



Government of West Bengal
Department of Jails,
Second Floor, Block-2,
Writers Buildings,
Kolkata-700001

Tele-fax:
03322141196

No. 589-Jails

Date: - 25/05/2009

NOTIFICATION

Whereas the West Bengal Prohibition of Smoking and Spitting and Protection of Health of Non-Smokers and Minors Act, 2001 (WB Act XXXV of 2001) read with “Prohibition of Smoking in Public Places Rules, 2008 notified by the Ministry of Health & Family Welfare, Government of India in the Gazette of India Extraordinary dated New Delhi, Friday, May 30, 2008 prohibits smoking in public places;

And whereas in pursuance of Section 3 of the West Bengal Prohibition of Smoking and Spitting and Protection of Health of Non-Smokers and Minors Act, 2001 the entire premises of correctional homes are notified as public places in the State of West Bengal through the Department of Jails’ Notification No. 450-Jails dated 7/5/2009 published in an Extraordinary issue of the Kolkata Gazette dated 21 May 2009 ;

And whereas issuing of a specific notification is required to prohibit procurement/ supply of bidi, cigarettes and other smoking items to the inmates inside the correctional home premises;

The Governor is hereby pleased to notify, with effect from 31 May 2009, World No-Tobacco Day of the year, complete ban on smoking inside the correctional home premises which includes the office space, open area within the correctional homes, wards, cells, hospital wards, production centres etc,

This notification modifies the provisions of the following Rules of the West Bengal Jail Code in so far as those Rules relate to procurement, supply and use of smoking items.

Rule	Deletion/ modification ordered
655 of Jail Code, Vol-1	Delete “Bidis and cigarettes” from the list of permitted purchases
660 of Jail Code, Vol-1	Include ‘Bidi’, ‘Cigarette’ and ‘other tobacco products used for smoking’ in the list of prohibited articles
901 of Jail Code, Vol-1	Replace “Civil prisoners may be allowed to smoke, but not to use intoxicating drugs or liquors unless prescribed by the Medical Officer” with “unless prescribed by the Medical Officer, no civil prisoner will be allowed to use intoxicating drugs or liquors”
923 of Jail Code, Vol-1	Delete “the prisoner shall be allowed to procure at his own cost or at the cost of his friends and relations betel-nuts as well as tobacco for smoking in quantities which the Superintendent considers reasonable”
989 of Jail Code, Vol-1	Delete “a condemned prisoner who smokes may be supplied with cigarettes or tobacco”
1058 of Jail Code, Vol-1	Delete “cigarette or tobacco in quantities which the Superintendent considers reasonable may be allowed at the prisoner’s expense” .
1067 of Jail Code, Vol-1	Delete “they may also be allowed, at their own cost, cigarettes or tobacco in quantities considered reasonable by the Superintendent” .

This notification also modifies any other Rules or orders issued by the Department of Jails/ Prison Directorate for the time being in force which directly or indirectly allow procurement/ supply/ use of smoking items within the correctional home premises.

It is further notified that the Superintendent of concerned correctional home will be the authorised officer in terms of Schedule III under the Prohibition of Smoking in Public Places Rules, 2008.

By order of the Governor

Officer on Special Duty &
Ex-Officio Deputy Secretary

No. 589/1 (4) Jails

Date: - 25/5/2009

Copy forwarded to

PS to MIC, Department of Jails for kind information of the MIC

The Principal Secretary, Health & Family Welfare Department, Government of West Bengal for favour of information

ADG (P) and IG of Correctional Services, Government of West Bengal with a request to circulate this order to all the Superintendents of correctional homes and such other officers as he deems fit.

The Joint Secretary to the Government of West Bengal, Commerce & Industries Department with a request to arrange publication of this Notification in an extraordinary issue of the Calcutta Gazette. Once published, 1,000 copies of the notification may be made available to us.

O.S.D. & Ex- officio Deputy Secretary
Department of Jails