

28.09.2026
ItemNo.4 to
11
Court No.37
Bench
ID:266447
CHC

In The High Court at Calcutta
Appellate Side

WPA (P) 27 of 2021
IA NO: CAN/1/2023
CAN/2/2024
CAN/3/2024
CAN/4/2025

[In Re: The Court in its own motion
In Re: UTP Dipak Joshi, lodged in Dumdum Central
Correctional Home]
in
CRM (NDPS) 48 of 2023
in
CRM (NDPS) 52 of 2023
with
CRR 798 of 2023
with
CRR 799 of 2023
with
WPA 26371 of 2017
IA NO: CAN/3/2024
CAN/4/2024
with
WPA 5440 of 2020
IA NO: CAN/1/2020 (Old No: CAN/3147/2020)
with
WPA 7252 of 2018
with
WPA 8573 of 2018
with
WPA (P) /116/2026

Mr. Surojit Nath Mitra, Sr. Advocate & Ld. AG
Mr. Billwadal Bhattacharyya, Sr. Adv & Ld. AAG
Mr. Suryanil Das, Ld. AGP
Mr. Madhu Jana, Ld. Jr. Govt. Advocate
..... for the State

Mr. Saikat Banerjee, Ld. Sr. Advocate
Mr. Bratin Kumar Dey, Advocate
Mr. Subhankar Banerjee, Advocate
.... for the High Court Administration
(Item No.4 to 11)

Mr. Debashis Banerjee, Advocate
Mr. Rakesh Jana, Advocate
...for the HC Administration in
WPA(P)/116/2026

Mr. Tapas Kr. Bhanja
Learned Amicus Curiae
 Assisted by-
 Mr. Kallol Guha Thakurta, Advocate

Mr. Kaushik Gupta, Sr. Advocate
 Ms. Soma Chowdhury Bandhu, Advocate
 ...for SLSA in WPA 26371/2017

Ms. Soma Chowdhury Bandhu, Advocate
 ... for SLSA in WPA 8573 of 2018

Mr. Raghunath Chakraborty, Advocate
 Mr. Uttam Kumar Shaw, Advocate
 Ms. Nandini Chatterjee, Advocate
Intervenor in WPA 26371 of 32017
 WPA 7252 of 2018
 WPA 8573 of 2018

Ms. Jhuma Sen, Advocate
 Mr. Samsul Laskar, Advocate
 ...for the application in CAN/3/2024
 And CAN/4/2024 in WPA/26371/2017

1. Public Interest Litigations are taken up for analogous hearing.
2. On July 15, 2026, we put in place modality for identification of the heirs and legal representatives of the deceased victims who died in custody for purpose of disbursement of compensation receivable by them. We requested the Member Secretary, State Legal Services Authority to undertake an exercise of identifying the heirs and legal representatives of the deceased victims who died in custody given the fact that, the stand of the State was that they were unable to disburse compensation in view of lack of material particulars with regard to heirs and legal representatives of such persons.

3. On July 15, 2026, by our order, we requested to Member Secretary, State Legal Services Authority to inform all Secretaries of every District Legal Services Authority for undertaking such exercise. We also requested such Secretaries to ensure that heirs and legal representatives of the deceased inmates received compensation for the death of inmates in custody as expeditiously as possible.
4. Learned Senior Advocate appearing for the SLSA submits that, by a Notification dated November 29, 2019, the State Government put a scheme in place of disbursement of compensation to inmates, who expired in custody. Such scheme is called the “West Bengal Correctional Services Prisoners (Unnatural Death Compensation) Scheme, 2019. Referring to Regulation 3 in particular Regulation (3) thereof, learned Senior Advocate for the SLSA submits that, disbursement authority is the Inspector General of Correctional Services.
5. In view of the West Bengal Correctional Services Prisoners (Unnatural Death Compensation), Scheme, 2019 providing for creation of a fund for payment of compensation to prisoners who died unnatural death in correctional homes in the State of West Bengal and in view of the Regulation 3(3) provided that, the fund shall be operated by the Inspector General of Correctional Services, we direct that, the Inspector of General of Correctional Services will proceed to

disburse compensation in terms of such scheme to the heirs and legal representatives of the deceased inmates of the correctional homes. In doing so, the Inspector General of Correctional Services will proceed on the basis of the data provided by the Member Secretary, State Legal Services Authority with regard to the heirs and legal representatives of such deceased inmates unless, he is of the view that such data is insufficient or cannot be worked upon. If he does hold such view, he will pass a reasoned order in respect of every deceased inmate and inform such order to the Member Secretary, State Legal Services Authority. Where, he finds that, the data of the heirs and legal representatives of the deceased inmates are sufficient to cause disbursement, he will proceed to do so expeditiously. It is expected that, the Inspector General of Correctional Services implement the scheme immediately on receipt of the data from the Member Secretary, State Legal Services Authority.

6. Member Secretary, State Legal Services Authority is requested to make over all data collected with regard to the heirs and legal representatives of the deceased inmates forthwith to the Inspector General of Correctional Services.
7. Member Secretary, State Legal Services Authority is at liberty to update such data from time to time. We find from the report submitted by Member Secretary, State Legal Services Authority which was taken on record on

September 10, 2026 that, there are number of prisoners whose heirs and representatives remains unknown as on date.

8. The report of the State Legal Services Authority which was taken on record on September 10, 2026 however, is limited to the period from January 1, 2016 to December 31, 2021
9. Member Secretary, State Legal Services Authority is requested to undertake the exercise of identifying the heirs and legal representatives of deceased inmates of correctional homes for the period from January 1, 2022 till date and continue to update the data for the subsequent period with the lapse of time. Member Secretary, State Legal Services Authority is requested to update the data collected and transmit the same to the Inspector General of Correctional Home periodically.
10. State will provide the list of persons who expired in custody in a correctional home for the period from January 1, 2022 till date to the Member Secretary, State Legal Services Authority forthwith. State will continue to update such list from time to time.
11. Our attention is drawn to the judgment and order dated February 26, 2026 passed by the Hon'ble Supreme Court in **Writ Petition (Civil) No(s). 1082 of 2020 (Suhas Chakma vs. Union of India & Ors.)**. In particular, our attention is drawn to the directions contained under ***Compliance and Monitoring***.

12. In ***Suhas Chakma (supra)*** Hon'ble Supreme Court issued the following directions:-

“F. Compliance and Monitoring

It is evident that the directions issued by this Court vide order dated 8th May, 2018 in ***In Re: Inhuman Conditions in 1382 Prisons*** have not, thus far, yielded any meaningful or positive results. In order to ensure that the present judgment does not suffer the same fate, it is imperative to exhort the High Courts to assume an active role in overseeing and ensuring effective implementation of the directions issued herein. With the aforesaid objective in view, we proceed to issue the following directions;-

- (i) For ongoing compliance and monitoring, all the High Courts are directed to register a *suo motu* writ petition, as a continuing mandamus, for the purpose of monitoring compliance with the present judgment within their respective jurisdictions, particularly with respect to the establishment, functioning and expansion of OCIs.
- (ii) To facilitate effective implementation at the executive level, every State and Union Territory shall constitute a Monitoring Committee for the Management of OCIs, to be headed by the Executive Chairman of the State Legal Services Authority or his nominee (including a former Judge of the High Court), with the following members;-
 - a. Home Secretary of the State/Union Territory (or his nominee not below the rank of Additional Secretary); and
 - b. A senior officer of the Prisons Department not below the rank of Deputy Inspector General, to be nominated by the Home Department of the State or Union Territory.

- (iii) Where the Chairperson of the Monitoring Committee is a nominee of the Executive Chairman of the State Legal Services Authority, such nominee shall be entitled to appropriate remuneration and logistical support, as may be determined by the Executive Chairman, State Legal Services Authority in consultation with the State Government.
- (iv) The State Monitoring Committees shall be responsible for:-
 - a. Ensuring compliance with the directions issued by this Court;
 - b. Overseeing the utilization, functioning and expansion of OCIs;
 - c. Facilitating the timely identification and transfer of eligible prisoners from closed prisons to OCIs; and
 - d. Periodically reviewing progress and addressing systemic impediments in the implementation of the directions issued by this Court.
- (v) Each State and Union Territory shall constitute the aforesaid Committee within a period of **four weeks** from the date of this judgment.
- (vi) The State Committees shall submit status reports to the concerned High Court on regular **quarterly intervals**, detailing the steps taken towards compliance with the directions issued herein, the utilization and expansion of OCIs, and any difficulties encountered in implementation of the directions issued by this Court. The first such status report shall be placed on record before the concerned High Court **on or before 21st August, 2026**.
- (vii) The High Courts, through their respective Registrar General, shall compile and forward consolidated report to this Court **once every**

year, summarizing the compliance status of States and Union Territories, progress achieved, best practices identified, and persistent gaps requiring policy or executive intervention. The first such consolidated annual report shall be placed on record before this Court **on or before 31st March, 2027.**”

13. Learned Senior Advocate appearing for High Court Administration submits that, the Committee in terms of the direction of the ***Suhas Chakma (supra)*** stands constituted.
14. Learned *Amicus Curiae* submits that, three writ petitions should be segregated and heard separately.
15. We find that, three writ petitions learned *Amicus Curiae* speaks about are in relation to the inhuman conditions in the Correctional Homes. The other writ petitions also seeks to put in place ameliorative measures with regard to the Correctional Homes. Consequently, the prayer for segregation of such writ petitions is not accepted as it will lead to duplication of efforts and give rise to a possibility of conflicting judicial decisions.
16. Learned *Amicus Curiae* submits that, inhuman conditions in the Correctional Homes continues to remain. He invites the Court to put in corrective measures with regard thereto.
17. Learned *Amicus Curiae* is at liberty to place any material on record on such aspect, if deemed appropriate by him.

18. List these writ petitions two weeks hence.

(Debangsu Basak, J.)

(Aryak Dutt, J.)