

## MINUTES OF THE MEETING OF THE HIGH POWERED COMMITTEE HELD ON 20<sup>TH</sup> MAY, 2022 BY CIRCULATION

### AGENDA ITEMS

- A. *Item Agenda No.1 : Confirmation of the Minutes of the Meeting of the High Powered Committee held via Video Conference on 21<sup>st</sup> March, 2022.*

The minutes of the meeting held on 21<sup>st</sup> March, 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**

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

#### **RESOLVED:**

The High Powered Committee resolves to recommend the following UTPs to be released on Personal Bond depending on the facts and circumstances of their case. The concerned Courts be informed accordingly:-

#### **State Central Prison, Rongyek**

1. Tshering Lepcha, r/o Purano Namchi, South Sikkim, admitted in Prison on 06.08.2019 u/S 341/392/34 of IPC, 1860.
2. Badal Chettri@Bivek, r/o Barpipal Sichey, Gangtok, admitted in Prison on 30.09.2021 u/S 457/380 IPC, 1860.

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

(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;*

**RESOLVED:**

The High Powered Committee resolves to recommend the following UTP to be released on Bail depending on the facts and circumstances of the case. The concerned Court be informed accordingly:-

**State Central Prison, Rongyek**

1) Rohit Khawas aged 30, r/o Sukhiapokhri, Pulungdung, Busty, Jorebunglow, P.S Darjeeling, West Bengal, currently residing at Tathangchen, East Sikkim, admitted in Prison on 17.08.2021 u/S 5(j)(ii)/6 of POCSO Act, 2012, who is suffering from Mycobacterium Tuberculosis.

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

Only one female UTP is there in 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 20 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**
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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.*
- 39 UTPs are registered in the Courts of Learned Magistrate none come within the criteria prescribed, hence;
- (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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- 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 are suffering from COVID-19 as of now in both the Prisons.

- 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.*

**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 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.*

**State Central Prison, Rongyek**

Vide letter bearing No. 543/SCP/J/2022 dated 17.05.2022 received from Assistant Superintendent of Prison, State Central Prison, Rongyek, it has been informed that all Convicts and UTPs of the State Central Prison have been vaccinated with COVID-19 vaccine.

**District Prison, Boomtar**

Vide letter bearing No. 98/ASP/DPN/S dated 17.05.2022, received from Assistant Superintendent of Prison, District Prison, Boomtar, it has been informed that as on 17.05.2022, three UTPs have been vaccinated with single dose of COVID-19 vaccine. On query from the Office of Sikkim

SLSA telephonically on 19.05.2022 it was informed by the Assistant Superintendent of Prison, District Prison that out of the three UTPs, one UTP has been administered second dose on 19.05.2022, and out the remaining two Prisoners who were administered 1<sup>st</sup> dose on 08.04.2022, one Prisoner has been released on Bail duly explaining that he has to take the second dose and the second prisoner will be administered second dose on 08.06.2022.

***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. 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 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);***

**State Central Prison, Rongyek**

Vide letter bearing No. 543/SCP/J/2022 dated 17.05.2022 received from Assistant Superintendent of Prison, State Central Prison, Rongyek, it has been informed that a Psychiatrist from the STNM Multispecialty Hospital, Sochyagang, East Sikkim is visiting the Prison every 15 days.

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, organized by Sikkim SLSA.

**District Prison, Boomtar**

Vide letter bearing No. 98/ASP/DPN/S dated 17.05.2022, received from Assistant Superintendent of Prison, District Prison, Boomtar, it has been informed that counseling programme was conducted at District Prison on 13.05.2022 by Serenity Home Rehabilitation Centre, Gangtok through virtual mode, organized by Sikkim SLSA.

3. The next meeting of the High Powered Committee shall be intimated shortly.

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

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