

PUNJAB VIDHAN SABHA

BILL NO. 11-PLA-2020

THE PUNJAB PRISONS DEVELOPMENT BOARD BILL, 2020

A

BILL

to provide for the constitution of the Punjab Prisons Development Board for strengthening of prison and correctional administration particularly correctional interventions, welfare of prisoners and prisons' staff and expanding prison industries, and for matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Punjab in the Seventy-first Year of the Republic of India as follows:-

1. (1) This Act may be called the Punjab Prisons Development Board Act, 2020. *Short title and Commencement.*

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

2. In this Act, unless the context otherwise requires,-

Definitions

- (a) "Board" means the Punjab Prisons Development Board constituted under section 3 of this Act;
- (b) "building" includes a house, dormitory, barrack, cell, latrine, godown, shed, hut, wall and any other structure whether of masonry, bricks, mud, wood, metal, cement, concrete or any other material whatsoever;
- (c) "Chairperson" means the Chairperson of the Board;
- (d) "fund" means the Prisons Development Fund referred to in section 10 of this Act;
- (e) "Government" means the Government of Punjab in the Department of Home Affairs, Justice and Jails;
- (f) "land" includes rights in or over land and benefits to arise out of land, and buildings, structures and other things attached to the earth

- or permanently fastened to anything attached to the earth;
- (g) "Member" means the Chairperson, Senior Vice-Chairperson, Vice-Chairperson, Member-Secretary and Member of the Board;
 - (h) "Member-Secretary" means the Member-Secretary of the Board;
 - (i) "notification" means a notification published in the Official Gazette of the Government of Punjab and the word 'notified' shall be construed accordingly;
 - (j) "prescribed" means prescribed by the rules made under this Act;
 - (k) "Prison" means any jail or place used permanently or temporarily under the general or special orders of the Government of Punjab for the detention of prisoners, and includes all lands and buildings appurtenant thereto;
 - (l) "rules" means rules made under this Act;
 - (m) "section" means section of this Act;
 - (n) "Senior Vice-Chairperson" means the Senior Vice-Chairperson of the Board; and
 - (o) "Vice-Chairperson" means the Vice-Chairperson of the Board.

Constitution and composition of the Board.

3. (1) With effect from such date as the Government may, by notification, specify in this behalf, there shall be constituted a Board to be called the Punjab Prisons Development Board.

(2) The Board constituted under sub-section (1) shall be a body corporate having perpetual succession and a common seal, with power to acquire, hold and dispose of property both movable and immovable, to do all things incidental to and necessary for the purposes of this Act, and to contract and may by the said name sue and be sued.

(3) The head quarter of the Board shall be at Chandigarh or Sahibzada Ajit Singh Nagar, or at such other place as may be notified by the Government.

(4) The Board shall consist of the following members, namely:-

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| (a) | Chief Minister; | Chairperson |
| (b) | Minister for Prisons; | Senior Vice-Chairperson |
| (c) | Additional Chief Secretary
or Principal Secretary or Secretary
to Government of Punjab,
Department of Home Affairs,
Justice and Jails; | Vice Chairperson |
| (d) | Additional Chief Secretary
or Principal Secretary to
Government of Punjab,
Department of Revenue and
Rehabilitation; | ex-officio Member |
| (e) | Additional Chief Secretary
or Principal Secretary to
Government of Punjab, Department
of Finance; | ex-officio Member |
| (f) | Legal Remembrancer and Secretary
to Government of Punjab, Department
of Legal and Legislative Affairs; | ex-officio Member |
| (g) | Registrar General,
Punjab and Haryana High Court; | ex-officio Member |
| (h) | Director, Prosecution and
Litigation, Punjab; | ex-officio Member |
| (i) | two non-official persons to be
nominated by the Government, | non-official
Members |

out of whom at least one shall be a woman, and who have distinguished themselves in the field of prison administration or prison reforms;

- (j) two prison officers holding posts of Superintendent of Central Jail or its equivalent or above, to be nominated by the Government; and Members
- (k) Director General of Prisons or Additional Director General of Prisons. Member-Secretary

Term of office of non-official Member.

4. (1) The non-official member of the Board shall hold office for a period of three years or up to the age of seventy years, whichever is earlier.

(2) The non-official member may, at any time, by writing and addressed to the Government, resign from the office of the non-official member and shall cease to be a member on the resignation being accepted by the Government:

Provided that the Government may reduce the term of office of a non-official member before the expiry of such term without giving any notice to such member and without assigning any reasons and appoint any other person in his place for the remainder of such term.

Meeting of the Board.

5. (1) The Board shall meet at such time and place as the Chairperson may decide, provided that at-least one meeting shall be held in every six months.

(2) The Chairperson can authorize the Senior Vice-Chairperson to preside over the meeting of the Board in his absence.

(3) The procedure in regard to transaction of business at the meetings including the quorum shall be such as may be prescribed.

6. No act or proceedings of the Board shall be questioned or shall be invalid on the ground merely of the existence of any vacancy in, or defect in the constitution of the Board or any defect in the appointment of a person acting as Chairperson or the Senior Vice-Chairperson or the Vice-Chairperson or a Member or any irregularity in the procedure of the Board, including issuing of notice for holding of a meeting, not effecting merits of the matter.

Vacancy etc. not to invalidate the acts and proceedings of the Board

7. The non-official members of the Board shall be entitled to receive sitting fee, honoraria and other allowances for attending the meetings of the Board, as may be prescribed.

Payment of allowances and sitting fee to non-official Members of the Board.

8. (1) The Board may appoint such officers and employees as may be required to enable the Board to carry out its functions under this Act in such manner as may be prescribed.

Appointment of staff and engagement of experts.

(2) The Board may, from time to time, engage qualified persons or experts in the fields of prison and correctional administration, medicine, architecture, engineering, social work, sociology, psychology and psychiatry, industrial management and the like, to be consultants to the Board as it may consider necessary for the efficient performance of its functions on such terms and conditions as may be prescribed.

9. (1) Subject to the provisions of this Act, the following are the objects and functions of the Board, namely:-

Objects and functions of the Board.

- (a) to reduce the financial liability of the Government exchequer by identifying and ensuring new means of revenue generation;
- (b) to undertake programmes and schemes for betterment of prisoners, including but not limited to, education, vocational or skill training, manufacturing activities, agriculture, poultry, dairy or fish farming, horticulture and such other occupational, commercial, industrial, sports and welfare activities which helps in developing prisons as correctional centres;
- (c) to enhance the living conditions of the prisoners in all the prisons with specific reference to their basic needs and provision of

facilities compatible with the dignity of human life;

- (d) to reform and re-assimilate prisoners in the social milieu by giving them appropriate correctional treatment;
 - (e) to provide an enabling environment to the prisoners and help them in such a way so that they may be able to lead a sustainable and productive life as law-abiding citizens after their release;
 - (f) to upgrade the resources for efficient management of prisons, and wherever required, by way of acquisition of assets, whether movable or immovable, including computers, communication facilities, gadgets, vehicles, security or surveillance equipment, video-conferencing based trial facilities etc.;
 - (g) to ensure the welfare of the officers and employees of the Prisons Department and the Board.
- (2) For the efficient discharge of the duties entrusted to it, the Board shall exercise such powers and perform such functions as are conferred, or imposed under this Act or the rules made there under.

Fund

10. (1) The Board shall have and maintain its own fund in the name and style of 'Prisons Development Fund' to which shall be credited:-

- (a) all moneys received by the Board from the Central and State Government, by way of grants, loans, advances or otherwise;
- (b) all moneys borrowed by the Board by way of loans or debentures;
- (c) all moneys generated by the agricultural, horticultural, industrial, manufacturing or other activities undertaken by the prisoners in Prisons;
- (d) all fees, charges, moneys received and profits received by the Board from any leasing or commercial activities carried out;
- (e) all moneys received by the Board after the disposal of lands, buildings and other properties (movable and immovable);
- (f) all moneys received by the Board by way of rents or profits or in any other manner or from any other source;

- (g) all moneys received by the Board by way of profits by running of inner and outer canteens or provision stores in the prisons; and
- (h) all moneys received by the Board by way of donations from approved non-Governmental organizations, registered charitable institutions or bodies and individuals.

(2) The Fund shall be applied towards meeting the expenses incurred by the Board in the administration of this Act and for such other purposes, as may be prescribed or decided in the Board meetings.

(3) The Board shall keep such sum of money out of its funds in deposit in any of the Nationalized Banks, and any money in excess of the said sum shall be invested in such manner as may be prescribed,

11. The Board may, from time to time, subject to such conditions as may be prescribed, borrow any sum required for the purpose of this Act. *Power of the Board to borrow*

12. The Government may, make such grants, advances and loans to the Board as the Government may deem necessary for the performance of the functions of the Board under this Act, and all grants, loans or advances made shall be on such terms and conditions as the Government may determine. *Power of the Government to make grants, loans etc.*

13. The Board shall prepare every year, in such manner and in such form as may be prescribed, its annual report giving a true and fair account of its activities during the previous year and submit the said report to the Government. *Annual report.*

14. The Board shall furnish to the Government such returns or other information with respect to its activities as the Government may, from time to time, require. *Returns etc.*

15. (1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form, as may be prescribed. *Accounts and Audit.*

(2) The accounts of the Board shall be subject to annual audit by the Comptroller and Auditor General of India, within three months after the close of each financial year and any expenditure incurred in connection with such audit shall be payable by the Board.

(3) The accounts as certified by the Member-Secretary, together with the audit report thereon, shall be forwarded annually to the Government.

Annual report and audit report to be laid before the State Legislature.

16. The Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Government and the reasons for the non acceptance, if any, of any of such recommendations, and the audit report to be laid as soon as may be, after the reports, are received, before the State Legislature.

Vesting of Prison Lands and Buildings in the Board.

17. On and from the date of commencement of this Act, for the limited purpose of carrying out commercial, welfare and related activities of the Board, all land and buildings appurtenant thereto in the charge, or possession, or use, of the Prisons Department, shall vest in the Board, and be subject to its control.

Acquisition of land.

18. (1) If, in the opinion of the Board, any land is required to be acquired for any activity of the Board, the Board may request the Government to acquire such land under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(2) Where, in the opinion of the Board, there is suitable land belonging to Government of Punjab, organization or a private individual, it may acquire the said land by way of payment of market value, as fixed by the Deputy Commissioner concerned.

(3) The Board may, in case of disagreement with the recommendations of the Deputy Commissioner under sub-section (2), refer the same, along with its views, to the Government, whose decision shall be final.

Power to make rules.

19. The Government may, by notification, make rules for carrying out all, or any of the purposes of this Act.

Members, officers and employees of the Board to be Public Servants.

20. All members, officers and employees of the Board when acting or purporting to act in pursuance of the provisions of this Act or any rule or regulation made there under, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 and of clause (c) of section 2 of the Prevention of Corruption Act, 1988.

21. The Board so constituted under this Act shall have overriding effect on any other rules or orders or instructions issued earlier relating to functioning of prison industries, welfare programs for prisoners and prison staff, and other related activities. *Overriding effect.*

22. (1) The Punjab Jail Canteen Rules, 2016 and all other relevant orders, notifications and instructions issued in this behalf, are hereby repealed. *Repeal and Savings.*

(2) Notwithstanding anything such repeal, anything done or any action taken under the rules, orders, notifications and instructions so repealed, which are not inconsistent with the provisions of this Act shall be deemed to have been done or taken under the corresponding provisions of this Act.

23. The Society running in the name and style "Society for the Development of Prisoners and Employees of Prison Department" shall be wound up by due process of law, and the activities undertaken by the said Society shall be subsumed in the Board. *Winding up of the Society.*

STATEMENT OF OBJECTS AND REASONS

The State of Punjab has a total of 24 Prisons (09 Central Jails, 06 District Jails, 04 Special Jails and 05 Sub-Jails) with a total prison population of around 23,500. The Prison Department is mandated to gainfully employ all convicts with the purpose of providing them a source of livelihood and imparting skills for making them employable upon release. Also, correction (reform, rehabilitation and re-integration) is an important role of the Prison Administration. The Punjab Prisons Development Board Bill, 2020 aims to establish a statutory body namely, the 'Punjab Prisons Development Board' under the Chairmanship of the Chief Minister, Punjab. The basic focus of activities of the statutory body would be to take up all the economic and welfare activities and inculcate 'Discipline and corrections in jails' and 'enhancement in security of prisons'.

(Sukhjinder Singh Randhawa)
Cooperation & Jails Minister, Punjab.

FINANCIAL MEMORANDUM

The Punjab Prisons Development Board Bill, 2020 aims to establish the Punjab Prisons Development Board with the following aims and objectives:

- (a) reduce the financial liability of the Government exchequer by identifying new means of revenue generation;
- (b) undertake programs or schemes of treatment of prisoners, inter alia, education, vocational or industrial training, manufacturing activities, agriculture, poultry, dairy/fish farming, horticulture, etc;
- (c) enhance the living conditions of the prisoners;
- (d) to reform and re-assimilate prisoners in the social milieu by giving them appropriate correctional treatment;
- (e) provide resources for efficient management of prisons, e.g., by way of acquisition of assets, whether movable or immovable, including computers, communication facilities, gadgets, vehicles, security or surveillance equipment, electronic video linkage systems etc.;
- (f) to ensure the welfare of the officers and employees of the Department of Prisons and the Board.

One of the primary purposes of the Board is to give a fillip to the prison industries and other commercial activities in the prisons for generation of revenue. The revenue thus generated shall be spent on improving the correctional interventions, towards welfare of prisoners and prisons' staff and enhancement of security infrastructure of the prisons. No new posts or infrastructure will need to be created from government funds for creation of the Board. Hence, there is no financial implication of creation of this Board, rather in the long-run it is expected to generate sufficient resources to substantially reduce the financial burden on the state exchequer and take the Prisons Department on the road to self-sufficiency.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 19 of the Punjab Prisons Development Board Bill, 2020 empowers to the State Government to make rules to carry out the purpose of this Act. The powers sought are necessary for the proper implementation of the provisions of the Act and are normal in nature.

The Governor has, in pursuance of clause (1) and (3) of Article 207 of the Constitution of India, recommended to the Punjab Legislative Assembly, the introduction and consideration of the Bill.

CHANDIGARH
THE 2ND MARCH, 2020

SHASHI LAKHANPAL MISHRA
SECRETARY

N.B - The above Bill was published in the Punjab Government Gazette (Extraordinary), dated the 2nd March, 2020 under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly).