

MINUTES OF THE MEETING OF THE HIGH POWERED COMMITTEE HELD ON 29th April, 2025 THROUGH VIRTUAL MODE

A meeting of the High Powered Committee chaired by Hon'ble Mrs Justice Meenakshi Madan Rai, Judge, High Court of Sikkim and Executive Chairperson, Sikkim SLISA/Chairperson, High Powered Committee was held on 29.04.2025 (*Tuesday*) through virtual mode.

The Meeting was attended by Mr M Bharani Kumar, IAS, Secretary, Home Department, Government of Sikkim/Member, High Powered Committee; Mr Sharab Tonyot, Deputy Inspector General of Police (Prison), State Central Prison, Rongyek; Mr Khemraj Bhattarai, Additional Secretary (Confidential), Home Department/Member Secretary, High Powered Committee and Mr Tseten Palzor 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 11th December, 2024.

The minutes of the meeting held on 11th December, 2024, was confirmed.

Further, as resolved during the meeting of the High Powered Committee held on 11.12.2024, as communicated by the State Central Prison, Rongyek vide letter bearing No 44/SCP/JAIL/2025 dated 21.04.2025, half yearly Blood Test Camp for all Convicts and UTPs aged 50 years and above, and willing UTPs were carried out from 17th March to 21st March 2025, at the State Central Prison, Rongyek, in collaboration with STNM Hospital, Gangtok.

Item Agenda No. 2 : Decongestion of Jails

To consider Convicts who have undergone their sentence or are entitled to remission/suspension/commutation of sentence under Sections 432 of the Code of Criminal Procedure, 1973 (for short, "CrPC")/ 473 of the Bharatiya Nagarik Suraksha Sanhita, 2023, (for short, "B N S S") 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**

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

(I) STATE CENTRAL PRISON, RONGYEK - 04

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
1.	Anil Lama 38/M	Triveni Toll, Falakatta, Alipurduar , West Bengal	Singtam PS 04/2023	Sections 7(a)(b)/14 of SADA 2006 r/w sec. 9(1)(c) /9(4)(c) of SAD Amendment Act 2017	30.01.2023	Special Judge (SADA), Gangtok	Sections 7(a)(b)/14 of Sikkim Anti Drugs Act, 2006 read with Section 9(1)(c)/9(4)(c) of Sikkim Anti Drugs Amendment Act, 2017 r/w Section 3(5) of BNS, 2023/Section 34 of IPC, 1860
2.	Jerry Tamang 22/M	Makha Bazaar, Singtam at present Arithang, Gangtok, Sikkim	Sadar PS Case No 111/2024 dated 29.07.2024	Sections 331(4)/305 of BNS, 2023/ Sections 457/380 of IPC, 1860	06.08.2024	Chief Judicial Magistrate, Gangtok	Sections 331(4)/305 of BNS, 2023/ Sections 457/380 of IPC, 1860
3.	Manish Tamang 27/M	Mirik, Darjeeling, West Bengal	Sadar PS Case No 130/2024 dated 04.09.2024	Section 305(a) of BNS, 2023/Section 380 IPC, 1860	12.09.2024	Chief Judicial Magistrate, Gangtok	Sections 305(a), 331(4) & 62 of BNS, 2023/Sections 380, 457 & 511 of IPC, 1860
4.	Suraj Singh 27/M	Prakash Nagar, Siliguri, Jalpaiguri District at present Puspa Garage, Development Area, Gangtok, Sikkim	Sadar PS Case No 15/2025 dated 31.01.2025	Sections 21(b)/22/27 of Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985	01.02.2025	Judicial Magistrate, (First Class), Gangtok	Section 22(b) of Narcotic Drugs and Psychotropic Substances Act, 1985

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

It was informed by the Deputy Inspector General of Police (Prison), State Central Prison, Rongyek that UTP Anil Lama, arrested under Sections 7(a)(b)/14 of SADA 2006 r/w Sec. 9(1)(c) /9(4)(c) of SAD Amendment Act 2017, presently lodged at State Central Prison, is a permanent resident of Jaigaon, West Bengal, but his current place of residence is recorded as Triveni Toll, Falakatta, Alipurduar, West Bengal. The case of the aforesaid UTP could be considered.

Thereafter, with regard to UTP Jerry Tamang arrested under Sections 331(4)/305 of BNS, 2023/ Sections 457/380 of IPC, 1860, lodged in the State Central Prison, it was informed by the Deputy Inspector General of Police (Prison), State Central Prison, that the said UTP is a permanent resident of Nepal.

With regard to UTP Manish Tamang, arrested under Section 305(a) of BNS, 2023/Section 380 IPC, 1860 lodged at State Central Prison, it was informed by the Deputy Inspector General of Police (Prison), State Central Prison, that he had stolen 6 kgs of water taps.

RESOLVED:

The High Powered Committee is of the view that the Learned Trial Courts be requested to consider the case of the following UTPs on Personal Bond.

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
1.	Anil Lama 38/M	Jaigaon, West Bengal	Singtam PS 04/2023	Sections 7(a)(b)/14 of SADA 2006 r/w sec. 9(1)(c) /9(4)(c) of SAD Amendment Act 2017	30.01.2023 In Judicial Custody for 2 yrs 3 months as on 29.04.2025	Special Judge (SADA), Gangtok	Sections 7(a)(b)/14 of Sikkim Anti Drugs Act, 2006 read with Section 9(1)(c)/9(4)(c) of Sikkim Anti Drugs Amendment Act, 2017 r/w Section 3(5) of BNS, 2023/Section 34 of IPC, 1860
3.	Manish Tamang 27/M	Mirik, Darjeeling , West Bengal	Sadar PS Case No 130/2024 dated 04.09.2024	Section 305(a) of BNS, 2023/Section 380 IPC, 1860	12.09.2024 In Judicial Custody for 8 months and 15 days as on 29.04.2025	Chief Judicial Magistrate, Gangtok	Sections 305(a), 331(4) & 62 of BNS, 2023/Sections 380, 457 & 511 of IPC, 1860

(d) *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**

(e) *To consider release of UTPs covered under Sections 436 and 436A of the Cr P C/Sections 478 and 479 of the B N S:*

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

(f) *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, 1860 (for short, "I P C")/Sections 303(2), 304, 305, 306, 315 and 318(4) of the Bharatiya Nyaya Sanhita, 2023 (for short, "B N S"), 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**

(g) *To consider UTPs eligible to be released on bail under Section 167 of the Cr P C/Section 187 of the B N S and under Section 167(2)(a)(i) and (ii) of the Cr P C/ Section 187(2)(a)(i) and (ii) of the B N S 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**

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

STATE CENTRAL PRISON, RONGYEK - 07

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
1.	Arpan Pradhan 26/M	Lower Chisopani, Andheri, near Juice Factory, Singtam, Gangtok	Singtam PS Case No 28/2024 dated 19.07.2024	Section 103(1) of BNS, 2023/302 of IPC	01.08.2024	Session Judge, Gangtok	103(1) of BNS, 2023
<i>He has been diagnosed with Hepatitis C during October 2024, and is under medication. His disease is not contagious as opined by the jail visiting Doctor.</i>							
2.	Michael Milan Rai 33/M	Machong, Lossing, Pakyong	Pakyong PS Case No 33/2024 dated 12.11.2024	Sections 9(1)(m)(n)/10 of POCSO Act, 2012	13.11.2024	Chief Judicial Magistrate Pakyong	Charge Sheet not filed
<i>He has been diagnosed with Syphilis during December, 2024, and is under medication. His disease is not contagious as opined by the jail visiting Doctor.</i>							
3.	Suraj Singh 27/M	Prakash Nagar, Siliguri, Jalpaiguri District at present Puspa Garage, Development Area, Gangtok, Sikkim	Sadar PS Case No 15/2025 dated 31.01.2025	Sections 21(b)/22/27 of Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985	01.02.2025	Judicial Magistrate, (First Class), Gangtok	Section 22(b) of Narcotic Drugs and Psychotropic Substances Act, 1985
<i>He has been diagnosed with HIV+ and is under medication. His disease is not contagious as opined by the jail visiting Doctor.</i>							
4.	Jatan Chettri 27/M	Rongli Bazar, Pakyong	Rongli PS Case No 03/2021	Sections 7/9/14 of SADA, 2006 r/w sec. 9(1)(b)/9(4) of SAD Amendment Act, 2017	04.02.2025	Special Judge (SADA), Pakyong	Charge Sheet not filed
<i>He has been diagnosed with HIV+ on 25.02.2025, and is under medication. His disease is not contagious as opined by the jail visiting Doctor.</i>							
5.	Krish Limboo 25/M	Samdur, Ranipool, at present Namnang, Gangtok, Sikkim	Sadar PS Case No 28/2025 dated 20.02.2025	Section 309(4) of BNS, 2023/ Section 392 of IPC, 1860	27.02.2025	Judicial Magistrate, (First Class), Gangtok	Charge Sheet not filed
<i>He has been diagnosed with Syphilis on 27.03.2025, and is under medication. His disease is not contagious as opined by the jail visiting Doctor.</i>							
6.	Suraj Chettri @Sonam Bhutia @Thothey 28/M	Khamdong, Rhenock, Pakyong, at present Lumsey, Gangtok	Pakyong PS Case No 41/2024 Dated 10.12.2024	Sections 305/331(4) of BNS, 2023/ Sections 380/457 of IPC, 1860	03.03.2025	Chief Judicial Magistrate, Pakyong	Charge Sheet not filed
<i>He has been diagnosed with T.B on 28.03.2025 and is under medication. Latest medical report indicates that his TB is negative.</i>							

7.	Ongyal Tamang 30/M	Chuba, A/P Lumsey, 5th mile Tadong, Gangtok	Ranipool PS Case No 03/2025 dated 17.01.2025	Sections 305(a)/ 331(4)/3(5) of BNS, 2023/ Sections 380/457/34 of IPC, 1860	08.03.2025	Judicial Magistrate, (First Class), Gangtok	Charge Sheet not filed
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He has been diagnosed with Hepatitis B on 27.03.2025, and is under medication. His disease is not contagious as opined by the jail visiting Doctor.

It was informed by the Deputy Inspector General of Police (Prison), State Central Prison, Rongyek that all the UTPs mentioned above are lodged in separate isolated cells (6 feet x 10 feet approximately) having single beds, which are in a single block (having 10 cells)

DISTRICT PRISON, BOOMTAR - 01

SI No	Name of the UTP	Address	Police Station/FIR No	Arrested under Section
1	Pradeep Rai@Pappu	Housing Colony, Nayabazar, Soreng District	Soreng P S Case No 16/2024	Sections 21(b)/27 of NDPS Act.

The above UTP tested positive for HIV.

RESOLVED:

The High-Powered Committee suggests that UTP Pradeep Rai @Pappu may be considered to enlarged on bail as he has not only tested positive for HIV, but is also suffering from Gall Bladder Stone, as per the medical test carried out on 30.04.2025, as informed by the Additional Superintendent of Police (Prison), District Prison, Boomtar.

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

DISTRICT PRISON, BOOMTAR - 02

SI No	Name and age of the UTP	Address	Police Station/ FIR Crime No	Arrested under Section	Admitted in Prison on	Detention period
1.	Meena Geri @Luti aged 48	Majigoan, Jorethang, Namchi District,	Jorethang P S Case No 01/2025	Sections 7(a)/9(1)(b) of the SADA Act., 2006.	13.01.202 5	3 months 8 days
2.	Pema Uden Bhutia aged 40	Panday Coloney, Gyalshing District	Gyalshing P S Case No 05/2025	Sections 3/4/5(i)(1)6 of of POCSO Act, 2012.	11.04.202 5	11 days

It is informed that UTP Meena Geri @Luti arrested under Sections 7(a)/9(1)(b) of the Sikkim Anti Drugs Act, 2006, has been released on Bail as per the Order passed by the Learned Court of the Special Judge (SADA), Namchi District on 28.04.2025.

(k) *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;*

- (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 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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(m) *To consider UTPs eligible for release under Section 437(6) of the Cr P C/Section 480(6) of B N S S, 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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(n) *To consider release of UTPs detained under Sections 107, 108, 109, 151 of the Cr P C/Sections 126, 127, 128 and 170 of B N S S:*

- (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 who have undergone half of their sentence under Section 436A of CrPC/Section 479 of BNSS, 2023**

- (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 4: **Prisoners who are 60 Years of age or older, and who are Terminally ill to be considered on compassionate ground**

- (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 5: 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.

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

As informed by the District Prison, Boomtar vide letter bearing No 59/DPN/2025 dated 21.04.2025, the Prison dispensary is operating with a dedicated Medical Officer, Staff Nurse and Pharmacist, providing UTPs with essential medical care and access to basic medications. Additionally, they receive regular visits from:

1. Dr Tsepel Eden Bhutia, Psychiatrist (twice in a month).
2. Dr Ganesh Rai (OST), monthly.
3. Eye Technician Jitendra Basnett, monthly.

Item Agenda No 6: Continuation of sanitization and maintenance of hygiene and cleanliness in the State Central Prison, Rongyek, East Sikkim and District Prison, Boomtar, Namchi, South Sikkim.

As informed by the State Central Prison vide letter bearing No 44/SCP/JAIL/2025 dated 21.04.2025, sanitization in the Prison is being carried out once in a month instead of fortnightly as resolved by the High Powered Committee on 11.12.2024.

As informed by the District Prison, Boomtar vide letter bearing No 59/DPN/2025 dated 21.04.2025, sanitization in the District Prison is being carried out on a fortnightly basis.

Cleanliness including sweeping, mopping, checking beddings of the UTPs in both the Prisons are being carried out on a regular basis.

The Secretary, Home Department, undertakes to ensure that the sanitization at the Prisons, especially the State Central Prison, Rongyek is carried out on a fortnightly basis, as already resolved at the previous meeting of the High Powered Committee held on 11th December, 2024.

Item Agenda No 7: Number of new UTPs since 31-05-2024 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 44/SCP/JAIL/2025 dated 21.04.2025 and 59/DPN/2025 dated 21.04.2025, received from State Central Prison, Rongyek and District Prison, Boomtar, respectively, the following information had been provided:

STATE CENTRAL PRISON, RONGYEK

Newly admitted UTPs since 06.12.2023	-	85
Number of UTPs not administered with precautionary dose	-	24
Number of UTPs not administered with second dose	-	06
Number of UTPs not administered with first dose	-	06

DISTRICT PRISON, BOOMTAR

Total No. of UTPs	-	61
Fully vaccinated UTPs	-	71
First dose vaccination	-	07
Not vaccinated	-	03

The High-Powered Committee could make no further suggestions on this aspect for the reason that presently COVID- 19 vaccine is not available for vaccinating the UTPs who are not vaccinated in both the Prisons, due to non-production as reported.

Item Agenda No 8: Present mode of production of UTPs before Courts and continuation of video conference for Remand.

Vide letters bearing 44/SCP/JAIL/2025 dated 21.04.2025 and 59/DPN/2025 dated 21.04.2025, received from State Central Prison, Rongyek and District Prison, Boomtar, respectively, it has been informed that all the UTPs required for remand are being produced only through Video Conferencing and UTPs undergoing trial are being produced physically before the Ld Courts.

Item Agenda No 9: 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)

As informed by the State Central Prison, Rongyek, Psychiatrist is visiting the State Central Prison, Rongyek on a fortnightly basis, and, the Clinical Psychologist is visiting the prison as and when required.

On query by the Hon'ble Chairperson, High Powered Committee, it was informed by the Additional Superintendent of Police (Prison), District Prison, Boomtar that virtual counseling sessions for the UTPs under Section SADA and NDPS is being carried out by Serenity Home, Gangtok on weekly basis. That, Sanjeevani Rehabilitation Centre, Namchi district has not conducted such counseling sessions in the Prison.

Item Agenda No 10: **Any other item(s) with the permission of the Chair**

The present capacity of UTPs and Convicts at the State Central Prison, Rongyek :
State Central Prison, Rongyek

Convicts			
	Male	Female	Total Number of Convicts
Actual Capacity	101	10	111
Currently lodged	154	--	154
Under Trial Prisoners			
	Male	Female	Total Number of UTPs
Actual Capacity	162	11	173
Currently lodged	110	00	110

The present capacity of UTPs at the District Prison, Boomtar :
District Prison, Boomtar, Namchi

	Male	Female	Total Number of UTPs
Actual Capacity	74	05	79
Currently lodged	78	01	79

RESOLVED:

The Secretary, Home Department, informed that steps will be taken for completing the extension of the District Prison, Boomtar within the stipulated period.

The date for 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 M Bharani Kumar, IAS)
Secretary,
Home Department, Government of Sikkim,
Member, High Powered Committee

Sd/-
(Mr Khemraj Bhattarai)
Additional Secretary, Home (Confidential),
Home Department, Government of Sikkim
Member Secretary, High Powered Committee

Sd/-
(Mr Sharab Tonyot)
Deputy Inspector General of Police (Prison),
State Central Prison, Rongyek

Sd/-
(Mr Tseten Palzor Bhutia)
Additional Superintendent of Prison,
District Prison, Boomtar,
Member, High Powered Committee