

Report regarding visit of WBHRC to Casual Vagrants' Home, Howrah on
21st January, 2025

Members of West Bengal Human Rights Commission comprising of Justice Jyotirmay Bhattacharya (Retd.), Chairperson of WBHRC, Justice Madhumati Mitra (Retd.), Judicial Member of WBHRC and Mr. Basudeb Banerjee, IAS (Retd.) Administrative Member of WBHRC visited the Casual Vagrants' Home (hereinafter referred to as 'Home') at 120, Andul Road, Howrah- 3 on 21st January, 2025, upon notice to the Home Authority to inspect the overall condition of the Home and its inmates.

In course of visit, the Members of the Inspecting Team had long interaction / discussion with the Manager of the Home and its other office bearer and staff. Monthly report of Casual Vagrants' Home for the month of January 2025 has been made over to the Members of the Inspecting Team. It appears from the said monthly report that the said Home has the capacity to accommodate 250 vagrants. Presently 194 inmates are staying there and out of them one inmate has been admitted in Howrah District Hospital for his treatment. 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. There is another designated Court namely, Vagrancy Court, Calcutta which remains non-functional.

Majority of the inmates are from outside the State of West Bengal. Out of 194 inmates, 111 are of West Bengal; 30 are from Behar; 8 are from Uttar Pradesh; 2 are from Andhra Pradesh and 8 from Odisha. Whereabouts of 26 inmates are unknown.

We are informed that 24 vagrants have been released from the Home since November, 2022 and they are presently residing with the members of their family.

We are also informed that one NGO namely *Ishwar Sankalpo* engaged by the Home plays vital role in the process of restoration of the inmates to their respective families, and this was done after proper identification of the inmates and their family members. So long the said NGO has been rendering the said services voluntarily and without charging any service charge for such services being rendered by it. Even the travelling expenses are borne by the said NGO itself.

It is proposed by the Manager of the Home that if minimum incentive is provided to the said NGO, service of the said NGO can be fruitfully utilized much more effectively. The Manager of the Home by his letter dated 5th August, 2024 requested the Controller of Vagrancy, West Bengal to engage an NGO so that speedy restoration may take place on regular basis. Copy of the said letter (marked with letter "A") is enclosed hereto to make it a part of the report.

Presently, all the inmates are accommodated in a new building inaugurated in 2017. Even the new building requires thorough repair. Apart

from the new building, there is one old building which is now being renovated. Even the office building is not in good shape. The office building requires thorough repair. We are informed that PWD has already sanctioned Rs. 58 lakh for repairing the office building. However, repairing work has not yet commenced.

From May 2023 till October 2024 at least 14 letters were written by the Manager of the Home requesting the Executive Engineer, Howrah Construction Division to undertake repairing works of different description from time to time but those are reportedly not attended by the PWD. Bunch of such letters being dated 12th May, 2023; 30th May, 2023; 27th September, 2023; 15th February, 2024; 20th February, 2024; 29th February, 2024; 7th March, 2024; 5th April, 2024; 16th April, 2024; 19th April, 2024; 29th May, 2024; 9th August, 2024; 4th October, 2024 and 30th October, 2024 are enclosed herewith (marked with letter "B") to make those letters a part of the report.

We are further informed that out of 193 inmates, 170 inmates are mentally ill patients and some of them are violent mentally ill patients. The violent mentally ill patients are required to be kept separately from the other inmates. All the mentally ill patients including violent mentally ill patients require constant medication.

There is only one sanction post for Medical Officer in the Home. The said post is lying vacant since 2015. Presently, one part time doctor has been appointed as Medical Officer on contractual basis on payment of monthly

remuneration of Rs. 22,000/- only. He visits only thrice in a week normally. In case of any emergency, he visits the Home to treat the ailing patient, on call. Even the post of male nurse (2) and compounder (1) are lying vacant. So there is none even to assist the doctor while examining the ailing inmates. There is also none to give medicine to the ailing patients regularly. Even there is none to look after the psychiatric patients who are required to be put on regular medication timely.

Though there are 85 sanction posts of different descriptions only 17 posts are filled up. This is a horrible situation and the Government should take immediate steps to fill up the vacant posts as urgently as possible as the 17 employees are quite insufficient to look after so many psychiatric patients including the other vagrants staying in the Home. Monthly report prepared for the month of January 2025 indicating the vacancy position in various sanctioned posts which is made over to us, is also enclosed hereto (marked with letter "C") to make it a part of the report.

From October 2023 till November 2024 several letters were written by the Manager, Casual Vagrants' Home requesting the Chief Medical Officer of Health, Howrah for organizing medical camps within the Casual Vagrants' Home to check up the condition of health of the inmates regularly by drawing the attention of the authorities that holding of such medical camp is necessary to identify the chronic diseases which they are suffering from so that appropriate treatment can be administered to them adequately. However, no

fruitful result could be achieved, as reported by the Manager save and except medicines particularly required for the mentally ill patients are now being regularly supplied by Howrah District Hospital and Narayana Hospital gives some support in treating limited numbers of mentally ill patients which is also inadequate comparing with the demand.

Bunch of such letters which were handed over to us by the manager of the said Home are enclosed herewith and marked with letter "D" to make it a part of the report.

The Manager of the Home, by his letter dated 10th December, 2024 requested the Additional District Magistrate for shifting the mentally ill patients vagrants to suitable asylum where their proper treatment is available and the process of their rehabilitation can be initiated. No step in pursuance of such request, has yet reportedly been taken by the concerned authority.

Copy of the said letter is marked with letter "E" to make it a part of the report.

A proposal for production – oriented theater, in education workshop for the inmates of the Home has also been sent by the Manager of the Home to the Controller of Vagrancy, West Bengal vide his letter dated 28th October, 2024 which also reportedly not attended, to till date.

Copy of the said letter is marked with letter "F" to make it a part of the report.

There is 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 high Government functionary and important personalities of unquestionable repute like Doctors, Lawyers, Professors, Teachers etc. in the team.

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 194 inmates including 170 mentally ill patients. If the 17 staff available in the said Home, are allotted duties in three shifts, hardly service of 5 support staff can be utilized in one shift, which is quite inadequate to look after 194 inmates including 170 mentally ill patients particularly when some of them are violent 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, male 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. Mentally ill patients cannot be accommodated in the Vagrants' Home. Even if they are referred by the Designated Courts and on subsequent medical examination they are found to be mentally ill patients, they can be shifted to the nearest mental health establishment run and funded by the Government for assessment and treatment as necessary, by the person in charge of a State run Custodial Institution.

In this regard 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 Baggers' 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 the mentally ill patients are not allowed to stay along with the normal vagrants.

- v. Arrangements should be made to visit the Vagrants' Home by the Medical Team comprising of experts, to identify the mentally ill patients and / or the violent mentally ill patients so that they can be segregated from the normal vagrants and arrangements be made for accommodating the normal vagrants and the mentally ill patients separately and if possible in different Homes. The Medical Team may also be asked to identify the mentally ill patients whose hospitalization treatment is necessary and who can be treated by keeping them in the Home.
- vi. There is one Vagrants' Home and a Receiving Centre run by the Government at Dhakuria having the capacity to accommodate 250 persons. We are informed that presently 45 persons are staying in the said Vagrants' Home. Since sufficient accommodation is still available there, the normal vagrants may be accommodated in any one of those two Vagrants' Homes and the other Vagrants' Home may be used for accommodating the mentally ill patients whose

hospitalization treatment is not necessary. The mentally ill patients whose hospitalization treatment is necessary, may be shifted to any Government Mental Hospital for their treatment.

- vii. 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 Bengal Vagrancy Act, 1943.
- viii. Immediate steps should be taken to repair and / or renovate the Vagrants' Home particularly the office building and the old building thoroughly, to make them fit for habitation. Necessary repair should also be taken to repair the newly constructed building in the light of the requisitions given by the Manager from time to time which are also part of this report.
- ix. The Manager of the Vagrants' Home should take initiative to contact the concerned department of Kolkata Police (HQ) at Lalbazar, CID Bhabani Bhavanto utilize their services for identification of the inmates so that their relatives and / or family members can also be contacted and with their help restoration or rehabilitation of the inmates will be expedited. 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.

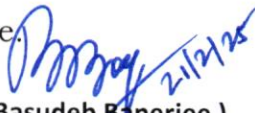
- x. There is no Board of Visitors in the said Vagrants' Home. Regular visit by the Board of Visitors and their valued advice will assist the Manager of the Home and other staff to improve/uplift the well being of the inmates of the Home. Steps should be taken immediately to constitute Board of Visitors as per the prescribed Rules; and if no such rules have yet been framed, in that case by including high Government functionary and important personalities of unquestionable repute like Doctors, Lawyers, Professors, Teachers etc. in the team.
- xi. Sweeping and scavenging of the toilets and urinals and / or washrooms are very poor. Steps should be taken to appoint Sweeper and/or Scavenger on regular basis so that hygiene of the Home can be maintained properly.
- xii. Post of Cook is lying vacant. Steps should be taken to fill up that post immediately.
- xiii. In case of death of any vagrant in the Vagrants' Home, steps should be taken immediately to initiate Magisterial Enquiry in the manner as it is done in case of custodial death in Correctional Home, Police Custody etc.
- xiv. During inspection and interaction with the Manager of the Home and other administrative authorities who were present, the Commission felt the acute necessity that the Home requires immediate intervention by the High Authorities to improve over all management of the Home

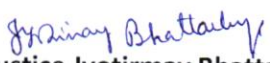
and solve acute problem relating to shortage of staff and medical officers etc. In this Connection, the Commission intends to draw the attention of State Authority to constitute Vagrancy Advisory Board under Section 3 of the Bengal Vagrancy Act, 1943 to advise the State Government so that the interest of the beneficiaries under the Act can be properly protected and maintained.

- xv. 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. 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.

Joint Secretary, WBHRC 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 website.


(Basudeb Banerjee)
Member


(Justice Jyotirmay Bhattacharya)
Chairman
21.02.2025


(Justice Madhumati Mitra)
Member