



Government of West Bengal
Home and Hill Affairs Department
Police Establishment Branch (Law Cell)
325, Sarat Chatterjee Road, Nabanna, Howrah – 711 102

No.981 – H (Law) /PE/14M-48/24

Dated, Howrah the 16th day of July' 2024

Notification

Whereas Article 246 (2) of the Constitution states that notwithstanding anything in List-II (State List), Parliament, and, subject to List-I (Union List), the Legislature of any State also, has power to make laws with respect to any of the matters enumerated in List-III in the Seventh Schedule (Concurrent List);

And whereas the Concurrent-List under Seventh Schedule of the Constitution, *inter alia*, provides the following entries:–

- (a) Criminal law, including all matters included in the Indian Penal Code at the commencement of this Constitution but excluding offences against laws with respect to any of the matters specified in List-I or List-II and excluding the use of naval, military or air forces or any other armed forces of the Union in aid of the civil power.
- (b) Criminal procedure, including all matters included in the Code of Criminal Procedure at the commencement of this Constitution.

And whereas the Central Government notified July 1, 2024, as the date on which Bharatiya Nyaya Sanhita, 2023 (BNS) will replace the Indian Penal Code, 1860; Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) will replace the Code of Criminal Procedure, 1973 and Bharatiya Sakshya Adhiniyam, 2023 (BSA) will replace the Indian Evidence Act, 1872 (hereinafter referred to as the said Criminal Laws);

And whereas the State Government had written to the Government of India to defer the operation of the said Criminal Laws;

And whereas the issues raised by the State Government were not considered by the Central Government;

And whereas in view of the importance and wide-ranging implications of the three laws; the State Government deems it necessary to constitute a Committee that shall examine the following:–

- (a) Suggest state-specific amendments as required to the three Criminal Laws.
- (b) Whether the names of the Criminal Laws are required to be changed at the state level?
- (c) Any other matter that the Committee may consider necessary.

Contd...

Now, therefore, the State Government is pleased hereby to constitute a Committee for reviewing the said Criminal Laws, i.e. Bharatiya Nyaya Sanhita, 2023 (BNS), the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) and the Bharatiya Sakshya Adhinyam, 2023 (BSA). The Committee, so constituted shall comprise of the following :-

- | | |
|---|-----------------|
| 1. Hon'ble Justice (Retired) Shri. Ashim Kumar Roy,
Retired Justice, Calcutta High Court & Lokayukta, West Bengal | Chairman |
| 2. Shri. Malay Ghatak,
Hon'ble MIC, Law Department, Judicial Department and
Labour Department | Member |
| 3. Smt. Chandrima Bhattacharyya,
Hon'ble MOS (I-C), Finance Department, Health & Family
Welfare Department and Land & Land Reforms and Refugee,
Relief & Rehabilitation Department | Member |
| 4. Ld. Advocate General, West Bengal | Member |
| 5. Shri. Sanjay Basu,
Ld. Sr. Standing Counsel for the State of W.B.,
Hon'ble Supreme Court of India | Member |
| 6. Director General & Inspector General of Police, West Bengal | Member-Convenor |
| 7. Commissioner of Police, Kolkata | Member |

The Committee shall have the power to engage academic experts, senior advocates, research assistants, and other legal experts for seeking their views on the subject matter.

The Committee shall also have the power to carry out public consultation and seek opinion from the public.

The Committee shall submit its findings in a form of a report within 3 (three) months from the date of notification.

By order of the Governor,

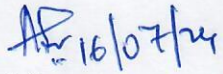
Sd/-
Principal Secretary to the Government of West Bengal
&
Home Secretary

No. 981/1(8)-H(Law)/PE/14M-48/24

Dated, Howrah the 16th day of July 2024

Copy forwarded for kind information to:-

1. Director General & Inspector General of Police, West Bengal
2. Commissioner of Police, Kolkata
3. Shri Sanjay Basu, Ld. Sr. Standing Counsel for the State of West Bengal, Hon'ble Supreme Court of India.
4. Registrar, Lokayukta, West Bengal
5. PS to MIC, Law & Judicial Department, Govt of WB
6. PS to MOS (IC), Finance Department, Govt. of WB
7. Sr. PS to Ld. Advocate General, West Bengal
8. Office copy


Special Secretary
to the Govt. of West Bengal