

**MINUTES OF THE MEETING OF THE HIGH POWERED
COMMITTEE HELD ON 3RD JULY, 2021**

1. A meeting of the High Powered Committee under the Chairmanship of Hon'ble Mrs. Justice Meenakshi Madan Rai, Judge, High Court of Sikkim and Executive Chairperson, Sikkim State Legal Services Authority and Chairman, High Powered Committee, was held via Video Conferencing (VC) on 3rd July, 2021 at 01:40 p.m. The meeting was attended by Mr. Ravindra Telang, IAS, Principal Secretary, Government of Sikkim/Member, High Powered Committee; Mrs. Cheden P. Ladingpa, Special Secretary, Home Department/Member Secretary, High Powered Committee, Mr. Sharab Tonyot, Deputy Inspector General of Police (Prison) /Member, High Powered Committee; and Mr. Bijoy Subba, Assistant Superintendent of Police (Prison) on behalf of Mr. K. L. Tenzing, Senior Superintendent of Police, District Prison, Namchi/Member, High Powered Committee. Also in attendance at the meeting were Shri S. P. Bhutia, Member Secretary, Sikkim State Legal Services Authority (SSLSA), Mr. Yadav Krishna Sharma, Joint Director (Confidential), Home Department, Mr. Renu Raj Chettri, Additional Superintendent of Police (Prison), State Central Prison, Rongyek, East Sikkim and Mr. Yogesh Gurung, Law Officer, Home Department.

2. The meeting considered the following agenda items;
- (i) *To discuss the total holding capacity of the State Central Prison, Rongyek, East Sikkim and District Prison, Boomtar, Namchi, South Sikkim.*
 - (ii) *What are the Prison specific readiness and response to contain the spread of the Covid-19 Pandemic in both Prisons.*
 - (iii) *To consider the medical facilities available, sanitization, sanitizers and supply of masks, to the Prisoners in both Prisons.*
 - (iv) *To consider interaction of Prisoners with Visitors, only through Video Calling.*
 - (v) *To consider the total number of Under Trial Prisoners and Convicts in State Central Prison, Rongyek, East Sikkim, the total number of Under Trial Prisoners in District Prison, Boomtar, Namchi, South Sikkim and whether both the Prisons are presently over crowded.*
 - (vi) *To consider categorization of Under Trial Prisoners on the basis of the offences that they are booked under, severity of offences charged with and the minimum imprisonment prescribed.*
 - (vii) *To consider the stage of trial of the Under Trial Prisoners in both Prisons.*
 - (viii) *To consider the release of Convicts on furlough and remission, as per the Sikkim Prison Manual.*
 - (ix) *To consider the Vaccination position of the Under Trial Prisoners in both Prisons and the Convicts in State Central Prison, Rongyek, East Sikkim.*

3. Mr. Sonam Palden Bhutia, Member Secretary, Sikkim SLISA, while welcoming all also apprised that the Meeting was being held under the directions of Hon'ble Executive Chairperson and in consonance to the Order of the Hon'ble Supreme Court in *Suo Motu Writ Petition (C) No. 1/2020* dated 01.06.2021 (*In Re: Contagion Of Covid 19 Virus In Prisons*).

4. The Member Secretary, Sikkim SLISA also informed that in compliance with the aforesaid Order, a High Powered Committee was constituted by the Government of Sikkim, vide Notification No.21/Home/2020, dated 30-03-2020, and, subsequently the State Government was pleased to re-constitute the Committee vide Notification bearing No. 33/Home/2021 dated 09.06.2021.

5. Thereafter, a meeting of the High Powered Committee under the Chairmanship of her Ladyship was held via Video Conferencing on 6th April, 2020 and subsequently again on 6th October, 2020.

6. Referring to the earlier resolution passed in the meeting of the High Powered Committee held on 6th October, 2020, Her Ladyship enquired about the steps taken by Member Secretary, Sikkim SLISA, about procuring the Video Conferencing equipments for two Prisons in Sikkim viz; State Central Prison,

Rongyek, East Sikkim and District Prison, Namchi through the eCommittee Project.

7. It was informed by Member Secretary, Sikkim SLSA that, as directed, the requirements and specifications of the Video Conferencing equipments had been forwarded to the eCommittee, Supreme Court of India vide this Office letter bearing No. 3756/SLSA/424 dated 08.10.2020, for procurement of the same. However, the same has been declined by the eCommittee as informed telephonically by the Registrar General, High Court of Sikkim.

8. In this connection, Mr. Ravindra Telang, Principal Secretary, Home Department was requested if the above Video Conferencing equipments could be provided by the Home Department, wherein, it was informed by him that these Items have not been budgeted previously by the Home Department, and, that the Department will try procuring the same from their existing funds available with them.

9. It was directed by her Ladyship that the Member Secretary, Sikkim SLSA shall take necessary steps to inform the Principal Secretary, Home Department about the requirements and specifications of the Video Conferencing equipments for the two Prisons in Sikkim as per the Resolutions taken during the

meeting of the High Powered Committee, held on 6th October, 2020 and in view of the refusal of the eCommittee.

10. Her Ladyship informed that presently there are 14 (*fourteen*) Learned Judicial Officers manning various Courts in Sikkim dealing with criminal matters in which Undertrial Prisoners (UTPs) are involved.

Agenda Item Nos.(i) and (iv) were taken up together

- (i) *To discuss the total holding capacity of the State Central Prison, Rongyek, East Sikkim and District Prison, Boomtar, Namchi, South Sikkim.*
- (v) *To consider the total number of Under Trial Prisoners and Convicts in State Central Prison, Rongyek, East Sikkim, the total number of Under Trial Prisoners in District Prison, Boomtar, Namchi, South Sikkim and whether both the Prisons are presently over crowded.*

11. Her Ladyship enquired about the present capacity in the two Prisons in Sikkim, wherein, the following information was provided:-

- a) The total holding capacity of State Central Prison, Rongyek, is **186** i.e. **165** for males and **21** for females UTPs but presently they have **374** inmates of which **243** are male UTPs and **6** are female UTPs, and **124** male convicts and **1** female convict.

- b) The total holding capacity of District Prison, Boomtar, is **84** including Female Ward and 1 Isolation Cell. Presently, they have **140** inmates out of which **134** are male UTPs and **6** are female UTPs.

From the data provided by both the Jail Authorities, it is learnt that both the Prisons in Sikkim are overcrowded.

Agenda Item Nos.(ii) and (iii) were taken up together

- (ii) *What are the Prison specific readiness and response to contain the spread of the Covid-19 Pandemic in both Prisons.*
- (iii) *To consider the medical facilities available, sanitization, sanitizers and supply of masks, to the Prisoners in both Prisons.*

12. As informed by Mr. Sharab Tonyot, Deputy Inspector General of Police (Prison), the State Central Prison, Rongyek is not allowing new inmates to be lodged without the Negative RTPCR Test Result.

Further, two rooms have been segregated, wherein, even after a negative RTPCR result, the inmates brought in on remand are being kept for 14 day on isolation, after which they are allowed into General Population.

Sanitization of the Cells is also being carried out every alternative days, as per State Government protocols, and, the inmates are also provided with gloves and face masks.

So far as sanitization of cells on every alternative days is concerned, her Ladyship has shown some concern that Jail Authorities should find out from the Health officials, whether the sanitization of jail premises on every alternative days is recommended, considering the fact that Sanitizers are carcinogenic.

The Deputy Inspector General of Police (Prison) also informed that Vitamin C and Zinc tablets are being provided to the UTPs and Convicts regularly. The State Central Prison also has availability of Oxymeters, which is being mostly supplied by the Home Department, and, currently, Dr. Nitin Deokota is visiting the Prison every morning.

13. Mr. Bijoy Subba, Assistant Superintendent of Police (Prison), District Prison, Boomtar, also informed that in sum and substance, they are also following the same protocol what the State Central Prison, Rongyek, is following with regard to visitation, sanitization and medication, and, that the District Administration Centre, South is providing all supplies.

Agenda Item No.(iv)

(iv) To consider interaction of Prisoners with Visitors, only through Video Calling.

14. As informed by Deputy Inspector General of Police (Prison), the State Central Prison, Rongyek and Assistant Superintendent of Police (Prison), District Prison, Boomtar, no visitors are allowed presently. All interaction of the Inmates with

their kith and kin is through Video Calls and the Counsel are interacting with their clients through VC. Only if absolutely imperative, they are visiting the Prisons. Two mobile phones available at the State Central Prison complex in case of emergency for the Inmates, and, one mobile phone is available at the District Prison, Boomtar, in case of emergency requirement of the Inmates when they need to contact their family members.

Agenda Item Nos.(vi) and (vii) were taken up together

- (vi) *To consider categorization of Under Trial Prisoners on the basis of the offences that they are booked under, severity of offences charged with and the minimum imprisonment prescribed.*
- (vii) *To consider the stage of trial of the Under Trial Prisoners in both Prisons.*

15. Mr. Yadav K. Sharma, Joint Director (Confdl.), Home Department, apprised the meeting with regard to how the prisoners have been segregated as per the crimes they had committed for consideration to be released before the High Powered Committee, however, it was pointed out by Her Ladyship that a separate Column indicating Charges framed against the Under Trial Prisoners needs to be added in the data provided by him.

Both Jail authorities were directed to obtain the list from the Learned Special Judge, Sikkim Anti Drugs Act (SADA), 2006 in this regard. Further, the Under Trial Prisoners under SADA who are lodged for consumption could be considered for

release. However, for those booked under Section 7 of the SADA (*selling and distribution*) should not be considered for release as they are corrupting the society with the poison. It was further suggested by Hon'ble Executive Chairperson not to release people from outside Sikkim as tracing and re-arresting them could be a cliché.

It was also suggested by Her Ladyship that persons arrested under Section 9 of SADA (*for consumption*), under Sections 379 & 380 of the I.P.C. and other offences which are not grave in nature, may be considered for granting bail by the Home Department in consultation with the Jail Authorities, and, place the same in the next meeting of the High Powered Committee.

Agenda Item No.(viii)

(viii) *To consider the release of Convicts on furlough and remission, as per the Sikkim Prison Manual.*

16. It was informed by Deputy Inspector General of Police (Prison), State Central Prison, Rongyek, Remission is normally given to Convicts on 15th August (*Independence Day*) and 26th January (*Republic Day*), as per the Operating Procedure laid down in Sikkim Prison Manual, 2010, but till date none have been released on furlough.

It was suggested by Her Ladyship that if a list for consideration of the same is prepared the same could be placed

for consideration in the next meeting of the High Powered Committee scheduled to be held on 08.07.2021 (*Thursday*).

Agenda Item No.(viii)

(ix) *To consider the Vaccination position of the Under Trial Prisoners in both Prisons and the Convicts in State Central Prison, Rongyek, East Sikkim.*

17. It was informed by Deputy Inspector General of Police (Prison), State Central Prison, Rongyek, that 177 Inmates have been vaccinated and 197 are yet to be vaccinated (*due to their lack of documents*). Assistant Superintendent of Police (Prison), District Prison, Boomtar, informed that except for 7 UTPs who recently tested Covid-19 positive, all remaining UTPs have been vaccinated.

18. It was informed by the Principal Secretary, Home Department that efforts are being made to ensure vaccination to the remaining UTPs and Convicts in State Central Prison, Rongyek and UTPs in District Prison, Boomtar, by the end of July, 2021, subject to availability of vaccines. Her Ladyship implored him to give priority.

Any other suggestion(s)

19. The Member Secretary, Sikkim SLSA brought to the notice that there are some convicts who have been undergoing sentence for 20 years and more and implored the Jail Authorities to consider whether remission can be given to them in terms of the Sikkim Prison Manual.

It was resolved that a meeting be scheduled on 08.07.2021 (Thursday) at 03:00 p.m. to finalize the list of prisoners who can be considered for release after a detailed list is prepared by the Home Department incorporating all necessary details as laid down by the Hon'ble Executive Chairperson, Sikkim SLSA/Chairperson, High Powered Committee in the meeting of 03.07.2021.

The meeting ended with Vote of Thanks to the Chair proposed by the Member Secretary, Sikkim SLSA.

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

(Mr. Ravindra Telang, IAS)
Principal Secretary,
Home Department, Government of Sikkim
Member, High Powered Committee

(**Mrs. Cheden P. Ladingpa**)
Special Secretary,
Home Department, Government of Sikkim
Member Secretary, High Powered Committee

(**Mr. Sharab Tonyot**)
Deputy Inspector General of Police,
State Central Prison, Rongeyk,
Member, High Powered Committee

Other Officers present at the meeting

(**Mr. S. P. Bhutia**)
Member Secretary,
Sikkim State Legal Services Authority

(**Mr. Yadav K. Sharma**)
Joint Director, Home (Confidential),
Government of Sikkim

(Mr. Renu Raj Chettri)
Additional Superintendent of Prison,
State Central Prison, Rongyek, East Sikkim

(Mr. Bijoy Subba)
Assistant Superintendent of Prison,
District Prison, Boomtar, Namchi, South Sikkim.

(Mr. Yogesh Gurung)
Law Officer, Home Department,
Government of Sikkim