

**Report regarding visit of West Bengal Human Rights Commission to
Uttarpara Female Vagrants' Home on 21st January, 2025**

Members of West Bengal Human Rights Commission comprising Justice Jyotirmay Bhattacharya (Retd.), Chairperson, WBHRC, Justice Madhumati Mitra (Retd.), Judicial Member, WBHRC and Mr. Basudeb Banerjee, IAS (Retd.), Administrative Member, WBHRC visited the Female Vagrants' Home (hereinafter referred to as 'Home') at 10, Rajmohan Road, Uttarpara, Hooghly on 21st January, 2025, upon notice to the Home Authority to inspect the overall condition of the Home and its inmates.

During the course of the visit, the Members of the Commission had long interactions and discussions with the Lady Manager, other officials and staff of the Home. Additional District Magistrate, Hooghly and the District Social Welfare Officer were also present during the discussions.

Being a Female Vagrants' Home, the physical inspection of the rooms of the Home and interaction with inmates was by Justice Madhumati Mitra (Retd.), Judicial Member, WBHRC, accompanied by the Lady Manager.

Justice Jyotirmay Bhattacharya (Retd.), Chairperson, WBHRC and Mr. Basudeb Banerjee, IAS (Retd.), Administrative Member WBHRC inspected the vacant old building of the Home which was currently undergoing repairs as well as the kitchen that was located at the old building.

Apart from the Office building, where the meeting was held and which was in good shape, there are two main buildings to accommodate the vagrants within the campus.

The new building was handed over after completion in 2020 and has the capacity to house 225 inmates. Since the old building is under renovation, the

entire existing population of 233 inmates is being accommodated in the new building. It was informed to the visiting Commission that accommodation will not be a problem once the repairs to the old building are completed and the building handed over. The kitchen is functioning from the old building and is clean and hygienically maintained.

All the inmates were referred either by the Court of the ACJM, Barrackpore or by the Court of the Ld. 3rd Magistrate, Howrah, for their admission in the Home. The Commission was further informed that out of 233 inmates, 210 inmates were mentally-ill patients. The Manager informed the Commission that among the mentally-ill, those who are violent are not segregated from the others. Out of the 233 inmates, approximately 100 are from outside the State of West Bengal.

The Home has no regular Doctor but a contractual doctor, Dr. Amitabha Mondal attends to patients thrice a week. Dr. Mondal was present during the visit of the Commission. Uttarpara State General Hospital was the nearest hospital from the Home, approximately 1 kilometer away.

Blood samples for pathological testing and reporting are done by an organization called "Shaanti Scan". Two medical camps every month are held under sponsored Rashtriya Bal Swasthya Karyakram (RBSK) for child health screening and early intervention services, by the Uttarpara State General Hospital on the first and third Fridays of each month. Psychiatric, USG, gynecological and skin tests are done on those days.

There is a severe lack of support staff, nurses, attendants and no provision for the post of clinical psychologist at the Home. Medicines are administered by other staff, including teachers. Sweepers and security guards who are outsourced staff do laundry work. Government should take immediate steps to fill up the vacant posts as urgently as possible and consider the creation of appropriate posts.

According to the Manager, a sum of Rs. 2000 is allocated per month against each Vagrant, including food, stay, clothing etc. Clothes are provided three times per year and in some cases, when the need arises.

No Vagrant had escaped from the Home in the years 2022, 2023 and 2025. There were two instances of suicide in the past two years-one Vagrant, who was a mental health patient, took her own life in 2023 and in 2024 another Vagrant, who was a drug addict committed suicide.

The Manager of the Home stated that the record of deaths of Vagrants in the Home during the last five years was as follows:

2020	19
2021	22
2022	7
2023	13
2024	17
2025(until date of inspection)	3

The Manager of the Home stated that the record of restoration of Vagrants from the Home to their respective families in the last five years was as follows:

2020	13
2021	14
2022	17
2023	29
2024	8
2025(until date of inspection)	1

In the background of the present scenario as recorded hereinabove, West Bengal Human Rights Commission gives the following recommendations for the welfare of the inmates of the said Vagrants' Home and its proper management:-

- i. Considering the number of staff available in the Home and the number of inmates staying there, the Commission has no hesitation to observe that the staff strength available there presently is quite inadequate to look after 233 inmates including 210 mentally-ill patients.
- ii. Steps should be taken by the Authorities immediately to fill up the vacant sanctioned posts on urgent basis so that proper care of the inmates staying in the Home can be taken as they are served under the provision of the Vagrancy Act, 1824.
- iii. Doctor, compounder, nurses should be appointed on regular basis to provide proper treatment and care to the inmates most of whom are suffering from various diseases.
- iv. Home is a shelter place of vagrants within the meaning of Section 2(9) of the Bengal Vagrancy Act, 1943. During course of inspection, the Commission was informed that a considerable number of inmates are suffering from mental illness. In this connection, it cannot be overlooked that Mental Health Care Act, 2017 came in operation from 25/05/2018. The object of the Act is to provide the persons with mental illness the right to get access to quality care. If the inmates of Vagrants' Home who are suffering from mental illness, are guided only by the provisions of the Bengal Vagrancy Act, 1943, then they would be deprived of their valuable rights as provided to them by the Mental Health Care Act, 2017. Authority concerned may be asked to look into this aspect and take steps accordingly.
- v. Vagrants are referred by the Designated Courts to the Home but if on subsequent medical examination they are found to be mental-health patients, the Manager of the Vagrants' Home, can shift the patient to the nearest mental health establishment run and funded by the Government for assessment and treatment as necessary. In this regard, the attention of the Authority to **Section 104 of Mental Health Care Act, 2017** is drawn which runs as follows:-

"Section 104 (1):- If it appears to the person in charge of a State run Custodial Institution (including Beggars' Home Orphanages, Women's Protection Homes and Children Homes) that any resident to the Institution has, or is likely to have a mental illness, then he shall take such resident of the Institution to the nearest mental health establishment run or funded by the appropriate Government for assessment and treatment, as necessary.

104(2):- the medical officer in charge of a mental health establishment shall be responsible for assessment of the person with mental illness and the treatment required by such person shall be decided in accordance with the provisions of this Act."

The Authorities concerned including the Manager of the Vagrant Home is required to observe the aforesaid provision of law strictly so that treatment of the mentally-ill patient is not neglected and such patients are not allowed to stay along with the Vagrants who are not mentally-ill.

- vi. Arrangements should be made to visit the Vagrants' Home by the Medical Team comprising of experts, to identify the mentally-ill vagrants and / or the violent mentally-ill vagrants, so that they can be segregated from the other vagrants. Arrangements should be made for accommodating the mentally-ill vagrants and the other vagrants separately and if possible in different Homes. The Medical Team may also be asked to identify those among the mentally-ill vagrants whose hospitalization treatment is necessary and those who could be treated by keeping them in the Home.
- vii. The mentally-ill vagrants, whose hospitalization treatment is necessary, may be shifted to any Government Mental Hospital for their treatment.
- viii. The Manager of the Vagrants' Home should take initiative to contact the District Social Welfare Officer (DSWO) and the office of the District Magistrate (DM) so that all inmates are provided with Aadhaar

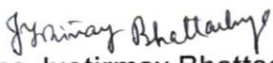
numbers after their biometrics are recorded at the Home. This would help in identification of the inmates to aid their restoration/rehabilitation. Assistance of the Authority dealing with Aadhaar can also be taken to identify the inmates and ascertain their addresses and the whereabouts of their family members so that they can be reunited with their family members, if possible.


- ix. The Commission intends to draw the attention of State Authority to constitute Vagrancy Advisory Board under Section 3 of the Bengal Vagrancy Act, 1943 to advise the State Government so that the interest of the beneficiaries under the Act can be properly protected and maintained.
- x. There is also no Board of Visitors in the said Vagrants' Home. Regular visit by the Board of Visitors and their valued advice will assist the Manager of the Home and other staff to improve/uplift the well being of the inmates of the Home. Steps should be taken immediately to constitute Board of Visitors by including district-level Government functionaries, including representative of the District Magistrate(DM) and the Chief Medical Officer of Health(CMOH), local peoples' representatives and important personalities of unquestionable repute like Doctors, Lawyers, Professors, Teachers etc. in the Board.
- xi. In case of death of any vagrant in the Vagrants' Home, steps should be taken immediately to initiate Magisterial Enquiry in the same manner as it is done in case of Custodial Deaths in Correctional Homes and those in Police Custody etc.

Joint Secretary, W.B.H.R.C. is directed to send authenticated copy of

the recommendations to the Chief Secretary, Govt. of West Bengal. Chief Secretary, Govt. of West Bengal should inform the Commission about the action taken or proposed to be taken on the recommendations within a period of 3(three) months from the date of receipt of this communication.

Ld. Registrar, WBHRC is directed to upload the recommendations in the Commission's website.


Justice Jyotirmay Bhattacharya
Chairman


Justice Madhumati Mitra
Member (J)


Basudeb Banerjee
Member(A)

Dated, the 20th February, 2025.