

**MINUTES OF THE MEETING OF THE HIGH POWERED COMMITTEE HELD ON 17<sup>TH</sup> AUGUST, 2022 AT 02:00 P.M. CHAIRED BY HON'BLE EXECUTIVE CHAIRPERSON, SIKKIM SLSA/CHAIRPERSON, HIGH POWERED COMMITTEE THROUGH VIRTUAL MODE**

**AGENDA ITEMS**

- A. *Item Agenda No.1 : Confirmation of the Minutes of the Meeting of the High Powered Committee held via Video Conference on 20<sup>th</sup> May, 2022.***

The minutes of the meeting held on 20<sup>th</sup> May, 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**  
(III) Home Department, Government of Sikkim:

- a) In exercise of the powers conferred by Section 432 of the Cr. P.C., 1973 (2 of 1974), the Government of Sikkim will be granting remission of sentence to 77 Convicts lodged in the State Central Prison, Rongyek on the occasion of 76<sup>th</sup> Independence Day, 2022.
- b) Further, in exercise of the powers conferred under Article 161 of the Constitution of India, the Hon'ble Governor of Sikkim on the recommendation of the State Level Screening Committee constituted vide Notification bearing No. 68/Home/2022 dated 15.07.2022, has been pleased to grant special remission and has ordered for release of the following three Convicts on the occasion of 76<sup>th</sup> Independence Day, 2022.

Sl. No.	Name of the Convict	Date of Sentence	Actual date of release	Convicted for offence
1.	Maheshwar Singh, Male/aged 58 years	26.02.2020	20.10.2022	354A(2) IPC, 1860
2.	Sambu Lall Subba, Male/aged 27 years	26.04.2021	29.06.2023	326 IPC
3.	Rajen Rai, Male/aged 39 years	14.11.2019	14.12.2022	354 IPC, 1860

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

**RESOLVED:**

The High Powered Committee resolves to request the concerned Learned Courts to expedite the case of the following UTPs:-

**State Central Prison, Rongyek**

1. Pratima Kachhua (female), r/o Hashimara, Jenra Line, Jaigoan, West Bengal, admitted in Prison on 14.03.2019 u/S 307/395/120(B) IPC, 1860.
2. Manish Rai, r/o Toribari, Sansari Zilla, Nepal, admitted in Prison on 06.08.2019 u/S 354/355(B) IPC, 1860 r/w Section 10 of POCSO Act, 2012.
3. Rohit Khawas admitted in prison on 17.08.2021 u/S 5(j)(ii)/06 of POCSO Act,2012.
4. Palden Bhutia @ Pema Bhutia admitted in prison on 15.09.2021 u/S 7/9/14 of SADA, 2006 r/w Sec. 9(1)(b) of SAD Amendment Act, 2017 r/w Sec. 22/27 of NDPS Act, 1985.
5. Bhim Bahadur Tamang admitted in prison on 15.11.2021 u/S 9(1)(c)/14 SADA r/w Sec. 22(b)/27 NDPS Act 1985.

**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.

*\*Note: The Hon'ble Executive Chairperson, Sikkim SLSA/Chairperson, High Powered Committee suggested that first time offenders who are involved in cases under NDPS Act, 1985/SADA, 2006 (consumption) and have undergone six months in the Prisons should be considered for release on bail or sent to Rehabilitation Centres for detoxification and rehabilitation.*

- (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;*

(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.*

**RESOLVED:**

The High Powered Committee resolves to recommend the following UTP to be released on bail as he has been in custody for more than 90 days and no charge sheet has yet been filed. The concerned Court be informed accordingly.

**State Central Prison, Rongyek**

Sumit Tamang, aged 20, r/o Naxalbari, West Bengal, currently residing at Hotel Opera, Hungry Jack, Gangtok, Sikkim, admitted in Prison on 20.04.2022 u/S 363/376 of IPC 1860 r/w Sec. 04 of POCSO Act, 2012.

(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 was informed by Shri Sharab Tonyot, Deputy Inspector General, State Central Prison and Member, High Powered Committee that in the case of UTP Rohit Khawas admitted in Prison on 17.08.2021 u/S 5(j)(ii)/6 of POCSO Act, 2012, who was suffering from Mycobacterium Tuberculosis, his test result has come negative and he is currently under medication (DOTS).

With regard to UTP Phurba Tamang admitted in Prison on 22.02.2022 u/S 341/392/34 of IPC, 1860, who is suffering from HIV, the Deputy Inspector General, State Central Prison undertakes to monitor the activities of the Prison Inmates who are housed in the same cell with the said accused.

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

Only one female UTP is there in State Central Prison, Rongyek who cannot be considered for release hence;

(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;*

There are 06 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;*

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

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

(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 letter bearing No. 543/SCP/J/2022 dated 17.05.2022 received from Assistant Superintendent of Prison, State Central Prison, Rongyek and 98/ASP/DPN/S dated 17.05.2022, received from Assistant Superintendent of Prison, District Prison, Boomtar, it has been informed that required medical facilities are available in both the Prisons. 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.***

It was brought to the notice of the meeting by Shri Sharab Tonyot, Deputy Inspector General, State Central Prison and Member, High Powered Committee that sanitization of the Prison is being carried out on a fortnightly basis as the chemical used (*Sodium Hydrochloride*) is said to be carcinogenic.

On the other hand, it was informed by Shri Bijoy Subba, Assistant Superintendent of Prison, District Prison, Boomtar and Member, High Powered Committee that sanitization of the Prison is being carried out on alternate days.

Considering that the chemical used (*Sodium Hydrochloride*) is carcinogenic, it was suggested by the Hon'ble Executive Chairperson, Sikkim SLSA/Chairperson, High Powered Committee that the sanitization of Prisons be carried out on a fortnightly basis. However, use of phenyl and other cleaning agents to be used on a daily basis for maintaining cleanliness and hygiene.

**E. *Item Agenda No.5 : Number of new UTPs since 20-05-2022 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.***

**State Central Prison, Rongyek**

It was informed by Deputy Inspector General, State Central Prison, Rongyek, that vaccination of inmates in the Prisons are carried out as per their vaccination schedule and as and when request is made to the Health & Family Welfare Department who are also obliging to their request.

The Hon'ble Executive Chairperson, Sikkim SLSA/Chairperson, High Powered Committee suggested that vaccination should be taken up as per the time period directed by the Central Government and it should be ensured that all the inmates are vaccinated with both doses and the precautionary dose against 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 letter bearing No. 688/SCP/J/2022 dated 12.08.2022 received from Superintendent of Prison, State Central Prison, Rongyek and 196/ASP/DPN/S dated 12.08.2022, received from Additional Superintendent of Prison, District Prison, Boomtar, it has been informed that 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);***

It was informed by the Hon'ble Executive Chairperson, Sikkim SLSA/Chairperson, High Powered Committee that the present mode of counselling for the UTPs and convicts booked under the NDPS Act, 1985 or the Sikkim Anti Drugs Act, 2006 (SADA, 2006), is via Video conferencing every Monday, Wednesday and Friday from the Office of Sikkim SLSA, however, as informed by the Counsellors, the said programme

was not found to be very effective on account of the online interaction not being as good as one to one counselling. Hence, it was enquired by her Ladyship from the Additional Chief Secretary, Home Department and the Jail Authorities whether it was now feasible for the Counsellors of the Rehabilitation Centres to visit the State Central Prison for the purpose of providing physical counselling of the said inmates while duly maintaining the COVID-19 protocol.

In this regard, it was informed by the Deputy Inspector General, State Central Prison that in view of the COVID-19 protocol, visitors are not allowed inside the Prison, which was also confirmed by Shri Ravindra Telang, Additional Chief Secretary, Home Department & Member, High Powered Committee, who further informed that the said protocol may continue for a month or two.

It was further informed by the Deputy Inspector General, State Central Prison that currently 30 (*thirty*) UTPs avail counselling on the above scheduled days from the Library Hall of the Prison.

In this context, it was suggested by Her Ladyship that in order to make the counselling sessions effective, instead of thirty UTPs in one group, three groups of ten UTPs each should be made, who could then be counselled in three different batches by the counsellors from the Rehabilitation Centres on the scheduled days, as per the availability of the Counsellors.

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/-  
( Ravindra Telang, IAS )  
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/-  
( Yadav Krishna Sharma )  
Joint Director, Home (Confidential),  
Home Department, Government of Sikkim  
Member Secretary, High Powered Committee

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

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

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

Sd/-  
( Arun Thatal )  
Additional Superintendent of Prison,  
District Prison, Boomtarss