



Legislative Assembly of the State of Goa

**The Prisons (Goa Amendment)
Bill, 2005**

(Bill No. 25 of 2005)

~~To~~^{As} be introduced in the Legislative Assembly of the State of Goa)

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM
AUGUST, 2005.**

The Prisons (Goa Amendment) Bill, 2005

Bill No. 25 of 2005

A

BILL

further to amend the Prisons Act, 1894, in its application to the State of Goa.

BE it enacted by the Goa Legislative Assembly of Goa in the Fifty-sixth Year of the Republic of
5 India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Prisons (Goa Amendment) Act, 2005.

(2) It shall come into force at once.

10 2. *Insertion of new section 36-A.*— In the Prisons Act, 1894 (Central Act 9 of 1894), as in force in the State of Goa, after section 36, the following section shall be inserted, namely:—

"36-A. *Creation of fund for compensation.*—
15 The prisoners shall be paid wages for the employment provided to them at such rate as may be prescribed from time to time. An amount of fifty per cent of the total amount of wages earned by the prisoner in a month
20 shall be kept and deposited in a separate

common fund which shall be exclusively used for the payment of compensation to the deserving victims or his/her family of the offence the commission of which entailed the sentence of imprisonment to the prisoner. The account of fund shall be maintained by the Superintendent of Jail in such form and in such manner as may be prescribed. The rate of compensation to be paid to the victims or his/her family shall be fixed by a committee consisting of such persons as may be prescribed."

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to insert a new section 36-A in the Prisons Act, 1894 (Central Act 9 of 1894) as in force in the State of Goa, so as to make a specific provision in the said Act, 1894, enabling creation of a fund which shall be exclusively used for payment of compensation to the deserving victims or his/her family of the offence, the commission of which entailed the sentence of imprisonment to the prisoner.

The Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

Wages are already being prescribed from time to time by the State Government under rule 45 of the Goa, Daman and Diu Prisons (Facilities to Prisoners) Rules, 1968. However, 50% of the amount is being used for maintenance of the facilities for the Prisoners. With this amendment, the whole amount would be transferred to the Prison Authorities for use as now specified. The financial implication on account of proposed amendment will therefore be increased from approximately Rs. 2.5 lakh per annum to Rs. 8.21 lakh per annum at the current rate of wages being paid. The amount would go up commensurately, if the wage rate is amended. The rate paid is generally the minimum prescribed rate.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Clause 2 of the Bill seeks to insert new section 36-A which empowers the Government

to specify by rules, the rates at which wages shall be paid to the prisoners for the employment provided to them. Said section 36-A also empowers the Government to specify, by rules, the form and the manner in which the account of fund shall be maintained by the Superintendent of Jail. Further, Government is also empowered to make rules indicating the persons who shall form a committee for fixing the rate of compensation to be paid to the victims or his/her family.

These delegations are of normal character.

Assembly Hall,
Porvorim-Goa.
30th August, 2005.

PRATAPSINGH RANE
Chief Minister

Assembly Hall,
Porvorim-Goa.
30th August, 2005.

SUDHIR A. NARVEKAR
Secretary to the Legislative
Assembly of Goa.

**Governor's Recommendation under Article
207 of the Constitution**

In pursuance of Article 207 of the Constitution of India, I, S. C. Jamir, the Governor of Goa, hereby recommend to the Legislative Assembly of Goa, the introduction and consideration of the Prisons (Goa Amendment) Bill, 2005.

ANNEXURE

PRISONS ACT, 1894

36. *Employment of criminal prisoners sentenced to simple imprisonment.*— Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such a prisoner.

Assembly Hall,
Porvorim-Goa.
30th August, 2005.

SUDHIR A. NARVEKAR
Secretary to the Legislative
Assembly of Goa.