

**MINUTES OF THE MEETING OF THE HIGH POWERED  
COMMITTEE HELD ON 21<sup>st</sup> MARCH, 2022**

1.(a) Pursuant to the resolutions taken during the Meeting of the High Powered Committee held on 24<sup>th</sup> November, 2021, chaired by Hon'ble Justice Meenakshi Madan Rai, Judge, High Court of Sikkim and Executive Chairperson, Sikkim State Legal Services Authority, via Video Conferencing (VC), a Meeting of the same Committee was held today on 21<sup>st</sup> March, 2022, at 2.00 p.m. through virtual mode.

(b) The Meeting was chaired by Hon'ble Justice Meenakshi Madan Rai and attended by Mr. Ravindra Telang, IAS, Principal Secretary, Home Department, Government of Sikkim/Member, High Powered Committee; Mr. Sharab Tonyot, Deputy Inspector General of Police (Prison)/Member, High Powered Committee; Mr. Bijoy Subba, Assistant Superintendent of Police, District Prison, Boomtar, South Sikkim/Member, High Powered Committee; Mr. Yadav Krishna Sharma, Joint Director (Confidential), Home Department/Member Secretary, High Powered Committee.

(c) Also in attendance at the Meeting were Shri S. P. Bhutia, Member Secretary, Sikkim State Legal Services Authority (SSLSA), Mr. Renu Raj Chettri, Superintendent of Police (Prison), State Central Prison, Rongyek, East Sikkim and Mr. Prakash Pradhan, Assistant Superintendent of Police (Prison), State Central Prison, Rongyek, East Sikkim.

2. The meeting considered the following agenda items;
- A. *Item Agenda No.1 : Confirmation of the Minutes of the Meeting of the High Powered Committee held via Video Conference on 24<sup>th</sup> November, 2021.*

The minutes of the meeting held on 24<sup>th</sup> November, 2021, was 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:**

It was recommended that one UTP Bidhan Chettri admitted in State Central Prison, Rongyek on 07.02.2020 u/S 7(a)(b)/9/14 of Sikkim Anti Drugs Act (SADA), 2006 r/w Section 9(1)9(b)/4(b) of SAD Amendment Act, 2017, be released on Personal Bond as he is unable to furnish surety bond despite being released on Bail by the Learned Special Judge, SADA, East Sikkim. Concerned Court be informed accordingly.

(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.;*

(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;*

Shri Sharab Tonyot, Deputy Inspector General (Prison), State Central Prison, Rongyek has recommended the release of UTP Krishna Bdr. Chettri admitted in prison on 23.11.2021 under Section 379 IPC (battery theft).

**RESOLVED:**

The Learned Court of Judicial Magistrate, East Sikkim be informed accordingly.

- (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.*

It was informed by Shri Sharab Tonyot, Deputy Inspector General (Prison), State Central Prison, Rongyek, that one UTP Ruben Rai who was admitted in the Prison on 06.10.2021 u/S 447/380 IPC, was released under the provisions of 167 Cr. P.C. by the Court of Learned Chief Judicial Magistrate, East Sikkim. But he remains in Custody due to lack of surety.

**RESOLVED:**

In light of the above submission the concerned Learned Court be informed for considering release of UTP Ruben Rai 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**

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

It has been informed by the Prison Authorities that previously UTP Phurba Tamang aged 23, booked u/S 341/392/34 of IPC, 1860 and suffering from a contagious disease, had been released on bail and sent to STNM Hospital

where he absconded and has recently been apprehended. During the period of his absconsion he had missed his medicines. His medicines have been re-started after he was taken for medical check-up to STNM Multispecialty Hospital on 04.03.2022.

It was suggested by Shri Ravindra Telang, Principal Secretary, Home Department that the above UTP be counselled by Counsellor/Psychologist/Psychiatrist visiting the State Central Prison, Rongyek, so that the spread of the disease in the Prison is contained.

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

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

(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 1/4th of the maximum sentence prescribed;***

The meeting was informed by the Prison Authorities of the State Central Prison, Rongyek that there are 20 UTPs in the State Central Prison within the age group of 19 to 21 years but they do not fall under the prescribed category.

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

It was informed by Shri Bijoy Subba, Assistant Superintendent of Prison, District Prison, Boomtar, South Sikkim that one UTP named Kishore Rai, aged 38 years arrested under Melli P.S. Case No. 33/2021 dated 06.12.2021,

u/S 354 IPC r/w Sections 7/8 of POCSO Act, 2012, was found to be of unsound mind after psychological evaluation was done. It was recommended by Shri Bijoy Subba, Assistant Superintendent of Prison, District Prison, that UTP may be released on Bail.

**RESOLVED:**

The concerned Court of Learned Sessions Judge, South Sikkim may consider the proposal after due consideration of the legal provisions.

(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.*

Both Prisons Authorities have informed the meeting that required medical facilities are available in both the Prisons. No UTPs or Convicts are suffering from COVID-19 as of now in both the Prisons.

Shri Sharab Tonyot, Deputy Inspector General (Prison), State Central Prison, Rongyek informed that presently there is no Medical Officer in the State Central Prison. The previous Medical Officer Dr. Wangyal Barphungpa has retired from his services and thereafter the Medical Officer Dr. Neha Sharma has gone for higher studies at the Sikkim Manipal Institute of Medical Sciences.

**RESOLVED:**

The Commissioner-cum-Secretary, Health & Family Welfare Department, Government of Sikkim be informed of the requirement of a Medical Officer to be attached at the State Central Prison, Rongyek. Steps to be taken within one week from today (*i.e.* 21.03.2022) by the Health & Family Welfare Department.

- 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.***

Sanitization and maintenance of hygiene and cleanliness is in place at both the Prisons.

- E. *Item Agenda No.5 : Number of new UTPs since 24-11-2021 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.***

The meeting was informed by Shri Sharab Tonyot, Deputy Inspector General (Prison), State Central Prison, Rongyek, that two new UTPs who had been admitted in the Prison on 08.03.2022 and were not vaccinated with COVID-19 vaccine had been sent to STNM Multispecialty Hospital,

Sochyagang today (*i.e.* 21.03.2022) to enable them to get their first vaccine dose.

It was informed by Shri Bijoy Subba, Assistant Superintendent of Police, District Prison, Boomtar, that except four UTPs, all have been fully vaccinated.

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

All the UTPs required to be produced 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);***

The meeting was informed by the Prison Authorities of the State Central Prison, Rongyek that the UTPs and Convicts lodged under SADA/NDPS are being given counselling three days in a week through virtual mode by Serenity Home Rehabilitation Centre.

Shri Bijoy Subba, Assistant Superintendent of Police, District Prison, Boomtar, informed that counselling programme was conducted at the District Prison on 16.02.2022 by Dr. Bishnu Sharma, Psychiatrist and Ms. D. Rai, Counselor Psychologist, District Hospital, Namchi.

3. It was decided that the next meeting of the High Powered Committee shall be held on **20<sup>th</sup> May, 2022 (Friday)**.

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

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

Sd/-  
( Yadav K. Sharma )  
Joint Director, Home (Confidential),  
Home Department, Government of Sikkim  
Member Secretary, High Powered Committee

Other Officers present at the Meeting

Sd/-  
( S. P. Bhutia )  
Member Secretary,  
Sikkim State Legal Services Authority

Sd/-  
( Renu Raj Chettri )  
Superintendent of Prison,  
State Central Prison, Rongyek, East Sikkim

Sd/-  
( Prakash Pradhan )  
Assistant Superintendent of Prison,  
State Central Prison, Rongyek, East Sikkim