

**MINUTES OF THE MEETING OF THE HIGH POWERED COMMITTEE HELD  
ON 18<sup>th</sup> AUGUST, 2023 IN THE OFFICE OF SIKKIM SLSA**

A meeting of the High Powered Committed chaired by Hon'ble Justice Meenakshi Madan Rai, Judge, High Court of Sikkim and Executive Chairperson, Sikkim SLSA/Chairperson, High Powered Committee was held on 18.08.2023 (*Friday*) through virtual mode.

The Meeting was attended by Mr. Sudhakar Rao, IPS, Additional Chief Secretary, Home Department, Government of Sikkim/Member, High Powered Committee; Ms. Subarna Rai, Member Secretary, Sikkim SLSA, Mr. Sharab Tonyot, Deputy Inspector General of Police (Prison)/Member, High Powered Committee; Mrs. Tshewang Doma, Additional Secretary (Confidential), Home Department/Member Secretary, High Powered Committee and Mr. Sonam Wangdi 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 1<sup>st</sup> June, 2023.**

The minutes of the meeting held on 1<sup>st</sup> June, 2023, stands approved and confirmed.

**Item Agenda No. 2 : Decongestion of Jails**

The slow release of funds pertaining to construction of the barracks at the State Central Prison, Rongyek, was brought to the notice of the High Powered Committee. The Additional Chief Secretary, Home Department informed that the matter pertaining to payment to the contractor was forwarded to the Finance Department and concurrence has been obtained along with Cabinet approval. The payment to the contractor will now be released.

With regard to the vertical extension of the C & D Cells of District Prison, Boomtar, Mr. Rao apprised that the Mines & Geology Department has opined that it is not feasible to have a vertical extension of the barracks and the matter will now be taken up with the Buildings & Housing Department for framing a roadmap for construction of prefabricated structure to resolve the problem of overcrowding.

**RESOLVED:**

It was resolved by the High Powered Committee that the Buildings & Housing Department in tandem with the Home Department be requested to work out the modalities for preparing a roadmap for extension of cells in the District Prison, Boomtar with prefabricated structures.

*(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;*

**A. STATE CENTRAL PRISON, RONGYEK : 06**

Sl. No.	Name of the UTP	Admitted in Prison on	Charges framed under Section
1.	Palden Bhutia@Pema Bhutia	15.09.2019	7/9/14 of SADA, 2006 r/w Section 9(1)(b) of SADA Act 2017 read with Section 22/27 NDPS Act, 1985
2.	Deepak Kumar @Deepak Pariyar	19.03.2022	Section 3(a) punishable under Section 4 of POCSO Act, 2012
3.	Narbu Sherpa	25.06.2022	7/9/14 of SADA, 2006 read with Section 9(1)(c) of SAD Amendment Act, 2017 & Section 34 of IPC 1860
4.	Ashok Rai	21.09.2022	6/10 of POCSO Act, 2012
5.	Dawa Dorjee Tamang	31.12.2022	325/341/392/34 IPC, 1860
6.	Ruben Rai	31.12.2022	325/341/392/34 IPC, 1860

**B. DISTRICT PRISON, BOOMTAR, NAMCHI, SOUTH SIKKIM :  
NIL**

**RESOLVED:**

That with regard to UTP Palden Bhutia@Pema Bhutia the Learned District & Sessions Judge (Special Division - II) at Gangtok, be requested to expedite the trial of the UTP.

With regard to UTPs Deepak Kumar @Deepak Pariyar and Ashok Rai considering that they are from outside the State (*Punjab and Nepal respectively*), therefore, their release on personal bond cannot be recommended by the High Powered Committee.

With regard to UTP Narbu Sherpa, Dawa Dorjee Tamang and Ruben Rai, considering that they are recidivists and unable to furnish sureties, the High Powered Committee, therefore, recommends requesting the concerned Learned Courts to expedite their trial.

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 : - **02**

<b>Sl. No.</b>	<b>Name of the UTP</b>	<b>Admitted in Prison on</b>	<b>Charges framed under Section</b>
1.	Sahil Rai	07.04.2023	380 IPC, 1860
2.	Ajay K.	17.05.2023	380 IPC, 1860

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

**RESOLVED:**

To request the concerned Learned Courts to take up the bail applications of the above two UTPs, as and when filed. Sikkim SLSA shall ensure that free legal aid is provided to both the UTPs.

- 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.**

**STATE CENTRAL PRISON, RONGYEK, EAST SIKKIM - 02**

Sl. No.	Name of the UTP	Admitted in Prison on	Charges framed under Section
1.	Dawa Dorjee Tamang@Pumba	31.12.2022	325/341/392/34 IPC, 1860
2.	Ruben Rai	31.12.2022	325/341/392/34 IPC, 1860

It was reported by the Member Secretary, Sikkim SLSA that default bail has been granted to the above two UTPs, however, they have been unable to furnish surety as revealed at *Item Agenda No. 2 Sl. No. 2(b)*. However, the concerned Learned Courts are to be requested to expedite trial.

- 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:**

- (I) The State Central Prison, Rongyek, East Sikkim : **NIL**
- (II) The District Prison, Boomtar, Namchi, South Sikkim : **01**

*(UTP Manoj Tamang, Melli PS Case No. 20/2023 dated 08.08.2023, under Section 7/14 Sikkim Anti Drugs Act, 2006 read with 9(1)(b) Sikkim Anti Drugs Amendment Act, 2017, has tested positive for Tuberculosis on 11.08.2023 and admitted at District Hospital, Namchi for further management/treatment).*

The High Powered Committee has requested the Additional Superintendent of Police (Prison) District Prison, Boomtar to ensure that treatment of UTP Manoj Tamang is properly carried out and the complete dose of DOTS is administered to the UTP to prevent him becoming a victim of Multi Drug Resistant TB (MDR).

As suggested by the Additional Chief Secretary, Home Department, the High Powered Committee has resolved to request the jail authorities to ensure compulsory blood test and other body fluid tests to be carried out for inmates who complain of health issues. Additionally, the blood tests of all convicts shall be carried out on a half yearly basis and reports submitted to the High Powered Committee.

The High Powered Committee has also resolved to request the Health & Family Welfare Department to provide one portable ultrasound machine each for use by the doctors at the State Central Prison, Rongyek and District Prison, Boomtar.

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

**(I) The State Central Prison, Rongyek, East Sikkim : 05**

Sl. No.	Name of the UTP	Admitted in Prison on	Charges framed under Section
1.	Rupa Rai	13.03.2023	324/325 IPC, 1860
2.	Munal Mahji	25.07.2023	21(b)/22/27 NDPS Act, 1985 r/w sec. 34 IPC, 1860
3.	Alina Bhutia	25.07.2023	21(b)/22/27 NDPS Act, 1985 r/w sec. 34 IPC, 1860
4.	Anu Chettri@Munna	05.08.2023	354/323/34 of IPC r/w sec 9(g)(o)/10 of POCSO Act 2012 r/w sec 75/82 of Juvenile Justice Act 2015
5.	Ganga Rai	11.08.2023	120B/307/34 IPC, 1860

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

**RESOLVED:**

The High Powered Committee resolves to request the Learned Courts that as and when the bail petitions are filed on behalf of the above UTPs, the matter be taken up and given due consideration, as per law.

- 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 1/4<sup>th</sup> of the maximum sentence prescribed;

(I) The State Central Prison, Rongyek, East Sikkim : 01

Sl. No	Name of UTP/Gender/Age/Address	Police Station/ FIR Crime No.	Arrested Under Section	Particulars of Court	Date of admission /arrest	Period of imprisonment	Detention period
1.	Arun Manger, aged 19/M, r/o Beng, Khamdong, Gangtok District, Sikkim	Singtam P.S. 13/2023	302/326 IPC, 1860	Judicial Magistrate, Gangtok, Sikkim	27.04.2023	u/S 302 of IPC - Imprisonment for life  u/S 326 of IPC -- 10 years to imprisonment for life	1 month & 2 days

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

The above UTP Arun Manger who has been recommended by the State Central Prison for release on bail, however, he is alleged to have committed the offence under Section 302, Indian Penal Code, 1860, which is punishable with imprisonment for life.

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

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

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

- 1) **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**

**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.**

Vide email dated 29.05.2023 received from State Central Prison, Rongyek and 111/ASP/DPN/S dated 29.05.2023, received from District Prison, Boomtar, it has been informed that medical clinics are established in both the prisons and required medical facilities are available. No UTPs or Convicts in either of the Prisons are suffering from COVID-19 as of now. The Hon'ble Chairperson, High Powered Committee informed about the new variant of COVID-19 (ERIS) and requested the jail authorities to ensure adequate availability of medical facilities to the inmates.



**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.

Vide email dated 29.05.2023 received from State Central Prison, Rongyek and 111/ASP/DPN/S dated 29.05.2023, received from District Prison, Boomtar, it has been informed that sanitization is being carried out at the two Prisons on fortnightly basis and maintenance of hygiene and cleanliness is being carried out on regular basis as per COVID-19 protocol.

**Item Agenda No. 5 :** Number of new UTPs since 23.02.2023 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 email dated 16.08.2023 received from State Central Prison, Rongyek and letter No. 110/ASP/DPN/S dated 16.08.2023, received from District Prison, Boomtar, it has been informed that at the State Central Prison, there are 43 new UTPs and at the District Prison there are 22 new UTPs admitted after the meeting of the High Powered Committee held on 01.06.2023.

Further, at the State Central Prison there are 32 (*thirty-two*) UTPs who have not been administered precautionary dose of COVID-19 vaccine, 09 (*nine*) UTPs who have not been

administered second dose of vaccine and 02 (*two*) UTPs who have not been administered first dose of vaccine.

At the District Prison, Boomtar there are 83 (*eighty-seven*) UTPs who have been fully vaccinated, 03 (*three*) UTPs who have been given first dose of the vaccination and 01 (*one*) UTP who has not been vaccinated yet due to non-availability of vaccine in the District Prison.

They have also mentioned that all Officers and staff of the State Central Prison, Rongyek and District Prison, Boomtar have been fully vaccinated and have also been given the Precautionary dose of COVID – 19.

With regard to vaccination against COVID-19, the Member Secretary, Sikkim SLSA informed that the Health & Family Welfare Department has intimated this Authority that Serum Institute of India is currently manufacturing a vaccine called COVOVAX which is not in the list of vaccines prescribed in the COVID-19 vaccination guidelines. Accordingly, the Health & Family Welfare Department has been requested to confirm and inform the Sikkim SLSA as to whether COVOVAX can be administered to persons who are not yet vaccinated or have taken COVIDSHIELD or any other vaccination as first dose.

**RESOLVED:**

The High Powered Committee resolves that the Home Department shall take up the matter with the Health & Family Welfare Department and ensure that vaccinations are administered to the un-vaccinated or the inadequately vaccinated UTPs by November, 2023. The Home Department in tandem with the Health & Family Welfare Department shall be responsible for necessary action on this aspect.

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

Vide email dated 16.08.2023 received from State Central Prison, Rongyek and letter No. 110/ASP/DPN/S dated 16.08.2023, received from District Prison, Boomtar, it has been informed that all the UTPs required to be produced only for remand to various Learned Courts are being produced through Video Conferencing. Rest in all trial matters the UTPs are being produced physically.

**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;**

Vide email dated 16.08.2023 received from State Central Prison, Rongyek and letter No. 110/ASP/DPN/S dated 16.08.2023, received from District Prison, Boomtar, it has been informed that at the State Central Prison, Psychiatrist and Clinical Psychologist are visiting State Central Prison, Rongyek on a fortnightly basis.

UTPs and Convicts under SADA/NDPS are given counseling thrice in a week (physically as well as through virtual mode) by Serenity Home, Burtuk, Sikkim.

While at the District Prison, Boomtar, Psychiatrist from STNM Hospital and Clinical Psychologist from the District Hospital, Namchi are visiting the Prison on fortnightly basis and weekly counselling programmes (*on virtual mode*) on SADA/NDPS are being conducted for the inmates by Serenity Home, Burtuk, Sikkim under the aegis of Sikkim SLSA.

**Item Agenda No. 8 : Any other item(s) with the permission of the Chair.**

The 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. A Sudhakar Rao, IPS )  
Additional Chief Secretary,  
Home Department, Government of Sikkim,  
Member, High Powered Committee

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

Sd/-  
( Mr. Sharab Tonyot )  
Deputy Inspector General of Police,  
State Central Prison, Rongyek,  
Member, High Powered Committee

Sd/-  
( Mrs. Tshewang Doma )  
Additional Secretary, Home (Confidential),  
Home Department, Government of Sikkim  
Member Secretary, High Powered Committee

Sd/-  
( Mr. Sonam Wangdi Bhutia )  
Additional Superintendent of Prison,  
District Prison, Boomtar,  
Member, High Powered Committee