

16.04.2021
Court No.19
Item No.1
S/L
SB

WWW.LIVELAW.IN

WPA 8533 of 2021

(via Video Conference)

(In Re: Mental Health and Mental Health Care and allied matters concerning convicts/undertrials detained in various correctional homes in West Bengal and the Union Territory of Andaman and Nicobar Islands in terms of Supreme Court directions)

The Legal Services Committee High Court, Calcutta through the Secretary having office at the High Court, Calcutta

..... Petitioner

Vs.

1. The State of West Bengal
through the Secretary Department of Health and family Welfare having his office at GN-29, Swasthya Bhawan Sector-V, Salt Lake, Kolkata, West Bengal 700091

2. The State Legal Services Authority West Bengal
through Member Secretary having office at City Civil Court Building, 8th floor, 2 & 3, Kiran Sankar Roy Road, Kolkata, West Bengal 700001

3. The Union of India
through the Secretary Ministry of Health and family Welfare having his office at Nirman Bhawan C-Wing, New Delhi, 110001

4. The High Court at Calcutta
represented by the Registrar General
High Court, Calcutta

5. Chief Secretary to the Government of West Bengal, Nabanna, 13th Floor, 325 Sarat Chatterjee Road, Shibpur, Howrah - 711102

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7. Health Secretary, Government of West Bengal, GN-29, Sector –V, Salt Lake, Kolkata – 700091.

8. Directorate of Correctional Services, Government of West Bengal, Jessop Building, 63 Netaji Subhas Road, Kolkata – 700001.

9. Directorate of Mental Health Services, Government of West Bengal, Jessop Building, 63 Netaji Subhas Road, Kolkata – 700001.

10. District Magistrate, Darjeeling, Chawk Bazar, Darjeeling, West Bengal, Pin-734101.

11. District Magistrate, Jalpaiguri, D.M. Office Building, Jalpaiguri, West Bengal, Pin – 735101.

12. District Magistrate, Cooch Behar West Bengal, Pin 736101.

13. District Magistrate, Uttar Dinajpur, Karnajora, Raiganj, West Bengal, Pin – 733143.

14. District Magistrate, Dakshin Dinajpur, Balurghat, West Bengal, Pin – 733101.

15. District Magistrate, Malda, Brindabani Field, Malda, West Bengal, Pin 732101.

16. District Magistrate, Birbhum, Suri Main Road, Suri Birbhum, West Bengal, Pin – 731101.

17. District Magistrate, Murshidabad, Barrack Square, Gora Bazar, Berhampore, West Bengal – Pin 742101.

18. District Magistrate, Purba Bardhaman, 248, Kachari Road, West Bengal, Pin – 713101.

19. District Magistrate, Nadia, Krishnanagar, West Bengal, Pin –741101.

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22. District Magistrate, Hooghly, Chinsurah, West Bengal Pin – 712101.

23. District Magistrate, North 24 Parganas, Barasat, 39, Kathgola Banamalipur, Barasat, West Bengal, Pin 700124.

24. District Magistrate, Paschim Medinipur, West Bengal, Pin –721101.

25. District Magistrate, Howrah, 6, Rishi Bankim Chandra Road, Howrah, Pin – 711101.

26. District Magistrate, Kolkata, Thackeray Road, Alipore, Kolkata – 700027.

27. District Magistrate, South 24 Parganas, 25, Belvedere Road, Alipore Police Line, Kolkata – 700027.

28. District Magistrate, Purba Medinipur, Haldia, Tamluk, Mechada Road, West Bengal, Pin – 721636

29. District Magistrate, Kalimpong, Khasmahal, West Bengal, Pin – 734301.

30. District Magistrate, Alipurduar, West Bengal, Pin – 736121.

31 District Magistrate, Paschim Bardhaman, Kanyapur, Asansol, West Bengal, Pin – 713305.

32. District Magistrate, Jhargram, SH-5, Jhargram, West Bengal, Pin – 721514.

33. Chief Secretary, Andaman and Nicobar Islands Administration, Administrative Secretariat, Port Blair, Pin – 744101.

34. The Principal Secretary, Home Department, Andaman and Nicobar Islands, Administrative Secretariat, Port Blair, Pin – 744101.

35. Secretary, Law and Jail Department

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Administrative Secretariat, Port Blair, Pin – 744101.

37. Deputy Commissioner of Nicobar District, Office of Deputy Commissioner, Nicobar District, Pin – 744301.

38. Deputy Commissioner of North & Middle Andaman, Office of Deputy Commissioner, North & Middle Andaman District, Pin – 744204.

39. Deputy Commissioner of South Andaman, Office of Deputy Commissioner South Andaman District, Pin – 744101.

40. Ministry of Social Welfare, Govt. of India, Room No. 622 A wing Shastri Bhawan New Delhi – 110001.

41. The Superintendent of Dum Dum Central Correctional Home, R.B.C. Road, Mahendra Colony, Cantonment, Rajbari, Dum Dum, Kolkata, West Bengal, Pin – 700028.

42. The Superintendent of Alipore Central Correctional Home, 17, Judges Court, Alipore, Kolkata, West Bengal, Pin – 700027.

43. The Superintendent of Alipore Womens Correctional Home, 31, Belvedere Road, Block –A, Alipore Police Line, Alipore, Kolkata – 700027.

44. The Superintendent of Presidency Correctional Home, Presidency Jail, Alipore, Kolkata – 700027.

45. The Superintendent of Baruipur Central Correctional Home, Chakraberia Road, Chakar-Bar, West Bengal, Pin – 700145.

46. The Superintendent of Chandannagar Sub-Correctional Home, Kabi Bharat Chandra Road, Barabazar, Garulia, Chandannagar, West Bengal, Pin – 712136.

47. The Superintendent of Barrackpore Sub-Correctional Home, Muchi Mahal, Sadar

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Bardhaman, Indira Pally, Pubna, West Bengal, Pin – 713130.

49. The Superintendent of Howrah District Correctional Home, 10 P. K. Banerjee Road, Choura, Bastee, Shibpur, Howrah – 711101.

50. The Superintendent of Tamluk Sub-Correctional Home, Panskura, Tamluk Road, Uttar Chara, Sankarara, West Bengal, Pin – 721636.

51. The Superintendent of Siliguri Special Correctional Home, Ward – 20, Subhaspally, Siliguri, West Bengal Pin – 734004.

52. The Superintendent of Bishnupur Sub-Correctional Home, near Central Bus Stand, Bishnupur College Road, Bishnupur, West Bengal, Pin – 722122.

53. The Superintendent of Arambagh Sub-Correctional Home, P.C. Sen Road, Arambagh, West Bengal Pin – 712601.

54. The Superintendent of Basirhat Sub-Correctional Home, Itinda Road, Basirhat, West Bengal- Pin 743411.

55. The Superintendent of Burdwan Correctional Home, Rashikpur, Subhaspally, Bardhaman, West Bengal – 713101

56. The Superintendent of Bankura District Correctional Home, Patpur Tamil Bandh Jail Road , Bankura, West Bengal - 722101

57. The Superintendent of Serampore Subsidiary Correctional Home, Rishi Bankim Sarani, Serampore, West Bengal – 712201.

58. The Superintendent of Krishnagar District Correctional Home, District Jail Road, Krishnagar, West Bengal – 741101.

59. The Superintendent of Ghatal Sub-Correctional Home, Konnagar, Paresh Nagar, Ghatal, West Bengal – 721212.

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61. The Superintendent of Lalgola Open Air Correctional Home, Lalgola Open Jail Road, Lalgola, West Bengal – 742148.

62. The Superintendent of Asansol Special Correctional Home, Asansol Court Area, West Bengal – 713304.

63. The Superintendent of Tufanganj Sub-Correctional Home, Tufanganj, West Bengal – 736159.

64. The Superintendent of Jalpaiguri Central Correctional Home, Netaji Subhas Chandra Bose Road, Rai Katpara, Jalpaiguri, West Bengal – 735101.

65. The Superintendent of Durgapur Sub-Correctional Home (Jail), Vaishali Co-operative Housing Colony, Durgapur, West Bengal – 713206.

66. The Superintendent of Purulia District Correctional Home, Jaikhana Road, Baligara, Purulia, West Bengal – 723101.

67. The Superintendent of Bolpur Sub-Correctional Home, Bolpur, West Bengal – 731204.

68. The Superintendent of Malda District Correctional Home, P.O. Mokdumpur, District – Malda, West Bengal – 732102.

69. The Superintendent of Suri District Correctional Home, SH-6, Suri West Bengal – 731101.

70. The Superintendent of Alipurduar Special Correctional Home, SH- 12A, Alipurduar, West Bengal – 736121.

71. The Superintendent of Uluberia Sub-Correctional Home, Mission School Road, Uluberia, Howrah – 711315.

72. The Superintendent of Kalna Sub-Correctional Home, Kalna, West Bengal – 713409

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74. The Superintendent of Ranaghat Sub-Correctional Home, Ranaghat, Nadia, West Bengal – 741201.

75. The Superintendent of Kalyani Sub-Correctional Home, Silpachal Station Road, Block – A2, Kalyani, West Bengal – 741235.

76. The Superintendent of Tehatta Sub-Correctional Home, Tehatta Sub-Jail Road, West Bengal – 741160.

77. The Superintendent of Purulia Women Correctional Home, Jaikhana Road, Purulia – 723101.

78. The Superintendent of Contai Sub-Correctional Home, Purba Medinipur, West Bengal- 721401.

79. The Superintendent of Jhargram Sub-Correctional Home, Station Road, Jhargram, West Bengal – 721507.

80. The Superintendent of Haldia Sub-Correctional Home, Bhabanipur, Haldia, West Bengal – 721631.

81. The Superintendent of Raghunathpur Sub-Correctional Home, Raghunathpur, West Bengal – 723133.

82. The Superintendent of Balurghat District Correctional Home, Hill Balurghat Hwy Mangalpur, Balurghat, West Bengal – 733103.

83. The Superintendent of Jangipur Sub-Correctional Home, Balighata Road, Rampura, Raghunathganj, West Bengal – 742213.

84. The Superintendent of Kandi Sub-Correctional Home, Murshidabad, West Bengal – 742137.

85. The Superintendent of Lalbagh Sub-Correctional Home, Murshidabad, West Bengal- 742149

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87. The Superintendent of Cooch Behar District Correctional Home, Mukuldanga, Cooch Behar Bazar, Cooch Behar, West Bengal – 736101.

88. The Superintendent of Darjeeling District Correctional Home, Pragma Academy Road, Chandra Gadhi, Darjeeling, West Bengal – 734101.

89. The Superintendent of Raiganj District Correctional Home, NH – 12, College Para, Raiganj, West Bengal – 733134.

90. The Superintendent of Dinhata Sub-Correctional Home, Cooch Behar, West Bengal – 736135.

91. The Superintendent of Islampur Sub-Correctional Home, Uttar Dinjapur, West Bengal – 733202.

92. The Superintendent of Kalimpong Sub-Correctional Home, Kalimpong Khasmahal, Kalimpong, West Bengal - 734301.

93. The Superintendent of Kurseong Sub-Correctional Home, Parnkhabari Road, Spring Sidi Tea Garden, West Bengal - 734203.

94. The Superintendent of Mathabhanga Sub-Correctional Home, Cooch Behar, West Bengal – 736146.

95. The Superintendent of Mekhliganj Sub-Correctional Home, Cooch Behar, West Bengal – 735304.

.....Respondents.

Mr. Sandipan Ganguly, Sr. Adv.
Mr. Dipanjan Dutt

.... for the petitioner.

Mr. Y. J. Dastoor, Ld. Addl. Solicitor General.
Mr. Siddhartha Lahiri

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Union of India, High Court administration and the Legal Services Committee, High Court are represented. The Registry has filed a list of respondents as per the direction of this Court. Let these respondents be added in the proceedings serially, as respondent No.5 to respondent No.95. The Registry is directed to issue notices upon the added respondents intimating them of this proceeding. Fresh notice be served upon the non-appearing respondents namely, the State of West Bengal which was represented by the learned Advocate General on the earlier date and also upon the State Legal Services Authority.

Mr. Ganguly, learned senior advocate appears before this Court on behalf of the High Court Legal Services Committee petitioner, submits that the decision in the matter of **Sheila Barse vs. Union of India** reported in **1993 (4) SCC 204** was primarily with regard to the non-criminal mentally ill persons who may have been housed in the correctional homes in the State of West Bengal.

Under such circumstances having taken into consideration the earlier judgment passed by the Hon'ble Apex Court, some other additional issues are also required to be addressed, namely plight of non-criminal mentally ill persons who may have been housed in the correctional homes in the State of West Bengal and the general conditions in the hospitals imparting institutionalized treatment.

The learned Additional Solicitor General shall apprise this

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The Superintendents of the respective correctional homes who are added as respondents in this proceeding are to file reports indicating the number of non-criminal mentally ill persons and mentally ill convicts and under trials who are at present in the respective correctional homes. The High Court Legal Services Committee shall seek co-operation and assistance from the State Legal Services Authority West Bengal and file a report before this Court containing a list of Government and privately run hospitals providing institutionalised treatment to mentally ill persons in West Bengal. A similar report with regard to the Andaman & Nicobar Island is also to be filed.

Let this matter appear on 11th June, 2021 at 12.30 PM for further consideration.

(Shampa Sarkar, J.)