

**MINUTES OF THE MEETING OF THE HIGH POWERED COMMITTEE HELD  
ON 6<sup>th</sup> DECEMBER, 2023 THROUGH VIRTUAL MODE**

A meeting of the High Powered Committee chaired by Hon'ble Justice Meenakshi Madan Rai, Judge, High Court of Sikkim and Executive Chairperson, Sikkim SLISA/Chairperson, High Powered Committee was held on 06.12.2023 (*Wednesday*) through virtual mode.

The Meeting was attended by Mr. R. Telang, I.A.S., Additional Chief Secretary, Home Department, Government of Sikkim/Member, High Powered Committee; Mr. Jagat B. Rai, Member Secretary, Sikkim SLISA, Mr. Sharab Tonyot, Deputy Inspector General of Police (Prison)/Member, High Powered Committee; Mrs. Tshewang Doma, Additional Secretary (Confidential), Home Department/Member Secretary, High Powered Committee and Mr. Sonam Wangdi Bhutia, Additional Superintendent of Police, District Prison, Boomtar, South Sikkim/Member, High Powered Committee.

**AGENDA ITEMS**

**Item Agenda No. 1 : Confirmation of the Minutes of the Meeting of the High Powered Committee which was held on 18<sup>th</sup> August, 2023.**

The minutes of the meeting held on 18<sup>th</sup> August, 2023, stands approved and confirmed.

**Item Agenda No. 2 : Decongestion of Jails**

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

**RESOLVED:**

As undertaken by the Deputy Inspector General of Police (Prison), State Central Prison, Rongyek to telephonically enquire from the family members of UTP Tashi Tamang, aged 26, r/o Khamdong, Gangtok, arrested under Section 379/448/34 and lodged in prison since 25.09.2023, as to why none of the family members have taken responsibility of his bail bond, the High Powered Committee resolved accordingly.

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

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

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 : - 01

Sl. No.	Name and age of the UTP	Address	Police Station/ FIR Crime No.	Arrested under Section	Admitted in Prison on	Particulars of Court	Charges framed under Section	Detention period
1.	Ajay K. 22/M	Bangalore, Karnataka	Sadar P.S Case No. 79/2023 dated 10.05.2023	380 IPC, 1860	17.05.2023 Re-admitted on 28.09.2023	Judicial Magistrate First Class Gangtok, Sikkim	380 IPC, 1860	2 months 6 days

(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.*

**STATE CENTRAL PRISON, RONGYEK, EAST SIKKIM - 01**

Sl. No.	Name and age of the UTP	Address	Police Station/ FIR Crime No.	Arrested under Section	Admitted in Prison on	Particulars of Court	Charges framed under Section	Detention period
1.	Tashi Tamang 26/M	Khamdong, Gangtok, Sikkim	Rangpo P.S 48/2023 Dt: 20.09.2023	Under Section 379/448/34 of IPC, 1860	25.09.2023	Judicial Magistrate( First Class) Rangpo Sub Division District Pakyong Sikkim	Under Section 379/448/34 of IPC, 1860	2 months & 9 days

**RESOLVED:**

The High Powered Committee resolves to request the concerned Learned Court to consider releasing the above UTP on Personal Bond.

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**

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

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

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

- (I) The State Central Prison, Rongyek, East Sikkim : **02**

Sl. No.	Name and age of the UTP	Address	Police Station/ FIR Crime No.	Arrested under Section	Admitted in Prison on	Particulars of Court	Charges framed under Section	Detention period
1.	Rupa Rai 51/F	Lower Lingdum, Ranka, Gangtok, Sikkim	Sadar P.S 33/2023	Under Section 324/325 of IPC, 1860	13.03.2023	Session Judge, Gangtok, Sikkim	Under Section 324/325 of IPC, 1860	8 months & 21 days
2.	Januka Gurung 41/F	Fewa Busty, Tadong, Gangtok, Sikkim	CrI. A. No. 01/2023 and CrI. A. No. 02/2023	138/142 NI Act	08.09.2023	Session Judge, Gangtok, Sikkim	138/142 NI Act	2 months & 26 days

*With regard to UTP Rupa Rai, her bail petition was filed in CrI. Misc. Case (Bail) No. 28 of 2023 dated 23.08.2023, and was rejected by the Learned Sessions Judge, Gangtok, taking into consideration the gravity of the case.*

*With regard to UTP Januka Gurung, as per the information uploaded in the eCourts portal, the appeal petition had been filed on 06.12.2023 and was accordingly rejected by the Learned Sessions Judge, Gangtok.*

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

*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 1/4<sup>th</sup> of the maximum sentence prescribed;*

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

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

It is informed that there is one UTP Dil Kumar Biswakarma, aged 21 years, r/o Birtamore, Nepal, arrested under Sections 376D/341/506/34 IPC, 1860 in Ranipool P.S. Case No. 42/2023, lodged at the State Central Prison whose bail hearing is scheduled on 06.12.2023 in the Learned Court of Chief Judicial Magistrate.

The meeting resolved to await the decision of the Learned Court.

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

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

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

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*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

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*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

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**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.

Vide letters bearing 447/GOS/PRISON/2023 and 178/ASP/DPN/S dated 04.12.2023 received from State Central Prison, Rongyek and District Prison, Boomtar, it has been informed that no UTPs or Convicts in either of the Prisons are suffering from COVID-19 as of now.

Further, as per District Prison, Boomtar, during admission of UTPs RT-PCR tests are done and they are kept in isolation for seven days.

The Medical Officer runs the dispensary located in the prison premises where the UTPs receive medical care and are given access to all basic essential medications.

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**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 letters bearing 447/GOS/PRISON/2023 and 178/ASP/DPN/S dated 04.12.2023 received from State Central Prison, Rongyek and District Prison, Boomtar, it has been informed that sanitization is being carried out at the two Prisons on fortnightly basis and maintenance of hygiene and cleanliness is being carried out on regular basis as per COVID-19 protocol.

**Item Agenda No. 5 :**            **Number of new UTPs since 18.08.2023 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 letters bearing 447/GOS/PRISON/2023 and 178/ASP/DPN/S dated 04.12.2023 received from State Central Prison, Rongyek and District Prison, Boomtar and as per verbal information of the jail authorities present at the meeting, it has been informed that at the State Central Prison there are 78 new UTPs admitted after the meeting of the High Powered Committee held on 18.08.2023.

Further, at the State Central Prison there are 33 UTPs who have not been administered precautionary dose of COVID-19 vaccine, 08 UTPs who have not been administered second dose of vaccine and 05 UTPs who have not been administered first dose of vaccine.

At the District Prison, Boomtar there are 21 new UTPs admitted after the meeting of the High Powered Committee held on 18.08.2023. There are 58 UTPs who have been fully vaccinated, 04 UTPs who have been given first dose of the vaccination and 01 UTP who has not been vaccinated yet.

**RESOLVED:**

The High Powered Committee resolves that advice shall be taken from the Health & Family Welfare Department as to how necessary the vaccine for COVID-19 is, in view of the fact that

presently there are no reported cases of COVID-19 in the State.

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

Vide letters bearing 447/GOS/PRISON/2023 and 178/ASP/DPN/S dated 04.12.2023 received from State Central Prison, Rongyek and 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. In all trial matters, the UTPs are being produced physically before the concerned Court.

**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 letters bearing 447/GOS/PRISON/2023 and 178/ASP/DPN/S dated 04.12.2023 received from State Central Prison, Rongyek and District Prison, Boomtar, it has been informed that at the State Central Prison, Psychiatrist and Clinical Psychologists are visiting State Central Prison, Rongyek and District Prison, Boomtar.



## **OTHER ACTIVITIES**

In pursuance to the directions of Hon'ble Executive Chairperson and as per the resolutions adopted during the 19<sup>th</sup> All India Meet of the Legal Services Authorities held on 30<sup>th</sup> June & 1<sup>st</sup> July, 2023 at Srinagar (Jammu & Kashmir), the Sikkim SLSA in co-ordination with the Health & Family Welfare Department is conducting Mental Health Camp for the inmates of the State Central Prison, Rongyek and District Prison, Boomtar on quarterly basis.

For the quarter ended September, 2023 such a programme was held for the inmates of State Central Prison, Rongyek and District Prison, Boomtar on 22<sup>nd</sup> September, 2023 (the Mental Health Camp at the State Central Prison was conducted by Psychiatrists Dr. Bibhushan Dahal and Dr. Bishnu Sharma and Clinical Psychologists Mrs. Nancy Palmu Chankapa and Ms. Archana Chettri from STNM Hospital, wherein, for the camp at District Prison, Boomtar the same was conducted by Psychiatrist Dr. Upashna Gurung and Clinical Psychologist Ms. Divyaswari Rai).

For the quarter ended December, 2023, the Mental Health programme which was scheduled to be held on 22<sup>nd</sup> December, 2023 at the State Central Prison, Rongyek has now been postponed to 28<sup>th</sup> December, 2023.

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

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

Sd/-  
( Mr. Ravindra Telang, IAS )  
Additional Chief Secretary,  
Home Department, Government of Sikkim,  
Member, High Powered Committee

Sd/-  
( Mr. Jagat B. Rai )  
Member Secretary,  
Sikkim State Legal Services Authority

Sd/-  
( Mr. Sharab Tonyot )  
Deputy Inspector General of Police,  
State Central Prison, Rongyek,  
Member, High Powered Committee

Sd/-  
( Mrs. Tshewang Doma )  
Additional Secretary, Home (Confidential),  
Home Department, Government of Sikkim  
Member Secretary, High Powered Committee

Sd/-  
( Mr. Sonam Wangdi Bhutia )  
Additional Superintendent of Prison,  
District Prison, Boomtar,  
Member, High Powered Committee