both an offence under section 19 of TOH Act.

Scrutiny of necessary provisions of THO Act.

Section 19 of THO Act prohibits commercial dealings in human organs and also advertisement for supply of human organ for payment.

An advertisement was made in the daily newspaper, Bartaman, on 04.07.2009, for donation of kidney and the same runs as follows :-

32

A ,

9830179869 .

This This advertisement has been made cleverly suppressing any kind of financial transaction for donation of kidney.

Section 9 of THO Act lays down that donation of kidney should be made by the near relative of the recipient but exception has been made in sub section (3) of Section 9 of THO Act for donor and recipient not being near relative. In such case it must be specified by the donor that for reasons of affection or attachment towards the recipient or for any other special reasons donation of kidney is made. But removal of kidney and its transplantation cannot be made without the prior approval of the Authorisation Committee.

If Section 19 of THO Act and Section 9 sub Section (3) of THO Act are scrutinized in juxtaposition then it comes out that affection or attachment should be the basis for donation of kidney which cannot be created by way of advertisement in newspaper. Advertisement in this context is invitation to the public in general to donate kidney and hidden agenda in such case is tacit transaction for such donation. It is arithmetical generation of affection and attachment by offering money though technically in advertisement no money is generally offered for donation of kidney to avoid legal punishment.

In the case at hand, the petitioner, Satinath Pal, was not aware of the recipient earlier and has become aware of recipient only through advertisement.

In his petition Satinath Pal has stated that he was suggested by the father of the recipient, Shri T. N. Bhattacharya that he (Satinath Pal) should disclose before the Health officials that he has been an employee of his (Shri T. N. Bhattacharya) company.

This strategy behind such disclosure of being company's employee was to establish that Satinath Pal developed affection and attachment in natural way and not reading the advertisement.

Section 2(K) of THO Act defines payment which runs as follows :-

"payment" means payment in money or money's worth but does not include any payment for defraying or reimbursing –

- i) The cost of removing, transporting or preserving the human organ to be supplied ; or
- ii) Any expenses or loss of earnings incurred by a person so far as reasonably and directly attributable to his supplying any human organ from his body.

Section 22 of THO Act lays down that cognizance of offence under THO Act can only be taken by a court if complaint is made by Appropriate Authority concerned or any officer authorised in this behalf by the State Government or as the case may be. Apart this, a person who has given notice of not less than sixty days to the Appropriate Authority of the alleged offence to make a complaint to the court can also initiate legal action.

Conclusion

The conjoint reading of Sections 19, 9(3), 2(K) and 22 and advertisement in Newspapers clearly establish that a racket of kidney transplantation is running in the state against legal provisions and befooling gullible poor persons who would not venture to proceed further for realization of money offered to them since they themselves are offenders under the strict sense of law.

In non- related donation of kidney attachment and affection is initiated through advertisement cleverly not disclosing consideration money but on paper affection and attachment is created in lieu of money offered.

Promise of defraying expenses and reimbursement of loss of earning incurred by donor drag the poor donor in such muddy transaction.

Further a case can normally be initiated only on a complaint of authorized officer of the State or a Member of public giving 60 days notice to the Appropriate Authority.

Suggestion

- 1) Appropriate Authority should be quite vigilant when it comes across an advertisement in any newspaper. This has been brought to the notice of the Home Department from West Bengal Human Rights Commission in a separate file that such advertisement whether offering money or not, is illegal.
- 2) Scrutiny of affection and attachment should rigorously be made to test its reality whether it is real or flimsy.
- 3) The assurance of reimbursement of loss of earning or defraying expenses should seriously be scrutinized and taken note of in ascertaining whether poor donor has been befooled.
- 4) Donor's future prospect, his living conditions and maintenance of family must be taken into consideration.
- 5) The recipient of organ must bear all the medical expenses and future treatment of donor, if required.
- 6) One time insurance policy of sufficient amount in favour of donor should be made on the payment of premium by the recipient for safeguarding the donor in future.
- 7) Through DGP all the O.C.'s be instructed not to enter in recovery process of such transactions but refer the matter to Home Dept./ Health Dept. through their superiors.

The entire report be sent to the A.C.S. Home with request to take up the matter with Health Dept. for appropriate action in the matter.

Sd/-(Naparajit Mukherjee)
Acting Chairperson
W.B.H.R.C.

Sd/-(M. S. Dwivedy)
Member
W.B.H.R.C.

Date: 17/02/2015

The Commission on the requests of the Govt. gave the following views in respect of the guidelines that should be followed in cases of encounter death and injuries on 30.09.15.

The Commission had been informed by the Govt. vide letter No. 860(3)-I.S.S. dated 27.08.15 that the view of the Commission in this matter will be considered as the stand accepted by the Govt. and shall be forwarded to the Home Department for further necessary action. A copy of the said guidelines along with the Govt.'s letter is given below:-

Government of West Bengal
Home Department
Internal Security Branch
Secret Section
Nabanna, HRBC Buildings, Shibpur, Howrah.

3251/CR/15
RECEIVED
CONTENTS NOT VERIFIED
31 AUG 2015
M/3313
WEST BENGAL HUMAN RIGHTS COMMISSION

copy of order
Hon'ble Lt. Comdr. Singh
Hon'ble Member To
@. ADG.
Kind perusal
19/8/15

From : Shri J.K. Halder,
Deputy Secretary to the Government of West Bengal.

- 1. The Chairperson
West Bengal State Human Rights Commission,
2nd Floor, PURTA Bhavan, Salt Lake City
Kolkata - 700 091.
- 2. The Director General & Inspector General of Police, W.B.,
Nabanna, Shibpur, Howrah.
- 3. The Commissioner of Police, Kolkata,
18-Lalbazar Street, Kolkata- 700 001.

No. 860(3) - I.S.S.

Dated, Kolkata, the 27th August, 2015.

Sub: In the Supreme Court of India
Writ Petition (C) No. 1012 of 2014
National Human Rights Commission -Vs- Union of India & Ors.

Ld. Registrar
We are referring to
our memo
Sir,
One
Opinion
Pls. draw
query
29/8/15

Please find enclosed herewith a copy of the letter no. AS/N/SC: D No. 296, dated 22.04.2015, along with enclosures and regarding the subject mentioned above, as received in this Department from Shri Anip Sachthey, Advocate & Consultant and Standing Counsel for State of West Bengal, for your kind perusal.

In light of the Criminal Appeal No.1255 OF 1999, a copy of which is also enclosed herewith for your ready reference and perusal, I am directed to request you to furnish your valuable opinion/views to this Department as to what guidelines should be followed in cases of Encounter Deaths/Injuries, as highlighted therein.

Your views will be considered as the stand accepted by this Government regarding Encounter Deaths/Injuries and forwarded to the Home Police Department for further necessary action.

This may be treated as urgent.

Yours faithfully,

J.K. Halder
Deputy Secy. to the Govt. of West Bengal.

Encl: As stated.

Steno
to make a final report.
Dhanyu



WEST BENGAL HUMAN RIGHTS COMMISSION

PURTA BHAVAN (2ND FLOOR)
BLOCK-DF, SECTOR-I, SALT LAKE,
KOLKATA-700 091
PHONE: 2337-2655, FAX: 2337-9633
E-mail: wbhrc8@bsnl.in

Ref. No. 362/WBHR/COM/669/15-16

Date: 5.11.15

From: Shri Laima Chozah, IAS
Secretary & CEO

To: The Addl. Chief Secretary
& Home Secretary
Government of West Bengal
NABANNA
325 Sarat Chatterjee Street
Howrah, PIN- 711 102, West Bengal

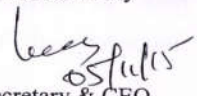
Sir,

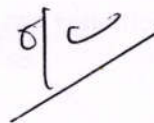
I am directed to send herewith an authenticated copy of the views of the West Bengal Human Rights Commission as to the Guidelines in connection with encounter death and injuries for taking necessary action.

Report on the action taken in the matter may be sent to the Commission

Enclosure: As stated above.

Yours faithfully


Secretary & CEO



**Views of West Bengal Human Rights Commission as to the
Guidelines
that should be followed in cases of encounter death and injuries**

The sixteen (16) guidelines as laid down by the Hon'ble Apex Court in its Judgment passed in Criminal Appeal No. 1255 of 1999 for (Para 31) is to be followed in the matters of investigating police encounter in the cases of death/injuries as the standard procedure for thorough, effective and independent investigation.

In addition the following guidelines proposed by the West Bengal Human Rights Commission should be followed :-

1. Handwash of the victim should be conducted immediately for forensic examination to detect any residue of any ingredients of explosives.
2. Option to be given to the family members/relatives of the victim to be present during Post Mortem Examination of the victim.
3. Proper respect should be shown to the dead-body of 'encounter victim' while removing the same from P.O. to Hospital & finally handing over to relatives. Preferably, covered 'BODY-BAGS' should be used for this purpose.
4. As regards compensation to be granted to the dependents of the victim who suffered death in a police encounter, recommendation of West Bengal Human Rights Commission under Section 18 (C) of the Protection of Human Rights Act be taken into consideration.

When death is caused in an encounter, and if it is not justified as having been caused in exercise of the legitimate right of private defence, or in proper exercise of the power of arrest under Section 46 of the Cr.P.C., the police officer causing the death, would be guilty of the offence of culpable homicide. Whether the causing of death in the encounter in a particular case was justified as falling under any one of the two conditions, can only be ascertained by proper investigation and not otherwise.

The above guidelines will also be applicable to grievous injury cases in police encounter, as far as possible.

The above requirements/norms must be strictly observed in all cases of death and grievous injury in police encounters.

Sd/-
(M. S. Dwivedy)
Member

sd/-
(Naparajit Mukherjee)
Acting Chairperson

Date: 30/09/2015

The following recommendation was passed by the Commission on study report regarding exploitation of child labours in firework factories on 29.09.15.

Recommendation of the Commission on study report on exploitation of child labours in fireworks factories.

The West Bengal Human Rights Commission after due deliberation regarding the alleged use of child labour in the manufacturing of fireworks in West Bengal decided to conduct a study and entrusted the responsibility to Addl. D.G., Investigating Wing of W.B. Human Rights Commission. There were allegations and reports that children/child labours were being used for manufacture of fireworks in certain districts of West Bengal like Howrah, South 24 Parganas where fireworks industry is very prominent. The Commission have made following observations based on the report -

1. Factories located in Howrah district (Bagnan, Belur) do not have adequate safety precautions, fire fighting equipments, electrification system and chances of fire hazards are very high. Local child labours are engaged in different stages of production. In South 24 Parganas district (Nungi, Nilganj) similar observations regarding inadequacy of fire fighting equipments, safety measures and lack of electricity were noted. In Nungi a number of children were found to be engaged in the factory of Shri Indrajit Bodhi Raja.
2. Factories were paying between Rs.150/- to Rs.300/- per day per labour while the child labours were being paid less than Rs.100/- per day. There was no system of daily labour but the labourers were engaged on contract basis who were submitted to work for ten hours per day. The Government rate is Rs.170/- which was being violated. Children engaged in such works were not allowed to pursue their regular studies or other activities.
3. Children were attracted or compelled to perform such work in view of poverty, easy availability of money and pressure from household to earn something for the family. Poor literacy rate is one such contributory factor.
4. Consequence of engaging child labour in such fire work factories were health hazard, economic exploitation, school dropout and violation of law of the land relating to Child Labour (Prohibition and Rehabilitation) Act, 1986.
5. Explosive licences, consent of Pollution Control Board, trade licences etc. were checked in respect of some factories on a sample basis. In respect of M/s. Sukla Fire Works, Daulatpur, P.S.Maheshtala, Dist- South 24 Parganas consent from Pollution Control Board was available valid till 30-10-2017, a license from Joint Controller of Explosive valid up to 31-3-2016 and from District Magistrate, South 24 Parganas valid up to 31-3-2016.
6. In respect of M/s. M.T. Industry, Proprietor -Rekha Naskar, Vill.Putkhali, Daulatpur, P.S.Maheshtala, Dist-South 24 Parganas, the license from D.M. was

Authenticated



Laima Chozah, I.A.S.
Secretary & C.E.O.
West Bengal Human Rights Commission
&
Principal Secretary to the Government of West Bengal

valid till 31-3-2016 where as that issued by Fire Services Licence Section was valid till April, 2016. But no permission of Maheshtala Municipality or consent of Pollution Control Board could be produced. In respect of M/s. Baby Stores, Proprietor – Smt. Baby Das, Vill-Putkhali, Dautlatpur, P.S.Maheshtala, Dist-South 24 Parganas, the license of District Magistrate was valid till 31-3-2017 and of Deputy Secretary, Fire Services Licence Section up to April, 2016. No consent from P.C.B. was available. A provisional Trade Certificate was issued by Chingripota Gram Panchayat on 25-6-2013 valid till 31-3-2014.

It was further learnt that some manufacturers had stopped manufacturing and were trading in fireworks from Tamil Nadu and selling it at China Market, Kolkata. Need for checking transportation licences and adequate storing facilities are required for safety of workers.

Recommendations :

- i. There is immediate need for stoppage of child labour by regular inspection in the factories being done by the D.M. and Fire Services Department/Social Welfare Department.
- ii. If necessary, punitive action under the Child Labour (Prohibition & Rehabilitation) Act, 1986 could be undertaken.
- iii. Some schemes like Kanyashree etc. could be extended to children working in such factories so that they are educated and their future taken care of.
- iv. There is need for safety from fire hazards, health hazards, prevent pollution etc. for which the Fire Services Department and Pollution Control Board should undertake joint inspection.
- v. During the peak season i.e. prior to Diwali the fire work factories should be inspected by the concerned fire safety departments to prevent any accidents and also to ensure that no child labour are engaged.

Authenticated

Laima Chozah

Laima Chozah, I.A.S.
Secretary & C.E.O.
West Bengal Human Rights Commission
&
Principal Secretary to the Government of West Bengal

N. Mukherjee
29/9/2015
(N. Mukherjee)
Acting Chairperson

M.S. Dwivedy
29/9/15
(M.S. Dwivedy)
Member

The West Bengal Human Rights Commission Training Division, Law & Research Wing started Summer and Winter Internship Programme, in 2015.

**WEST BENGAL HUMAN RIGHTS COMMISSION
TRAINING DIVISION
INTERNSHIP PROGRAMME**

West Bengal Human Rights Commission is the state rights body and guardian for protection and promotion of human rights, having its regional office at Purta Bhavan, Salt Lake, Kolkata.

ABOUT THE INTERNSHIP

PERIOD: 15 days (Starting From January'2015)

STIPEND : None

ELIGIBILITY : STUDENT FROM A RECOGNIZED UNIVERSITY

APPLICATION : should be made on plain paper and should be accompanied with the following documents

- a) complete Bio-data
- b) one passport size photograph pasted on the application form.
- c) Recommendation letter from University/Institute/College.

CONTACT PERSON : THE REGISTRAR, WEST BENGAL HUMAN RIGHTS COMMISSION, DF BLOCK, SECTOR – I, 2ND FLOOR, PURTA BHABAN, SALT LAKE, KOLKATA. Ph. 033-2337/1338, e-mail: wbhrc8@bsnl.in & hrcwb2013@gmail.com

TERMS AND CONDITIONS

- (1) The purpose of the Internship programme is not to lead to further employment with WBHRC but to complement an intern's studies and spread awareness among university students about need for protection and promotion of Human Rights.
- (2) WBHRC will conduct regular internship programme from time to time which will offer opportunity to students from various stream, to have attachment with the Commission in batches on short term basis (15 working During the internship, the students will be exposed to the functioning of the various decisions of the Commission. They will be made aware of the process of complaints being attended to by the Commission and other issues being taken up by the Commission and also meet complainants in person. The programme will enhance the

intern's educational experience through the work/and research, in different departments.

(3) The internship timings will be from 11 a.m. to 2 p.m., on working days.

(4) The interns will provide written notice in case of absence from office during the period of internship.

(5) The intern must keep confidentiality in all unpublished information made known during the course of the internship and not publish any reports or paper on the basis of information obtained except with the authorization of the WBHRC.

(6) The intern will undertake to conduct himself/herself at all times in a manner compatible with his/her responsibilities as a participant in this internship programme.

(7) WBHRC will accept no responsibility for the interns medical or other costs arising during the internship, and not being a staff of the Commission will not be entitled to any privileges as accorded to a staff member of the Commission.

(8) Short listed candidates will be informed by post/e-mail.

(9) On completion of the programme, the intern will submit a complete feedback in the form of a report to the Commission.

(10) Finally the basic knowledge, researching skills, and understanding skills will be tested by means of a small interview and his/her assignment/task and a certificate will be given by the commission on satisfactory completion of the total internship programme.

Sd/-
Shampa Dutt (Paul)
Registrar,
West Bengal Human Rights Commission

The Commission on 18th November, 2014 informed the Govt. certain points for incorporation in Govt. policy for the reforms of Correctional Homes.

No.914/WBHRC/14-15

18th November, 2014

To
Shri Basueb Banerjee, IAS
Additional Chief Secretary, Home &
Home Secretary,
Govt. of West Bengal,
'Nabanna', 325, Sarat Chatterjee Rd.,
Howrah – 711101.

On November 13 to 14, 2014 the National Human Rights Commission organized a Seminar in New Delhi on topic of 'Prison Reforms'. I happened to attend the seminar on initiative of N.H.R.C. In the first part of the Seminar each State representative of Prison Directorate was asked to report on A.T.R. of the suggestions made by the N.H.R.C. on the same topic in 2011.

Following these discussions presentations were made by some D.G., Prisons. D.G., Prisons, Kerala and Law Officer, Tihar Jail submitted their presentations which were very much appreciated. The N.H.R.C. considered Trivandrum and Tihar Jails as model jails. The Special Rapporteur of NHRC, Shri Damodar Sarangi, IPS (Retd.) criticised West Bengal prisons at Presidency and Jalpaiguri for lacking basic facilities and suggested urgent upgradation which may kindly be considered.

I am summarising below some of the important points which emerged out of the deliberations for your consideration and incorporation in policy for reforms of Correctional Homes.

- (a) There was lot of emphasis laid on hygiene, health care in the Correctional Homes. Modern toilet facilities with waste recycling machines and utilisation in bio gas were emphasised.
- (b) Emphasis was laid on use of solar energy both for cooking and lighting purposes. As use of coal led to excess carbon emission leading to lung related problems, emphasis was laid on use of solar energy and of biogas.
- (c) Health check up of inmates was considered to be mandatory immediately after admission in the Correctional Homes and maintenance of computerised health cards with periodic checking.
- (d) Establishing of prison hospitals with X ray machine, U.S.G. and pathology laboratory were emphasised.
- (e) Periodic health check up of prisoners was also emphasised.
- (f) In order to remove overcrowding of prisons construction of new prisons with adequate space, open prisons etc. were deliberated upon.
- (g) A computerised visitors' management system and proper timings and proper visitors' room were emphasised.

(h) System of parole to be made easier. In fact, the D.G., Prison, Kerala informed that he has the power to grant 90 days parole which would be computed with his total period of conviction.

(i) Lot of emphasis was laid on release under trial and remand prisoners. Attention was invited to Section 436(A) of the Cr.P.C. for necessary action and it was also suggested that the matter be taken up with Hon'ble Chief Justice of Calcutta High Court to reduce the problem of U.T.P.s and remand prisoners. Also, holding of Lok Adalats inside prisons for early release of petty offenders and visit by LSA were suggested.

(j) Emphasis was laid on video conferencing with Courts for production of remand prisoners before concerned Magistrates was suggested.

(k) Lot of emphasis was laid on computerisation of records.

(l) Use of P.P.P. model for prison industries and marketing of their products were suggested.

(m) It was suggested in the Seminar that in Correctional Homes complaint boxes should be kept in which the inmates can directly address their complaints/views to the Superintendent of Correctional Homes for necessary action.

I would suggest that you could kindly consider making 2/3 prisons as model viz. Presidency, Alipore and Jalpaiguri in North Bengal on the above mentioned suggestions and any other allied matter. In case you consider necessary the State Human Rights Commission is always ready to provide all assistance to you in this regard.

Sd/-

(Naparajit Mukherjee)

No.914(1)/WBHRC/14-15

Date : 18/11/2014

Copy forwarded information and necessary to :-

Shri Adhir Sharma, IPS
Addl. D.G.,
Correctional Services,
Jessop Building, 1st Floor,
63, N.S. Road,
Kolkata – 700001.

Sd/-

(Naparajit Mukherjee)

A note of over view of Correctional Homes and Correctional Services in West Bengal was prepared on the occasion of visit of a Parliamentary Committee to Alipore Women Correctional Home on 15th May, 2015 by Shri Adhir Sharma, A.D.G. & I.G.P. (Correctional Services as he then was) is given below:-

1/25/2016 Gmail - Fwd: Revised Note on an Overview on the Correctional Homes and Correctional Services in West Bengal

Gmail by Google (12) Naparajit Mukherjee <mn656m@gmail.com>

Fwd: Revised Note on an Overview on the Correctional Homes and Correctional Services in West Bengal
1 message

ADG, Prisons & Correctional Services , West Bengal Mon, Jan 25, 2016 at 8:16 AM
<adgcorsserviceswb@gmail.com>
To: Naparajit Mukherjee <mn656m@gmail.com>

Subject: A Note on an Overview of the Correctional Homes and Correctional Services in West Bengal


Dear Sir,

This Note was prepared on the occasion of visit of a Parliamentary Committee to Alipore Women's Correctional Home ,on the 15th May 2015.

2. **May kindly see this as reference, regarding the matter noted in Subject above ,**

Regards

-- ADHIR SHARMA
Additional Director General
& IGP, Telecommunication,
West Bengal

 **An Overview of WB CHs.pdf**
355K

Lol Regretum / m/da
 mmm
 1/1/15
 1/1/15

<https://mail.google.com/mail/u/0/?ui=2&ik=d3aa4b1ddd&view=pt&search=inbox&th=15276aca22b08961&siml=15276aca22b08961>

INTRODUCTION : Jails in West Bengal have been notified as Correctional Homes since 14th April, 2000. West Bengal is the first State in the country which has repealed the old Prison Act, 1894 and introduced the progressive West Bengal Correctional Services Act, 1992 (Act XXXII of 1992). With the introduction of this Act on 14th April, 2000 the Prison Administration in West Bengal ushered a paradigm shift from the colonial legacy of punishment towards the well-thought out new philosophy of correctional approach for the moral reformation and education of the inmates in order to facilitate their reintegration with the main stream society in the post-release period. The gradual transformation of prison administration in line with the correctional philosophy and rehabilitation approach towards the jail inmates is resulting in a wholesome and healthy environment in our Correctional Homes. This is sought to be achieved by providing a healthy ambience and facilities to the inmates for their moral education, recreation and vocational training. Steps have also been initiated for bringing about an attitudinal change in the mind-set of the prison staff through training. Considering the vulnerability of women & children proper attention has been given to the concerns related to them.

ORGANIZATION : The Directorate of Correctional Services, West Bengal is being headed by an officer of the rank of Addl Director General & Inspector General of Police, who is a senior officer of the Indian Police Service borne in the IPS Cadre of State of west Bengal. The ADG & IG of Correctional Services is the Chief Officer of Correctional Homes and Correctional Services in terms of Section 5(2) of the WB Correctional Services Act, 1992 and the control and superintendence of Correctional Services are vested in him.

For operational purposes of the Correctional Homes, the State is divided into three zones viz. North, South and West. These Zones are supervised by three departmental officers of the rank of Additional Inspector General of Correctional Services who assist the ADG & IG of Correctional Services in running the administration. They are operational officers and have also been entrusted with the responsibility of touring and inspecting various Correctional Homes within their Zone. The Addl. IG (North) of CS with headquarters at Siliguri supervises the Correctional Homes under Berhampore and Jalpaiguri Circles and North Range which includes 23 Correctional Homes in the districts of Darjeeling, Jalpaiguri, Coochbehar, Alipurduar, Uttar Dinajpur, Dakshin Dinajpur, Malda, Murshidabad, and Birbhum. The Addl. IG (South) of CS with headquarters at the Directorate of Correctional Services is responsible for supervision over 24 Correctional Homes under Presidency, Alipore and Dum Dum Circles and three South Ranges located in Kolkata, South 24-Pgs, North 24-Pgs, Nadia, Howrah, Hooghly and Burdwan Districts. The AIG (West) of CS has supervision over Midnapore Circle & West Range that includes 10 Correctional Homes in Paschim Medinipur, Purba Medinipur, Purulia and Bankura Districts. Generally, Addl. IG (South) of CS by virtue of being located at Kolkata also acts as the second in command and deputizes for IG of Correctional Services in his absence.

The zonal AIsG of Correctional Services are further assisted by the officers of the rank of DIG belonging to the Correctional Services. At present there are five Range DIsG of Correctional Services responsible for supervision over six Circle Correctional Homes. At the headquarters of Directorate of Correctional Services there is another post of DIG (Administration), which is earmarked for the officers of WBCS (Exe) Cadre who assists the ADG & IG, CS in mainly budget & accounts related matters.

At present there are 58 Correctional Homes, a Regional Institute of Correctional Administration for Officers and a Training Institute for Guarding Staff. Grouped under six circles for the administrative

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convenience, the Correctional Homes in West Bengal have been classified as Central, District, Special, Open, Women's and Subsidiary Correctional Homes. Following is the break up:-

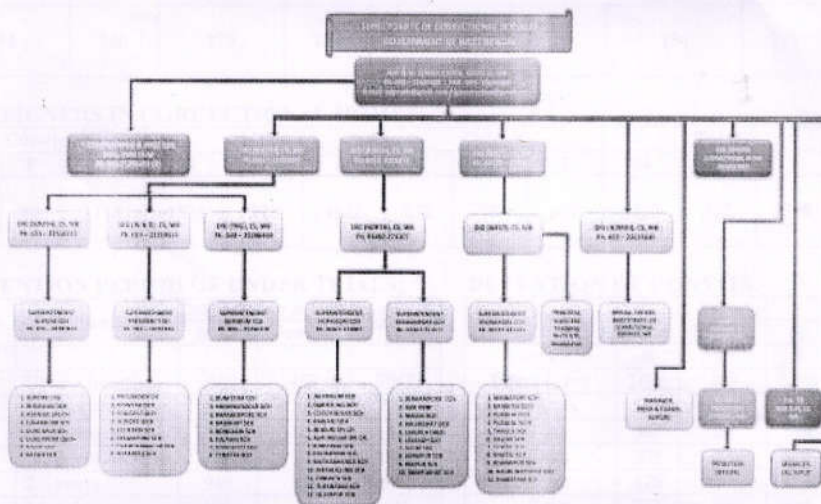
Central Correctional Homes	: 06
District Correctional Homes	: 12
Special Correctional Homes	: 03
Open Correctional Homes	: 02
Women's Correctional Homes	: 02
Subsidiary Correctional Homes	: 33

The overall responsibility of a Correctional Home is entrusted with the Superintendent who acts as the officer-in-charge of the Prisons in terms of CrPC, 1973. He / She is assisted by Executive Officers, Welfare Officer, Medical Officers, Medical Subordinates, and Ministerial Staff apart from Guarding Staff Establishment. However, in Subsidiary Correctional Homes the SDO is the Ex-officio Superintendent whereas the Controller or Asst. Controller is in charge of the Sub-Correctional Home as the Chief Executive Officer.

The Headquarter establishment is under direct supervision of IG of Correctional Services who is assisted by PA to IGCS who acts as DDO for the Directorate. The works of the Directorate are distributed among different categories of Staff under supervision of Senior Officers of several ranks.

There are three other establishments too under control of Directorate of CS - Office of the Chief Probation & After Care Officer, Press & Forms and Jail Depot.

Following is the Organizational Chart of West Bengal Correctional Services:



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CAPACITY & POPULATION OF INMATES :

Sl.No.	Type	No of CHs	Total capacity of Inmates			Population as on 01 January, 2015		
			M	F	T	M	F	T
01	Central Jail (CH)	06	11140	160	11300	10219	503	10722
02	District Jail (CH)	12	5287	555	5842	3998	265	4263
03	Subsidiary Jail (CH)	33	1819	313	2132	3584	196	3780
04	Women's Jail (CH)	02	0	400	400	0	309	309
05	Open Jail (CH)	02	125	0	125	156	0	156
06	Special Jail (CH)	03	1022	95	1117	795	44	839
	Total	58	19393	1523	20916	18752	1317	20069

CATEGORY-WISE PRISONERS' POPULATION:

Sl.No.	Type	Convict			UTPs			Detenues			Others			TOTAL		
		M	F	T	M	F	T	M	F	T	M	F	T	M	F	T
01	Central CHs	4210	189	4399	5479	217	5696	3	0	3	527	97	624	10219	503	10722
02	District CHs	585	16	601	3405	249	3654	0	0	0	8	0	8	3998	265	4263
03	Subsidiary CHs	66	0	66	3518	196	3714	0	0	0	0	0	0	3584	196	3780
04	Women's CHs	0	103	103	0	205	205	0	0	0	0	1	1	0	309	309
05	Open CHs	156	0	156	0	0	0	0	0	0	0	0	0	156	0	156
06	Special CHs	52	4	56	741	40	781	2	0	2	0	0	0	795	44	839
	TOTAL	5069	312	5381	13143	907	14050	5	0	5	535	98	633	18752	1317	20069

WOMEN PRISONERS WITH CHILDREN:

Women con with children	No of children	Women UTP with children	No of children	Women Others with children	No of children	Total Women prisoners with children	Total no of children
54	140	129	138	11	20	194	298

FOREIGNERS IN CORRECTIONAL HOMES:

Convicts			UTPs			Others			Total		
M	F	T	M	F	T	M	F	T	M	F	T
1027	86	1113	1594	228	1822	532	98	630	3153	412	3565

DETENTION PERIOD OF UNDER TRIALS:

Sl. No.	Particulars	Number of Undertrials		
		Male	Female	Total
01	Upto 3 months	6589	458	7047
02	3-6 months	2137	160	2297
03	6-12 months	1349	128	1477
04	1-2 years	1311	82	1393
05	2-3 years	949	40	989
06	3-5 years	603	30	633
07	Above 5 years	205	9	214
	Total	13143	907	14050

DETENTION OF CONVITS:

	Male	Female	Total
Capital	9	0	9
Lifers (14+)	1696	100	1796
10-13 yrs	520	29	549
7-9 yrs	367	27	394
5-6 yrs	301	27	328
2-4 yrs	426	30	456
1-2 yrs	511	33	544
Less than 2 yrs	1239	66	1305
Total	5069	312	5381

RELEASE OF PRISONERS (in 2014) :

UTP Released	M	F	T
Acquitted	771	57	828
Released on Appeal	0	0	0
Released on Bail	85691	4162	89853
Transferred to other State	28	1	29
Extradition	0	0	0
Others	0	0	0
Total	86490	4220	90710

Convicts Released	M	F	T
Released on completion of sentence	9411	218	9629
Premature Release	43	0	43
Released on Appeal	30	03	33
Released on bail	3224	76	3300
Pardons	0	0	0
Transferred to other State	5	0	5
Total	12713	297	13010

ESCAPE OF PRISONERS (in 2014) :

	M	F	T
Escapes from inside CH	7	0	7
Escapes from Outside CH	1	0	1
Escapes from Police Custody	15	0	15
Total	23	0	23
Re-arrested Escapees	11	0	11

DEATHS IN CUSTODY (in 2014):

	M	F	T
Natural Deaths	78	4	82
Un-natural Deaths	21	0	21
(i) Un-natural : Suicides	09	0	09
(ii) Un-natural : Others	12	0	12
Total	99	04	103

DEMOGRAPHIC PARTICULARS OF PRISONERS (as on 01.01.15) :

Education	M	F	T
Illiterate	7736	657	8393
Below Cl-X	7980	491	8471
Cl-X & above but below graduation	2105	131	2236
Graduate	719	29	748
Post Graduate	142	5	147
Technical Degree / Diploma	70	4	74

Religion	M	F	T
Hindu	9738	742	10480
Muslim	8696	540	9236
Sikh	24	0	24
Christian	225	11	236
Others	69	24	93
Total	18752	1317	20069

Domicile	M	F	T
Belongs to State	14715	889	15604
Belongs to other State	884	16	900
Belongs to other Country	3153	412	3565
Total	18752	1317	20069

Caste	M	F	T
SC	3261	279	3540
ST	1459	98	1557
OBC	2701	142	2843
Others	11331	798	12129

PRISONERS SUFFERING FROM MENTAL ILLNESS:

Convicts			Under Trials			Total		
M	F	T	M	F	T	M	F	T
188	12	200	289	18	307	477	30	507

JAIL INSPECTION / VISIT :

(i)	Medical	733
(ii)	Executive	430
(iii)	Judicial	1043
(iv)	Others	180
	Total	2386

PAROLE GRANTED TO PRISONERS IN 2014 :

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Less than 24 Hours	78	40	43	29	49	30	24	46	25	21	58	29	472
1 Day - 3 Days	9	6	4	2	7	9	10	2	6	10	12	2	79
4 Days - 14 Days	95	68	44	33	11	33	142	74	36	73	49	70	728
15 Days or more	69	19	6	1	4	1	19	2	4	0	0	0	125

Number of paroles granted to prisoners during 2014 = 1404

Number of prisoners jumped parole = 03

Number of escaped parolee re-arrested = 01 (jumped parole in 2013)

Number of complaints received against parolee = 02

STRENGTH OF OFFICIALS :

Sl. No.	Rank	Sanctioned	Actual		Total
			Male	Female	
Executive Officers :					
1	ADG & IG of CS	01	01	0	01
2	AIG of CS	03	02	01	03
3	DIG of CS	06	05	01	06
4	Superintendent (CCH)	08	08	00	08
5	Superintendent (DCH)	17	14	00	14
6	Dy. Superintendent (CCH)	03	01	00	01
7	Chief Controller	38	27	03	30
8	Controller	93	54	07	61
9	Asst. Controller	46	35	01	36
10	Other Officer	32	32	00	32

Correctional Staff :

01	Welfare Officers	18	12	03	15
02	Probation Officers	35	18	02	20
03	Psychologists	08	0	2	02

Medical Staff :

01	Medical Officer (Regular)	44	11	0	11
02	Medical Officer (Contractual)	--	40	02	42
03	Pharmacists (Regular)	42	14	00	14
04	Pharmacists (Contractual)	--	27	02	29
05	Others	14	04	01	05

Ministerial Staff :

01	Officers	15	10	06	10
02	Other Non-Gazetted Staff	127	91	16	107

Guarding Staff & Others :

01	Chief Head Warder	17	08	00	08
02	Head Warders	255	96	00	96
03	Head Matron	01	00	00	00
04	Warders	2889	1923	141	2064
05	Matron	03	00	00	00
06	Other Jail Cadre Staff	370	124	06	130

Others :

01	Not included in above	273	72	09	81
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FUNCTIONS :

- To ensure the functioning of Correctional Homes smoothly;
- To ensure security of the Correctional Homes;
- To ensure safe and secure custody of prisoners under lawful order of the Court;
- To ensure production of prisoners in respective Court of law;
- To ensure rights and other privileges of the prisoners as permitted under the Act;
- To ensure the welfare measures, reformation and rehabilitation of the prisoners;
- To take measures for mental and moral uplift of the prisoners;
- To take remedial measures to the grievances of prisoners;
- To prepare the plan for modernization of Correctional Homes and to ensure its implementation;
- To enforce discipline among employees working in Correctional Homes and their training and welfare also;
- To ensure compliance of instructions of the Government, Statutory Orders and different guidelines of Human Rights Commission and the Union Government;
- To ensure the functioning of the Probation and After Care Services smoothly and to adopt measures to ensure effective after-care services to the released prisoners.

RULES / REGULATIONS / MANUALS :

GOVERNING ACTS FOR RUNNING CH ADMINISTRATION	<ul style="list-style-type: none"> • The West Bengal Correctional Services Act, 1992; • The Probation of Offender's Act, 1958. • The Mental Health Act, 1987; • The Juvenile Justice (Care & Protection of Children) Act, 2000; • The National Human Rights Act, 1993; • The Factories Act, 1948; • The Repatriation of Prisoners' Act, 2003.
ESSENTIAL CODE, RULES, MANUAL ETC	<ul style="list-style-type: none"> • The Civil Procedure Code; • The Code of Criminal Procedure, 1973; • The Indian Penal Code; • The West Bengal Jail Code, 1966 (Vol-I & Vol-2); • The Repatriation of Prisoners' Rules, 2004; • Model Prison Manual, 2003, MHA, GOI
GUIDING RULES REGARDING SERVICE MATTERS, BENEFITS ETC	<ul style="list-style-type: none"> • West Bengal Service Rules • West Bengal Government Servants' Conduct Rule, 1959; • West Bengal (Classification, Control, Appeal) Rules; • West Bengal Financial Rules; • West Bengal GPF Rules; • West Bengal Pension Rules; • West Bengal Services (Revision of Pay and Allowance) Rules, 2009; • West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971; • West Bengal Health Scheme
OTHERS	<ul style="list-style-type: none"> • Judicial Pronouncements relating to Prisons and Prisoners; • The UN Standard Minimum Rules for the Treatment of Prisoners; • Advisories & Guidelines of National Human Rights Commission; • Advisories of Ministry of Home Affairs, GOI; • The Right to Information Act, 2005.

IMPORTANT WORK PROGRAMMES IN WEST BENGAL CORRECTIONAL HOMES :

LEGAL AID CLINICS : Almost in all Correctional Homes of the State Legal Aid Clinics are functioning in co-ordination with State Legal Services Authorities / District Legal Services Authorities / Sub-Divisional Legal Services Authorities. These Clinics are attended by the Advocates / Legal Aid Volunteers so appointed by the aforesaid organization. However, no prisoner of the State is undefended in their cases before the jurisdictional Court of Law. A total number of 3036 prisoners have been provided legal aid in 2014.

IMPLEMENTATION OF 436A OF CrPC : All the Correctional Home authorities of the State have been sensitized about the privileges under section 436A of CrPC under which a UTP is eligible to be released on PR Bond, who has undergone detention for a period extending up to one-half of the maximum period of imprisonment / the maximum period of imprisonment specified for that offence under that law. A total number of 29 UTPs were released under the provision of 436A of CrPC on constant persuasion of the Correctional Homes of the State. Presently, 13 remaining cases have been placed before concerned jurisdictional Court of law who comes under the purview of section 436A of CrPC.

ENROLEMENT IN AADHAR: Since January, 2013 we have been pursuing for enrolment of prisoners of West Bengal Correctional Homes in 'Aadhar'. But the special NPR could not be undertaken for a considerable period due to want of clearance from the competent authority in the Govt of India. At last in September, 2014, the importance of including the prisoners in 'Aadhar' was agreed to by Government of India. According to the advisory, issued by Govt of India access of prisoners to Aadhar / NPR in Correctional Homes has been undertaken.

EDUCATION FOR ALL : The prisoners irrespective of their categories are encouraged in pursuit to their education.

Adult Literacy Programme : Adult Literacy Programme is running more or less in all Correctional Homes including the Subsidiary Correctional Homes with the help of District Literacy Mission / NGOs. A number of 337 inmates are involved in this programme.

Non-formal Education : Non-formal education for children accompanying mothers are encouraged in Correctional Homes.

Madhyamik Examination : A total number of 58 prisoners appeared in Madhyamik Examination in 2014 out of which 52 prisoners had passed the examination. Five of them had passed with 'A' grade. A number of 44 prisoners will appear for the said examination in 2015.

Higher Secondary Examination : A number of 15 inmates appeared in Higher Secondary Examination through different Open Institutions.

Higher Education : Prisoners are encouraged in pursuit to their higher studies from IGNOU and other recognized Open Institutions.

PRISONERS' PANCHAYAT : Prisoners are encouraged to participate in the management of their activities. Though their participation in panchayats, a sense of responsibility is sought to be inculcated in the prisoners to prepare them for social re-integration.

Prisoners' bodies called "Panchayats" are constituted to help correctional home administration in the field of education, vocational training, other prison services and in protecting privileges and amenities available to the prison inmates.

The Panchayats look after cooking and distribution of prisoners' food, suggest menu for breakfast, mid-day meal etc, render aid in various cultural & recreational activities and in maintaining sanitary & hygienic conditions inside the correctional homes.

SIM-LESS TELEPHONE FACILITY FOR PRISONERS : One of the most devastating outcomes of anyone's incarceration is his total lack of communication with outside world. This results in aberrational behaviour on the part of the inmate. It tells upon his mental health. It also leads to smuggling of cell-phones by the inmates into the prisons.

According to West Bengal Correctional Services Act, 1992 every prisoners shall have the right of communication with relatives and friends as permissible under Rules. However, other than interview across the window and writing letters there is hardly any other way of communication in Jails across India except in a few States. In order to address the problem with regard to prisoners' communication, we have introduced sim-less telephone facilities for the inmates of correctional homes in the State but after addressing all such security concerns. Such telephone booths are now operated at three Central Correctional Homes and Women's Correctional Home located at Kolkata. Gradually this facility will be extended to other Central Correctional Homes.

WORK PROGRAMME : The rigorous imprisonment implies that a prisoner who is convicted is to work in various prison industries. Prison services are allotted by the prison authorities. Then only there is legal justification for effective release of a convict under remission rules. By way of providing suitable productive work to prisoners the following are the advantages:

- The court order of rigorous imprisonment is executed in letter and spirit.
- The prisoners are engaged in the work and they get their remission and also earn their daily wages.
- Inculcating work culture in the minds of prisoners is possible and because of this work culture after release, the prisoner is able to earn his bread and butter. As a result the likelihood of reducing crime in the society is higher.
- The habitual offenders / recidivists will not repeat offences if suitable work is allotted to them and work taken from them when sentenced by the court to rigorous imprisonment.
- It will prevent idleness, indiscipline and disorder among the prisoners.
- It will help maintain high morale amongst prisoners.

Thus keeping in view the above points, training to prisoners, in various vocations available at the prison institutions, has received a lot of importance in almost all the states. These trainings provide opportunities for inmates to engage themselves in fruitful pursuits during the term of their sentence in correctional homes. It not only takes care of much needed correctional aspect, it also makes one learn a skill, which enables him to follow a vocation on release from correctional home.

The wages are as following scale :

For skilled labour	: ₹ 35/- per head/day
For semi-skilled labour	: ₹ 30/- per head/day
For un-skilled labour	: ₹ 26/- per head/day

They are entitled to spend to extent of 50% of the wages earned by her per month and the remaining 50% of such wages shall be kept reserved for payment to the prisoner at the time of release as deferred wages.

VOCATIONAL TRAINING : Prisoners of West Bengal Correctional Homes are being trained in various vocational trades in order to facilitate rehabilitation and self-reliance after release :

Sl. No.	Vocational Trades	No of inmates involved in 2014
01	Tailoring	075
02	Knitting	040
03	Weaving	106
04	Stitching & Handicraft	056
05	Mosquito Net	007
06	Gardening	085
07	Vermi Compost	020
08	Oill Mill	015
09	Wheat Grinding	006
10	Bakery	005
11	Book Binding	038
12	Paper Bag Making	045
13	Jute Craft	022
14	Candle Making	017
15	Phenyle Making	005
16	Carpentry	015
17	Umbrella Manufacturing and Repairing	005
18	Welding	020
19	Electric Motor Winding	026
20	GI Fabrication	019
21	Aluminum Utensil Unit	015
22	Basic Electronics / TV and Radio Repairing	037
23	Watch Assembling	008
24	Basic Computer	310
25	DTP Course	034
26	Wellness Management	025
27	Motor Driving	020
28	Barber	050
	Prisoners involved in different vocational trades	1126

CULTURE THERAPY PROGRAMME : The concept of culture therapy envisages giving training to the inmates in various fields of culture including music, theatre, dance, recitation, painting & sculpture, and sports through production-oriented workshops and arrange public performances of cultural productions and exhibitions of other forms of talent so that society could be sensitized about the potential of prisoners in the correctional homes. The participant prisoners are taken out on short parole for such performances. The public performances are helping impart the inmates with a sense of dignity apart from sensitizing the community to prisons and prisoners, so far victims of the worst kind of neglect. The programme through the use of music, art and culture, has brought about unimaginable psychological and physiological uplift in our inmates. Sports are yet another field added to the programme. The inmates under the programme get an opportunity to have an interface with the outside world which imbues them with a sense of human dignity and a sense of self respect as a result of recognition of their potential by society. It also helps the inmates in casting off the social stigma that prisoners in India suffer from.

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UTILIZATION OF WB PRISONERS' WELFARE FUND : The Prisoners' Welfare Fund is being utilized for providing post-release support to the prisoners for rehabilitation, educational support to the prisoners during their imprisonment, scholarship to prisoners' children back home, support to the families of the prisoners back home, for subsistence in case of abject poverty, for meeting expenses for treatment and for marriage of their daughters as also for organizing cultural, recreational activities and sports in the correctional homes and for publication of magazines, journals and books written by the prisoners. The establishment of the Fund is likely to give a fillip to cultural and recreational activities (in the correctional homes) and sports. The prisoners been collecting funds through public performances of 'Taser Desh', 'Valmiki Pratibha', 'Tota Kahini' and sale of paintings & sculptures made by them through art exhibitions etc for this Fund.

SELF HELP GROUP OF PRISONERS : The Self Help Groups of Prisoners are running Canteen successfully inside three Central Correctional Homes located at Kolkata.

Correctional Home	Self Help Group	No of Prisoners	Net Profit
Presidency CH	Anuraag	10	₹3,01,856.00
Alipore Central CH	Natun Jiban	11	₹3,16,000.00
Dum Dum Central CH	Disha	18	₹18,92335.00

CIVIL SOCIETY PARTICIPATION: The NGOs / Social Organizations are helping in following fields:

- Adult Literacy Including Literacy of Women
- Basic Computer Literacy
- Non-formal Education of Children accompanying mothers
- Higher Education of Prisoners through distance learning / correspondence
- Educational & Developmental Support to Prisoners' Children Back Home
- Vocational Training in Different Trades including stitching / embroidery / tailoring / soft-toy making / jute craft / leather craft / candle making / bag making / carpentry / motor driving / computer literacy etc.
- Culture Therapy Programme
- Legal Counseling
- Health & Family Counseling
- Crèche / Play House for the Infants
- Sports & Games for inmates
- Observance of International / National Days / Birth anniversaries of important personalities / Religious festivals etc.

IMPLEMENTATION OF GUIDELINES REGARDING WOMEN & CHILDREN: The most important Judicial Pronouncement with regard to Women prisoners and their children in RD Upadhyay - vs - State of Andhra Pradesh & Ors (AIR 2006 SC 1946) is followed in the State Correctional Homes in letter and spirit. Apart from complying other advisories, in West Bengal, the physical and educational development of children of prisoners has been given utmost importance. As a part of this programme ICDS project has been adopted for Correctional Homes and presently there are 10 Anganwari Centres different Correctional Homes where the female inmates along with their children are generally lodged. The most important ICDS centre is running at Alipore Women's Correctional Home. Apart from that nine more 'Anganwari Centres' under ICDS project was notified by the Deptt of Women & Child Development and Social Welfare, Govt of West Bengal vide No. 3306-SW/3S-91/07 Dtd. 7.9.07 and have been running since 2007. These centers are running at Dum Dum CCH / Midnapore CCH / Jalpaiguri CCH / Berhampore CCH / Krishnanagar DCH / Balurghat DCH / Coochbehar DCH / Siliguri Spl. CH and Purulia Women's CH for the children and expectant mothers lodged in correctional homes for their education, vaccination and special nutrition programmes.

PREMATURE RELEASE OF LIFE CONVICTS:

- In West Bengal, premature release of life convicts are considered by the competent authority in the State Government on the recommendations of the **State Sentence Review Board** constituted vide Judicial Deptt No. 543-J//2P-44/99 Dtd. 24.1.2000 comprising of following members:
 - Constitution of Board :

Addl. Chief Secretary, Home	: Chairman
Judicial Secretary	: Convenor
Secretary, DCA	: Member
DG & IGP, West Bengal	: Member
Commissioner of Police, Kolkata	: Member
IG of Correctional Services, WB	: Member-Secretary
Chief Probation Officer, WB	: Member
- The recommendations of the Board in the form of minutes are processed by the Judicial Department, the nodal department for issuing grant of remission in exercise of authority under 432 of CrPC, 1973.
- Since June, 2011 Release Orders in respect of 231 Life Convicts have been passed by the Judicial Deptt :

45 th Meeting of State Sentence Review Board	: 09
46 th Meeting of State Sentence Review Board	: 30
47 th Meeting of State Sentence Review Board	: 15
48 th Meeting of State Sentence Review Board	: 01
49 th Meeting of State Sentence Review Board	: 20
50 th Meeting of State Sentence Review Board	: 17
51 st Meeting of State Sentence Review Board	: 51
52 nd Meeting of State Sentence Review Board	: 22
53 rd Meeting of State Sentence Review Board	: 23
54 th Meeting of State Sentence Review Board	: 43
- In 2015, two meetings of State Sentence Review Board have so far been held in January and March respectively. In the 55th meeting of SSRB 66 cases were taken for discussions and 18 of them were recommended while 5 cases out of 32 life convicts were recommended by the SSRB in the 56th meeting.
- At present, there is an order of restraint of exercising State's power of granting remission to life convicts u/s-432 of CrPC till the decision of the matter in the Constitution Bench of Hon'ble Supreme Court of India in Union of India - Vs - V. Sriharan @ Murugan case or disposal of the Application for Direction on behalf of the Applicant / State of West Bengal submitted in this regard.

REPATRIATION OF BANGLADESH NATIONALS: There is a large contribution of Bangladesh National immigrants in day to day population of correctional homes of the State. The population of more or less 3500 inmates of such Bangladesh Nationals includes different categories i.e. under-trial prisoners, convicts, released prisoners and children and shares 15.5% of overall population of the State at any given point of time.

As per existing provisions, Bangladesh Nationals are required to be repatriated to their native country after expiry of their sentence. And such repatriation involves lengthy process in verifying the nationality status by the Bangladesh Government. The repatriation of released prisoners can be made only after Bangladesh Deputy High Commissioner's office in Kolkata

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confirms nationality of such prisoners based on their particulars forwarded to Bangladesh Deputy High Commission by Correctional Home authorities through Home (Foreigners) Deptt, Govt of West Bengal.

Considering the fact and circumstances as a matter of grave concern with regard to repatriation of Bangladesh Nationals, this Directorate has emphasized on repatriation process of Bangladesh Nationals to their native country. It was decided by the Government to monitor the whole procedure of repatriation by co-ordinating all the Government Departments related with the process. The monthly co-ordination meeting convened by the Jt. Secretary, Home (Foreigners) Deptt, Govt of West Bengal is being held regularly in presence of senior officers of Home (Foreigners), Intelligence Branch, Border Security Force, West Bengal Correctional Services and Deputy High Commission for the People's Republic of Bangladesh. On several occasions the representatives of Branch Secretariat, MEA in Kolkata, SIB in Kolkata took part in the meeting with their inputs on our request.

In our initiative a large number of Bangladesh Nationals were sent to Bangladesh after completion of sentence. The year-wise statistical information with regard to Bangladesh Nationals sent back to Bangladesh from West Bengal Correctional Homes from June, 2012 to 2015 (till date) are as follows:

2012	2013	2014	2015 (till March)
1826	3127	2424	686

PROFESSIONAL CAPACITY BUILDING OF OFFICERS & STAFF : The job of correctional officers is a very specialized one requiring on the one hand the rigorous discipline of the police and on the other a very sympathetic attitude of a reformist social activist. Today's correctional officers also need to have a wider perspective of social, governmental and non-governmental organizations in order to enlist their support for achieving the desired objectives of development, reformation and rehabilitation of the prisoners. The introduction of the West Bengal Correctional Services, Act, 1992 made training an imperative. Emphasis is therefore, given to professional capacity building and orientation of the officers and staff of West Bengal Correctional Services at Regional Institute of Correctional Administration at Dum Dum and Warders' Training Institute at Midnapore. A great number of officers and staff took part in several training programmes in both the Institutes during 2014.

Sl.	Type of Training	O	S	T	Sl.	Type of Training	O	S	T
1	Personality Development	29	16	45	11	Writing of Reports	11	04	15
2	Basic Training	09	02	11	12	Rescue & First Aid	15	15	30
3	Human Rights	18	11	29	13	Skill in Counselling	08	05	13
4	Judicial Colloquium	18	02	20	14	E-Prisons Suit	24	22	46
5	Training of Trainers	09	07	16	15	Conduct of Enquiry	10	04	14
6	Disciplinary Proceedings	14	01	15	16	Refugee Protection	21	00	21
7	Security Management	03	08	11	17	Financial Management	08	03	11
8	Office Management	09	07	16	18	Warders' Refresher Course	00	22	22
9	Computer	06	09	15	19	Pre - Promotional Training	00	15	15
10	Retirement & Pensionary Benefit	10	05	15	O = Officers / S = Staff / T = Total				

Apart from the above officers and staff of WB Correctional Services have taken part in several other training programmes / seminar organized by BPR&D / NHRC / NCRB / Training Institutes of other States.

With that I come to the end of my report.

I would like to finish my presentation with the words that while dealing with Human Rights - only kindness is required - Because - Kindness is a language that the deaf can hear and the blind can see. We at West Bengal Human Rights commission, believe in people's rights and our responsibilities Because Duty is a matter of the mind but Commitment is a matter of the heart.

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West Bengal Human Rights Commission