

25.03.2021
Court No.19
Item No.1
Cp

WPA 8533 of 2021

(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

.....Respondents.

Mr. Kishore Dutta, Ld. Adv. General.

.....for the State of West Bengal.

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

Mr. Siddhartha Lahiri

...for the Union of India.

Mr. Saikat Banerjee

.....for the High Court Administration.

This matter has already been registered as a writ petition pursuant to an administrative decision of the Hon'ble the Chief Justice dated March 24, 2021. The constitution of this bench finds its genesis in paragraph 6 of the decision of the Apex Court in the matter of Sheela Barse vs. Union of India & ors., reported in (1995) 5 SCC 654. The issues primarily to be addressed are as follows:

“A. To judicially supervise, monitor and oversee the mentally ill convicts/undertrials at appropriate intervals who are locked up in various correctional homes in the State of West Bengal as also in the Union Territory of Andaman and Nicobar Islands.

B. To pass suitable, appropriate and necessary directions as may be necessitated in order to improve the wellness/wellbeing/conditions of such mentally ill convicts/undertrials.”

Learned Advocate General and learned Additional Solicitor General appear on notice on behalf of the State of West Bengal and the Union of India respectively.

The Legal Services Committee of the High Court is impleaded through its Secretary having office at the High Court Calcutta as the petitioner. The State Legal Services Authority, West Bengal through the Member Secretary having office at City Civil Court Building, 8th floor, 2 & 3,

Kiran Sankar Roy Road, Kolkata, West Bengal 700001, 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, the Union of India through the Secretary Ministry of Health and family Welfare having his office at Nirman Bhawan, C-Wing, New Delhi-110001, the High Court at Calcutta, represented by the Registrar General are added as respondents in this proceedings.

Mr. Saikat Banerjee, who usually appears on behalf of the High Court Administration and is present in court today, is directed by this court to assist the court in this proceeding on behalf of the High Court Administration.

Registry is directed to prepare a list of the other respondents as per the administrative decision of the Hon'ble the Chief Justice with their addresses so that they may be impleaded as respondents on the next date.

List this matter on April 16, 2021 as the first item.

Notices be issued by the Registry to the Secretary High Court Legal Services Committee and the other respondents who shall be represented on the next date.

(Shampa Sarkar, J.)