

**MINUTES OF THE MEETING OF THE HIGH POWERED COMMITTEE HELD
ON 23RD FEBRUARY, 2023 BY CIRCULATION**

AGENDA ITEMS

- A. *Item Agenda No.1 : Confirmation of the Minutes of the Meeting of the High Powered Committee held via Video Conference on 17th August, 2022.*

The minutes of the meeting held on 17th August, 2022, is approved and confirmed.

- B. *Item Agenda No.2 : DECONGESTION OF JAILS*

To consider list of Undertrial Prisoners (UTPs)/Convicts eligible for consideration on Bail;

- (a) *To consider Convicts who have undergone their sentence or are entitled to remission/suspension/commutation of sentence under Sections 432 and 432A of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C.") and Furlough in terms of the Sikkim Prison Manual;*

(I) The State Central Prison, Rongyek, East Sikkim : NIL

(II) The District Prison, Boomtar, Namchi, South Sikkim : NIL

- (b) *To consider UTPs released on Bail by the Court, but unable to furnish sureties;*

RESOLVED:

For the purposes of the afore mentioned cases, the High Powered Committee resolves to request the concerned Learned Courts to expedite trial in following cases:-

State Central Prison, Rongyek

1. Nima Sherpa admitted to prison on 30.07.2017 u/s 307/120B IPC 1860 r/w sec. 27 Arms Act 1959.
2. Pratima Kachhua (Female) admitted to prison on 14.03.2019 u/s 307/395/120-B of IPC 1860.

3. Bhim Bahadur Tamang admitted to prison on 15.11.2021 u/s 9(1)(c)/14 SADA 2006 r/w sec. 22(b)/27 NDPS Act 1985.
4. Phurba Tamang admitted to prison on 22.02.2022 u/s 341/392/34 IPC 1860.
5. Deepak Kumar @ Deepak Pariyar admitted to prison on 19.03.2022 u/s 363/366 IPC 1860.
6. Saroj Chettri admitted to prison 25.04.2022 u/s 380/457 IPC 1860.
7. Arun Kumar Sahani admitted to prison on 28.05.2022 u/s 454/380 IPC 1860.
8. Abhishek Bhutia admitted to prison on 07.06.2022 u/s 7(a)(b)/9(1)(a)/14 SADA, 2006.
9. Narbu Sherpa admitted to prison on 25.06.2022 u/s 7/9/14 SADA, 2006 r/w sec. 9(1)(c) of SAD Amendment Act 2017 & sec. 34 IPC 1860.

District Prison, Boomtar

1. UTP Kishore Rai, s/o Ram Bdr. Rai, r/o Turuk, South Sikkim, Melli PS Case No. 33/2021 dated 06.12.2021, u/S 354 IPC r/w 7/8 of POCSO Act, 2012.

(c) *To consider release of UTPs booked under compoundable offences;*

(I) The State Central Prison, Rongyek, East Sikkim : **NIL**

(II) The District Prison, Boomtar, Namchi, South Sikkim : **NIL**

(d) *To consider release of UTPs covered under Sections 436 and 436A of the Cr.P.C.;*

RESOLVED:

The High Powered Committee resolves to request the concerned Learned Court to expedite the case of the UTP Nima Sherpa admitted in State Central Prison, Rongyek on 30.07.2017 u/s 307/120B IPC 1860 r/w sec. 27 Arms Act 1959, as he has already undergone one half of the imprisonment u/S 307 IPC, 1860 but is unable to furnish surety.

(e) *To consider release of UTPs who may be covered under Section 3 of the Probation of Offenders Act, 1958, namely, accused of offence under Sections 379, 380, 381, 404, 420 of the Indian Penal Code or alleged to be an offence not more than 2 years imprisonment;*

(I) The State Central Prison, Rongyek, East Sikkim : **NIL**

(II) The District Prison, Boomtar, Namchi, South Sikkim : **NIL**

(f) *To consider UTPs eligible to be released on bail under Section 167 of the Cr.P.C. and under Section 167(2)(a)(i) and (ii) of the Cr.P.C. read with Section 36A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (where persons accused of Section 19 or Section 24 or Section 27A or for offences involving commercial quantity) where investigation is not completed in 60/90/180 days.*

(I) The State Central Prison, Rongyek, East Sikkim : **NIL**

(II) The District Prison, Boomtar, Namchi, South Sikkim : **NIL**

(g) *To consider release of UTPs who are imprisoned for offences which carry a maximum punishment of 2 years;*

(I) The State Central Prison, Rongyek, East Sikkim : **NIL**

(II) The District Prison, Boomtar, Namchi, South Sikkim : **NIL**

(h) *To consider release of vulnerable UTPs who are sick or infirm and require specialized medical treatment;*

RESOLVED:

Resolved that the concerned Learned Court may be requested while exercising its judicial discretion to consider releasing UTP Phurba Tamang aged 23, r/o Chanmari near TV Tower, East Sikkim admitted and lodged at the State Central Prison, Rongyek on 22.02.2022 u/S 341/392/34 of IPC, 1860, on personal bond considering his medical condition, in the alternative to expedite his trial.

(II) The District Prison, Boomtar, Namchi, South Sikkim : **NIL**

(i) *To consider release of UTPs who are women;*

RESOLVED:

Resolved to request the concerned Courts to expedite trial in the following matters:-

(I) The State Central Prison, Rongyek, East Sikkim : **01**

1. Rabina Chettri, admitted in prison on 19.09.2022 u/S 7/9/14 of SADA, 2006 r/w Sec. 9(1)(b) of SAD Amendment Act, 2017.

- (II) The District Prison, Boomtar, Namchi, South Sikkim : **03**
1. Sushma Rai, admitted in prison on 26.05.2022 u/S SADA, 2006.
 2. Beena Rai, admitted in prison on 27.06.2022 u/S 302 Indian Penal Code, 1860
 3. Kalpana Gurung, admitted in prison on 27.06.2022 u/S 302 Indian Penal Code, 1860

(j) *To consider release of UTPs who are first time offenders between the ages of 19 and 21 and in custody for offences punishable with less than 7 years of imprisonment and have suffered at least 1/4th of the maximum sentence prescribed;*

There are 09 UTPS between the ages of 19-21, none are eligible for consideration hence;

- (I) The State Central Prison, Rongyek, East Sikkim : **NIL**
(II) The District Prison, Boomtar, Namchi, South Sikkim : **NIL**

(k) *To consider release of UTPs who are of unsound mind;*

RESOLVED:

The High Powered Committee resolves to request the visiting Psychiatrist of the District Prison, Boomtar to give a detailed report on the mental condition of UTP Kishore Rai, PS Case No. 33/2021 dated 06.12.2021, lodged in District Prison, Boomtar, u/S 354 IPC r/w 7/8 of POCSO Act, 2012, in view of the report of the Jailer dated 20.02.2023, that his mental condition is now stable.

(l) *To consider UTPs eligible for release under Section 437(6) of the Cr.P.C, wherein in a case triable by a Magistrate, the trial of a person accused of any non-bailable offence has not been concluded within a period of 60 days from the first date fixed for taking evidence in the case.*

- (I) The State Central Prison, Rongyek, East Sikkim : **NIL**
(II) The District Prison, Boomtar, Namchi, South Sikkim : **NIL**

(m) *To consider release of UTPs detained under Sections 107, 108, 109, 151 of the Cr.P.C.*

(I) The State Central Prison, Rongyek, East Sikkim : **NIL**

(II) The District Prison, Boomtar, Namchi, South Sikkim : **NIL**

C. *Item Agenda No.3 : UTPs and Convicts with Covid-19 in the State Central Prison, Rongyek, East Sikkim and District Prison, Boomtar, Namchi, South Sikkim and availability of medical facilities and treatment.*

State Central Prison, Rongyek and District Prison, Boomtar

Vide email dated 16.02.2023 received from State Central Prison, Rongyek and 12/ASP/DPN/S dated 17.02.2023, received from District Prison, Boomtar, it has been informed that medical clinics are established in both the prisons and required medical facilities are available. No UTPs or Convicts in either of the Prisons are suffering from COVID-19 as of now.

D. *Item Agenda No.4 : Continuation of sanitization and maintenance of hygiene and cleanliness in the State Central Prison, Rongyek, East Sikkim and District Prison, Boomtar, Namchi, South Sikkim.*

Vide email dated 16.02.2023 received from State Central Prison, Rongyek and 12/ASP/DPN/S dated 17.02.2023, received from District Prison, Boomtar, it has been informed that at the State Central Prison sanitization is carried out once in a month and maintenance of hygiene and cleanliness is being carried out on regular basis as per COVID-19 protocol and at the District Prison, Boomtar, fortnightly sanitization is being conducted and COVID-19 protocols are being followed.

E. *Item Agenda No.5 : Number of new UTPs since 17-08-2022 and the latest vaccination position of UTPs, Convicts, Officers and staff at the State Central Prison, Rongyek, East Sikkim and District Prison, Boomtar, Namchi, South Sikkim.*

Vide email dated 16.02.2023 received from State Central Prison, Rongyek and 12/ASP/DPN/S dated 17.02.2023, received from District Prison, Boomtar, it has been informed that at the State Central Prison there are 97 new UTPs admitted after the meeting of the High Powered Committee held on 17.08.2022.

Further, there are 22 (twenty-two) UTPs who have not been administered precautionary dose of COVID-19 vaccine, 14 (fourteen) UTPs who have not been administered second dose of vaccine as they have not yet completed the time period for vaccination as stipulated by the COVID-19 vaccination guidelines and 03 (three) UTPs who have not been administered first dose of vaccine.

As informed by the Prison Authorities telephonically on 20.02.2023, the three UTPs were admitted on 01.02.2023, 02.02.2023 and 13.02.2023 and had not taken the first dose vaccine. Currently they cannot be vaccinated due to non-availability of vaccine as informed on 15.02.2023 by Dr. Nitin Deokota, Nodal Officer for COVID-19 vaccinations. However, as and when vaccines are received by the Health Department, the same shall be expedited.

At the District Prison, Boomtar there are 74 new UTPs admitted after the meeting of the High Powered Committee held on 17.08.2022. There are 98 UTPs who have been fully vaccinated and one UTP who has not been administered second dose due to non-availability of vaccine in the District Prison.

They have also mentioned that all Officers and staff of the State Central Prison, Rongyek and District Prison, Boomtar have been fully vaccinated and have also been given the Precautionary dose of COVID - 19

- F. *Item Agenda No.6 : Present mode of production of UTPs before Courts and continuation of Video Conference for remand.*

State Central Prison, Rongyek and District Prison, Boomtar

Vide email dated 16.02.2023 received from State Central Prison, Rongyek and 12/ASP/DPN/S dated 17.02.2023, received from District Prison, Boomtar, it has been informed that all the UTPs required to be produced only for remand to various Learned Courts are being produced through Video Conferencing.

- G. *Item Agenda No.7 : Steps taken for and progress of counselling of UTPs and Convicts by Psychologists and Psychiatrists at the State Central Prison, Rongyek, East Sikkim and District Prison, Boomtar, Namchi, South Sikkim (UTPs, convicts under SADA and UTPs, convicts with mental illness, other UTPs and convicts in need of counselling);*

Vide email dated 16.02.2023 received from State Central Prison, Rongyek and 12/ASP /DPN/S dated 17.02.2023, received from District Prison, Boomtar, it has been informed that at the State Central Prison a Psychiatrist is visiting State Central Prison, Rongyek fortnightly and a Clinical Psychologist has last visited the prison on 06.02.2023. UTPs and Convict under SADA/NDPS are being given counseling twice a week through virtual mode by Freedom Rehabilitation Center, Tathangchen, East Sikkim under the aegis of Sikkim SLSA.

At the District Prison, Boomtar, weekly counseling programmes (on virtual mode) on SADA/NDPS are being conducted for the inmates by Freedom Rehabilitation Center, Tathangchen, East Sikkim under the aegis of Sikkim SLSA. Psychiatrist Dr. Shikha Sharma and Clinical Psychologist Ms. Divyaswari Rai of the District Hospital, Namchi are visiting the Prison on monthly basis.

RESOLVED:

The High Powered Committee resolves to request the Health & Family Welfare Department to depute the Psychiatrist and Clinical Psychologist to attend the inmates of the District Prison, Boomtar at least once in two weeks.

3. The next meeting of the High Powered Committee will be intimated in due course of time.

Sd/-

(Justice Meenakshi Madan Rai)
Judge, High Court of Sikkim
and Executive Chairperson,
Sikkim State Legal Services Authority,
Chairperson, High Powered Committee

Sd/-

(A Sudhakar Rao, IPS)
Additional Chief Secretary,
Home Department, Government of Sikkim,
Member, High Powered Committee

Sd/-

(Sharab Tonyot)
Deputy Inspector General of Police,
State Central Prison, Rongyek,
Member, High Powered Committee

Sd/-
(Sonam Topgay Tashi)
Additional Secretary, Home (Confidential),
Home Department, Government of Sikkim
Member Secretary, High Powered Committee

Sd/-
(Subarna Rai)
Member Secretary,
Sikkim State Legal Services Authority

Sd/-
(Bijoy Subba)
Assistant Superintendent of Prison,
District Prison, Boomtar,
Member, High Powered Committee